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by the European Commission

SUIVI ACCORDÉ PAR LA COMMISSION AUX AVIS DU
COMITÉ ÉCONOMIQUE ET SOCIAL EUROPÉEN
RENDUS AU COURS DU 4^{ème} TRIMESTRE 2009

(novembre et décembre 2009)

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PARTIE A: Avis exploratoires

<p>2. The post-2010 Lisbon Strategy Exploratory opinion asked by ES Presidency - EESC 1722/2009 – November 2009 Rapporteur: Mr GREIF (Work./AT) SG - President BARROSO</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
	<p>The Commission thanks the EESC for submitting its comprehensive opinion as a response to the recent public consultation on the successor to the Lisbon Strategy. The Commission received numerous responses to the public consultation on Europe 2020.</p>
<p>The Lisbon Strategy for growth and jobs was successful in taking an integrated policy approach to the main challenges facing the EU, particularly following the 2005 re-launch of the Strategy, but nevertheless showed certain shortcomings.</p>	<p>The Commission agrees with the EESC's view that the Lisbon Strategy broke new ground by promoting common actions to address the EU's key long-term challenges. The Commission recently published its own analysis of the Lisbon Strategy's successes and failures, and considers that the recent global economic and financial crisis has also contributed to the Lisbon Strategy's failure to achieve its goals. The historically low rate of structural unemployment in the EU prior to the crisis is an indicator of Lisbon's success. The Commission considers that while the Europe 2020 Strategy retains the strengths of the Lisbon Strategy, it also addresses the Lisbon Strategy's weaknesses, particularly in terms of governance arrangements.</p>
<p>The EU is currently facing a number of major challenges such as rising unemployment triggered by the global economic and financial crisis, an ageing population, and climate change.</p>	<p>The Commission agrees with the EESC's assessment of the major challenges facing the EU. The Europe 2020 Strategy therefore builds on the vision set out in President Barroso's recent Political Guidelines and outlines the EU's response</p>

	to these long-term challenges through a focussed structural reform agenda.
The successor to the Lisbon Strategy should tackle the EU's major challenges: closing the implementation gap; generating ownership across the EU; and aligning more closely with other major EU-level initiatives.	The Commission agrees that a significant delivery gap opened up under the Lisbon Strategy, and that the Strategy failed to generate sufficient ownership on several levels. The Commission also agrees that synergies with other major EU-level strategies such as the Sustainable Development Strategy could have been better exploited. The Europe 2020 Strategy seeks to address these shortcomings, most notably by aligning the Europe 2020 Strategy's governance instruments closely with the objectives of the Stability and Growth Pact.
The successor to the Lisbon Strategy must focus on the right framework conditions for economic growth.	The Commission agrees, and considers that sound economic fundamentals are essential for both ensuring fiscal sustainability and as a foundation for sustainable growth. The Commission therefore considers that the objectives of the Europe 2020 Strategy and the aims of the Stability and Growth Pact are mutually reinforcing, and that a structural reform agenda should go hand in hand with Member States' efforts to consolidate their public finances, ensuring smart, sustainable and fair growth..

<p>The Commission's new strategy should focus on the internal market, employment and social cohesion.</p>	<p>The internal market provides major benefits for European consumers and businesses, and as such lies at the heart of the new Europe 2020 Strategy. Labour market reforms introduced under the Lisbon Strategy made good progress in generating employment outcomes until the economic and financial crisis struck. Employment and social cohesion are essential elements of a prosperous society, and are therefore a major focus of the new Strategy.</p>
<p>Flexicurity must provide effective security in changing circumstances.</p>	<p>The Commission welcomes the emphasis which the EESC places on the Flexicurity concept, and considers that skills acquisition and lifelong learning should also play a major role in creating an inclusive society.</p>
<p>Promote industrial policy and entrepreneurship and create appropriate conditions for SMEs. Special emphasis should be placed on further developing European industrial policy, not least in the direction of "green technologies", nanotechnology and ICT.</p>	<p>A dynamic and innovative SME sector drives a competitive economy. Greening European industry is a central focus of the Europe 2020 Strategy, which also recognises the major contribution of industrial policy to sustainable economic growth. The Strategy also strives for a better connected EU, and proposes the roll-out of high-speed broadband networks.</p>
<p>The knowledge triangle (education, research, innovation) should be further promoted.</p>	<p>The Commission considers that the "knowledge triangle" and links to the business community should form a key focus for the EU innovation policies. It is also crucial for the Member States to put in place framework conditions which incentivise and facilitate the innovative process (such as effective competition regimes, reducing administrative burdens, etc.).</p>

<p>Well-educated workers are an essential element of a prosperous economy.</p>	<p>The Commission agrees and considers that Member States' education policies can be better harnessed to ensure that the EU's pool of human capital provides a genuine competitive advantage. Education therefore is a focus of the new Europe 2020 Strategy.</p>
<p>The EU Budget should be aligned more closely with economic reform priorities, while alternatives to EU funding should also be examined.</p>	<p>The Commission notes the successful earmarking of Structural and Cohesion Funds in support of structural reforms under the Lisbon Strategy, but agrees with the EESC that further alignment with the EU Budget is necessary.</p>
<p>The EESC proposes that the current Lisbon target of 3% GDP spent on research and development should be increased to 3.5%, and where appropriate, supplemented with a more broadly-based target for investment in innovation.</p>	<p>The Commission notes with interest the EESC's proposal to maintain and even increase the existing Lisbon Strategy targets, including a proposed increase in the level of R&D spending to 3.5% of EU GDP. The Commission notes that Member States' progress has been disappointing in this area, with current average spending across the EU at a level of 1.9% GDP, and therefore also draws the EESC's attention to ongoing work to develop a supplementary innovation indicator.</p>
	<p>The Commission's proposal for Europe 2020 seeks to strike a balance between ambition and realism, so that the targets agreed by the European Council can in practice act as a catalyst for Member States' policies.</p>

<p>Governance of the new Strategy should be reinforced by, <i>inter alia</i>, boosting the role of the European institutions, making the Open Method of Coordination more effective in Member States; monitoring progress towards reform goals via Member States' economic and social councils; enhancing the role of civil society and boosting the regional dimension.</p>	<p>The Commission broadly agrees with the EESC's suggestions in terms of governance arrangements for the new Strategy, and supports the view that the Strategy must reflect Member States' circumstances. A more intensive surveillance system will include both country-specific and thematic approaches.</p> <p>The involvement of regional and local actors, as well as civil society, will be crucial in order to generate ownership for the new Strategy, and the Commission therefore takes note of the EESC's constructive suggestions for ensuring greater stakeholder involvement.</p>
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<p>5. Perspectives pour la stratégie de développement durable Exploratory Opinion – EESC 1706/2009 - November 2009 Rapporteur: Mr EHNMARK (Work/SE) SG - President BARROSO</p>	
<p>General introductory remark: The Commission welcomes the exploratory opinion of the EESC, which provides valuable input for future reflection on the Sustainable Development Strategy of the EU. The Strategy foresees that at the latest by 2011, the European Council will decide when a comprehensive review of the EU SDS needs to be launched.</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.2. The EESC endorses the Commission's suggestion that in the next period the strategy should prioritise action on four main themes – the low carbon economy, protecting biodiversity, water and other natural resources, promoting social inclusion and strengthening the international dimension of sustainable development. The Committee regrets however that the Commission has not developed further its analysis and made specific proposals for targets, timetables and actions in these areas.</p>	<p>The Commission welcomes the EESC's support on the suggested four priorities. It notes that the promotion of a low carbon economy and social inclusion are included in the themes set out in the Commission's recent Europe 2020 Strategy (COM (2010) 2020).</p>

<p>1.3 It is clear that, despite one or two moves in the right direction, the EU sustainable development strategy (EU SDS) is, in its current form, failing to meet its targets.</p>	<p>The Commission notes that the EU has made positive progress in many policy areas. As the recent 2009 monitoring report on sustainable development of Eurostat shows there are both positive and negative developments in the different fields covered by the Strategy. It is clear that in spite of the progress made several unsustainable trends prevail and the EU needs to intensify its efforts.</p>
<p>1.4. To be effective, the EU SDS needs an entirely new structure of governance, including an adequate level of staffing and finance, and appropriate mechanisms for verifying implementation of the strategy.</p>	<p>The Commission takes note of the EESC's position. The Commission is of the view that overlapping processes in monitoring and implementation and a heavy administrative process should be avoided. Regarding governance, the Commission also notes the December European Council conclusions which recommend that governance, including implementation, monitoring and follow-up mechanisms should be reinforced for example through clearer links to the Europe 2020 Strategy and other cross-cutting strategies.</p>
<p>1.5. The EESC would also like to see better coordination within the Commission, possibly supported by a commissioner with responsibility for coordination. The Committee also recommends the establishment of a high level independent Committee charged with monitoring the progress of sustainable development on a regular basis and making public recommendations to the institutions.</p>	<p>The Commission notes that possible new structures should have a clear added value. Duplication in work ongoing in other fora should be avoided.</p>
<p>1.6 The Committee urges the Council and the Commission to make the EU SDS a meta-strategy for all EU policies. All other EU strategies with shorter timeframes must feed into the targets of any future EU SDS. Many policies adopted today will have repercussions for decades to come. Measures effective in the short term must not compromise the</p>	<p>The Commission takes note of the EESC's suggestion to make the EU SDS a meta-strategy for all policies but also notes the possible tension between the range of the strategy and its focus (meta-strategy v. a more focused strategy). In this context, the Commission refers to the EESC's point regarding problems caused by the current</p>

<p>development opportunities of future generations.</p>	<p>large number of priorities (5.2.) and to the EESC's support on the suggested four priority areas (1.2).</p> <p>The Commission agrees with the aim of making short term measures compatible with our long term objectives.</p>
<p>1.7. In this opinion, the EESC identifies a need for better coordination between the Lisbon strategy and the strategy for sustainable development. In drawing up the new Lisbon or 2020 Strategy the Commission should be requested to demonstrate explicitly how the actions to be proposed in that strategy will support the long term transition to a more sustainable pattern of development.</p>	<p>The Commission agrees with the objective of making greater synergies between the cross-cutting strategies.</p> <p>The principle of sustainable development therefore at the heart of the new Europe 2020 strategy, and continues to inform other Commission policy agendas.</p>
<p>1.9. Sustainable development calls for commitment and work at grassroots level. Building such commitment calls for active cooperation from all the social partners, and from all civil society organisations.</p> <p>Also points 5.8.-5.10: involvement of voluntary organisations, local and regional government and businesses.</p>	<p>The Commission fully agrees that the commitment of all actors, EU institutions, national, regional and local authorities, business, trade unions and civil society, is needed. All actors need to pull their weight for a prosperous, socially advanced, secure and sustainable EU.</p>
<p>1.10. Explicit responsibility must be assumed by policymakers to ensure that the strategy for sustainable development is implemented. This applies at European, national and local level, with the European Parliament also playing a definite role. The Committee recommends the establishment of machinery for stocktaking by the Commission of national progress against agreed indicators, followed by country specific guidance on key issues requiring attention. This could be modelled on the mechanism successfully established for monitoring progress on the Lisbon agenda.</p>	<p>As said in point 1.9, the Commission agrees with the need of committing all actors. It also notes that overlapping processes in monitoring and implementing different cross-cutting strategies of the EU should be avoided.</p>

<p>1.11. The EESC regrets the Commission's failure to consult the EESC and other organisations on the report before formulating its proposals, whereas the text adopted by the Council calls for just such consultation. It would have been particularly important to ascertain the views of civil society organisations. The Committee has strengthened its own integrating capacity on sustainable development issues by the establishment of its Sustainable Development Observatory three years ago, and this body has in turn established regular consultation with national Sustainable Development Councils. The Committee recommends that this machinery should be used more systematically to ensure a creative civil society input to updating and monitoring progress on sustainable development in Europe.</p>	<p>The Commission takes note of the EESC position. It points out that the communication COM(2009) 400 is a progress report as required by the Strategy. Apart from reporting on EU policy progress, the communication launched a reflection on the future and invited comments from stakeholders and interested organisations. The EESC opinion provides valuable input for reflection.</p>
<p>5.2. One of the many problems with the strategy in its current form is the large number of priorities: seven key challenges and four cross-cutting themes. Probably if the strategy had clearer priorities it would have more impact. The EU's sustainable development strategy also needs clear and quantifiable targets if it is to have greater impact.</p>	<p>The Commission takes note of the EESC's position. It agrees that the priorities and targets have to be reconsidered in the next review of the Strategy.</p>
<p>5.6. The EU's sustainable development strategy must tackle the problem of harmful subsidies. The EESC urges the Commission to finally submit its roadmap for the reform of harmful subsidies, which has been overdue since 2008.</p>	<p>The Commission takes note of the EESC's suggestion. The Commission notes that it has been mainstreaming the review of environmentally harmful subsidies into its different sectoral policies, for example through the reform of the fisheries policy and as part of the CAP health check. The Commission will continue to gradually mainstream the review of environmentally harmful subsidies into the sectoral policies.</p>

<p>13. Social Inclusion Exploratory Opinion asked by Pcy SU - EESC 1711/2009 – November 2009 Rapporteur: Mrs KING (Empl./UK) DG EMPL – Mr ANDOR</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>General approach</p> <p>In the context of the current economic crisis, this exploratory report was drafted upon request from the Swedish Presidency. It does not relate to a specific proposal from the European Commission, but should be seen in the perspective of a wider set of initiatives.</p> <p>Reflecting the Swedish Presidency’s priorities, the opinion focuses in particular on the link between social inclusion and labour market integration. Its focus is thus narrower than suggested by the title, and than the Commission's approach to "social inclusion".</p>	
<p>Labour market and active inclusion</p> <p>The report recommends putting stronger focus on those furthest from the labour market, stepping up efforts in the implementation of the Common Principles on Active Inclusion (1.5.), and using the Open Method of Coordination to identify best practices in transitions from education/household activities to employment, and tackling structural obstacles to labour market integration.</p>	<p>The Commission welcomes the acknowledgement of the active inclusion approach that combines and balances three key aspects: access to adequate income – including for those for whom work is not an option, quality services – such as childcare, housing services for example - and inclusive labour markets.</p>
<p>Crisis' impact on social protection</p> <p>Noting “that social services and protection are highly dependent on public financing which a number Member States are aiming to reduce due to the current crisis”, the report “rejects steps that would jeopardise solidarity, which underpins social protection and serves Europe so well”. It recommends “Measures (...) that afford protection and at the same time support the transition to work and job retention” (1.7.).</p>	<p>The EU2009 Joint Report on Social Protection and Social Inclusion stressed the need to maintain and strengthen mutual interaction between growth and jobs on the one hand, social protection and social policies on the other.</p> <p>"The EU can build on the values of solidarity that underpin its social policies and on progress in structural reforms to cushion the impact of the economic crisis and help recovery. (...) In order to address</p>

	<p>the negative impact on employment and social cohesion, long-term reforms need to be sustained while balanced with short-term measures aimed at preventing job losses and sustaining household incomes."</p> <p>It also stressed that "The severe nature of the recession entails a need for closer monitoring of social impacts".</p>
<p>Governance: The report agrees “with the Commission on the importance of coordination and cooperation at national and local level, including the public authorities, social partners and civil society, and not only in the area of employment but also in the area of housing, health and territorial inclusion” (1.9).</p>	<p>In line with Social OMC's objective and governance.</p>
<p>Lifelong learning: Noting that “the less educated have the least access to LLL” (lifelong learning), the report recommends effective entitlement and access for all citizens (1.8).</p>	<p>The Commission fully shares this analysis, and agrees on the urgent need to improve access to quality education and training in particular for citizens with low educational attainment.</p>
<p>Early retirement: The report questions the Commission's insistence on the need to avoid using early retirement as a route to mitigate the difficult situation on the labour market (4.3.1.1).</p>	<p>This goes against the Commission's position as expressed in the September 2009 communication “A shared commitment to employment”, but also the priority of the Social OMC on promoting longer working lives as an essential element in pursuing pension systems which are both socially adequate and financially sustainable.</p>

<p>17. Towards an Eco-efficient Economy - Transforming the economic crisis into an opportunity to pave the way for a new energy era Exploratory Opinion asked by SU Presidency - EESC 1700/2009 – November 2009 Rapporteur : Mr OSBORN (Var. Int./UK) DG ENER – Mr OETTINGER</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Paragraph 1.5: The Committee suggests</p>	<p>The Commission launched the Green Cars</p>

<p>that an initiative 'towards the electric car should be launched</p>	<p>Initiative in November 2008 as a central part of the economic recovery package. The initiative focuses on five main areas of research: electric and hybrid vehicles, hydrogen fuel cells, biofuels, improvements in the internal combustion engine and logistics. Funds provided under this initiative will come from the EU's seventh research framework programme and loans from the European Investment Bank.</p>
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<p>Paragraph 1.6. The EESC makes suggestions for building powerful public private sector partnerships to shape and guide these transformations and engage the widest possible support from business, other relevant institutions and the public. It also proposes the introduction of a new form of green euro bond to provide additional finance to support some of these changes.</p>	<p>The Commission will study the possible ways for financing renewable energy in its forthcoming communication on such matter.</p>
<p>Paragraph 2.10 and para 3.6: the Committee suggests fundamental step changes in the approach to i.a. the construction of zero net emission buildings and to come to large-scale deployment of such buildings (housing + other buildings).</p>	<p>The Commission agrees with the EESC on the importance of the extensive deployment of 'near zero energy buildings' for paving the way to an energy efficient economy. In this respect, it is worth noting that the recast of the Directive 2002/91/EC on the energy performance of buildings - agreed upon in November 2009 - stipulates that, by 1 January 2019, each new public building should be a 'near zero energy building' and that, by 1 January 2021, every new residential building should be a 'near zero energy building'. The definition of this legal obligation is a major step forward. Between now and 2019 and 2021 ,respectively, the Commission will take actions that will be conducive to achieving these goals: projects such as 'Concerto' and further projects under the Intelligent Energy-Europe programme are already being executed and developed. Supporting targeted financial measures will also be further developed: major financial sources are the Cohesion policy Funds, the Research Framework programme and the Financial Perspectives 2014-2021 amongst other.</p>
<p>Paragraph 3.7 Some regional and local authorities in Europe are in the forefront of embedding the drive for eco-efficiency in all their activities. But many are not. There could be scope for a twofold European initiative on the one hand to highlight best</p>	<p>The Commission agrees with the EESC that the integration of energy sustainability into the relevant local governance areas is a key vector for low-carbon economic development. The Covenant of Mayors, with more than 1200 local authorities</p>

<p>practice and to incentivise others to follow; and on the other hand to promote systematisation and harmonisation of the requirements placed on such bodies to achieve eco-efficiency standards.</p>	<p>signing the commitment to curb their CO2 emissions by at least 20% by 2020, provides a platform for highlighting the best practises and a methodological and monitoring framework.</p> <p>Further initiatives like Managenergy provide a significant number of case studies, widely accessible by any interested party. The Intelligent Energy Europe programme offers co-funding opportunities to finance capacity building and networking events to local and regional authorities.</p>
<p>Paragraph 3.9. Support for education, awareness raising, and communal action needs to be extended. Labelling of goods and products to display information about energy performance needs to be extended and improved.</p>	<p>The Commission shares the view of the EESC that raising awareness plays an important role in informing consumers and citizen. The Commission makes use of EU instruments such as the Intelligent Energy-Europe Programme (IEE) to financially contribute to initiatives that raise awareness (i) through education (ii) on the benefits of energy labelling and (iii) monitor market evolution and the technical development by identifying the best performing models in the various product groups and making the information available to consumer organisations, industry and environmental NGOs with the view of dissemination of such information to consumers.</p> <p>In addition, the Managenergy initiative offers a dedicated instrument for education ('Kids corner', targeting both the teachers and pupils, with further extension towards vocational training) and a specific IEE priority on vocational training is under consideration.</p> <p>Finally, the Energy Labelling Directive 1992/75/EEC is being amended with the view to extend its scope beyond domestic appliances. Once adopted the recast</p>

	<p>Directive will provide for compulsory display of the energy efficiency class of the specific model in any advertisement (including distance selling) that contains the price or any energy-related information.</p>
<p><i>Paragraph 4.3.4 In particular higher taxation on (fossil fuel) energy should be preferred to taxation on labour in the present climate, though with appropriate safeguards to protect the position of the poorest and most vulnerable. The Commission might launch a new study with Member States to encourage concerted action to shift fiscal strategies in this direction.</i></p>	<p>The Commission may launch revised proposals on taxation later in 2010.</p>
<p>Paragraph 5.2: the Committee urges the Commission and the Presidencies to make rapid progress on recasting the Directive 2002/91/EC on the energy performance of buildings (EPBD)</p>	<p>Political agreement on the technical substance of the recast of the Directive 2002/91/EC was reached in November (2009). The Commission and the Council will now proceed quickly with their work to finalise the legal text of the recast Directive.</p>
<p>Paragraph 5.3: the Committee favours vigorous follow-up by the Commission and other institutions to the National Energy Efficiency Action Plans.</p>	<p>The Commission's in-depth analysis of the 1st Action Plans was published in summer 2009 (2009(SEC) 889/2009). Since then, further action is being undertaken i.a. the Concerted Action (which aims to foster exchange of information between Member States on the implementation of measures), and in committee meetings in the framework of the Energy Services Directive(2006/32/EC) where Member States report on their activities (e.g. the implementation of voluntary agreements). Furthermore, the Commission is in close contact with the Member States on the preparation of the 2nd Action Plans, due in 2011.</p>

	<p>A common template is under development and the scope of the Action Plans will be broadened: primary and final energy savings will be covered, and reports on the energy performance of buildings and on co-generation will be called for.</p>
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<p>19. Communication from the Commission: A sustainable future for transport: Towards an integrated, technology-led and user friendly system. Starting points for European transport policy after 2010. Exploratory opinion asked by SU Presidency - COM(2009) 279 final – EESC 1950/2009 – December 2009 Rapporteur: Mr RIBBE (Var Int./DE) DG MOVE – Mr KALLAS</p>	
Main points of the EESC Opinion	Commission position
<p>Paragraph 1.2 The EESC points out that [...] many social issues in the transport field also remain unresolved. These include [...] the availability of, and access to, public transport for those with disabilities, the young and the elderly. Another issue is the freedom of choice of transport users who either cannot afford or do not wish to have their own car.</p>	<p>Accessibility, as laid in the Communication, is a wide concept encompassing the availability of transport alternatives for all categories of citizens including people with reduced mobility which should be provided, as the Communication states, with comfortable transport solutions.</p>
<p>Paragraph 1.3 The Committee supports the goals set out in the Commission document, but does not accept that the instruments described can alone usher in the fundamental turnaround needed.</p> <p>Paragraph 3.1 [...] Nevertheless, we still do not have a recognisable vision with specific goals and instruments to curb and reduce car use in particular. These should be set out by the Commission in a detailed action plan and should include quantified goals.</p> <p>Paragraph 3.4 The EESC is keen to stress that the transport policy of the future must be much more than "merely" the improved solution – from the sustainable development</p>	<p>The report agrees with many of the goals put forward in the Communication such as those concerning the need to make better use of existing infrastructures and to develop an integrated and intelligent transport system based on co-modality and on the deployment of innovative ideas and technologies. The opinion states that "People want and need to be mobile" because mobility allows people to have access to their personal freedoms.</p> <p>However, in several parts of the EESC's opinion, criticism is made that the Communication lacks concreteness.</p> <p>It should be noted, however, that the 17</p>

<p>angle – of present or expected transport flows. While the Commission makes some sound comments about this in its communication, they are nevertheless too vague and intangible. In fact, this is the fatal flaw in these considerations.</p> <p>Paragraph 3.5 The Commission makes it clear that the present system must be radically changed. Thus point 53 states: "The transport system will experience substantial changes", point 70 speaks of the need for a "substantial overhaul of the transport system", and paragraph 37 refers to a "different concept of mobility". However, the EESC would like to see more tangible explanations of what exactly is meant by this.</p> <p>Paragraph 3.7 This is why the EESC would like this exploratory opinion to raise some fundamental issues which it feels are not adequately addressed in the Commission document. It would like to see the Commission take up these points and go into them in greater depth as it pursues its deliberations.</p> <p>Paragraph 4.6 [...] However, what is missing here, in the EESC's view, is any discussion of what conclusions should be drawn in terms of policy.</p>	<p>June Communication is a part of a wider process which includes</p> <ol style="list-style-type: none">1. The identification of trends and challenges for the transport sector2. The setting of long term objectives3. The adoption of concrete policy measures <p>While the Communication is meant to tackle point 1 above, long term orientations (point 2) will be set by the new Transport White Paper, which will guide the Commission in the design of concrete policy measures (point 3) over the next decade with the objective of achieving a sustainable and decarbonised transport system.</p>
<p>Paragraph 1.4 Many of these goals are far from new and the Commission has been promoting some of them for many years. The problem is that they have not been implemented: the internalisation of external costs and calls for a change in urban transport policy are just two examples.</p>	<p>For subsidiarity reasons, the Commission can not directly intervene on issues that, albeit spanning over the whole of the European Union are, in conformity with the Treaty, the sole competence of the Member States such as territorial development or urban planning.</p> <p>Within the margins left by subsidiarity, urban transport has been addressed in the 2009 action plan, while a proposed methodology for the internalisation of external costs in transport forms part of the</p>

	2008 Greening of Transport package.
<p>Paragraph 1.6 The Committee thinks it is imperative to have a debate on which political and planning decisions give rise to transport or indeed how transport can be avoided. It calls on the Commission to devote far greater attention to these issues when it puts forward a new white paper or new policy guidelines.</p>	<p>The necessary attention will be given to measures contributing to the rationalisation of transport, including its avoidance with respect to the principles of subsidiarity and within the framework of the market economy.</p>
<p>Paragraph 4.6 The EESC expressly welcomes the Commission's very candid approach to a number of questions. In point 59, the Commission writes: "Many public services have been progressively centralised with a view to increasing efficiency. The distances between the citizens and the service providers (schools, hospitals, shopping malls) have been on the increase. Firms have followed the same trend by keeping a smaller number of production, storage and distribution centres. The trend towards the concentration of activities has produced a large amount of 'forced' mobility, owing to a worsening of accessibility conditions." However, what is missing here, in the EESC's view, is any discussion of what conclusions should be drawn in terms of policy.</p>	<p>The Opinion of the EESC will be duly taken into account in the preparation of the next White Paper. Transport is largely a derived demand determined by political and private decisions taken outside the transport sector. The White Paper will make clear the extent to which different policies and levels of governance will have to contribute to the attainment of a sustainable transport system and it will call for their collaboration. This will be necessary in particular to make progress towards the objective of the decarbonisation of transport fixed by President Barroso for the next Commission. To start with, there will be a better coordination of the different policies at EU level which have an incidence on transport demand or supply such as regional policies, taxation or RTD.</p>
<p>Paragraph 4.8 In the light of the findings, shortcomings and needs set out in its communication, it would be helpful, therefore, if the Commission made it clear – as part of the search underway for a "sustainable future for transport" – which past developments and frameworks at European and national level it considers to have been wrong.</p>	<p>An evaluation of the Common Transport Policy and its consistency with the objectives set in the 2001 Transport White Paper and its 2006 mid-term revision was carried out prior to the adoption of the Communication. This evaluation will be expanded and updated in the preparation of the new White Paper.</p>
<p>Paragraph 4.19.2 A correct allocation of external costs of all transport users and modes of transport would result in people either making do without transport or making a</p>	<p>The Commission has put forward a stepwise strategy for the internalisation of external costs in the different modes of transport. Among those the ETS for</p>

<p>better – i.e., more environmentally sustainable – choice of transport mode. However, the EESC would have liked to see some indication of how this "correct allocation" would be achieved.</p>	<p>aviation will be put in place in 2012 while the proposal for the internalisation of external costs for heavy good vehicles is still being discussed by the Institutions although the Commission has every intention to have it approved. As stated in the Action Plan on Urban Mobility a study on the urban aspects of the internalisation of external costs will be launched in 2011.</p>
<p>Paragraph 4.19. 5 It is in conurbations, which continue to grow, that public transport, cycling and walking would have to be promoted on a massive scale. This is in line with Commission statements from the "Citizens' network"²². The EESC has recently reiterated its criticism of the stumbling progress being made in implementing ideas from this source. It is in urban transport policy that radically new concepts are required that question the hitherto dominant role of the car.</p>	<p>The CIVITAS programme which is now in its third phase - CIVITAS plus - takes up many of the issues raised by the Citizen's network to which the Opinion refers. Some of the measures demonstrated through the CIVITAS programme promote co-modal and intermodal transport and encourage cycling and walking. The Urban mobility action plan complements CIVITAS with a wider range of actions. In the framework of an optimal urban mobility citizens should be encouraged to become less car dependent by using public transport and the slow modes, or innovative forms of mobility like car-sharing or car-pooling, as pointed out in the Urban mobility action plan. The transformation towards a low-carbon system is compatible with individual motorised mobility if the right technologies are proposed. Congestion can be reduced with ITS and fought with congestion pricing schemes linked to an increased offer of greener transport alternatives for citizens which will be able to choose the mode or combination of modes more suitable for every mobility need.</p>

49. Trade and food security
Exploratory Opinion - EESC 1953/2009 – December 2009
Rapporteur: Mr CAMPLI (Var. Int./IT) – Corapporteur: Mr PEEL (Empl./UK)
DG TRADE – DG AGRI – Mr de GUCHT – Mr CIOLOS

