

**FOLLOW-UP PROVIDED BY THE COMMISSION TO THE
OPINIONS OF THE**

COMMITTEE OF THE REGIONS

PLENARY SESSION OF DECEMBER 2016

72nd REPORT

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1.	<p>The REFIT Programme: the local and regional perspective</p> <p>Letter from the European Commission of 13 January 2016</p> <p>Rapporteur: François DECOSTER (FR/ALDE)</p>	<p>COR-2016-00983-00-00-PAC-TRA</p> <p>CIVEX-VI/012</p> <p>Outlook opinion</p>
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2.	<p>Review of the Audio-visual and Media Services Directive</p> <p>Rapporteur: Jácint HORVÁTH (HU/PES)</p>	<p>COM(2016) 287 final</p> <p>COR-2016-04093-00-00-PAC-TRA</p> <p>SEDEC-VI/016</p> <p>Own-initiative opinion</p>
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3.	<p>The Revision of the Posting of Workers Directive</p> <p>Proposal for a Directive of the European Parliament and of the Council amending Directive 96/71/EC of The European Parliament and of the Council</p> <p>Rapporteur: Yoomi RENSTRÖM (SE/PES)</p>	<p>COM(2016) 128 final</p> <p>COR-2016-02881-00-00-PAC-TRA</p> <p>SEDEC-VI/011</p>

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6. (DG CNECT co-lead)	<p>Collaborative economy and online platforms: a shared view of cities and regions</p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions</p> <p>Rapporteur: Benedetta BRIGHENTI (IT/PES)</p>	<p>COM(2016) 288 final</p> <p>COM(2016) 356 final</p> <p>COR-2016-04163-00-00-PAC-TRA</p> <p>ECON-VI/016</p> <p>Own-initiative opinion</p>
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7.	<p>EFSI 2.0</p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) 2015/1017</p> <p>Rapporteur General: Wim van de Donk (NL/EPP)</p>	<p>COM(2016) 597 final</p> <p>COR-2016-05690-00-00-PAC-TRA</p> <p>COTER-VI/019</p>

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10.	<p>Reform of the Common European Asylum System</p> <p>Proposal for a Regulation of the European Parliament and of the Council</p> <p>Rapporteur: Vincenzo BIANCO (IT/PES)</p>	<p>COM(2016) 270 final/2 – 2016/0133 (COD)</p> <p>COM(2016) 271 final – 2016/0131 (COD)</p> <p>COM(2016) 272 final/2 – 2016/0132 (COD)</p> <p>COR-2016-03267-00-00-PAC-TRA</p> <p>CIVEX-VI/013</p>
11.	<p>Action plan on the integration of third country nationals</p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions</p> <p>Rapporteur: Karl VANLOUWE (BE/EA)</p>	<p>COM(2016) 377 final</p> <p>COR-2016-04438-00-00-PAC-TRA</p> <p>CIVEX-VI/015</p> <p>Own-initiative opinion</p>

<p>12.</p>	<p>Legal Migration</p> <p>Proposal for a Directive of the European Parliament and of the Council</p> <p>Rapporteur: Olgierd GEBLEWICZ (PL/EPP)</p>	<p>COM(2016) 378 final - 2016/0176 (COD)</p> <p>COR-2016-03699-00-00-PAC-TRA</p> <p>CIVEX-VI/014</p> <p>Own-initiative opinion</p>
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<p>N°1 The REFIT Programme: the local and regional perspective (outlook opinion) COR 2016/0983 - CIVEX-VI/012 120th Plenary Session - December 2016 Rapporteur: Mr François DECOSTER (FR/ALDE) SG – First Vice-President TIMMERMANS</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>5. The Committee of the Regions takes note of the signature of the Interinstitutional Agreement on Better Law-Making by the Council, the Commission and the Parliament on 13 April 2016 and hopes that this new agreement will contribute to improving EU decision-making at all stages – planning, drafting, adoption, implementation and evaluation; the Committee of the Regions is concerned, however, that the specific roles of democratically elected representatives at the local and regional level, and of the Committee of the Regions are not mentioned in the Interinstitutional Agreement on Better Law-Making in any context other than that of "stakeholder", despite the weight and mandate conferred on them by the Treaty of Lisbon.</p> <p>6. The Committee of the Regions wishes to be involved in further initiatives on the interpretation and implementation of the new agreement so that its potential as an advisory body in the legislative cycle can be fully used; it points out that many Committee of the Regions members play a role in applying EU policies.</p>	<p>The Interinstitutional Agreement on Better Law-Making is established between the Commission, the Council and the Parliament. It does not have an effect on the established cooperation between the Commission and the Committee of the Regions. The Committee can also contribute to the implementation through the various feedback mechanisms that the agreement offers. These, among others, include the REFIT Platform.</p>
<p>12. The Committee of the Regions urges the Commission to examine the proposed solutions related to sectoral regulations, proportionality, cross-border bottlenecks, state aid and audit pressure and to take them into account when developing new regulations</p>	<p>The Commission has clear guidelines to follow when preparing impact assessments that support new proposals for legislation. These ensure that the appropriate problems, solutions and impacts are identified including those highlighted by the Committee of the Regions. When the Committee of the</p>

	<p>Regions has particular views about specific initiatives, the Committee can make its views known to the Commission, including as part of the stakeholder feedback on the inception impact assessment and the stakeholder consultation activities undertaken in relation to the impact assessment.</p>
<p>20. The Committee of the Regions recognises that the accessibility of European Union programmes and the required regulatory regimes can cause significant difficulties in relation to interpretation of legal frameworks, rules of implementation, auditing and reporting, and highlights that audit arrangements in particular often cause problems for project sponsors in connection with long-term record keeping, as pointed out in the Committee of the Regions opinion on simplifying the European Structural and Investment Funds.</p>	<p>A clear legal framework and administrative capacity to implement it properly are key issues which affect accessibility and quality of investments. For European Structural and Investment Funds, this issue is being addressed in a systematic and preventive way through application of ex-ante conditionalities in the relevant national and regional context. These address in particular the requirements related to public procurement, State aid and other key regulatory conditions. A Commission staff working document "The Value Added of Ex-ante Conditionalities in the European Structural and Investment Funds"¹ has provided the preliminary results of the impact of the ex-ante conditionalities, illustrated by concrete examples of measures undertaken across Member States.</p> <p>Beneficiaries also benefit from the 2014-2020 rules, significantly shortening the period of retention of documents, simplified cost options (which will be further extended as part of the "omnibus" proposal presented with the Mid-Term Review of the 2014-2020 Multiannual Financial Framework) and, especially in the case of smaller projects, from the single audit principle, which limits the number of audits. The Commission services are also following up the recommendations on cross-cutting audit issues from the High Level Group monitoring simplification for beneficiaries of</p>

¹ SWD(2017) 127 final, adopted on 31 March 2017.

