



**Comité économique et social européen**

Bruxelles, le 17 septembre 2009

**SUITE AUX AVIS**

adoptés par le Comité économique et social européen  
lors des sessions plénières  
du quatrième trimestre 2008

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Relevé trimestriel présenté  
par la Commission européenne

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**ACTION TAKEN ON OPINIONS**

adopted by the European Economic and Social Committee  
at its plenary sessions  
in the fourth quarter of 2008

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Quarterly review presented  
by the European Commission

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**SUIVI ACCORDÉ PAR LA COMMISSION AUX AVIS  
DU COMITÉ ÉCONOMIQUE ET SOCIAL EUROPÉEN**

**RENDUS AU COURS DU 4ème TRIMESTRE 2008**

**(octobre et décembre 2008)**

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

N°	TITRE	RÉFÉRENCES	DG RESP.	P.
3.	L'approche proactive du droit Rapporteur: M. PEGADO LIZ (Act. Div./PT)	Avis d'initiative CESE 1905/2008	SG	Pas reçu
21.	Société civile/Zones rurales Rapporteur: M. KAMIENIECKI (Act. Div./PL)	Avis d'initiative CESE 1919/2008	AGRI	Pas reçu
37.	Démocratie économique dans le marché intérieur Rapporteuse: M <sup>me</sup> SÁNCHEZ MIGUEL (Trav./ES)	Avis d'initiative CESE 1903/2008	MARKT	Pas reçu

38.	Règlement Fonds Cohésion Rapporteur: M. DASSIS (Trav./EL)	COM(2008) 558 final CESE 1684/2008	REGIO	Pas reçu
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**PARTIE A: Avis exploratoires**

4.	<b>Gouvernance efficace de la Stratégie de Lisbonne renouvelée</b> <b>CESE 1928/2008 – Décembre 2008</b> <b>Rapporteur: M<sup>me</sup> FLORIO (Trav./IT)</b> <b>SG – M. le Président</b>
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La Commission a examiné avec attention l'avis du Comité Economique et social européen s'agissant de la stratégie de Lisbonne. Elle en tiendra dûment compte dans sa réflexion et lors de la préparation de nouvelles propositions en vue d'une stratégie renouvelée. Une réponse plus détaillée sera fournie au Comité en temps utile.

17.	<b>Comment l'expérimentation sociale peut-elle servir en Europe à l'élaboration des politiques publiques d'inclusion active ?</b> <b>Avis exploratoire demandé par la présidence française - CESE 1676/2008 – Octobre 2009</b> <b>Rapporteur: M. BLOCH-LAINE (Empl./FR)</b> <b>DG EMPL - M. SPIDLA</b>
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<b>Points de l'avis du CESE estimés essentiels</b>	<b>Position de la Commission</b>
L'avis du CESE explore l'utilité pour les politiques de lutte contre la pauvreté et d'inclusion active d'une promotion par l'UE d'expérimentations sociales. La demande d'avis de la présidence est en lien avec les expérimentations sociales menées en France en 2007-2008 en matière de minima sociaux et de politiques d'insertion, avant que le Parlement ne vote prochainement la généralisation du Revenu de solidarité active (RSA). La présidence française a organisé les 21-22 novembre des Rencontres de l'expérimentation sociale en Europe, à Grenoble.	
L'avis définit une expérimentation comme une innovation de politique sociale, initiée dans un premier temps à petite échelle compte tenu des	Cette définition est conforme à la compréhension qu'a la Commission du concept d'expérimentation sociale. Elle note avec intérêt que



<p>incertitudes relatives à ses effets, mise en œuvre dans des conditions qui permettent d'évaluer ceux-ci, et dans la perspective d'une généralisation ultérieure</p>	<p>l'expérimentation sociale valorise au moins trois objectifs transversaux des politiques communautaires:</p> <ul style="list-style-type: none"><li>- l'innovation, qui ne résulte pas seulement des technologies mais également des changements d'organisation</li><li>- l'évaluation, pour des politiques publiques plus efficaces</li><li>- la bonne gouvernance, par une meilleure articulation entre les différents niveaux d'acteurs.</li></ul>
<p>L'avis souligne l'intérêt, dans un contexte de changements sociaux, de soutenir l'innovation sociale par le biais d'expérimentations. Il en pointe la plus-value: renforcement de la méthode ouverte de coordination sociale, plus grande implication des acteurs locaux notamment. Il rappelle l'existence d'une tradition de soutien à l'expérimentation/innovation dans les politiques européennes (programmes anti-pauvreté, EQUAL, évaluations par les pairs de la Méthode ouverte de coordination sociale/PROGRESS).</p>	<p>Ces analyses sont convergentes avec celles de la Commission. Le BEPA a d'ailleurs tenu, le 26 janvier 2009, avec la participation du rapporteur du CESE, un atelier sur l'innovation sociale où ces analyses ont été exposées, discutées, et valorisées.</p>
<p>L'avis met aussi en garde contre les risques associés à des expérimentations, en cas d'attention insuffisante à la méthodologie d'évaluation ou à leur transférabilité. Une conceptualisation précise est indispensable au succès opérationnel.</p>	<p>La Commission considère que ces risques sont réels, et que la première condition d'une expérimentation sociale réussie tient à la précision conceptuelle et à la clarté des règles du jeu entre les acteurs.</p>
<p>L'avis recommande de mieux s'appuyer sur les outils déjà existants – plutôt que de créer de nouveaux - pour soutenir l'innovation, notamment le FSE (après EQUAL) et la méthode ouverte de coordination sociale.</p>	<p>La Commission est d'accord avec ces analyses en faveur d'une approche intégrée et en évitant la création d'instruments trop spécifiques.</p>

<p>L'avis recommande que la Commission prête une attention particulière aux expérimentations sociales innovantes dans les programmes nationaux.</p>	<p>C'est le cas. Par exemple, le prochain document d'analyse des rapports nationaux de stratégie pour la protection sociale et d'inclusion sociale relève les situations et actions dans les Etats membres en faveur de l'innovation, de l'évaluation et de la bonne gouvernance. Par ailleurs, le Réseau des observatoires des autorités locales sur l'inclusion active contribuera au repérage de projets constituant des expérimentations ou se trouvant dans une logique proche.</p>
<p>L'avis recommande un rapport de la Commission au Conseil sur l'intérêt de l'expérimentation sociale en Europe.</p>	<p>La première étape d'avancement d'une plus grande prise en compte/promotion au niveau européen de l'expérimentation sociale consiste à poursuivre le dialogue avec les Etats membres, premiers compétents en matière sociale, afin de confronter cette réflexion à leurs pratiques.</p> <p>Deux initiatives de la Commission viennent œuvrer en ce sens:</p> <ul style="list-style-type: none"><li>- dans le cadre du FSE, un appel à propositions vise à faciliter et renforcer l'échange transnational et la coopération via la mise en réseau des acteurs,</li><li>- dans le cadre de PROGRESS, un appel à propositions sera lancé avant l'été 2009 afin de soutenir des projets transnationaux en matière d'expérimentation sociale.</li></ul>
<p>L'avis souligne que l'enjeu consiste non pas seulement à soutenir des expérimentations sociales, mais assurer la dissémination de celles qui s'avèrent pertinentes.</p>	<p>La Commission partage ce souci dans le cadre notamment de la méthode ouverte de coordination sociale. L'apprentissage mutuel entre les acteurs gagne à concerner des réalisations précises, mais la diffusion des bonnes pratiques est indispensable pour assurer des réponses de qualité aux besoins sociaux des Européens.</p>

<p><b>20.</b></p>	<p><b>L'UE et le défi alimentaire mondial</b>  <b>Avis exploratoire à la demande de la Présidence FR – CESE 1668/2008 – Octobre 2008</b>  <b>Rapporteur: M. KALLIO (Act. Div./FIN)</b>  <b>DG AGRI – Mme FISHER - BOEL</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>	
<p>Position générale.</p>	<p>Le rapport établi par M. Kallio présente de façon assez complète les différentes problématiques sous-jacentes à la question du défi alimentaire mondial et le rôle de l'UE dans ce contexte. L'analyse exprimée dans l'avis et les recommandations du rapporteur ne sont pas contradictoires avec la position de la Commission.</p>	
<p>Le rôle productif de la PAC.</p>	<p>Il y a convergence de vue avec la Commission. La PAC doit continuer à remplir sa fonction productive, de façon responsable vis-à-vis des ressources environnementales et en préservant le tissu social rural. En permanente adaptation, la PAC a d'ailleurs fait un « bilan de santé » en 2008, qui a renforcé la liberté des agriculteurs européens de répondre aux signaux du marché, dans un contexte où le marché demande plus. C'est le sens de l'abolition de la jachère obligatoire et de l'augmentation progressive des quotas laitiers.</p>	
<p>Le soutien renforcé à l'agriculture et à la production des pays en développement.</p>	<p>Cet aspect relève de la DG DEV mais AGRI partage ce point de vue. C'est l'un des axes forts de la politique de développement de l'UE, qui préconise un renforcement des stratégies et des investissements en faveur du développement rural et de l'agriculture dans les pays en développement, l'agriculture ayant hélas été trop longtemps négligée et caractérisée par le sous-investissement. L'Union Européenne investit dans les pays en développement pour assurer au secteur agricole un environnement favorable, notamment dans l'infrastructure rurale, mais aussi dans le capital humain, en appuyant les réformes des politiques agricoles, des institutions et des systèmes d'exploitation des terres, la recherche et la</p>	

	<p>diffusion des technologies. La lutte contre l'insécurité alimentaire passe également par le renforcement de l'intégration régionale: une meilleure organisation des marchés locaux et régionaux doit permettre d'éviter des problèmes alimentaires. Un autre aspect important est l'encouragement des structures d'organisations de producteurs pour aider les agriculteurs à produire et commercialiser mieux, ou encore la facilitation de l'accès au crédit. Ces actions prennent place dans les programmes nationaux et régionaux du Fonds Européen de Développement (FED), dont la 10<sup>ème</sup> édition a vu un doublement des ressources dédiées au développement rural. L'aide communautaire dans ce domaine devrait atteindre environ 3,5 milliards d'euros au cours des cinq prochaines années.</p>
<p>Un soutien accru à la recherche.</p>	<p>La Commission partage aussi ce point de vue. Pour continuer à nourrir la planète dans des conditions environnementales plus difficiles du fait du changement climatique, et améliorer la productivité tant en Europe que dans les pays en développement, l'Union Européenne intensifie la recherche agricole notamment grâce à de nouvelles variétés culturales et à des systèmes de culture améliorés, une utilisation plus rationnelle de l'eau, une plus grande résistance aux maladies et un besoin moindre en pesticides. Ces recherches sont financées dans le contexte du 7<sup>ème</sup> programme cadre de recherche et du système international de recherche agricole (en particulier le Groupe consultatif de la recherche agricole internationale, GCRAI).</p>
<p>Un traitement plus favorable pour les pays en développement au plan commercial.</p>	<p>La Commission partage ce point de vue. (TRADE et DEV également concernées) Convaincue que commerce et développement ne sont pas antagonistes mais que le commerce doit être au service du développement, l'Union Européenne est engagée dans les négociations commerciales internationales à l'Organisation Mondiale du Commerce (OMC) qui doivent conduire à l'établissement d'un cadre et de règles favorables aux pays en développement. Derrière ces</p>

	<p>négociations se profile l'objectif d'augmentation de la richesse des pays en développement grâce aux revenus générés par le commerce. Un cadre commercial ouvert permet en outre de garantir une plus grande disponibilité d'aliments au plan mondial et aide à la fluidité des marchés de produits agricoles. A titre de contre-exemple, les restrictions au commerce qui ont été mises en place l'an passé pour réduire les exportations de riz ont eu un impact considérable sur les prix et ont limité la capacité d'approvisionnement de plusieurs pays pour lesquels le riz constitue la base de l'alimentation</p>
	<p>Dans ses relations commerciales bilatérales avec les pays en développement, l'Union européenne entend aussi stimuler les exportations de ses partenaires et par voie de conséquence encourager le secteur agricole. Depuis 2001 l'Initiative « Tout sauf les Armes » permet aux Pays les Moins Avancés (PMA) d'exporter la quasi-totalité de leurs produits (sauf les armes) sans droits de douane ni quota vers l'Union Européenne. Cette initiative trouve son prolongement dans les Accords de Partenariat Economique (APE) qui proposent aussi un accès au marché libre pour les pays ACP (Afrique Caraïbes Pacifique). S'agissant d'accords très asymétriques, les ACP ont la possibilité de ne pas libéraliser les droits tarifaires sur les produits qu'ils estiment sensibles et/ou les assortir d'une longue période de transition. Rappelons qu'aujourd'hui 60% des exportations agricoles des pays ACP trouvent leurs débouchés sur le marché européen.</p>
<p>Encouragement de la production agricole destinée à l'alimentation par rapport à celle destinée aux biocarburants.</p>	<p>La position de la Commission est plus nuancée sur cette question. Les efforts en termes de recherche doivent être renforcés dans le domaine des biocarburants, afin de faciliter l'usage des biocarburants de deuxième génération. Certes la cible de l'Union européenne de couvrir en 2020 10% des besoins du transport par des biocarburants aura un impact sur les prix alimentaires, mais cet impact sera limité par le recours aux carburants de deuxième génération. Des critères de durabilité</p>

	<p>rigoureux pour les énergies renouvelables ont été agréés par l'Union Européenne en décembre 2008, et un monitoring régulier de l'impact économique, social et environnemental des biocarburants, y compris sur la sécurité alimentaire, a été convenu. Ajoutons néanmoins qu'avec moins de 2% de sa surface céréalière consacrée aujourd'hui aux biocarburants, l'Union Européenne ne saurait être tenue responsable de l'impact des biocarburants sur les prix alimentaires.</p>
La constitution de stocks alimentaires	<p>Pour la Commission, les stocks sont indéniablement un axe à explorer mais forte de son expérience du stockage dans la PAC, l'Union Européenne connaît les difficultés inhérentes à la gestion des stocks et leurs effets sur les prix agricoles. De plus amples analyses sont donc nécessaires à ce stade pour évaluer si les stocks constituent une réponse pertinente et s'ils sont réalisables, à l'échelon local ou régional, en particulier en Afrique sub-saharienne.</p>
Le besoin d'ériger la question de la sécurité alimentaire et de l'agriculture en priorité politique.	<p>La Commission partage ce point de vue.</p> <p>L'Union Européenne, au titre de premier bailleur de fond, prend donc une part active aux initiatives lancées par les organisations onusiennes et le G8 pour renforcer la gouvernance alimentaire mondiale. En particulier elle soutient la « Task Force Sécurité Alimentaire » à haut niveau mise en place par le Secrétaire Général de l'ONU et le CFA- <i>cadre complet d'action</i>. L'Union Européenne soutient aussi le processus de réforme de la FAO, visant à renforcer l'efficacité de cette organisation charnière dans la lutte contre l'insécurité alimentaire. Finalement, l'Union Européenne entend adhérer au « partenariat global pour l'agriculture et l'alimentation », initié par le G8 à Toyako en juillet 2008, et qui réunira tous les acteurs des sphères publique et privée, ainsi que la société civile, les Organisations non gouvernementales, les instituts de recherche etc... impliqués sur cette question.</p>

<p><b>26.</b></p>	<p><b>Future investments in the nuclear industry and the role of such investments in EU energy policy</b>  <b>EESC 1912/08 – December 2008</b>  <b>Rapporteur: Mr IOZIA (Work./IT)</b>  <b>DG TREN – Mr PIEBALGS</b></p>
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>Paragraph 1.2: Under present programmes, about half of power stations will have to be decommissioned by 2030. The EESC considers it vital to adopt stringent measures that guarantee adequate funding for decommissioning on the polluter-pays principle and a high level of protection for workers and the public.</p>	<p>As outlined in the Commission's Second Strategic Energy Review, COM(2008) 781 final, the majority of nuclear power plants in the EU will reach the end of their originally designed lifetimes over the next 10–20 years, and decisions will need to be taken rapidly on their possible life extension, replacement or on new investments.</p> <p>The Commission agrees with the EESC on the importance of adequate decommissioning funding, as outlined in the Commission recommendation, adopted in 2006, on the efficient use of nuclear decommissioning funds. The Commission also remains committed to a high level of radiation protection through the implementation and further development, when necessary, of the Community acquis in this area.</p>
<p>Paragraph 1.3: points out that the main obstacles are policy uncertainties, licensing procedures, lack of both transparency and comprehensive, clear and truthful information on actual risks, and failure to decide on final, safe locations for waste storage sites. The risk for private investors is too great and the financial crisis makes it even more difficult to secure the kind of medium- to long-term capital the nuclear industry needs. Leaving aside state aid to the sector, funding could be facilitated by a stable and secure regulatory framework for investors and by the possibility of concluding long-term supply contracts that guarantee a return on investment.</p>	<p>The Commission shares these concerns of the EESC. In its Communication updating the Nuclear Illustrative Programme, COM(2008) 776 final, the Commission proposes simplifying and harmonising the currently differing licensing requirements and procedures in the Member States.</p> <p>This issue, as well as financing of nuclear investments is also being discussed in the European Nuclear Energy Forum (ENEF).</p>
<p>Paragraph 1.7: thinks that the various regimes for compensation and allocating responsibility in the case of accidents are insufficient and</p>	<p>In its early days, the Community chose to rely on the OECD's Paris Convention on nuclear liability. Since the 2004 enlargement, many new</p>

<p>unwarranted. It would like to see, as an initial step, harmonisation of the provisions of the Paris and Vienna Conventions, which do not lay down the same type of applicable legal framework and the same compensation measures for nuclear-related damage. A directive should be adopted, as provided for in Article 98 of the Euratom Treaty on insurance of risks, which states clearly that responsibility in the case of accidents lies entirely with the nuclear operators. Given the nature of the risk, risk-sharing between the European operators in the sector, based on existing examples, should be encouraged.</p>	<p>Member States rely on the IAEA's Vienna Convention for their nuclear liability regimes. The co-existence of two major third party nuclear liability regimes with several sub-regimes does not guarantee the same level of compensation for nuclear damage everywhere within the Community.</p> <p>Third party liability for nuclear damage does also fall within the scope of the Euratom Treaty.</p> <p>The report on the Commission's impact assessment to explore the range of possible solutions to establish a more effective and clear EU wide liability regime constitutes a first step and is being assessed before taking further steps. It is intended to publish this report on the DG TREN website.</p>
<p>Paragraph 3.1: Even allowing for the potential increase in use of energy from renewable sources (the other available carbon-free source, which should be resolutely prioritised, along with energy-saving), it would seem extremely difficult to achieve a decrease in CO<sub>2</sub> emissions over the coming decades without maintaining nuclear energy production at current levels.</p>	<p>The European Union is putting in place a comprehensive strategy to cut CO<sub>2</sub> emissions via the proposals for a revised ETS, non ETS, the Renewable Directive, as well as Strategic Energy Technology Plan.</p> <p>In the Second Strategic Energy Review, the Commission recognises the important contribution of nuclear energy to the reduction of CO<sub>2</sub> emissions. The Commission considers that if strategic investment decisions about power generation capacities in nuclear, as well as in renewable energy are taken rapidly, nearly two thirds of EU's electricity generation could be low carbon in the early 2020's.</p>
<p>Paragraph 5.2: Funds for the nuclear sector depend more than others on the policy choices of national governments. In fact, this need for a definite and stable legal framework is the first source of uncertainty.</p>	<p>The Commission shares this view. In the context of nuclear safety, the Commission adopted on 26 November 2008 a new proposal for a Directive on nuclear safety and submitted it to the European Parliament and the Council. If adopted, this directive would be an important step forward to establishing a level playing field for nuclear operators in the EU and remove some of the regulatory uncertainty.</p>