Main Points of the EESC Opinion	Commission Position
<p><i>1.1.5 and 1.2.1.2 Committee considers that the principles of the right to food must underpin the processes of decision-making and implementation and that States must refrain from entering into international obligations which conflict with those principles.</i></p>	<p>The concept of the right to food constitutes a national decision and the application of the concept primarily has effects on the way domestic agricultural producers will be dealt with. However, it may have an indirect bearing on trade arrangements.</p>
<p><i>The EU to incorporate the principles of the right to food in its trade policies</i></p>	<p>The EU trade policy is compatible with this concept, both at the multilateral (see below) and bilateral level. For example, all (interim) Economic Partnership Agreements (EPAs) contain strong flexibilities for ACP sensitive products, allowing ACP countries to exclude from liberalization up to 20% of their imports from the EU and most of the excluded products are agricultural products. Moreover, the food security clause of interim EPAs can be seen as supportive to the right-to-food concept.</p>
<p><i>1.2.1.1 The Committee expects the EU to play a leading role in a thorough overhaul of the FAO-WFP-IFAD system.</i></p>	<p>The EU is closely involved in the ongoing substantial FAO reforms by stimulating, monitoring and financing the actions, as well as by encouraging improved coordination and cooperation between FAO, IFAD and WFP. Further streamlining of the overall global food security institutional architecture will need close EU attention in the framework of the Global Partnership on Agriculture, Food security and Nutrition (GPAFSN).</p>
<p><i>1.2.1.5 International financial bodies to establish appropriate regulation of financial markets so as to prevent speculation on agricultural commodities</i></p>	<p>Some of the regulatory issues identified in the follow up of the speculation part of the Communication on food price are already addressed in proposals put forward by the Commission and the US Treasury to strengthen financial supervision and transparency.</p> <p>For the good functioning of the food</p>

	<p>chain, it is important that commodity derivatives keep serving their initial purpose of price discovery and hedging, as tools to cope with price volatility. The oversight and the overall transparency of agricultural commodity derivatives markets should be improved. Most of these issues could be addressed in the overall approach of the Commission on derivatives and in the upcoming review of the Markets in Financial Instruments Directive (MiFID).</p>
<p>1.2.1.2/ 1.2.3.1 The opinion suggests that food security has a "special status" in WTO negotiation and that the right to food principles are mainstreamed in the WTO negotiations.</p>	<p>The interests of the DCs are central in the WTO negotiations. Food security concerns were already taken on board in the previous rounds through various provisions (i.e. Marrakesh Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food-Importing Developing Countries, Article XI of the GATT allows for example export restrictions for food security reasons ...). The DDA went further and has placed development at the centre of the new Round of negotiations. The DDA mandate is drafted accordingly "we seek to place the needs and interests of DCs at the heart of the work Programme adopted in this Declaration...."</p> <p>The World Trade Organisation rules as well as the EU's negotiating strategy in the agricultural negotiations of the Doha Round take due account of the need to take into account food security.</p> <p>More specifically, the revised draft modalities for agriculture of 6 December 2008 underlying the current negotiations provide for comfortable special and differential treatment across the board for developing countries. As a result, developing countries and least developed countries would have discretion and considerable policy space to shield their</p>

	<p>agricultural markets from potential negative impacts of the Round. For example, developing country WTO Members shall be entitled to self-designate Special Products guided by indicators based on the criteria of food security, livelihood security and rural development, DCs will be entitled to resort to a special safeguard mechanism (SSM), there is no tariff reduction obligation for LDCs.</p> <p>During the negotiation of these provisions (still ongoing), the EU has played the role of honest broker to reconcile the divergent interests in order to achieve a fair and reasonable outcome on these issues.</p>
<p>1.2.1.7. The Committee recommends the international community to set up an international food reserve system, to work in close coordination with the FAO's early warning system</p>	<p>In the Commission's view, while the setting up of an international food reserve system constitutes undeniably an issue for further exploration, it simultaneously presents significant logistical difficulties. The EU, based on its own experience with food stocks, is cognizant of their problems as well as of their potentially negative effects on local food prices.</p>
<p><i>1.2.1.11 The Committee recommends that governments of developing countries to involve farmers' organisations in agricultural development programming on a permanent basis and to strengthen all forms of organised production established by farmers or promoted by workers and consumers.</i></p>	<p>Fully in line with Commission position and addressed through our development cooperation.</p>
<p>1.2.2.1 The Committee recommends that the EU work for enhanced regional integration in Africa in particular, as a powerful tool for promoting both development and food security, and as a defining element in the revision of the Cotonou Agreement due in 2010.</p>	<p>Fully in line with the Commission's position. One of the EPAs' main goals is to support African countries' efforts to integrate across regions.</p>
<p>1.2.2.2 The Committee recommends that the EU ensure synergy between overlapping regional integration initiatives and between interim EPA agreements and comprehensive</p>	<p>Fully in line with the Commission's position. Ensuring such synergy is at the heart of the EPA process.</p>

<p>EPA agreements.</p>	
<p>1.2.2.3 The Committee recommends that the EU ensure that the negotiations can adapt readily to the capabilities and capacities of the ACP countries, with "early harvests" in areas such as simplified rules of origin.</p>	<p>Fully in line with the Commission's position. EPAs seek to reflect ACP regions' different interests and capacity; and be the basis of an ongoing partnership.</p>
<p>1.2.2.4. The Committee recommends that the EU encourage agriculture and rural development to become priority sectors chosen by as many ACP countries as possible.</p>	<p>The Commission believes that the food crisis of 2007/8 has been partially brought about by the long-term neglect of agriculture in public investment of developing countries as well as in development assistance. Thus, the Commission supports the ACP countries to increase their investment in agriculture. In line with the principles of the 2005 Paris Declaration, prioritisation needs to be done by the ACP States themselves.</p>
<p>1.2.2.5 The Committee recommends that the EU increase further the EU targeted amount of over EUR 2 billion for Aid for Trade/trade related assistance given the added effects of the economic crisis;</p>	<p>The Commission fully agrees that in response to the international economic crisis, it must continue to focus on economic and trade development. Aid for Trade (AfT) will help developing countries to come out stronger when the global economy recovers.</p> <p>The EU is the world's leading provider of AfT: total commitments have steadily increased between 2004 and 2007, to reach €7.2 bn in 2007.</p> <p>The €2 billion target concerns trade-related assistance, a subset of total AfT. In 2005, the EU committed to reach € 2 billion annually by 2010 (€1 billion from EU, €1 billion from EU MS). This collective target was already very nearly met already in 2007 (€ 1.98 billion).</p> <p>The EU is committed to keep the momentum on AfT, and to continue to deliver not only high volumes and but also and crucially, effective AfT.</p>

	<p>EU Aft is not addressed only to ACP partners negotiating an EPA. It covers all developing countries in all regions, and it is not conditional on their commitments in trade negotiations.</p>
<p>1.2.2.6 The Committee recommends that the EU encourage the development and growth of high-added-value transformation industries in Africa, particularly in the food sector, in part by enhancing infrastructure systems.</p>	<p>Through EPAs, the Commission seeks to support ACP countries' efforts to play a greater role in global trade, including in goods of high-added value. The agreements offer close coordination with EU aid to develop infrastructure.</p>
<p>1.2.2.7. The Committee recommends the encouragement of significant local research and technological development, especially in agriculture-related fields.</p>	<p>In line with Commission's position.</p> <p>Through the Food Security Thematic Programme of the Development Cooperation Instrument, the EU provides around €55 million annually to agricultural research for development,</p>

	<p>from which around 59 percent is allocated to the Consultative Group on International Agricultural Research (CGIAR) and its research centres. The remainder goes to global and regional programmes, and further funding is available through the Framework programmes of the Directorate General for Research and Technology Development. There is a strong emphasis on Africa where problems of food security are most acute and the approach is increasingly demand-driven (by small scale farmers).</p> <p>The Seventh Framework Programme of DG RTD includes support to food security in developing countries, including a coordinated call for Africa which links food security with health, water and environmental management. In the first three calls of the theme "Food, agriculture and fisheries, and biotechnology" 38 partners from African ACP countries have</p>
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	<p>been funded in 20 projects. On 1 February 2010 the FP 7 project JOLISAA (Joint Learning about Innovation Systems in African Agriculture) will start. It is based on combining African farmers' innovation systems with scientific knowledge systems</p>
<p>1.2.3.2 The Committee recommends WTO members to conclude the Doha Development Round by 2010, as called for by the G20, in order to demonstrate the underlying commitment both to development and to the MDGs (Millennium Development Goals);</p>	<p>Fully in line with the Commission's position.</p>
<p>1.2.3.3 The Committee recommends the EU to lock in the concessions gained by developing countries instead of looking for further concessions for itself.</p>	<p>In line with Commission's position. The Commission doesn't intend to reopen what is already stabilised in the revised draft modalities for agriculture either regarding the concessions gained by DCs or regarding the EU's commitments.</p>
<p>1.2.3.4 The Committee recommends the EU to extend its EBA initiative (<i>everything but arms</i>) to all countries identified by the FAO as being in "food crisis" or "at high risk", not limiting it to the LDCs or ACP countries</p>	<p>This option is not under consideration at the moment. The EBA regime is limited to the group of countries identified as Least-developed by the UN on the basis of agreed criteria (currently there are 49 countries listed as LDCs). The criteria used to identify LDCs are those of the UN not the EU (comprehensive set of economic and human criteria including nutrition). In addition to EBA, the EU provides duty free quota free access (ie EBA-equivalent) to all ACP countries that have at least initialled an interim-EPA. Extending EBA beyond the LDC group creates a clear risk of conflict with WTO obligations (since the Enabling Clause allows discrimination between LDCs and DCs but not among DCs). It would be difficult to identify objective criteria for the extension of EBA.</p>
<p>1.2.3.5 The Committee recommends the EU to use trade mechanisms to promote greater food security, such as early implementation of the proposed "WTO Trade Facilitation</p>	<p>In the WTO talks, the Commission is in favour of the single undertaking (nothing is agreed until everything is agreed). The different Members have different interests;</p>

<p>Agreement", assistance with sanitary and phyto-sanitary issues, and providing help for the small independent farmer not tied into controlled supply chains.</p>	<p>therefore</p> <ol style="list-style-type: none"> 1) It would be very difficult to agree on what should be the issues subject to early harvest; 2) this would diminish the attractiveness of the round for certain members: The Single Undertaking is the only approach allowing for tradeoffs across issues and ensuring that concessions are to a certain extent offset by gains. <p>Regarding the assistance to small independent farmers, the EU is funding a large number development programmes in the field of trade and agriculture. Moreover, the € 1 billion Food Facility was launched to respond rapidly to problems caused by the 2008 food crisis in DCs.</p>
<p><i>4.2.11. However, the Committee believes that it is through the ongoing EPA (Economic Partnership Agreement) negotiations that the Commission can best contribute to global food security, especially with the Cotonou Agreement due to be revised in 2010.</i></p>	<p>The Commission is working to ensure that as many ACP countries as possible choose to conclude EPAs, and include in them a wide range of trade-related issues. The Commission is also certain that EPAs can help partner countries to become more food-secure.</p>
<p><i>4.2.18 Although EPAs were partly launched with a view to tackling Preference Erosion, there still remain major issues that more directly affect south-south trade. Some Latin American countries seek faster and deeper liberalisation in tropical products, including bananas and sugar – the cause of long-running trade disputes – against the interests of other, mainly ACP countries. At stake here is the ability of some net food exporting countries to compete with other countries' commodity prices, including sugar prices, making the production of these crops uneconomical where they may be most needed: this is another key problem that lies at the heart of food insecurity.</i></p>	<p>The Commission understands the risks that preference erosion pose to ACP countries' food security. However, the Commission and its trade partners must also comply with WTO rules, so the Commission recommends supporting ACP countries to achieve higher productivity in sugar and other affected commodities.</p>

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

<p>Pt 34. The Northern dimension of the less-favoured areas 3ème trim 09 Own-initiative opinion - EESC 1463/2009 - September 2009 Rapporteur: Mr NURM (Var. Int./EE) DG AGRI – Mr CIOLOS</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Land must continue to be farmed in regions with natural handicaps in order to preserve the traditional rural landscape and conserve nature-rich areas. This can be achieved through compensation payments for less-favoured areas, but only with the proviso that support is directed more rigorously than hitherto to those regions where the danger of land ceasing to be farmed is greatest.</p>	<p>This recommendation is fully taken into account in the current LFA review exercise (see Communication of the Commission COM(2009)161).</p>
<p>One possibility that should be considered is to integrate compensation payments for less-favoured areas into the first pillar of the CAP. The system in force to date, in which the level of direct payments is based on historical yields, works to the advantage of farmers in more favourably located areas. The compensation payments do not adequately offset the unfavourable production conditions in areas with natural handicaps.</p>	<p>This suggestion will be considered in the framework of the discussions on the Common Agricultural Policy after 2013.</p>
<p>When future support payments for less-favoured areas come to be calculated, the total outlay needed to overcome natural handicaps and unfavourable production conditions should be taken into consideration for each individual region: the worse the natural conditions, the higher the support payments should be, albeit with upper and lower ceilings.</p>	<p>This suggestion is already taken into account in Article 37 of Regulation (EC) No 1698/2005, which provides that natural handicap payments should compensate for farmers' additional costs and income foregone related to the handicap for agricultural production in the area concerned. The same article also provides that such payments should be fixed between the minimum and maximum amount laid down in the Annex to the same Regulation (i.e. minimum 25 €/ha; max. 250 €/ha in mountain areas and 150</p>

	€/ha in areas with other handicaps).
The EESC recommends that low population density should also be taken on board when the criteria defining less-favoured regions are set and additional criteria drawn up to support farming in heavily forested areas.	This suggestion is considered non consistent with the rationale of natural handicap payments (NHP), as defined in Council Regulation (EC) No 1698/2005. NHP focus on land management objectives; socio-economic objectives, such as combating rural depopulation, are in turn mainly promoted by other rural development and cohesion policy measures, supporting the diversification into non-agricultural activities, the development of microand small&medium sized enterprises and tourism activities as well as the provision of basic services [see section 1 of COM(2009)161].

<p>The EESC recommends that the natural, climatic and socio-economic characteristics of the northern regions mentioned in this opinion be taken into account when the criteria for a new definition of less-favoured regions (areas with natural handicaps) are worked out and established. One possibility would be to define the areas concerned as special areas in a similar way to uplands.</p>	<p>This suggestion will be considered in the framework of the discussions on the Common Agricultural Policy after 2013.</p>
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<p>1. Services of general economic interest: how should responsibilities be divided up between the EU and the Member States? Own-initiative Opinion – EESC 1696/2009 – November 2009 Rapporteur: Mr Hencks (Work. / LU) SG – President BARROSO</p>	
<p style="text-align: center;">General introductory remark</p> <p>The Commission welcomes the interest that the EESC shows on this subject which is reflected in the different opinions and reports recently adopted.</p> <p>A number of the issues raised by the EESC are discussed and 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 20.11.2007) and in the "Frequently asked questions in relation with Commission Decision of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, and of the Community Framework for State aid in the form of public service compensation (SEC(2007) 1516 of 20.11.2007). The Commission is committed to review these documents periodically and to keep them updated.</p> <p>In addition, the Commission provides targeted user-friendly assistance through its "Inter-active Information Service" on services of general interest to all interested parties and in particular to those authorities that are called to apply the EU rules and that might be faced with specific practical questions in the interpretation of those rules.</p>	
<p style="text-align: center;">Main points of the EESC Opinion</p>	<p style="text-align: center;">Commission Position</p>
<p>1) Who defines services of general interest, their objectives, tasks and responsibilities?</p> <p>The [Commission] is requested to adopt one or more legislative initiatives, according to</p>	<p>The Commission takes note of the EESC suggestions.</p> <p>The Commission agrees that the new Treaty provides a strong basis for pursuing appropriate</p>

<p>article 14 TFEU, providing clarity as regards:</p> <ul style="list-style-type: none"> - the respective powers and responsibilities of the EU and the MS and the local authorities - the economic or non-economic character of services, which determines the body of law by which they are governed 	<p>sectoral or other initiatives where needed and it intends to use this basis to the full. As regards the clarifications sought by the Committee, the provisions of Protocol No 26 on services of general interest have brought additional clarity at the level of the Treaty. In this regard, the Protocol complements and reinforces the various clarifications already provided by the Commission of which the Committee is aware.</p>
<p>2) What forms can this definition take?</p> <p>The [Commission] is requested to adopt a legislative initiative, in consultation with the parties concerned, that could create legal clarity and security as regards the definition of "act of entrustment"</p>	<p>The Commission takes note of the EESC suggestion.</p> <p>It stresses that in accordance with the principles of subsidiarity and in full respect of the variety of national, regional and local situations, EU law only requires that the act of entrustment is formed by one or more official acts carrying legal force in national law. The specific form of the act (or acts) may be determined by each Member State, depending notably on its political/administrative organisation.</p>
<p>3) In what areas could Community services of general interest be needed to implement the EU objectives?</p> <p>The Community institutions are requested to recognise the existence of, and the need for, Community services of general interest in those areas where objectives can be more effectively achieved by EU action than by each MS acting separately</p>	<p>The Commission takes note of the EESC position.</p> <p>It stresses the importance of the principles of subsidiarity and proportionality in this area of services of general interest and the essential role of the authorities in the Member States in providing, commissioning and organising services of general interest which is confirmed in the Protocol No 26 on services of general interest. In line with these principles it is in general not for the EU to provide services of general interest.</p>

<p>3. Energy and climate change as an integral part of the renewed Lisbon strategy Own-initiative Opinion - EESC 1717/2009 – November 2009 Rapporteur: Ms SIRKEINEN SG - President BARROSO</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>

	<p>The Commission welcomes the EESC's willingness to contribute to both the successor to the Lisbon Strategy and the policy debate surrounding energy and climate change issues, and looks forward to continued cooperation with the EESC.</p>
<p>The renewed Lisbon Strategy has to include an action plan for a low carbon economy, which must be achieved while respecting the three pillars of sustainable development (economic, environmental and social) and without losing sight of the overall goal of competitiveness, growth and jobs.</p>	<p>The Commission fully agrees on the importance of energy and climate change policies in the successor to the Lisbon Strategy. In his political guidelines for the next Commission, President Barroso underlined the importance of taking action in these policy areas to make our economies and societies sustainable, while at the same time turning the challenge to the European Union's competitive advantage. The recent consultation document on the future Europe 2020 Strategy makes clear the need for a smarter, greener economy, where prosperity will come from innovation and from using resources better. In the future, the European Union must adapt its patterns of energy consumption, improve its energy infrastructure, energy efficiency and energy security, and reduce emissions of greenhouse gases. A new overarching economic strategy must reflect these needs and ensure that EU businesses are able to take advantage of new economic opportunities and challenges that arise.</p>
<p>Key areas of action are technology development and investments, awareness and behaviour, societal and educational aspects and the international dimension. Achieving real, sustainable results will require both time and resources.</p>	<p>The Commission entirely agrees on the importance of action in areas such as technological development, research and investment, particularly in the current economic climate, in order to meet the existing 2020 targets on emissions reductions, the share of renewable energy and energy efficiency, and prepare the ground for a longer term vision for 2050, moving towards decarbonisation. The Commission will continue to work closely with the Member States and the other institutions to ensure that the political commitments that have been made are followed up with the necessary practical implementation, notably in relation to</p>

	<p>the climate and energy package adopted last year. The Europe 2020 Strategy should serve as the general framework within which the more detailed policy orientations and legislative initiatives are defined.</p>
<p>Appropriate measures, carefully planned and assessed for most cost effective, real results, should be integrated into structural policies to be covered by the successor to the Lisbon Strategy.</p>	<p>The Commission has already made clear that significant investment is required in cost-effective energy technologies in order to bring about the shift to a low carbon economy. The new Commission will pursue this discussion and will also carry out extensive work on issues such as the decarbonisation of transport, improved energy efficiency and the necessary improvements to energy networks and interconnections. In all of these areas, progress can only be made through the full involvement of all relevant actors – the EU institutions, the Member States, local authorities, industry and citizens.</p>
<p>The international dimension is of crucial importance. Without actions by all big economies, Europe will lose competitiveness and thereby risk the well-being of its citizens.</p>	<p>The Commission agrees on the importance of the international dimension and on the continuing importance for the EU to work together with international partners in the energy and climate change fields. It will be necessary comprehensively to address all relevant issues. Precise follow-up to the international climate negotiations is currently being prepared. The EU will need to work closely with international partners to make the next Conference of the Parties in Mexico in November / December 2010 a successful step forward in the fight against climate change. The nature of the policy areas dictates that success can only be ensured through comprehensive dialogue with third countries, Member States and civil society, the results of which will be reflected in the Europe 2020 Strategy as agreed with the Member States, and supported by appropriate policies at EU and national levels.</p>

<p>4. The external dimension of the renewed Lisbon Strategy</p>
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Own-initiative Opinion – EESC 1718/2009 - November 2009 Rapporteur: Mr JAHIER (Var. Int./IT) SG - President BARROSO	
Main points of the EESC Opinion	Commission Position
<p>The Lisbon agenda for growth and jobs is subject to a major revision for the next decade, which includes a discussion of its external dimension.</p> <p>Europe's prosperity is in large part thanks to its openness to the rest of the world. This has advantages of an economic nature, but</p>	<p>The European Commission is currently working on the Europe 2020 proposal of which the external dimension will be one of its main pillars.</p> <p>Indeed under the Lisbon strategy the external pillar was not developed to its full potential and the strategy tended to</p>
<p>also in terms of exchange of culture and knowledge, and of worldwide recognition of European values. The EU is the world's largest exporter of goods and services, the second largest source and the second largest destination of foreign direct investment, and the world's largest aid donor. It has the second international reserve currency. It is therefore in its geostrategic interest to develop its external agenda, which serves and protects the interests of its 500 million inhabitants, but also reflects its responsibility to address global problems and to help set high standards in the governance of globalisation.</p>	<p>be more inward looking especially after its re-launch in 2005. It is essential that in the new strategy such an aspect be fully integrated but also that external policies under the strategy be focused enough to be effective.</p> <p>The European Commission agrees that whilst the EU must protect its citizens, its interests and values, protectionism cannot be a solution.</p>
<p>The challenges raised by the emergence of new global powers and the international financial and economic crisis highlight all the more clearly the new geopolitical nature of globalisation and, by extension, the need for Europe to have a new, more coherent and effective overarching external strategy. Europe needs a new vision of its global role, reflecting, on the one hand, the geostrategic reality as regards its own historical and geographical role, the security of supply of raw materials and energy and the development of new markets that are still poor; and, on the other, its ability to tackle global issues: security, climate change, poverty and international migration, by developing the winning values of</p>	<p>The Commission agrees that EU should use its instruments to ensure that its openness is maintained and matched by increase access to third country markets for its companies.</p> <p>However it should also upgrade its strategic dialogues with third countries to develop mutually beneficial solutions, promote higher standards and greater regulatory convergence.</p>

<p>its social market economy, which are looked upon with great interest all over the world.</p>	
<p>A suitable EU Action Plan should be aimed at strengthening the presence and role of Europe in the new landscape of globalisation by developing the EU's external policies and the external aspects of its other policies in accordance with a structural logic, strengthening their overall coherence and increasing the unity with which Member States act; ensuring a balanced opening of markets through the conclusion of the Doha round and structured dialogue with its key partners; enhancing its</p>	<p>The new Europe 2020 strategy will draw much of its force by being focused. An external strategy associated to it will inevitably also have to focus on main economic issues and also on the major trade partners. It is not a strategy for development and promotion of rights although its principles will be fully coherent with those pursued through other EU external policy instruments.</p>
<p>role as an international regulatory power and pursuing an international policy based on the promotion of rights; strengthening the international dimension of the euro; adopting the goal of building a wide area of special development and economic growth, which we could call "EurAfrica: an alliance for mutual progress", involving the rapid completion of the enlargement of the Union, the Neighbourhood Policy, the Mediterranean Union, and a stronger partnership with Africa.</p>	
<p>To enable the better development of and ensure a widespread political consensus on such an ambitious and assertive project for its external agenda, the EU needs the role of the social partners and organised civil society to be strengthened significantly, both within Europe and in third countries</p>	<p>The European Commission is pursuing a wider and deeper role of all stakeholders, including social partners and civil society in the whole of the new Europe 2020 agenda. The public consultation on the future of the strategy is a first important step in this direction. The external dimension will be developed with the same criteria of transparency and cooperation.</p>

<p>The EESC is well equipped to play an increasingly significant role in consolidating and developing participatory systems for monitoring and for active involvement of civil society almost everywhere in the world. Moreover, this aspect is a hallmark of the European model of society, which is held in high regard all over the world.</p>	<p>The European Commission looks forward to a constructive collaboration with the EESC and to make maximum use of the synergies between the two institutions.</p>
<p>China should be a specific priority, firstly because of the significant offensive and defensive interests the EU has there, which provide considerable room for negotiation, secondly for the sake of the steady growth in reciprocal interaction, and thirdly for overarching geopolitical reasons.</p> <p>More emphasis should also be placed on bilateral relations with the United States, Japan and Canada, which are in first, third and eighth place respectively in terms of commercial potential. The framework for transatlantic relations should be re-launched with the aim of reducing areas of friction and maximising synergies through a progressive convergence of institutions and policies.</p>	<p>The EESC has rightly pointed out to the importance of prioritising with our major trade partners including China, Japan, the US and Canada. The European Commission would add that Korea, Russia, India and Brazil are also increasingly important actors in this show.</p>
<p>In the context of a broader approach to the European Union's external actions, the external dimension of policies such as research, the environment, education and employment should also be included.</p>	<p>The Europe 2020 strategy will integrate and focus different priority areas (including smart growth, inclusive society and green growth) and ensure full coherence in its main policies.</p>
<p>The EU should draw up proactive, holistic migration policies that facilitate co-development between migrants' countries of origin and host countries</p>	<p>Indeed a comprehensive and forwards looking migration policy can constitute a smart long term choice for an EU economic policy.</p>

<p>Recognition should be given to the specific competences of the European Institute of Technology in the context of the various partnerships, in particular as regards the possible extension to non-European countries of cooperation under the Knowledge and Innovation Communities scheme (networks of excellence amongst higher education institutions, research institutes, businesses and other interested parties).</p>	<p>Knowledge and innovation will be at the base of the new Europe 2020 strategy.</p>
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<p>6. Prix des denrées alimentaires en Europe COM (2008) 821 final – EESC 1704/2009 - November 2009 Rapporteur: Mr KAPUVARI (Work./Hu) DG AGRI – Mr CIOLOS</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
	<p>The Commission takes note of the report and a number of elements contained in its draft versions were taken into account for the preparation of the Commission Communication "A better functioning Food Supply Chain in Europe" COM (2009) 591, adopted on the 28th of October 2009, just few weeks before the Kapuvari report was adopted by the CESE. The Commission Communication is accompanied by six Staff Working Document which provide a detailed analysis of major issues of concern for the functioning of the food supply chain, most of which were highlighted in the Kapuvari report.</p>

<p>7. The international financial crisis and its impact on the real economy Own initiative Opinion - EESC 1935/2009 – December 2009 Rapporteur: Mr CEDRONE (Trav./IT) DG ECFIN – Mr REHN</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>

<p>1.2 International finance: on the basis of the ideas that the EESC has already published, it is worth restating that there is still a need to adopt, in short order, a system of rules that, whilst allowing the free movement of capital, also introduces a system of supervision and penalties to prevent any recurrence of the negative impact of an uncontrolled system. Rules are needed to restore a more honest, transparent market. Eliminating tax havens, banking secrecy and some of the perverse mechanisms of the past connected with speculative instruments would help achieve this. We need to return to a distinction between retail banks and investment banks.</p>	<p>The Commission agrees with large parts of this paragraph. However, the opinion expressed in the last sentence warrants qualification. The feasibility and potential stability benefits of limiting the scope of banking business need to be considered carefully and weighed up against a potential conflict with the single market ideal and broader EU competition policy. Restrictions on certain banking activities such as proprietary trading may not be the most effective way of dealing with systemic risk. Other elements, such as tougher supervision, stricter corporate governance requirements, better crisis management arrangements and higher capital and liquidity buffers, might be complementary or alternative ways of reducing the risks posed by systemically important financial institutions. In order to retain a level playing field between financial institutions worldwide, it is essential to coordinate closely at the international level. The Commission participates actively in the FSB and BCBS workstreams to determine the options for dealing with systemically important financial institutions.</p>
<p>1.5 Supporting the real economy and businesses: economic governance:</p> <p>- make the labour market, which is currently too fragmented, "more European", i.e. more integrated with communicating vessels, removing obstacles both within and between countries; we need an inclusive labour market, i.e. one that can take on not only the short or long-term unemployed, but also people who have never had a job (around 100 million Europeans). Obviously, this must be done in a way that complies with the social and economic standards enjoyed by workers in the destination country;</p>	<p>The Commission agrees that improving labour mobility both within- and cross-borders is important to increase participation in the labour market and facilitate national economies' adjustment capacities. The Commission's Communication <i>A shared commitment for employment</i> adopted in June 2009 recognises that cross-country mobility is currently very limited due to Member States' very different situations and to citizens' lack of information on mobility opportunities. It suggests that public employment services have a key role to play in this context and that an effective implementation of the Posted Workers Directive requires reinforced administrative cooperation and exchange of good practice. The Commission will launch a</p>

