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ACTION TAKEN ON OPINIONS

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Quarterly review presented
by the European Commission

SUIVI ACCORDÉ PAR LA COMMISSION AUX AVIS
DU COMITÉ ÉCONOMIQUE ET SOCIAL EUROPÉEN
RENDUS AU COURS DU 4^e TRIMESTRE 2010

(Octobre et décembre 2010)

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PARTIE A: Avis exploratoires

<p>11. Energy Strategy for 2011-2020 EECS 1627/2010 – December 2010 Rapporteur: Mr HERNÁNDEZ BATALLER (Var. Int./ES) DG ENER – Mr OETTINGER</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The European Economic and Social Committee (EESC), in its opinion, largely supports the objectives of the Commission stock-taking document "Towards a new Energy Strategy for Europe 2011-2020. Support is also expressed for the five priorities identified in the Commission's stocktaking document namely: modern integrated grid, progress toward a low carbon system, leadership in technological innovation, strong and coordinated energy policy and protecting the EU citizens.</p>	<p>The Commission welcomes the support of the EESC. The priorities outlined in the stocktaking document have been further developed and presented in the Communication "Energy 2020: A strategy for competitive, sustainable and secure energy", adopted by the Commission on 10 November 2010.</p>
<p>The EESC takes note that beside the Energy Strategy 2011-2020 the Commission is preparing a Roadmap for a low carbon energy system by 2050. The Committee express appreciation: "that both these two topics are being developed together. Investments in the energy sector has a long life and it is very important that the strategy for the next ten years should be working towards the longer term goal for 2050".</p>	<p>The Commission takes note of the support for both initiatives expressed by the Committee. The Commission is looking forward to receiving the input from the Committee on issues related to the Roadmap for a low carbon energy system by 2050. The low carbon energy Roadmap is currently under preparation by Commission services with a view to adopting it during the second half of 2011.</p>
<p>While expressing its broad agreement with the Commission stock-taking document the Committee's opinion indicates that more attention and emphasis should have been given to issues of competitiveness and in particular to risks of jobs and carbon leakage.</p>	<p>The Commission completely agrees with the Committee on the importance of competitiveness issues in our energy policy. The Commission's energy policy is indeed based on three main pillars: security of supply, sustainable development and competitiveness. The issue of competitiveness has been and will be duly considered in past and future Commission's policy initiatives.</p> <p>In particular the Commission Communication</p>

	<p>"Energy 2020 A strategy for competitive, sustainable and secure energy", of the 10th of November 2010 deals with the issues of competitiveness in a specific section under the heading: "Secure, safe and affordable energy for citizens and businesses".</p>
<p>The EESC also expressed a specific suggestion on the target on greenhouse gas emissions' reduction advocating for an early move to a 25% reduction by 2020. The EESC in point 3.4.3 of its opinion indicates that: "In the continuing absence of a comprehensive global deal on climate change the EU should consider an early move towards a 25% reduction by 2020, thus targeting the lower end of the reduction range that IPCC has recommended for that year for developed countries. This would also secure some of the transformational benefit of adopting a tighter target as soon as possible, while retaining the negotiating benefits of having a further 5% still to offer to encourage other countries to do more in the next two years".</p>	<p>The Commission takes note of EESC's opinion. However, we are committed to a 20% greenhouse gas emissions reduction target by 2020. Any proposal for a unilateral move towards a higher target, which would entail significant consequences for the EU, would need careful assessment and thorough discussions with all Member States.</p>

<p>25. Iceland as a candidate country EESC 1624/2010 – December 2010 Rapporteur : Ms CARR (Empl./EE) DG ELARG – Mr FÜLE</p>	
<p>Main point of the EESC Opinion</p>	<p>Commission Position</p>
<p>States the need for broad civil society participation in the debate on Iceland's accession to the EU and suggests a leading role by the EESC in organising events and more generally in demonstrating the benefits of EU membership to Iceland.</p>	<p>The Commission shares the EESC view on the need to engage in an active civil society dialogue with Iceland. The Negotiating Framework of July 2010, which sets out the principles, substance and procedure governing the negotiations, makes reference to the importance of such a dialogue "with the aim of bringing people together and ensuring the support of citizens for the accession process." Under the Commission's DG ELARG Civil Society Facility (CSF) Iceland is a beneficiary of the People 2 People Programme, which supports visits to EU institutions and bodies to exchange experience, know-how and</p>

	<p>good practices between beneficiaries, EU and Member States Civil Society Organisations. The Commission will continue to support the active participation of civil society from all sides in the debate on Iceland's EU membership. At the same time, the Commission welcomes the EESC initiative in taking on a leading role to facilitate civil society dialogue on Iceland's accession.</p>
<p>Recommends the establishment of a Joint Consultative Committee for Iceland in order to exchange views and information between the civil societies of Iceland and the EU Member States as well as to express joint recommendations and opinions to the negotiating parties.</p>	<p>The Commission agrees with the EESC conclusion to set up a Joint Consultative Committee (JCC) and welcomes the formation of such a committee by the EESC as soon as possible.</p> <p>Overall, the close cooperation between the COM/DG ELARG and the EESC should aim at facilitating civil society dialogue between Iceland and the EU to ensure a fact-based public debate on accession that involves society in the broadest sense.</p>

PARTIE B: Avis rendus à la demande du Conseil

<p>Pt 11 3è trim The employment impact of industrial change caused by the ecological, energy and climate-related challenges Opinion asked by the BE presidency - EESC 983/2010 – July 2010 Rapporteur : Mr SALVATORE (Work./IT) Corapporteur : M. CALVET CHAMBON (Empl./ES) DG EMPL – Mr ANDOR – DG ENTR – Mr TAJANI</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Member States should invest more in their education and continuing training systems. It should be part of life long learning strategy (point 1.7 – 1.9).</p>	<p>The Commission 'New skills and jobs' flagship is proposing to focus on the incentives for people and institutions to invest in lifelong learning. It stresses the key importance of acquiring skills and competences throughout the working life requires comprehensive strategies for Lifelong Learning and in particular a new approach to adult learning, based on common principles such as shared responsibility and partnership, effective</p>

	<p>financing mechanisms, flexible pathways, and quality initial education and targeted continuing training. Drawing on progress achieved in the Copenhagen process, the Commission will present in 2011: a Communication on the implementation of lifelong learning strategies and competence development; a European policy handbook setting out a framework for lifelong learning implementation; and a renewed action plan for adult learning.</p>
<p>It is necessary to review the regulatory framework for the liberalised energy markets (point 1.10).</p>	<p>Commission will undertake further efforts to ensure a proper shape of EU energy policy. Initiatives foreseen under Resource efficient Europe flagship will include <i>inter alia</i>: Energy Roadmap 2050, smart grids, security of energy supply and international cooperation.</p>
<p>Establish a dedicated European fund to support industrial change and, more specifically, research, development and the application of green technology, be that renewable energy technologies or new technologies enabling effective reduction in emissions (point 1.12).</p>	<p>Number of funds is already available at EU level to support the green transition. Moreover, the debate over the financial perspectives post 2013 and forthcoming budget review will consider how to best support Europe 2020 objectives and actions.</p>
<p>Manage the green transition in a socially sustainable manner (point 1.13).</p>	<p>Commission agree that industrial change and green economic transition should be pursued in a way that avoids negative repercussions for the EU labour markets. It therefore supports greater involvement of social partners in the development of green policies agenda. As put in 'New skills and jobs' flagship the Commission will set in 2011 a consultation of European social partners on a European framework for restructuring.</p> <p>A successful transition can only succeed through a well prepared anticipation and management of change from all actors. The Commission will continue supporting this approach and continue its work on an adequate development of European Employment Strategy measures.</p>

<p>Introduce a tax on financial transactions (point 1.15).</p>	<p>The Commission's objectives in this domain are the following: 1) ensure that the financial sector is making a fair and substantial contribution to public finances; 2) complement financial sector regulation in correcting undesirable behaviour for society in this area, without undermining EU competitiveness; 3) avoid a patchwork of divergent national financial sector taxes which could create new obstacles to the Single Market.</p> <p>Commission is considering a Financial Activities Tax within EU and exploration of Financial Transaction Tax at global level. By the summer 2011, the Commission services will prepare an Impact Assessment and scrutinise the cumulative impact on financial institutions of new regulation, bank levy and taxes.</p>
<p>Take a new approach to economic growth (point 1.16). Europe 2020 approach is not sufficient.</p>	<p>Europe 2020 is not exclusively GDP growth strategy. Its headline targets include: 75% employment rate target; 20 mln people poverty target; 20-20-20 climate, energy targets; 3% GDP investment in R&D; less than 10% early school leavers and at least 40% tertiary education graduates target. Europe 2020 accompanied by a number of actions inscribed in its flagship initiatives is a way to achieve sustainable future, reach more jobs and better lives.</p>
<p>Prevent industry relocations and carbon leakage (point 1.17).</p>	<p>Following the ETS Directive provisions and an extensive analysis the Commission has established a list of sectors deemed at significant risk of carbon leakage that are allocated emission allowances free of charge. Also through the initiatives under the 'Resource efficient Europe' flagship Commission intention is to create new opportunities for growth and reinforce EU's competitiveness.</p>