<p>Paragraph 5.12: The resources available to Euratom with which to provide guarantees for investments and, in consequence, to reduce the financial burden on companies which can make use of the European institutions' extremely high ratings, are blocked, and could be brought into line with the higher costs and inflation that have occurred during the period, without sacrificing other support programmes, for instance on energy efficiency or renewable sources, possibly with additional dedicated means.</p>	<p>In 2002, the Commission proposed raising the borrowing and lending ceilings for Euratom loans (COM(2002)457), however the Council has not until now considered this proposal. Therefore, the Euratom loan facility remains operative as long as the current €4 billion ceiling is not exhausted, with rules set out in the Commission's 1977 and 1994 Decisions. Although the 1977 Decision could finance up to 20% of project costs for a new NPP in theory, currently there are only €600 million in total funding left available.</p>
<p>Paragraph 5.16: Streamlining the issuing of licences and selection of sites through a single European procedure could undoubtedly enhance investment certainty and commissioning times, but the public would categorically reject European rules less stringent than the national ones. Consideration must be given to the European interest in setting strict and harmonised safety standards, given the transnational nature of the attendant risks (e.g., power stations near national borders). Design and rules could be harmonised for the next generation of reactors.</p>	<p>The Commission has set up both the High Level Group on nuclear safety and waste management (ENSREG) and the European Nuclear Energy Forum (ENEF) to involve nuclear regulatory authorities and all stakeholders to review and debate ways forward to best conditions for the further development of nuclear energy, including the licensing procedures, ensuring the highest possible level of safety standards.</p>

<p>33.</p>	<p><b>Ideas on the Universal Service of Electronic Communications</b>  <b>Exploratory opinion asked by the FR Presidency - EESC 1915/2008 - December 2008</b>  <b>Rapporteur: Mr Hencks (Work./LU)</b>  <b>DG INFSO - Ms REDING</b></p>	
<p><b>Main points of EESC opinion</b></p>		<p><b>Position of the Commission</b></p>
<p><b>Point 1.5:</b> The EESC proposes that Universal Service in e-communications should be extended to broadband, defined as a DSL, mobile or wireless access with a minimum transmission speed of 2Mbps-10Mbps, being made available "<i>within reasonable timeframes [...] and within a multiannual programme</i>".</p>		<p>As indicated in its Communication (COM (2008) 572), before taking a final position the Commission will await the results of the extensive consultation on the future of universal service taking place in 2009 as a precursor to its Communication on the subject in the first half of 2010.</p>
<p><b>Point 1.5:</b> Future Universal Service provision should prevent social exclusion "<i>that accompanies the lack of purchasing power or limited skills of certain user groups</i>" To this end, the following is recommended: local training projects and free Internet access points at publicly-funded support centres, and financial support for those who would find the cost of basic PC equipment prohibitive.</p>		
<p><b>Point 5.8:</b> The potentially high financial impact of extending Universal Service to broadband is recognised and the EESC warns against the costs being compensated by "<i>charges or increased rates for the end-user, which would be incompatible with the concept of "affordability"</i>",</p>		
<p><b>Point 5.9:</b> The EESC advocates the financing of Universal Service "<i>via national public subsidies and EU funds, which is the only alternative for countries where operators would be unable to bear the financial burden.</i>"</p>		

<p><b>41.</b></p>	<p><b>Sécurité sanitaire/Importations agricoles et alimentaires</b>  <b>Exploratory opinion asked by the FR Presidency - EESC 1672/2008 - October 2008</b></p> <p><b>Rapporteur: M. BROS (Var. Int./FR)</b>  <b>DG SANCO – Ms VASSILIOU</b></p>	
<p><b>Main points of the EESC Opinion</b></p>		<p><b>Commission Position</b></p>
<p>Recommendation 1.3: The Committee considers the differences in Member States' import inspection practices to be highly damaging and recommends that these practices be harmonised as swiftly as possible.</p>		<p>Reports have now been published on the operation of the Border Inspection Posts in all Member States, along with a composite report on the overall lessons to be learned at the Community level. These reports present recommendations for corrective measures which are being pursued with the Member States. The Commission, in reviewing the current import controls, will aim to ensure that inspection practices at all Border Inspection Posts are harmonised. Import controls must take place under conditions which are substantially harmonised at Community level especially those products which present more serious risks.</p>
<p>Recommendation 1.4: Noting that a large number of effective health management measures for imports apply only to animal products, the EESC considers that some of these measures should be extended to cover plant products too. This would help to improve monitoring of the risk of pesticide residues, contamination by toxic agents or plant diseases. In particular, the EESC recommends that the number of inspections for plant products be increased, and that a list of approved establishments be drawn up for imports and that they undergo systematic checks at the point of entry.</p>		<p>The Commission has increased its activities in relation to imports. Inspections in relation to plant health have also been increased and the annual report on the results of tests in Member States for the presence of plant protection products in fruits and vegetables is increasing in sophistication. There has also been a significant increase in planned inspections in third countries in general in the forward programming of the Commission's Food and Veterinary Office.</p>
<p>Recommendation 1.5: In the Committee's view, decisions on import measures should be based as far as possible on objective data. The Committee would, therefore, like to see the principles of risk analysis systematically applied and the</p>		<p>The Commission view is that import measures must be in accordance with the SPS Agreement of the World Trade Organisation, i.e. science-based, proportionate and non-discriminatory. This includes compliance with the standards of</p>

<p>appropriate levels of protection more clearly defined. These levels are provided for in the Agreement on the Application of Sanitary and Phytosanitary Measures.</p>	<p>the international standard setting bodies, the OIE, Codex and IPPC, in which the EC actively participates. The impact on developing countries is of particular concern as these countries are dependent on food and agricultural exports to the EU. Risk analysis principles are already applied in the current legislation but the Commission is refining this approach in order to benefit from fully risk-based controls.</p>
<p>Recommendation 1.6.: Socio-economic factors, such as the economic impact of a decision or its social acceptability, should be assessed independently and as rigorously as the health risk. A number of countries, such as Canada and the United Kingdom, already have expert socio-economic units within their food safety agencies. The EESC proposes that the Commission consider whether it would be useful to create an independent socio-economic assessment agency.</p>	<p>See above Commission position for Recommendation 1.5. The Commission also takes account of socio-economic factors, as required under Regulation 178/2002 (the General Food Law).</p>
<p>Recommendation 1.7: The Committee considers that the system of traceability, which underpins the European food safety model and which provides information on foodstuffs "from farm to table", should also apply to products from third countries. This issue should be a priority in bilateral negotiations and in technical assistance programmes in the least developed countries.</p>	<p>See above Commission position for Recommendation 1.5</p> <p>Specific guidelines on traceability for third countries have also been notified to third countries and to the WTO. Assistance on meeting EU import requirements, including traceability, is also provided through a number of technical assistance programmes, such as the Better Training for Safer Food Programme.</p>
<p>Recommendation 1.8: The EESC wishes to draw attention to the difficulties faced by producers from the least developed countries in applying European health standards. It would like to see the provision of technical assistance for trade, technology transfers and support for setting up traceability and early-warning systems in those countries.</p>	<p>See above Commission position for Recommendation 1.5 and 1.7.</p>

<p>Recommendation 1.9: Requirements for imported farm and food products are less stringent than those imposed on products from within the European Union, with regard to traceability, animal welfare and, more broadly, environmental standards. Given that current international trade rules do not provide sufficient opportunity to raise these issues that are priorities for the EU, the EESC very much hopes that the Commission will put forward a strategy to protect these European collective preferences. The Committee considers that the EU should take the lead in calling for other legitimate factors to be taken into account in international trade. To achieve this, the EU should defend its collective preferences, argue the case of "other legitimate factors" in international bodies and revive the debate on the link between the WTO and the other international agreements</p>	<p>With regard to Other legitimate factors (OLFs), the Commission takes the view that the SPS Agreement provides a clear framework as far as food safety is concerned. However, there are concerns that factors other than safety are not adequately catered for under the multilateral framework. These include environmental, ethical and social factors. Many European stakeholders in the food and farm sectors, contend that imports are in certain cases produced under conditions inferior to the corresponding Community conditions, leading to competitive distortions. The bottom-line is that all farm and food products placed in the EU market need to be safe, independently of their origin. The challenge remains to maintain the EC's high standards in these areas in a manner fully compatible with the Community and WTO legal frameworks. The Commission has been invited to pursue this issue further in the conclusions of the Council of Agriculture Ministers at its meeting of December 2008.</p>
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**PARTIE B: avis faisant l'objet d'une réponse substantielle**

**a) Avis du troisième trimestre 2008**

<p><b>Pt 50. 3rd quat. 08</b></p>	<p><b>Proposal for a directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment</b>  <b>COM (2008) 637 – EESC 1210/2008 – July 2008</b>  <b>Rapporteur: Mr PARIZA CASTAÑOS (Work/ES)</b>  <b>DG JLS – Mr BARROT</b></p>	
	<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>4.1 The EESC considers that salary is not an appropriate criterion for consideration as a highly qualified worker.</p> <p>4.2 The concept of "highly qualified" should be linked to higher education certificates and qualifications or equivalent vocational skills rather than the salary that the worker is to receive.</p> <p>4.3 Moreover, making salary one of the requirements for access to the EU Blue Card will make it hard to achieve a common policy in the EU. The major differences in national minimum wage levels that currently exist between the Member States hinder harmonisation.</p>	<p>The Commission understands the doubts of the EESC on using the level of salary as one of the criteria for being eligible to an EU Blue Card. However, the Commission deems that this is an objective criterion which, combined with the higher education qualifications criterion, will add a certain level of flexibility in defining what exactly is a highly qualified worker for the purposes of this directive. The salary criterion, in fact, allows Member States to take into account professional experience instead of higher educational qualifications, in sectors or occupations where this is deemed by employers as being more relevant than formal educational qualifications (one example being the IT sector).</p> <p>As concerns the choice of referring to minimum wages, the Commission has always considered this specific parameter as being one of the possible solutions to set a relative threshold for the purposes of this directive. The European Parliament and the Council (see doc. 14470/08) have preferred to make reference to the average wage in the Member State, which is to be considered a valid alternative solution. On the other hand, the Commission does not share the opinion of the EESC that such salary threshold would hinder harmonisation: a relative salary threshold such as the one agreed is introducing a common criterion, while adapting it to the different wage levels in the Member States resulting from their different economic situation.</p>	

<p>4.6 The EESC believes that the European Commission's proposal to offer preferential conditions to highly qualified immigrant workers, by allowing them more favourable treatment than established in Directives 2003/86 and 2003/109, could lead to different categories of immigrants being treated differently. It must be ensured that these exceptions do not affect the overall consistency of European immigration policy and the principle of equal treatment.</p> <p>4.6.1 The proposal for a Directive on highly qualified employment will facilitate and increase family reunification rights. The EESC believes that the right to family life is a fundamental right which cannot be contingent on the type of economic activity or employment of a worker. The EESC has already proposed in earlier opinions that Directive 2003/86 on family reunification be amended, as it should include the exceptions provided for in the proposed Directive on highly qualified employment .</p> <p>4.6.2 The EESC is concerned that the proposed directive does not establish the right to work for family members of Blue Card holders who move to another Member State.</p> <p>4.6.3 Moreover, those third-country nationals who, after a residence period of five years, have long-term European resident status will have a less favourable legal status than highly qualified migrant workers. The criterion of stable, permanent residence will become a secondary factor when it comes to establishing legal certainty and integration in the EU. The EESC has already proposed in a recent opinion that the provisions of Directive 2003/109 should be made more flexible for all long-term residents.</p>	<p>The derogations to Council directives 2003/86 and 2003/109 aim at creating an attractive scheme for highly qualified workers and not to penalise mobile workers.</p> <p>Directive 2003/86/EC on the right to family reunification is applicable to all third-country nationals legally residing in a Member State who fulfil the conditions established in this instrument. The Commission has recognised in its 2008 report that there are problems in the implementation of this instrument and that the impact of the directive on harmonisation in the field of family reunification remains limited. For this reason it intends to launch a wider consultation – in the form of a Green Paper – on the future of the family reunification regime, which will be adopted by the Commission in 2009.</p> <p>The provisions covering family members – including the right to work – apply <i>mutatis mutandis</i> in all Member States of legal residence of the EU Blue Card holder and of his family members, not just in the first Member State.</p> <p>The Commission cannot agree with the EESC on this issue, as directive 2003/109/EC contains more favourable provisions than the proposal on highly qualified workers, for example the equal treatment with nationals in respect of access to self and paid employment, or the reinforced protection against expulsion. The Commission will however examine the application of this directive in the EU – and the possibilities of putting forward amendments as foreseen by the <i>rendez-vous</i> clause of article 24 – when it will present its first report in 2011.</p>
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<p>4.9 The EESC suggests that a period of unemployment of six months be considered, in order to comply with international agreements and make it easier for workers to find new employment. This period is particularly necessary when the worker is attending a training course in order to obtain a new job.</p>	<p>The Commission agrees with EESC that a period of unemployment should be granted to a third-country worker in order to seek a new job. In its proposal, the Commission tried to find a compromise (3 months) between those Member States that grant longer periods of unemployment and those where the residence permit is automatically withdrawn when the person is unemployed. This proposal has been finally accepted by Member States at unanimity after lengthy negotiations.</p>
<p>4.12 The fact that the proposal provides for a more flexible system for under-30 year-olds (lower salary bracket) could be considered discriminatory, and the EESC does not endorse this.</p>	<p>This provision has not been supported at unanimity by Member States in the Council and therefore it has been deleted. Workers under 30 years old will not therefore enjoy any facilitation for being granted an EU Blue Card.</p>

<p><b>Pt 51. 3<sup>rd</sup> quat. 08</b></p>	<p><b>Proposal for a directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State</b></p> <p><b>COM (2008) 638 – EESC 1210/2008 – July 2008</b>  <b>Rapporteur Mr PARIZA CASTAÑOS (Work./ES)</b>  <b>DG JLS – Mr BARROT</b></p>	
<p><b>Main points of the EESC Opinion</b></p>		<p><b>Commission Position</b></p>
<p>4.7 In 2004, the EESC also adopted an own-initiative opinion proposing that the European Union and the Member States ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, adopted by the General Assembly of the United Nations in 1990, with the aim of promoting migrant workers' fundamental rights not only in Europe but worldwide. The EESC proposes that the Commission take new steps to ratify the Convention, in order to strengthen an international system for immigrant rights.</p>		<p>The Commission will take into consideration this suggestion by the EESC. However, as already underlined in the reply given to the own-initiative opinions of EESC of 960/2004 of July 2004, 1642/2004 of December 2004 and 694/2005 of June 2005, this Convention poses two specific problems. First it is only open for signature or accession by States, not by supranational organisations like the EC (see Article 86 thereof). The second problem is the absence of a clear-cut distinction between the rights of third-country workers legally residing and working in a Member State and those who are in an irregular position.</p>



<p>4.10 Seasonal workers should not be excluded from the scope of the directive. Although the Commission is drawing up a specific directive, the EESC considers that the principle of equal treatment, especially in the workplace, should also be guaranteed for this category of worker.</p>	<p>The Commission understands the concerns of the EESC in relation to making sure that seasonal workers are not discriminated in the EU. The Commission will include a specific article on equal treatment, including in the workplace, in its upcoming proposal due to be presented in 2009.</p>
<p>4.11 The Committee wishes to state its concern at and disagreement with the possibility of the directive allowing Member States to restrict the right to equal treatment , in relation to working conditions (including pay and dismissal, health and safety in the workplace and social security) and as regards freedom of association.</p>	<p>The Commission wishes to underline that the right to equal treatment in relation to working conditions (including pay and dismissal, health and safety in the workplace) and to social security have been restricted in the Commission proposal only to those third-country workers who are in employment.</p>
<p>This restriction contradicts the proposal set out in Article 2. Such restrictions could also contravene the principle of non-discrimination. The EESC considers that, taking account of the case-law of the Court of Justice of the European Communities, equal treatment is one of the principles of Community law.</p>	<p>The explanation of this possible limitation is the following. The main purpose of the proposal is to grant equal treatment to third-country workers who reside legally. The term "third country worker" however is defined in a way which includes all third-country nationals who have been admitted to the territory of a Member State and allowed to work there. This would mean that third-country nationals do not even have to be in actual employment in order to be covered by the equal treatment provisions of this proposal. Such a definition of third country workers was set in order to cover situations which are prior to actually being employed (recognition of diplomas, assistance afforded by employment services) or which follow employment on the basis of previous contributions (unemployment benefit). Nevertheless, the Commission recognised that freedom of association (article 12(b)) shall not be restricted only to those who are in actual employment and has strongly supported the deletion of this possible restriction during the negotiations in the Council, following to the recommendation of the EESC.</p>

b) **Avis du quatrième trimestre 2008**

<b>1. Lignes directrices concernant l'analyse d'impact CESE 1664/2008 – Octobre 2009 Rapporteur: M. RETUREAU (Trav./ FR) SG – Président BARROSO</b>	
<b>Points de l'avis du CESE estimés essentiels</b>	<b>Position de la Commission</b>
1.3 En ce qui concerne le système d'évaluation d'impact, la Commission a établi un projet de lignes directrices internes, qui est la proposition examinée dans cet avis, à la suite de l'évaluation externe menée en 2007 sur le système, défini en 2002, amélioré en 2005 relatif à l'analyse d'impact, et tenant compte des expériences et enseignements tirés des activités du Comité d'analyse d'impact (CAI).	<p>The Commission welcomes the opinion of the EESC on the review of its internal guidelines for impact assessment. The revision of the guidelines was finalised in January 2009 following an extended process of internal and external consultation, including the public consultation launched in June-July 2008 and contributions made by the Group of High Level National Regulatory Experts.</p> <p>The Commission recalled in its 3<sup>rd</sup> Strategic Review of Better Regulation that it has put in place an <b>impact assessment system</b> which compares favourably with international best practice and that the new guidelines apply from January this year.</p>
4.4 (...) le Comité salue les efforts et les moyens déployés depuis des années en vue d'une meilleure législation, question essentielle pour une Union fondée sur le droit, et invite la Commission à les poursuivre.	<p>The effort made by the Commission to improve the quality of its proposals is concretized in the following elements of the Commission's impact assessment system:</p> <ul style="list-style-type: none"><li>- an <b>integrated approach</b> which ensures that both benefits and costs are assessed, and that all significant economic, social and environmental impacts are addressed in a balanced way;</li><li>- the <b>scope of the system</b>. The Commission carries out impact assessments on a broad range of policy initiatives, not just in our yearly work programme (CLWP), but on all initiatives which are likely to have a significant impact. This includes comitology items;</li><li>- <b>independent quality control</b>. The Impact Assessment Board (IAB) is having a significant impact on the quality of our work. It has made recommendations for improvements in the system</li></ul>