	<p>large-scale awareness-raising and information campaign on intra-EU mobility opportunities, based on the job vacancies portal 'EURES'⁵. It will also establish a new 'Match and Map' on-line service, providing information on occupations, learning and training opportunities to help match a person's competences with available job vacancies throughout Europe. Moreover, Member States were encouraged to extend to 6 months the entitlement to unemployment benefits of unemployed citizens looking for a job in another Member State.</p>
<p>4.1.1.1 - Of course, it would have been desirable if the good intentions expressed at the subsequent G20 meeting in Pittsburgh had been followed up by deeds. What actually happened was that people avoided addressing the real problems on the table: the rules governing the financial system and reform thereof ; the trade imbalance between the USA and China, the structure of public limited companies, rising unemployment, etc. This means that the risk remains, if nothing is done, that "some financial stakeholders [will] pretend that the crisis was only a minor setback, and that they can return to business as usual".</p>	<p>The Commission agrees with the EESC that implementation of G20 commitments is key in our effort to cushion the effects of the financial crisis and prevent future ones. However, the Commission has a more positive assessment of the Pittsburgh summit than expressed by the EESC in this paragraph. The summit maintained the political momentum behind financial market reform, which has since been advanced at the technical level. The relevant international bodies, such as the FSB, are due to report to the G20 over the course of 2010. The Pittsburgh summit also created the so-called "Framework for Strong, Balanced and Sustainable Growth", which aims at addressing the existing global macroeconomic imbalances. If implemented in the right way, this will offer significant benefits to Europe. Finally, Pittsburgh established the G20 as the premier global steering forum on economic issues. To the extent that the G20 includes the main emerging market countries, this marks an important step forward for global economic</p>

	governance.
<p>4.1.2 The EESC believes that the role of supervisory bodies should be strengthened , but above all designed to make them effective; they should also be independent of political authorities and have the power to impose penalties for non-compliance. Tax havens should be abolished and/or their activities made transparent so that they do not become means of laundering dirty money and of tax evasion. Indeed, it is the lack of transparency that is the main problem. Everyone needs to know the real nature of banks' loans, assets, reserves and risk profiles.</p>	<p>The Commission has made proposals for the creation of a European Systemic Risk Board¹, as well as the European Supervisory Agencies², which would establish close supervisory cooperation, including powers to impose sanctions, at the EU level. At the international level, the relevant bodies, notably the FSB, are working on topics where broad international implementation is essential to safeguard the level playing field (e.g. capital requirements and liquidity buffers, limiting the risks to financial stability posed by systemically important financial institutions, standards for compensation in financial institutions, non-cooperative jurisdictions etc).</p>
<p>4.1.6.1 The decision taken to provide aid to developing countries and to Africa in particular, to triple IMF funding (to 750 billion dollars) and to allocate a further 250 billion dollars worth of Special Drawing Rights (SDRs), in order to provide financial support to the economies most adversely affected by the crisis, should give pause for thought about the huge mass of dollars that is to be put into circulation in order to support countries with high current-account deficits.</p>	<p>The Commission supported the London agreements on IMF resources, SDR allocation and financial assistance to low-income countries. It is important to note that the SDR allocation and the tripling of IMF resources (even if they were denominated in US dollars in the London summit communiqué) are not equivalent to putting additional US dollars in circulation. The SDR allocation in itself does not involve money creation at all; it is simply an additional precautionary reserve buffer for IMF member countries. Money is created only to the extent that countries</p>

¹ http://ec.europa.eu/internal_market/finances/docs/committees/supervision/20090923/com2009_499_en.pdf

² http://ec.europa.eu/internal_market/finances/docs/committees/supervision/20090923/com2009_501_en.pdf,
http://ec.europa.eu/internal_market/finances/docs/committees/supervision/20090923/com2009_502_en.pdf,
http://ec.europa.eu/internal_market/finances/docs/committees/supervision/20090923/com2009_503_en.pdf

	<p>proceed to activate this buffer. The activation of SDRs by IMF members has been limited so far. Even if the SDR allocation were to be activated entirely, this would only amount to approximately 3.5% of global money supply.</p> <p>In addition, usage of the newly allocated SDRs by a country cannot be equated to creation of US dollars, as any convertible currency could be used to address a balance of payments need. The case of the IMF resources is similar in that it was a purely precautionary increase in the funds that are available to the IMF for crisis response. While the IMF has called on some of the credit lines, a portion of this has been in euros.</p>
<p>4.1.6.2 The increase in US public borrowing envisaged (which will bring total debt to around 100% of GDP over the next three years), underpinned by President Obama's new policy of deficit spending to get the country out of recession, will further encourage the issuing of massive amounts of dollars, which will have a substantial impact on the international economic system. The same situation arose in the second half of the 1960s, culminating in the devaluation of the dollar and the collapse in 1971 of the Bretton Woods system of fixed exchange rates.</p>	<p>The Commission shares the Committee's concern about fiscal sustainability and works with its international partners, notably in the G20's Framework for Strong, Balanced and Sustainable Growth. Fiscal prudence in the US would make a crucial contribution to reducing global macroeconomic imbalances and establishing a more balanced global growth pattern, as would greater flexibility in the exchange rate of leading emerging economies, notably China (as the Committee rightly states in Paragraphs 4.1.6.5 and 4.1.6.6). That said, today's conditions are not directly comparable with those in the 1960s, as there is no longer a system of fixed exchange rates centred on one particular currency. What led to the break-up of the Bretton-Woods System was the incompatibility of policies to defend fixed exchange rates with domestic monetary policy needs.</p>

<p>4.1.6.3 Those most concerned about this situation are the Chinese, whose foreign exchange reserves have increased by 5 000 billion dollars over the past 10 years and are likely to continue increasing over the coming years, albeit at a slower rate. China fears that the weakening of the dollar will undermine the value of its huge foreign currency reserves.</p>	<p>In 2009 China's foreign exchange reserves increased by US\$453billion to US\$2.4trillion.</p>
<p>4.1.6.4 The euro, which in the space of a few years has become the second international reserve currency, is not a valid alternative to the dollar, as convenient and desirable as this may be, nor is it possible to imagine a "supranational reserve currency", favoured by the Chinese monetary authorities, in the form of SDRs used not just as now between individual governments and international institutions but as a payment instrument for international financial and commercial transactions. Issuing new SDRs is certainly a useful way of creating additional reserves for economies with current account deficits, but it cannot provide a long-term solution to the crisis.</p>	<p>The Commission agrees with the assessment that an SDR allocation was a useful way of supporting vulnerable economies, but cannot in itself prevent future crises. Creating a more stable, efficient and fair international monetary system is a continued priority.</p>
<p>4.1.6.5 It is very likely, and also to be welcomed, that the euro will increasingly take on the characteristics of an international reserve currency and a reference for setting the prices of goods on world markets. But the EESC would also like the Chinese authorities to stop protecting their currency, which represents an economy that is becoming ever more crucial in the global economy. For ten years, the renminbi has been strictly pegged to the dollar, and only since 2005 has it been tied to a basket containing other currencies. The renminbi must be made freely convertible on international markets.</p>	<p>The Chinese renminbi rose by more than 20% against the US dollar following China's July 2005 decision to make its exchange rate arrangement more flexible. However, since July 2008 China has kept the rate fixed at CNY6.83 per USD.</p> <p>The renminbi's restricted convertibility on the capital account may help the Chinese currency to be less exposed to speculation. Nonetheless, the Commission agrees with the Committee in that it is desirable that the renminbi eventually becomes fully convertible.</p>

<p>4.1.6.7 The global monetary system, based on floating exchange rates, is characterised by constant and drastic currency fluctuations, driven by speculation. This situation is extremely damaging to the world economy but could be corrected by means of an agreement on policy between the central banks of the main industrialised countries. Under this agreement, the banks would agree to take joint action should one currency be forced too far up or down in order to keep exchange rate volatility within reasonable limits.</p>	<p>Any exchange rate agreement between the major world currencies would need careful consideration. Regarding its desirability, while the world economy has a common interest in avoiding disruptive exchange rate volatility, flexible exchange rates can play an important part in cross-border economic adjustment. Regarding feasibility, it would technically be very difficult to establish the “correct” level of an exchange rate or “reasonable limits” of fluctuation in a system of managed exchange rates (target zones). It is also unclear whether pegs or target zones could be defended against market pressures, given the questionable effectiveness of foreign exchange interventions.</p>
<p>4.2 Supporting the real economy</p> <p>4.2.1 - In its Communication for the 2009 spring European Council, ambitiously entitled <i>Driving European recovery</i>, the European Commission gives top priority to restoring the confidence of the public and of economic operators as a means of overcoming the current crisis, increasing demand and creating new jobs. The proposed measures must produce tangible results and not simply remain announcements of good intentions.</p>	<p>The Commission completely agrees with the CESE's final sentence and believes that, with its European Economic Recovery Plan adopted in December 2008, the EU has taken action which has produced tangible results. The EU economy finally seems to be at a turning point. Signs of improvement in the economic situation and outlook have become increasingly apparent since the autumn. For the first time in two years, the Commission's forecast has been revised up. GDP growth is expected to turn positive again in the second half of 2010, thereby putting an end to the deepest, longest and most broad-based recession in EU's history. This would not have been possible without the determined and concerted policy action taken EU wide. In so doing, both a systemic meltdown and an outright depression were avoided. The extraordinary public support put in place under the umbrella of the European Economic Recovery Plan – along with the easing of monetary policies in Europe – has been instrumental in stabilising the economy</p>
<p>4.2.2 - In particular, the EESC considers that the key problem to be tackled is that of</p>	<p>Evidence from earlier financial crises suggest that labour markets often bear a significant</p>

employment and the lack of liquidity for businesses. Recent ILO estimates indicate that around 40 million jobs have been lost since the beginning of the crisis in December 2007 (7 million of which in the OECD alone), and the forecasts for the future are rather pessimistic. This social disaster can only be overcome when trust is restored in the functioning of the markets and through public measures to promote growth, competitiveness, innovation and employment. Europe needs an economic policy and a programme that will attract businesses, help them to grow, and create jobs.

share of macro-economic adjustment to the crisis, with unemployment rates rocketing in the short-term, and structural unemployment increasing substantially in the medium term. The economic crisis, by causing persistently high unemployment, with potentially long lasting effects on the labour markets and potential growth, could threaten the European models of social welfare which are already strained by ageing populations.

Hence, in June 2009, the Commission adopted a Communication on 'A Shared Commitment for Employment' setting out three key priorities for action: maintaining employment, creating jobs, and promoting mobility; upgrading skills and matching labour market needs; and increasing access to employment. Those three key priorities were endorsed by the June European Council. The Communication also proposes mobilising the EU's Structural Funds and the Globalisation Adjustment Fund (EGF) to help the Member States' recovery efforts.

The EGF aims to show solidarity with, and provide support to, workers made redundant as a consequence of major structural changes in world trade patterns or (until the end of 2011) as a result of the global financial and economic crisis. The recent revision of the EGF regulation makes it easier for the Member States to access the Fund, and to provide assistance to a greater number of workers over a longer period.

However, in the longer run, only by implementing further structural reforms as part of broad-ranging and bold policy responses will it be possible to limit the overall fall in labour market participation during this crisis by comparison with the past.

To date, the Lisbon strategy has provided a framework for coordination of structural agendas in Europe. In his political orientations

for the next Commission³, President Barroso has made clear that the Lisbon strategy will be replaced with a new EU2020 initiative, setting down a comprehensive approach for the EU to exit from the crisis, promote sustainable growth and social cohesion and prepare for climate change. The Commission is currently working to turn the President's political orientations into concrete proposals for a successor to the Lisbon strategy; the proposals will be taken forward by the new Commission in a Communication on 3 March, shortly after it takes office.

³ http://ec.europa.eu/commission_barroso/president/pdf/press_20090903_EN.pdf

<p>4.2.6 - While agreeing with this general approach to the current problems, the solutions proposed in the Commission's communication seem to the Committee to be weak or at least not very effective with respect to the changes that need to be brought about in the various national production systems, and at the level of European and international policy, in order to support growth of the Member States' economies. And this in the context of a crisis that is having a bigger impact in Europe (GDP down) than in the USA, whereas that country has responded with a strong unified programme and with bigger and more effective public measures. The EU should promote the implementation of measures that have been harmonised among the Member States. The EU should therefore produce a second action plan, more effective and coherent than the first.</p>	<p>The Commission cannot agree with the Committee's assessment here. As discussed already in commenting on point 4.2.1 there are signs that the Union's co-ordinated action, notably through the European Economic Recovery Plan (EERP), are having a positive economic impact. The risk of a financial meltdown and a downward economic spiral has been averted. While it is true that uncertainties remain, as unemployment and business insolvencies are still rising, that is also true in the USA.</p> <p>The Commission also rejects the Committee's view that the measures to counter the crisis have been weak. While the average budget deficit in the EU was 2.3% of GDP in 2008, it is expected to increase to almost 7% of GDP in 2009 and 7.5% in 2010. Worsening of the deficit can be explained primarily by the stimulus measures taken by Member States to support their economies, as well as by fast rising social protection expenditures required by a deteriorating economic situation. The combined effect of the crisis on public finances means that the public debt ratio in the EU is expected to be around 80% of GDP by 2010, an increase of almost 20 percentage points compared to 2008.</p>
<p>4.2.7 - Looking only at steps to be taken in the short to medium term for the recovery of Europe's economy, the EESC believes that the attention and financial resources of the EU and the Member States should focus on a limited number of measures, but ones that will have a substantial impact on the various markets and on economic operators in general. These measures should aim to: restore confidence in the functioning of the financial system; fine-tune the Union's main public intervention policies; and support the Member States worst hit by the crisis, starting with the countries of eastern Europe.</p>	<p>When the Commission unveils its EU2020 strategy, the Committee will see that the Commission is focussing more than ever on measures with the maximum impact on growth and jobs.</p> <p>The Commission also recognises that new Member States were severely hit by the crisis, especially ones with the largest domestic and external imbalances and/or policy weaknesses at the onset of the crisis. These were most pronounced in Latvia, Hungary and Romania. With its actions to combat the effects of the crisis, the EU did not leave its new Member</p>

	<p>States in distress. Discussion of the measures that were taken is picked up in our response to the Committee's point 4.2.11.1 (below)</p>
<p>4.2.8.1 - The issue of the significant – and sadly inevitable – state intervention to support the banking system remains unresolved. The EESC considers that this situation cannot continue into the long term and that an "exit strategy" from such interventions needs to be drawn up, with conditions being systematically placed on the banking system such as internal restructuring, whilst improving the quantity and quality of reserves recorded on the balance sheet. This strategy should give new impetus to an international credit and finance market that is independent and transparent, and should avoid a repeat of recent events.</p>	<p>The Commission agrees with the Committee as to the need for an exit strategy. This applies to the fiscal and monetary stimulus measures taken in response to the crisis, as well as to the extraordinary financial support packages. It is important that these exit strategies are coordinated, both within the EU and internationally, so as to avoid free-riding and maintain a level playing field in the financial sector. The Commission is actively participating in international fora, such as the G20, to achieve such coordination.</p>
<p>4.2.9.5 - The EESC considers that, in the context of these support measures for the productive economy, particular attention should be paid to SMEs (through a specific soft loan scheme with simplified procedures; see, for example, the Small Business Act). The types of measures that it is planned to introduce in order to boost the recovery of small and medium-sized enterprises are not sufficiently explained in the European Plan. Concerning smaller businesses, whose overall contribution to EU employment is very significant, the EESC takes the view that the initiatives must be designed within a macroeconomic frame of reference that takes account of national and local circumstances, the various levels of sectoral specialisation, and the different needs in terms of new skills, innovative technologies and business service infrastructure.</p>	<p>The Committee is right to underline the special needs of European SMEs. That is precisely why the European Economic Recovery Plan sets out that European Investment Bank (EIB) will provide funds worth € 30bn for lending to SMEs during 2008-2011 as well as mezzanine financing to SMEs through the European Investment Fund for a total value of € 1 billion.</p> <p>In the Small Business Act for Europe, EU and Member States committed to facilitating SMEs' access to finance and further reduction of administrative burdens. The process of modernisation of EIB loan products reflects the outcome of an extensive consultation carried out with SMEs and banks. The changes include easier access as well as less stringent reporting requirements.</p> <p>The target signature level of the EIB SME loan product amounts to € 11.5bn for 2009. In 2008 it was € 8.8bn. Allocations to SMEs, which indicates the amount lent on by partner banks, reached € 5.2bn for the</p>

	<p>first semester 2009 thereby confirming the take-up of funds by SMEs. The increased demand for this product is due to, on the one hand, the modernisation of the EIB SME loan product, and on the other, the impact of the economic crisis and SMEs' resulting need for liquidity.</p>
<p>4.2.9.6 - Without an appropriate European and national frame of reference on the prospects for future SME growth, the risk, as has happened in the past, is that measures will be fragmented and piecemeal, with the result that aid will be provided to everyone without actually helping anyone to grow in size or improve the quality of the products and services they provide.</p>	<p>The EIB has signed agreements with partner banks worth a total of € 100 million in order to provide mezzanine finance to high-growth SMEs and implement risk-sharing partnership loans, an evolution of the standard EIB SME loan with a risk sharing element.</p>
<p>4.2.10.5 - In short, the crisis should be an opportunity for the EU not only to make better use of the policies at its disposal, but to put new ones in place: improving infrastructure and launching, for example, a plan for the environment, for the creation of new European networks for energy and communication (e.g. broadband) via European public financing (eurobonds?); this would give an extraordinary boost to economic recovery.</p>	<p>In fact the European Economic Recovery Plan ensured the full alignment of short-term crisis-related measures and additional resources with longer-term reform goals, particularly to foster the EU's transition towards an inclusive low-carbon, knowledge-based economy.</p> <p>At EU level, for example, the Commission launched three Public Private Partnerships to support energy efficient buildings, green cars and factories for the future. Additionally, some 4 billion Euros of unspent resources in the EU budget have been reserved for co-funding investments in energy infrastructure and 1 billion for broadband, subject to proposals being submitted by the Member States.</p>

<p>4.2.11.1 - The EESC considers that the Commission should establish, if not an ad hoc fund for the countries worst affected by the crisis (a proposal rejected by the most influential countries of the EU), at least a package of financial measures, including through the EBRD, targeted at initiatives to stabilise the weakest economies in the EU, as is starting to happen. In this context, particular attention needs to be given to countries in the east. Specific funds should therefore be set aside for that purpose. There are several reasons behind the request for specific funding for these countries. Otherwise, there is a risk of enlargement, the second pillar of integration (the single market being the other one), collapsing.</p>	<p>In fact, several actions have been directed specifically at the new Member States. First of all, the European Economic Recovery Plan front-loaded structural and cohesion fund spending. Advance payments to new Member States increased strongly in 2009. In parallel, the EIB and the EBRD have provided important financial and technical assistance. Working closely with other multilateral banks, notably a joint action plan to mobilise some 24.5 billion euros for support to central, eastern and south-eastern Europe.</p> <p>The EU also quickly reactivated its balance of payments facility to address situations of severe financing stress in some new Member States, a facility which had not been used for 15 years. Three programmes (for Hungary, Latvia and Romania) have been launched for a total amount of 14.6 billion euros. In view of increasing potential needs, the ceiling for available EU assistance has been raised in two steps from 12 to 50 billion euros.</p>
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<p>4.3.7.1 - Structural measures are needed to make the labour market more penetrable and inclusive, with rules agreed at European level using the ESF, simplifying procedures and bringing forward payments.</p>	<p>Labour market structural reforms were instrumental for the EU to increase its employment rate by about 4 percentage points in the eight years to 2008. During the crisis it was essential that workers remained attached to the labour market. Important measures included avoiding early retirement schemes; encouraging flexible work-time arrangements; activation schemes for unemployed such as training, matching and job search; and recruitment subsidies targeted at vulnerable groups. Policies to increase the labour supply over the medium term include reforms of tax and benefit systems to improve activation by making work more economically attractive and rewarding; increasing the focus on education and R&D; and addressing labour market segmentation through reforms in line with the flexicurity approach. Access to, and use of, the ESF has been simplified; ESF advance payments to Member States have been accelerated and increased.</p>
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<p>4.4.3 - Economic governance: the main aim must be to equip the EU with the tools to establish and develop common macroeconomic and sectoral policy guidelines (at least in the euro area, which would have a positive impact on all 27 countries); in other words, complement the common European monetary policy, starting with the euro area, with a common economic policy, which cannot remain limited to the mere desire for coordination, and which provides for measures in strategic areas of European interest (the environment, energy, innovation, immigration, employment, cohesion, etc.). A new European pact for growth, sustainable development, competitiveness and employment should be drawn up; this pact should place special emphasis on the social and environmental market economy and should aim to complete the single market, as called for in the Lisbon Strategy.</p>	<p>The Lisbon Treaty introduces several changes to the legal basis for economic governance, providing possibilities for enhancing euro area governance in three ways: (i) specific provisions allow euro-area Member States to take further steps with regards of strengthening the co-ordination and surveillance of budgetary discipline and of setting out economic policy guidelines; (ii) on euro-area specific issues voting in Ecofin will be limited to euro-area Members; (iii) new explicit reference to the Council being enabled to decide on 'unified' external representation; (iv) a new Protocol giving formal recognition of the Eurogroup and its President, who will be elected for 2 ½ years terms.</p> <p>In its 2008 EMU@10 Report, the Commission brought forward a number of proposals and objectives for strengthening the EMU governance system, which have become even more relevant in light of the experience of the current crisis. The case was made for broadening and deepening macroeconomic surveillance. In this context, the Eurogroup agreed to conduct a surveillance exercise on macroeconomic imbalances and competitiveness developments. As agreed by the Ecofin Council in 2008, the analysis of competitiveness developments should also be extended to non euro-area Member States.</p>
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<p>9. Proposal for a Regulation of the European Parliament and of the Council on textile names and related labelling of textile products COM (2009) 31 final – EESC 1928/2009 – December 2009 Rapporteur: Mr CAPPELLINI (Var. Int. /IT) DG ENTR – Mr TAJANI</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
	<p>The Commission generally agrees with the conclusions and recommendations of the EESC’s opinion and will take them into account in the future development of legislation</p>

	and industrial policy in this field.
1.3 Monitoring the influence of the new Regulation on the development and uptake of new fibres as well as on the simplification of the existing regulatory framework.	The Commission shares the EESC's view on the necessity to monitor the influence of the new Regulation. For that reason, Article 21 of the new Regulation foresees that the Commission will submit a report on the implementation of the Regulation.
1.5 Systematic involvement of civil society, social partners and institutional stakeholders in the Committee for Textile Names and Labelling (Article 20). A participative review of the Regulation concerning most health problems related to textile products.	<p>The Commission consults a wide range of stakeholders in the framework of the Working Group on Textile Names and Labelling to ensure the involvement of interested parties from early stages of the preparatory work for new legislation.</p> <p>On the other hand, the Regulation points out that the rules governing comitology procedures are horizontal and that the matter covered by the new Regulation does not justify departing from such general provisions.</p> <p>The Commission is open to consider launching a broad debate to discuss any aspects of labelling requirements by launching a wide debate with all relevant stakeholders separately from this proposal.</p>
1.6 Targeted information campaign to accompany the enforcement of the Regulation.	The Commission welcomes the initiative and encourages industrial stakeholders to initiate such a campaign.
1.7 Facilitate an open debate on non-mandatory labelling of textile products.	<p>From the Commission dialogue with the relevant stakeholders, voluntary systems to provide care instructions are widely and satisfactorily used on the EU market.</p> <p>The Commission is open to discuss any related topic and to consider launching a wide debate with all relevant stakeholders separately from this proposal.</p>
6.2 Requirement to state the full percentage composition of textile products on the label.	The Commission prepared the proposal for a new Regulation with the main objective of simplifying the existing regulatory framework

	<p>without introducing additional obligations for economic operators.</p> <p>The requirement to state the full fibre composition of all textile products would be a significant change of the existing provisions which would not contribute to the simplification of legislation. Nevertheless the Commission may examine such requirement provided certain conditions are fulfilled and some exemptions are possible for justified cases (eg new fibres not yet included in the list of harmonised names).</p>
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<p>10. Adaptation des PME aux marchés mondiaux Avis d'initiative – CESE 1942/2009 – Décembre 2009 Rapporteur: M. CAPPELLINI (Act.Div/IT) DG ENTR - M. TAJANI</p>	
Points de l'avis du CESE estimés essentiels	Position de la Commission
<p>1.1 Le Comité reconnaît que les PME empruntent de nombreuses voies en matière d'internationalisation: elles déploient des stratégies diverses et s'appuient sur des niveaux de soutien différents. Le présent avis entend donc présenter huit recommandations conçues pour orienter et inspirer les actions visant à soutenir l'adaptation des PME aux évolutions des marchés mondiaux. Le présent avis s'adresse aux institutions européennes, aux États membres, aux PME ainsi qu'à leurs associations, et à la société civile organisée européenne au sens large.</p>	<p>La Commission va tenir compte de l'avis lors de l'élaboration de la Communication sur le renforcement de l'appui aux petites et moyennes entreprises de l'Union Européenne dans les marchés des pays tiers.</p>

<p>11. Proposal for a directive of the European parliament and of the Council on combating late payment in commercial transactions COM (2009) 126 final – EESC 1930/2009 - December 2009 Rapporteur: Ms BONTEA (Empl.RO) DG ENTR - Mr TAJANI</p>

Main points of the EESC Opinion	Commission position
<p>The Committee considers that the improvement of the legislative framework to combat late payment and reduce payment period is extremely important and useful. While legislative measures are necessary and effective, they are not sufficient to eliminate late payment; a range of complex measures needs to be developed together with increased cooperation at all levels (authorities, social partners and SME organisations).</p>	<p>The Commission agrees with the Committee on the importance of the proposal but it is aware that such a measure needs to be complemented by others. The Commission also underlines the need to properly inform businesses and in particular SMEs to the rights conferred by the directive when facing late payment.</p>
<p>1.3 The Committee advocates the need for short, mandatory payment period for all authorities at European, national, regional and local levels.</p>	<p>The Commission shares the view of the Committee that the short and mandatory payment period should be applied to all public authorities at all levels. Furthermore taking into consideration the current climate where SMEs face severe cash-flow problems and restricted credit access, public authorities should respect a maximum 30-day period for payments to SMEs.</p>
<p>1.3 With regards to the time needed to transpose the directive, the EESC calls on authorities to implement the principles thereof without delay, in order to provide businesses with effective support during the current time of crisis.</p>	<p>The Commission is of the opinion that since this proposal constitutes a recast of an existing legislative measure where only some, but crucial, new elements are introduced, Member States should be able to transpose the directive rapidly into their national laws.</p>
<p>1.3 The Committee believes that the proposal for a directive requires certain improvements:</p> <ul style="list-style-type: none"> • For public procurement contracts: <ul style="list-style-type: none"> - The express establishment of a specific regulation requiring payment to be made within a maximum period of 30 calendar days, while eliminating the exceptions to this rule or, at least, restrict it to a maximum of 60 calendar days after delivery; the problems faced by authorities in financing their activities can by no means be greater than those of SMEs. 	<p>Concerning the request of a specific regulation requiring payments to be made within a maximum period of 30 <u>calendar</u> days, the attention of the Committee is drawn to the Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits. According to article 3(3) of the abovementioned regulation “<i>The periods concerned shall include public holidays, Sundays and Saturdays, save where these are expressly excepted or where the periods are expressed in working days</i>”. Consequently the periods expressed in the directive are calendar days.</p>

<p>- The removal- or at least the restriction- of the exception regarding the maximum 30 day duration of a procedure of acceptance.</p>	<p>Concerning the request restricting it to a maximum of the exception of the 30 days time limit for payment, the Commission could envisage a more detailed list of exceptions in order to avoid possible abuses. Such list could include, for example some specific procurement procedures in which public authorities are allowed to negotiate with tenderers, as set out in Directive 2004/18/EC on the coordination of procedures for the award of public work contracts, public supply contracts and public service contracts. In such particular and exceptional cases it cannot be excluded that particular circumstances could arise which could justify payment period exceeding 30 days.</p>
<ul style="list-style-type: none"> • For all commercial transactions: <ul style="list-style-type: none"> → For late payment, the establishment of an obligation to pay certain interest, compensation and minimum internal cost, unless the contract includes other clauses more favourable to the creditor. → Development of the rules on grossly unfair contractual clauses and unchallenged debts. → In the application of freedom of contract, consideration of the principles of fair compensation and business ethics, curbing the abuse of rights. 	<p>The Commission is reluctant to consider the request of removing-or restricting- the exception regarding the duration of a procedure of acceptance. In some particular cases the procedure of verification at its subsequent acceptance takes a much longer time than 30 days.</p> <p>As regards the recommendations for all commercial transactions, the Commission will carefully analyse the recommendation of establishing an obligation to pay certain interest, compensation and internal cost.</p>
<p>1.4 The Committee emphasises that in order to fully achieve the aim of the directive, measures are needed to increase SMEs' access to public procurement, so they can benefit to a greater extent from the rules laid down.</p>	<p>The Commission agrees on the importance of increasing SMEs' access to public procurement.. To help in this process, and as part of SBA, the Commission published a set of practical examples and guidelines which will enable Member States and Public Administration to make public procurement rules more SMEs friendly [SEC(2008) 2193].</p>
<p>1.5 When transposing the directive and</p>	<p>The Commission shares the opinion of the</p>

<p>monitoring the measures adopted, it is important that the authorities engage in cooperation and quality dialogue with the social partners and with organisations of SMEs.</p>	<p>Committee. In fact the Commission considers that the dialogue and transparency between the parties is of crucial importance. The principle of transparency laid down in article 7 of the proposal will facilitate to spread up the information on the new rights conferred to t SMEs and business to face late payment..</p>
<p>1.6 The excessive payment periods and late payment should be avoided in case of subcontracted public procurement and in SMEs' relation with large companies. Where appropriate, the national authorities could monitor or set down payment periods in sectors where the risk of unjustifiably long payment periods is particularly high, without imposing additional obligations and costs on businesses.</p>	<p>The proposal allows Member States to adopt provision which are more favourable to the creditor.</p>
<p>1.7 The Committee recommends that the Member States step up cooperation and provide for joint information and support measures aimed at SMEs, with regard to late payment for cross-border transactions.</p> <p>1.8 The Committee recommends at European level to develop a specialist multilingual website, gathering information pertaining to each Member State on the transposition of the Directive, legal framework and applicable procedures for debt recovery or other useful information. At National level, there should be support for the widespread dissemination of this information via one-stop shops and SME organisations.</p>	<p>As regards the development of a website at European level, the Commission intends to set up a website where all relevant information provided by Member States will be published. At national level, the proposal obliges the Member States to publish this information on the light of the principle of transparency.</p>
<p>1.10 The Committee reiterates its proposal on “setting up of an advisor committee open to interested parties, which could operate with ESC support”.</p>	<p>The input of civil society and interested parties is very important for formulating EU policies. The Commission will continue reinforcing the culture of consultation and dialogue in the EU. At the moment, the Commission considers that, in the field of late payment in commercial transactions, its objectives of a more transparent consultation</p>

	process and a rationalisation of its consultation procedures cannot be satisfactorily achieved by an advisory committee.
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12. New Skills for New Jobs
COM (2008) 868 final - EESC 1712/2009 – November 2009
Rapporteur: M^{rs} DRBALOVÁ (Empl./CZ)
DG EMPL - Mr ANDOR

The Commission thanks the EESC for its very positive opinion on the Communication "New Skills for New Jobs", stressing the commonalities of points of view between the two institutions on the necessity to up skill, match and anticipate skills' need and consequently adapt education and training systems. To further consolidate this approach a high level independent expert group report has been set up to produce more concrete policy recommendations on the "New Skills for New Jobs" initiative.