	<p>the European Structural and Investment Funds in respect of those actions which could already be taken up in the 2014-2020 period and those that could feed into the discussions about future rules.</p>
<p>22. While supporting the aim of cutting red tape and removing unnecessary regulatory burdens, the Committee of the Regions stresses that REFIT must not be taken as a pretext for lowering the level of ambition, in particular in fields such as the environment, food safety, health and consumer rights.</p>	<p>REFIT is not about deregulation and does not mean lowering EU standards. It does not call into question established policy goals. It is about doing things better, simpler, smarter, at a lower cost – and at the right level. By making legislation more effective and efficient, REFIT reinforces protection of the public interest.</p>
<p>23. The Committee of the Regions supports the goal of implementing European Union legislation at national level "as is" wherever possible, only exceeding the standards set out in European Union provisions when required to do so for objective and technical reasons. Nonetheless, the Member States and regions must continue to be able to decide what is necessary for proper implementation on a case-by-case basis. The Commission's proposal that each instance of "gold-plating" should be justified could help to increase transparency. However, increased accountability requirements in terms of national and regional implementation must not lead to interference in domestic administrative organisation and domestic administrative procedures.</p> <p>25. The Committee of the Regions, in this context, reiterates its call on the Commission to elaborate a European Union wide standard definition of gold-plating for the purpose of legal certainty in the implementation and application of the European Union law and for limiting excessive red tape</p>	<p>The new Interinstitutional Agreement represents some real progress to bring greater transparency to the issue.</p> <p>In the Agreement, the three Institutions call on the Member States to inform their citizens and businesses when they transpose Union directives and to make clear in the national transposing act (or an associated document) where 'gold-plating' elements are added. Member States are not called upon to justify those elements.</p> <p>The Commission will continue its current practice of making transposition-related information available to the general public (including the Institutions) and will also continue to report annually on the application of Union law which may make reference to the information received from the Member States about transposition and the additional elements they may have added.</p> <p>Evaluations and implementation reports help to identify gold-plating and make it transparent. In addition, proposals on the reduction of any gold-plating considered unnecessarily burdensome can be brought to the attention of the REFIT Platform and taken forward with the experts from Member</p>

	<p>States who are members of the Government group in the Platform.</p> <p>However, it should be clear that the responsibility for gold-plating remains entirely with Member States.</p> <p>The Commission invites the Committee of the Regions' members to refer to the explanations given in its Communication 'Better Regulation for Better Results'², where it urges Member States to avoid unjustified "gold-plating", and to its Communication 'Better Regulation: Delivering better results for a stronger Union'³, where it states that, based on the new Interinstitutional Agreement, Member States should inform the Commission and explain to their citizens whenever they add additional requirements to Union Law in their national legislation.</p>
<p>24. The Committee of the Regions stresses the importance of taking into account, when evaluating legislation, the costs, benefits and drawbacks – societal, environmental and others – for citizens and the economy, as well as the so-called "cost of non-Europe"⁴, i.e. the cost entailed by the absence of common action at European level in a given sector.</p>	<p>The Commission is fully committed to assessing those aspects when evaluating existing European Union legislation. This is reflected in the Better Regulation Guidelines and Toolbox.</p>
<p>26. The Committee of the Regions urges the Commission and Member States to promote the development of digital methods and Information and Communications Technology tools, including under the European Union eGovernment Action Plan, to provide a common format and process for collecting the data required for monitoring and reporting needs, so as to reduce administrative red tape in the form of reporting to both national and European Union databases.</p>	<p>The Better Regulation Guidelines and Toolbox foresee that all new initiatives should be "digital and internet ready". They provide specific explanations on how to perform Digital and Information and Communications Technology checks, in particular internet-readiness checks to seek higher levels of effectiveness/enforcement through digital approaches and to lower the costs of implementation, monitoring and evaluation (including through some common tools or reused digital components for</p>

² COM(2015) 215 final, point 3.3.

³ COM (2016) 615 final, page 10.

⁴ European Parliament's study on Mapping the Cost of Non-Europe, 2014-2019.

reporting and data collection).

With regards to how common format and process for data collection through digital methods and Information and Communications Technology tools could help in (i) monitoring the implementation of EU legislation and (ii) reporting on its appropriate implementation, it is important to recall the eGovernment Action Plan 2016-2020⁵, which stipulates that: *'... the Commission will promote the development of end-user applications, including specific European Union-level applications, so as to harvest from citizens and business more efficiently the data provided through Spatial Data (INSPIRE) for EU-level policy making and implementation, in particular in relation to reporting and compliance promotion'*.

The Commission also believes that moving towards implementing the digital by default and once only principles could greatly help in *'promoting the development of digital methods and Information and Communications Technology tools, including eGovernment, to provide a common format and process for collecting the data required for monitoring and reporting needs'*. As stipulated by the eGovernment Action Plan, public administrations *'should deliver services digitally (including machine readable information) as the preferred option (while still keeping other channels open for those who are disconnected by choice or necessity). In addition, public services should be delivered through a single contact point or a one-stop-shop and via different channels.'* In addition, *'public administrations should ensure that citizens and businesses supply the same information only once to a public administration. Public administration offices take action if*

⁵ COM(2016) 179 final.