	<p>which we have taken up in the revised impact assessment guidelines;</p> <p>- and finally, <b>transparency and accountability</b>. All impact assessments and all opinions of the IAB are publicly available once the Commission has adopted the relevant proposals.</p>
<p>4.1 Le Comité estime que les analyses d'impact contribuent à l'amélioration effective de la législation et confirme sa disponibilité pour y participer dans toute la mesure de ses compétences et de ses moyens matériels et humains.</p>	<p>The Commission welcomes the readiness expressed by the Committee to contribute to Commission's impact assessments where its expertise is relevant.</p>
<p>4.2 Le Comité est convaincu que ces consultations doivent faire l'objet d'une attention soutenue de la part des DGs car les réserves exprimées vis à vis de certaines propositions législatives ont pu n'être pas prises suffisamment en considération.</p>	<p>The Commission recalled in its 3<sup>rd</sup> Strategic Review its commitment to <b>full implementation of the Minimum Standards for Consultation</b>. In addition to that, for complex or sensitive proposals, Commission departments are encouraged to go beyond the 8 week minimum consultation period.</p> <p>The revised guidelines provide <b>additional guidance</b> to ensure that all stakeholders are aware and able to contribute to consultations; clearer guidance on which elements of the IA report stakeholders should be able to comment; clearer feedback should be provided in IA reports on what information was requested from stakeholders, what was received, and how it was used.</p>
<p>4.3 Le rôle du législateur communautaire ne pourra qu'être valorisé par une méthode moderne et efficace de production des normes.</p>	<p>The Commission is convinced that an <b>integrated approach to impact assessment</b> is the most appropriate way of ensuring the necessity of the measures it proposes and of producing high quality policies. Impact assessments therefore analyse both benefits and costs, and address in a balanced way all the significant economic, social and environmental impacts of a possible initiatives. This approach ensures that all relevant expertise within – and if necessary, from outside - the Commission is used, together with inputs from stakeholders, and in doing so enhances the coherence of initiatives across policy areas.</p>

	<p>Finally, the Commission recalls that improving the quality of the regulatory framework for the benefits of citizens and businesses is a <b>joint responsibility</b> of the EU institutions and at the level of Member States.</p>
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<p><b>2. Policy guidelines for services of general interest and globalisation</b>  <b>Own-initiative report – EESC 1665/2008 – October 2008</b>  <b>Rapporteur: Mr HERNÁNDEZ BATALLER (Var. Int./ES)</b>  <b>SG – President BARROSO</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The Community institutions are invited to launch an in-depth debate on policy guidelines for services of general interest and globalisation and to dedicate a chapter on globalisation in its evaluation reports on services of general interest.</p>	<p>The Commission takes note of the EESC suggestions and agrees on the need to analyse the globalisation phenomenon and its impact, if any, on services of general interest (SGI).</p> <p>The re-launch of the works of the EESC study group on SGI is welcome in this context.</p> <p>The Commission is currently reflecting about what would be the appropriate follow-up to be given to recent external evaluation of the methodology used in the reports to assess the performance of network industries and on whether it could be more appropriate to integrate future work in these sectors into the Single Market monitoring exercises.</p>
<p>Developments in the area of public procurement should not prevent that services of general interest can be set up properly and can retain their basic features</p>	<p>The Commission agrees on the importance of ensuring an effective functioning of services of general interest in Europe and of ensuring that the European policy and legal framework serve this purpose.</p> <p>In this context, the Commission recalls that public procurement rules are a key element in ensuring a proper functioning of the internal market and that they do not prevent in any way national authorities from designing, financing and providing services of general economic interest (SGEI) in the most appropriate way to tackle their citizen's needs.</p> <p>The Commission would like to recall that this issue is explained in detail in the "Frequently asked questions concerning the application of public procurement rules to social services of general interest" (SEC(2007) 1514 of</p>

	<p>20.11.2007). The Commission is committed to review this document periodically and to keep it updated. In the next review the Commission will take into account, for instance, the development occurred in the ECJ case-law in the field of inter-municipal cooperation (see case C-480/06 du 9 juin 2009).</p> <p>In the meantime, the Commission is ready to provide targeted user-friendly assistance through its "Inter-active Information Service" on SGI to all those authorities that are called to apply these rules on the ground and that might be faced with specific practical questions in the interpretation of the rules.</p>
<p>A debate on the governance of global public goods should be launched; a consultative forum should be established for services of general interest in order to develop a global governance of these services and a Community action programme for funding such goods should be established</p>	<p>The Commission takes note of the EESC suggestion. It stresses that such a debate is already ongoing on a sector-specific basis in areas such as climate policy, maritime policy or biodiversity. EU funding is made available through the relevant internal policy funding instruments and, as regards the external dimension, in particular as part of our development policy.</p>

<p><b>5.</b></p>	<p><b>Communication "Removing obstacles to cross-border investments by venture capital funds"</b>  <b>COM (2007) 853 final – EESC 1659/2008 – October 2008</b>  <b>Rapporteur: Mr MORGAN (Empl./UK)</b>  <b>Corapporteur: Mr DERRUINE(Work./BE)</b>  <b>DG ENTR - Mr VERHEUGEN</b></p>	
<p><b>Main points of the EESC Opinion</b></p>		<p><b>Commission Position</b></p>
<p>1.7. (and 4.5.) Venture capital will not meet all the demand for start-up capital because VC firms will only invest selectively in early stage businesses. To help fill this gap, publicly funded venture capital providers can play their part but this, in turn, will still leave a gap to be filled by families and friends of the entrepreneur and by business angels. The requirement to encourage</p>		<p>In line with the Communication, the Commission shares the view that public policies can create incentives for the venture capital industry and encourage investments in innovative SMEs. Hence, public co-funding can in particular help to address the shortcomings in seed capital provision, reduce the equity gap and help to develop the venture</p>

<p>the provision of start up capital is a second reason why the EESC commends to the Commission and to Member States the provision of tax incentives for private investment in start-up businesses.</p>	<p>capital market.</p> <p>While the Commission has invited the Member States to consider tax incentives for private equity investments in start-up firms, the Member States are responsible for taxation policy and tax measures.</p>
<p>1.8. As is explained in section 2 (Definitions), venture capital is technically a sub set of private equity. The EESC is insistent that the removal of obstacles to cross border activities of VCs should not facilitate without proper safeguards other private equity activities such as leveraged buy-outs.</p>	<p>With the Communication and other policy recommendations on removing obstacles to cross-border investments by venture capital funds, the Commission has recommended measures and solutions that focus on venture capital operations that the Commission considers vital for the growth of innovative firms, whilst acknowledging that in the financial sector venture capital is a subset of private equity with specific characteristics that differ from buy-outs.</p>
<p>1.9. (and in 4.11.) In a previous opinion the EESC has already stated its concern about the potential threat posed to employment (quality of jobs included) by private equity transactions. It is essential that any such transactions are conducted within the negotiating framework agreed with social partners in each Member State. Accordingly the EESC asks the Commission, in the context of this venture capital initiative, to ensure that social dialogue continues to prevail and that the directive on information and consultation of workers applies in those cases. Further, the EESC urges again the Commission to submit a proposal in order to update the "Acquired Rights" directive in the way that transfers of undertakings resulting from operations to transfer the shares are also covered.</p>	<p>The Commission has consulted the venture capital industry, academic researchers and other independent sources of information, all of whom have consistently reported on the positive effects on job creation by firms backed by venture capital. The Commission continues to emphasise the importance of venture capital on employment growth in Europe.</p> <p>This initiative will have no effect on Directives in force, including the Acquired Rights Directive (77/187/EEC).</p>
<p>4.10. While the EESC is supportive of the proposals to facilitate VC activities across borders, it regrets that there is no reliable and impartial data available as the basis for its assessment. Indeed, independent studies suggest caution in this context given the "failure to distinguish cleanly between employment changes</p>	<p>The Commission has been working closely with national and private experts in preparing the Communication and in ensuring its follow-up. The Commission's recommendations are based on best available evidence from studies carried out both by the industry and by independent experts, comparing the</p>

<p>at firms backed by venture capital and firms backed by other forms of private equity".</p>	<p>performance of firms backed by venture capital and other firms. The Commission would like to emphasise that its policies are intended to promote the growth of small businesses, employment and the European economy.</p>
<p>5.2. The establishment of a European Private Placement regime is fully supported by the EESC. It is a fundamental requirement of cross border venture capital.</p>	<p>The Commission has analysed national frameworks for non-harmonised funds, including venture capital funds, barriers to cross-border private placement and possibilities for establishing a European private placement regime. Further to a substantial consultation work, the Commission published in July 2008 a preliminary impact assessment report on private placement suggesting that there is a prima facie case for action at EU level, however requiring further preparatory work by Commission services (for this, an independent study into the functioning of private placement markets has been launched).</p>
<p>5.3. The barrier of double taxation must be removed. Otherwise, cross border venture capital will not be sufficiently profitable for VC firms to get involved. The EESC awaits with interest the report from the working party set up by the Commission to consider the taxation issues.</p>	<p>Possible double direct taxation for cross-border venture capital investments is being analysed by a Commission expert group with national and industry experts that shall report by mid-2009.</p>
<p>5.4. The concept of a European wide framework for venture capital is attractive if it results in Member States accepting VC firms regulated by other states. This will help mutual recognition and facilitate cross border activities by VCs without excessive bureaucracy. However, recalling the importance of coordinating fiscal policy more closely, the Committee deems it necessary to set minimum requirements concerning the taxation of the funds' managers in order to avoid fiscal dumping and economic inefficiency.</p>	<p>While the Commission can invite the Member States to consider various tax schemes, the Member States are responsible on their taxation policy and tax measures.</p>



<p><b>6.</b></p>	<p><b>A mid-term review of SME policy.</b>  <b>COM (2007) 592 final – EESC 1657/2008 – October 2008</b>  <b>Rapporteur: Mr BURNS (Empl./UK)</b>  <b>DG ENTR - G. Verheugen</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>	
<p>1.1 The development of students to be more entrepreneurial has to start very early.</p>	<p>One of the priority points in the Growth and Jobs Agenda is the development of entrepreneurship education, in particular in secondary education.</p>	
<p>1.5 The Commission needs to review its consultation procedures with SME Associations and trade specific organisations. Recognition has to be given to the costs incurred by SMEs if they become involved in any government consultation and consideration should be given to awarding costs to business owners of SMEs who are invited to become actively involved in any consultation process.</p>	<p>The Commission gives consideration to the costs that consultation entails for SMEs. This is the reason why the Commission privileges the contact with SME representative organisations and in certain occasions specific panels of SMEs.</p>	
<p>1.6 National and Regional governments must become more involved with the SME processes and procedures as detailed in the Mid Term Review. Good work being promoted by the European Commission is failing to meet expectations because of the apathy or opposition to SME friendly proposals of some National and Regional Governments.</p>	<p>The SME policy fully respects the principle of subsidiarity and recognises the important role that National and Regional Governments have to play in the shaping of the business environment.</p>	
<p>1.8 Legislation that affects business has to be written in language that is clear and understandable. It should not include clauses that are vague, confusing or open to third party interpretation.</p>	<p>Since 2005 the Commission has put a considerable effort to simplify Community legislation. This includes legislative techniques, such as repeal, codification and recasting, as well as other means of modernising the <i>acquis</i>, including the wider use of IT solutions.</p>	
<p>1.9 The definition of SME has to be reviewed and evidence provided to show what would be the effect if alternative annual turnover and annual balance sheet figures were used to define micro and SMEs.</p>	<p>The current SME definition is in force since January 2005. Its implementation is subject to an evaluation during the current year.</p>	

<p>1.11 Transmission of enterprises from one generation to another is a problem that needs to be recognised and addressed.</p>	<p>The Commission recognises the issue and is working on the problem by using the open method of coordination. Primary competence in this field remains in the hands of the Member States.</p>
	<p>Following the Mid-Term Review of the SME Policy, the Commission adopted the ‘Small Business Act’ for Europe which set the current framework of the SME policy and present a series of new actions further addressing some of the concerns expressed in the current Opinion INT/392. The Commission will provide separate comments to Opinion INT/445 on the ‘Small Business Act’ for Europe.</p>

<p>7.</p>	<p><b>Europe: Catching up or taking the lead? Structural and conceptual change as a prerequisite for a globally competitive knowledge and research-based European industrial construct</b>  <b>Own-initiative opinion - EESC 1054/2008 – October 2008</b>  <b>Rapporteur M. TOTH (Empl./HU)</b>  <b>Co-rapporteur: M. LEO (Var. Int./AT)</b>  <b>DG ENTR - Mr VERHEUGEN</b></p>	
		<p style="text-align: center;"><b>Main points of the EESC Opinion</b></p>
		<p style="text-align: center;"><b>Commission Position</b></p>
<p>The report calls for more resources and more support for the Lisbon Strategy. So far, the Strategy has been a good answer to the economic challenges we are facing: demographic change, globalisation, etc... It calls for more resources for the Strategy and advocates the closer involvement of civil society, including through the Social Dialogue, in the process.</p>		<p>The Commission overall welcomes this EESC own-initiative report that supports a further strengthening of the Lisbon Strategy. Taking into account the abstract level of this strategic paper, there is need for further work providing more concrete policy advice. In view of increasing the ownership of the strategy, the Commission strongly agrees with the closer involvement of civil society including through the social dialogue.</p>
<p>The report also provides some caveats:</p> <ul style="list-style-type: none"> <li>➤ 1. The need to take more the diversity of the different Member States into account</li> </ul>		<ul style="list-style-type: none"> <li>➤ 1. With the 2004 enlargement of the EU to include the 10 new Member States, the already diverse EU has become even much heterogeneous. It will be one of the key challenges for the future Lisbon Strategy to coordinate economic policies</li> </ul>

<p>➤ 2. More resources should be focused on improving the coordination of the Lisbon policies (between Member States / between Member States and the Community).</p> <p>➤ 3. Even though progress has been made (e.g. European Institute of Technology and Innovation) more efforts are needed to promote research excellence, to protect better intellectual property rights, competition and mobility at all level</p>	<p>between the 27 Member States while sufficiently taking the different starting points between the very different Member States into account. Commission already provides tailored country advice in its country assessments and recommendations.</p> <p>➤ 2. While a good basis has already been established to coordinate the Lisbon policies in particular through the establishment in 2005 of the integrated guidelines (incorporating the broad economic policy guidelines based on treaty article 99 and the employment guidelines based on treaty article 128) and the use in various policy areas of the Open Method of Coordination (e.g. research policy, social policy, enterprise policy), there is still room for improving the coordination of the Lisbon Policies. In addition, exchange of best practices between Member States should still be further encouraged. The Community Lisbon Programme outlines the key reforms at the EU level and is part of the package covering both Member States and the EU level.</p> <p>➤ 3. Both at the national level through the 3% R&amp;D expenditure target agreed during the Barcelona European Council and at the Community level as outlined in the Community Lisbon Programme, important efforts have been undertaken to move toward knowledge-based societies in the EU. Against the background of the current economic crisis, maintaining sufficient focus on R&amp;D and innovation and ensure the continuation of sufficient investment will become an important challenge for the Lisbon Strategy.</p>
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<p><b>8.</b></p>	<p><b>Evolution of the household appliance industry in Europe</b>  <b>Own-initiative opinion - EESC 1659/2008 – October 2008</b>  <b>Rapporteur: Ms DARMANIN (Work./MT)</b>  <b>Corapporteur M. GIBELLIERI Trav./IT)</b>  <b>DG ENTR - Mr VERHEUGEN</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>	
<p>The strength of the European household appliances industry lies in making high-quality and sustainable products. European policy should foster the development of energy-efficient household appliances, with enhanced recycling capacity, based on lifecycle analysis to minimise the overall environmental impact.</p> <p>EU legislation, such as the proposals for extension of the Ecodesign Directive and the revision of the Ecolabel Regulation could directly influence the competitiveness of the sector, through increased energy efficiency and reduced CO<sub>2</sub> emissions. So as to reduce the threat and trend of relocation of industry outside Europe, the loss of jobs and the risk of curbing consumers' interest.</p>	<p>The Commission agrees with the EESC and has adopted the Sustainable Production and Consumption and Sustainable Industrial Policy Action Plan (SCP/SIP), containing the legal proposals on the Ecodesign Directive and the Ecolabel Regulation, which aim to promote the most competitive products.</p>	
<p>Market surveillance is of paramount importance and should be implemented increasing resources in Member States and the EU<sup>1</sup> and eradicating unfair competition, counterfeiting and dumping.</p>	<p>The Commission shares the concern that market surveillance is essential for the good functioning of the Internal Market and therefore proposed the New Legislative Framework (NFL) which strengthens the provisions on market surveillance both on Member State and EU level. Good use of the NFL and other EU instruments relating to anti dumping and intellectual property should be fully implemented in order to ensure that only conforming products are placed on the EU market.</p>	
<p>The EESC believes that dynamic adjustments to the labelling system are important. Labels should</p>	<p>The Commission is developing a new concept for dynamic labelling under the Energy Labelling</p>	

<sup>1</sup> The New Legislative Framework (NLF), also known as "Ayrat Package", is the last package of the "Better Regulation package" dealing with market surveillance, marking of products and homologation; and has been adopted by the European Parliament and the Council on 23 June 2008. [http://ec.europa.eu/enterprise/regulation/internal\\_market\\_package/index\\_en.htm](http://ec.europa.eu/enterprise/regulation/internal_market_package/index_en.htm).