Main points of the EESC Opinion	Commission Position
<p>The EESC points out the lack of clarity of the definition of skills as "practice" would differ across Member States.</p>	<p>The definition of skills as proposed in the Staff Working Document goes beyond differing practice and is clearly distinguished from other related concepts such as qualification, knowledge and competence. "Skill" was defined as the ability to apply knowledge and use know-how to complete tasks and solve problems. In the context of the European Qualifications Framework, skills are described as cognitive (involving the use of logical, intuitive and creative thinking) or practical (involving manual dexterity and the use of methods, materials, tools and instruments).</p> <p>For further information, please refer to the Recommendation of the European Parliament and of the Council (April 2008) on the establishment of the European Qualifications Framework for lifelong learning: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:111:0001:0007:EN:PDF</p>

<p>The EESC stresses the current inexistence of any reliable tool to identify future needs accurately and the difficulties of adapting skills provision with labour market needs as current global division of work is rather unstable, which makes it difficult to predict and provide the right skills on the long or medium term.</p>	<p>Although the Commission recognizes the difficulties of creating a reliable tool to precisely anticipate future skills need, it also underlines the possibility as well as the importance to further develop methods at both national and European level to systematically and regularly collect, analyse and diffuse labour market information on existing and future skills need. To reach this goal, the Commission is working in close collaboration with the CEDEFOP and also with the EUROFOUND, for example on the study of 18 sectors to identify their future skills need.</p>
<p>The EESC underlines the importance of partnerships and collaboration between interested parties, the ILO and OECD more particularly</p>	<p>The Commission welcomes the positive opinion of the EESC on the importance of creating more cooperation between interested parties in order to be better informed on skills demand and supply.</p> <p>Cooperation with the ILO, the OECD and third countries such as China and the US in order to learn about best practices and improve understanding of global challenges is ongoing.</p>

<p>The EESC supports the Commission's proposals for closer cooperation between educational establishments, businesses and social partners, as well as civil society</p>	<p>Bringing the world of education, training and work closer together can only be successful through a partnership approach. The Commission is playing an important role to strengthen the cooperation between the main players. For example, it has launched the University-Business Forums, which provides a platform for dialogue and sharing of best practices.</p> <p>Involving the social partners, the Commission has published 18 sectoral studies and a feasibility study on Sectoral Councils which would collect information and update the assessment of skills needs in their sector.</p> <p>The high level expert group set up by the Commission is also working on how to further strengthen the cooperation between the main actors; their recommendations will be presented at a conference in Brussels in February 2010.</p>
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<p>In view of an increasing demand for higher skill levels in the labour market, the EESC agrees on the necessity for Europe to raise transversal skills (team work, language, communication skills) as well as literacy and basic numeracy from an early age.</p>	<p>The Commission emphasizes the need to invest heavily on education at all level in order to equip people with the right skills. The upskilling process should start already at primary school to raise level attained in literacy and basic numeracy.</p> <p>In this context, the Commission is establishing a High Level Group on Literacy to examine the existing research evidence and good practice.</p> <p>By setting the priority of raising skills level the Commission does not only involve basic or specific skills but also transversal skills such as digital literacy, creativity, team work, entrepreneurship, which might have been neglected at all levels of the education and training curricula.</p> <p>To enhance those skills and promote a learning outcomes approach across European countries, Member States have</p>
	<p>been recommended to relate their qualifications systems to the European Qualification Framework by 2010.</p> <p>At a higher education level, the Tuning Educational Structures in Europe project already helps universities to better adapt their curricula and define degree programmes in terms of learning outcomes.</p>
<p>The EESC points out the necessity of broadening the opportunities for good quality apprenticeships and work experience</p>	<p>The Commission welcomes this opinion of the Committee and also stresses the need to give further incentives to individuals but also to employers to create more and high quality apprenticeships positions.</p> <p>Moreover, one of the priorities in the "Shared Commitment for Employment" is to provide at least 5 millions apprenticeships across the EU for young people facing unemployment.</p>

<p>15. Proposal for a Directive of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community and repealing Directive Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Communication and action plan with a view to establishing a European maritime transport space without barriers / COM(2009) 10 final and COM(2009) 11 final - EESC 1695/2009 - November 2009 Rapporteur: Mr IOZIA (Work./IT) DG MOVE – Mr KALLAS</p>	
Main Points of the EESC's Opinion	Commission Position
<p>1.2 The proposed work programme is ambitious and well-structured, with a coherent action plan apt to meeting the proposed objectives. The reduction and rationalisation of administrative formalities, to be defined in such a way as to avoid impacting upon the current levels of safety and quality of the necessary controls, are crucial to improving inward and outward port traffic.</p>	<p>The work programme aims at eliminating or reducing redundant or obsolete administrative procedures as it has been done for other transport modes. In addition, it supports the deployment of electronic means for administrative formalities.</p> <p>The Commission agrees that these progresses shall be achieved without reducing the present level of safety and quality.</p>
<p>1.4 A number of specific proposals in the communication need to be looked at more closely, and the EESC urges the Commission to set up forums for all stakeholders, covering the following issues: pilot exemption certificates, formalities concerning the simplification of carriage of dangerous goods, carriage of plant and animal products and coordination of port inspections (<i>one-stop shop</i>).</p>	<p>The Commission agrees to consult stakeholders when it will develop further measures in the four areas enumerated by the EECS.</p>

<p>1.7 The proposal regarding pilot exemption certificates could further reduce this activity, and would make this occupation less attractive to many young people. Reliable studies or analyses must be carried out showing the potential positive effects, whereas the negative effects on employment and safety would seem to be clear. Alternatively, consideration could be given to extending</p>	<p>Pilots have an important role for the good and safe functioning of ports. Most frequently pilot jobs are carried by experimented marine officers, but it is true that the possibility to pursue one's officer carrier as a port pilot contributes to render maritime carriers more attractive.</p> <p>In many European ports today, Pilot Exemption Certificates (PECs) are</p>
<p>remote pilotage using technological innovations, thus saving time and money while guaranteeing high standards of safety. In the event of collision or any other type of maritime event which might cause material damage or loss of life, insurance companies are authorised to refuse to honour claims for damages if the maritime licences held by those in charge of the vessel – the shipmaster and the chief engineer – are not valid. The EESC recommends that the Commission set up a forum with all stakeholders (shipowners, pilots, sectoral organisations and port authorities) to assess the actual impact of this proposal on safety and employment.</p>	<p>granted in an open and safe manner and this situation is well accepted by the local professional pilots. However, there are still places where PECs are not granted at all, even to captains whose skill and experience are above standards.</p> <p>The Commission will consult the pilots associations and the other stakeholders in view to encourage progress in this domain. Due consideration will be given at the impact on safety as well as on the employment.</p> <p>Remote pilotage is a technique which is successfully used in some ports. However, at the present time the decision to put it into place shall be taken on a case by case basis.</p>

<p>1.8 It is essential to successfully define a Community legal basis, so that ships carrying "Community" goods between two EU ports (for example Lisbon and Naples) can be treated in the same way as other modes of transport.</p> <p>1.9 The EESC would have preferred this possibility to have been included in the new Community Customs Code. Noting that the Commission does not plan to follow this proposal, the EESC calls for it at least to be included among the future implementing rules of the Code, before the end of 2009, so that it may be implemented as swiftly as possible.</p>	<p>The Customs Code Committee voted on 5 November 2009 an amendment to the regulation on the implementing provisions of the Community Customs Code in view to improving the Internal Market in the field of maritime transport. This amendment should be in line with the expectations of the EECS.</p>
<p>1.10 The EESC is highly supportive of the initiative to introduce a "single window" dealing with all types of practice and other rationalisation measures, such as the planning of inspection visits by the various port and customs authorities: it will be possible to send administrative documents electronically, without prejudice to the activities of customs authorities in fighting crime.</p>	<p>The actions underlined by the EECS will be part of the e-Maritime initiative, which has been launched in 2009 in view of the adoption of a coherent framework in 2011.</p>
<p>1.11 The EESC calls on the Commission to examine the issues surrounding the possibility of granting the same privileges to ships engaged on operations between two EU ports that call at a non-EU port. According to shipowners' associations, this affects a large number of ships that could benefit from the advantages of the internal maritime space without borders.</p>	<p>The cases of vessels mainly carrying Community goods, but calling in third countries are economically important and a further degree of facilitation can certainly be achieved.</p> <p>The Commission intends to assess the possibilities for such facilitation in consultation with the economic stakeholders, including the Customs experts and authorities.</p>
<p>1.12 Making English the common language of maritime transport, as in air transport, would greatly facilitate administrative formalities and practices.</p>	<p>The Commission is well aware of this matter of fact. Practical, commercial and in some cases safety reasons push for a general use of English, as least as a second administrative language.</p>

<p>16. Proposal for a directive of the European Parliament and of the Council on aviation security charges COM(2009) 217 final - EESC 1699/2009 – November 2009 Rapporteur : M. OPRAN (Empl./RO) DG MOVE – M. KALLAS</p>	
<p>Main Points of the EESC Opinion</p>	<p>Commission's position</p>
<p>Paragraph 1.2.2: With reference to Article 1 – "Subject matter" of the draft Directive, the Committee proposes that subparagraph 1 should be modified as follows: "This Directive sets common principles at EU level for the calculation and levying of security charges for all Community airports".</p>	<p>The Commission supports the view of the EESC and will take it into consideration in negotiations with the co-legislators.</p>
<p>1.2.3 With reference to Article 4 – "Consultation", the Committee proposes that subparagraph 2 should read as follows: "Member States shall ensure that a Committee of aviation operators is established in every airport. This Committee shall participate in a compulsory and regular procedure for consultation with the airport managing body with respect to the operation of the system of security charges and the level of such charges. That consultation shall take place whenever necessary and no less than once a year. Representatives of civil organisations supporting the interests of air passengers shall be invited to participate permanently in the work of the Committee as full members or observers, on a case-by-case basis".</p>	<p>The Commission considers the method for conducting a consultation should be flexible. Indeed, airports already establish an Airport Operators' Committee, which could be used for consultation purposes.</p> <p>The Commission supports the views of the EESC view that consultation should take place whenever necessary and the Commission does not object to Member States consulting the representatives of passengers. The Commission will take these factors into consideration in negotiations with the co-legislators.</p>

<p>Paragraph 1.2.5: Similarly the Committee, which is convinced that activities relating to the provision of national security in general and the fight against terrorist threats in particular are key responsibilities of the Member States, considers that governments' financial participation in covering the costs of air security should be reviewed and their contribution towards the costs – currently borne by airports, air operators and passengers – substantially increased.</p>	<p>The Commission takes note of the view of the EESC. The Commission considers that ensuring aviation security is primarily a State responsibility, and as such, is not opposed to the State playing a role in the financing of aviation security.</p>
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<p>18. Renewable Energy Progress Report: Commission Report in accordance with Article 3 of Directive 2001/77/EC, Article 4(2) of Directive 2003/30/EC and on the implementation of the EU Biomass Action Plan COM(2009) 192 final - EESC 1698/2009 - November 2009 Rapporteur : M^{rs} ANDREI (Var. Int./RO) DG ENER – Mr OETTINGER</p>	
<p>Main Points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Paragraph. 1.2 The Committee is concerned that the EU is unlikely to reach the 2010 targets set by Directives 2001/77/EC and 2003/30/EC, and urges the Member States to take responsible measures and make every effort to achieve the agreed targets by 2010.</p>	<p>The Commission agrees with the EESC 's overall conclusion in this respect.</p>
<p>Paragraph.1.9 For an integrated assessment on biofuel potential and also to avoid the use of valuable agriculture land and precious areas of biodiversity, the EESC proposes that each Member State create and make available a country map showing areas of land appropriate for energy crops.</p>	<p>The Commission believes that all the necessary measures in that respect are covered by the comprehensive biofuels sustainability regime created in Directive 2009/28/EC and the follow up measures already planned.</p>
<p>Paragraph. 1.10 Due to concerns regarding the pressure that will be placed on forest exploitation, the EESC recommends that important steps and decisions regarding the biomass used for</p>	<p>The follow up measures already planned on bioenergy, contained in Directive 2009/28/EC, do already address forest exploitation issues when biomass is used for energy production.</p>

<p>energy production be taken only after an appropriate monitoring system is in place.</p>	
<p>Paragraph.1.11 The Commission should consider allocating appropriate funding to raise public awareness and educate EU citizens on the subject of energy. Further financing should be made available to ensure that experts in the field of energy efficiency and renewable energy production are available.</p> <p>It should be proposed and reiterated that R&D budgets for renewable energy must be maintained and increased despite the financial crisis affecting Member States and the EU; otherwise all autonomy vis-à-vis other powers may rapidly be lost.</p>	<p>The Commission is increasing its spending in this area, through the Intelligent Energy Europe, European Economic Recover Plan and 7th RTD programmes and Directive 2009/28/EC which imposes further relevant requirements on Member States.</p>

<p>Paragraph.1.12 & 4.9 For the next progress reports, the European Commission should also consider the option of monitoring and reporting the treatment and recycling of renewable energy equipment when it reaches the end of its life cycle.</p>	<p>The Commission believes that the Community legal framework for recycling is sufficient and that imposing a new separate regime on renewable energy would simply add an extra administrative burden on the sector.</p>
<p>Paragraph.4.6. The EESC recommends that regional development measures should be taken, encourages the exchange of best practices in renewable energy production between local and regional development initiatives and promotes the use of EU funds in this area.</p>	<p>The Commission agrees with EESC on the need of regional measures for the promotion of renewable energy. This will be done <i>inter alia</i> through the implementation of article 23(7)(a) of Directive 2009/28/EC which requires the Commission to report by 31 December 2010, on financing of renewables, with a view to, among others, the better use of structural funds, on the basis of reports submitted by Member States.</p>
<p><i>Paragraph.5.3.1 Therefore the EESC recommends that the use of agriculture to produce high-quality food should take precedence over its use for energy production in order to react to higher food prices. The European Union should take steps to improve promotion of sustainability criteria for biofuels and the development of second and third-generation biofuels. By initiating a biofuels certification system, the EU will take the lead in promoting sustainable cropping practices (including land use change and biodiversity protection) inside and outside its borders.</i></p>	<p>Directive 2009/28/EC lays down sustainability criteria for biofuels and bioliquids which apply to all fuels produced in and outside the EU. Second generation biofuels count twice to the 10% renewable transport target which gives a strong incentive to develop second generation biofuels.</p>

<p>20. European aviation relief programme Own-initiative Opinion - EESC 1944/2009 – December 2009 Rapporteur: M. KRAWCZYK (Empl./PL) DG MOVE – M. KALLAS</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>9.2 La Commission européenne devrait initier</p>	<p>La Commission n'est pas en mesure de</p>

<p>les procédures relatives à un gel de la règle 80-20 inscrite dans le règlement 'Créneaux horaires' pour la saison d'hiver 2009-2010.</p>	<p>donner suite à cette demande du fait des conditions strictes qui ont été posées par le législateur en 2009 lors de l'adoption du gel de la règle 80-20% pour la saison d'été. Ces conditions portent sur la nécessité d'accompagner toute nouvelle proposition de gel pour l'hiver 2009-2010 d'une révision d'ensemble du règlement créneaux. Une telle révision ne peut être improvisée et requiert des études préalables qui nécessitent du temps.</p>
<p>9.3-9.7 Nécessité de protéger les emplois et les compétences en période de crise en renforçant le dialogue social, en encourageant la formation, en développant les liens entre les écoles et universités et l'industrie pour maintenir le dynamisme d'un secteur industriel important.</p>	<p>La Commission partage le point de vue du comité. Par ailleurs, les services de la Commission finaliseront début 2010 un document sur les aspects sociaux du marché unique.</p>
<p>9.8 – 9.9 Nécessité de revenir à la politique de la BEI d'avant 2007 pour le financement d'appareils (pas d'expansion de la flotte) et les risques financiers (fluctuations des changes)</p>	<p>La BEI est responsable de la révision de la politique de prêts. Les services de la Commission européenne sont en contact avec ceux de la BEI au sujet des questions de financement d'appareils et d'équipement de gestion du trafic aérien, sans préjudice de l'issue de ces contacts.</p>
<p>9.10 et 9-11 Financement additionnel Recherche, notamment dans le cadre des programmes FP 7 et FP 8</p>	<p>Le secteur de l'aviation fait l'objet d'une priorité importante dans le cadre du 7^{ème} programme-cadre de Recherche, notamment dans le cadre des programmes SESAR (350 millions d'euros) et CleanSky (800 millions d'euros). La politique de la Commission n'est pas encore établie pour le 8^{ème} PC. Une révision à mi-parcours est en cours pour le 7^{ème} PC.</p>

<p>9.13 – Nécessité de mettre en œuvre le Ciel unique de manière urgente, de garantir l'interopérabilité entre SESAR et NEXTGEN, et le financement de SESAR.</p>	<p>La Commission partage pleinement le point de vue du Comité économique et social européen sur la nécessité de mettre en œuvre le Ciel unique notamment le paquet Ciel unique II adopté le 7 septembre et entré en vigueur le 4 décembre 2009. Elle organisera en liaison avec la Présidence espagnole une conférence à Madrid les 25 et 26 février 2010 portant sur l'adoption d'une 'feuille de route' pour cette mise en œuvre.</p>
	<p>En ce qui concerne l'interopérabilité entre SESAR et NEXTGEN, la Commission mène actuellement des négociations avec les Etats-Unis sur base du mandat reçu du Conseil en octobre 2009 pour la recherche avec la Federal Aviation Administration américaine. Quant au financement de SESAR, celui-ci est assuré pour la période allant jusqu'en 2013 et la Commission soumettra des propositions en 2010 quant au financement de la phase de déploiement.</p>
<p>9.14 – Nécessité pour les Etats membres d'appliquer au plus vite la directive sur les redevances aéroportuaires</p>	<p>La Commission européenne partage le point de vue du Comité économique et social européen. Le Vice-Président Tajani a adressé le 8 octobre 2009 à tous les Ministres des transports une lettre par laquelle il enjoint une application rapide de la directive sans attendre le délai ultime de transposition.</p>

<p>9.15 et 9.16 – Nécessité pour la Commission de demander aux Etats membres et à Eurocontrol de geler les redevances de gestion du trafic aérien</p>	<p>La Commission partage le point de vue du Comité selon lequel la question des redevances ATC est importante. En juin 2009, les Etats membres avaient annoncé une augmentation probable pour 2010 de 7% des redevances en route. Le Vice-Président Tajani a écrit aux ministres des transports le 8 octobre pour demander un gel. Les taux finals, approuvés, sont en moyenne de 2.7% d'augmentation, ce qui ne correspond pas à un gel mais est substantiellement mieux que les 7% envisagés.</p>
<p>9.17 et 9.18 Importance de la sécurité, de la sûreté et accords internationaux aériens</p>	<p>La Commission confirme que le rôle de l'AESA est d'agir dans l'intérêt de la sécurité aérienne, qu'elle accorde beaucoup d'importance à la mise en œuvre du one-stop security dans le cadre de l'accord de 1^{ère} étape avec les Etats-Unis et qu'elle poursuivra une politique ambitieuse en matière d'accords internationaux pour offrir de nouveaux marchés et assurer des conditions de concurrence justes au bénéfice des citoyens européens.</p>

<p>21. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Strategic goals and recommendations for the EU's maritime transport policy until 2018 COM(2009) 8 final - EESC 1949/2009 - December 2009 Rapporteur: Mrs BREDIMA (Empl./EL) DG MOVE – MR KALLAS</p>	
<p>Main Points of the EESC Opinion</p>	<p>Commission position</p>
<p>Paragraph 1.8 The EESC invites the Commission to investigate the existence of bilateral maritime agreements on cargo sharing between EU Member States and third countries and, if necessary, activate enforcement of the acquis communautaire</p>	<p>Should complaints be lodged regarding specific cases, the Commission will take the necessary steps. Community rules on cargo-sharing agreements had already been enforced when Regulation 4055/86 entered into force.</p>

<p>(Regulations 4055/86 and 4058/86).</p>	
<p>Paragraph 3.1. Attracting youngsters to maritime careers to safeguard the highest level of know-how in the European maritime cluster – the global leader – is an absolute necessity.</p>	<p>The Commission concurs with this position. Therefore it has initiated and enforced several actions to attract people to the seafaring professions. Besides, it also intends to put forward in 2011 a comprehensive package of initiatives, relating to the social aspects of the Maritime Transport, which will inter alia address these points.</p>
<p>Paragraph 3.1.2 A more coordinated approach including all relevant stakeholders (maritime administrations, schools, shipowners associations, seafarers' unions), the use of the internet, media and TV programmes projecting life at sea is necessary. The Commission is encouraged to address the issue at EU level.</p>	<p>The Commission will look further into how to enhance the image of shipping and careers at sea as part of the implementation of the EU maritime transport strategy 2018.</p>
<p>Paragraph 3.3. The Commission is urged to investigate and study the increase of the size of ship crews and fatigue related problems and risks with a view to their mitigation and to take measures as appropriate.</p>	<p>The Commission shares this position as regards in particular fatigue and its involvement in maritime accidents; It will further consider this issue, including ways to prevent fatigue within the above (3.1.) mentioned package of initiatives.</p>
<p>Paragraph 3.4. Promotion activities, education and training towards the highest quality should be further enhanced. The Commission should examine best practices in Member States at secondary education level promoting maritime careers.</p>	<p>The Commission has initiated and enforced several actions to promote the maritime professions and relevant careers both at sea and ashore; It has also instigated a comprehensive legislative framework regarding education, training and certification of seafarers. The above mentioned package of initiatives will further consider these issues and come up with additional adequate proposals for action.</p>

<p>Paragraph 4.1. This position should be reinforced through the State Aid Guidelines (to be reviewed in 2011), a major instrument in safeguarding a level playing field and worldwide competitiveness of the EU fleet. Prolongation of the Guidelines to maintain the status quo is necessary. At the same time, the EESC also calls for the fleshing-out of EU aid arrangements. In future, aid should in principle be granted only to flags within the EU and there should be no possibility of circumventing European standards.</p>	<p>The Commission shares the position to maintain and if possible increase the competitiveness of the EU fleet. The Commission intends to carry out a study to review the current State aid rules and to propose options in 2010 in view of the State Aid guideline review in 2011. The Commission takes note of the position of the EESC on the need to strengthen the flag-link.</p>
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Paragraph 4.5. Following the unilateral abolition of the antitrust exemption to maritime conferences in the EU (2006), the Commission is invited to monitor the consequences of non uniform competition regimes worldwide.

The EU abolished its antitrust exemption for liner conferences with effect from 18 October 2008. Several other countries around the world do not exempt the liner sector from their antitrust rules. However, some of our major trading partners still exempt some forms of price cooperation between liner operators (conferences and/or discussion agreements).

In terms of the effectiveness of the EU repeal on EU trades, the existence of more lenient competition regimes in other countries is of no consequence: the prohibition of conferences under EU law was sufficient to induce conferences operating on EU trades to disband on or before the October 2008 deadline. A conflict of laws would only occur if another jurisdiction were to **require** liner operators to cooperate in a way which is contrary to EU law – which, as far as the Commission is aware, has not occurred to date.

As regards the consistency of maritime antitrust regimes per se, which would be useful to ensure effective enforcement at both ends of a trade and to reduce the costs of doing business in jurisdictions with different rules, the Commission is currently consulting its main trading partners. This is in accordance with recital 11 of Regulation no. 1419/2006 ("the Commission should take the appropriate steps to advance the removal of the price fixing exemption for liner conferences that exist elsewhere"). So far the Commission has been in contact with the U.S. authorities, China, Hong Kong and Korea (both via high-level meetings and at staff level) to explain the advantages of the EU repeal. These consultations are still ongoing and are expected to continue.

<p>Paragraph 6.1. It therefore invites the Commission to draft a <u>Black Sea Strategy</u> involving all countries of the basin to secure the transportation of energy resources from the Caspian Sea to Europe</p>	<p>The Commission is planning a Communication on a Strategy for the Danube in December 2010. While this Communication is not directly aimed at the Black Sea itself, the Commission will pay special attention the impact this may have on the status of the Black Sea. This process will enable the Commission to identify other issues of particular interest in the Black Sea and react appropriately.</p>
<p>Paragraph 6.5. The EESC reiterates the need for urgent EU action on proliferation of piracy incidents against merchant vessels in Africa and South East Asia. ..., the Commission should promote the establishment of relevant jurisdictions and legislation in the affected areas. Close cooperation must be sought with the UN organisations in order to improve the political, economic and social conditions in the countries of origin.... EU development aid and diplomatic action should be used to that effect. The EESC categorically opposes the arming of seafarers.</p>	<p>In the framework of the "Protection of critical maritime routes" and financed through the instrument for stability, a programme of activities has been approved to enhance safety and security of the shipping lanes from the straits of Malacca and Singapore to the Gulf of Aden/western Indian Ocean. In the latter region this aid is notable devoted to support the implementation of the IMO's Djibouti Code of Conduct.</p> <p>The EC's Somalia Special support programme (EUR 215 million 2008-2013) is aimed at enhancing governance, education, economic development and food security. The Commission is furthermore supporting the UN Development Programme (UNDP) and the African Union's peacekeeping mission in Somalia (AMISOM).</p> <p>The Commission also shares the position of the EESC that seafarers should not be armed.</p>

Paragraph 6.6. Illegal immigration, apart from its evident humanitarian implications, entails acute problems for maritime transport and sea frontiers security. The enhancement of the integrated maritime surveillance for the Mediterranean Sea (Safe Sea Net, FRONTEX) is imperative. The Commission should develop a co-operation policy with third countries of origin and transit of immigrants to control illegal immigration by sea.

The Commission shares this position and adopted a Communication "Examining the creation of a European Border Surveillance System (EUROSUR)" on 13.2.2008 and a Communication towards the integration of maritime surveillance on 15.10.2009. These documents aim at an integrated approach to maritime surveillance in order to improve the effectiveness of authorities responsible for maritime border control, illegal fishing, as well as to prevent accidents at sea, to safeguard the environment and to facilitate trade.

The Commission is carrying out a two pilot projects, (Mediterranean and Northern Sea basins) to test how integrated maritime surveillance can work in practice. A roadmap towards the creation of the common information sharing environment is being prepared.

In November 2009 the Commission presented a legislative proposal clarifying the legal framework applicable to FRONTEX border surveillance operations at sea, with the aim of making such operations more efficient, ensuring that fundamental rights, notably non-refoulement, are fully respected, and encouraging wider participation by Member States.

Following the conclusions of the European Council of 19 June 2009, the Commission, jointly with FRONTEX and with Member States, is already proposing to an increasing number of non-EU countries, which are the source or the transit area of irregular migration flows directed towards the Mediterranean, to engage themselves more and to cooperate in the control and prevention of these flows. A particular attention is being placed on the relations with Libya and Turkey.