PARTIE C: Avis faisant l'objet d'une réponse substantielle

<p>1. La rénovation de la méthode communautaire (lignes directrices) Avis d'initiative – CESE 1363/2010 – Octobre 2010 Rapporteur : M. MALOSSE (Empl./FR) Co-rapporteur : M. DASSIS (Trav./EL) SG – M. le Président – M. SEFCOVIC</p>	
<p>Points de l'avis du CESE estimés essentiels</p>	<p>Position de la Commission</p>
<p>Remettre aux "fondamentaux" de la construction européenne. La méthode communautaire qui a fait les "beaux jours" de l'Union européenne doit être rénovée et relancée. (point 1.2) La méthode communautaire peut et doit redevenir le levier de la relance de l'intégration européenne (point 1.6).</p>	<p>La Commission se félicite de l'intérêt que le CESE apporte au futur de la méthode communautaire. Elle partage l'avis que cette méthode a été à la base du succès de la construction européenne depuis désormais un demi- siècle. La Commission est d'avis que le Traité de Lisbonne a contribué à renforcer les institutions de l'Union européenne ainsi que la méthode communautaire. La fusion des trois piliers y est un élément essentiel qui s'ajoute.</p>
<p>Appliquer la méthode communautaire aux domaines qui suscitent aujourd'hui les attentes des citoyens: relance de l'économie européenne, dynamisation de nos systèmes d'éducation, d'innovation et de recherche, sécurité des approvisionnements énergétiques, développement durable et lutte contre les fléaux climatiques, promotion de l'égalité des chances et de l'esprit d'entreprise, liberté de circulation et mobilité des personnes dans le respect des droits sociaux, développement de services d'intérêt général de dimension européenne notamment en matière de communications, d'environnement, de santé, de sécurité et de protection civile (point 1.3).</p>	<p>La Commission estime que les Traités (TUE et TFUE) après leur réforme par le Traité de Lisbonne ont élargi substantiellement le champ d'application de la méthode communautaire. Elle portera ses fruits notamment dans les domaines des compétences partagées entre l'Union et les Etats membres, énumérées à l'article 4 du TFUE: marché intérieur, politique sociale, cohésion économique, sociale et territoriale, l'agriculture et la pêche, la protection de l'environnement et des consommateurs, transports, réseaux transeuropéens et l'énergie, espace de liberté, de sécurité et de justice et santé publique.</p>
<p>Moyens adéquats tels qu'un accroissement conséquent du budget européen, le développement de partenariats publics/privés, une meilleure coordination entre budgets</p>	<p>La Commission partage l'avis du CESE concernant des perspectives budgétaires qui permettent de réaliser les objectifs et champs d'actions inscrits dans les Traités</p>

<p>nationaux et européens (point 1.4).</p>	<p>modifiés. L'introduction du cadre financier pluriannuel dans le TFUE (Article 312) est l'instrument adéquat pour poursuivre cet objectif.</p> <p>Les réformes de la gouvernance économique proposées par la Commission en septembre 2010 pour faire face à la crise actuelle, incluant notamment le "semestre européen", vont permettre une meilleure coordination des budgets publics.</p>
<p>Faire participer les citoyens, notamment au travers de la démocratie participative et des acteurs de la société civile (point 1.5).</p>	<p>La Commission continuera de soutenir le CESE dans son ambition de servir comme "pont entre les institutions européennes et la société civile organisée". Son rôle, ainsi que celui du Comité de Régions, en tant qu'organe consultatif reste considérable.</p> <p>Le Traité introduit les principes généraux de la consultation des parties intéressées et du <i>dialogue avec la société civile</i> et les organisations représentatives de celles-ci. La transparence des travaux des institutions et notamment la <i>publicité totale de l'activité des deux branches de l'autorité législatives</i> vont également aider à rapprocher les citoyens de "l'Europe".</p>
<p>Détermination d'un intérêt général communautaire. La Commission devrait davantage stimuler le débat en ce domaine (point 3.2).</p>	<p>La Commission a présenté la stratégie "<i>Europe 2020</i>" dans lequel des orientations claires sont données pour remettre l'Union sur le chemin d'une croissance durable, intelligente et inclusive, qui va être la base de la création de nouveaux emplois et de poursuivre les objectifs de la politique climatique.</p> <p>Avec son premier <i>Examen annuel de Croissance (Annual Growth Survey, AGS)</i>, adopté le 12 janvier 2011 (COM(2011)11 final), elle a identifié dix champs d'actions concrets où les Etats membres sont appelés à mettre en oeuvre des réformes</p>

	économiques, sociales et d'innovation.
<p>Développer des services européens d'intérêt général dans les domaines où l'évolution des situations et des enjeux les rend désormais nécessaires: protection civile, aide d'urgence internationale, services de douanes, transports, centres de recherches, réseaux à haut débits, etc. (point 3.6.1).</p>	<p>Dans le cadre d'une Communication qui sera adoptée d'ici la fin de l'année 2011, la Commission présentera des actions ayant pour objectif de mieux garantir que les SIEG, y compris les services sociaux d'intérêt général (SSIG), bénéficient d'un cadre leur permettant d'accomplir leurs missions.</p> <p>La Commission examinera ainsi les actions nécessaires pour garantir, en lien avec l'article 14 TFUE et au protocole n°26, un accès de l'ensemble des citoyens, à un coût abordable, aux services essentiels à leur vie quotidienne, et à leur insertion dans la vie économique et sociale, dans le respect du rôle essentiel des États membres de fournir, faire exécuter et organiser ces services. Il conviendra dans cette réponse de tenir compte du caractère évolutif des besoins des européens.</p>
<p>Choix des directives dans le domaine crucial des marchés publics s'est soldé par un échec très lourd, privilégier le règlement d'application directe par rapport à la directive</p>	<p>La Commission vient de lancer une vaste consultation sur la prochaine réforme de la législation européenne dans le domaine des marchés publics. Une conférence sera organisée début juin avec les parties prenantes pour discuter des résultats de ladite consultation.</p> <p>[Green paper on the modernisation of public procurement policy, COM(2011)15/4]</p>
<p>Créer un véritable Fonds monétaire européen d'intervention et de stabilisation de la zone euro (une sorte de Réserve fédérale européenne) (point 4.1.4).</p>	<p>La modification de l'article 136 du TFUE, proposée par le Conseil européen en décembre 2010, concernant l'autorisation d'un "mécanisme de stabilité européen", qui remplacera l'actuel "Facilité Européenne de Stabilité Financière" (EFSF) va dans ce sens et la Commission est d'avis qu'il permettra de garantir la stabilité de l'euro.</p>

Il convient aussi que les institutions et la pratique donnent au plus vite de la consistance au **droit d'initiative citoyenne** qui doit devenir un véritable instrument de démocratie.

Bien que le fonctionnement de l'Union européenne soit fondé sur la "démocratie représentative", le nouveau Traité UE élargit la sphère du débat public avec la nouvelle *Initiative Citoyenne Européenne*, cet instrument ambitieux de *démocratie participative* permettant aux citoyens de participer plus intensivement à la vie démocratique de l'Union.

La Commission a donné une importance particulière à la proposition de règlement visant à rendre cet instrument opérationnel (mars 2010). Le Parlement européen et le Conseil sont parvenus à un accord politique sur le règlement en décembre 2010, lequel a été voté en plénière par le Parlement le 15 décembre dernier. Les Etats membres ainsi que la Commission vont prendre les mesures nécessaires de mise en œuvre au cours de l'année 2011.