<p>always be updated when more efficient appliances become available. Such revisions should be linked to technology innovation but always revised at least every 5 years as stated in Energy Efficiency Action Plan. Stakeholders must be involved in the revision process.</p>	<p>Directive 92/75/EC, after a wide consultation of stakeholders.</p>
<p>If other countries would adopt the high level standards that the EU is setting for the Internal Market it would be good for sustainability.</p>	<p>The Commission shares this opinion and has a policy of promoting the use of European standards globally, through bilateral cooperation and international standardisation organisations.</p>
<p>Industry could be boosted if incentive schemes are introduced to encourage substitution of appliances to more modern and energy efficient ones. Lessons should be learnt from success stories in Europe and outside Europe.</p>	<p>The Commission agrees and has launched a number of initiatives, within the context of the SCP/SIP Action Plan, to create the basis for such incentives (i.e. Energy Labelling Directive)</p>
<p>EU policy should facilitate the transition of industry to more innovative products and related services, which are strategically relevant due to their impact on the CO<sub>2</sub> emissions and energy consumption, such as solar panels, photovoltaic units, heat pumps, hydrogen cells, microgeneration units and high performance air conditioning devices. This would be conducive to employment creation and greater choice for the consumer.</p>	<p>The Commission agrees and the initiatives of the SCP/SIP Action Plan address such issues, by promoting such products and services by creating a basis for incentives and catering for a good business environment.</p>
<p>The EESC reaffirms that the success in achieving the recommendations being made to effectively restructure the household industry in Europe, so as to become more sustainable, can be achieved and maximised only when there is thorough and effective sectorial social dialogue at a European level.</p>	<p>A good sectorial dialogue is an essential condition for being able to restructure the European household industry.</p>

<p><b>9.</b></p>	<p><b>Transfer of defence-related products</b>  <b>COM (2007) 765 final – EESC 1660/2008 – October 2008</b>  <b>Rapporteur: M. OPRAN (Empl./RO)</b>  <b>DG ENTR - Mr VERHEUGEN</b></p>
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>

<p>The Committee considers that the proposal for a Directive will have substantial beneficial effects on industrial cooperation in Europe and the development of competitiveness of European defence industries.</p>	<p>The Commission has taken into account most recommendations made by the Committee.</p>
<p>The Committee strongly supports the exclusion from the Directive of export policy, which should remain the competence of Member States, and continues to be the subject of international cooperation, e.g. in the context of the Council Code of Conduct on Exports.</p>	<p>The Directive confirms that it does not prejudice international obligations and commitments of Member States or their discretion as regards policy on the export of defence-related products.</p>
<p>The Committee stresses that the proposed Directive should establish a preference for general and global licensing and restrict individual licensing to the defined cases where it is still necessary.</p>	<p>Individual licences will be limited to very specific cases set out in Article 7. The attention of the Committee is drawn to the fact that, during the co-decision procedure, the number of cases in which general licences must be granted was extended to other cases in order to improve the free circulation of defence-related products. In the light of the opinion of the Committee, the Commission accepted the amendment according to which Member States may exempt certain transfers from the obligation of prior authorisation.</p>
<p>The Committee strongly recommends the Commission to follow-up infringements according to the Treaty in the specific area covered by the proposed Directive, using the professional capabilities of a multi-national Board of Experts, to be formed inter alia for this purpose.</p>	<p>The Commission will continue to examine any complaints, and to pursue any infringement cases, related with the free movement of defence-related products in accordance with Article 226 of the EC Treaty. However, the Commission cannot accept, for institutional reasons, that a multi-national Board of Experts would be involved in the Commission's discretionary powers with respect to the application of Article 226 EC Treaty.</p>

<p><b>10.</b></p>	<p><b>Innovative and sustainable forest-based industries in the EU</b>  <b>COM (2008) 113 final – EESC 1925/2008 – December 2008</b>  <b>Rapporteur : M. BURNS (Empl./UK)</b>  <b>Corapporteur: Mr STUDENT(Work./DE)</b>  <b>DG ENTR - Mr VERHEUGEN</b></p>	
<p><b>Main points of the EESC Opinion</b></p>		<p><b>Commission Position</b></p>
<p>The Commission very much welcomes the positive opinion and support of the EESC and shares many of the views presented in the document.</p>		
<p>Access to raw materials: Support increased production and mobilisation of wood from Europe's forests.</p>	<p>The recommendation is in line with the Communication, which considers this measure important in order to mitigate the gap between demand and supply of wood.</p> <p>The Commission will take account of this recommendation in the implementation of the actions.</p>	
<p>Access to raw materials: Further improve the information about harvestable wood, as well as wood use.</p>	<p>The Commission agrees with this recommendation, in particular since, in order to pay attention to the different uses of forest biomass (one of the actions), it is vital to have improved information.</p> <p>The Commission will take account of this recommendation in the implementation of the actions.</p>	
<p>Impact of climate change policies: Work actively towards the recognition of the role of wood and wood products in mitigating climate change.</p>	<p>This recommendation is in line with the Communication, which recognises that wood and wood products can extend the carbon sequestration benefits provided by forests.</p> <p>The Commission will explore the advantages and challenges of proposing to include wood and wood products in the international negotiations regarding climate change, including their substitution effect when they replace higher emissions products.</p>	
<p>Impact of climate change policies: Safeguard the sector from negative effects deriving from emissions trading scheme.</p>	<p>The Commission is currently doing an assessment of the sectors and sub-sectors concerned by carbon leakage. Forest-based industries are part of this</p>	

	<p>assessment. The outcome of this exercise and the benchmarking exercise that will follow will determine the appropriate allocations for these industries, taking also into account the outcome of the global climate change agreement.</p>
<p>Innovation and R&amp;D: Address the research needs of the industries as defined in the context of the Forest-based Sector Technology Platform, through the Seventh Framework Programme and related programmes.</p>	<p>The recommendation is in line with the Communication. Several topics were open to the forest-based sector in the first call of FP7's.</p>
<p>Trade and cooperation with third countries: Eliminate barriers to trade in wood and wood products. Ensure a free but fair trade.</p>	<p>The Communication recognises the need to ensure access to raw materials and a level playing field in external trade.</p> <p>The Commission will take account of this recommendation in the implementation of the actions, in particular in the dialogues with third countries to address technical, regulatory and related issues.</p>
<p>Health and safety: Encourage both relevant institutions and industry to pay special attention to enhancing the enforcement of EU occupational health and safety policies, regulations and programmes relevant to the forest-based industries.</p>	<p>The Commission takes note of this recommendation.</p> <p>Its application should be done together with the rest of the industrial sectors since it is not possible to assess separately this sector.</p>
<p>Encourage national authorities to recognise and act upon the commercial forestry and the forest-based industries. Due attention should be given to increasing investment in road and other infrastructures in rural areas.</p>	<p>The Communication identifies wood production increase as one of the solutions to the gap between supply and demand.</p> <p>The Commission, within the limits of its competences, taking into account the subsidiarity principle and the lack of an EU forest policy, encourages the national authorities to put in place this action.</p>



<p><b>11.</b></p>	<p><b>Competitiveness of the metals industries.</b>  <b>COM(2008) 108 final – EESC 1924/2008 – December 2008</b>  <b>Rapporteur: M. ZÖHRER (Work./AT)</b>  <b>Co-rapporteur M. CHRUCZOW(Act.div./PL./BE)</b>  <b>DG ENTR - Mr VERHEUGEN</b></p>	
<p><b>Main points of the EESC Opinion</b></p>		<p><b>Commission Position</b></p>
<p>The EESC is stressing the importance of the metals industries as a vital contribution to the development of European industry.</p>		<p>The Commission fully agrees and welcomes this position.</p>
<p>The Committee essentially agrees with the Commission communication's analysis of the characteristics of the sector. However, it notes that the metals industry is not a homogeneous sector and it is difficult to make generalisations. The Committee calls on the Commission to draw up a timetable with a concrete set of measures covering individual sub-sectors as a follow-up to the Communication.</p> <p>The Committee proposes that studies on individual sectors be carried out which, building on the experiences of the ECSC, are accompanied by monitoring and social dialogue.</p> <p>The Committee calls on the Commission to (further) promote social dialogue in the sectors concerned, as this is the right place to discuss these matters.</p>		<p>The Commission shares the view point that it is very difficult to cover all aspects of competitiveness of different non-ferrous metals industries. Due to this, the main focus is on the basic metals industries as explained in the Annex SEC(2008)246. However, when implementing different horizontal policies, the Commission takes into account as appropriate the specific characteristics of the different sub-sectors (eg in the definition of sectors subject to the risk of carbon leakage, or in the funding of the research projects).</p> <p>The Commission already contracted a study of the competitiveness of the steel industry in 2008 by independent consultants <a href="http://ec.europa.eu/enterprise/steel/docs/final_report_steel.pdf">http://ec.europa.eu/enterprise/steel/docs/final_report_steel.pdf</a> and a similar study for non-ferrous metals is planned for 2009. Both studies are funded from the Competitiveness and Innovation Programme (CIP).</p> <p>The Commission is actively participating in the social dialogue process (a steel social dialogue meeting was held in 2008) and is also promoting dialogue with the non-ferrous metals industry.</p>
<p>In respect of environmental policy, it is mainly a question of finding solutions which reconcile climate protection goals with employment, growth and global competitiveness. In order to avoid any competitive disadvantages for the European metals</p>		<p>The Commission is currently doing an assessment of the sectors and sub-sectors concerned by carbon leakage. Metal industries are part of this assessment. The outcome of this exercise and the benchmarking exercise that will follow will determine the appropriate allocations for these</p>

<p>industry, the Committee calls for:</p> <ul style="list-style-type: none"><li>-priority to be given to international agreements</li><li>-measures to promote the spread of the best and most energy-efficient technologies</li><li>-consideration to be given to investments already undertaken</li><li>-the capacity of individual sectors to cut emissions to be taken into account, with due consideration for technical standards</li><li>-a speedy decision to acknowledge the dangers of carbon leakage.</li></ul> <p>The Committee supports the Commission's plans on the IPPC Directive, waste legislation, REACH and standardisation but expects these individual proposals to be fleshed out.</p>	<p>industries, taking also into account the outcome of the global climate change agreement.</p> <p>The Commission continues to play an active role in the discussions either under the co-decision procedure of some of these proposals (such as IPPC) or in the implementation of REACH, waste legislation and standardisation policy.</p>
<p>The Committee agrees with the Commission that there should be close dialogue with third countries on trade policy matters. However, trade policy instruments which are consistent with WTO rules and are designed to combat practices that disadvantage or discriminate against the EU metals industry should continue to be available.</p>	<p>The Commission fully agrees with this position. Follow-up actions are also provided for in COM(2008) 699 - "The raw materials initiative – meeting our critical needs for growth and jobs in Europe" adopted on 4 November 2008".</p>
<p>The Committee supports the Commission's commitment to stepping up innovation, research and development and improving skills. An example of this is the ULCOS project (Ultra Low CO2 Steelmaking) - part of the European Steel Technology Platform (ESTEP). The Committee proposes that the efficiency of existing programmes be reviewed in the second half of the 7<sup>th</sup> framework programme and expects better coordination and support. Significant investment is needed in the area of education and training to improve the skills base.</p>	<p>The Commission would like to clarify that the ULCOS project is not part of the European Steel Technology Platform (ESTEP) but corresponds to a research project funded by the 6<sup>th</sup> Framework Programme and the Research Fund for Coal and Steel (RFCS). This project was elaborated inside the ESTEP by many stakeholders and research centres. As such the efficiency of this research programme will be assessed when the projects are terminated as a normal procedure for the projects funded by the 6<sup>th</sup> FP and the RFCS.</p> <p>The Commission agrees that further and enhanced cooperation of different Commission departments will allow to address research and development in</p>

	<p>a more efficient way.</p> <p>Additional discussions with all stakeholders to address the skills base issue will follow.</p>
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<b>12.</b>	<p><b>Evolution et impact de la grande distribution</b>  <b>Avis d'initiative - CESE 1922/2008 – Décembre 2008</b>  <b>Rapporteur: M<sup>me</sup> SHARMA</b>  <b>DG MARKT – DG SANCO coresp. - Mr MCCREEVY – Ms VASSILIOU</b></p>	
	<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
	<p><b>Point 1.9.</b> In order to reflect transparent operating procedures between suppliers and HVR, the EESC would recommend further debate on the added value and legality under EU Competition Law of a <u>voluntary Code of Practice governing retailer and supplier relations</u> at Member State level as well as a clear and transparent analysis of the supply chain which has a multitude of stakeholders other than the primary supplier and the HVR.</p> <p><b>Point 1.15.</b> EESC would recommend at national level the appointment of a mediator to arbitrate on disputes, evaluate and monitor the implementation of the Code, with the power to gather information from all stakeholders and proactively investigates breaches of the Code.</p> <p><b>Point 1.18.</b> To ensure effective application of the code, a public authority should review at regular intervals any reports from the ombudsman of problematic practices, allowing them to request directly information from the retailers/suppliers. When repeated allegations are occurring, legislation could be developed to address the problem.</p> <p><b>Point 1.17.</b> In reference to planning applications for HVR relevant government departments should <u>design a "competition test" such as the "need" test or "town center first" policy</u> for local authorities to assess competition between the various forms of</p>	<p>The Commission recognizes the importance of the issue of relations between suppliers and retailers. This question will be analysed in the context of the Retail Market monitoring exercise, which has been launched by the Commission as a follow-up to the Single Market Review.</p> <p>The objective of this exercise is to provide a factual and comprehensive analysis of the entire sector including both its forward and backward linkages such as to identify possible market malfunctioning and ensure effective and co-ordinated multi-faceted policy responses. This includes for example an analysis of the regulatory framework relevant for the sector, including regulation relating to commercial planning, an analysis of relationships between suppliers and retailers, and the examination of a number of supply chains for particular markets.</p> <p>Concerning the specific issue of the adoption at Member State level of a code of practice governing retailer and supplier relations, the Commission considers it important to carry out the analysis of existing regulations and soft law which are already in place in the Member States. If some Member States, such as the United Kingdom, have adopted a code of conduct, other Member States have chosen to regulate by law the relations between suppliers and retailers. The Retail Market Monitoring exercise should allow</p>

<p>distribution locally, current land covenants, infrastructure and community benefit</p>	<p>the Commission to compare the different systems and their impact on the sector, to identify best practices, but also potential market malfunctioning and Internal Market problems. The Commission could then analyse the different options available to solve the identified problems (the adoption of codes of practice could be one of these options, but not necessarily).</p> <p>As regards the question of planning applications, and as stated before, the Retail Market Monitoring exercise will examine the issue of establishment of new outlets, taking into account the importance of the accessibility to efficient grocery services in rural and inner city areas. At the same time, Member States will be screening their national regulations for non-justified economic tests that have to be removed when transposing the services Directive.</p> <p>A task force led by DG MARKT and consisting of 11 Directorate Generals has been set up to carry out this Retail Market Monitoring exercise. Stakeholders and Member States will be involved in at all stages of the exercise. The report is due to be presented end of 2009 and the CESE will be kept informed of the process.</p>
<p>Point 1.16. Defining payments terms must be modified to cover a maximum period for payment.</p>	<p>The envisaged proposal for a recast Directive on late payments includes the harmonisation of payment periods by public authorities. Payment terms will continue to be covered just by the contracting parties' agreement with the safeguard of the prohibition of those so called "grossly unfair" contractual clauses and practices.</p>

<p>13.</p>	<p><b>Aeronautics industry</b> <b>Own-initiative opinion – EESC 1921/2008 – December 2008</b> <b>Rapporteur M. OPRAN (Empl./RO)</b> <b>Corapporteur M. BAUDOUIN (Work./FR)</b> <b>DG ENTR - Mr VERHEUGEN</b></p>
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Main points of the EESC Opinion	Commission Position
<p>The opinion made an assessment of the current situation of the European aeronautics industry, but considered only the “fixed wing aircraft sector”. Main points of interest to the Commission are:</p> <p>With reference to technological development, growth and cooperation, a new framework has to be set up to encourage businesses in different EU countries to work together more effectively in order to set and meet their industrial priorities. This will strengthen competitiveness and improve reactions to market fluctuations. There is an urgent need to set new quality and efficiency standards by maximising the effectiveness of R&amp;D financing.</p> <p>Coordination between the European Commission and the European Defence Agency (EDA) must be increased in order to promote the development of new dual-use technologies to be implemented in both the military and civilian segments of the aeronautics industry. At the same time, it is vital to ensure that the European commission and the EDA have control over the further dissemination of technology which may be of use in both the military and civilian segments of the aeronautics industry.</p> <p>Industrialists should receive support – with particular attention being given to the development of SMEs in the equipment supplier sector of the supply chain – for a quick and in-depth implementation of CLEAN SKY JTI; this would, on the one hand, contribute to meeting the EU's environmental objectives and, on the other hand, enable the industry to play an important role in the establishment of a new-generation air traffic management system (SESAR-ATM) to support the Single European Sky programme (SES)<sup>2</sup>.</p> <p>In addition to the industrial aspect, the Committee</p>	<p>The Commission thanks the EESC for the work on this opinion and appreciates the assessment. The Commission shares the view that the sector is currently undergoing important changes due to a continuous globalisation of the aeronautics industry. Therefore, the Commission launched a study to assess the competitiveness of the sector end of 2008 and welcomes this opinion as a contribution to its own ongoing assessment. With view to the recommendations, the Commission would like to make the following comments.</p> <p>The 7<sup>th</sup> Framework Programme for Research and Development is aiming at fostering aeronautics research and cooperation at European level. Member States (24), industry representatives and research associations work closely together using the technology platform ACARE in which the Strategic Research Agenda for aeronautics research is defined. Based on this work the Commission defines the research priorities for the sector. The Commission continuously encourages industry and Member States to strengthen cooperation at EU level.</p> <p>The Commission coordinates its research activities with the EDA especially regarding the security research programme. Cooperation with the EDA is important to explore possible synergies especially regarding dual-use technologies such as unmanned aerial vehicles and software defined radio</p> <p>The Commission is currently implementing the two Joint Undertakings SESAR and CLEAN SKY, in which industry participates and will</p>

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An EU initiative to structure airspace and air navigation services at pan-European level in order to better manage air traffic and provide a uniform and high level of safety in Europe's skies.

believes that developments and changes in employment should be anticipated by introducing job and skills forecast management at all levels, i.e. the occupational sectors and EU, national, regional and local bodies. Setting up observatories for occupations in the aeronautics sector would help to identify the jobs of tomorrow and training needs, in cooperation with academic authorities.

The Committee stresses the importance of a rapid implementation of a set of measures on:

- making air transport more environment-friendly;
- passenger satisfaction and safety;
- the reduction of CO<sub>2</sub> emissions by the air transport sector (in line with EU policies on the overall reduction of CO<sub>2</sub> emissions in Europe), noise pollution and fuel consumption;
- the development of concepts that make it easier to dismantle old equipment (use of recyclable materials etc.).

The Committee believes that the Commission and the Member States should react very swiftly to the need for a strategic aeronautics policy. Such a policy would include the implementation of practical measures at EU level and in regions with an aeronautics tradition in order to better forecast change and minimise its social impact. The Commission and the Member States should facilitate the implementation of a social dialogue committee within the EU aeronautics sector, as recommended by the social partners.

carry out major parts of the research work. The Commission strongly emphasizes the need to involve SMEs in Community research programmes. This is why the Commission funds AeroPortal, a project managed by the Aerospace and Defence Association of Europe, which provides support for SMEs to participate in the 7<sup>th</sup> R&D Framework Programme. During the preparation of CLEAN SKY, events for SMEs in many Member States were launched to invite SMEs to participate. The Commission regularly monitors the participation rate of SMEs in the R&D Framework Programme. Regarding SESAR, the Commission wishes to assure the Committee that the equipment industry has a leading role in the Programme. The entire equipment industry, both ground and airborne sectors, is represented in the administrative Board of the SESAR Joint Undertaking (SJU) and a number of major industrial players bringing a substantial contribution to the Programme have applied to become members of the SJU. The participation of SMEs is also encouraged by the SJU. The Administrative Board has recently adopted a policy document in which it sets the principles for accession and participation of members to the SJU. These principles clearly indicate that the SJU shall ensure the involvement of the widest range of stakeholders also by facilitating the participation of SMEs either as members, participants in projects and activities carried out by the SJU directly or by its members and also by seeking other appropriate forms of association to the SJU.