<p>Paragraph 7.1. In the context of sustainable transport and the promotion of short sea shipping, more investment should go to improving port infrastructure and hinterland connections. This parameter should be fully taken into account in the TEN-T review. The EESC invites the Commission to identify the incompatibilities in the interface between land and sea networks to facilitate the connection of EU with neighbouring countries having common frontiers.</p>	<p>The Commission shares the view that port infrastructure and hinterland connections should receive special attention and that respective interfaces should be improved where necessary. This will be reflected in the review of TEN-T and the issues are addressed in regular meetings with Short Sea Shipping and Motorways of the Sea stakeholders.</p>
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<p>22. Proposition de directive du Parlement européen et du Conseil modifiant la directive 1999/62/CE relative à la taxation des poids lourds pour l'utilisation de certaines infrastructures COM(2008) 436 final – CESE 1947/2009 – Décembre 2009 Rapporteur: M. DANTIN (Trav./FR) DG MOVE – M. KALLAS</p>	
<p>Points de l'avis du CESE estimés essentiels</p>	<p>Position de la Commission</p>
<p>Paragraphes 2.6 et 3.1: le CESE peut accueillir favorablement le projet de directive mais, dans un souci de cohérence, à la condition que la Commission européenne prenne en compte les remarques faites par le CESE dans son avis de juillet 2009 relatif à la "Stratégie pour une mise en œuvre de l'internalisation des coûts externes"⁴.</p>	<p>La Commission se réjouit de l'accueil favorable du CESE et dans un souci de continuité dans sa collaboration se réfère à sa fiche de suivi de l'avis du CESE de juillet 2009, dans laquelle elle apporte des clarifications sur sa position, notamment sur l'étendue de la Proposition soit l'inclusion des usagers de la route non-Européens, l'exclusion des voitures particulières, considérant que les Etats membres sont libres de décider ou non de leur appliquer une tarification des infrastructures selon leurs propres règles, le caractère non-contraignant de la proposition, et enfin sur la méthode de calcul de l'internalisation des coûts dans l'annexe technique de la Proposition.</p>
<p>Paragraphes 1.5, 1.14: L'éventuelle baisse de la compétitivité du transport routier qui en découlerait doit être appréciée de façon</p>	<p>La Commission estime de plus que les craintes quant à la baisse de compétitivité du transport routier ne doivent pas être</p>

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JO C 317 du 23.12.2009, p. 80.

<p>globale, dans le cadre de l'intérêt général à rechercher, au regard des bénéfices économique réalisés par la réduction des conséquences liées notamment aux pollutions et à la congestion du réseau.</p> <p>Paragraphe 3.2: Face aux répercussions que pourrait produire la mise en œuvre de la directive, le Comité s'interroge sur les implications que la proposition de modification de la directive 1999/62/CE pourrait avoir en ce qui concerne le positionnement des produits européens sur les marchés mondiaux. Il souhaite que la Commission soit attentive sur ce point.</p>	<p>exagérées vu le très faible impact sur les opérations internationales de transport. La Commission a réalisé en 2008 une étude d'impact approfondie et a commandité, en réponse à la demande du Conseil, une analyse supplémentaire simulant l'impact réel de la Proposition sur 6 itinéraires transeuropéens et réalisée par le Centre Commun de Recherche (voir http://ipts.jrc.ec.europa.eu/publications/pub.cfm?id=2779). Compte tenu des plafonds imposés par la directive sur les corridors testés, le coût du transport routier international augmenterait en moyenne de 4 centimes d'euros pour un camion Euro IV, soit une hausse de 3%, ce qui aurait une hausse sur les prix quasiment indétectable. Vu ces surcoûts très modestes pour les opérateurs internationaux, les bénéfices directs et indirects qui résulteraient de la directive les compenseraient très largement. Il est par ailleurs rappelé que la directive prévoit des dispositions pour que les opérateurs puissent plus facilement répercuter les surcoûts éventuels sur leurs clients, ce qui évitera par exemple une pression à la baisse des salaires.</p>
<p>Paragraphe 3.6: Le Comité considère que la Commission doit présenter dès que possible, comme l'exige la directive, un modèle d'évaluation de la totalité des coûts externes accompagné d'une analyse d'impact de l'internalisation des coûts externes de tous les modes de transport, ainsi que d'une stratégie d'application progressive et commune à tous les modes de transport, en évitant les mesures qui créent des distorsions de la concurrence entre ces modes de transport et qui gênent la bonne application de la 'comodalité'.</p>	<p>La proposition de révision de la Directive a été introduite dans le cadre d'un paquet de communications sur "l'écologisation des transports" datant de juillet 2008 qui cible également le transport ferroviaire. D'autres mesures législatives visant le transport aérien et maritime ont également été introduites en parallèle ou sont actuellement en élaboration.</p>

<p>Paragraphe 1.13 et 4.7: Le Comité juge que la directive devrait inciter les États membres à tenir compte, en fonction de critères qu'il conviendrait de définir de manière concertée, du niveau des émissions de gaz à effet de serre des véhicules soumis à la tarification d'usage des infrastructures et de l'effort réalisé pour les réduire.</p>	<p>La Commission attire l'attention du Comité sur le fait que les péages de coûts externes tels qu'autorisés par la directive en incitant une utilisation plus efficace des infrastructures routières et indirectement un transfert vers des modes moins émetteurs de CO₂, ont un potentiel de réduction des émissions de CO₂ de la route très prometteur de l'ordre de 8%. Vu l'absence de normes applicables aux camions en ce qui concerne le CO₂ (contrairement à ce qui existe pour les émissions polluantes avec les normes Euro) il aurait été prématuré d'appliquer une variation en fonction du CO₂.</p>
<p>Paragraphe 1.11: Les gains générés par l'imposition doivent être utilisés pour améliorer la qualité du secteur du transport s'agissant des performances écologiques, sociales et économiques.</p> <p>Paragraphe 4.5: Le Comité pense qu'il est juste que les éventuelles majorations pour l'internalisation des coûts liés à des infrastructures des régions de montagne soient réservées au financement de la réalisation de projets prioritaires d'intérêt européen, favorisant la comodalité et représentant une alternative de transport combiné pour le mode de transport qui contribue au financement des infrastructures.</p>	<p>La Commission se réjouit du soutien du Comité en faveur de l'affectation des recettes à l'amélioration du secteur du transport, une disposition que la Commission et le Parlement soutiennent mais qui est encore discutée par le Conseil.</p> <p>Quant aux recettes issues de la majoration liée aux régions montagneuses, la directive actuelle prévoit déjà leur affectation aux projets d'intérêt européen prioritaire du réseau transeuropéen constituant une alternative dans le même corridor.</p>
<p>Paragraphe 3.10, 3.11, 3.12: Dans les affectations données aux rentrées procurées par la tarification des coûts externes, il convient de veiller avec une attention toute particulière à l'amélioration des conditions de travail des conducteurs... Dans cette logique, il serait possible d'inclure dans la directive une mention de nature sociale qui signalerait les effets que la destination donnée aux rentrées ainsi générées produirait pour l'amélioration des conditions de travail des conducteurs.</p>	<p>La Commission estime que les recettes de la tarification doivent être utilisées pour améliorer le système des transports et sa durabilité en général. Cela n'exclut pas le financement de mesures de nature à améliorer les conditions de travail des employés du secteur, par exemple la mise à disposition d'aires de repos pour les chauffeurs.</p>

<p>23. Proposition de règlement du Conseil concernant la communication à la Commission des projets d'investissement relatifs à des infrastructures énergétiques dans la Communauté européenne et abrogeant le règlement (CE) n° 736/96 COM(2009) 361 final - CESE 1952/2009 – Décembre 2009 Rapporteur : M. SALVATORE (Trav./IT) DG ENER – M. OETTINGER</p>	
<p>Points de l'avis du CESE estimés essentiels</p>	<p>Position de la Commission</p>
<p>Paragraphe 1.3 et 5.6: Le CESE relève que les spécifications relatives aux seuils minimums visés à l'annexe de la proposition de règlement et au-delà desquels s'applique l'obligation de communication des informations ne sont pas adéquatement motivées par la Commission européenne. Il est nécessaire que les organes décisionnels européens et nationaux mènent une réflexion plus approfondie avec les opérateurs du secteur et les organisations de la société civile.</p>	<p>Lors de la préparation de sa proposition, la Commission a consulté les Etats membres, l'industrie et les opérateurs de réseaux énergétiques organisés à l'échelle européenne. Les perspectives d'évolution du secteur énergétique, telles que le développement de la production décentralisée d'électricité, ont été dûment prises en considération.</p> <p>La Commission a en outre recommandé au Conseil de consulter le CESE sur sa proposition.</p> <p>Dans le cadre de la négociation avec le Parlement européen et le Conseil, la Commission est disposée à tenir compte des avis qui pourraient lui être transmis.</p>
<p>Paragraphe 1.4: Le CESE propose que les analyses périodiques de la Commission ne se limitent pas à anticiper les déséquilibres éventuels entre la demande et l'offre d'énergie et à déceler les lacunes en matière d'infrastructures, mais soient également un instrument de contrôle de l'état d'avancement des projets notifiés, afin d'assurer que leur réalisation s'effectue dans des délais raisonnables.</p>	<p>La Commission confirme que la périodicité de l'analyse (tous les deux ans) et le contenu de la notification (indication des retards...) permettront de suivre la réalisation des projets d'investissement, en particulier transfrontaliers, et d'identifier les problèmes rencontrés. Les aspects susceptibles de faire l'objet d'une analyse ne sont cités dans la proposition qu'à titre d'exemple.</p>
<p>Paragraphe 1.5 et 5.3: Le CESE attache la</p>	<p>La Commission attache la même</p>

<p>plus haute importance à la sécurisation des infrastructures existantes et à celle des nouveaux projets (...) afin de prévenir les problèmes et de garantir l'efficacité énergétique ainsi que la durabilité environnementale, à laquelle l'on ne peut ni ne doit déroger sous aucun prétexte. Aussi importe-t-il que la Commission tienne compte dans ses analyses périodiques des aspects relatifs à la modernisation et à l'entretien des installations et des réseaux existants.</p>	<p>importance aux sujets évoqués par le CESE. L'analyse des nouvelles capacités (et de leurs caractéristiques essentielles) et des mises hors service vise à suivre la modernisation du système énergétique européen et sa transformation en un système énergétique durable.</p>
<p>Paragraphes 1.7 et 5.5: S'agissant de l'électricité produite à partir des énergies renouvelables, le CESE juge important d'éviter d'imposer des charges administratives aux petites et moyennes entreprises, en particulier celles qui sont spécialisées dans les technologies vertes émergentes, lesquelles sont déjà défavorisées par des coûts de production plus élevés que ceux des sources d'énergie conventionnelles.</p>	<p>La Commission a pris grand soin de limiter la charge administrative que représente la notification d'information pour les petites et moyennes entreprises, en particulier celles des énergies renouvelables. Les seuils proposés sont suffisamment élevés pour exclure du champ de la notification les projets de petite taille et les informations requises restent générales. La Commission a par ailleurs prévu des possibilités d'exemption à l'obligation de notification lorsque l'information requise est déjà disponible. Cela devrait être le cas en l'espèce, compte tenu du suivi régulier requis par la législation relative à la promotion des énergies renouvelables.</p>
<p>Paragraphe 1.9: Le CESE recommande à la Commission européenne de veiller à ce que les coûts des investissements ne soient pas répercutés sur les consommateurs.</p>	<p>La protection des consommateurs est une priorité de la Commission. Dans le cadre de son analyse du marché intérieur et des marchés de l'énergie, la Commission s'efforce d'assurer, au bénéfice des consommateurs, un fonctionnement harmonieux et transparent des marchés et des mécanismes de formation des prix.</p>

<p>24. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Towards a comprehensive climate change agreement in Copenhagen COM(2009) 39 final – EESC 1705/2009 - November 2009 Rapporteur: Mr McDONOUGH (Empl./IE) DG CLIM – Mrs HEDEGAARD</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.1 The EESC is very disappointed that the EU Heads of State have still not found agreement on crucial decisions on climate change financing.</p>	<p>At this moment, the EU and its Member States are ready to contribute with fast-start funding of EUR 2.4 billion annually for the years 2010 to 2012 in the context of implementing the Copenhagen agreement.</p>
<p>1.2 The EESC recommends, in line with scientific findings, a long term (by 2050) target about 2 tonnes CO₂e per capita per annum, in order to keep global warming to less than 2°C.</p>	<p>Emissions per capita are still at very different levels when comparing different countries around the world. There is no doubt that in the longer term those differences would need to be narrowed down significantly for the world to move to low carbon societies. However, determining contributions by different countries solely on the basis of per capita emissions would lead to unfair results.</p>
<p>1.3 The EESC asserts that the EU should take up a strong interim target of at least 30% reduction in GHG global emissions from 1990 by 2020, providing there are comparable reductions by other developed and by economically more advanced developing countries.</p>	<p>Agree. The EU remains committed to move to a 30% reduction compared to 1990 levels as its contribution to a global and comprehensive agreement for the period beyond 2012, provided that other developed countries commit themselves to comparable emission reductions and that</p>

	developing countries contribute adequately according to their responsibilities and respective capabilities.
1.4 DEVELOPED COUNTRIES SHOULD COMMIT TO A REDUCTION OF AT LEAST 80% IN GHG EMISSIONS BY 2050, RELATIVE TO 1990.	As part of such global emission reductions, the EU agrees to aggregate developed country emission reductions of at least 80-95% by 2050 compared to 1990 levels.

1.5. THE EESC IS IN AGREEMENT WITH THE COMMISSION THAT DEVELOPING COUNTRIES AS A GROUP (WITH THE EXCEPTION OF AFRICA'S LEAST DEVELOPED COUNTRIES) SHOULD COMMIT TO LIMIT THE GROWTH OF THEIR EMISSIONS TO 15% TO 30 % BELOW 'BUSINESS AS USUAL' BY 2020.	Agree.
1.6. GHG emissions from aviation and maritime transport should be included in the negotiations in Copenhagen.	Global emission reduction targets for international aviation and maritime transport should be incorporated into the future climate agreement. Parties should commit to work through ICAO and IMO to enable an agreement that does not lead to competitive distortions or carbon leakage, that is agreed in 2010 and approved by 2011.
1.7 THE EESC REITERATES THE NEED TO REDUCE GROSS TROPICAL DEFORESTATION BY AT LEAST 50% COMPARED TO CURRENT LEVELS BY 2020, WHILST AT THE SAME TIME ENSURING A SUSTAINABLE MANAGEMENT OF FORESTS, GRASSLANDS, WETLANDS AND PEATLANDS ELSEWHERE IN DEVELOPED COUNTRIES AND FOR THE FUTURE IN DEVELOPING COUNTRIES.	The EU's objectives are to reduce gross tropical deforestation by at least 50% by 2020 compared to current levels and to halt global forest cover loss by 2030 at the latest.
1.8 The EESC endorses the Commission's support of an international arrangement to add new fluorinated gases to the Kyoto Protocol 'basket'.	The Commission remains convinced that a HFC emissions reduction arrangement should be included in the future climate agreement, whereby HFCs remain in the basket of gases covered by the Kyoto Protocol or its

	successor
1.9 Adequate financing for global (and regional) climate change Research, technology Development and Demonstration must be provided.	Agree.
1.10 THE EESC IS SUPPORTIVE OF A PRO-ACTIVE EDUCATION AND OUTREACH POLICY, TO PROMOTE BETTER UNDERSTANDING OF CLIMATE CHANGE AND ITS IMPACTS, TO THE CITIZENS OF EUROPE AND BEYOND.	Agree.
1.11 The present global economic downturn should not be used as a deterrent in taking decisive and urgent actions on climate change.	Action to tackle climate change provides opportunities for a sustainable recovery through a shift to a lower carbon economy. Spending on climate change now is investment in innovation, fuelling more sustainable economic growth, with high quality jobs.

<p>25. White paper: Adapting to climate change: Towards a European framework for action COM(2009) 147 final - EESC 1707/2009 – November 2009 Rapporteur: Mr OSBORN (Var. Int./UK) DG CLIM – Mrs HEDEGAARD</p>	
Main points of the EESC Opinion	Commission Position
The Committee urges a stronger role for the co-ordinating European strategy pulling together a set of national adaptation strategies.	<p>Article 4 of the UNFCCC⁵ stipulates that every effort must be made to adopt national or regional adaptation strategies.</p> <p>The White Paper aims at establishing an effective working mechanism with EU Member States which will facilitate both the exchange of best practice and also encourage the sharing of information on the need for/design of NAS. .</p>

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Article 4 stipulates that All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances shall ... (b)...Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change.

	<p>In keeping with the White Paper commitment, the Commission will work with all Member States to further the development of National and Regional Adaptation Strategies with a view to also considering mandatory adaptation strategies from 2012.</p> <p>Guidances for Regional Adaptation Strategies have already been prepared in this context.</p>
<p>The Committee urges a tighter timetable for further development of the strategy giving particular attention to issues or areas that may require the most urgent adaptation measures to be put in place;</p>	<p>The current lack of available, precise and reliable data on climate impacts and vulnerability mean that it is difficult to take decisions now on how best to adapt and on what measures should be put in place and integrated with the management of other environmental and socio-economic drivers (such as land use change and demographic pressure) in the different sector policies.</p> <p>The White Paper recognises the importance of building the knowledge base and thus proposes an appropriate timetable in which this work may be carried out.</p> <p>Moreover, the Commission is placing specific emphasis on the assessment of no-regret measures and the identification of mal-adaptation. This will be at the heart of the actions undertaken until 2011 under the so-called "2nd pillar" of the White Paper, mainstreaming of adaptation into EU policies.</p>
<p>The Committee urges the establishment of an independent high level committee or body to monitor progress on mitigation and adaptation in Europe and to draw attention publicly to issues where progress is falling short;</p>	<p>Indeed, the White Paper proposes the establishment of an Impact and Adaptation Steering group which will be set up in 2010 which will make a significant contribution to the implementation of the EU's adaptation framework. It will provide a co-ordinated approach to building the evidence base and will ensure that the EU's adaptation framework enables the EU to prepare effectively for the impact of climate change. It aims to generate a better common understanding of the measures needed to promote adaptation in implementing</p>

	<p>the White Paper.</p> <p>In addition an information system/platform (EU Clearinghouse) is also proposed in the White Paper. It will act as a facilitator for collecting and disseminating scientific information, data and case studies about climate change impacts and vulnerability, to build a consistent and updated knowledge base. It will assist an effective uptake of this knowledge by EU, national, regional, local or sectoral decision makers, by offering guidance, tools, best practices for assessments of vulnerability to climate change at different geographical levels and of adaptation plans and measures.</p> <p>Both will help to monitor progress on adaptation and raise awareness on issues where progress is falling short. It is in any case too early to assess whether these proposals are not sufficient to generate the kind of visibility and political momentum that is needed to get adaptive measures under way on the scale and pace that will be needed.</p>
<p>The Committee urges an early effort to quantify the scale of adaptation expenditures that are likely to be needed in Europe (comparable to the admirable efforts that the Commission has already made to quantify developing countries' needs in this regard);</p>	<p>The White Paper and its Impact Assessment took on board the best available estimates of the costs of inaction and of adaptation policies, i.e. from 6th Framework Programme projects ADAM and PESETA. A further in-depth assessment is on-going in the framework of the 7th FP project ClimateCost; estimates for most affected sectors at EU level will be available in 2010.</p> <p>In addition, a study has also been launched to look at the methodological and data challenges associated with calculating the expenditure on adaptation.</p> <p>The forthcoming EU budget review will assess further the need for and the available options for future adaptation funding in the multi-annual financial framework post 2013 and the links with funding of mitigation activities and</p>

	international Adaptation actions in a post 2012 global climate agreement.
The Committee urges more intense collaboration at least at OECD level and preferably worldwide, since adaptation must be global in its scope;	The Commission will continue sharing experience with OECD, UNFCCC and other international institutions.
The Committee urges greater effort to engage the public and civil society in developing plans and actions for adaptation.	<p>Indeed, strengthening the evidence base on climate impacts alone will not be enough. The public/civil society need to know that there is an issue requiring attention, how to find the information that they need, and how to use it.</p> <p>In implementing the White Paper and in the elaboration of plans etc. the Commission will work with a range of public organisations to raise awareness of the need for action; to provide and promote the information and tools needed to take action (i.e. EU Clearinghouse, etc.) and where possible will help to build capacity and capabilities to understand the impacts of climate change.</p> <p>The White Paper and the Impact Assessment place strong emphasis on human capital; ranging from awareness of the challenges linked with adaptation to climate change to investment in education and training to ensure that Europeans have the skills and competences to adapt to climate change. Adaptation strategies must facilitate structural changes when required and harness new opportunities for economic development and the creation of "green jobs", while acting in solidarity with vulnerable groups.</p>

26. Commission Communication - Stepping up international climate finance: A European blueprint for the Copenhagen deal
COM(2009) 475 final – EESC 1708/2009 - November 2009
Rapporteur: Mrs ANDREI
DG CLIM – Mrs HEDEGAARD

Main points of the EESC Opinion	Commission Position
<p>1.1 THE COMMITTEE WELCOMES THESE TIMELY PROPOSALS AND URGES THE INSTITUTIONS TO GIVE URGENT CONSIDERATION TO THEM SO THAT THEY CAN INDEED HELP TO ACHIEVE A SUCCESSFUL OUTCOME IN COPENHAGEN. THE COMMUNICATION IS A GOOD START, AS UP TO NOW THE INDUSTRIALIZED COUNTRIES DID NOT WANT TO PUT ANY NUMBER FOR FINANCE ON THE TABLE.</p>	<p>Agree.</p>
<p>1.2 CLIMATE FINANCE IS NOT TO BE SEEN AS VOLUNTARY AID BUT AS AN OBLIGATION, ENSHRINED WITHIN THE UNFCCC CONVENTION ARTICLES, TO PROVIDE NEW, ADDITIONAL, ADEQUATE AND PREDICTABLE FINANCIAL RESOURCES TO DEVELOPING COUNTRIES. IT IS A NECESSARY OBLIGATION OF INDUSTRIALISED COUNTRIES TO RESPECT THE CONVENTION'S PRINCIPLE OF "COMMON BUT DIFFERENTIATED RESPONSIBILITY".</p>	<p>The Commission fully agrees, but would add another principle of the Convention, which is equally important, namely the principle of "common but differentiated responsibility <u>and respective capability</u>".</p>
<p>1.3 DEVELOPING COUNTRIES NEED SUBSTANTIAL HELP TO FIGHT CLIMATE CHANGE, AS THE EU HAS AGREED UNDER THE UN CLIMATE CONVENTION. THEY WILL LIKELY FACE HUNDREDS OF BILLIONS OF EUROS IN COSTS PER YEAR IN THE COMING DECADES FOR MITIGATION AND ADAPTATION.</p>	<p>The Commission agrees and assuming an ambitious post-2012 agreement, it is estimated that the finance required for mitigating emissions and adapting to climate change in developing countries will reach roughly € 100 billion per year by 2020 (the net additional investment required compared to business as usual).</p>
<p>1.4 THE EESC IS SUPPORTING THE EU PROPOSAL FOR "FAST START" PUBLIC FUNDING FROM INDUSTRIALISED COUNTRIES OF EUR 5 TO 7 BILLION A YEAR FOR THE PERIOD BEFORE 2013. THIS IS A GOOD START, GIVEN THE CURRENT ATMOSPHERE AND THE LACK OF TRUST BETWEEN SOUTH AND NORTH.</p>	<p>BASED ON THE COMMISSION'S COMMUNICATION, THE EUROPEAN COUNCIL IN DECEMBER AGREED THAT THE EU CONTRIBUTION TO THIS COULD BE 2.4 BILLION EUR PER YEAR FOR THE PERIOD.</p>
<p>1.5 THE COMMITTEE ALSO APPRECIATES THE COMMISSION'S POSITIVE APPROACH TOWARDS</p>	<p>Agree.</p>

<p>ACTION TO SOURCE FINANCE FROM INTERNATIONAL AVIATION AND SHIPPING.</p>	
<p>1.6 ON THE OTHER HAND, THERE ARE ALREADY STRONG SIGNALS FROM DEVELOPING COUNTRIES, ESPECIALLY IN AFRICA, THAT THE EU'S OFFER IS FAR TOO LOW AND WOULD EFFECTIVELY ASK DEVELOPING COUNTRIES TO PAY FOR THE DAMAGES CAUSED BY OTHERS OVER MANY YEARS. MANY NGOS AND UN ECONOMISTS HAVE ARGUED THAT A CONSERVATIVE ESTIMATE FOR THE REQUIRED FINANCING FROM DEVELOPED COUNTRIES FOR DEVELOPING COUNTRIES AMOUNTS TO A SUM IN THE REGION OF USD 150 BN PER ANNUM (OR AROUND EUR 110 BN), DURING THE 2013-2017 COMMITMENT PERIOD.</p>	<p>The Copenhagen Accord includes:</p> <p>A 'fast start finance' commitment by developed countries approaching USD 30 billion for the period 2010-2012 with balanced allocation between adaptation and mitigation.</p> <p>A long term finance commitment by developed countries to jointly mobilise USD 100 billion a year by 2020 to address the needs of developing countries.</p>
<p>1.7 REGARDING THE REVENUES FROM THE CARBON MARKET, THE COMMISSION ASSUMES THAT THE HUGE PROFITS MADE BY THE PLAYERS THERE WILL BE FULLY CAPTURED BY DEVELOPING COUNTRIES AND THEN SPENT ON LOW-CARBON ACTIVITIES. IN PRACTICE, SUCH PROFITS ARE MUCH MORE LIKELY TO END UP IN THE POCKETS OF PRIVATE COMPANIES, MANY OF THEM FROM DEVELOPED COUNTRIES.</p>	<p>The revised EU ETS Directive foresees the gradual increase of auctioning, starting with full auctioning for the power sector in order to avoid further windfall profits to the benefits of companies as experienced in the first two phases.</p> <p>Regarding revenues generated by auctioning under the EU ETS, the Commission has consistently argued that at least 50 % of them should be directed at climate friendly projects and activities, both within and outside the EU.</p>
<p>1.8 THE EESC IS ALSO CONCERNED ABOUT THE EU VISION ON DOMESTIC PRIVATE INVESTMENT IN DEVELOPING COUNTRIES GIVEN THAT THE EUROPEAN UNION HAS NOT FOUND A WAY TO ENSURE MEMBER STATES WILL USE REVENUES FROM ITS OWN EMISSIONS TRADING SYSTEM FOR CLEAN ENERGY INVESTMENT.</p>	<p>Funding will need to come from a variety of sources, public and private, bilateral and multilateral. Revenues from the ETS should be used for climate activities. Member States should, in accordance with their respective constitutional and budgetary requirements, use at least half of the revenues generated from the auctioning of allowances in the EU emissions trading system amount for climate-related action.</p>
<p>1.9 THE COMMISSION SHOULD COME WITH A REVIEWED, VIABLE PLAN TO MAINTAIN ITS LEADERSHIP IN THE INTERNATIONAL CLIMATE</p>	<p>The Commission will ensure that a suitable follow up to the Copenhagen Conference</p>

<p>POLICY. THE EU SHOULD ALSO CONTINUE TO PRESS THE UNITED STATES AND OTHERS TO REVEAL THEIR POSITIONS ON CLIMATE FINANCE.</p>	<p>starts in the first half of 2010.</p>
<p>1.10 THE PROMISES OF INCREASED FINANCIAL RESOURCES, BE THEY INTERNATIONAL OR DOMESTIC, SHOULD BE SUBJECT TO "MEASURABLE, REPORTABLE AND VERIFIABLE" PROVISIONS.</p>	<p>The Commission is of the view that accountability is a key principle for both recipients and contributors of climate finance. A fully transparent reporting system of all public and private financial flows to and its ultimate uses in developing countries will be essential.</p>

<p>27. Towards a coherent strategy for a European Agricultural Research Agenda COM (2008) 862 final –EESC 1703/2009 – November 2009 Rapporteur: Mr CHIRIACO (Work/IT) DG RDT – Mrs GEOGHEGAN-QUINN</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The EESC urges the Commission to strengthen cooperation, not only in relation to national agricultural research programming but also in relation to other initiatives promoted by the different Directorates General (e.g. DG Environment, DG Agriculture, DG Enterprise).</p>	<p>The Commission agrees with the importance of ensuring policy coherence across the different DGs. There are regular inter-service meetings and other ad hoc interventions (e.g. with DG AGRI, MARE, SANCO, DEV, AIDCO) to facilitate this process.</p>
<p>The EESC therefore calls on the Commission to provide further information on the instruments and operational arrangements, including the financial resources, for the initiatives proposed in a future Communication, involving all interested parties in a consultation process and taking into account the results of the joint programming pilot trial.</p>	<p>The Commission is planning to organise with the BE Presidency on 14/09/2010 a conference to bring together the main actors at national and European level, to take stock of developments and needs for the Knowledge-Based Bio-Economy. The agreed research priorities will be described in a Communication by end 2010.</p>
<p>With a view to consolidating joint research programming for better governance of the European agro-food system, the strategic role of SCAR could be further strengthened so it can become the strategic oversight body</p>	<p>The Commission fully agrees and will propose that SCAR should have an advisory role in the identification and development of future JPIs and, in particular, a formal status in the future governance mechanisms of the JPI</p>

supervising the various agriculture-related efforts carried out by all European public research bodies.	"Agriculture, Food Security and Climate Change".
The EESC believes that the social impact should also be considered, as underlined in a recent FAO report (<i>Gender and Equity Issues in Liquid Biofuels Production</i> , 2008) covering the overall connections between business, employment, and region.	The Commission agrees.