La réglementation communautaire reste élaborée dans des conditions trop éloignées des citoyens. Leurs attentes justifiées en termes de libertés, de sécurité et de simplification sont trop souvent déçues par les blocages ou les compromis, trop au rabais, des États membres et de leurs administrations nationales. C'est pourquoi il faudrait développer la participation de représentants de la société civile, notamment des usagers, dans les comités de réglementation, à l'instar des méthodes expérimentées par les projets de simplification SLIM mais cette fois en amont, lors du **processus d'élaboration de la réglementation**, plutôt qu'en aval, quand celle-ci a déjà été adoptée et qu'on s'avise de vouloir en corriger les défauts les plus mal ressentis par ces usagers.

La Commission a lancé une réflexion avec sa communication sur une réglementation intelligente au sein de l'Union européenne, datée du 8 octobre 2010 (COM(2010) 543).

Une réglementation intelligente vise l'ensemble du cycle politique – de la conception de l'acte législatif à la mise en œuvre, l'application, l'évaluation et la révision.

La Commission s'est engagée dans sa communication (a) d'assurer la transparence en présentant des évaluations programmées de la législation sur un site Internet spécifique de manière à ce que les États membres et les parties prenantes puissent préparer leurs contributions à un stade précoce et (b) améliorer le site Internet de consultation pour permettre aux parties intéressées d'exprimer plus facilement leurs préoccupations en ce qui concerne les questions liées aux charges administratives et à la simplification (points ii et v, pages 5 et 6).

Depuis 2005, la Commission a entrepris un effort de simplification de sa réglementation, complété par le programme de réduction de la charge administrative, sans pour autant en compromettre les objectifs.

<p>4. Clean and energy efficient vehicles COM (2010) 186 final – EESC 1371/2010 - October 2010 Rapporteur : Mr MORGAN (Empl./UK) DG ENTR - Mr TAJANI</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission position</p>
<p>EU and Member States should support ICV R&D for innovative small vehicles and revolutionary production systems and remove obstacles to market entry.</p>	<p>The Research and Development funding of the EU for the automotive industry (under the Green Cars Initiative for years 2009-2013) is currently covering three priority</p>
	<p>areas: (1) Heavy duty vehicles based on internal combustion engines, (2) electric and hybrid vehicles and (3) logistics and co-modality. Those priorities have been established together with the industry experts. Further research in combustion engine for small vehicles has been long supported under previous programmes and due consideration should be given to this subject in the next programming period.</p>
<p>Targets similar in scope to those in force for car manufacturers should also apply to heavy duty vehicles.</p>	<p>The Commission has announced in the Communication that it will develop a strategy for reducing CO₂ emissions from heavy-duty vehicles. Currently, CO₂ emissions are measured on the test cycle but only from engines. Considering the complexity of the methodology, a study was launched in 2010 to develop a certification procedure for CO₂ emissions and fuel consumption of heavy duty vehicles. The final report is due at the end 2011.</p>
<p>Programmes for clean and efficient HGVs and buses should be supported consistently until the vehicles are competitive in the global market place.</p>	<p>In order to support hydrogen vehicles, the Fuel Cells and Hydrogen Joint Undertaking was established in May 2008. With the EU contribution of EUR 470 million, the Joint Undertaking is a unique public private partnership supporting research, technological development and demonstration activities in fuel cell and hydrogen energy technologies in</p>

	<p>Europe. This support should enable the hydrogen vehicles become more competitive on the European market place.</p>
<p>Since biofuels are expected to satisfy 7% of EU fuel needs by 2020, the EESC urges the Commission to confirm this target or modify its policy.</p>	<p>The Renewable Energy Directive¹ and the fuel Quality Directive² for Member States require respectively that 10% of the energy consumed in transport to come from renewable sources and that a 6% reduction in the greenhouse gas intensity of fossil fuels is achieved. Bio-fuels are expected to be the largest contributor to both targets by 2020. the Commission is carefully evaluating the potential of bio-fuels in longer-term.</p>
<p>Member States should incentivise early adoption of EVs so that the take-up of EVs in the EU does not fall behind the other regions.</p>	<p>Incentives for vehicle purchase can provide a powerful consumer “pull” for clean vehicle technologies and several Member States have already introduced various financial incentives encouraging the purchase of “green” vehicles. The Commission is currently working on guidelines on financial incentives for consumers to buy “green” vehicles (including electric vehicles) encouraging the coordination of demand-side measures adopted in Member States, promoting the most economically performing measures. The first step was already taken with the organisation of a seminar on 21st September, when first exchange of views took place. The guidelines will be presented in early 2011.</p> <p>Under the De minimis Regulation Member States are free to grant aid of up to EUR 200,000 per company over any period of three fiscal years (or State guarantee amounting to EUR 1.5 million) and this aid is not deemed to amount to State aid.</p> <p>Member States can support also support the</p>

¹ Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC.

² Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC.

	<p>purchase of electric cars through measures which constitute State aid but can be granted without prior notification through measures provided for in the General Block Exemption Regulation of 2008.</p> <p>The Environmental Aid Guidelines of 2008 also allow aid to be granted by Member States to companies for the purchase of electric vehicles. The aid, if compliant with the guidelines, is authorised by the Commission following prior notification by the Member State.</p>
<p>Major automotive manufacturers should be encouraged to start up and scale up battery manufacture in Europe</p>	<p>Battery manufacturing is a new and promising industrial branch and Commission will carefully evaluate the potential of this branch and supportive framework that could be put in place. Those discussions will take place in CARS 21 group where EESC participates.</p>
<p>The Commission must ensure that the standards bodies move quickly in respect of EV</p>	<p>The establishment of a European harmonised solution, via the standardisation process, for the interoperability and connectivity between the electricity supply point and the electric vehicle is a prerequisite for consumer confidence and a successful introduction of electric vehicles on the mass market. Consequently, an ambitious timetable has been established by the Commission for an adoption of this standard and Commission will monitor carefully the progress in the work of the European Standardisation Organisations.</p>
<p>The Commission and Member States must work together to secure future supplies of scarce rare earth elements and noble metals</p>	<p>In 2008, the Commission has adopted a Communication³, which proposed an integrated strategy on raw materials. One of the first actions under this Communication was to identify a list of “critical” raw materials, which included rare earths - indispensable for the manufacturing of most common electric vehicles battery types. The Commission has established a raw materials dialogue with third countries</p>

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COM(2008) 699 final, 4.11.2008.

	<p>while focusing on research and innovation aspects as well as promoting fair trade conditions. On the enforcement side, the Commission continued to tackle barriers primarily through dialogue. Where no progress was registered, the Commission resorted to alternative tools including the WTO's dispute settlement.</p> <p>On 2 February 2010, the Commission adopted the Communication entitled "Tackling the challenges in commodity markets and on raw materials" which looks into those issues in detail.</p>
<p>Guidance should be set for the various criteria to be used for procurement under Directive 2009/33/EC</p>	<p>The transposition of the Directive by the Member States will be facilitated by the Clean Vehicles Portal (www.cleanvehicle.eu). This portal offers EU-wide information about existing procurement rules and incentive schemes for clean vehicles, market shares and access to Europe's largest vehicle database with individual data-output and calculations for each Member State in the EU.</p>
<p>The global action plan lacks a WTO component</p>	<p>WTO dispute settlement is an enforcement option in the case of access to raw materials. International cooperation is also one of the key themes for the re-launched CARS 21 process.</p>
<p>Representatives of civil society with a commitment to environmental issues should be included in the new high level CARS21 group.</p>	<p>Several representatives of civil society are members of the re-launched CARS 21 Group: ETSC (NGO working on safety) and T&E (NGO working on environmental issues), trades union representative EMF and EESC from more institutional side.</p>
<p>As the EU refines its approach to industrial strategy, the automotive industry should be one of the first sectors to be addressed. The EU needs to establish a strong governance structure with an urgent mission to drive forward regulatory changes and incentive measures and to mobilise the necessary</p>	<p>The Communication presents the industrial strategy for the automotive sector and CARS 21 is the governance structure established to advise the Commission on implementation of the strategy.</p>

investment and market creation	
The EU should not to be left behind. The Commissioners involved have to get their act together while the countries, companies and research facilities with the necessary resources must act urgently. This Action Plan must be seen as a call to arms	The Commission carefully monitors actions taken by MS, regions and industry. Indeed many European actions must be complemented by steps taken on the national and regional level.
It is essential that the strategy be holistic. Nothing will be gained if pollution and emissions are simply transferred to electricity generation	The strategy aims to be holistic and attention is paid to electricity used to power electric vehicles. One should not forget that the European Union is firmly on the track of energy decarbonisation with share of renewables constantly increasing in energy consumption. Importantly, emissions from the electricity sector are capped by the EU Emissions Trading Scheme. The issue will be also carefully evaluated in CARS 21 group.