The Commission launched a study and organised a stakeholder forum on the restructuring in the defence industry, which is an important part of the aeronautics sector. The Commission also launched recently a study on emerging competencies and skills needs in the defence sector. Given that the employment conditions and skills needs in the aeronautics

	<p>and the defence sectors are quite similar – most companies in the sector cover anyway both subsectors – the results will also be relevant for the aeronautics sector.</p> <p>The Commission welcomes and shares these objectives. They are part of the Strategic Research Agenda for aeronautics research in Europe. The CLEAN SKY Joint Undertaking was also established to respond to those challenges. Furthermore, the Commission is working on the implementation of the inclusion of aviation emissions in the European Emissions Trading Scheme from 2012.</p> <p>The Commission generally welcomes the establishment of social dialogue committees at EU level. However, it is important that the main parties agree to participate before such a dialogue can be launched.</p>
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<b>14.</b>	<p><b>Industrial change, territorial development and responsibility of companies</b>  <b>Own-initiative opinion – EESC 1923/2008 – December 2008</b>  <b>Rapporteur Mr PEZZINI (Empl/IT)</b>  <b>Co-rapporteur: Mr GAY (Empl/FR)</b>  <b>DG ENTR - Mr VERHEUGEN</b></p>	
	<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
	<p>The opinion advocates a Community initiative on the development of "socially responsible regions" (SRRs). The essence of SRRs would consist in a method aimed at optimising the synergies between the authorities at the various levels of governance (local, regional, national, European), the different resources (financial as well as organisationally) which they rely on, and the enterprises that invest, operate and cooperate with the public sector in a given, homogeneous area.</p> <p>The SRRs would focus on the coordinated use of resources, as well as in the participation of all the levels of governance, and of the stakeholders, in</p>	<p>This opinion is an own initiative one, and does not stem from a Commission's proposal, initiative, or a specific policy statement.</p> <p>As the opinion is not part of a decision-making procedure, and its gist consists in suggesting a methodology for the coordinated use of resources by the public authorities as well as the private sector, a specific follow-up does not seem possible or appropriate.</p> <p>On the one hand, the Committee's suggestion calls for an integrated and coordinated approach of both general interest and investment related</p>

<p>the decision process that leads to all major development and investment initiatives. SRR initiatives would draw on the panoply of instruments that are available to the public and the private sector, such as environmental regulations, green public procurement, social audit (SA 8000), labour safety standards (BS OHSAS 18001/07), ISO 14000 and the future ISO 26000 guidelines, etc. The financial resources would be mobilised through the FEDER, the ESF, EU and other research funding (FP6 and its successor programmes), and all kinds of funding accessible at MS level.</p> <p>The ECOSOC's opinion refers to a wide variety of policy areas, among which regional policy, social and employment policy, CSR, and RDT.</p>	<p>expenditure, on which no commitment could be made outside of a specific initiative. On the other, the indispensable cooperation of all parties concerned could not be anticipated nor be part of a Commission's commitment.</p> <p>It seems fitting that the Commission DGs concerned – REGIO, EMPL, RDT, ENTR – take notice of the useful suggestions made in the opinion, with a view to ensuring optimum effectiveness of programmes funded by the EU budget, in cooperation with the national authorities and enterprises.</p>
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<p><b>16.</b></p>	<p><b>Ethical and social dimension of European financial institutions</b>  <b>Own-initiative Opinion – EESC 1680/2008 - October 2008</b>  <b>Rapporteur: Mr IOZIA (Work.IT)</b>  <b>DG EMPL et MARKT - Mr SPIDLA and Mr McCREEVY</b></p>	
	<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
	<p>4.1 to 4.5</p>	<p>The Commission sees an increasing number of companies signing up to CSR principles, and the aim of many of our awareness-raising activities is to increase this still further. In the area of finance, the Commission has funded research into socially-responsible investment. In addition, the European Alliance for CSR – supported by the Commission – has recently hosted a number of relevant "laboratories" (long-term workshops), such as "financial inclusion: sustainable services for underserved potential customers", "environment and the financial sector", and "corporate responsibility and market valuation of financial and non-financial performance". The current economic and financial crisis and its causes make this work all the more important.</p>



5.1 to 5.4	The Commission agrees that encouragement should be given to banks to be efficient and responsible, especially in the local context. The Commission will soon receive the results of a study on the interaction between CSR and local employment development. This study addresses the influence of financial institutions. Also, the European Alliance for CSR recently hosted a "laboratory" on local financial inclusion – "business involvement to enhance social inclusion at local level".
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18.	<p><b>Proposition de directive du Parlement européen et du Conseil concernant l'institution d'un comité d'entreprise européen ou d'une procédure dans les entreprises de dimension communautaire et les groupes d'entreprises de dimension communautaire en vue d'informer et de consulter les travailleurs</b></p> <p><b>COM (2008) 419 fin – CESE 1926/2008 - Décembre 2008</b></p> <p><b>Rapporteur: M. GREIF (Trav./ AT)</b></p> <p><b>DG EMPL – M. ŠPIDLA</b></p>	
<b>Points de l'avis du CESE estimés essentiels</b>		<b>Position de la Commission</b>
Le CESE se félicite de la proposition législative de la Commission. Il considère que celle-ci contribuera à un plus grand nombre de comités européens et à leur plus grande efficacité, grâce aux informations pour l'ouverture de négociations, au rôle des partenaires sociaux, au comité restreint, à la formation et à l'adaptation des accords		La Commission a contribué activement à ce que sa proposition législative de Juillet 2008 fasse, avec des amendements qui n'en changent pas les objectifs et qui ont été suggérés ou acceptés par les partenaires sociaux européens, l'objet d'un accord en première lecture au Parlement et au Conseil en Décembre 2008
Le CESE propose de modifier la proposition législative sur différents points aux fins de remédier aux incohérences qu'il relève entre les objectifs de la proposition et certaines de ses dispositions (les conseillers du groupe I se sont opposés à ces propositions)		La Commission a soutenu les seules modifications suggérées par les partenaires sociaux européens dans leur avis commun d'Août 2008 sur la proposition, ou qui ne modifient pas l'équilibre atteint entre eux par cet avis
Le CESE propose en particulier:  -Compétence transnationale: incluant le cas où une décision de restructuration touchant un pays		La Commission a pris en compte ces propositions en soutenant/acceptant:  -Compétence transnationale: précision au considérant que décision importante pour les

<p>est prise dans un autre pays</p> <p>-Consultation: au moment où les mesures sont proposées et non mises en œuvre</p> <p>-Suppression du seuil de représentation de 50 salariés au groupe de négociation et comité subsidiaire,</p> <p>-Accords conclus pendant période de transposition respectent dispositions de la directive actuelle</p>	<p>travailleurs européens est incluse</p> <p>-Consultation: possibilité d'exprimer un avis sur mesures proposées qui pourra être pris en compte</p> <p>-Seuil de représentation utile à la sécurité juridique mais acceptation de sa suppression dans le cadre d'un compromis global</p> <p>-Précisions sur le régime des accords conclus pendant la période de transposition</p>
<p>Le CESE propose en particulier:</p> <p>-Durée de négociation: ramenée de 3 ans à 18 mois</p> <p>-Caractère minimal des prescriptions subsidiaires, notamment sur le nombre de réunions</p>	<p>La Commission a rejeté ces propositions:</p> <p>-Durée de négociation: maintenue pour garder priorité aux solutions négociées</p> <p>-Prescriptions subsidiaires ne s'appliquent qu'en l'absence d'accord, les transformer en dispositions minimales changerait la priorité donnée aux solutions négociées</p>

<p><b>19.</b></p>	<p><b>Health Check of the CAP and its future after 2013</b>  <b>COM(2008) 306 final - EESC 1670/2008 – October 2008</b>  <b>Rapporteur: Mr van OORSCHOT (Empl./NL)</b>  <b>Corapporteurs: Mr KALLIO (Var. Int./FI); M. WILMS (Work./DE)</b>  <b>DG AGRI – Ms FISHER BOEL</b></p>	
<p><b>Main points of the EESC opinion</b></p>		<p><b>Commission position</b></p>
<p>The ESC has made an exploratory opinion on the Health Check of the CAP and its future after 2013, upon request of the Commissioner. The opinion was adopted 25 October</p>		<p>Commission presented a Communication on the Health Check review of the Common Agricultural policy in 20<sup>th</sup> November 2007</p>
<p>The health check should be a review of the extent to which the aims of the CAP reform are being achieved enabling:</p> <ul style="list-style-type: none"> <li>• Easier and more straightforward implementation, and</li> <li>• Removal of obstacles to targeted implementation of reform measures which have already been agreed on.</li> </ul>		<p>Commission Communication acknowledges CES statement that the HC scope should not be a fundamental reform of the CAP. In fact, the 2003 Reform was the first step to make the CAP fit for the 21st century. Consensus on all the elements of the 2003 Reform could not be reached in one go. Indeed, this is why a number of review clauses were already foreseen in the final agreement, as were in other subsequent reforms since 2003. These review clauses, without implying a fundamental reform of the existing policies, allow</p>

	<p>the possibility of further adjustments in line with market and other developments.</p>
<p>The EESC is opposed to an increase in mandatory modulation. The priorities for the health check should be a thorough review of the administrative rules for farm subsidies and cross-compliance.</p>	<p>The Commission understands EESC. However, the only way to provide sound funds for HC new challenges must be through a sound use of increased compulsory modulation.</p> <p>The review mentioned by EESC on cross compliance and direct payments will be followed as it is mentioned in the communication: the scope of the first will be analysed in terms of eligible criteria and number of provisions..</p>
<p>In connection with the debate about the future of the CAP after 2013, the EESC considers an adaptation of its aims (Article 33 of the EC Treaty) to today's circumstances and challenges to be necessary, namely:</p> <ul style="list-style-type: none"> <li>• counter the risks of increasing instability on agricultural markets;</li> <li>• guarantee that setting high standards for production is not rendered meaningless by allowing imports which do not comply with EU requirements and</li> <li>• help to ensure that a wide range of foodstuffs continues to be available in the future.</li> </ul>	<p>The Commission Communication took the risk management issue into account by identifying the types of risk and open the reflexion on the possibility of</p> <ol style="list-style-type: none"> <li>1.             <ul style="list-style-type: none"> <li>• extend the use of part of modulation savings to allow risk management measures in the framework of RD policy, provided that they meet "green box" criteria;</li> </ul> </li> <li>2.             <ul style="list-style-type: none"> <li>• examine on a case-by-case basis the need for additional measures in the context of future adjustments in market mechanisms and carry out, at a later stage, a more general examination of risk management for the period after 2013.</li> </ul> </li> </ol>
<p>1. In favour of substantial increase in funding for measures under the second pillar after 2013, making targeted use of current savings on export subsidies and other market-relief measures generated by the market situation</p>	<p>The Commission has already stated in different forums that this political decision of transferring unused funds in the first pillar to the second pillar would need an agreement by budgetary authority. That is why the modulation is a more pragmatic functional mean to provide additional funding for future CAP challenges.</p>

<p><b>22.</b></p>	<p><b>Aviation security for passengers</b>  <b>Own-initiative opinion – EESC 1666/2008 – October 2008</b>  <b>Rapporteur: Mr McDONOUGH</b>  <b>DG TREN – M. TAJANI</b></p>	
<p><b>Main points of the EESC Opinion</b></p>		<p><b>Commission Position</b></p>
<p>§3: The desirability of having Community certification of private security providers at airports.</p>	<p>The Commission's legislation lays down training requirements for all security providers at airports, regardless of whether or not they work for private companies.</p> <p>Issues relating to the financial suitability of private companies to provide security, or limiting the liability of security companies fall outside the scope of current EC legislation (Regs 2320/2002 and 300/2008) on aviation security.</p>	
<p>§4: Mutual recognition of background checks for security staff</p>	<p>Community rules do require that all people employed in security-controlled areas of airports are subject to background checks. These are done by the appropriate national authority.</p> <p>However, it is outside the scope of the existing legislation to define common rules for such checks, which would be a prerequisite for mutual recognition.</p> <p>Such an action would fall under the Third Pillar.</p>	
<p>§5.5: The principle of 'one-stop security' shall apply throughout the Community.</p>	<p>The current legislation (Reg. 2320/2002) did create for the first time the principle of 'one-stop security' in the Community. However, the Commission recognises the right of individual Member States to opt-out from 'one-stop security' on the grounds of taking more stringent security measures than the baseline standards set at the Community level.</p>	
<p>§9 Greater transparency in the rulemaking for aviation security</p>	<p>Following ECJ Case 345-06 the Commission has already addressed this issue. Now, the majority of its rules are published in the Official Journal, with only the most sensitive elements adopted by Commission Decision and not published.</p>	

<p><b>24.</b></p>	<p><b>Proposition de règlement (CE) no .../... du Conseil modifiant le règlement (CE) no 219/2007 du Conseil relatif à la constitution d'une entreprise commune pour la réalisation du système européen de nouvelle génération pour la gestion du trafic aérien (SESAR)"</b>  <b>COM(2008) 483 final – CESE 1917/2008 – Décembre 2008</b>  <b>Rapporteur: M<sup>me</sup> LE NOUAIL-MARLIERE (Trav./FR)</b>  <b>DG TREN – M. TAJANI</b></p>
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>1.2 Le Comité recommande que la Commission veille à donner un meilleur exemple en matière d'égalité de traitement entre les personnels détachés et les personnels recrutés aux fins de la réalisation du projet SESAR, en matière de durée des contrats et reclassements à l'issue du programme de réalisation du système européen de nouvelle génération pour la gestion du trafic aérien.</p>	<p>La Commission prend bonne note de la recommandation du Comité. Toutefois, elle attire l'attention sur le fait que toutes les EC créés sous l'article 171 du Traité ont, par leur nature, une mission et une durée limitées. Elles ne sont pas des agences communautaires.</p> <p>Les conditions d'emploi sont préalablement publiées et comme observé par le Comité, les contrats du personnel recruté prendront fin aux conditions définies dès le recrutement.</p>
<p>4.1 La durée de vie de l'EC SESAR étant d'ores et déjà fixée au terme de huit ans, à l'issue de la réalisation du programme, les personnels détachés retourneront à Eurocontrol ou aux services de la Commission dont ils sont issus. Les contrats du personnel recruté en externe prendront fin aux conditions applicables définies dès le recrutement. Le Comité observe le précédent que cela crée (Création d'une entreprise à durée déterminée) et les conséquences en termes de précarité relative de certains emplois créés. Le Comité recommande que la Commission veille à donner un meilleur exemple en matière d'égalité de traitement entre les personnels affectés et recrutés aux fins de la réalisation du programme SESAR.</p>	<p>L'alignement des statuts de l'EC SESAR aux autres EC créés dans le cadre de 7<sup>ème</sup> Programme cadre de recherche et développement technologique implique la reconnaissance formelle de l'EC SESAR comme étant un organe communautaire. Sous ce statut, son personnel (du moins celui recruté après la modification des statuts) sera soumis au régime applicable aux autres agents des Communautés européennes qui prévoit la conclusion de contrats de durée déterminée renouvelables sous des conditions prédéfinies.</p> <p>Le recrutement de personnel propre à l'EC a comme objectif d'assurer son indépendance afin d'éviter toute influence externe et conflit d'intérêt. Par conséquent, le recours au détachement de personnel des membres de l'EC sera limité aux cas où des exigences opérationnelles requièrent des expertises spécifiques ou ponctuelles qui peuvent être fournies par les membres et ne constitue pas la règle générale pour le recrutement du personnel.</p>

<p>4.2 Le Comité tient compte de la particularité du secteur (souveraineté des États membres sur leur espace aérien, partenariats public-privé, services régaliens) et recommande que l'objectif de l'EC SESAR étant l'harmonisation et la recherche en vue de réaliser une sécurité aérienne européenne optimale, celle-ci ne soit pas uniquement conçue en termes techniques (des équipements) ou commerciaux (des routes), soit cohérent avec sa réalisation par des êtres humains (des hommes – et des femmes – qui contribuent et devraient certainement être mieux associé(e)/es et considéré(e)/es).</p>	<p>La Commission souhaite rassurer le Comité que le programme SESAR attache beaucoup d'importance à la dimension humaine du contrôle du trafic aérien. Les organisations professionnelles du secteur ont été activement associées au Programme depuis la phase de définition. Elles sont par ailleurs représentées dans le Conseil d'administration de l'EC SESAR et seront aussi activement impliquées dans les activités de la phase de développement. Le programme de travail de l'EC SESAR prévoit à cet effet des mécanismes qui assurent la participation des parties intéressées qui ne sont pas membres de l'EC, notamment les représentants des hommes et des femmes travaillant dans le secteur, dans le processus d'adoption des résultats du Programme mais aussi aux changements proposés à ceci.</p>
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<p>25.</p>	<p><b>The social implications of transport and energy developments</b>  <b>Own initiative opinion - EESC 1911/2008 - December 2008</b>  <b>Rapporteur: Ms BATUT (Work./FR)</b>  <b>DG TREN – Mr TAJANI and Mr PIEBALGS</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission position</b></p>	
<p>Paragraph 1.2.1 and 2.4.2: Concerning rising prices, the Committee believes it socially useful for the EU to encourage price differentiate between the "essential" component and the "optional" component of the consumption of transport and energy.</p>	<p>The Commission considers that the intervention on pricing mechanisms to differentiate between an essential and an optional component of consumption of transport and energy would not be an appropriate mechanism to defend the socially weak part of the population. What is 'essential' and 'optional' varies widely depending on individual circumstances and pure pricing mechanisms do not take into account personal income. In general, prices should rather reflect costs, whereas direct forms of support and public service obligations are better suited to address the problems of the disadvantaged.</p> <p>In any event the Commission supports competition in energy markets as closed and vertically integrated markets poses a threat for competition</p>	

	<p>and in most cases plays against the interests of the consumers – as it discourages other investments, limits competition and consumers end up paying higher prices.</p> <p>The current rules state that Member States should ensure that household customers and, where Member States deem it appropriate, small enterprises, enjoy the right to be supplied with electricity of a specified quality at clearly comparable, transparent and reasonable prices. Member States have the freedom to define vulnerable consumers. However, to use energy policy as the sole tool would distort the operation of the market for energy.</p>
<p>Paragraph 1.2.3, 1.2.4 and 2.4.1: The EESC suggests that research on new energy sources is promoted and that state aids provisions should exempt national support funds from competition rules concerning research.</p>	<p>Les aides nationales à la recherche et développement dans les secteurs des transports et de l'énergie sont notamment régies par le règlement (CE) n° 800/2008 de la Commission du 6 août 2008 déclarant certaines catégories d'aides compatibles avec le marché commun en application des articles 87 et 88 du traité (Règlement Général d'exemption par catégorie) (JO L214 du 9.8.2008, p.3). Ce règlement qui prévoit des intensités élevées pouvant aller jusqu'à 100 % pour la recherche fondamentale dispense de notification préalable à la Commission les projets d'aides nationales qui répondent à ses dispositions. Il offre toute la sécurité juridique requise aux investisseurs.</p>
<p>Paragraph 1.2.7: The EESC requests an energy policy based on solidarity between Member States and consistent with climate protection.</p>	<p>In November 2008 the Commission proposed a five-point Action Plan for Energy Security and Solidarity (Cf. COM(2008)781f):</p> <ol style="list-style-type: none"> <li>1. Promoting infrastructure essential to EU energy needs;</li> <li>2. External energy relations</li> <li>3. Improving oil and gas emergency stocks and crisis response mechanisms</li> <li>4. Energy efficiency</li> <li>5. Making the best use of the EU indigenous</li> </ol>

	energy reserves
Paragraph 2.2.1 and 2.3.2: The EESC questions whether unbundling of electricity and gas networks delivers the expected results and raises the fear of seeing sovereign wealth funds purchasing these infrastructures.	The Commission has proposed in 2007 to strengthen provisions on unbundling in the electricity and gas sector. These proposals have been made based on an in-depth impact assessment, which has clearly shown the added value of strengthening unbundling rules.
<p>2.3.1. Factors affecting the formation of the prices paid by the consumers:</p> <ul style="list-style-type: none"> <li>- Liberalisation: consumers have not experienced the full impact of the lower prices which were promised</li> </ul>	<p>Article 21 of the Electricity Directive<sup>3</sup> and Article 23 of the Gas Directive<sup>4</sup> both state that from 1 July 2007 onwards all customers shall be free to choose their energy suppliers. The vast majority of Member States have opened their markets on time with only a few smaller countries receiving temporary derogations from market opening. In its proposals for the 3<sup>rd</sup> Energy Package the Commission has assessed the impacts of liberalisation. In countries with integrated network operators, electricity prices increased over the last 8-9 years significantly faster for both industrial customers and households.</p> <p>The recent increases in energy prices are largely a result of major structural changes in the global economy and as such may not be a temporary phenomenon. There are a number of other factors, such as increasing world market prices for different energy sources, taxes and impacts of environmental policies that may have a stronger influence on the absolute price level than the increase of competition.</p>
Paragraph 2.8: Public services: Concerning transport, it raises the need to improve urban transport and monitoring the social consequences of the new obligations which will	In line with the subsidiarity principle, decisions on the organisation of urban transport and on regional network coverage, as referred to in the text of the Opinion, are the responsibility of national,

<sup>3</sup> Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC - OJ L 176/37 of 15.7.2003.