<p>28. Concerted action to improve the career and mobility of researchers in the EU</p> <p>Own-initiative opinion - EESC 1941/2009 - December 2009</p> <p>Rapporteur: Mr ALMEIDA FREIRE (Empl./ PT)</p> <p>DG RTD - Mrs GEOGHEGAN-QUINN</p>	
Main points of the EESC Opinion	Commission Position
Boosting human resources in science and technology in Europe and promoting mobility are key factors in making the European Research Area (ERA) a reality and in ensuring that the EU remains competitive globally and is able to meet the main challenges it will face in future.	The Commission agrees with this recommendation and appreciates the overall support expressed in this Opinion for the policy proposed by the Commission and endorsed by Council: Better careers and more mobility: A European Partnership for Mobility ⁶ .
Urgent measures are needed to improve coordination between policies on education, research, labour and social security, to ensure that educational, scientific and social policy instruments are developed in a coordinated manner, so that Europe can achieve its goals in this field.	The Commission is taking steps to improve coordination of policies touching upon training, social security and supplementary pension rights for researchers.
The European Economic and Social Committee proposes that existing programmes	The Commission will take account of this recommendation in the preparation of the

⁶ Commission Communication Better careers and more mobility: A European Partnership for Mobility COM(2008) 317 final of 23.05.2008 http://ec.europa.eu/research/press/2008/pdf/com_2008_31_1_en.pdf
 Council conclusions on better careers and more mobility: a European partnership for researchers, as adopted by the Competitiveness Council at its meeting on 26 September 2008.
<http://register.consilium.europa.eu/pdf/en/08/st13/st13671.en08.pdf>

<p>in the field of human resources be strengthened and better coordinated and also that mobility be promoted, and specifically that the opportunity provided by the debate concerning the EU's Eighth Framework Programme for Research and Technological Development be taken, in conjunction with other measures, to boost the human capital component and promote the creation of a platform for advanced training in research activities.</p>	<p>next Framework Programme.</p>
<p>The EESC also proposes that a monitoring centre for human resources in science and technology in Europe be set up, that can gather, analyse and provide consistent and comparable information on developments in this field and on national human resources policies both in Europe and worldwide.</p>	<p>The Commission has published a call for tender in December 2009 to set up a monitoring system on the implementation of the researchers' partnership across the UE.</p>
<p>The EESC calls for coordinated action to improve the career and mobility of researchers in the EU, in terms of employment conditions and personal career development, especially in recruitment, career progression and social rights.</p>	<p>The implementation of the actions identified in the researchers' partnership requires coordinated action. The Commission actively supports the organisation of a meeting between the delegation of Research Ministries and the Employment of Social Affairs Ministers within the framework of the EPSCO Council as scheduled by the Spanish Presidency.</p>
<p>Lastly, the EESC calls for both the new European Innovation Pact that the EU is preparing to draw up and the future revision of the Lisbon Strategy to take due account of the need to increase human resources in the field of science and technology and ensure that they are properly qualified.</p>	<p>The Commission is considering the suggestions for practical policy measures, made in section 4 of the Opinion, in its preparation of the European Innovation Pact and the EU 2020 Strategy .</p>

29. Opinion on the impact of social networking sites on citizens/consumers
Own initiative opinion – EESC 1697/2009 - November 2009
Rapporteur: Mr PEGADO LIZ (Var. Int./PT)
DG INFSO - Mrs KROES

Main points of EESC Opinion	Commission Position
<p>1.11 The EESC recommends that the Commission consider, in addition to good self-regulation practices, the possibility of establishing co-regulation mechanisms that would enable any good practice agreements signed to be properly monitored, in order to prevent breaches, stamp out abuses and effectively punish offenders.</p>	<p>See comments points 5.7-5.9</p>
<p>5.3 With regard to the process of implementing the Safer Internet Programme (2009-2013), the EESC would highlight the need to step up dialogue with the main protagonists involved in SNS, namely, young people, encouraging them to be involved in discussing, designing and producing solutions to ensure safer Internet use.</p>	<p>Stimulating the involvement of children in creating a safer online environment is one of the specific actions of the Safer Internet Programme. Safer Internet Centres funded by the Commission's Safer Internet Programme have set up youth panels which they consult on awareness raising materials to be produced, as well as on Internet safety issues. European Youth Panels have been organized in 2008 and 2009. On both occasions, topics related to social networking services have been discussed. Involvement of young people will continue in the implementation of the Programme.</p>
<p>5.6 Also as part of implementing the Safer Internet Programme (2009-2013), the Committee would emphasise the importance of launching initiatives to improve digital literacy, specifically as regards the safe use of SNS, targeting not only children and adolescents but also the wider population, especially parents, who are responsible for their children's education, and also elderly users.</p>	<p>The Safer Internet Programme addresses teachers, parents and carers but only in so far as the protection of children online is concerned.</p> <p>The Commission has adopted a communication on media literacy at the end of 2007 where the Commission calls upon Member States to get more involved with media literacy and to promote research in this field. The Commission has also issued a recommendation on media literacy in 2009.</p>
<p>5.7 Furthermore, the EESC considers that social network operators should practise self-</p>	<p>The Commission promotes self-regulation as regards protection of minors using new</p>

<p>regulation, in particular to protect minors, with the requirement however that their compliance be independently monitored, alongside the possibility of minimum protection standards being imposed by law.</p>	<p>media, because it is more flexible. However, self-regulation needs to be widely accepted by stakeholders and it needs to be monitored and enforced.</p> <p>The Commission brokered the "Safer Social Networking Principles for the EU", a self-regulatory agreement drafted and signed by 20 European and American SNS providers. It provides good practice recommendations for providers of social networking services to enhance the safety of children and young people using their services.</p> <p>The Safer Social Networking Principles for the EU are part of a 2-step approach: 1) signature by SNS operators of general principles 2) publication of self-declarations by each company on how they apply the principles. The Commission has monitored the implementation of these principles and tested the services, a report will be published by February 2010.</p> <p>Moreover, in the case of SNS and processing of personal data and privacy related issues, there is already existing legislation that has to be properly applied. That is the case, for example, of the Directive 95/46/EC of 24 October 1995 so-called "Data Protection Directive".</p>
<p>5.8 The Committee is in favour of self-regulation schemes being developed with a view to ensuring co-regulation at both Community and national levels, involving the regulatory authorities so as to ensure full compliance with any agreements concluded, prevent abuses, sanction infringements and have rule-breakers punished by their peers.</p>	<p>Data Protection Directive 95/46/EC is technology neutral and contains principles that are valid regardless of the technology used, therefore, in case of processing personal data through SNS, the Data Protection Directive is applicable and the SNS provider would be considered to be a data controller.</p>

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The text of the recommendations is available at

http://www.privacyconference2008.org/adopted_resolutions/STRASBOURG2008/resolution_social_networks_en.pdf.

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Opinion (2009 on online SNS; adopted on 12 June 2009).

<p>5.9 The EESC notes and accepts most of the recommendations made in the Resolution on Privacy Protection in Social Network Services, adopted at the 30th International Conference of Data Protection and Privacy Authorities⁷ on 17 October 2008, in the recent Article 29 Working Party opinion on online social networks⁸ and urges the Commission to take these recommendations on board and ensure that operators adopt them.</p>	<p>In addition to this, the European Commission is currently looking at the future of privacy and protection of personal data in light of challenges posed by new technologies and globalisation. A phenomenon of SNS will certainly be considered.</p> <p>As far as privacy and data protection issues in SNS operations are involved, national supervisory data protection authorities have been created to enforce national legislation transposing Data Protection Directive. As regards the role of the European Commission, it is to monitor whether Member States have properly implemented Data Protection Directive, not to examine individual cases of application of national laws or to enforce national laws, for which national authorities, in this case particularly national supervisory data protection authorities and, eventually, national courts, are responsible.</p>
<p>5.10 The Committee also considers that further efforts are needed to enhance information and education , from the earliest school years onwards, to improve not only risk prevention but also the way in which these SNS are used. To this end, awareness-raising campaigns should be mounted at the Community level and in the different Member States.</p>	<p>The Commission unambiguously supports awareness raising campaigns and involvement of schools in promoting smart and privacy-friendly use of SNS. One of the tasks of the Safer Internet Centres, co-funded under the Safer Internet programme, is to train teachers and stimulate safety education in schools. The 2009 Safer Internet Forum focused on teaching online safety in schools.</p> <p>Safer Internet Day, organized annually since 2004 by INSAFE, the network of awareness centres aims at raising awareness among young people regarding the safe use of the internet. It is celebrated throughout Europe and also internationally. In 2010 Safer Internet Day will focus on issues raised by posting</p>

	<p>pictures online, including on SNS, with the slogan "Think before you post".</p> <p>On the occasion of Data Protection Day, celebrated since 2007 on 28 January, national supervisory data protection authorities, but also the European Commission, are traditionally organising awareness raising events, in many cases pinpointing threats posed by new technologies and various online tools and services. Thus Data Protection Day is an important part of the data protection policy dialogue aiming to raise awareness.</p>
<p>5.11 The EESC also takes the view that national and Community research and development programmes and the operators themselves, should invest further in developing and fine-tuning technical tools to filter and block access, enabling families to apply the precautionary principle prudently but consistently.</p>	<p>The Safer Internet Programme funded the SIP-Bench study whose objective was to provide essential results and recommendations to empower parents and educators to choose and use parental control tools and filtering solutions, being aware of their capabilities and limitations.</p> <p>In order to follow up this study the SIP-Bench II study was launched in 2009 aiming help end users (notably parents and child carers) to choose the parental control tool that best fits their needs.</p>
<p>5.12 Aware of the ever-changing, dynamic nature of this phenomenon, the EESC would welcome a Commission Green Paper which, taking on board the results of the public consultation carried out in July 2008, set out the main options for future developments, analysing their impact and holding extensive consultation of the different businesses, professionals, academics and civil society organisations and associations concerned.</p>	<p>The outcomes of the public consultation on Social Networking carried out in July 2008 were taken into account when setting up the European Social Networking Task Force, whose work led to the signature of the Safer Social Networking Principles for the EU. They have also been taken into account in building the main message of the "Block bullying online!" campaign because the results of the public consultation showed that cyber-bullying is the risk most likely to be encountered by young people online. The outcomes of the public consultation are also taken into account in the activity of the Safer Internet Centres, in the messages on which</p>

	they build their awareness campaigns and activities.
5.13 In this regard, it would be worth considering the option of establishing a legal framework that is consistent throughout the EU, on the basis of closer cooperation and coordination of national policies. One aspect warranting special attention concerns the contractual terms for joining such networks, in which abusive clauses are the rule, specifically as regards the applicable law and the competent authority.	The Commission agrees with the EESC on the importance of fairness of SNS contract terms. The EC commissioned a study in December 2009 with the aim to investigate consumer problems and applicable legislation for digital content services. It will cover transparency and fairness of contractual terms and conditions. The results are expected in the second half of 2011.
5.17 Lastly, the EESC wonders whether, in tandem with the initiatives described above, it might be worth considering the option of extending and combining the powers that are today dispersed across different bodies, to appoint a Community-level ombudsman to address all issues in the audiovisual field, such as privacy, data protection, human dignity, the right of reply, freedom of expression, etc., also covering social networks, along the same lines, in terms of comparative law, as the Canadian model of the "Privacy Commissioner", whose action – demonstrating her extensive powers – against Facebook for allegedly improperly retaining personal data recently made the news	A network of Ombudsmen for minors also already exists in the Member States of the EU. In addition, there is already well operating network on national supervisory data protection authorities in charge of data protection and privacy issues. The Commission thinks it would be better first to strengthen current structures before adding new ones.

<p>30. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Moving the ICT frontiers – a strategy for research on future and emerging technologies in Europe COM(2009) 184 final – EESC 1932/2009 - December 2009 Rapporteur: Mrs DARMANIN (Work./MT) Corapporteur: Mr WOLF (Var. Int./DE) DG INFSO - Mrs KROES</p>

Main points of EESC Opinion	Commission Position
<p>1.1, 1.12, 1.3, 3.2 and 3.3 The EESC recognises that strengthening R&D and innovation is an essential element in the recovery from the present economic and financial crisis. Among the main themes of R&D, such as climate, energy and healthcare, ICT plays a key role as a cross-cutting technology affecting nearly all aspects of society, economy, science and technology. In terms of R&D for ICT, the sub-programme "Future and Emerging Technologies" (FET) acts as the pathfinder which – in the longer term – may lead to completely new, possibly revolutionary information and communication technologies.</p>	<p>The Commission welcomes this opinion of the EESC and intends to reinforce its support to FET research in the coming years.</p>
<p>1.4 and 3.5 The EESC fully supports the proposals set out in the Commission Communication on future and emerging technologies. The EESC also supports the proposed increase of the FET budget within ICT of 20% per annum.</p>	<p>The Commission intends to implement this recommendation in the preparation of the Work Programme 2011-12 and of the Work Programme 2013 of the ICT Theme.</p>
<p>1.5 and 3.6 The EESC recommends that the present relative FET share be raised incrementally to 15% in FP7, and that this trend be continued in FP8</p>	<p>The Commission appreciates this recommendation. It intends to strongly reinforce FET research in FP7 and will consider this recommendation in the forthcoming discussion on FP8, also with a view to contribute for its part to the objective that Europe should aim at doubling by 2015 its investment in this type of research.</p>
<p>1.6 and 1.7 Regarding the "Rules for Participation for the Seventh Framework Programme", the EESC appeals to Member States and their funding organisations to contribute their required share to ensure the programme can be implemented successfully. Moreover, the EESC also appeals to the Member States to develop powerful national R&D-programmes of their own in the fields of ICT and on FET, in order to become strong partners for European and for international cooperation. A larger part of the structural funds should be invested for this purpose. The EESC considers achieving</p>	<p>The Commission welcomes this opinion of the EESC and considers the reinforced engagement of Member States in FET research is essential. A first step has been taken by launching of an ERA-NET project CHIST-ERA, which will issue calls for FET research among nine member and associated states. Further ERA-NET plus actions in FET research are planned to be launched as part of the ICT Work Programme 2011-12.</p>

<p>progress in this area to be an important element of the new Lisbon strategy, to be pursued using the instrument of open coordination.</p>	
<p>1.8 and 3.7 The EESC also supports the proposed structuring of the FET programme into two different branches: "Nurturing new ideas in promising domains" (FET Pro-active) - including the recently proposed Flagship projects - and "Exploration of novel ideas" (FET Open). The openness of the FET scheme to new ideas is particularly important for stimulating scientific and intellectual potential within Member States.</p>	<p>The Commission welcomes this opinion of the EESC. It intends to maintain the FET-Open and FET Pro-active schemes in FP7 as essential pillars of the FET programme but to complement them with new initiatives proposed under the Communication.</p>
<p>1.9 Within the proposed FET-programme, the EESC also supports additional features such as multidisciplinary approach, joint programming between Member States and international cooperation. The EESC also highlights that it should be ensured that promising initiatives are not submerged by the complexity of the related procedures, and that outstanding scientists and institutions are encouraged to participate.</p>	<p>The Commission recognises that the support FET provides for multidisciplinary research is fundamental for fostering European excellence in the strategic ICT area. In the ICT Work Programme 2011-12, cooperation between Member States and international cooperation in FET research will be reinforced. The Commission will pay particular attention to implement procedures that are appropriate but also light and user-friendly to the participants.</p>
<p>1.11 and 4.3 The Committee appeals to Commission and Member States to attract top talent to this field of research and to avoid a brain drain of the most talented young scientists.</p>	<p>The Commission welcomes this opinion of the EESC. The Commission intends to implement specific actions in the Work Programme 2011-12 of the ICT Theme to empower young researchers.</p>

31. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Critical Information Infrastructure Protection "Protecting Europe from large scale cyber-attacks and disruptions: enhancing preparedness, security and

<p>resilience" COM(2009) 149 final - EESC 1948/2009 - December 2009 Rapporteur: Mr MCDONOGH (Empl./IE) DG INFSO - Mrs KROES</p>	
<p>Main points of EESC Opinion</p>	<p>Commission Position</p>
<p>1.4 Therefore the Committee would like the Commission to be more assertive about the strong leadership role needed to unify all stakeholders and implement effective measures to protect Europe from possible threats to its critical information infrastructures. The Committee does not believe that the action plan outlined in the communication will deliver the outcomes intended unless responsibility for implementing it is vested in an appropriate regulatory authority.</p>	<p>The Commission refers to the position already expressed in the CIIP Communication regarding "top-down", regulatory approaches to network and information security. It notes in particular that the political reality and institutional architecture of the EU do not seem to lend themselves, at least for the time being, to a centralised approach to the matters under consideration.</p>
<p>2.1 The European Union should vest responsibility in an appropriate regulatory authority, including members of the European Agency for Fundamental Rights, to implement effective protection for critical information infrastructures across the EU.</p>	<p>The Commission welcomes the reference to the European Agency for Fundamental Rights, which is an important player in any discussion related to security (including network and information security). For what concerns the reference to the "regulatory authority", however, the Commission refers to its position in response to the EESC recommendation 1.4, above.</p>
<p>2.2 All Member States should develop a national strategy, a solid policy and regulatory environment, holistic national risk management processes and appropriate preparedness measures and mechanisms. In that respect, each Member State should form a Computer Emergency Response Team (CERT) and affiliate it with the European Governmental Group of CERTs (EGC)</p>	<p>The Commission welcomes this recommendation, noting that affiliation with the EGC would be a way to verify that a Governmental CERT is indeed well-functioning and able to implement widely shared good practices in the field of network and information security.</p>
<p>2.3 The Commission should accelerate its work on the establishment of the European Public Private Partnership for Resilience (EP3R) and integrate it with the work of the European Network and Information Security</p>	<p>The Commission welcomes this recommendation, noting however that EP3R is groundbreaking and explorative work in a new and emerging area and that therefore care must be taken not to sacrifice inclusiveness and a</p>

<p>Agency (ENISA) and the European Governmental Group of CERTs (EGC).</p>	<p>shared understanding of the goals and functions of EP3R. Furthermore, the Commission notes that ENISA is fully involved, within the framework of its objectives and competences, in the activities of EP3R.</p>
<p>2.4 Risk management best practice should inform the Critical Information Infrastructure Protection (CIIP) policy at all levels. In particular, the potential cost of security and resilience failures should be quantified and made known to the relevant responsible stakeholders.</p>	<p>The Commission welcomes this recommendation, noting however that a quantification of the (potential) cost of security and resilience failures depends essentially on the availability of relevant data, and that this data is in the hands of national public authorities and the private sector.</p>
<p>2.5 Financial and other penalties should be imposed on stakeholders who fail to fulfil their responsibilities under a CIIP policy, proportionate to the risk and cost of system failures due to their negligence</p>	<p>The Commission welcomes this recommendation, noting however that quantification and qualification of cost and responsibilities are very complex. Proper methodologies should be devised in an inclusive, multi-stakeholder fashion. EP3R could be one of the fora to discuss this.</p>
<p>2.6 The responsibility for security and resilience of CIIs should rest most heavily on the large stakeholders – the governments, infrastructure providers and technology suppliers – and they should not be allowed to avoid responsibility by transferring liability to corporate and private consumers.</p>	<p>The Commission agrees that no-one should be allowed to transfer their own liability to other parties. However, the Commission considers that a distinction should be made between corporate and private actors with regards to possible sharing of liabilities.</p>
<p>2.7.2 Priority should be given to the implementation of IPv6 (latest protocol for Internet addresses) and DNSSEC (suite of security enhancements to Internet Domain Name System) technologies throughout the Internet in the EU, which would enhance Internet security.</p>	<p>The Commission welcomes this recommendation, noting however that DNSSEC will deliver its intended effects, in terms of enhanced security of a vital part of the global Internet, only if the global "root zone" of the Domain Name System will be signed. This in turn introduces political challenges that have to be kept into consideration. In particular, an important question is which nation or entity should have the responsibility for this signing.</p>

<p>2.12 In the interest of security, the EU should advance its position on the future of Internet governance, which calls for a more multilateral approach that respects the national priorities of the US but also reflects the interests of the European Union. The EU action in this area should include an in-depth appraisal of the interaction between cyber security and respect of civil and private liberties.</p>	<p>The Commission welcomes this recommendation, noting that the respect for civil and private liberties is a key element of the CIIP Communication.</p>
<p>4.8 Security and resilience could and should be designed into every ICT network. As a priority, the topology of network architectures in Member States, and the EU as a whole, should be studied to identify unacceptable concentrations of communications traffic and high-risk network failure points. In particular the high concentration of Internet traffic in a very few Internet Exchange Points (IXP) in some Member States presents an unacceptable risk.</p>	<p>The Commission welcomes this recommendation, noting however that an evaluation of the risks posed by the supposed concentration of Internet traffic in "few" Internet Exchange Points needs to be complemented by a thorough evaluation of the ratio between traffic passing through IXP vs alternative interconnection arrangements, as well as the resilience of IXPs in the EU.</p>
<p>4.10 The Committee would ask the Commission to consider how it might counterbalance the massive financial stimulus that the US is providing.</p>	<p>The Commission notes that the Framework Programmes for Research and Technological Development include specific themes related to security, including network and information security. The Commission also highlights that, in the context of its current and future policies on network and information security, it is considering with great attention the possibility to introduce economic incentives for all stakeholders to achieve higher levels of network and information security. Nonetheless, the Commission notes the very significant role of Member States, in the context of their national sovereignty, with regards to investments in security</p>

<p>4.11 The Committee supports the recent communication from the Commission on the future of Internet governance. The Committee believes that the EU must have a more direct influence on the policies and practices of ICANN (Internet Corporation for Assigned Names and Numbers) and IANA (Internet Assigned Numbers Authority), and that the current unilateral oversight by the US should be replaced with arrangements for multilateral, international accountability.</p>	<p>The Commission welcomes the opinion of the EESC as an endorsement of the approach proposed by the Commission. A new bilateral agreement between ICANN and the US Government was announced in September 2009 – the "Affirmation of Commitments" – which promises the opportunity for third country governments to participate more actively in the review of ICANN's activities. The Commission will actively encourage ICANN and the US government to ensure that these promises are fulfilled.</p>
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<p>32. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Internet of Things – An action plan for Europe COM(2009) 278 final – EESC 1951/2009 - December 2009 Rapporteur: Mr RUDZIKAS (Var. Int./LT) DG INFSO - Mrs KROES</p>	
<p>Main points of EESC Opinion</p>	<p>Commission Position</p>
<p>1.3 Although it backs the Commission document and broadly endorses the statements and recommendations it contains, the committee feels the text is not specific enough, not least in relation to timeframes and implementation deadlines.</p> <p>4.1 The action plan and the fourteen lines of action are vague as to timeframes and deadlines for implementation. (...) In some cases, a deadline for implementation could be indicated or specified more clearly (for instance in lines of action 1, 4, 8, 9 and 14 (of COM(2009)278).</p>	<p>Adopting a precise timeline for each individual line of action is deemed to be premature for a policy on such a forward looking development. However, the Commission will undertake the lines of action as stated in the Communication and report back, possibly through another Communication, in three years time, i.e. by June 2012.</p>
<p>1.4 and 4.2 (...)The focus must increasingly shift to the role of international organisations and the importance of negotiations and agreements ratified by a majority of countries (...)</p>	<p>The Commission has invited other regions in the world to cooperate on the topic of RFID and the Internet of Things. At this stage, co-operation with the U.S., Japan and China has been envisaged under bilateral agreements from administration to administration (U.S. DoC,</p>

	<p>Japan's METI, China's CESI). The Commission agrees in principle that international organisations should play a role in the development and governance of the future IoT, but the specifics of such a possibility require further investigation and consultations.</p>
<p>1.5 and 4.3 Proposals must be more specific both as to the basic principles underpinning IoT management (so as to strike a proper balance between a centralised and decentralised Internet regime) and to the ongoing monitoring of issues relating to privacy and the protection of personal data (so as to minimise risks in these area – and also the threat of terrorist attacks)</p>	<p>The Commission decided to create during 2010 an expert group that will carefully balance the available options and advise the Commission on what can be done in the interest of Europe, taking into account the relevant legislation (e.g., the Data Protection and e-Privacy Directives).</p>
<p>4.4 The Committee would stress that the "right to silence of the chips" (i.e. that individuals should be able to disconnect from the networked environment) does not provide sufficient safeguards for privacy protection or object safety (...).</p>	<p>The Commission believes that, under the current IoT state of deployment, the existing legal framework for the protection of privacy and personal data is adequate.</p> <p>The "right to the silence of the chips" is one among several expressions that experts have used to point out potential future and distant threats related to privacy. The Commission believes it is nevertheless important to further elaborate on the idea and its implications (as stated in the Communication), but the expression is not meant to be understood as a legal term nor a stand-alone comprehensive concept.</p>
<p>1.7 and 4.6 The Committee expressly welcomes the Commission's intention continue to finance FP7 research projects and technological development in the area of IoT. However, this area requires priority funding as success here is a crucial factor in Europe's global competitiveness and the well-being of the European public. In addition to the research fields set out in line of action 7, mention must also be made of nanotechnologies, grid and cloud computing, optoelectronics, quantum computers and other sectors of physics and information sciences, where priority support would pave the way for a qualitative</p>	<p>The Commission acknowledges the importance of good co-ordination in the different domains of the Seventh Framework Programme on research and development, and will take into account the paradigm of IoT when elaborating future ICT work programmes.</p>

<p>breakthrough. These activities require better coordination.</p>	
<p>1.10 and 4.9 The Committee would also point out to the Commission the need for a more detailed examination of the impact of electromagnetic waves on humans. Although the pulses emitted by IoT systems are weak, the number of radiation sources is set to increase exponentially. Most of these sources produce constant emissions so that the rapidly growing phenomenon of "electronic pollution" may lead to major problems in the future. Modern science has yet to determine conclusively whether there is a threshold above which harmless levels of radiation become dangerous, and what the cumulative impact of such exposure is. Sometimes, in fact, a single electromagnetic pulse at quantum level is enough to trigger unchecked cancerous growth in a cell. If we let the genie out of the bottle, will we be stuck with the consequences?</p>	<p>The Commission recognises the importance of an assessment of the possible health implications of a widely populated IoT environment. This will be done in association with the relevant European and, as much as possible, international relevant bodies (e.g., the EU Scientific Committee on Emerging and Newly Identified health Risks – SCENHIR).</p>

<p>33. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Delivering the benefits of the single market through enhanced administrative cooperation COM(2008) 703 final - EESC 1694/2009 – November 2009 Rapporteur: Mr HERNÁNDEZ BATALLER (Var. Int./ES) DG MARKT – Mr BARNIER</p>	
<p>Main points of the EESC Opinion</p>	<p>Position Commission</p>
<p>The EESC believes that in future the scope of IMI should be expanded, as this is currently confined to the Directive on professional qualifications and the directive on services in the internal market (point 4.4 of the opinion). Also, it must include the social aspects (contribution periods, pension rights, etc.) because there must be a direct link between social and economic concerns and the</p>	<p>The Commission agrees with the EESC that an expansion of IMI to other areas of the Internal Market would be desirable in light of the experience with the Directives currently under its scope. For administrative cooperation in the area of social security, work on the use of an IT tool is currently underway.</p>

exercising of professional activity (4.4.5)	
The EESC believes that in the light of experience gained in operating the IMI system and in the development of Community law, it will be possible to extract general principles leading, in the future, to more comprehensive and detailed Community rules on administrative cooperation, through the adoption of a regulation covering the most general aspects (4.7)	The Commission believes that the use of IMI in the areas of professional qualifications and services is just a first step towards making administrative cooperation more effective by electronic means. The most appropriate legal modalities to support any further development of IMI will need to be considered in a wider context.
The EESC considers that setting up IMI will boost the right to sound administration. This will benefit the public, the institution and businesses (4.1). Insofar as the transmission of data from the IMI system, the Committee recommends the notification of those concerned by the data so that they may exercise the rights established in the scheme, in accordance with ECJ case law (1.4).	The Commission agrees that electronic systems such as IMI contribute to better administration and facilitate the exercise of rights conferred by the Community legislation. Advice for IMI actors and users on the provision of information to individuals is included in the Commission Recommendation on data protection guidelines for IMI (C(2009) 2041 final).
As IMI will identify national obstacles preventing the Services and Professional Qualifications Directives from being properly implemented, it would be helpful if the Commission were to define a possible specific warning and/or penalty system to remove these obstacles (1.3)	The specific details of requests for information and replies in IMI are only accessible for the authorities directly concerned. So it will not be possible to identify obstacles to the correct implementation of the two Directives via the IMI system.
The EESC refers to the recent ruling of 7 may 2009 (case C-533/07) on the right of access (Article 12 of Directive 95/46/EC) and the storage of the data and its possible application to IMI (4.9 and 4.10).	The Commission will reflect on this issue in close cooperation with the actors and users of the system and the European Data Protection Supervisor.