<p>5 Metalworking industry Own-initiative Opinion - EESC 1365/ 2010 – October 2010 Rapporteur : Mr RODRÍGUEZ GARCÍA-CARO (Empl./ES) DG ENTR - Mr TAJANI</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission position</p>
<p>1.1. Strategic importance - The metalworking industry is absolutely key in the move towards a resource-efficient, low-carbon economy, in line with the objectives of the EU 2020 strategy.</p>	<p>This industry is an important contributor to energy and resource efficiency of various products needed to tackle the climate change.</p>
<p>1.3. Visibility</p> <p>The metalworking industry does not have a high enough profile.</p> <p>1.8. Non-image</p> <p>The metalworking sector suffers from a "non-image".</p>	<p>The Commission is implementing an action plan aiming at promoting Metalworking and Metal Articles industries (MMA) and improving its image.</p>

<p>1.6. Skilled personnel, anticipating training needs, and ensuring the sector connects with young people</p> <p>Given the average size of companies, it is increasingly important to have sufficient availability of skilled personnel.</p>	<p>Engineers, designers and managers are needed to compete with industrialising countries like China. Moreover, Member States and industry should focus on lifelong learning programmes aimed at everyone from workers to project leaders. EU-wide recognition of engineers' qualifications would allow expert mobility across Europe.</p>
<p>1.7. Innovation</p> <p>For research and development to be successful, cooperation between metal producers and metalworking industry is particularly important. More European research funds should be dedicated. For the 8th Framework Programme, the European authorities, and particularly the European Commission, should do all they can to facilitate general access to projects. Cooperation with SMEs should be supported in particular</p>	<p>The European Commission launched in February 2011 an open consultation on the future support to research and innovation, in which the representatives of the Metalworking Industry should participate and present their recommendations.</p>
<p>1.7.2. As product design and development are transferred down or up the product chain, protection of IPR and the issue of counterfeiting become an ever-greater challenge. Here again, few metalworking companies can afford the resources that larger companies allocate to protect their intellectual property.</p>	<p>The Commission is fully aware of the challenge companies, especially SMEs, face with the protection of IPR and with counterfeiting. The Commission deploys a complete IPR enforcement set of legislations: Customs regulation 1383/2003 to protect IPR at EU borders and Directive 2004/48 on the Enforcement of IPR in the Internal Market; A European Observatory of Counterfeiting and Piracy is also being developed.</p>
<p>1.9. Trade policy : Both DG Trade and DG Industry and Entrepreneurship should have sufficient knowledge of the metalworking industry and adopt a balanced approach when taking measures that have an impact on companies in the sector.</p>	<p>The Commission Communication COM(2010) 614 on "An Integrated Industrial Policy for the Globalisation Era" issued by the European Commission in 2010 highlights, that particular effort should be made to ensure that competitiveness pressure from emerging economies is not based on protectionist measures.</p>

<p>1.10 Clusters: There is a clear interest in developing a vision for the metalworking sector, based on the various clusters present throughout the European Union.</p>	<p>The report on the Competitiveness of the Metalworking and Metal Articles Industry states that a cluster approach is a suitable method to overcome fragmentation within the sector.</p>
<p>1.11. Funding: The EESC would welcome a stronger emphasis on the need to provide adequate liquidity mechanisms for the manufacturing industry, especially for SMEs in this sector. This could lead to better practices across Europe.</p>	<p>The Commission Communication COM(2010) 614 on “An Integrated Industrial Policy for the Globalisation Era” stressed that access to finance for businesses remains a major challenge, especially for SMEs. To improve the situation, a number of actions have been proposed</p>
<p>4.1. A fundamental link in the supply chain: The European metalworking sector is a fundamental link in the European manufacturing supply chain, producing components and finished products for all other sectors of manufacturing:</p>	<p>The Commission agrees that Metalworking and Metal Articles industries (MMA) are the important player in the supply chain. This opinion constitutes one of the main findings of the report on Competitiveness of the Metalworking and Metal Articles industries.</p>
<p>5. The metalworking industry: a champion of SMEs : The EESC feels this distinctive SME aspect should not be classified as a marginal feature of the metalworking sector or as an accidental attribute, but rather as a crucial factor in the sector's strength. The European Union should subsequently provide suitable European SME policies to meet these specific needs.</p>	<p>The report on Competitiveness of the Metalworking and Metal Articles industry was the first step in considering this important sector in the mainstream of the policies of the European Commission.</p>

<p>5.2. Availability of raw materials, particularly steel: Securing availability of raw materials at fair prices is a key issue for the metalworking industry, as the impact of raw materials in a transformed, globalised market is increasing. More specifically, the EESC recommends that this important aspect be taken into account when the forthcoming communication on the European Raw Materials Strategy is drafted. Similarly, the EESC would draw attention to the growing concentration in the iron ore mining sector, and calls upon the European Commission .</p>	<p>The Commission is addressing this issue through its Raw Material Initiative. A Communication on Raw materials was adopted in February 2011, which is based on three pillars: a fair and undistorted access to raw materials from third countries, better framework conditions for access to raw materials from domestic sources and increased recycling and resource efficiency.</p>
<p>5.4.3. Lastly, competition authorities should keep a much closer eye on possible abuse arising from the size of this sector relative to that of its clients and in particular suppliers.</p>	<p>The Commission puts special focus on undistorted competition in integrated value chains and the role of SME's therein. The Commission, as well as National Competition Authorities, have the tools to address abuses of dominant firms in their relations to suppliers or customers and we look very carefully at all complaints received. Depending on the case, the Commission may either address the issue itself or refer it to the competent National Competition Authority, with whom we closely cooperate in the European Network of Competition Authorities. The Commission therefore thank the EESC for its encouragement in this regard.</p>
<p>5.5. Financing: Financial institutions play a major role in attaining industrial political objectives through either taking or not taking risks, and through their degree of accessibility. The financial crisis which has clouded the outlook for the real economy since late 2008 has not left the metalworking industry unaffected.</p>	<p>The Commission Communication COM(2010) 614 on “An Integrated Industrial Policy for the Globalisation Era” stressed that access to finance for businesses remains a major challenge, especially for SMEs. To improve the situation, a number of actions was proposed.</p>

<p>6. Approval of agricultural or forestry vehicles COM (2010) 395 final - EESC 1616/2010 - December 2010 Rapporteur : Mr JÍROVEC (Var. Int./CZ) DG ENTR - Mr TAJANI</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission position</p>
<p>2.1 Type-approval procedure is time consuming and the EESC is concerned that it would delay the introduction of the new machinery which could be disastrous for small volume manufacturers. The new Regulation must therefore be flexible enough to permit continuous development of existing machines and permit the introduction of new types of machines.</p>	<p>The Commission is fully aware of these points and considers that it has largely taken them into account. The proposal has been prepared taking into account the established EU legislative strategy (as laid down in CARS21 recommendations) and the changes brought by the Lisbon Treaty. The proposed Regulation aims at simplifying type approval (TA) by codification of existing TA legislation framework and minimizes administrative burden by providing for access to internationally agreed technical regulations and standards whenever in line with the level of safety, health and environmental protection of the EU (still under further elaboration).</p> <p>Whenever applicable, a range of testing methods is provided to the manufacturer (Articles 18 & 19) in order to fit different needs. Specific provisions for new technologies or new concepts are foreseen as well as for individual vehicles (Article 30).</p>
<p>2.2 For some types of tractors designed solely for off-road use, exemptions should be considered for those provisions that relate to road use. This is a particular problem in relation to specialist vehicles.</p>	<p>The Commission objective is that the safety level of vehicles should not be reduced by the proposed Regulation. Vehicle occupants should be equally protected either for "on-road" or "off-road" use.</p>
<p>2.3 (last sentence) The EESC believes that the proposed Regulation would hinder the development of smaller tractors by increasing unnecessary compliance costs while at the same time not recognising the changes needed on vehicles that can operate up to 65 km/h and with the possibility of</p>	<p>The Commission shares these concerns of the EESC and therefore has put all the necessary effort to include type-approval of smaller tractors as mentioned in Article 4. This includes also more targeted speed categories for tractors (point 9 of Article 4), in the proposed Regulation, which foresees</p>