<sup>4</sup> Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 96/92/EC - OJ L 176/57 of 15.7.2003.



<p>be imposed on transport by the energy-climate package.</p>	<p>regional and local governments. However, one of the conclusions of the debate that followed the adoption of the Commission's Green Paper on urban mobility (COM (2007) 551) is that the EU can add value in the field of urban mobility by supporting action at national, regional and local level. Therefore the Commission will launch a series of actions in the field of urban mobility in the years to come.</p>
<p>Paragraph 2.3.2 and 1.2.7: The EESC request to promote a master plan for a common industrial policy based on research into sustainable development and successful co-modality in the transport sector.</p>	<p>La politique européenne des transports terrestres vise à intégrer le marché intérieur, harmoniser les règles sociales et fiscales associés dans les limites de compétences de l'UE, et promouvoir le transport durable, notamment la co-modalité. Les crises actuelles énergétique, environnementale et économique ne font que renforcer la nécessité de réaliser les réformes nécessaires, en s'appuyant autant que possible sur le dialogue entre les partenaires sociaux y compris au niveau européen. En ce qui concerne les mesures concrètes pour y parvenir, la Commission renvoie le Comité au programme d'action du Livre blanc sur la politique européenne des transports.</p>
<p>Paragraph 2.3.1 and 2.5: It is pointed out that energy taxation in general and tax at the pump in particular should be reviewed at EU level in order to provide greater transparency and remove inequalities.</p>	<p>The European Commission is currently preparing a review of Directive 2003/96/EC on energy taxation.</p>
<p>Paragraph 2.6.1: Suggestion for a free system for granting European patents in the field of renewable energies and clean, economic transport.</p>	<p>A free system of granting patents is not sufficient to reduce lead times between discovery and marketing of innovations, the impact would be limited. To reduce lead times and encourage market take up the Commission supports research, development and demonstration activities and works on the early establishment of legislative frameworks, including standards. It also joins forces with Members States, industry and the European Investment Bank to develop incentive schemes.</p>

<p>Paragraph 2.13.2: the EESC suggests raising public and consumer awareness by carbon labelling of all consumer products</p>	<p>The Commission follows with interest the carbon labelling initiatives initiated by private businesses, in particular retailers. At this stage, it is too early to say whether there is a need for regulatory action at European level.</p>
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<p><b>27.</b></p>	<p><b>Beyond GDP – measurements for sustainable development</b>  <b>Own-initiative Opinion - EESC 1669/2008 – October 2008</b>  <b>Rapporteur : M SIEKER (Work./NL)</b>  <b>DG ENV - Mr DIMAS</b></p>	
<p><b>Main points of the EESC Opinion</b></p>		<p><b>Commission Position</b></p>
<p>1.1 GDP is an important indicator of economic growth, but as an instrument for guiding policy it is inadequate to meet the challenges of the 21st century. Doing this requires other, complementary indicators.</p>		<p>In its forthcoming Communication on "Beyond GDP" the Commission will detail its position on this issue.</p>
<p>1.4 There is an indicator for measuring sustainability and sustainability trends: namely the ecological footprint which despite its shortcomings is the best available overall indicator on sustainable environmental development.</p>		<p>The Commission agrees that the ecological footprint concept is a useful contribution to measuring environmental sustainability as it compares the actual consumption of natural resources with the available carrying capacity of the Earth. However, the Commission sees the need for additional indicators to cover the field of environmental sustainability comprehensively.</p>
<p>1.6 The challenge is to develop an indicator for social development that can measure the various dimensions of quality of life in a way that provides a realistic picture.</p>		<p>The Commission agrees that better information on the quality of life and well-being can be useful for policy making. The Commission is currently assessing the feasibility of such indicators.</p>

<p><b>28.</b></p>	<p><b>Meeting the challenges of the WEEE management in the EU Own-initiative opinion – EESC 1918/2008 – December 2008 Rapporteur: Ms GAUCI (Empl./MT) DG ENV - Mr DIMAS</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>	
<p>(1.1) The WEEE Directive has a simplification potential in order to reduce the administrative burden on the market forces.</p> <p>(4.4) -National producer registers should function in a more harmonised manner.</p> <p>- European network of national registers could be created in order to exchange information. Producers could register in a single Member State, reflecting the activities of that registrant in the entire EU.</p> <p>(1.3)Due to the fact that materials are more valuable now than 5-10 years ago, many WEEE items escape the established collection routes. The consequence is that some items are not properly treated. Hazardous, non-valuable pieces of discarded fridges, for example capacitors, are removed without being treated. Today, producers are held responsible for management of WEEE over which they have little or no control. All actors in the chain, including therefore scrap dealers, traders, should face the same responsibilities.</p> <p>(1.5)The review of the Directive should allow for a better interaction between provisions for the protection of human health and the environment on the one hand and rules that affect the smooth functioning of the Internal Market on the other. In particular, the producer definition should not lead to more barriers to the Internal Market. In addition, this will be more in conformity with recent European Court of Justice case law that requires the environmental protection not to run counter the principles of the Internal</p>	<p>The Commission's proposal COM(2008)810 recasting the WEEE Directive responds to this point. A new provision is added into the proposal whereby the registration of producers and reporting by producers would be harmonised in the EU including by making the national registers interoperable. This way producers can register in one Member State reflecting their activities in the whole EU. Potential for reduction of administrative burden of up to over 60 million € is expected from this measure.</p> <p>The Commission in its proposal COM(2008)810 considers the issue that currently only a fraction of the WEEE is collected and reported and treated in an appropriate manner (according to Annex II of the Directive 2002/96/EC). However a high percentage of WEEE is collected but "leaked" to substandard treatment or illegal exports. The Commission proposes to tackle this by setting a higher collection rate (65% by weight of the equipment sold in the foregoing two years on average). The collection rate proposed reflects the current estimated level of WEEE collection. Producers are made responsible to achieve the target, which aims to ensure that the waste collected will go through appropriate treatment and recycling and it is accounted for.</p> <p>In addition to tackle this, the Commission's proposal introduces measures to strengthen the enforcement of the WEEE Directive by setting minimum inspection requirements for Member States and minimum monitoring requirements for shipments of WEEE.</p> <p>The producer definition of the WEEE Directive according to the Commission's proposal is</p>	

<p>Market.</p> <p>(1.7) Finally, tackling the electrical and electronic waste stream in the EU in a cost-effective manner should help eradicate the shipment of this type of waste to third countries, where the environmental standards are lower and the risks for the manpower handling this waste are higher. The Directive should thus fulfil its social aim to protect the environment and reduce the impact of waste on human health. The implementation of treatment standards in third countries should be promoted.</p>	<p>unchanged in the sense that producers remain producers on the community level.</p> <p>In response to the illegal waste shipments the Commission's proposal aims to strengthen the enforcement on the shipment of e-waste by introducing minimum monitoring requirements for these shipments.</p> <p>In addition to this the Commission proposes a comitology decision to set criteria defining when the treatment in third countries takes place under condition equivalent to the WEEE Directive.</p>
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<p><b>30.</b></p>	<p><b>Pre-Commercial Procurement: Driving Innovation to Ensure Sustainable High Quality Public Services in Europe</b>  <b>COM (2007) 799 final – EESC 1658/2008 –October 2008</b>  <b>Rapporteur: M. van IERSEL (Empl./NL)</b>  <b>DG INFSO – Mrs REDING</b></p>	
<p><b>Main points of EESC opinion</b></p>	<p><b>Position of the Commission</b></p>	
<p>Point 4.3.5: The EESC recommends that the Commission and Member States consider promoting training and knowledge sharing on setting up Pre-Commercial Procurement projects in line with the legal framework.</p> <p>Point 1.7: The Commission should also encourage public Authorities to seek to benefit from each others' best practices.</p> <p>Point 1.11: A network of experienced and professional people and organisations in Member States should be established which can be called upon to reinforce a purchaser's own resources for the more advanced innovative projects.</p>	<p>The Commission will support actions to promote experience-sharing and awareness-raising and examine means to provide incentives for pre-commercial procurement projects implemented jointly by procurers across a number of Member States.</p> <p>The Commission has already opened calls for proposals (in INTERREG IV, in the CIP and in FP7 programmes) to support the establishment of networks of public authorities on pre-commercial procurement.</p>	

<p><b>31.</b></p>	<p><b>European Partnership for Researchers</b>  <b>COM (2008)317 final – EESC 1908/2008 – December 2008</b>  <b>Rapporteur: Mr SALVATORE (Work./ IT)</b>  <b>DG RTD – Mr POTOČNIK</b></p>	
<p><b>Main points of the EESC Opinion</b></p>		<p><b>Commission position</b></p>
<p>The European Economic and Social Committee is in full agreement with the Commission's communication, whose underlying principles highlight the strategic role of an effective European Research Area when regarding economic competitiveness and knowledge development.</p>		<p>Welcomes the support of EESC.</p>
<p>The EURAXESS information system, which posts EU research job vacancies and information about research funding opportunities on the internet, is a valuable tool. For the system to be properly implemented bodies that could benefit must be encouraged to use it effectively.</p>		<p>The Commission agrees. For a more merit driven European research system, open, competition-based recruitment would allow research institutions to recruit the best talents from all over the world. This is an essential part of the Partnership for Researchers.</p>
<p>From recruitment to the end of researchers' careers, merit should be based not only on the number and quality of publications, but also on scientific results. Consideration should be given to innovative capacity, particularly in the early phase, and, in keeping with allotted tasks, to organisational and management skills as careers advance.</p>		<p>The Commission agrees. Most researchers are still trained in a traditional academic setting, they often lack the skills, competences and experiences necessary to participate in a range of roles in the modern international knowledge society throughout their career. Career progression is currently not sufficiently based on valuating other skills and experiences than traditional academic qualifications and experience.</p>
<p>Mobility, understood as a period of time spent in another country or region or in another public or private research institute, or a change of discipline or sector, should be seen as making a precious contribution to researchers' professional development, and as such encouraged with financial/social security related incentives, and balanced with family needs.</p>		<p>The Commission agrees. Mobility experiences in this multiple definition are also to be valued by Member States and its research institutions as positive contributions to the free movement of knowledge.</p>
<p>The often precarious nature of research roles must be made a thing of the past. Measures aimed at ensuring contract continuity and promoting social security and entitlement to</p>		<p>The Commission agrees. The partnership is intended to address these issues within the current Community legal framework</p>

<p>various forms of social provision and their transfer, should researchers move, must therefore be strongly encouraged.</p>	
<p>The aim of making Europe a more attractive place to conduct research activities must be placed within an integrated framework of researcher support policies. This process must provide for the intelligent and harmonised participation of Member States, not based on voluntary involvement alone as is the case under the current legal framework.</p>	<p>Although the partnership provides a voluntary framework for Member States to progress together in a number of priority areas pertaining to the career development and mobility of researchers, the endorsement of the partnership's objectives and orientations by Council make that the Commission is confident of an overall high level of engagement by Member States.</p>
<p>Whereas research is the powerhouse of development, its links with industry are growing continually stronger. Research in industry and high-tech innovative companies must drive economic development forward. An integrated system linking research, innovation and industry should therefore be set up and maintained. Fruitful exchanges between professionals from the public and private sectors should therefore be encouraged. This exchange is often hindered by differing human resource management policies. The hope is that legislation in individual Member States and national employment agreements will soon succeed in narrowing the gap by means of specific measures (tax incentives, traineeships, mobility, Community programmes, etc.).</p>	<p>The Commission agrees.</p>
<p>Finally, the EESC welcomes the framework programme adopted by the Commission in COM(2008)317. The 2009 national action plan to be adopted by Member States should immediately, once the relevant stakeholders have been consulted, focus on the declared objectives in the light of the existing EU legal framework, current good practices, and also those that Member States have in common.</p>	<p>The Commission agrees. The partnership approach, in which Member States and the Commission, together with key stakeholders work together around common objectives and priorities, is essential to speed up progress for establishing a genuine single European labour market for researchers.</p>

<p>With the involvement of both sides of industry, the 2009 conference should be decisive in assessing the current situation and forming a common position on possible changes or improvements to be made.</p>	<p>The 2009 conference under the Czech Presidency should give a first opportunity for Member States to express themselves where they are heading under the partnerships objectives and should also provide a platform for researchers' and other stakeholders' views on the partnership. The Commission will endeavour that representatives of the EESC are invited to participate in this Presidency conference.</p>
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<p><b>32.</b></p>	<p><b>Faire progresser l'internet - IPv6</b>  <b>COM (2008) 313 Final – CESE 1909/2008 - Décembre 2008</b>  <b>Rapporteur: M. McDONOGH (Empl./IE)</b>  <b>DG INFSO - Mme REDING</b></p>	
	<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
	<p><b>Point 1.3:</b> La Commission devrait exercer vigoureusement une fonction de leader au niveau européen et apporter le soutien nécessaire pour le déploiement rapide d'IPv6 sur l'ensemble du territoire européen.</p>	<p>La Commission, avec la mise en place du plan d'action prévu par la Communication, jouera un rôle moteur de premier plan.</p>
	<p><b>Point 2.3:</b> La Commission devrait coopérer plus étroitement avec les organisations Internet pour garantir une démarche intégrée en vue de jouer auprès de l'industrie le rôle de leader au niveau européen dont elle a besoin pour assurer le déploiement rapide du protocole IPv6.</p>	<p>La Commission assurera la stimulation du déploiement de l'IPv6 en Europe en étroite coopération avec tous les organismes concernés. Une étude devant donner les indicateurs du déploiement de IPv6 est déjà mise en œuvre.</p>
	<p><b>Point 2.4:</b> Il convient de mettre à disposition, dans l'ensemble de l'Union européenne, des programmes de grande envergure dans le domaine de la formation et de l'éducation, afin de garantir une compréhension maximum de la technologie IPv6 et d'assurer aussi la capacité à adopter cette technologie avec succès.</p>	<p>La Communication relève l'importance du volet formation. Une étude va être lancée prochainement afin de mesurer les besoins qualitatifs et quantitatifs pour les formations dans le domaine IPv6.</p>
	<p><b>Point 2.5:</b> Il conviendrait d'utiliser le programme-cadre pour l'innovation et la compétitivité (PIC)<sup>5</sup> pour contribuer à couvrir les coûts que représente pour les petits fournisseurs</p>	<p>La Commission proposera l'inclusion d'un volet IPv6 dans le prochain plan de travail du programme cadre pour l'innovation et la</p>

<sup>5</sup> Décision n° 1639/2006/CE du Parlement européen et du Conseil, du 24 octobre 2006, établissant un programme-cadre pour l'innovation et la compétitivité (2007-2013).

<p>d'accès Internet (FAI) et les petits fournisseurs de contenu le coût de la transition d'IPv4 à IPv6.</p>	<p>compétitivité.</p>
<p><b>Point 2.7:</b> Pour corriger le déséquilibre qui existe entre les intérêts des actionnaires des entreprises de fournisseurs d'accès Internet (FAI) et les intérêts des citoyens, il conviendrait d'obliger les grands fournisseurs d'accès Internet à assumer le rôle de leaders au niveau de l'UE pour l'adoption du protocole IPv6 sur tout le territoire de l'Union. Le renouvellement des licences d'exploitation des FAI devrait être soumis à l'obligation d'offrir la connectivité IPv6 intégrale, sans restrictions, d'ici à 2010, ainsi qu'à l'obligation d'assurer une formation approfondie de leurs clients à la mise en œuvre du protocole IPv6.</p>	<p>La politique suivie pour les Télécommunications durant les 10 dernières années a été d'accroître la concurrence afin d'améliorer la qualité et de réduire les coûts pour les consommateurs. La possibilité de forcer les FAI et les opérateurs des télécommunications à adopter le protocole IPv6 irait à l'encontre de la politique actuellement suivi pour l'ouverture du marché télécom. Dans le plan d'action de la Communication IPv6, la Commission suggère l'utilisation des achats publics afin d'adresser ce problème.</p>
<p><b>Point 2.8:</b> Il faut que la Commission soit le moteur d'un effort mené de façon focalisée au niveau de l'UE, et au niveau mondial, en vue de répondre aux graves préoccupations concernant la sécurité et la protection de la vie privée que soulève l'adoption du protocole IPv6.</p>	<p>La Communication prévoit le suivi des problèmes de sécurité et de protection de la vie privée en étroite coopération avec ENISA (European Network and Information Security Agency).</p>

<p>34.</p>	<p><b>Addressing the challenge of energy efficiency through Information and Communication Technologies</b>  <b>COM (2008) 241 final – EESC 1913/2008 – December 2008</b>  <b>Rapporteur: Mr HERNÁNDEZ BATALLER (Var. Int./ES)</b>  <b>DG INFSO - Mrs REDING</b></p>	
<p><b>Main points of the CoR Opinion</b></p>		<p><b>Commission Position</b></p>
<p>1.3 [...] However, the Committee also believes it is important to introduce energy-saving throughout the process of manufacturing and using technological devices rather than focusing solely on energy-efficient consumption during the useful life of the device</p>		<p>One of the Public-Private-Partnerships launched by EU Recovery Package is "Factories of the Future". ICT is the key enabler for improved efficiency, adaptability and sustainability of the manufacturing system.</p>
<p>1.4 [...] The Committee nevertheless believes it is essential to promote measures aimed at encouraging energy efficiency in the medium and long term.</p>		<p>On the medium term, the Commission is using the CIP PSP programme to support a collection of pilot projects on energy efficiency in public buildings and in social housing. The last call is</p>