	<p><i>permitted to internally re-use this data, in due respect of data protection rules, so that no additional burden falls on citizens and businesses.'</i> If this once only principle was implemented across the European Union (see steps towards it through actions 13 and 18 of the Action Plan), data reporting could be ensured electronically and even retrieved automatically.</p> <p>It is also important to note that the Commission is supporting the use and re-use of technical building blocks (such as eID, eSignature, eDelivery and eInvoice), which enables swift data and information exchange between Member States and the Commission.</p>
<p>27. The Committee of the Regions highlights the importance of "fitness checks" that can identify overlaps and inconsistencies that have arisen over time from a range of objectives and new policy initiatives, in particular as regards reporting and compliance requirements.</p> <p>28. The Committee of the Regions underlines the need for a better understanding of the range of reporting obligations introduced to comply with European Union law; it proposes that reporting requirements for local and regional authorities be listed and standardised as much as possible and that the reporting methodologies used should aim at reducing the administrative burden for citizens and small and medium-sized enterprises as well as for local and regional authorities</p>	<p>The Commission is committed to the "evaluate it first" principle. Since 2010, it has completed 688 evaluations, including 10 Fitness Checks. Eight Fitness Checks are still ongoing and others will be initiated in the future.</p> <p>The Commission is engaged in several processes to take stock, review, and streamline reporting obligations. This concerns the area of environment, covering about 60 pieces of legislation and approximately 170 reporting obligations. As part of this process, on 15 December 2016 the Commission has adopted a proposal for the repeal of the Standardised Reporting Directive⁶. The Commission also adopted a Communication recognising that some acts in the field of environment that were adopted under Council Directive 91/692/EEC have become obsolete⁷.</p> <p>In mid-November 2016, a Fitness Check on Reporting, Planning and Monitoring</p>

⁶ COM(2016) 789 final.

⁷ COM(2016) 793 final.

	<p>Obligations in the European Union Energy acquis was finalised⁸. On 30 November 2016, as part of the follow-up, the Commission adopted a proposal "On the Governance of the Energy Union"⁹, integrating provisions on Member States' planning and reporting as well as the Commission's monitoring. It identified a large scope for improvements in this area and presented the way forward for each of the obligations analysed.</p> <p>The range of reporting obligations is a topic also under the attention of the REFIT Platform, which adopted an opinion on financial reporting and identified the need to streamline reporting to various supervisory authorities to reduce unnecessary administrative burden on financial institutions. This opinion complemented the evidence gathered by the Commission as part of its 'Call for evidence' related to this subject and will lead to a Fitness Check on financial reporting starting in 2017.</p>
<p>31. The Committee of the Regions urges the Commission to therefore simplify the language it uses, making it widely understandable, and suggests that the use of technical language be kept to a minimum, in compliance with legal requirements.</p> <p>33. The Committee of the Regions understands that the European Union needs to devote appropriate attention to an active communication strategy designed to engage partners, sustain activity, and attract investment.</p>	<p>The Commission is engaged in a thorough review of its web presence to make it more accessible, more understandable and more user-friendly.</p> <p>The new Commission web presence is being built based on extensive research and involvement of users so that it better answers their needs. The thematic structure of the Commission 'Info' site emphasises those topics that correspond to the main reasons users come to the Commission websites.</p>
<p>37. The Committee of the Regions appreciates that current practice invites citizens to participate in consultations. However,</p>	<p>Any stakeholder, including citizens, which may be affected by an initiative or piece of legislation, is invited to participate in open</p>

⁸ SWD(2016) 396 and SWD(2016) 397.

⁹ COM(2016) 759 final.

contributions by individual citizens are rare as most of the consultations are limited due to language accessibility and use of technical terms and contexts, and are therefore largely unwelcoming. As such, they are closed off from all but a few citizens with the skills and language that enable them to take part. It is important to ensure that all relevant parties, and above all civil society, have equal access to the texts of the consultations, which must be translated into all the official European Union languages and be drawn up in the simplest, clearest and most comprehensible way possible, so as to provide maximum information about the regulations advocated.

public consultations.

The Commission's stakeholder consultation guidelines and toolbox put a particular emphasis on accessibility to consultations, both as regards the importance of appropriate language coverage and as regards a "stakeholder friendly language" (see tool 50, point 4).

The Commission is firmly committed to the principle of multilingualism and does its utmost to ensure that there is no discrimination between citizens on the basis of language. It ensures full respect for the right of all citizens as enshrined in the Treaties, to communicate with it in any of the European Union official languages. This also applies to replies to public consultations: stakeholders' contributions can be submitted in any of the European Union official languages.

However, resources available for translation are limited and primarily needed to meet the Commission's legal obligations, which mainly focus on making available in all European Union languages all legislative and key political documents. Therefore, not all consultation documents can be made available in all European Union languages. The Commission is currently updating its guidelines on translation of consultations that will include strengthened requirements on language regime.

The Commission fully shares the view that consultations should be drawn up in the simplest and most comprehensible way possible. Questions should be clear and precise to facilitate the process for stakeholders and to maximise the value of the input. The Commission is currently preparing a technical update of the Better Regulation Toolbox. In this context, it is likely to strengthen the guidance on question

	<p>design and user-friendly language.</p> <p>In its consultation documents, the Commission certainly needs to strike the right balance between being technical/specific, and thus addressing a specialised public (e.g. to cover the specifics of an impact assessment and its particular requirements), and using a simple language which facilitates a wider participation by individual citizens.</p>
<p>38. The Committee of the Regions is of the view that citizen-based consultations should complement, not replace, structured public consultation, nor should they diminish the role of the relevant institutional bodies that are recognised in the Lisbon Treaty.</p>	<p>The purpose of the consultation process is to collect the views from different types of stakeholders and to consider those views in the policy making process.</p> <p>The Commission fully agrees that the input coming from citizen-based consultations is complementary to other consultation tools and does not in any case replace the decision-making process established by the Treaty.</p>
<p>39. The Committee of the Regions reiterates the importance of holding a specific consultation with regional and local legislative assemblies during the legislative initiative stage, to take place through the Committee of the Regions, as these bodies – which represent the territories – democratically embody the real needs of the people, including those who are not individually able to make their voices heard.</p> <p>40 Regional and local authorities must therefore be considered to have priority over private corporations, both due to the role that they are recognised as playing by the Lisbon Treaty, and because they are an expression of democracy and political representation.</p>	<p>The Commission fully recognises the important consultative role of the Committee, as attributed to it by the Treaty. The Commission will continue to draw on the expertise of the Committee of the Regions in terms of consultation and encourages its services to make use, where appropriate, of the various stakeholder platforms which already exist within the consultative bodies and to cooperate as regards the organisation of structured dialogue platforms. The Commission also invites the Committee to make full use of the strengthened feedback and consultation opportunities established under the Better Regulation Agenda.</p>
<p>Programmes and funding: technical assistance, advice and reporting</p> <p>41. The Committee of the Regions calls on</p>	<p>As regards the suggestions relating to management and implementation, in the context of shared management, most of the rules governing access to European Union</p>

the Commission to create a "one-stop-shop" for advice on regulation to ensure that applicants for European Union funds are given timely, appropriate, unambiguous and clear advice.