<p>37. L'Année européenne du volontariat (2011) COM (2009) 254 final - CESE 1716/2009 – Novembre 2009 Rapporteur: Mme zu EULENBURG (Trav./DE) DG COMM – Mme REDING</p>	
Points de l'avis du CESE estimés essentiels	Position de la Commission

<p>1.2 Le CESE est satisfait des quatre objectifs de l'Année européenne du volontariat et trouve qu'ils sont propres à apporter une valeur ajoutée européenne aux citoyens.</p>	<p>La Commission considère également que l'Année et ses objectifs contribueront à stimuler et à améliorer les conditions du volontariat en Europe.</p>
<p>1.8, 1.9; 4.7; 4.8.1; 4.8.2 Le CESE insiste sur une augmentation du budget, citant le montant supérieur disponible pour d'autres Années européennes. Le CESE souligne l'importance d'un plus grand budget pour la campagne de communication.</p>	<p>Le budget de l'Année a été augmenté à €11m. (€8m pour 2011 et €3m pour des actions préparatoires en 2010.)</p>
<p>1.7; 4.2.1; 4.2.2; 4.2.3 Parmi les objectifs de l'année 2011, le CESE demande de mettre l'accent sur l'échange d'expériences entre organisations de volontaires. Plus concrètement, on envisage la création d'une plateforme des parties prenantes en matière de volontariat, qui servira comme structure permanente après 2011.</p>	<p>L'Année stimulera en effet les échanges entre organisations de volontaires et, en 2011, mettra en place un portail sur 'Europa' visant à faciliter le flux d'informations aux initiateurs de projets dans le domaine du volontariat et à les guider concernant la possibilité de financement européen. La Commission va également travailler de près avec les Etats membres et la société civile pour voir comment faciliter les échanges d'informations et d'expériences entre volontaires.</p>
<p>1.10; 4.9.1 Le CESE insiste que l'évaluation de l'Année 2011 doit déboucher sur un Livre blanc afin d'assurer le suivi et de mettre en évidence les étapes et les mesures à adopter par la suite à l'échelon européen.</p>	<p>La Commission souhaite créer un environnement favorable au volontariat à long terme et, dans ce contexte, verra quelles suites seront à donner après l'achèvement de l'Année.</p>
<p>1.4; 4.10.1 Afin de créer des synergies durables, le CESE envisage de créer une connexion étroite entre l'Année européenne du volontariat 2011 et les années européennes 2010 et 2012.</p>	<p>La Commission voit clairement les avantages d'une telle synergie et des premiers contacts ont été établis entre les différentes équipes responsables.</p>
<p>4.1.1 Le CESE est de l'avis qu'un cadre juridique soit indispensable pour garantir l'infrastructure nécessaire au volontariat à l'échelon local, régional, national et européen.</p>	<p>L'Union européenne peut encourager la coopération entre les États-membres pour favoriser l'établissement de cadres juridique au niveau national, mais elle n'a pas de base légale pour légiférer dans le domaine du volontariat.</p>

<p>4.3.1 Dans le cadre de l'amélioration de la qualité du volontariat, le CESE trouve que le terme "professionnalisation" prête à confusion et estime qu'il vaut mieux éviter son usage.</p>	<p>Le terme 'professionnalisation' a été enlevé".</p>
<p>4.5 En ce qui concerne la reconnaissance de volontaires, le CESE est de l'avis que le terme "récompense" pourrait faire penser à une reconnaissance financière, ce qui n'est pas le cas. Il vaudrait mieux, donc, éviter ce mot.</p>	<p>Ce terme a été enlevé.</p>
<p>3.3 Le CESE est favorable au titre "Année européenne du volontariat", le trouvant assez large pour comprendre l'entièreté des activités volontaires et pour permettre une marge de manœuvre. En même temps, le titre est suffisamment concret pour que les Européens puissent s'y identifier.</p>	<p>Le titre a été changé en "Année européenne des activités de volontariat pour la promotion de la citoyenneté active" pour des raisons juridiques, ce qui n'empêche pas d'utiliser une dénomination plus courte lors des actions de communication au sujet de cette année.</p>
<p>3.4 Le CESE insiste sur l'importance du volontariat en tant qu'expression de la participation civique, des valeurs européennes, de la solidarité et du développement des sociétés européennes.</p>	<p>La Commission confirme l'importance de cet aspect du volontariat. C'est un aspect essentiel de l'Année, qui est reflété dans le titre.</p>
<p>3.2 Le CESE souligne la coopération de la Commission avec la société civile et explique l'importance de la continuer et d'assurer une telle coopération au niveau national.</p>	<p>La Commission continuera à travailler avec la société civile pour la préparation de l'Année et sa mise en œuvre. Au niveau national, elle veillera également à ce que la société civile soit fortement impliquée.</p>

**39. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a new partnership for the modernisation of universities: the EU Forum for University Business Dialogue
COM (2008) 158 final - EESC 1937/2009 – December 2009
Rapporteur: Mr BURNS (Empl./UK)
DG EAC – Mme VASSILIOU**

General comment:

This Communication is closely linked to the modernisation agenda of Higher Education in the EU, therefore focusing on higher education and not on companies, even if companies too need to

adapt in order to improve the relationship between HE and business.

For reasons of readability and length the Communication only provides a subset of the messages and findings of the Forum. Additional details can be found in the accompanying Staff Working Document.

The proposed initiative is a platform for dialogue between stakeholders, a place for exchange of experience and good practice and mutual learning.

It should be understood that the opinion of the EESC identifies a number of points that are difficult to reconcile. On the one side the opinion asks for stronger action and measures to improve relations between Higher Education Institutions and business (i.e. pts 4.1, 4.2), on the other side the opinion expresses the fear that better relations between HEIs and business would/could lead to narrowing down curricula and research fields (i.e. pt 4.6).

In the following some comments to specific points of the opinion:

Main points of the EESC Opinion	Commission Position
Points 1.1 and 4.2 (use of term "higher education institution" vs (universities"))	Whereas point 1.1 proposes to replace the term "universities" used in the Communication by "Higher Education Institutions (HEI)", point 4.2 finds 'the use of "universities" to mean all
	higher education institutions ... confusing'. Footnote 1 of the Communication clarifies that 'the term "universities" is taken to mean all higher education institutions, irrespective of their name and status in the Member States'. This is fully consistent with the Commission's Communication COM(2006)2008 final on the modernisation of Universities.
Points 1.4, 4.6, 4.7, 4.13 (balance of relationship between universities and business)	The relationship between universities and business has to be a balanced one. The Communication does in no way promote the take-over of universities by business. We want to develop the dialogue between these communities, as we are convinced that a better relationship between them will be beneficial for all involved stakeholders.
Point 4.4 (corporatisation of universities and transferring educational processes and procedures from the USA and dropping them into Europe)	The Communication states that European universities have effectively to find their way of engaging with business and improving the services, qualifications and outcomes that they offer. The

	<p>proposed platform for dialogue aims to help them finding relevant solutions. However we should not exclude of looking at examples of good practice in other regions of the world for learning and inspiration.</p>
<p>Points 1.5, 1.6, 1.7, 4.9, 4.11 (lifelong learning)</p>	<p>We fully agree that a stronger and better implementation of lifelong learning is absolutely crucial for Europe. We believe also that partnership between the stakeholders is one main means to make progress in this field.</p> <p>The Communication provides some few messages on lifelong learning; a specific thematic forum had been organised and resulted many more messages, which are annexed to the Staff Working Document. One relates to the importance of "equal access", as underlined in pts 1.7 and 4.9 of the opinion.</p>
<p>Points 1.9, 1.10, 4.14, 4.15 (Issue of SMEs)</p>	<p>We fully agree with the view of the EESC that SMEs constitute a particular challenge in the context of dialogue and cooperation between universities and business. We have to find ways to get them more involved into the work of the Forum, but also identify measures and actions that will lead to concrete dialogue and cooperation between universities and SMEs on local level. We would appreciate the support of the EESC in this challenging task.</p> <p>However we do not agree with the proposal to change the agreed definition of SMEs.</p>
<p>Points 4.16, 4.17 (entrepreneurship)</p>	<p>We agree partly with the concerns expressed in the opinion, however we are convinced that universities have to promote and contribute of a more entrepreneurial attitude of their students, researchers and professors. They have themselves to get more entrepreneurial. It is not so much about teaching, but about creating the right environment learning environments.</p>

<p>Points 5.1 and 5.2 (Staff Working Document)</p>	<p>We do not agree with the opinion expressed by the EESC. The Staff Working Document (SWD) complements the Communication, it provides additional information on the different Forums organised between 2008 and Feb 2009, and provides a number of examples of good practice for U-B cooperation.</p>
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<p>40. <i>Proposal for a Council Recommendation on smoke-free environments COM (2008) 328 final – EESC 1715/2009 – November 2009 Rapporteur: Mr LUCAN (Var. Int./RO) DG SANCO – Mr DALLI</i></p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.1.1. Effective protection from exposure to tobacco smoke should apply simply to "workplaces" especially indoor workplaces with no separate areas for smokers.</p>	<p>The Commission shares the Committee's view that all workplaces should be free from tobacco smoke. Such an approach brings the highest reductions in exposure to environmental tobacco smoke (ETS) and related harm and is also easier and cheaper to implement than regulations with exemptions.</p>
<p>1.1.2. With regard to Article 8(2) of the WHO Framework Convention on Tobacco Control (FCTC), the Committee recommends that the wording "as appropriate, other public places" be amended to cover all public places frequented by children and young people up to eighteen years of age.</p>	<p>The Commission fully agrees that protecting children and young people from tobacco smoke as well as preventing them from perceiving smoking as a social norm is of crucial importance. Based on the Commission proposal, the Council Recommendation on smoke-free environments calls for specific measures to reduce children's exposure to tobacco smoke. The Commission is committed to support Member States in implementing this recommendation and welcomes the fact that some Member States have extended smoking restrictions to outdoor areas of schools and other establishments for minors.</p> <p>The Commission supports, however, the current wording of Article 8(2) of the WHO Framework Convention on Tobacco Control</p>

	<p>(FCTC). The term “other public places” may be interpreted by Member States as covering not only places frequented by minors but also any additional outdoor or quasi-outdoor public places where exposure to tobacco smoke poses a health or safety hazard (e.g. fire hazard).</p>
<p>1.1.3. The Committee calls on the Council to consider shortening the three-year adoption timeframe proposed by the Commission. Otherwise, the current generation of secondary school pupils (14-18 years), who are at risk of going from passive smoking to active smoking, will slip through the net.</p>	<p>The Commission encourages all Member States that have not yet done so to provide effective protection from tobacco smoke as soon as possible. However, it realises that the development, enactment and implementation of smoke-free legislation requires thorough preparation in order to be effective.</p>
<p>1.2.1. "Educational and counselling strategies at EU level shall play a key role in all educational establishments." The Committee recommends that this paragraph be extended to stress the importance at EU level of school-based educational and counselling strategies, to ensure that every child or young person is correctly, fully and regularly informed of the realities of smoking and its harmful effects, and of the carcinogenic effects of exposure to environmental tobacco smoke (ETS).</p>	<p>The Commission agrees that informing children and young people about the harm of tobacco use and exposure to tobacco smoke is of crucial importance, while at the same time recognising that the organisation and content of education and training systems is the responsibility of Member States.</p> <p>At EU level, the Commission has been raising awareness of the hazards of tobacco via its anti-tobacco media campaigns. In May 2009, the Commission launched the second edition of the HELP campaign that will run for two years. Building on the first HELP Campaign, "HELP 2" targets mainly young people, using television, Internet and new media such as mobile phones. The general motto is providing help and support “for a life without tobacco”.</p>
<p>1.3.1. Complement smoke-free policies with supporting measures, including:</p> <p>(c) extending the scope of Directive 2004/37 on exposure to carcinogens or mutagens at work (to include ETS);</p> <p>(d) bolstering the requirements regarding the protection of workers from tobacco smoke in</p>	<p>In relation to points c) and d), in December 2008, the Commission has started consultations with the social partners on the need for additional measures – either legislative or non-legislative - to protect workers from exposure to tobacco smoke in the workplace. Including tobacco smoke within the scope of the Carcinogens and Mutagens Directive (2004/37/EC) and a</p>

<p>Directive 89/654/EEC, so as to require all employers to ensure that smoking is prohibited in their workplace;</p> <p>(e) amending the Directive on dangerous substances (67/548/EEC) (1991) so as to classify ETS as a carcinogen. This would automatically place ETS within the scope of the Directive on exposure to carcinogens or mutagens at work as regards the minimum workplace health and safety requirements;</p> <p>(f) calling on the Member States and the Commission to officially adopt the new term "ECTS": Environmental Carcinogenic Tobacco Smoke, in place of "ETS"; and</p> <p>(g) framing education policies (DG EAC and DG SANCO), applicable to all education systems across the EU, to ensure that children and young people are correctly, fully and regularly informed of the effects of smoking and ETS.</p>	<p>specific Directive requiring employers to ban smoking at the workplace have been mentioned as one of the possible policy options in the consultation document. Possible action in this field will be considered by the incoming Commission, in particular this will include the launching of the second stage of social partners consultation.</p> <p>In relation to point e), EU legislation on the classification of chemicals applies only to substances and preparations, which are placed on the market in the Member States. Tobacco smoke as such is not a product. Therefore, classifying it as a carcinogen would require an exception to the current logic of EU chemicals legislation.</p> <p>In relation to point f), while recognising the carcinogenicity of tobacco smoke, the Commission supports the use of terms "environmental tobacco smoke" and "second-hand smoke", as recommended by the guidelines on protection from exposure to tobacco smoke adopted by the second Conference of the Parties to the WHO Framework Convention on Tobacco Control.</p> <p>In relation to point g), see comments on point 1.2.1.</p>
<p>1.4.1. Reference should be made at the end of the paragraph to "protection from tobacco smoke in public settings frequented by children and young people".</p>	<p>See comments on point 1.1.2.</p>

<p>1.5.1. The definition of national focal points for tobacco control should include the phrase "and for controlling/eliminating public ETS exposure".</p>	<p>It is intended that the network of national focal points will cover all issues related to tobacco control, including protection from ETS exposure.</p>
<p>2.1. The Committee supports the Commission's initiative to ensure effective EU implementation of Article 8 of the FCTC – aimed at creating a 100% smoke-free environment – in accordance with Principle 1 of the Guidelines for implementation of Article 8, set out in point 6 of the annex to COM(2009) 328⁹. While the Committee thinks that the EU recommendation is a useful instrument for this purpose, it does not provide many guarantees. Should its implementation and effectiveness prove inadequate, the Commission should propose a binding instrument as quickly as possible.</p>	<p>The Treaty on the European Union does not provide a legal basis for a 100% smoke-free environment. Only the workplace could be covered by binding EU legislation. In December 2008, the Commission initiated a first stage of social partners' consultation on the need for additional measures - either legislative or non-legislative - to protect workers from the risk of tobacco exposure in the workplace. The second stage of consultation is expected to be initiated in the near future.</p> <p>See comments on point 1.3.1. c) and d)</p>
<p>2.2. The Committee believes that research needs to be carried out at EU level into combating the harmful effects of smoking on children and young people and into their degree of exposure to ETS. With a view to devising effective future strategies and programmes, smokers should be surveyed in order to find out the age at which they had their first cigarette and their reasons for starting smoking as children or young people.</p>	<p>The Commission has carried out several Eurobarometer surveys to identify smoking habits of EU citizens, including young people.</p>

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"Effective measures to provide protection from exposure to tobacco smoke, as envisioned by Article 8 of the WHO Framework Convention, require the total elimination of smoking and tobacco smoke in a particular space or environment in order to create a 100% smoke free environment. There is no safe level of exposure to tobacco smoke, and notions such as a threshold value for toxicity from second-hand smoke should be rejected, as they are contradicted by scientific evidence" (COM(2009) 328 final/Annex/Principle 1, p. 11).

<p>2.3. Given that the European Parliament has called on the Member States to commit to reducing smoking among young people by at least 50% by 2025, the Committee would advocate quantifying the tangible harmful effects of smoking on young people, in order to draw up further EU objectives for the Member States towards this end. It should be pointed out that the Committee does not wish to imply that the anti-tobacco measures be prolonged until 2025. On the contrary, it would advocate speeding up these measures, given the serious implications for human health and the huge costs involved.</p>	<p>The Commission has a yearly budget for the HELP Campaign until 2010. Help 2 is particularly targeted at young people.</p>
<p>2.4. The Committee stresses the vital need to ban smoking and thus ETS exposure in places frequented by children and young people (0-18 age group) including leisure venues, such as clubs, indoor discos, bars, sports grounds, children's leisure facilities, etc.</p>	<p>See comments on point 1.1.2.</p>
<p>2.5. At EU level, children and young people should have access to regular, accurate and complete information on tobacco consumption and ETS exposure, so as to be aware of all the related risks and to be able to make an informed, responsible choice.</p>	<p>See comments on point 1.2.1.</p>
<p>2.6. The Committee advocates information and education campaigns on healthy lifestyles, designed for all age groups and sections of society, to enable people to take responsibility for their own choices in full knowledge of the consequences for both themselves and, where relevant, their children.</p>	<p>See comments on point 1.2.1.</p>

<p>2.7. The Committee encourages the policies promoted by NGOs and civil society and their involvement in actions to protect against exposure to smoking and ETS, particularly aimed at disadvantaged members of society who risk losing not only their social independence but also their personal independence by damaging their health and gradually losing vital functions. There should be special protection against ETS exposure for disadvantaged children living in environments with high exposure to second-hand smoke, as well as for street-dwelling children, young people and other groups.</p>	<p>The Commission has shown its commitment to these goals with the Help campaign and action taken under the Health Programme. Based on the Commission proposal, the Council Recommendation on smoke-free environments emphasises that civil society has an important role in building support for and ensuring compliance with smoke-free legislation.</p>
<p>4.5. In addition to media awareness strategies, there is a need, first and foremost, for preventative educational strategies.</p>	<p>See comments on point 1.2.1.</p>
<p>5.2. With regard to amending Commission Decision 2003/641/EC of 5 September 2003, the Committee considers that all warnings should also clearly detail the contents of the cigarette and the nature of the carcinogens and toxins therein, particularly the preservatives and other ingredients, and should include contact details to help smokers quit, such as a relevant free phone number or website.</p>	<p>The current list of tobacco health warnings includes a warning on the toxicity of tobacco smoke. It should be noted, however, that cigarettes and cigarette smoke contain several thousands of chemicals. It is therefore impractical to list all these substances, especially given that, from the toxicological point of view, tobacco leaf itself is the most harmful part of a tobacco product.</p> <p>Regarding the information on quitting, Member States may already complement all pictorial warnings with references to cessation support.</p>

<p>5.3. The Committee advocates media information and awareness campaigns based on the following principles:</p> <ul style="list-style-type: none"> • highlighting breathing as a vital human function and the intrinsic link between the quality of the air that we breathe and our quality of life ; • promoting accurate and complete information; • deploying the principle of positive suggestion – by focusing on creating healthy lifestyles, smoking and smoky environments will be forgotten; 	<p>The Commission Help campaign as well as the textual and pictorial health warnings for tobacco packages aim at conveying the mentioned messages to specific target groups.</p>
<ul style="list-style-type: none"> • tailoring the message to the individual target groups, focusing on the specific motivations of the various age groups (e.g. in the case of young people, performance and self-image); • encouraging and promoting certain sporting, educational and cultural approaches which by definition exclude tobacco consumption; • through the media, promoting as role models certain sporting, cultural or political personalities who lead a balanced life and are non-smokers. 	

<p>41. Green Paper on Consumer Collective Redress COM(2008) 794 final - EESC 1693/2009 - November 2009 Rapporteur: Mr. CALLEJA (Empl./MT) DG SANCO - Mr DALLI</p>	
<p>Main Points of the EESC Opinion</p>	<p>Commission Position</p>

<p>As a matter of principle access to effective judicial protection is a fundamental right that consumers should have regarding collective redress. However, due care needs to be exercised to respect the limitations imposed by the Treaty and the national juridical differences of procedural and constitutional law.</p> <p>EU legislative measures on collective redress would enhance the protection of consumers particularly in cross-border transactions.</p> <p>Sufficient safeguards need to be built into the system against frivolous claims and abuse mainly driven by financial incentives and profit motivation from parties other than the consumers.</p>	<p>The Commission welcomes the EESC's support for its work in relation to collective redress.</p> <p>The Commission considers the effective enforcement of EU legislation to be of the utmost importance. <u>Reflections on possible forms of sector-specific collective redress are ongoing</u>, notably in the consumer and competition policy areas. At the same time it is important to ensure <u>coherence of the tools available for enforcing EU legislation</u>.</p> <p>The Commission will be considering the next steps.</p>
<p>The adoption of a collective judicial redress mechanism does not preclude recourse to systems of out-of-court settlement for consumer disputes.</p> <p>The EESC recommends to the Commission to take further action to encourage businesses to develop internal complaint handling systems, to develop further existing alternative dispute resolution systems and public oversight. These alternatives means could be used by consumers before they resort to the judicial system.</p>	

**42. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Action Against Cancer: European Partnership
COM(2009) 291 final - EESC 1938/2009 – December 2009
Rapporteur: Mrs KÖSSLER (Var. Int./SE)
DG SANCO - Mr DALLI**

Main points of the EESC Opinion	Commission Position
<p>4.4 The EESC believes that it is especially important to focus prevention on lifestyle patterns which increase the risk of getting cancer. In particular, it is important to make the young generation aware that a healthy lifestyle reduces the risk of contracting cancer. Such knowledge among young people, who in due course will become parents, can have a major impact on their children and future generations.</p>	<p>In the Communication on Action Against Cancer, the first proposed pillar for action within the European Partnership for Action Against Cancer is prevention and early detection, on the grounds that one third of all cancers are avoidable. Within the prevention pillar, the European Code Against Cancer is specifically mentioned as a successful initiative which gives the clear message that certain cancers may be avoided by adopting healthier lifestyles.</p>
<p>5.12 The EESC would welcome the establishment of an authority to evaluate research and scientific practice from a European perspective. An independent organisation along these lines should be able to evaluate and review the overall body of evidence for a particular medical field in Europe; in other words, compare the research carried out in that area using pre-established criteria for good research.</p>	<p>The overall aim of the third pillar of the European Partnership for Action Against Cancer is to achieve coordination of one third of research from all funding sources across the EU by 2013. This should prevent fragmentation and duplication of research efforts, and provide a good overview of all research carried out across the European Union in any given area.</p>
<p>5.16 The EESC would also point out the need to develop comparable and assessable indicators. A first step would be for all Member States to establish cancer registries and report registry data to a single designated authority. The IARC (International Agency for Research on Cancer) and the UICC (International Union Against Cancer) might be appropriate bodies – both of them operate at European level.</p>	<p>The fourth pillar of the Partnership addresses the issue of providing comparable information necessary for policy and action, where suggested actions include agreement on a set of core indicators to measure and enable European comparisons of the burden of cancer, quality of care and impact of cancer strategies. Other actions suggested are the establishment of high quality standards and networking on cancer registries.</p>

43. Communication from the Commission to the European Parliament and the Council on a European initiative on Alzheimer's disease and other dementias

COM(2009) 380 final – EESC 1939/2009 - December 2009
Rapporteur: Mrs O'NEILL (Var. Int./UK)
DG SANCO - Mr DALLI

Main points of the EESC Opinion	Commission Position
<p>The EESC supports the action point in the Communication for the establishment of a European Network using the facilities provided by the Health Programme.</p>	<p>The Commission has launched in the Work Plan 2010 for the implementation of the Second Health Programme a Joint Action to support the improvement of collection of better epidemiological data on dementias in Member States, analysis of existing early detection tools for cognitive decline at European and national level in order to define best practices recommendations and establishment of a platform to assess existing practices on rights and to preserve autonomy of persons suffering from dementias as well as promoting the dementia dimension in health determinants actions at EU level in order to define a healthy brain lifestyle set of recommendations. The aim is to implement actions in the Commission Communication on a European Initiative on Alzheimer's disease and other dementias</p>
<p>The EESC recommends that the Commission supports awareness campaigns to improve public knowledge of dementia in order to increase timely diagnosis and to reduce stigma.</p>	<p>In the framework of the Joint Action mentioned above a specific objective is to improve early detection tools for cognitive decline in order to reduce diagnosis time and take early care of persons affected</p>
<p><i>The EESC in welcoming the Joint Programming approach in research urges the Commission to implement this timeously.</i></p>	<p>A Council Recommendation on Joint Programming on research to combat neurodegenerative diseases, in particular Alzheimer's disease is currently under consultation with the European Parliament.</p>
<p><i>The EESC recommends a greater breadth in the range of research areas for support.</i></p>	<p>The Joint Programming mentioned above has established a Strategic Research Agenda (SRA) establishing medium to long-term research needs and objectives, including an implementation plan establishing priorities, milestones and timelines.</p>
<p>The EESC urges the Commission to promote widely the use of the Health Programme to develop models of care and to actively work with national governments on the use of the</p>	<p>The Commission has adopted Community Strategic Guidelines on cohesion for the use of the new Structural Funds. This strengthened strategic focus set the basis for preparing the</p>

<p>European Structural Funds to develop and implement training in dementia care at local level in acute, long term care and in the community.</p>	<p>National Reference Frameworks (NSRF) and the resulting operational programmes. How to use the funds and inclusion of specific dementia care objectives falls under the exclusive competence of Member States</p>
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<p>44. Respect for fundamental rights in European immigration policies and legislation Own-initiative Opinion - EESC 1710/2009 - November 2009 Rapporteur: Mr PARIZA CASTANOS (Work./ES) DG JLS – Ms REDING and Ms MALMSTRÖM.</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>2.13. The EESC proposes that, within the framework of external policy, the EU should promote an international legal framework for migration on the basis of the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. This framework should incorporate the main ILO conventions and the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, which has not yet been ratified by the EU Member States although the EESC had adopted an own-initiative opinion calling for its ratification.</p>	<p>The Commission believes that the effective system of protection of migrants' rights has to be an integral part of the European legislation in this area.</p> <p>A large majority of rights conferred by the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families are already guaranteed in the international and European instruments, in some cases going even beyond the Convention obligations.</p> <p>The ratification of the Convention poses a number of concerns. Formally it is only open for signature by States and none of them have ratified it.</p>
<p>2.7 The entry into force of the Lisbon Treaty will give the Union the option of adhering to the European Convention for Human Rights, strengthening the EU's commitment to human rights.</p>	<p>Achieving without delay the EU accession to the European Convention on Human Rights is a priority. Accession will complete the EU system of protection of fundamental rights and encourage the case-law of both the Court of Justice of the European Union and of the European Court of Human Rights to continue to develop in step. The Commission is committed to proceed swiftly and its first step will be to recommend to the Council the adoption of negotiation directives under the Spanish Presidency.</p>

<p>2.11 In a recent opinion, the EESC took the view "that immigration policy and legislation should fully respect the human rights of all people, equal treatment and non-discrimination. To strengthen this objective, the EESC proposes that two new common principles should be included" for the future European immigration policy as laid out in the Stockholm Programme: "Fundamental Rights, and the Rule of Law and Fundamental Freedoms".</p> <p>2.12 The Fundamental Rights should be granted to all, not only citizens of the Union. Asylum seekers and immigrants are protected by the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. In addition, European immigration and border law and ECJ case-law provide a series of guarantees and rights that go beyond the Member States' margin of discretion.</p>	<p>Full respect of fundamental rights, including human dignity and the rights of the child, is an essential component of the Commission's action relating to immigration, asylum and external border control. All individuals, irrespective of their legal status under immigration laws, have fundamental rights and these rights must be effectively respected on the ground.</p> <p>Respect for fundamental rights does not prevent the development of measures on immigration. On the contrary, it is a prerequisite for mutual trust and solidarity between Member States which are indispensable for developing our policy in this area.</p> <p>The Commission pays particular attention to the respect of fundamental rights when proposing new initiatives and with regard to implementation of EU law by Member States.</p>
<p>2.15. and 2.16. The non-inclusion of immigration and asylum matters in the newly created portfolio of the Commissioner responsible for Justice, Fundamental Rights and Civil Liberties Justice.</p>	<p>The "European Pact on Immigration and Asylum" of October 2008 acknowledged that the development of a comprehensive EU policy on migration and asylum should be composed of five basic commitments which are inseparable: organising legal immigration and encouraging integration, controlling illegal migration, making border controls more effective, building a Europe of asylum and creating a comprehensive partnership with the countries of origin and of transit. The Commission considers that migration and asylum policies have to be managed at EU level in a coherent manner. Both Commissioners, for Justice, Fundamental Rights and Citizenship and for Home Affairs will closely work together to ensure compliance of all migration and asylum policies with Fundamental rights.</p>

<p>3.2. The EESC considers that bodies of law on immigration in Europe do not adequately guarantee immigrants' status as right-holders and as persons entitled to protection. The tight legal link between work and residence permits makes it perfectly clear that immigrants are not viewed as people but as a workforce, a tool at the service of the labour market that foregoes the chance to stay legally once no longer required. As such, they lose many of their rights due to a change in their administrative status: they become "undocumented".</p>	<p>The EU instruments do not systematically link work and residence permit: see e.g. the rules on family reunification (disconnection between the right to residence and the right to work for the family members); long-term residents (the loss of job is not a reason for withdrawal of the status or expulsion); Blue Card (unemployment in itself must not constitute a reason for withdrawing an EU Blue Card, which can only occur after a certain period of unemployment or when it occurs more than once)</p>
<p>4.1.2 Any security policies that are adopted must safeguard the values of freedom and justice. The EESC considers that these policies should take the protection of the fundamental rights guaranteed by the European Convention on Human Rights and the Charter of Fundamental Rights as their starting point.</p> <p>4.1.3 Strengthening security must not jeopardise the fundamental values (human rights and public freedoms) or democratic principles (the rule of law) that are shared throughout the Union. Personal freedom must not be curtailed under cover of the objective of collective and state security. Some policy proposals repeat a mistake that was made in previous periods: sacrificing freedom to improve security.</p>	<p>Measures aiming to protect the security of citizens (e.g. measures to fight terrorism, criminal law, law enforcement measures, etc.) must be fully compatible with fundamental rights. Fundamental rights do not prevent the adoption of security measures.</p>
<p>4.1.5 The EESC supports the Commission's initiative to "lock in a culture of fundamental rights" from the earliest stages of the legislative procedure, including immigration policy. Respect for fundamental rights must be a common goal of all the Community institutions. This should be accompanied by a common European system of periodic ex-post evaluation of the application of European policies adopted at national, regional and local level in terms of their compatibility with fundamental rights and their effectiveness. The EESC and organised civil society should also play a key role in such evaluations.</p>	<p>It is crucial to ensure that the Union is beyond reproach when making legislation. At Commission level a specific methodology has been established for systematic and rigorous monitoring of compliance with the Charter of Fundamental Rights and the Commission has already decided to reinforce its application. However, this methodology is limited to the Commission proposals and it would be important to also promote such an approach throughout the negotiation process. This issue has been highlighted by the European Council in the Stockholm programme which invites</p>