<p>even greater speeds in the future.</p>	<p>provisions for tractors with maximum design speed greater than 40km/h.</p>
<p>2.4 The EESC would also like to see the Commission address the peripheral issues relating to the use of agricultural or forestry vehicles on roads. In particular, the EESC would encourage European standards for driving licences, inspection of vehicles and road use. This would help to ensure that the rules and regulations governing the use of tractors would be common across Europe rather than the present differing national rules.</p>	<p>The Commission recognises the relevance of these matters through Recital (4) of the proposed Regulation. However, the scope and content of the legislation cannot go beyond its overall legal basis.</p>
<p>2.5 The EESC recommends that manufacturers be able to meet the requirements for entry into force of the Regulation, including the technical. Where this is not the case, there should be appropriate exceptional or transitional arrangements.</p>	<p>The Commission shares the opinion of the EESC on the matter. Articles 60, 61 and 64 for transitional periods from Chapter IX - Final Provisions set an adequate timeframe for the application of the proposed Regulation's provisions. These will be further defined in the implementing measures accompanying the main proposal.</p>
<p>2.6 The EESC considers it useful with respect to Article 8 "Requirements on occupational safety" not to regulate further via a future type approval Directive, but rather by means of Directive 2006/42/EC on machinery.</p>	<p>The Commission recognizes the importance of requirements on occupational safety. Already existing legislation, namely Directive 2010/52/EU of 11 August 2010, sets the ground for the exemption of tractors from the machinery legislation. Recital (27) of the proposed Regulation also clarifies the matter. However, according to Article 8, point 4 of the proposed Regulation, the Commission will further elaborate the inclusion of occupational safety matters in agricultural and forestry vehicles type approval by developing the necessary delegated act.</p>

<p>8. Employee financial participation in Europe Own-initiative Opinion – EESC 1375/2010 - October 2010 Rapporteur : Graf von SCHWERIN (Work./DE) DG EMPL – Mr ANDOR</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.4 The introduction of EFP must be voluntary. It is in addition to existing remuneration systems and not a substitute while not impeding collective wage bargaining. It must be readily understandable for employees and to this extent complement other forms of employee participation. It must be independent of pension schemes but may be an individual complementary resource for employees once they are retired.</p>	<p>The Commission shares the opinion described under 1.4. First, employees must not be forced into financial participation. The whole idea, in terms of empowerment, better motivation and higher productivity cannot work if the scheme is perceived as an employer-imposed obligation. Second, it should be open to all employees. Employee financial participation is very different from bonus or stock option schemes for senior managers. It is supposed to overcome the divide between employers and employees, not to divide between senior employees and junior employees. Apart from the separation of normal remuneration from additional income which may derive from involvement in a financial participation scheme, employees' investments in their pension funds must not be confused with these aspects of financial participation. Pension funds must be kept separate and protected from any market fluctuations that might affect their long-term viability.</p>
<p>1.6.1 The application of EFP should be facilitated EU-wide on the basis of common principles.</p>	<p>The application of Employees' financial participation should be facilitated EU-wide on the basis of the principles laid down in COM (2002) 364, it is important however, for each Member State to identify workable structures of financial participation targeting its own needs.</p>
<p>1.6.1 Examples of best practice should continue to be publicised, thus contributing to the greater dissemination of EFP schemes. Related activities should be supported by the EU budget through a dedicated budget</p>	<p>The Commission will keep promoting the exchange of information and good practice by activities, such as making comparative assessments of national policies and practices, including organizing and raise awareness and</p>

<p>heading.</p>	<p>information events. Related activities can be supported by the existing budget under Progress⁴ which is the EU's employment and social solidarity programme, set up to provide financial support for the attainment of the European Union's objectives in employment, social affairs and equal opportunities.</p> <p>The Commission realises that employee financial participation has significant potential. However, many of the policy levers which can be used to encourage such participation are within the remit of the Member States. This is particularly the case of the tax treatment of employee share attributions.</p>
<p>1.6 ... the EESC calls for a new Council recommendation (like 92/443/EEC of 27.7.1992) concerning the promotion of EFP and proposals to deal with obstacles to cross-border plans.</p>	<p>The Commission, recognising the subsidiarity of EU policy making is of the opinion that this objective can be achieved through peer reviews, benchmarking, and publication of best practices. Nevertheless, we would continue to promote employee financial participation by financing the projects of the social partners and the interested federations, which study the various forms of financial participation and raise the awareness among employees and employers alike.</p>
<p>1.6.1. The increased share and the diversity of forms of EFP should be analysed and made comprehensible in practical terms in order to facilitate their application, particularly in SMEs.</p>	<p>The Commission attaches particular importance to the specific situation of SME's and encourages research into their specific and important problems.</p> <p>The advantages of employee financial participation are not confined to large enterprises with profitability concerns. SMEs can also benefit from these advantages. A range of barriers and challenges have been identified that are commonly encountered by SMEs in relation to establishing and running employee financial participation plans eg</p>

⁴ Decision No 1672/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity — Progress, JO L 315 of 15.11.2006

	<p>cultural, institutional, knowledge related. If SMEs see the introduction of financial participation as just one more administrative burden, it will not be adopted enthusiastically.</p>
<p>2.2.3 While tax incentives are not a precondition for EFP, they have proved a positive and important leverage in those countries which offer them.</p> <p>4.2.1 ... An optional simple, uniform incentive model, with the same tax arrangements and incentives throughout the EU, could considerably boost the number of cases where there is a willingness to introduce EFP</p>	<p>In practice, financial participation can be regarded as longer term saving, providing usually, tax benefits. In view of budget reductions for public pensions and the underlying debate on sustainable and safe pensions and also in line with the advantages of financial participation in terms of productivity why do we need to give tax benefits for the financial participation?</p>
<p>2.2.4 Social partners and political decision-makers need a clear, detailed overview of the range of national models currently used and their take-up. There are to date no specific, transnational data from surveys of EFP. This shortcoming should be remedied, for example by means of regular surveys.</p>	<p>It seems to us also that social partners, both at national, as well as European level, are the protagonists for developing and promoting financial participation schemes on the European scene, while respecting their autonomy.</p>
<p>3.2 Advantages of financial participation for employees.</p>	<p>The Commission agrees with the advantages set out under point 3.2 It should be however, recognised that share ownership also involves risks; if the company fails, employees face the possibility of losing not only their jobs, but also part of their savings. Although respecting the basic conditions, there remains a fundamental problem with financial participation: the accumulation of risk. Inevitably, this means that if the company runs into difficulty, employees will at the same time be at risk of losing their job, and of losing part of the value of their shareholding.</p>

10. Sécurité de l'approvisionnement dans les secteurs agricole et alimentaire dans l'UE Avis d'initiative - CESE 1622/2010 – Décembre 2010 Rapporteur: M. KRAUZE (Act. Div./LV) DG AGRI – M. CIOLOS	
Main points of the EESC Opinion	Commission Position
General remarks.	<p>The Commission welcomes the opinion of the European Economic and Social Committee on Security of supply in agriculture and the food sector in the EU and widely agrees with the analysis presented in the report.</p> <p>Concerning the conclusions on the CAP, the Commission agrees with the statement that food security is one of the issues to be addressed when reforming the CAP towards 2020. Ensuring sustainable local food production and maintaining diversified agriculture across the EU are key objectives for the CAP. Special attention will be given to areas with natural handicaps. The Commission welcomes that the role of agriculture in increasing secure and sustainable energy supply is recognised. The Commission takes note of the conclusion that new EU legislation in the field of security of supply in agriculture and the food sector is not necessary at the moment.</p> <p>In November 2010, the Commission has tabled a Communication on "The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future". This Communication addresses many of the issues raised in the EESC opinion. The Communication has launched debates in the European Institutions and with stakeholders. Taking into account the outcome of these discussions, the Commission will table legislative proposals later in 2011 which will be accompanied by an Impact Assessment.</p>

12. Report from the Commission on the State of Implementation of Integrated Product Policy
COM(2009) 693 final - EESC 1373/2010 - October 2010
Rapporteur : Mr ZBOŘIL (Empl./CZ)
DG ENV – Mr POTOČNIK