42. The Committee of the Regions suggests that the views of practitioners should be sought during the course of a programme period, so that improvements to the legislative and regulatory framework can be based on practical experience.

43. The Committee of the Regions proposes a specific mechanism to use technical assistance funding to establish programme related legal teams to which all applicants would have free access and that can provide robust and consistent advice based on adopted, uniform interpretation of legal regulations as advised by the Commission, and based on existing practice regarding EU funding regulations so as to remove much of the uncertainty and liability currently placed on the final beneficiary.

44. The Committee of the Regions proposes that management arrangements must create a clear separation between programme administration and project/programme delivery so as to avoid potential conflicts of interest and appraisal bias.

45. The Committee of the Regions suggests maximising the size of "funding pots", within the current budget ceiling, allowing for a programme-based approach to delivery, whereby a number of related projects are combined and success is measured by headline outcomes rather than individual project outputs – in areas such as energy, to take just one potential example.

46 The Committee of the Regions proposes exploring opportunities to develop and improve financial engineering models, including specialist Venture Capital funds for key sectors, more effective alignment of grant funding with

funds, including eligibility rules, are decided at national level. This is in line with the principle of subsidiarity.

As regards the suggestion to collect the view of practitioners, under the European Structural and Investment Funds there are numerous mechanisms which are aimed at collecting experience of practitioners both at national and European Union level. At national or regional level, they include code of conduct for partnership and monitoring committees. At European Union level, they include an expert group of Member States where important implementation issues are discussed, regular stakeholder meetings, an evaluation network, and the High Level Group monitoring simplification for beneficiaries of European Structural and Investment Funds which comprises a broad range of practitioners of European Structural and Investment Funds.

Technical assistance funds are available for information activities by the authorities which are best equipped to give comprehensive advice within the national and regional context. At the Commission level, for the 2014-2020 period, strong coordination mechanisms exist and the Commission considers the interpretation framework as stable and transparent. Specific advice is available for major projects (Jaspers (Joint Assistance to support Projects in European Regions) and financial instruments (FI-compass)).

The 2014-2020 rules for use of financial instruments under European Structural and Investment Funds have already been improved compared to the previous periods. They allow for funding in all sectors (including multi-sectoral support to urban development, which in the 2007-2013 Multiannual Financial Framework period

Jessica to stimulate the property investment market, and the possibility of a Jasmine-based microcredit scheme to support start-ups and small businesses.

47. The Committee of the Regions suggests enhancing opportunities for match funding, in particular from the private sector, to ensure that financing is available to enable local and regional authorities to address local needs.

48. The Committee of the Regions asks the Commission to propose a mechanism whereby unused and de-committed funding is returned to the European Union budget as allocated to the appropriate Member State, as assigned revenue, in order to guarantee that these funds will be allocated and spent to support the sectoral policies within that Member State, for which they had been earmarked by means of a vote.

49. At present, failure to make use of available funding is due, in particular, to a poor, complex and overly defined implementation system, together with inadequate definition of priorities. It is essential to ensure proper communication with local and regional authorities as well as national bodies to redefine and clarify priorities, so that beneficiaries are not disadvantaged.

50. It is vital therefore to ensure that multi-annual funded programmes in particular, have planning security and reliability in-built to achieve their goals. Greater flexibility in the multi-annual financial framework therefore must not lead to funds being redeployed or new political initiatives being financed at the expense of programmes that have already been approved.

51. The Committee of the Regions proposes clearly assigning roles for partners in reporting and monitoring European Union-funded programmes within the municipality or region, including a review of spending and outcomes

was called "Jessica") and recognize the specificities of venture capital.

The Commission continues to support micro-credit schemes to support start-ups and small businesses, using the lessons learned from the 2007-2013 period (including, but not limited to, "Jasmine"). The European Social Fund in particular supports instruments which are tailor-made to regional and local conditions and which target specific disadvantaged groups in the so-called social economy sector.

"Gold-plating" practices need to be addressed, with the assistance of national and European Union auditors who can help identify redundant and unnecessary procedures. Significant potential exists for learning from best practice of streamlined but effective systems. The Commission facilitates the exchange of such practices.

Under the 2014-2020 programming period, a mechanism exists to redefine priorities, such as the allocation of performance reserve which would trigger a shift of resources from non-performing priorities to performing ones. In addition, monitoring committees continuously assess implementation and can even amend some parts of the programmes. This makes arrangements more flexible than before.

<p>and design of remedial action, and calls on the Commission to provide assistance, including funding, for local and regional authorities in cases where simplification, whether legislative or non-legislative, involves an increase in the public cost of providing their services.</p>	
<p>52. The Committee of the Regions asks the Commission to take further steps to simplify Cohesion Policy by taking into account the proposals of local and regional authorities as expressed in its opinion on <i>Simplification of ESIF from the perspective of Local and Regional Authorities</i>, rapporteur: Petr Osvald (CZ/PES).</p> <p>53. The Committee of the Regions recalls that the European Structural and Investment Funds are the EU's main tools for promoting economic, social and territorial cohesion in all Member States and that their simplification is fundamental to achieving the policy objectives; immediate improvements in the current programming period, as well as long-term simplification potentially leading to a substantial revision of the existing delivery mechanism and legislation, should be envisaged.</p>	<p>The Commission welcomes the focus on simplification from all the institutions and in particular the perspective the Committee of the Regions can bring in terms of local and regional authorities.</p> <p>The Commission established a High Level Group on simplification for beneficiaries of the European Structural and Investment Funds in 2015 under the chairmanship of Siim Kallas. The Group has proposed concrete recommendations in six areas: e-governance, simplified costs, financial instruments, access of the small and medium-sized enterprises to financing, gold-plating and cross-cutting audit issues, and is now focusing on potentially even more substantial simplification ideas for post-2020.</p> <p>The Commission welcomes the Committee of the Regions' support for the Commission's simplification efforts expressed in the opinion on simplification of the European Structural and Investment Funds. It is a very good starting point for the debate and raises the key questions that the High Level Group has also identified for consideration such as gold-plating, audit, public procurement and State aid.</p> <p>Some of the recommendations were already included in the Commission's proposal adopted on 14 September 2016¹⁰, including facilitating the use of joint action plans (with its innovative results-based payments which the Commission wants to promote)</p>

¹⁰ COM(2016) 603 final.