	<p>just now under evaluation.</p> <p>On the long term, the Commission is using FP7. The budget for research and development on energy-efficiency has been doubled.</p>
<p>1.7 The Commission can adopt a similar approach in other spheres – such as the electricity network (production and distribution), smart buildings and smart lighting. [...]</p>	<p>On the electricity network, the Commission has launched in FP7 a joint call for proposals between the Energy and the ICT themes with a budget of 20 m€ to address the issues pointed by the EESC.</p> <p>On smart buildings and smart lighting, the Commission has launched a Public-Private-Partnership in the context of the EU Recovery Package. 500 m€ will be spend in this area from 2010-2013. The first call will be published in July 2009.</p>
<p>1.8 [...] The Committee urges the Commission to take active measures to provide information to consumers, businesses, administrations, etc. based on awareness-raising campaigns using different media supports.</p>	<p>The Commission has launched a set of projects addressing the issue of providing information to end-users. An example is DEHEMS. See a short video produced by the BBC at <a href="http://news.bbc.co.uk/2/hi/uk_news/england/7632521.stm">http://news.bbc.co.uk/2/hi/uk_news/england/7632521.stm</a></p> <p>Referring to local administrations, the Commission, in cooperation with the Committee of the Regions, is launching a call for tenders to deliver a guide to show local and regional authorities how to best use ICT in their energy efficiency plans.</p>
<p>1.9 The Commission should also stimulate the development of standardised and reliable indicators for quantifying and evaluating the energy savings that can be made by using ICTs. [...]</p>	<p>The Commission is working with the ICT sector to define realistic targets. These will be the basis for a Recommendation the Commission is planning to adopt in September 2009.</p>
<p>1.10 [...] Community action in this domain based on adoption of a directive would give added value to measures by the Member States, without affecting the Commission's support for establishing codes of good practice at national</p>	<p>The Energy Efficiency Action plans that Member States have to deliver are the answer to this request.</p>

<p>level and conducting comparative studies on energy optimisation to provide an incentive within the EU and encourage businesses to draw up reports on energy saving.</p>	
<p>2.2.1 [...] The Commission should do more to encourage consumers and users to pursue the energy saving objectives through ICTs, so that systems are intelligent not only in terms of energy-saving but also in the way the general public uses them. There are different procedures for putting into practice such participation in research, development and innovation processes, such as the European living labs network whereby users' opinions, attitudes and practices can be made known directly by means of mechanical observation through ICTs.</p>	<p>The Commission supported project SAVE ENERGY started on March 2009 will build upon the Living Labs methodology to provide an engaging virtual environment for users, citizens and policy makers to gain awareness, understanding and experience associated with energy saving attitudes. It will have pilots in Lisbon, Manchester, Leiden, Luleå and Helsinki. See more details at <a href="http://www.ict4saveenergy.eu/about">http://www.ict4saveenergy.eu/about</a></p>
<p>2.3.2.2 [...] The Commission should help to ensure that firms which invest in reducing their "environmental footprint" are looked upon more favourably by consumers, as well as enjoying the cost reductions from energy saving. [...]</p>	<p>The Commission Recommendation to be adopted in September 2009 will include concrete targets to be achieved by the ICT sector's companies. It will also foster the definition of standard indicators to quantify the saving. Today data provided by the companies on environmental footprint is more "marketing" than "technical" and therefore not appropriate for being taken seriously by consumers.</p>

<p><b>35.</b></p>	<p><b>Proposal for a Directive of the European Parliament and of the Council on the coordination of procedures for the award of certain public works contracts, public supply contracts and public service contracts in the fields of defence and security</b>  <b>COM(2007) 766 final - EESC 1661/2008 – October 2008</b>  <b>Rapporteur: Mr OPRAN (Empl./RO)</b>  <b>DG MARKT– Mr McCREEVY</b></p>	
<p><b>Main Points of the EESC Opinion</b></p>		<p><b>Commission Position</b></p>
<p>The EESC notes with great satisfaction that stakeholders played an active role in the preparation of the proposal for this Directive.</p>		<p>The Commission notes the favourable opinion.</p>

<p>The EESC believes that the proposal ensures in an innovative manner compliance on the one hand with Article 296 of the Treaty (for defence) and Article 14 of the current procurement Directive (for security), and, on the other, the request of the Court of Justice to limit the exemption of defence contracts from Community rules to exceptional cases.</p>	<p>The Commission notes the favourable opinion.</p>
<p>The EESC suggests developing a new military list for the definition of the field of application of all Community directives, but recommends for the time being to continue to use the list of 1958.</p>	<p>In spite of its age, the list of 1958 is generic enough to cover also most recent technological developments in the field of defence. Moreover, the list only serves as a reference and allows Member States to interpret it in a flexible way, including by using the Common military list (which is updated every year). All this compensates for the age of the list of 1958 and takes the EESC concern into account.</p>
<p>The EESC is not convinced by the Commission's decision not to reproduce Article 14 of the current Procurement Directive 18/2004 (secret contracts) in the new Directive and instead to make direct reference to the relevant Treaty articles on public security (in particular Articles 30 and 296). This may lead to confusion with the contracting authorities on what is, and what is not considered appropriate.</p>	<p>The Directive as it was adopted by Council and Parliament includes two specific clauses for exclusions, which cover the cases which are dealt with in Article 14 of Directive 2004/18. The EESC concern is therefore duly taken into account.</p>
<p>According to the EESC, the new Directive is perfectly suited to the specificities of the procedures for the award of public contracts (for works, supply and services) in the fields of defence and security.</p>	<p>The Commission notes the favourable opinion.</p>
<p>The EESC considers the Commission's approach acceptable to avoid the principle of "buy European"/"European preference" or a "reciprocity" clause.</p>	<p>The Commission notes the favourable opinion.</p>

<p>The EESC believes that the new Directive represents a major step towards the establishment of the much-sought-after EDEM, because opening the internal market to defence products will improve the competitiveness of the EDEM, and introducing transparent and competitive procurement rules applicable throughout the Union will lead to a greater openness of defence markets between Member States to the benefit of all: armed forces, taxpayers and industries</p>	<p>The Commission notes the favourable opinion.</p>
<p>The EESC considers that, for statistical evaluation and correct benchmarking, the Commission should periodically present a Progress Report on the implementation progress of the Directive.</p>	<p>According to Article 45 (a) of the Directive, the Commission shall report after a certain period to Parliament and Council on the implementation of the Directive and its impact on the European defence market. The EESC concern is therefore duly taken into account.</p>

<p><b>36.</b></p>	<p><b>Directive of the European Parliament and of the Council amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims</b>  <b>COM(2008) 213 final - EESC 1907/2008 – December 2008</b>  <b>Rapporteur: Mr Burani (Empl//IT)</b>  <b>DG MARKT– Mr McCREEVY</b></p>	
<p><b>Main Points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>	
<p>The EESC recommends to clarify that the purpose of introducing a definition of "interoperable systems" is not to allow the legally momentous creation of a "super-system", but rather to enable the legal protection typically afforded to settlement finality to be extended to regulated transactions between systems.</p>	<p>It has never been the intention of the Commission to create "super-system". This is now spelled out clearly in the text of the Settlement Finality Directive. This point has been also important for the Council and the EP.</p>	
<p>The EESC expresses concern about accepting electronic money institutions as members of the payment system, because the supervisory rules are not the same, and observes that " policies geared to achieving a level playing field for competition should be subordinate to those – which take priority – primarily ensuring market</p>	<p>The concept of Electronic Money Institutions did not exist at the time of adoption of the SFD. To the extent that Electronic Money Institutions may participate directly in a payment system, they should enjoy the same protection as other participants.</p>	

<p>resilience, and consequently consumer protection (the end-investors)."</p>	
<p>The EESC recommends not to allow one system to become a participant in another, because a system, as defined by Directive 98/26, is an arrangement or set of rules, which has no legal personality but is recognised by its various participants.</p>	<p>The Commission has accepted this recommendation, which matched also comments made in the Council.</p>
<p>The EESC recommends the harmonisation of netting agreements.</p>	<p>The Commission believes that further study and consultation is needed to address the difficult issue of "netting" and intends to do so in the near future (NB: Article 7 Financial Collateral Directive already covers bilateral close-out netting)</p>
<p>The EESC welcomes the extension of Directive 2002/47 to bank loans (amendment to Article 1(4) (a)), since it permits greater availability of collateral and is therefore likely to improve market liquidity. However, the definition of "credit claims eligible for the collateralisation of central bank credit operations" gives rise to some doubt: the definition of "eligibility" leaves too much discretion to each central bank and leaves it unclear who is qualified and who is not.</p>	<p>This concern was also voiced in the Council and the Commission has agreed with the deletion of the words "or credit claims eligible for the collateralisation of central bank credit operations", as suggested by the EESC.</p>

<p><b>39.</b></p>	<p><b>The role of the EU in the Northern Ireland peace process</b>  <b>Own-initiative opinion - EESC 1686/2008 – October 2008</b>  <b>Rapporteur: Ms MORRICE (Var. Int./UK)</b>  <b>DG REGIO- Mr HÜBNER</b></p>	
	<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>2.3 Recommendation 1: The EU should retain its long term support for peace-building in Northern Ireland.</p>	<p>The EU commitment is a long-term one as indicated by the fact that it has been supporting economic and social development of all of the region's communities in a major way since it was accorded Objective 1 Status in 1989. The EU will continue to support investment, including under the IFI and the PEACE programme until 2013.</p>	

	<p>Further support will be decided by the member States in the context of the next financial perspective, although the IFI is terminating its activities. The interventions through IFI and PEACE have had a lasting effect and their impact will be felt for many years to come.</p>
<p>2.4 Recommendation 2: The European Commission Task force on Northern Ireland should continue to focus on guiding, facilitating and supporting creative and innovative ways for the region to develop outside of those which depend on PEACE funding, such as research, knowledge transfer, education and the facilitation of international networking on conflict resolution.</p>	<p>The Communication of the Commission concerning the Report of the Northern Ireland Task Force of April 2008 sets out concrete proposals for NI to become more involved in EU policies essential for the long-term health of its economy including in research and education. The NITF report also refers to the importance of sharing the experience of Northern Ireland in conflict resolution and asks the NI authorities to reflect on how to take this forward in practical terms. The Northern Ireland authorities are finalising an Action Plan to take forward the different suggestions and recommendations of the NITF report.</p>
<p>2.7 Recommendation 3: there should be sharing of key lessons among EU institutions, Member State authorities and in the international arena.</p>	<p>This is also a recommendation of the NITF report. Member States within the EU have shown an interest in the lessons learned under the PEACE programme in terms of promoting the development of divided communities including cross-border areas. Close cooperation with authorities in third countries has begun and is gaining momentum to share experience and best practices in this field, for example, in China, Russia and Brazil.</p> <p>The valuable experience gained in NI is also well-known in the European Parliament through the efforts of the region's MEPs while, in 2008, the Parliament adopted an own initiative report on Northern Ireland.</p>
<p>2.8 Recommendation 4: this [recommendation 3] could be facilitated by the establishment of a European institutional facility for Conflict Resolution in Northern Ireland, drawing on existing work in the area of conflict resolution both locally and</p>	<p>The NITF report refers to the interest in Northern Ireland in developing some form of European institutional facility for conflict resolution. The Commission is supportive of the idea of the creation of a conflict resolution centre and has called on the authorities to develop a concrete</p>

<p>internationally. The detail of this should be the subject of an EU-wide debate with social partners initiated by the EESC exploring how best to develop a conflict resolution facility with a European dimension.</p>	<p>proposal. In a second stage, it is envisaged that there will be further discussions between the authorities in the region and the Commission, and between the authorities and other actors, in order to examine ways of taking the matter forward.</p>
<p>2.9 Recommendation 5: the toolkit below should be adopted and further developed to help analyse conflict situations and inform the required EU intervention if, and as, appropriate. The toolkit draws together an array of instruments used by the EU that could serve as a reference point and a resource for work involving minority protection, equality, capacity building, cross-community and cross-border cooperation and socio-economic development in other areas within the EU, on its borders and in conflict zones beyond its territorial boundary.</p>	<p>The EESC is to be congratulated for this methodological approach, which calls for more coordination between EU policies regarding Northern Ireland. In fact, it was the need for more policy coordination which led the President of the Commission to establish the NITF under the authority of Commissioner Hübner, the first Task Force of its kind.</p> <p>The toolkit is a very useful reference point as the NITF suggestions and recommendations begin to be implemented, and for future actions under the different EU programmes in favour of Northern Ireland.</p>

<p><b>40.</b></p>	<p><b>Animal by-products</b>  <b>COM (2008) 345 final – EESC 1671/2008 – October 2008</b>  <b>Rapporteur: Mr NIELSEN (Var. Int./DK)</b>  <b>DG SANCO - Ms. VASSILIOU</b></p>	
<p><b>Main Points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>	
<p>3.2: In view of the growing demand for protein in fish feed, careful consideration should be given in any review of the TSE-regulation, to the possibility that under certain circumstances protein from pork and poultry by-products can be used in fish feed without risk to human and animal health.</p>	<p>The comment will be considered in the course of the future reflections on the TSE rules.</p>	

<p>4.1: Under the proposal, animal by-products and their derivatives can be disposed of through incineration, or can be used as fuel. The use of animal by-products as fuel is not considered as disposal of waste under the proposal, and should therefore be carried out in conditions that guarantee adequate protection for public and animal health and comply with the relevant ecological standards. In this context, a clearer distinction between the regulation on animal by-products on the one hand, and waste and environmental legislation on the other is needed, and the terms used in Article 3 of the regulation, as well as in the waste directive, need to be set out and defined more precisely to avoid potential problems with the way they are interpreted.</p>	<p>The proposal of the Commission has the objective to clarify the legal situation in the sense demanded by the EESC. Any clarifications within the rules on animal by-products have to respect environmental legislation, which is laid down in different legal acts, of which the (framework) Directive on waste has been recently revised.</p>
<p>4.2: Biogas plants, where animal by-products and their derivatives are converted into biogas in accordance with standard parameters, are subject to registration and traceability rules. However, under Article 7(1c) they are exempted from the approval requirements set out in Article 6(1b). When the implementing provisions are being drawn up, the requirements on self-regulatory controls, separation into "pure" and "impure" zones, documentation of receipt, treatment and movement of raw materials, should only be applied to biogas plants to the extent that is really necessary.</p>	<p>The possibility to take into account the comment in the implementing rules will depend on whether the legislators will grant the Commission the necessary legal powers. It is the objective of the Commission to impose only obligations which are strictly necessary for the protection of public and animal health.</p>
<p>4.3: Regarding the sanitisation of Category 3 material, the authorisation of other temperatures/processing times, as alternatives to the present 70 degrees/one hour requirement, should be made possible, and greater flexibility allowed in the way compliance is documented.</p>	<p>Other processing parameters may already be validated by the competent authority, following a modification introduced by way of Commission Regulation (EC) No 208/2006. The Commission will reflect on the documentation requirements and will take into account the growing demands for allowing for electronic documentation.</p>



<p>4.5: Under Article 7 (1a), approval is not required for certain activities when they are carried out by plants or establishments which have been approved for such activities under other legislation. However, in view of veterinary controls, it is still useful, for example for exporting establishments, to obtain approval under the regulation on by-products.</p>	<p>The objective of the Commission is to avoid unnecessary burden for operators and competent authorities.</p>
<p>4.6: From the point of view of resource preservation, by-products from animals approved prior to slaughter should be placed in Category 3 (for example, products that have fallen to the ground, chronic changes and similar), provided that these products have not been contaminated by Category 2 material.</p>	<p>The problem raised will need to be discussed with the legislators, since it might be due to different interpretations and practice throughout Member States with respect to the current rules.</p>
<p>4.7: A solution should be found to exclude blood products from the application of Article 25 (1c) in order to facilitate the use of these products as fertilisers.</p>	<p>The objective of the provision is to provide safeguards for the current feeding rules.</p>
<p>4.9: Livestock manure is defined, under Article 12, as a Category 2 material, and is therefore to be disposed of and used in accordance with the rules set out under Article 20. It should, however, be made clear that livestock manure which is used for energy purposes other than in biogas installations should not be treated as waste, but instead be incinerated in approved or registered incineration plants.</p>	<p>Article 2(2)(b) of the new Directive on waste, which has been published by now, is relevant in this context.</p>

<p>42.</p>	<p><b>Proposal for a Directive on the application of patients' rights in cross-border healthcare</b>  <b>COM (2008) 414 final – EESC 1927/2008 - December 2009</b>  <b>Rapporteur: Mr BOUIS (Var.Int./ FR)</b>  <b>DG SANCO - Ms VASSILIOU</b></p>
<p><b>Main Points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>Risks of widening differences in care among various groups in society and priority access to be given to those with the greatest needs or/and lowest level of social security (point 1.3)</p>	<p>The Commission notes this remark. The proposed Directive aims to provide all citizens with transparency on their right to receive cross-border healthcare and be reimbursed. It is a general framework and Member States may take any additional measure to ensure that this right can be used by all patients, irrespective of their revenue (e. g. direct assumption of costs of cross-border healthcare). The social security Regulation will however remain the main avenue for patients who need to receive healthcare in another MS because that healthcare is not available at home.</p>
<p>Obligations with regards to standardisation, certification and evaluation of material and human capacity, and organisation of healthcare to provide guarantees in terms of quality and safety (point 1.4)</p> <p>European policy to support healthcare facilities and training of health professionals (point 1.5)</p>	<p>The Commission notes this remark. As far as the need for a more elaborated policy (standardisation, etc), it recalls some measures are already in place such as the Directive on mutual recognition of qualifications (2005/36/EC). On the second point, one should note that 5 billion euros have been made available under the Structural funds for the period 2007 – 2013 to support investment in infrastructure and training in healthcare.</p>
<p>Make sure mechanisms are proportionate. Patient mobility should not be common practice. Do not neglect the need for quality care as close to patients as possible (point 1.6)</p>	<p>The Commission shares this opinion and will make sure that the proportionality principle is respected in the course of coming negotiations.</p>
<p>Recommends that each MS provide its own definition of hospital and non-hospital care (point 1.7)</p>	<p>The Commission considers that such a provision would not provide legal certainty and clarity to EU patients and would introduce inequalities of treatment between patients</p>

	across Europe.
Need for an effective information policy (point 1.9, 1.13 and 1.14)	The Commission shares this general objective (effective information policy), and the Directive contains provisions to that effect. The Commission will consider EESC recommendations in the course of coming negotiations,
Particular attention to ensuring continuity of care (point 1.15)  Non discrimination and European medical file and health booklet (point 1.8)	The Commission shares this general objective (appropriate continuity of care and non discrimination), and the Directive already contains provisions to that effect. The Commission will consider EESC recommendations in the course of coming negotiations.
Single information point  possibility to bring cases before courts in patients' place of residence  Recommends compulsory liability insurance system to all healthcare professionals (point 1.10)	The number and structure chosen for national contact points is a decision left to each of Member State. The second point is a complex issue which has to be analysed in the light of Rome Conventions. There is not one single solution for all cases. The last point is interesting but likely to create difficulties in Member States with a different regulatory regime.
Reimbursement systems must take into account the risk of inequality, legal disputes or other problems because of reimbursement times, lack of homogeneity of sickness insurance systems as well as of differences in therapeutic practices or medicine delivering  (points 1.11 and 1.12)	The Directive sets out a general framework that Member States will transpose and implement. Each Member State will set up its own reimbursement system, according to its own specificities, hopefully taking into account EESC recommendations.
European reference networks and e-health interoperability are complementary objectives  Exchange of expertise will lead to better quality to the benefit of all (point 1.16)	The Commission shares this opinion. The proposed provisions contribute to achieving these objectives.
Statistical data to evaluate application of Directive and indicators to assess systems and	The Commission notes these ideas. Data to be collected according to Article 18 should however be limited cross-border healthcare as

patients' needs  Evaluation to be submitted to EESC too. (point 1.17)	this is the scope of the proposed Directive.
Incorporating into national law principles of a European Charter of reciprocal rights and duties of the various actors in the sphere of Public Health (point 1.18)	The Commission notes this idea. This is however out of the scope of this proposal which focuses on patients crossing borders.
No conciliation between subsidiarity and need for modus operandi in cross border healthcare – risk of continuing legal difficulties (point 1.19)	The Commission notes the view of the Committee on this issue but considers that the proposed Directive represents a legal framework which would provide a balanced and effective response to the need of legal certainty for patients seeking cross-border healthcare.