Main points of the EESC Opinion	Commission Position
<p>1.12 Pursuing the IPP concept isolated from the SCP/SIP Action Plan in the future would risk unnecessary legal inconsistencies and uncertainties. Therefore, the EESC fully agrees that any further IPP activities should now be assessed and undertaken under the umbrella of the SCP/SIP Action Plan.</p> <p>4.8 The assessment procedure should also take account of the main value chains at the earliest possible stage and with the utmost transparency. The legislation in force on eco-design and labelling must not become a barrier to European products in terms of competition from other economic regions or insufficient market response for more sustainable products. Instead, it should help European products to succeed on the internal and the international markets. [...]</p>	<p>The Commission welcomes the EESC opinion on this.</p> <p>In particular, the Commission welcomes the EESC's support to the idea that any "further IPP activities should now be assessed and undertaken under the umbrella of the SCP/SIP Action Plan" because "pursuing IPP concept isolated from the SCP/SIP Action Plan in the future would risk unnecessary legal inconsistencies and uncertainties".</p> <p>In this regard, the Commission would like to draw the EESC's attention to the review of the SCP/SIP Action Plan, which is due in 2012. The Commission has just started the process for the review and will take duly into account the conclusions and recommendations in the EESC opinion when designing the reviewed SCP/SIP Action Plan.</p> <p>The Commission also notes the recommendation that legislation on eco-design and labelling should not become a barrier to efficient working of the internal market and draws the attention of the EESC to the proposal in the Single Market Act to develop a harmonised methodology, based on life cycle analysis, for eco labelling.</p>

<p>14. A Digital Agenda for Europe (Communication) COM (2010) 245 final – EESC 1628/2010- December 2010 Rapporteur: Mr McDONOGH (Empl./IE) DG INFSO - Mrs KROES</p>	
<p>Main points of EESC opinion</p>	<p>Position of the Commission</p>
<p>1.1 The Committee welcomes the Communication from the Commission on A Digital Agenda for Europe. The Committee shares the concern of the Commission regarding the damage done to European economic and social progress by the financial crisis. The Committee agrees that the great potential of information and communication technologies (ICT) can be harnessed to mobilise the digital economy to provide a critically needed stimulus to growth and increasing living standards for Europeans. Furthermore, the Committee agrees with the Commission that the diverse policy initiatives covering the field of ICT and the Digital Agenda need to be unified and managed under a coherent plan of action.</p>	<p>The Commission welcomes the support from EESC for the actions to be carried out under the Digital Agenda for Europe and its unified and coherent plan of action (described in section 3 of the Digital Agenda: Implementation and governance).</p>
<p>1.2 However, although some parts of the Communication are well written and clearly outline the policy initiatives to be taken, other parts - for example the section dealing with the ICT-enabled benefits for EU society and the section on the international aspects of the Digital Agenda - are still vague on the action plan. The Committee expects that there will be a proper elaboration of all elements of the Digital Agenda in due course and full consultation on the detailed initiatives, in which it will duly participate.</p>	<p>Regarding the Digital Agenda's actions relating to ICT-enabled benefits for EU society, these do not cover all possible actions in this areas rather they concentrate on some of the main issues and other areas are complemented by the actions of other Europe 2020 flagships (such as New skills and jobs, Innovation Union, and Youth on the move).</p> <p>The actions presented in this pillar are not aiming at solving all the issues but to identify the most important with the biggest impact for growth and jobs.</p> <p>The pillar for ICT enabled benefits for EU society covers four large topics. They are concrete and they are being followed intensively by engaging with stakeholders on the ground – not least through the series of visits that we have done to talk to</p>

	<p>stakeholders in every Member State.</p> <p>With regard to the international aspects only certain key elements have been addressed as the topic is vast.</p>
<p>1.11 The Committee supports the "Seven pillar" action plan outlined in the Communication and compliments the Commission on its work. Although the details will require much more elaboration for proper consideration, the Committee believes that the high-level plan is reasonably comprehensive and mostly correct.</p>	<p>In mid-2010 the Digital Agenda entered the implementation phase.</p> <p>For each of the actions a specified action plan has been formulated and a summary will be published very soon.</p>
<p>1.12 However, the Committee is surprised that the Galileo programme, an important investment in Europe's ICT future, has been excluded from the Communication. The Committee calls upon the Commission to ensure that Galileo is explicitly included in the Digital Agenda action plan and refers the Commission to the opinions by the EESC concerning the programme</p>	<p>The Commission agrees that the Galileo programme could contribute to the implementation of the Digital Agenda. However, the Galileo programme is addressed under the EU2020 flagship "An Integrated Industrial Policy for the Globalisation Era"⁵ and for this reason is not specifically identified in the Digital Agenda action plan.</p>

<p>15 Amended proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture COM(2010) 393 final – CESE 1374/2010– October 2010 Rapporteur : M. ESPUNY MOYANO (Empl./ES) DG MARE – M. DAMANAKI</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The Committee welcomes the new, more precise definition of so-called "closed aquaculture facilities", based on the contributions made by the IMPASSE project (concerted research action on the Environmental impacts of alien species in aquaculture), and the clarification on the</p>	<p>The Commission welcomes the support of the EESC to the modified definition of "closed aquaculture facility".</p>

⁵ http://ec.europa.eu/enterprise/policies/industrial-competitiveness/industrial-policy/files/communication_on_industrial_policy_en.pdf

<p>location of such facilities in terms of their distance from open waters, as well as other improvements to the wording of Regulation (EC) No. 708/2007, which closely reflect the recommendations made in the opinion CESE 453/2010.</p>	
<p>In the EESC's view, provided that the appropriate measures are adopted to prevent any changes to ecosystems and biodiversity, aquaculture should be able to continue reaping the benefits of introducing alien species and translocating locally absent species in the European Union and thus boost sustainable development in this area.</p>	<p>The Commission shares the view of the EESC. This is what Council Regulation (EC) No 708/2007 is aimed at (see Article 4 of the Regulation).</p>
<p>The Committee wishes to emphasise the need to clearly determine the conditions that closed aquaculture facilities must meet in order to cut the red tape applying to them.</p>	<p>The amended proposal provides a modified definition of "closed aquaculture facility". Only those aquaculture facilities complying with the new definition can be exempted from the need of a permit in order to receive alien or locally absent species. Member States will set up a list of closed aquaculture facilities complying with the new definition.</p>
<p>The EESC also supports the amendments made to Regulation (EC) No 708/2007 following the entry into force of the Treaty of Lisbon, the main purpose of which is to authorise the changes to Annexes I, II, III and IV under the "comitology" procedure.</p>	<p>The Commission welcomes the support of the EESC to align the "comitology" provisions in issue for the amendment of Annexes I, II, III and IV to the novel provisions of Article 290 (delegated powers) of the Treaty on the Functioning of the European Union.</p>

<p>16. Produits dérivés négociés de gré à gré - contreparties centrales COM(2010) 484 final – EESC 1617/2010 - December 2010 Rapporteur : Mr. IOZIA (Work./IT) DG MARKT - Mr BARNIER</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The Committee welcomes the proposal for a regulation on derivatives, unregulated markets, central counterparties and trade repositories and recommends the swift</p>	<p>The Commission welcomes the support expressed by the Committee for its proposal. Negotiations with the Council and the European Parliament are underway and it is hoped to arrive at a common position by</p>

adoption thereof.	Summer 2011.
The Committee warmly welcomes the decision to make the national authorities and ESMA jointly responsible for overseeing OTC (over-the-counter) derivatives markets, for identifying the various forms of derivatives that must be dealt with centrally, for granting, revoking or modifying authorisation for CCPs and for performing a similar role with regard to trade repositories.	The Commission's proposal foresees a close cooperation between national authorities (who are responsible for the authorisation of CCPs) and ESMA, especially in the context of colleges. ESMA will also have to play a key role in identify the eligible classes of OTC derivatives and in the registration of trade repositories.
The Committee recommends that the European institutions speed up completion of the whole institutional and regulatory architecture involved in reform of financial markets regulation	The new European Supervisory Authorities, including ESMA, were created as of 1 January 2011.

<p>17 Proposal for a Regulation of the EP and the Council on amending Regulation (EC) No 1060/2009 on credit rating agencies- COM (2010) 289 final – EESC 1615/2010 - December 2010 Rapporteur : Mr CEDRONE (Work./IT) DG MARKT - Mr BARNIER</p>	
Main points of the EESC Opinion	Commission Position
The EESC welcomes moving supervision of CRAs from the national level to the European level (ESMA).	The Commission takes note of this positive opinion.
EESC welcomes the fact that certain tasks can be delegated to national authorities provided that there is a clear division of responsibility between ESMA and the national authorities.	The Commission takes note of this positive opinion. During the negotiations of the proposal the conditions and the process of delegation of tasks have been further clarified.
EESC considers that further problems need to be addressed, among which the limited competition in the CRA industry, the absence of European CRAs, the role of sovereign debt ratings and conflicts of interests inherent in the issuer-pays model.	To initiate a wider debate around credit rating agencies and to obtain input from stakeholders, the Commission services conducted a public consultation which ran from 5 November 2010 up to 7 January 2011. This consultation covered the issues of over-reliance on external ratings, sovereign debt ratings, enhancing competition in the rating industry, civil liability, and potential

	conflicts of interest due to the issuers pays' model. Commission services are currently analysing all these issues and will propose measures in the second half of 2011 after having conducted an impact assessment.
EESC encourages further harmonisation at global level and strengthening the role of the Financial Stability Board (FSB).	The Commission is in favour of further convergence at the international level and takes note of the EESC's proposal to enhance the role of the FSB.
While EESC agrees with the inclusion of penalties in the proposal, it recommends that penalties should also be laid down for managers of credit rating agencies.	The Commission takes note of the view. CRA Regulation already sets qualitative standards for managers of credit rating agencies which can be enforced. In addition, the consultation paper of 5 November 2010 addresses the question of civil liability.