	<p>the EU Institutions and the Member States to ensure that legal initiatives are and remain consistent with fundamental rights throughout the legislative process by way of strengthening the application of the methodology.</p> <p>In addition to the role of the Commission as the guardian of the Treaties, the ex post evaluation of EU policies should also take into account fundamental rights.</p>
<p>4.2 - 4.3.3 non discrimination and equal treatment principle in the specific directives.</p>	<p>The 2003 long-term residents Directive has been the yardstick in terms of rights to be granted under the proposals implementing the policy plan on legal migration.</p> <p>In keeping with this legislation, third country national workers employed by an EU employer must be as a rule entitled to equal treatment with nationals of the Member State to which they have been admitted at least with regard to a range of rights, including working conditions</p> <p>However, temporary migrants, who after a limited period of stay in the EU shall return and thus do not enjoy general access to the labour market, may be granted a specific and appropriate set of rights (e.g. no access to education and vocational training which is irrelevant for such workers).</p> <p>In any case, the sectoral directives respect the fundamental rights and must be applied without discrimination on the basis of sex, race, color, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation</p>
<p>4.3.4. The role of public services</p>	<p>The Commission recalls that the EIF supports national actions aiming at facilitating the integration of third country nationals. The</p>

	<p>adaptation of public services to the specific needs of third country nationals is one of the actions eligible for such a financial support.</p>
<p>4.3.5 The Committee does not agree with the proposal for a framework directive, which allows the Member States to restrict the right to equal treatment in relation to certain working conditions (including pay and dismissal, health and safety in the workplace and social protection) and freedom of assembly, association and to strike to persons actually in work. These restrictions may also undermine the principle of non-discrimination and Article 12 of the Charter.</p>	<p>The discussion on the proposal creating a single application procedure for a single permit for third country nationals to reside and work in the territory of a Member State and a common set of rights for single permit holders will resume in the Parliament and the Council according to the new legal basis. The Commission has always defended its ambitious initial approach as far as the right to equal treatment is concerned.</p>
<p>4.3.6. The EESC hails the Commission's initiative to present a European Immigration Code, which should encompass the fundamental rights and guarantees of all immigrants to the EU.</p>	<p>Firstly, the Commission is willing actively to make advancing the discussions in the Parliament and the Council according to the new legal basis on its proposal 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 a common set of rights for single permit holders. The Commission will then evaluate the existing "<i>acquis</i>" in legal migration as the Stockholm programme invites it to submit proposals for consolidation of all legislation in the area of immigration, starting with legal migration.</p>
<p>4.4.4. Family reunification</p> <p>The Committee proposes that in the course of the 2010, the Commission should draw up a proposal to amend Directive 2003/86.</p>	<p>On October 2008 the Commission issued a first report on the application of the Directive 2003/86 on family reunification, identifying possible problems, related for some of them to the low-level binding character of the Directive</p> <p>In order to regulate family migration more effectively, the Commission intends to analyse further the issues at stake and take them forward by launching in 2010 a wider consultation on the future of the family reunification regime. This consultation will possibly result in some amendments to the</p>

	current Directive.
4.5.2. Independent evaluation of the human rights compliance of joint border control operations before strengthening the FRONTEX Agency; European and national parliamentary oversight should be stepped up; assessment of compatibility with SBC, especially Articles 6 and 13.	<p>Border guard authorities participating in joint operations coordinated by FRONTEX are bound by the relevant European and international law as regards human rights and international protection and those operations are carried out in full compliance with the Schengen Borders Code.</p> <p>Moreover, as guardian of the Treaties, the Commission constantly monitors compliance with fundamental rights in the application of European Union acts. Accordingly, the Commission proposal for the amendment of the FRONTEX Regulation will fully observe the rights and principles recognised by the EU Charter of Fundamental Rights.</p>
4.5.4 The European border control strategy makes heavy use of security technology; however, databases handling vast quantities of personal data (Schengen Information System (SIS II) and Visa Information System (VIS) have been set up and are used for ethnic and cultural/religious profiling, which presents challenges when it comes to safeguarding the right to non-discrimination under Article 21 of the Charter of Fundamental Rights.	The EU has adopted important instruments such as the Schengen Borders Code, Eurodac, SIS and VIS, under which the use of unjustified ethnic profiling techniques is not authorised. For example, as regards border controls, the provisions of Article 6 of the Schengen Borders Code require that border guards execute checks without discrimination against travellers on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation.
4.5.5. Proposals on the 'border package' should respect the principle of proportionality and reasonableness of any new EU legislation. System should ensure the protection of personal data and the principle of non-discrimination.	<p>The Commission will carry out an impact assessment which will carefully take into account the feasibility and cost-effectiveness of the different options.</p> <p>The Commission is committed to take all the necessary safeguards for the protection of fundamental rights and personal data.</p>
4.5.6. The EESC proposes that the European Asylum Support Office begin functioning.	Political agreement on the Commission proposal establishing the European Asylum Support Office (EASO) has been reached. The proposed Regulation will formally be adopted during the first quarter of 2010 and will enter

	<p>into force on the day following its publication in the Official Journal of the EU. Allowing a reasonable period of time for the setting-up phase of the agency, EASO, to be seated in Malta, will become fully operational with a view to provide its support to the establishment of the Common European Asylum System.</p>
<p>4.6.2. Need for detailed monitoring of the transposition of the Return Directive.</p>	<p>The Commission is committed to monitor diligently the transposition of the Return Directive by Member States.</p>
<p>4.6.3. Foster voluntary return</p>	<p>The Commission fully shares the assessment that preference should be given to voluntary return. This principle is expressly endorsed and operationalised by Article 7 of the Return Directive.</p>
<p>4.6.4. - 4.6.8. Respect of fundamental rights (such as the non-refoulement principle and interdiction of collective expulsions) in return procedures.</p>	<p>The Commission shares the assessment that fundamental rights must be respected at all stages of return procedures. The legal and procedural guarantees provided for by the Return Directive will contribute to achieve this objective.</p>
<p>4.7.2. The circumstances under which prolonged detention currently takes place in a number of Member States are unacceptable, and should be analysed in detail from the perspective of fundamental rights, including the right to good administration as laid down in Article 41 of the Charter.</p> <p>4.7.4 The EESC believes that pregnant women and minors should receive special protection, and should not be detained in these centres.</p>	<p>The Commission fully shares the assessment that length and the conditions of detention should be subject of strict control in order to make sure that human rights are respected. As far as detention for the purposes of removal is concerned, the legal and procedural guarantees provided for by Articles 15-17 of the Return Directive will contribute to achieve this objective.</p> <p>The Commission agrees that particular attention should be paid to the situation of vulnerable persons, including pregnant women and children. In particular, ensuring the respect for rights of the child in the context of detention is of crucial importance. The return directive provides for very clear rules governing the possible detention of minors, inspired by Article 37 of the</p>

	<p>Convention on the Rights of the Child and by the principle of the best interest of the child. The basic rule is that minors and families with minors "shall only be detained as a measure of last resort and for the shortest appropriate period of time". Children should be provided with appropriate accommodation and care, which are age-specific and meet their needs as most vulnerable persons.</p> <p>The Commission proposal amending the Reception Conditions Directive aims <i>inter alia</i> at restricting the use of detention.</p> <p>In particular, the proposal maintains that detention should only be used in exceptional circumstances, expressly stipulated in the text, and only if it is in line with the principles of necessity and proportionality. It is also indicated that detention shall never be unduly prolonged.</p> <p>The proposal also aims at rendering the detention of vulnerable persons, such as minors, pregnant women and victims of torture, unnecessary and introduces additional legal and procedural restrictions to this respect. In particular, as a general rule, vulnerable persons should not be detained unless a qualified professional certifies that their health and well being will not deteriorate due to detention. Moreover, the proposal indicates that minors could only be detained if it is in their best interests whereas the detention of unaccompanied minors is prohibited in all cases.</p> <p>The proposal also foresees relevant procedural and legal guarantees such as access to an effective judicial review and free legal assistance. Finally, the proposal introduces conditions of detention that include ensuring these centres are accessible to family members, UNHCR and relevant NGOs representatives, taking into consideration</p>
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	gender specific concerns and the particular needs of vulnerable persons.
4.8.3. The Committee considers that certain Member States need to provide better protection of the fundamental rights of undocumented immigrants, and that the EU should consider them as one of the most vulnerable groups, preventing their labour exploitation and by ensuring their access to health services, other social services and education for minors.	The Commission fully recognizes the need of protection of rights of undocumented migrants and believes they should be an essential part of the overall policy concerning irregular immigration. This framework of protection is regularly consolidated in recent instruments. The Commission agrees that the Member States should enhance the practical application of their obligations in this field.
4.8.4. The fight against trafficking in human beings (children, women and men) for sexual and labour exploitation needs to be stepped up, in accordance with Article 5(3) of the Charter. The Member States must provide effective protection for victims, making it easier for them to cooperate with the judicial authorities and regularise their situation.	In 2010 the Commission is going to present the report concerning the implementation of Directive 2004/81 of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. In the light of this report, it intends to examine the necessity of amendments.
4.9.2. The EESC agrees that the flow of information between Member States concerning regularisation should be improved, and that European implementing guidelines should be drawn up, on the basis of the Council's commitment under the European Pact on Immigration and Asylum ¹⁰ , in which it was agreed to carry out case-by-case regularisations under national law, for humanitarian or economic reasons.	The Commission takes fully into account the principles concerning regularisation adopted in the European Pact on Migration and Asylum. The Stockholm Programme confirms these principles and states that exchange of information in this field should be improved. From 2010, with the launch of the tracking method for monitoring the implementation of the European Pact on Immigration and Asylum, the information concerning regularisation will become a part of these strategic reports.
4.9.4. The EESC considers that in a democratic society, the need for expulsion must be assessed (principle of proportionality) in keeping with the	In accordance with the well established case-law of the Court of Justice, EU law must be interpreted and applied in compliance with

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EU Council, 1344/08, 24 September 2008.

<p>interpretation under ECHR case-law. The Committee proposes that the Member States make use of the option to regularise the situation of these persons, as provided by Article 6(4) of the Directive on Return.</p>	<p>fundamental rights.</p> <p>It is crucial to ensure that Member States respect fundamental rights when they implement Union law. In that respect, the Commission will be particularly vigilant on the implementation of the Return Directive, in particular as regards the rights of the child.</p>
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<p>4.10.4. European Year of Intercultural Dialogue: The EESC has proposed that handbooks be prepared.</p>	<p>Several 2008 Year projects produced "toolkits" – They could be found at the following link: http://www.interculturaldialogue2008.eu/1364.0.html (click on "publications" and "school kit") and will soon be on Europa pages. Several EU programmes would support the production of handbooks/ toolkits for a specific target audience if applied for in the context of a multilateral cooperation project, e.g. Comenius for schools or Grundtvig for adult education: http://ec.europa.eu/education/lifelong-learning-programme/doc84_en.htm</p> <p>http://ec.europa.eu/education/lifelong-learning-programme/doc86_en.htm</p> <p>Since 2004, the Commission is publishing 'Handbook on Integration for Policy-Makers and Practitioners' gathering good practice in various areas relevant for integration. The third edition will be launched in April 2010.</p>
<p>4.10.6. The EESC recalls that the European Integration Forum, recently set up with the cooperation of the Commission, is a major tool for strengthening integration from a European perspective.</p>	<p>The good cooperation between the Commission and EESC in establishing the European Integration Forum should be developed further.</p>
<p>5.5. The EESC re-iterates its call for European citizenship to be granted to third-country nationals having long-term resident status and urges COM and EP to include this proposal as a priority for the new term of office.</p>	<p>The Commission has repeatedly stressed the role of citizenship in fostering a sense of belonging and therefore third country nationals' integration into the host societies. However, according to the TFEU, the condition for holding European citizenship is to be a national of a Member State. Moreover, Member States have the sole competence to define the conditions for granting nationality. Therefore, the Commission cannot support the idea of a European citizenship which would be based on residence.</p>

<p>46. Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters COM (2009) 175 final – EESC 1931/2009 - December 2009 Rapporteur: Mr HERNANDEZ BATALLER (Var. Int./ES) DG JLS - Mrs REDING</p>	
Main points of the EESC Opinion	Commission Position
<p>Include administrative rulings in the scope of the Brussels I Regulation – Commission should carry out necessary studies.</p>	<p>Administrative rulings are excluded from the scope of Regulation (EC) 44/2001 because they are not "civil and commercial matters" within the meaning of Art. 81 Treaty. The free circulation of certain types of administrative rulings is governed by other Union instruments in sectoral matters such as social security. While the Commission agrees that the circulation of administrative rulings is of high practical importance for citizens and business in Europe, the legal basis of Regulation 44/2001 does not permit an extension of its scope in this respect. This does not prevent, of course, from addressing this matter in another appropriate context.</p>
<p>Abolition of exequatur with guarantees including a review procedure.</p>	<p>The Commission welcomes the EESC's support for the abolition of all intermediate measures which still exist for the recognition and enforcement of decisions abroad, subject to the necessary guarantees, relating, among other things, to the service of documents and the possibility for the defendant to request a special review in the Member State of origin.</p>
<p>Extend the rules of Regulation 44/2001 to disputes involving defendants resident in 3rd countries, including the establishment of rules on subsidiary jurisdiction and on parallel proceedings, and the recognition and enforcement of judgments given in third States</p>	<p>The Commission welcomes the EESC's support for the suggested extension of the rules of Regulation 44/2001 to third State defendants, for the establishment of rules on subsidiary jurisdiction as suggested in the Green Paper and for the creation of a mechanism to deal with parallel proceedings at an international level. The Commission equally welcomes the support for the creation of a Union legal framework for</p>

	the recognition and enforcement of third State judgments.
Improve the coordination of parallel proceedings, in particular in cases of choice of court.	The Commission welcomes the support from the EESC to improve the current coordination mechanism of parallel proceedings. The means suggested: cooperation and communication between courts, a standard choice of court clause, and possibly by setting a deadline for decisions on jurisdiction, are all possible solutions which the Commission will consider.
Revise some aspects relating to provisional measures (referred to as "safeguard measures" in the EESC's opinion)	The Commission welcomes the support of the Committee to enhance judicial cooperation for cross-border provisional measures.
Prevent duplication of intellectual property disputes by taking measures against counterfeiting and concluding the European Patent convention	The Commission notes that the protection of industrial property rights involves many different aspects which are dealt with in various Union instruments and international conventions. While the Commission is committed to take measures against counterfeiting, this is currently being dealt with in sectoral Union instruments. As far as patent litigation is concerned, the Commission has proposed to launch international negotiations on the creation of a supra-national litigation system which would not only involve Union but also some third States currently Party to the European Patent Convention.
Improve free movement of authentic acts with a view to the creation of a European Authentic instrument	The Commission intends to publish a Green paper on the improvement of the free movement of documents in the 1 st half of 2010, including authentic instruments. Authentic instruments are already covered in EU sectorial instruments on cross-border civil justice. The Commission will evaluate the added value of a European authentic instrument.
Improve consumer protection by aligning the rules of Regulation 44/2001 with those of Directive 2008/48 and by introducing rules on collective redress	The Commission welcomes the support for the alignment of the rules with respect to consumer credit agreements and the recognition of the need to adapt the rules of the Regulation so as to

	allow for collective redress to the benefit of consumers.
Regulate the interface between Regulation 44/2001 and arbitration so as to support arbitration and allow for a free circulation of judgments concerning arbitration	The Commission welcomes the support from the Committee.

<p>47. Encourager la bonne gouvernance dans le domaine fiscal COM (2009) 201 final – EESC 1936/2009 - December 2009 Rapporteur: Mr BURANI (Empl./IT) DG TAXUD – Mr SEMETA</p>	
Main points of the EESC Opinion	Commission Position
<p>The EESC is in full agreement with the series of measures proposed and with the Commission's comments. The EESC gives a very warm welcome to the Commission Communication: it was high time that a course of action and behaviour was mapped out in the complex area of combating tax evasion, as part of an environment of good tax governance. The Committee can only give its support and full agreement to every aspect the Commission mentions and the measures it proposes.</p>	<p>The Commission welcomes the unanimous adoption of a favourable opinion on the Communication.</p>
<p>On one point in particular, namely the consistency between financial support given to many countries in various forms and those countries' level of cooperation in tax matters, it hopes that the EU will adopt a firm and responsible attitude: more explicitly, an end should be put to the policy of unconditional aid with nothing in return. It remains to be seen to what extent the Commission's proposal will be able to be put into practice: political and social hesitations could play a significant role in relation to its implementation.</p>	<p>The Commission agrees. This is precisely one of the main purposes of the good governance initiative which is being currently undertaken:</p> <ul style="list-style-type: none"> - The Commission is negotiating to include in all relevant agreements between the EU and third countries a good governance provision, which was adopted in May 2008 by the Council. - In the context of the EU Development policy, specific funds are available to countries making commitments to improve good governance in the tax area (10th EDF incentive tranche).
The money-laundering directives and tax	This is the main comment proposed and

<p>directives currently seem to run on two separate tracks. Blame for this, however, lies not with the Commission but rather with a fragmentation of powers and competences: The EESC calls for enhanced cooperation, information exchange and division of tasks among the various authorities.</p> <p>The Committee would like to draw legislators' attention to a number of serious deficiencies: there is no effective coordination between the fight against tax evasion and that against crime, nor a clear distinction between the tasks and remits of the authorities responsible for tackling these various phenomena. These often have aspects that relate both to tax evasion and crime or terrorism, and are thus difficult to assign: another reason for requiring structured cooperation between the various authorities. There is no mention of such cooperation in the Commission or Council programmes.</p>	<p>reiterated in more detail throughout the document.</p> <p>COM generally agrees that enhanced cooperation between the different authorities is necessary and continues to promote greater cooperation while respecting the individual competences of the EU and the Member States, which limits what the Commission can do – and what it has agreed to do in this Communication.</p>
<p>A difficult issue that is not mentioned is that of flags of convenience¹¹, a source of considerable financial flows that are perfectly legal even if they are spared from taxation.</p>	<p>The Communication is a policy document concentrating on the fiscal domain, with general proposals and lines of action. Therefore there are inevitably particular issues or details not specifically included in it.</p> <p>Although the use of flags of convenience may sometimes be driven by tax considerations, the Commission does not consider their use as mainly a tax good governance issue.</p>
<p>There seems to be something of a lack of transparency in emerging financial markets,.. Although the issue of terrorist financing is included in the standard clauses, negotiations often skate over it, as it runs through channels that are certainly not going to make themselves public, still less negotiate. This</p>	<p>As stated above, this Communication is a policy document concentrating on the fiscal domain. Terrorist financing is an important issue for the EU and is currently addressed inside the EU and included in all relevant negotiations with third countries, but was not</p>

¹¹ A ship flies a "flag of convenience" (FOC) when it is registered in a country which has few rules with the aim of reducing operating costs or avoiding burdensome regulations. The International Transport Workers' Federation has drawn up a list of 32 registers that it considers to be FOC.

<p>and other problems are so delicate that the silence that surrounds them is understandable. However, this does not mean that they can be ignored.</p> <p>There are other issues, too, that are not mentioned: trafficking of weapons, which are often sold legally and with the appropriate official authorisation, but subsequently pass through secret channels to fuel wars and terrorism in many countries. This is often funded with proceeds from drugs: all of this feeds into enormous flows of money that seems to disappear into an unfathomable black hole. This phenomenon is well known, but certainly cannot be dealt with through directives, agreements or enquiries: it is of an entirely different nature and involves world politics.</p>	<p>the subject of this Communication.</p>
<p>The phenomenon of tax havens as a whole is thus a problem that needs addressing, whilst keeping in mind the geopolitical aspects that will affect any solution. In terms of what is possible in practice, the fight against tax evasion and money laundering (but above all against terrorism) must, as far as possible, be global. More than anything, it is important to continue to take care to prevent activities being diverted from known centres to others that are less well known, which may be hostile or less willing to negotiate. The current crisis is speeding up the gradual shift in the balance of power among world financial centres: Asia and the Islamic world are</p>	<p>The Commission agrees. Good governance in the tax area is a worldwide policy which does not intend to spare any country or region, but to implement the principles on as broad a geographical basis as possible.</p>
<p><i>the new emerging powers, whose thinking and behaviour is not necessarily the same as has traditionally prevailed in the Western world.</i></p>	

<p>Getting tax havens to cooperate and be transparent would be an historic achievement; the grey areas that remain, and probably will remain, show that, as well as broad principles, it is important to aim for reasonable goals, even if they are not perfect. In the final analysis, it becomes clear that initiatives in financial and tax matters need to be driven and monitored by political authorities as part of their international relations strategy. The EU needs a common policy in this latter area: an aim that governments should consider a priority, but that, as things stand, seems a long way off.</p>	<p>The Commission agrees that political action can assist in achieving progress as regards tax havens. It continues to promote greater cooperation and transparency in the relevant international fora and agrees that there is a need for a common EU policy.</p>
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<p>50. Aider les pays en développement à surmonter la crise COM (2009) 160 final – EESC 1954/2009 - December 2009 Rapporteur : Mr JAHIER DG DEV – Mr PIEBALGS</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.2. and 3.7. "The EESC notes that the two main limitations of the Communication lie in the failure to schedule additional resources and the fact that the impact of the decision regarding the crisis will be short-lived (e.g. the frontloading of aid commitments)."</p>	<p>1) On the issue of additionality of resources, it should firstly be recalled that the set of measures proposed in the 8 April 2009 Communication from the Commission to support developing countries in coping with the effects of the crisis were not limited to the EU as a whole but also related to bilateral activities of the Member States. While it is true that the Communication did not schedule any additional resources from the side of EU (because of budgetary rigidity), it encourages the Member States to step up their efforts to mobilize additional development-relevant resources, and to apply more widely innovative sources of financing.</p> <p>2) One of the key added value of this package of measures proposed by the Commission has been to mobilize quickly financing resources and to adjust priorities to help the most affected</p>

developing countries in the face of the crisis. In that regard, one of the main concrete and short-term instruments from the April package 2009 was the setting up of the *ad hoc* Vulnerability FLEX which will mobilise up to €500 million, taken from the reserve of the national and regional indicative programmes under the 10th EDF, in 2009 and 2010 to support the most vulnerable ACP countries with poor resilience capacity with a view to enabling them to maintain priority spending, notably in the social sectors. The V-FLEX can operate to provide grants in ACP countries where the loans from the International Financial Institutions (IFIs) are insufficient or where potentially they are not operating. Support can be provided either as budget support (preferred modality) or existing projects/programmes (fall back position). In 2009, a first tranche of €235 million has been allocated to 13 ACP countries (financing decisions). The remaining amount available for 2010 will be around €265 million. V-FLEX 2010 requests submitted by ACP States should be received by the Commission no later than 15 March, 2010.

ACP countries not eligible under the Vulnerability FLEX shall nevertheless benefit from other measures mentioned in the Spring Package 2009, for example reallocations following *ad hoc* country reviews and the advanced Mid Term Review, support under the traditional FLEX (80 M EUR in 2009), frontloading where requested, etc. The Commission has worked hard to compress procedures, to deliver on time, to reflect priorities generated by the crisis in our Mid-Term Review (MTR) and to frontload aid where possible. Regarding the MTR in particular, the Commission has decided in light of the crisis to bring

	<p>forward and to accelerate the 10th EDF MTR which has started in 2009 instead of 2010. This will allow any possible adjustments in the country strategy and allocation to be submitted for opinion to the EDF Committee in early spring 2010 and to be frontloaded where necessary and appropriate, in order to still have an effect in 2010.</p> <p>This set of measures to tackle the effects of the financial and economic crisis on developing countries comes on top of the €1 billion Food facility established by the EU in reaction to the soaring food prices in 2008. The Food Facility operates for the period 2009-2011 and will provide rapid support to over 50 priority countries worldwide (80% of the €1 billion Food Facility was committed by end 2009, 12 months after adoption), with the aim to encourage food producers to increase supply, to deal directly with the effects of volatile food prices on local populations and to increase food production capacity and improve the way agriculture is managed in the longer term.</p> <p>3) While these measures are indeed of a short-term nature (but with counter-cyclical effects) to tackle urgent needs which arose from the recent/current crises, it must be mentioned that the EU response to the crisis is framed within the global response from the international community (namely UN, G20, G8) which has a longer-term perspective. In that regard, the Commission welcomes the G20 commitments decided in Pittsburgh in September 2009 with regard to development, including on the reform of the International Financial Institutions, and will ensure a close and active follow-up at EU level.</p>
7.7 (first bullet): "a careful assessment is needed	The European Commission is leading a

<p>of the development in recent years of budgetary aid mechanisms, which should be more specifically directed at sectoral commitments such as health, decent work, education and training, infrastructure, social services and green growth, as advocated by the European Parliament</p>	<p>DAC-wide exercise to improve the methodology for evaluating budget support, with pilot studies being undertaken in Mali, Zambia and Tunisia during 2009/2010. These will consider both sector and general budget support.</p>
<p>1.10. "Lastly, the EESC considers it vital that absolute priority at world level be given to the fight against corruption and tax fraud (avoidance and evasion), with a view to gleaning major new resources for development schemes. The EESC urges the Commission to address this issue forthwith and to draw up appropriate proposals."</p>	<p>The European Commission is indeed currently preparing a Communication on "Good Governance in Tax Matters in Development Cooperation", adoption of which is tentatively scheduled for April 2010. One of the aims of this communication is to fight harmful tax practices and notably tax fraud that undermine developing countries ability to raise tax revenues. This Communication would be a follow up and build upon the Commission Communication on "Promoting Good Governance in Tax Matters" (month 2009) that aims at strengthening the principle of good governance within the EU and internationally. It would comply with the 18 May 2009 Council commitment on "Supporting developing countries in coping with the crises" that the EU should "step up support for their efforts to mobilize domestic resources for development" and the Commission should "present proposals for EU action on dialogue with, and assistance to, developing countries on promoting good governance in tax matters and more effective national systems in order to achieve development goals". It would also reflect the Commission proposal to "help developing countries to further implement effective and sustainable raw material policies based on good governance and build capacity" as indicated in the Communication on the Raw Material Initiative.</p>

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

14. Aide aux agriculteurs dans les zones à handicaps naturels
COM(2009) 161 final –CESE 1945/2009- Décembre 2009
Rapporteur : Mme TODOROVA (Act. Div./BG)
DG AGRI – M. CIOLOS

La Commission n'a pas de commentaires sur cet avis.

34. Fonds européen de développement régional - Eligibilité des interventions dans le domaine du logement en faveur des communautés marginalisées
COM(2009) 382 final - CESE 1720/2009 – Novembre 2009
Rapporteur: M. GRASSO (Act. Div./IT)
DG REGIO – M. HAHN

Etant donné que l'avis du CESE correspond aux modifications proposées au Règlement contenant des dispositions générales applicables au Règlement FEDER, il n'est pas nécessaire de donner suite à cet avis.

35. Simplification de certaines exigences et certaines dispositions relatives à la gestion financière
COM(2009) 384 final CESE 1721/2009 – Novembre 2009
Rapporteur: M. CEDRONE (Trav./IT)
DG REGIO – M. HAHN

Etant donné que l'avis du CESE correspond aux modifications proposées au Règlement contenant des dispositions générales applicables au Fonds structurels, il n'est pas nécessaire de donner suite à cet avis.

36. Des universités pour l'Europe
Avis d'initiative - CESE 1719/2009 – Novembre 2009
Rapporteur: M. van IERSEL (Empl./NL)
DG EAC – Mme VASSILIOU

La Commission ne souhaite pas donner de suite spécifique à cet avis. Néanmoins, elle souligne que l'avis du CESE se situe dans la ligne de la Communication de la Commission de 2006 sur la modernisation de l'enseignement supérieur. La Commission accueille la contribution du CESE et prend note des conclusions et recommandations qui renforce la position de la Commission dans ce domaine. Une suite à la communication de 2006 est prévue pour 2011 et à cette occasion, l'avis du CESE pourra être pris en compte.

38. Mobilité transfrontalière des jeunes (Livre vert)
COM(2009) 329 final - CESE 1940/2009 – Décembre 2009
Rapporteur: Mme PÄÄRENDSON (Empl./EE)
DG EAC – Mme VASSILIOU

The Commission would like to thank the EESC for their helpful and inspiring response to the Green Paper and the unanimous support for the idea of learning mobility. The Commission will take the contribution into account in preparing the further follow-up to the Green Paper in the context of the new initiative "Youth on the Move".

48. Proposition de règlement du Conseil portant suspension, à titre temporaire, des droits autonomes du tarif douanier commun à l'importation de certains produits industriels dans les régions autonomes de Madère et des Açores
COM(2009) 370 final - CESE 1933/2009 - Décembre 2009
Rapporteur: Mr SOARES (Trav./PT)
DG TAXUD – Mr SEMETA

Il n'est pas nécessaire de donner suite à cet avis étant donné le plein accord du CESE sur la proposition de la Commission.