	<p>and community-led local development. The Commission also proposes to strengthen the provisions which allow keeping documents in electronic form only. Some other ideas require further discussion. The most recent set of recommendations from the High Level Group, as well as the recommendations on gold-plating, provide a number of suggestions related to audit. The Commission services welcome that the High Level Group recognised that the increased professionalization and quality of audit has contributed to a significant decrease in error rates. The Commission has analysed the proposals to identify those which could be usefully implemented already in the current period. The significant differences in terms of administrative burden among different Member States suggest that a lot can be done by adjusting national practices.</p> <p>The Multiannual Financial Framework Mid-Term review adopted on 14 September 2016 includes legislative proposals to facilitate a simpler, more results-oriented approach to deliver the European Structural and Investment Funds in line with the direction suggested by the rapporteur. They cover in particular the areas of simplified costs and financial instruments.</p> <p>Other recommendations either do not require legislative changes, or in the interest of stability of the implementation system, can be taken into account only after 2020. The reflections on what and how the system should look like after 2020 has already started and the Commission welcomes the fact that the Committee of the Regions is already very active in the discussion about the future Cohesion Policy.</p>
<p>54. The Committee of the Regions draws particular attention to the necessity of</p>	<p>Simplification has been at the core of the Commission's proposals for the programmes</p>

simplification, including legislative and non-legislative changes, in areas relating to auditing, reporting requirements and guidance, state aid, public procurement and gold-plating.

55. The Committee of the Regions notes that simplification efforts require targeted cooperation between all relevant Commission services, notably the Directorate-General for Regional Policy, the Directorate-General for Employment, Social Affairs, Skills and Social Mobility, the Directorate-General for Competition and the Directorate-General for the Internal Market, Industry, Entrepreneurship and Small and Medium-sized Enterprises.

56. The Committee of the Regions urges the Commission to provide more information on and support for training regional and local authorities on the synergies between European Structural and Investment Funds and the European Fund for Strategic Investments.

covered by the Multiannual Financial Framework 2014-2020. Considerable progress has been made since (see [simplification scoreboard](#)), but as announced in the mid-term review of the Multiannual Financial Framework 2014-2020, there is room for further simplification, as confirmed by the High Level Group on Simplification for European Structural and Investment Funds and the public consultation on the revision of the Financial Regulation. The Commission has therefore made additional simplification proposals (see COM(2016) 603 final for a detailed description). The High Level Group continues its work and is now focusing on simplification opportunities for the post-2020 period.

The Commission has expressed, from the very beginning, a strong will to involve national and regional authorities on what concerns the synergies between the European Structural and Investment Funds and the European Fund for Strategic Investments. The Commission is very keen to explain the subject and provide training to those authorities. The brochure on the complementarities between the European Structural and Investment Funds and the European Fund for Strategic Investment was a first important step to inform stakeholders about the existing possibilities. Fi-compass was also set up as a platform for advisory services on financial instruments under the European Structural and Investment Funds and is now delivering hands-on support to Member States and foresees targeted events concerning synergies between the European Structural and Investment Funds and European Fund for Strategic Investments in many Member States, and has already delivered a study on the first investment platform combining European Structural and Investment Funds

	<p>and the European Fund for Strategic Investments resources in the French region of Nord-Pas-de-Calais. The European Investment Advisory Hub was established to address the needs of potential project promoters, to help ensure that good ideas can be turned into viable projects. Applications for technical assistance – free of charge for public authorities – can be submitted online.</p>
<p>57. The Committee of the Regions calls for simplification of application and reporting processes for the research and innovation funds, including through greater use of standard costs, in particular as regards auditing.</p>	<p>In Horizon 2020, major simplifications to the funding model were introduced. This comprises a single reimbursement rate per project and a standard flat rate for covering indirect costs. Other forms of standard costs are used in parts of the programme: projects entirely based on unit costs for the Marie-Sklodowska Curie bursary schemes; lump sum project funding for the small and medium-sized enterprise instrument projects. In addition, the Commission undertook a review and re-engineered virtually all rules, procedures and systems for managing research grants. The new Participant Portal is at the heart of the new system providing a fully automated one-stop shop for submitting applications and managing European Union-funded Research and Innovation projects. These simplification measures have allowed reducing the time to grant funding from more than a year to less than eight months.</p>
<p>58. The Committee of the Regions stresses the recommendations of its opinion on <i>The simplification of the Common Agricultural Policy</i> adopted in October 2015.</p>	<p>The Commission has already acted on many of the issues raised in this opinion, either by amending the Commission-level regulations and guidelines or by proposing changes to the basic acts in the framework of its proposal for an "omnibus regulation" adopted on 13 September 2016 as part of the Multiannual Financial Framework mid-term review. In particular:</p>