18. Libérer le potentiel des industries culturelles et créatives
COM (2010) 183 final – CESE 1367/2010 – Octobre 2010
Rapporteur : M. VAN IERSEL (Empl./NL)
DG EAC – Mme VASSILIOU

Points de l'avis du CESE estimés essentiels	Position de la Commission
<p>1.1 sous a)</p> <p>Le CESE <i>"invite la Commission à poursuivre ses efforts pour parvenir à une meilleure définition et à une représentation statistique plus adéquate du secteur, en prêtant une attention particulière à la situation sociale et économique des personnes exerçant une activité artistique"</i></p>	<p>La Commission partage l'avis du CESE sur l'importance d'améliorer et de rendre plus comparables les statistiques culturelles au niveau européen. C'est d'ailleurs la raison pour laquelle cette question constitue l'une des six grandes priorités du plan de travail "Culture" du Conseil pour la période 2011-2014 (comme elle l'était déjà pour la période 2008-2010), et qu'un groupe d'Etats membres, réunis au sein d'un ESSnet, travaille sous les auspices d'Eurostat à l'amélioration de la définition et donc de la connaissance statistiques de ce secteur. La Commission rappelle toutefois qu'en dernière instance il revient aux Etats membres de collecter les données statistiques sur leur propre territoire et de mettre en œuvre les méthodologies développées avec le soutien</p>

	d'Eurostat.
<p>1.1 sous b)</p> <p>Le CESE <i>"recommande à la Commission de multiplier les efforts pour mettre en œuvre un 'espace européen de la créativité', en favorisant la mise en place d'un cadre réglementaire européen fondé sur un accès égal au marché, la libre concurrence, la lutte contre les abus de position dominante, ainsi que le soutien et le développement des PME et de l'artisanat, la promotion de la diversité culturelle, la protection des droits de propriété intellectuelle et la lutte contre la piraterie, en accordant une attention particulière aux possibilités offertes au secteur par les technologies numériques"</i></p>	<p>L'ambition du Livre vert et du suivi qui lui sera donné est précisément de mettre en place un environnement qui soit favorable à l'épanouissement des industries culturelles et créatives en Europe. Une telle ambition appelle des efforts de tous les niveaux de gouvernance politique, du niveau européen à l'échelon local, avec notamment une forte implication des régions. Elle passe en particulier par une reconnaissance accrue de ces industries et de leur importance pour atteindre l'objectif d'une croissance intelligente, durable et inclusive que fixe la Stratégie Europe 2020, et – entre autres – par une mobilisation plus forte encore que par le passé des Fonds structurels en leur faveur.</p> <p>Comme le souligne à juste titre le CESE dans son avis, il est nécessaire – au-delà de la sphère d'intervention traditionnelle des politiques culturelles – de mobiliser d'autres politique comme la politique de soutien aux entreprises, de la politique de l'éducation, la politique de la concurrence pour n'en citer que quelques-unes (voir aussi réponse de la Commission pour le point 1.2).</p>

<p>1.1 sous d)</p> <p><i>"[...] recommande que les collectivités territoriales (communes, régions, etc.), en collaboration avec les autres acteurs locaux (universités, banques, associations, fournisseurs privés ou publics de contenus, etc.), soutiennent la promotion de ces industries et leur intégration dans le développement régional"</i></p>	<p>C'est précisément pour stimuler le potentiel de la culture et des industries culturelles et créatives pour le développement local et régional ainsi que les effets de débordement de ces industries sur l'économie qu'un groupe d'experts des Etats membres travaillera en 2011 à identifier et modéliser des bonnes pratiques en la matière dans le cadre du plan de travail "Culture" du Conseil 2011-2014. Le travail de ce groupe s'appuiera notamment sur l'étude relative à la contribution de la culture au développement régional et local publiée par la Commission à l'automne 2010 (voir aussi réponse apportée pour le point 1.2 sous a)).</p>
<p>1.2 Le CESE <i>"attire l'attention des institutions européennes et de la Commission considérée dans son ensemble (pas seulement ses unités spécialisées) sur une série de propositions opérationnelles visant à soutenir les industries culturelles et créatives: [...]"</i></p>	<p>La Commission accueille avec intérêt les propositions du CESE et se réjouit que ce dernier mette l'accent sur le fait que toute politique de soutien aux industries culturelles et créatives passe par une coopération entre différents services. C'est ainsi qu'au sein de la Commission, la Direction générale de l'Education et de la Culture travaille en collaboration étroite avec de nombreuses autres Directions générales, comme: Entreprise et Industrie, Politique régionale, Société de l'information, Emploi, Marché intérieur, Concurrence etc. A et égard, il est intéressant de noter que l'Alliance européenne pour les industries européennes, qui devrait voir le jour en 2011 conformément à la Communication de la Commission relative à une Union de l'innovation, est le fruit d'un travail de collaboration entre différents services de la Commission.</p>
<p>1.2 sous a)</p> <p><i>"[...] engager un 'dialogue structuré' avec toutes les parties concernées et lancer, avec toutes les institutions européennes intéressées, un ensemble d'initiatives pour susciter une réflexion et une</i></p>	<p>Pour améliorer ses programmes et ses politiques et accroître leur pertinence pour les industries culturelles et créatives, la Commission entend continuer de travailler avec le secteur culturel –</p>

<p><i>sensibilisation au rôle des industries culturelles et créatives sur le 'territoire européen', en accordant une attention particulière aux zones défavorisées et aux territoires concernés par la politique de la cohésion"</i></p>	<p>notamment avec la plateforme sur les industries culturelles et créatives – ainsi qu'avec un groupe d'experts des Etats membres dans le cadre de la priorité accordée aux industries culturelles et créatives par le plan de travail "Culture" du Conseil pour la période 2011-2014. Dans ce contexte, il s'agira entre autres de mieux faire ressortir la contribution des industries culturelles et créatives au développement régional et local afin que ces dernières soient entre autres dûment prises en compte dans les stratégies de spécialisation intelligente que la Commission souhaite voir se multiplier dans les régions européennes (voir sa Communication sur la contribution de la politique régionale à la croissance intelligente). La Commission poursuivra bien entendu aussi son débat avec les autres Institutions européennes.</p>
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<p>19 GMO-restrictions of cultivation in Member States COM (2010) 375 final – EESC 1623/2010 - December 2010 Rapporteur : Mr GRUBER (Var. Int./AT) DG SANCO - Mr DALLI</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>3.3. Restrictions or prohibitions of cultivation should be economically appropriate and respect the cost-benefits balance for the region. Particular attention must be paid to protect nature conservation and environmentally sensitive areas. There must also be measures to safeguard regional economic and cultural interests.</p>	<p>Consideration of the suggestions in the framework of subsequent negotiations with the other institutions.</p>
<p>4.1.3. The proposal gives neither a comprehensive nor a partial list of grounds that Member States might invoke for imposing a ban. All that is said – in Article 26b – is that the grounds must be different from those examined in the authorisation procedure. It is not possible,</p>	<p>Consideration of the suggestions in the framework of subsequent negotiations with the other institutions (the Commission prepared a non-exhaustive list which was circulated at the ad-hoc Working Party meeting of 11 February).</p>

<p>therefore, to put forward reasons that were already used in the environmental and health risk assessment under the EU authorisation system or reasons similar to these. It would be very helpful to have a list of the grounds, with examples, from the Commission.</p>	
<p>4.3.2. The EESC wonders whether the Member States should not be drawn more closely into the EFSA GMO authorisation procedure where special issues are involved. The EFSA was originally set up in Regulation (EC) No 178/2002⁶ to monitor food and feed safety. Now it also monitors the environmental effects of GMOs. However, the Member States themselves could more thoroughly examine the various environmentally related matters within their own sovereign territory, with the EFSA then acknowledging those findings.</p>	<p>Rejection: out of the scope of the current proposal and in addition the current provisions for the environmental risk assessment of GMOs for cultivation already provide for an individual Member States to carry out the initial risk assessment and for all Member States to provide scientific comments and information.</p>
<p>4.5.2. It is also worth noting that in some cases Regulation (EC) No 1829/2003 already permits other factors that pose a risk to health and the environment to be taken into account in individual risk-management assessments.</p>	<p>Rejection- what Regulation (EC) No 1829/2003 permits to take into account (on a case-by-case basis in individual risk-management assessments and where scientific risk assessment alone cannot provide all the information on which a risk management decision should be made) are factors other than those that pose a risk to health and to the environment.</p>
<p>4.5.3. Since not enough is known about the economic impact and the impact on competition law, the proposal should include a clause providing for assessment, with the Commission carrying out a prior impact assessment of this kind.</p>	<p>Rejection- Member States are in a better position to assess the possible consequences of any restriction or prohibition measure.</p>

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Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, OJ L 31, 1.2.2002, p. 1.