43.	<p><b>Proposition de recommandation du Parlement européen et du Conseil établissant le système européen de crédits d'apprentissages pour l'enseignement et la formation professionnels (ECVET)</b>  <b>COM (2008) 180 – CESE 1678/2008 - Octobre 2008</b>  <b>Rapporteur : M<sup>me</sup> LE NOUAIL-MARLIÈRE (Trav./ FR)</b>  <b>DG EAC – M. FIGEL'</b></p>	
	<b>Points de l'avis du CESE estimés essentiels</b>	<b>Position de la Commission</b>
	<p>3.6 La Commission devrait prendre en compte sa propre Communication sur «un plan d'action sur l'éducation et la formation des adultes», qui permettrait d'inclure plus rapidement le plus grand nombre possible de personnes en tirant le curseur vers ceux qui en ont le plus besoin, publics non seulement vulnérables ou désavantagés, mais qui devraient être prioritaires pour des raisons sociales et humaines d'inclusion, de cohésion économique et territoriale.</p>	<p>La Commission accueille favorablement la suggestion du CESE qui porte sur les bénéficiaires du système ECVET. Cette suggestion est reprise dans le considérant 7:</p> <p>[...] This Recommendation therefore contributes to the wider objectives of promoting lifelong learning and increasing the employability, openness to mobility and social inclusion of workers and learners. [...]</p>
	<p>3.7 Les annexes 1 et 2 de la présente Recommandation, inspirées des recommandations du Cedefop sont des éléments importants pour la réussite du système ECVET,</p>	<p>La Commission accueille favorablement la suggestion du CESE qui porte sur la nécessité de renforcer la publicité sur le système ECVET et sa promotion. Cette suggestion est reprise dans les</p>

<p>elles concourent à la transparence et à la cohérence tout en fixant des principes pour un développement à tous les niveaux. Elles devraient faire l'objet d'une explication, d'un accompagnement et d'une publicité renforcée en vue de garantir la pérennité et la durabilité du système.</p>	<p>recommandations 1 et 4 aux Etats membres et dans l'intention n° 3 de la Commission:</p> <p>Recommandations aux Etats membres:</p> <ol style="list-style-type: none"><li>1. promote the European Credit system for Vocational Education and Training (hereinafter "ECVET") as set out in Annexes 1 and 2 at all levels of the EQF with reference to VET qualifications, [...];</li><li>4. ensure that stakeholders and individuals in the area of vocational education and training have access to information and guidance for using ECVET, whilst facilitating the exchange of information between the Member States. Furthermore, ensure that the application of ECVET to qualifications is properly publicised by the competent authorities</li></ol> <p>Intentions de la Commission:</p> <ol style="list-style-type: none"><li>3. promote, and participate together with the Member States in, a European ECVET network involving relevant vocational education and training stakeholders and national competent institutions for the purpose of disseminating and supporting ECVET within Member States and constituting a sustainable platform for the exchange of information and experience between Member States;</li></ol>
<p>3.11 Le système ECVET étant spécifiquement dédié à la formation professionnelle initiale et continue, à la reconnaissance et à la validation des acquisitions formelles (enseignement) et non formelles (expérience professionnelle), le Comité recommande que le système de certifications accorde une attention particulière à la formation tout au long de la vie et à la reconnaissance des acquis des travailleurs détachés.</p>	<p>La Commission accueille favorablement la suggestion du CESE qui porte sur les travailleurs qui devraient bénéficier du système ECVET. Cette suggestion est reprise dans le considérant 7:</p> <p>"It particularly facilitates the development of flexible and individualised pathways and also the recognition of those learning outcomes which are acquired through non-formal and informal learning."</p>

<p><b>44.</b></p>	<p><b>Proposition de recommandation du Parlement européen et du Conseil relative à l'établissement d'un cadre européen de référence pour l'assurance de la qualité dans l'enseignement et la formation professionnels</b>  <b>COM (2008) 179 final – CESE 1677/2008 - Octobre 2008</b>  <b>Rapporteur: Mme HERCZOG (Act. Div./HU)</b>  <b>DG EAC - M. FIGEL'</b></p>
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>1.3.1 Le Comité invite la Commission à continuer de se focaliser sur les utilisateurs finaux, les apprenants, les travailleurs et les institutions, qu'il s'agisse de fournisseurs d'EFP ou d'entreprises. Les groupes susceptibles d'être exclus du système éducatif et du marché de l'emploi (par exemple les jeunes en décrochage scolaire, les jeunes et les travailleurs âgés confrontés à des taux de chômage élevés, les personnes présentant des besoins spéciaux, les personnes issues de l'immigration, etc.) et la question de leur (ré)intégration dans la formation devraient bénéficier d'une attention particulière.</p>	<p>La Commission accueille favorablement la suggestion du CESE. La demande est reprise dans le texte tel qu'amendé et adopté finalement à travers les indicateurs:</p> <p>3 (taux de participation aux programmes d'EFP),  4 (taux d'achèvement des programmes d'EFP),  5 (taux de placement dans le cadre des programmes d'EFP),  6 (utilisation sur le lieu de travail des compétences acquises),  8 (prévalence de groupes vulnérables), de l'annexe 2.</p> <p>Ces indicateurs se focalisent tout particulièrement sur les utilisateurs finaux, notamment ceux appartenant aux groupes défavorisés.</p>
<p>1.5.1 Le Comité recommande à la Commission européenne d'étudier la manière (dans quels domaines, de quelle façon et avec quels instruments pratiques) dont ce réseau pourrait, en s'appuyant sur les Points de référence nationaux pour l'assurance qualité, favoriser et soutenir encore plus effectivement et efficacement la mise en œuvre du CERAQ dans les États membres, un processus que se poursuivra jusqu'en 2010 (voire au-delà?).</p>	<p>La Commission accueille favorablement la recommandation du CESE. Un groupe de travail est actuellement à l'œuvre au sein du réseau européen pour l'assurance de la qualité, lequel réfléchit à la mise en œuvre du CERAQ jusqu'en 2010, voire au-delà. La Commission participe à ce groupe de travail.</p> <p>Dans le cadre du nouvel appel d'offre pour le réseau européen qui sera lancé après 2010, l'étude sur la manière dont le réseau pourra favoriser et soutenir encore plus effectivement la mise en œuvre du CERAQ sera un des principaux sujets.</p>
<p>1.8.1 Le CESE lance un appel pour une participation plus active de la société civile organisée et rappelle à la Commission européenne la nécessité de coopérer</p>	<p>La Commission accueille favorablement la recommandation du CESE. Le texte final reprend l'implication des acteurs clés (donc aussi de la société civile si nécessaire), aussi au niveau</p>

<p>étroitement avec la société civile dans le domaine de l'assurance de la qualité de l'EFP, afin que le système devienne plus inclusif et puisse se baser sur les réseaux existants et les expériences positives. C'est le manque de dialogue et de coopération qui entrave aujourd'hui l'introduction réussie d'une telle culture de la qualité dans de nombreux pays.</p>	<p>national.</p>
<p>1.8.2 Le CESE estime que les partenaires sociaux devraient, en tant que principaux acteurs du marché du travail, avoir un rôle important à jouer dans la réalisation des quatre principaux objectifs dans le domaine de l'EFP (mobilité, accessibilité, attractivité et inclusion sociale), ainsi qu'un rôle central dans la définition et le contrôle de la qualité des systèmes d'enseignement et de formation professionnels, tant au niveau européen que national. [...]</p>	<p>La Commission accueille favorablement l'estimation du CESE. Le texte final prévoit l'implication des partenaires sociaux à plusieurs reprises dans le processus.</p>
<p>3.10 Le Comité invite la Commission à encourager et à soutenir l'application du CERAQ, ainsi que son amélioration constante au niveau européen et national. À cette fin, la Commission devrait à l'avenir trouver les moyens de financer les programmes concernés et également de sensibiliser ses partenaires qualité actuels ou à venir aux possibilités de financement existant à tous les niveaux. [...]</p>	<p>La Commission accueille favorablement cette suggestion qui vise encourager et soutenir l'application du CERAQ. La Commission a déjà inscrit le développement de la qualité et en particulier de l'utilisation du CERAQ, comme priorité dans le programme "Education et Formation tout au long de la vie" (Chapitre Leonardo Da Vinci). La sensibilisation est aussi prévue en particulier par l'organisation de plusieurs conférences dont une concerne l'aspect politique et une autre l'aspect opérationnel.</p>
<p>3.12 Le CESE recommande de diffuser l'information à grande échelle et d'améliorer la communication relative au CERAQ afin d'atteindre un maximum de participants et d'acteurs potentiels. Il serait également opportun d'élaborer une stratégie et un plan de communication afin de faire connaître et de souligner les avantages et les résultats escomptés de l'application du CERAQ à tous les niveaux, mais plus particulièrement à celui des prestataires (établissements) d'EFP. [...]</p>	<p>La Commission accueille favorablement la recommandation du CESE et a suivi sa suggestion. Dans le texte final, la sensibilisation est prévue en particulier au niveau national (cf. recommandations 1 et 4).</p> <p>Au niveau européen, il est prévu que la Commission soutienne les actions menées par les Etats membres dans ce domaine. A ce titre la Commission prévoit plusieurs conférences de sensibilisation.</p>

<p><b>48. Green Paper "Effective enforcement of judgments in the European Union: the transparency of debtors' assets"</b>  <b>COM (2008) 128 final – EESC 1906/2008 - December 2008</b>  <b>Rapporteur: Mr PEGADO LIZ (Var. Int./PT)</b>  <b>DG JLS - Mr BARROT</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<p>Measures put forward do not adequately address the problem and are disproportionate.</p>	<p>The Commission has not put forward particular proposals, but has asked for views on whether certain options might help in improving the practical recovery of cross-border debts.</p>
<p>Rather than a Community level register, a system to allow effective exchange of information between the Member States' authorities should be considered.</p> <p>Could use the Internal Market Information system.</p> <p>Debtors must be informed of results.</p>	<p>No international agreements dealing with the exchange of information between national enforcement authorities presently exists, although EU instruments on mutual assistance exist in the area of taxation.</p> <p>The Green Paper notes the possibility of using the IMI system.</p>
<p>Instead of a manual of national enforcement systems there should be a database of comparative law on enforcement procedures, in 27 languages and guaranteed updating.</p>	<p>Such a database could be useful to individuals looking for information. Due to the need of ensuring relevant resources and providing a responsible organisation, a thorough assessment would be needed if such a database would be feasible.</p>
<p>Rejects idea of central population register.</p>	<p>The Green Paper notes that the way population registers are operated is very different depending on the Member State, and access is also different. In addition, not all Member States have a central population register.</p> <p>The Commission is well aware that rules on data protection and privacy would have to be respected.</p>
<p>Rejects idea of granting increased access to social security or tax registers.</p>	<p>The Green Paper sets out clearly the problems related to this idea (data protection, fiscal secrecy) but notes that in those Member States that allow qualified bodies access to tax and social security records, the efficiency of enforcement proceedings has improved.</p>



<p>Against the idea of a European assets declaration and rejects the idea that failure to comply could lead to imprisonment.</p>	<p>The Green Paper notes the many different forms of debtor's declarations in the Member States, as well as the problem that the declaration must be given personally by the debtor.</p> <p>The Commission does not say, in the Green Paper, that failure to comply with the obligation to make a declaration could lead to imprisonment, suggesting rather that sanctions should be considered and that one option to consider would be fines and arrest.</p>
<p>Suggests:</p> <ul style="list-style-type: none"> <li>• access to register listing a debtor's shares in a company;</li> <li>• access to registers of consumer or mortgage credit;</li> <li>• a European-wide vehicle register;</li> <li>• register of pending enforcement proceedings;</li> <li>• access to land registries;</li> <li>• access to share investment registers.</li> </ul>	<p>Granting access to various registers of shares, mortgage credits, vehicles, land etc might be useful assuming the debtor owns shares, has a mortgage, owns a house or a car – which might not be the case.</p>

<p><b>49. Proposition de décision du Parlement européen et du Conseil modifiant la décision 2001/470/CE du Conseil relative à la création d'un réseau judiciaire européen en matière civile et commerciale COM (2008) 380 final - CESE 1909/2008 - Décembre 2008</b>  <b>Rapporteur Mme SÁNCHEZ</b>  <b>DG JLS – VP Jacques BARROT</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>1. Le CESE accueille favorablement la proposition de réforme, non seulement du fait des mesures améliorant le fonctionnement du réseau, mais également en raison des précisions terminologiques, qui permettent de l'utiliser avec une plus grande précision juridique</p>	<p>L'avis du CESE est globalement très favorable à la proposition de la Commission de modification de la décision 2001/470/CE relative à la création d'un réseau judiciaire européen en matière civile et commerciale. La Commission est pleinement satisfaite du contenu de cet avis.</p>
<p>1.2 L'amélioration de la coordination entre les autorités qui composent le réseau européen et les points de contact nationaux est essentielle pour l'implantation et le fonctionnement du réseau, ainsi que la simplification de l'information, grâce à l'utilisation des technologies appropriées</p>	<p>Le CESE a accueilli très favorablement la proposition de la Commission en partageant donc l'essentiel de la réforme concernant la coordination entre les membres du réseau.</p>

<p>1.3 La participation, des professionnels du droit, permettra de faire connaître les instruments juridiques appropriés pour la protection des droits et des devoirs des citoyens européens, dans leurs différentes activités tant professionnelles que civiles</p>	<p>Le CESE partage l'analyse de la Commission sur ce qui constitue un élément clé de la réforme, à savoir l'accès et l'association des professionnels du droit aux travaux du réseau.</p>
<p>3.2 Le CESE considère que les points de contact devraient servir de véritables bureaux d'information sur les lois et les procédures nationales applicables en cas de litiges transfrontaliers</p>	<p>La Commission partage l'opinion exprimée dans l'avis. En effet, dans l'avenir, une des nouvelles tâches des points de contact est précisément le devoir d'informer les autorités judiciaires nationales sur la loi étrangère applicable.</p>
<p>3.4.1 L'amendement à l'article 2 de la décision, se réfère à l'objectif du réseau en utilisant les termes de "coopération judiciaire civile et commerciale" et non plus les termes plus généraux employés précédemment "coopération civile et commerciale"</p>	<p>Le commentaire du CESE est tout à fait en ligne avec la motivation de la proposition de la Commission.</p>
<p>3.5 Le CESE considère que le réseau apporterait une valeur ajoutée s'il servait à informer le grand public sur la coopération judiciaire existante et les différents systèmes judiciaires. Cette extension viserait à rapprocher et à garantir aux citoyens les droits acquis dans leurs relations civiles et commerciales au sein de l'Union européenne.</p>	<p>L'information au grand public sera assurée dans le futur essentiellement par le biais du site Internet du réseau, qui impliquera donc une participation accrue des États membres.</p>
<p>4.2 Il convient de souligner que la position d'observateur du Danemark laisse une partie de l'espace commun européen sans coordination judiciaire bien que ce pays relève de la même législation communautaire. Le nouvel article 11 bis a néanmoins prévu la participation d'observateurs aux réunions du réseau ainsi que des nouveaux membres et des pays tiers parties à la Convention de Lugano qui pourront de cette manière participer à certaines réunions du réseau.</p>	<p>La position d'observateur du Danemark est une option de cet État membre depuis la décision fondatrice. Le nouveau statut d'observateurs aux réunions du réseau ainsi que des nouveaux membres et des pays tiers à la Convention de Lugano renforcera la participation aux travaux du réseau de la part de ceux qui ne sont que partiellement destinataires du droit communautaire ou du droit conventionnel existant en matière civile et commerciale. Le commentaire du CESE ne peut qu'être accueilli avec satisfaction.</p>
<p>4.3 Un point qui selon nous requiert une plus grande flexibilité est le court délai de réponse prévu pour les demandes de coopération judiciaire, bien que nous reconnaissons l'efficacité actuelle. Il faut prévoir qu'avec l'amélioration de l'information et un plus</p>	<p>La proposition de la Commission fixait un délai optimal de 10 jours pour les points de contact pour traiter les demandes de coopération judiciaire, et en toute hypothèse de 30 jours maximum. Le Parlement a</p>

grand nombre de pays l'utilisant, ce délai ne pourrait pas être respecté. Il y a lieu de considérer différentes situations entre les États et même les régions, sur les plans organisationnel et des moyens techniques	renforcé l'obligation prévue par la proposition de la Commission. Le délai est donc passé à 15 jours calendrier dans la résolution du Parlement européen datée du mois de décembre (ce dossier est passé en co-décision)
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## **PARTIE C: avis faisant l'objet d'un autre type de réponse**

### **a) Accord entre la Commission et le CESE**

<b>45.</b>	<b>Régime général d'accise</b> <b>COM(2008) 78 final - CESE 1681/2008 – Octobre 2008</b> <b>Rapporteur: M. BURANI (Empl./IT)</b> <b>DG TAXUD -</b>
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La Commission prend bonne note de l'avis favorable du CESE. La proposition a déjà été adoptée par le Conseil.

<b>46.</b>	<b>Lutte contre la fraude</b> <b>COM(2008) 147 final - CESE 1682/2008 – Octobre 2008</b> <b>Rapporteur: M. SALVATORE (Trav./ IT)</b> <b>DG TAXUD -</b>
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La Commission prend bonne note de l'avis favorable du CESE. La proposition a déjà été adoptée par le Conseil.

<b>50</b>	<b>Les relations Union européenne-B Brésil</b> <b>COM (2008) 1685 –CESE 1685/2008 - Octobre 2008</b> <b>Rapporteur: M. BARROS VALE (Empl./PT)</b> <b>DG RELEX - Mme FERRERO-WALDNER</b>	
	<b>Points de l'avis du CESE estimés essentiels</b>	<b>Position de la Commission</b>
	3.3.2 Economic and trade cooperation and the issue of land;	Avis favorable
	3.3.3 Cooperation in the education sector;	Avis favorable
	3.3.4 The participatory dimension and economic and social cohesion;	Avis favorable
	3.3.6 The environment, climate change and bio-fuels;	Avis favorable
	3.3.8 Migratory flows;	Avis favorable
	4. The EU-Brazil round table;	Avis favorable
	4.2.1 Economic and social issues;	Avis favorable
	4.2.4 Research and development and intellectual property.	Avis favorable