	<ul style="list-style-type: none">- more flexibility was given to Member States to define and map Ecological Focus Areas as part of greening;- more flexibility was given to Member States as regards the eligibility of legal persons under the young farmers scheme;- the rules on the Integrated Administration and Control System were amended to allow for preventive checks, to introduce a "yellow card" system for first time offenders and to render the level of administrative penalties for non-compliances more proportionate;- the rules for on-the-spot checks were amended so as to ease the control burden for Member States;- changes to the Commission-level rules on greening are currently being finalised with a view to introducing more flexibility in their implementation, removing certain technical requirements and clarifying and streamlining the rules in general;- the proposal for the "omnibus regulation" includes changes to the active farmer rules which will provide for more flexibility in the application of the rules, and from 2018 onwards make them optional for Member States;- the proposal for the "omnibus regulation" further includes several substantial changes to the basic act for rural development, notably simpler rules for accessing loans and other Financial Instruments with a view to giving the necessary boost to make better use of such Instruments
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	<p>in the agricultural sector.</p> <p>All in all, these changes fully respond to the Committee of the Regions' call for more flexibility and subsidiarity in the implementation of the Common Agricultural Policy.</p>
<p>59. The Committee of the Regions reiterates the need to strengthen the principle of trust towards the final recipients, by easing the requirement to produce documentary evidence of expenditure during the final reporting stage and intervening in the audit stage, focusing on the results of the funded projects.</p>	<p>The Commission encourages the use of simplified cost options as a payment mechanism, which exempts beneficiaries from submitting evidence of expenditure focusing on results and output only. The use of simplified cost options is already a possibility for Member States under the European Structural and Investment Funds. Much of the Common Agricultural Policy funds are disbursed based on payments per hectare or livestock unit (output) where no evidence of the expenditure incurred is required at the level of the beneficiary.</p>
<p>60. The Committee of the Regions is concerned that, in spite of the stated aims of the new Common Agricultural Policy to reduce European Union-level legislation, the Commission's regulatory output via delegated legislation has increased.</p>	<p>It is important to put the number of delegated acts and implementing acts into the context of the entire legal framework of the Common Agricultural Policy. These delegated acts and implementing acts are necessary to regulate details which are subject to frequent changes and adaptation to the economic developments and thus, cannot and should not be included in the basic acts. This being said, the Commission has limited the number of delegated acts and implementing acts to the minimum, i.e. one delegated act and one implementing act for direct payments, one delegated act and one implementing act for rural development, one delegated act and one implementing act for horizontal financing rules and one delegated act and one implementing act for the Integrated Administration and Control System. In the area of the Common Organisation of Markets, the Commission is in the process of reducing the more than 200 old Commission-</p>

	<p>level regulations to around 20 delegated acts and 20 implementing acts. Last but not least, the Commission regularly publishes communications declaring defunct Commission-level regulations obsolete, i.e. not applicable anymore.</p>
<p>61. The Committee of the Regions reiterates its call for more consistency and complementarity between the Common Agricultural Policy and other European Union policies, such as the environmental policy (and funds); greater consistency is most needed between the Rural Development Fund and the rest of the European Structural and Investment Funds jointly delivering a Common Strategic Framework based on the broad policy objectives of the Europe 2020 strategy.</p>	<p>In the current programming period (2014-2020), environmental legislation and priorities are streamlined within the Common Agricultural Policy. Enhanced consistency and complementarity between rural development and other European Structural and Investment Fund policies towards Europe 2020 objectives is sought through the establishment of common national strategies for all the Funds (the Partnership Agreements). More generally, the European Agricultural Fund for Rural Development is part of the European Structural and Investment Funds and are, as such, subject to the Common Provisions Regulation¹¹.</p>
<p>62. The Committee of the Regions believes that the Common Agricultural Policy should be made consistent with the goal of territorial cohesion enshrined in the Treaty of Lisbon, and a situation should be avoided whereby European Union measures increase territorial imbalances or, for example, put public services in rural areas at risk.</p>	<p>The current Common Agricultural Policy pays attention to enhancing territorial balance: the instruments of the Common Agricultural Policy strongly contribute to the preservation of many agricultural and rural businesses, as well as to the provision of public services in rural areas. One of the six Union priorities for rural development explicitly targets the "promotion of social inclusion, poverty reduction and economic development of rural areas".</p>
<p>63. The Committee of the Regions considers it to be very important to fully take the actual needs of actors in the regional and local business environment into account in the</p>	<p>The Commission is aware of the need to consider regional and small and medium-sized enterprise impacts when preparing legislation and has taken steps to improve</p>

¹¹ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006, OJ L 347, 20.12.2013.

<p>ongoing working process on better regulation for small and medium-sized enterprises.</p>	<p>the analysis of these impacts. When preparing impact assessments, the regional and small and medium-sized enterprise impact is analysed and this analysis is submitted to the Regulatory Scrutiny Board for quality check. Guidance is given to the Commission services on how to identify territorial impacts and how to carry out the Small and Medium-sized Enterprises Test.</p>
<p>64. The Committee of the Regions points out that the REFIT Platform should also pay sufficient attention to the burden of regulation on public authorities. It is important to prevent the regulatory burden being passed from the private sector to public authorities and back again</p>	<p>The Decision on the REFIT Platform¹² states that "the Platform should invite, collect and assess suggestions from all available sources, including from members of the Platform, on how to reduce regulatory and administrative burden".</p>
<p>65. The Committee of the Regions notes that following a consultation of the winners of its 'European Entrepreneurial Region' scheme, priority areas for simplification, or areas where the degree of simplification introduced through existing regulation is not yet sufficient, include the participation of small and medium-sized enterprises in European Regional Development Fund-funded projects, small and medium-sized enterprises' access to public procurement, consumer rights and Registration, Evaluation, Authorisation and Restriction of Chemicals. Reporting requirements for trade statistics (Intrastat) have also been identified as a priority for further action.</p>	<p>All areas identified through the consultation of the winners of the 'European Entrepreneurial Region' award scheme are presently covered under the REFIT Programme which aims at simplifying EU law and reducing regulatory burdens without prejudice to policy objectives. These include the European Union Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), Value-Added Tax, statistics, consumer rights as well as public procurement. The progress made on each individual initiative is detailed in the REFIT scoreboard.</p> <p>For example, as regards consumer rights, the Commission is currently carrying out its REFIT Fitness Check of European Union Consumer and Marketing legislation (covering six directives). A public consultation took place in 2016 which resulted in 436 responses received. The Fitness Check is planned to be finalised around May 2017 and any legislative</p>

¹² C(2015)3261 final.

proposal as a result of it could be presented in the second half of 2017.

In addition, the Commission is working on a pilot project which was initially requested by the European Parliament, and which aims to train small and medium-sized enterprises on consumer rights in the digital age.