<p>4.9.4. The EESC also calls for an examination of the extent to which binding EU minimum standards on coexistence and liability – made compulsory at least for the border regions of Member States – could reduce private law liability risks and clarify cases of doubt between Member States.</p>	<p>Rejection- Member States’ requests have gone in the direction of requesting more subsidiarity on co-existence. At the same time harmonised guidelines at technical level are ensured by the work of the European Coexistence Bureau. As for civil liability, it falls under national competence.</p>
<p>4.10.1. and 4.10.2. The Commission proposal provides for Member States – in derogation from the notification procedures under Directive 98/34/EC – merely to have to inform the other Member States and the Commission of an intended ban on cultivation. In other words, there is no examination by the Commission of the EU-conformity of the planned measures. The EESC thinks it problematic that the Commission is here retreating from its role as the EU's monitoring authority ("guardian of the treaties"). Even if the endeavour is to make implementation flexible, this must not lead to greater legal uncertainty as a result of failure to test for EU-conformity.</p>	<p>Reserve awaiting the outcome of the negotiation with the other institutions. In any case, under the current proposal the Commission will have a one-month period to react in case of need. In addition, there is still the possibility to make an infringement procedure if needed.</p>
<p>5.1. The efforts of the European Commission are therefore welcomed, especially its endeavour to initiate discussion on the very sensitive issue of GMO cultivation with a view to reaching a practicable solution.</p>	<p>Acknowledgement of the positive view of the EESC.</p>

<p>22. Proposal for a Directive on the right to information in criminal proceedings COM (2010) 392 final - EESC 1626/2010 - December 2010 Rapporteur : Mr PEZZINI (Empl./IT) DG JUST – Mrs REDING</p>	
<p>Essential points in the EESC opinion</p>	<p>Commission Position</p>
<p>Generally, the EESC Opinion is very positive and congratulates the Commission on its proposal. The EESC endorses the Commission goal of putting forward a package of measures on</p>	<p>The Commission will favour EESC's position when it is discussed in the legislative process.</p>

<p>procedural rights. The EESC agrees with the Commission that the right to timely information is an essential fair trial right. Third country nationals should notice that the EU has its own judicial culture and be struck by the transparency of proceedings and the respect for human rights in criminal proceedings.</p>	
<p>Recital 18: the precise moment at which information is to be given should be specified.</p>	<p>Not in a recital.</p>
<p>Recital 19: the phrase "information about immediately relevant procedural rights" is too vague. The rights should be specified.</p>	<p>Not in a recital. The "immediately relevant rights" vary according to national systems and Member States must be allowed the leeway to define their own practice. Too much detail is counterproductive.</p>
<p>Recital 21. the phrase "a serious risk... internal security" is too vague.</p>	<p>The Commission took the phrase from ECtHR case-law. It is generally accepted as the ECHR standard for exception to the rule about granting the accused access to information.</p>
<p>Recital 22: "a mechanism to verify that the suspected or accused person" is too vague. It should be a formal act.</p>	<p>There are divergences in national systems but the Commission will argue for this in trilogues. The provision belongs in the operative part. The recital is simply giving the context.</p>
<p>Article 3(1) The word "promptly" should be replaced by "at once". Article 3(2) The word "promptly" should be replaced by "immediately".</p>	<p>The Commission used the word "promptly" because that is what is in the ECHR.</p>
<p>Article 4. Replace "promptly" with "at once".</p>	<p>As above.</p>

<p>Article 6. The proposal should specify that information gathered in the pre-trial phase should be made available to the accused, as well as in the trial phase.</p> <p>Article 6(1). The provision should be amended to state that the accused should not only be informed about the charge they face but also the grounds for the charge, so as to reflect the ECHR ("nature and cause of the accusation").</p> <p>Article 6(2). Replace "promptly" by "as soon as possible".</p> <p>Article 6(3)(a). Amend text to say "the circumstances in which the offence is alleged to have been committed".</p>	<p>This is what the Commission intends. It believes that it is clear that all relevant information should be made available to the accused.</p> <p>The Commission agrees. This will be mentioned in the trilogue.</p> <p>As above. "Promptly" is the term used in the ECHR.</p> <p>The Commission agrees with the EESC. This will be mentioned in the trilogue.</p>
<p>Article 6(3) (a) – change "degree of participation" for "role".</p> <p>Article 6(3) – add 3 more indents</p> <ul style="list-style-type: none">-level of penalty-time limits for lodging procedural documents and evidence-effect of a guilty plea	<p>No comment.</p> <p>The Commission does not consider these amendments suitable. The level of penalty will be discussed with the accused by his lawyer. The time limits may be complicated and may vary according to the different types of procedure. The weight and effect of a guilty plea vary enormously from one Member State to another. It would be ill advised to refer to something so country-specific in an EU instrument.</p>
<p>Article 7 (2). Prosecuting and judicial authorities should not have too much discretion to refuse access to the case-file.</p> <p>Article 7(3) The different linguistic versions of the text should use the phrase "preliminary investigation phase" rather than "<i>instruction</i> phase" as several Member States no longer have an "instruction" phase.</p>	<p>The Commission agrees.</p> <p>Noted. This will be pointed out to the lawyer-linguists if the phrase is still in the text at the end of the trilogues.</p>

PARTIE D: Avis faisant l'objet d'un autre type de réponse

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| <p>3. Les implications de la crise de la dette publique pour la gouvernance de l'UE
Avis d'initiative - CESE 1367/2010 – Octobre 2010
Rapporteur : M. SMYTH (Act. Div./UK)
DG ECFIN – M. REHN</p> |
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Aucun suivi ne sera donné à cet avis, qui ne formule pas de demandes précises.

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| <p>7. Aides d'État destinées à faciliter la fermeture des mines de charbon qui ne sont pas compétitives
COM (2010) 372 final – CESE 1614/2010 - Décembre 2010
Rapporteur : M. PEZZINI (Empl./IT)
DG COMP - M. ALMUNIA</p> |
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La Commission européenne remercie le Comité économique et social pour son avis. Le Conseil a adopté le 10 décembre une décision relative aux aides destinées à faciliter la fermeture des mines de charbon qui ne sont pas compétitives (JOUE L336 du 21.12.2010, p.24). Cette décision prévoit des aides pour la fermeture des mines de charbon sous certaines conditions et dans le cadre d'un plan de fermeture dont l'échéance est fixée au 31 décembre 2018 et selon une courbe descendante. La Commission devrait évaluer les mesures qui vont lui être notifiées sur la base de cette décision et adopter des décisions conformément au règlement (CE) n° 659/1999 du Conseil du 22 mars 1999 portant modalité d'application de l'article 93 du traité CE⁷.

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| <p>20. Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax, with regard to the duration of the obligation to respect a minimum standard rate
COM(2010) 331 final –EESC 1368/2010 –October 2010
Rapporteur : M. IOZIA (Work./IT)
DG TAXUD – Mr ŠEMETA</p> |
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Main points of the EESC Opinion	Commission Position
4.1 Given the current tax situation in the 27 Member States, particularly when it comes to VAT, the Committee can only agree with the Commission's proposal, which it considers necessary, as in the past.	The Commission welcomes the unanimous adoption of a favourable opinion on the proposal, which has already been adopted by the Council ⁸ .

⁷ JO L 83 du 27.3.1999, p. 1.

⁸ Council Directive 2010/88/EU of 7 December 2010 amending Directive 2006/112/EC on the common system of value added tax, with regard to the duration of the obligation to respect a minimum standard rate (OJ L.326, 10.12.2010, p.1)