On the European Union Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), several measures have already been taken to support in particular small and medium-sized enterprises and facilitate their compliance with the European Union Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), such as:

- the amount of information that is required under the European Union Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) for the registration of chemical substances produced in small volumes is much lower than for higher volumes;

- following the 2013 European Union Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) review, registration fees for small and medium-sized enterprises have been further reduced compared to what was originally foreseen. This reduction can amount up to 95% of the standard fee;

- in January 2016, the Commission adopted rules for sharing registration data in order to avoid non-transparent or discriminatory practices that lead to increased costs for small and medium-sized enterprises;

- the Commission and the European Chemicals Agency are working to help

	<p>small and medium-sized enterprises with registration by means of raising awareness about the last registration deadline in 2018 and improving accessibility of information that small and medium-sized enterprises need;</p> <p>- the Commission and the European Chemicals Agency are also providing assistance to small and medium-sized enterprises in specific sectors - such as essential oils and dyes producers – to find solutions for the registration process.</p> <p>On a more general note, the Commission is currently carrying out a REFIT evaluation of the European Union Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) in order to see whether it is fit for purpose – the final report is due during the course of 2017. A public consultation has been launched and specific small and medium-sized enterprise consultations will also be organised.</p>
<p>66. The Committee of the Regions believes that action is needed in the area of administrative simplification for small and medium-sized enterprises, especially concerning Value Added Tax.</p>	<p>As announced in the Communication on the upgrading of the Single Market¹³ and confirmed in the Value Added Tax Action Plan¹⁴, the Commission is currently preparing a comprehensive simplification package for small and medium-sized enterprises aimed at reducing the administrative burden and at contributing to the creation of an environment favourable to their growth and cross-border trade.</p> <p>The review of the small and medium-sized enterprises scheme will cover both the exemption and its threshold and possible simplification measures relating to Value Added Tax obligations, such as identification, invoicing, accounting or</p>

¹³ COM(2015) 550 final.

¹⁴ COM(2016) 148 final.

	<p>returns. The proposal to amend the Value Added Tax Directive's provisions on the small and medium-sized enterprise scheme is planned to be submitted by the end of 2017.</p>
<p>67. The Committee of the Regions calls for measures to be adopted to simplify access to public procurement for small and medium-sized enterprises; it is apprehensive that the degree of simplification that will be introduced through the new directives and the European Single Procurement Document may not yet be sufficient to ensure small and medium-sized enterprise-friendly procurement rules.</p> <p>68. The Committee of the Regions warns that the simplification measures mentioned should not undermine local and regional authorities' ability to adopt more stringent standards to suit their specific circumstances and the needs of local people, particularly in areas such as equality and social, industrial or environmental policy.</p> <p>70. The Committee of the Regions stresses the need to raise awareness among innovative small companies about the new procedures for public procurement, their benefits and limitations, and available support. European Union rules on public procurement need to undergo an impact assessment in three years' time to check if they have resulted in facilitating the access to tenders for small and medium-sized enterprises, reduced bureaucratic barriers and helped to develop long-term partnerships for supplies and services that are currently not on the market.</p>	<p>The new directives for Public Procurement contain provisions to facilitate small and medium-sized enterprises' participation in public procurement. For example, the division of contracts into lots is encouraged through the "apply or explain" principle or bidders may prove their suitability, financial status and abilities with self-declarations through the "European Single Procurement Document", instead of providing full documentary evidence as previously required.</p> <p>This is the beginning of the process and efforts will continue on the side of the Commission. However, it is the Member States that now have the most important role to play through the transposition of the directives and their implementation. The reduction of administrative burden and increased transparency resulting from the mandatory introduction of eProcurement will also facilitate access of small and medium-sized enterprises to public contracts.</p> <p>Due to the fact that the deadline for the transposition of the directives has passed only recently (April 2016) and not all Member States have yet notified the Commission on the finalisation of this process, it is too early to clearly say whether the measures in the directives are too little or not enough.</p> <p>The new directives introduced an obligation for Member States to report on the level of small and medium-sized enterprise participation. The first monitoring report is</p>

	<p>to be submitted to the Commission by 18 April 2017.</p> <p>Furthermore, a series of workshops are currently being organised in each Member State with the participation of all relevant parties (public authorities, providers of eProcurement solutions, users, etc.) to address practical issues related to the implementation of eProcurement.</p>
<p>69. The Committee of the Regions emphasises that EU law governing State aid in relation to Services of General Economic Interest has become too detailed and too complex because of the multiplicity of secondary legislation and "soft law" texts relating to State aid. Further simplification will increase legal certainty, speed up the implementation of investment projects, ensure the timely provision of Services of General Economic Interest, and boost growth and employment.</p> <p>71. The Committee of the Regions reiterates its call for the de minimis thresholds in the case of State aid to Services of General Economic Interest, as well as for the threshold for exemption from the obligation (under Article 108(3) TFEU) to declare State aid in the form of a public service compensation granted to certain entities entrusted with the operation of Services of General Economic Interest, to be increased, since these measures will lead to further simplification for local and regional authorities as well as for entities receiving compensation.</p>	<p>The Commission places great importance on an efficient delivery of services of general economic interest to European citizens. However, this delivery should be organised in a fair and transparent way, ensuring a level playing field among all firms that could provide the respective service. This is the purpose of State aid rules.</p> <p>The Commission cannot agree with the statement in the Committee's draft opinion that a "multiplicity of secondary legislation and soft law texts relating to State aid" would have made the law concerning Services of General Economic Interest "too detailed and too complex."</p> <p>It is important to understand that all costs pertaining to a Service of General Economic Interest (and a reasonable profit) can be fully compensated under the existing rules. For obvious reasons however, overcompensation benefitting a specific firm must be forbidden, as this would create windfall that can be used to outprice other firms and destroy a fair level playing field.</p> <p>The Commission has taken several measures since 2012 to simplify the Services of General Economic Interest rules, for instance:</p> <p>The Services of General Economic Interest Decision block-exempts large categories of</p>

	<p>Services of General Economic Interest which do not need to be notified to the Commission at all. For certain types of services, e.g. health care or social services to the community, there is no limit as to the amounts that can be given.</p> <p>In addition, limited amounts of compensation (maximum EUR 500 000 over three years) fall completely outside the State aid rules. This is set out in the specific Services of General Economic Interest de minimis rules.</p> <p>The Commission considers that these rules are properly calibrated to strike the right balance between simplification on the one hand and the need to avoid overcompensation on the other hand.</p>
<p>72. The Committee of the Regions draws attention to its opinion on EU environment law: improving reporting and compliance, adopted in April 2016¹⁵, and asks the Commission and Member States to follow its recommendations in its fitness check of monitoring and reporting obligations in environment policy.</p> <p>73. The Committee of the Regions draws particular attention to the specific recommendations made in the opinion related to excessively burdensome audit and reporting requirements, and calls in particular for reporting tools to be automated and synergies across reporting obligations under different directives to be found; the Committee of the Regions reiterates its suggestion to establish "implementation scoreboards" for additional directives in the area of environment law.</p> <p>75. The Committee of the Regions notes that in 2013, the European Union had an extensive set of 63 binding and 68 non-binding</p>	<p>The Commission confirms that, as part of the ongoing Fitness Check on streamlining, monitoring and reporting of environment policy, it is exploring the items mentioned by the Committee. This Fitness Check is due to be completed in the course of 2017, and is looking at information flows to the European Union level and their active dissemination to citizens: this information flow usually starts at the local level.</p> <p>The Fitness Check will identify possible actions to modernise and streamline monitoring and reporting with a view to ensure a stronger evidence base for environmental policy and a simpler and more comprehensive process.</p> <p>The Commission has published a comprehensive overview of how EU environmental policies and laws are applied on the ground. The Environmental Implementation Review package (adopted on 3 February 2017¹⁶) includes 28 country</p>

¹⁵ CDR 5660/2015.

¹⁶ http://ec.europa.eu/environment/eir/index_en.htm.

<p>targets, with the majority to be achieved by 2015 and 2020. The impact of these targets on sub-national government as well as business needs to be measured and taken into account when targets are being proposed and amended. Unhelpful targets already in place should be removed so that local government leaders are provided with enough autonomy to be able to adapt measures to local economic and environmental conditions.</p>	<p>reports which map national strengths, opportunities and weaknesses; a Communication identifying common challenges across countries, and suggested actions for improvement for all Member States is presented in an Annex.</p>
<p>74. The Committee of the Regions supports the option of a horizontal European Union directive, which would establish compliance assurance provisions across the European Union environmental acquis, based on principles as mentioned in the Committee of the Regions opinion referred to above.</p>	<p>The Commission is grateful to the Committee for setting out the principles on which the Committee believes compliance assurance should be based. These principles are consistent with the best practices that the Commission has identified through consulting relevant literature, the Organisation for Economic Co-operation and Development, "Make it Work", law enforcement networks such as the European Union Network for the Implementation and Enforcement of Environmental Law and the wider public. As indicated in the Commission Agenda on Better Regulation¹⁷, the Commission is working with Member States to improve compliance. In doing so, it is taking full account of these principles and best practices.</p>

¹⁷ COM (2015) 215 final.

<p>N°2 Review of the Audiovisual and Media Services Directive COM(2016) 287 final – CoR 2016/4093 - SEDEC-VI/016 120th Plenary Session - December 2016 Rapporteur: Mr Jácint HORVÁTH (HU/PES) DG CNECT – Vice-President ANSIP</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>The Committee of the Regions insists on the need to involve local and regional authorities in implementing the directive, as these bodies have a very important role to play in the area of audiovisual media services.</p> <p>The Committee of the Regions considers it appropriate, in the various European Regulators Group for Audiovisual Media Services procedures, to take account of the regional dimensions of certain regulatory issues and to reflect territorial principles.</p>	<p>In view of the principle of subsidiarity, it is for Member States to determine how they organise themselves at national, regional and local level and which competences, if any, local and regional authorities may have in implementing the Directive.</p>
<p>The Committee of the Regions reiterates that the independence of national regulatory authorities, both from public authorities, audiovisual actors and political parties, is a cornerstone of the European Audiovisual Media Regulation, which Member States are responsible for ensuring at all costs, and which is the primary guarantee of the diversity of information and a pluralistic media market at European, national, local and regional level. The Committee of the Regions proposes Amendment 14, in particular in order to have the Fundamental Rights Agency evaluate the independence of regulators.</p>	<p>The Commission is committed to ensuring the independence of national regulatory authorities and has, to this end, proposed a set of criteria laid down in its proposal.</p> <p>An assessment of the independence of national regulators is already provided on a regular basis by the Florence Institute within the framework of the Media Pluralism Monitor (results available online: http://monitor.cmpf.eui.eu/). It measures risks to media pluralism across Member States. One of the indicators in the Basic Protection area examines the Independence and effectiveness of the media authority.</p>
<p>The Committee of the Regions is concerned with the fact that the proposed regulation</p>	<p>The Commission recognises the importance of media ownership</p>

<p>does not address transparency of media ownership, media concentration and conflicts of interest, all of which have a major impact upon media pluralism and media freedom. The Committee of the Regions proposes Amendment 7, in order to include media ownership information in the information requirements of Article 5 of the Audiovisual and Media Services Directive¹⁸.</p>	<p>transparency. This could play a useful role in the implementation of certain areas of the Directive, such as media literacy or the independence of regulators.</p>
<p>The Committee of the Regions asks the Commission to note, however, that many local and regional television stations broadcasting on their website in the form of on-demand audiovisual media services do not fall within [the] category [of small and micro-enterprises (in the context of the promotion of European works)]. The Committee of the Regions proposes Amendment 10 to that end and also clarifying the 20% share of European works in on-demand services' catalogues.</p>	<p>According to Recital 27 of the Audiovisual and Media Services Directive, which is not modified in the proposal, the obligations regarding promotion of European works of local or regional television stations broadcasting on their website in the form of on-demand audiovisual media services shall be considered to be met if they fulfil Articles 16 and 17 of the Audiovisual and Media Services Directive.</p> <p>The Commission proposal on the 20% share is intended to be flexible and the technicalities of the counting will be refined at the implementation stage. To the same extent, the wording of the Commission on prominence is intended to cover the wide variety of business models of on-demand services. For some services, home pages are displayed according to algorithms and each and every user page is different. In this precise case, the position is not determined by the providers but according to users' previous choices. The requirements that European Union works should be easy to find and the</p>

¹⁸ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010.

	<p>notion of "competing" European Union works would be very subjective and thus difficult to monitor.</p>
<p>The Committee of the Regions proposes Amendment 8 against the deletion of Article 7 of the Audiovisual and Media Services Directive regarding accessibility in the Commission proposal.</p>	<p>In view of the adoption of the Commission proposal for a European Accessibility Act that sets stricter common accessibility requirements to audiovisual media service providers, the Commission considered that the current Article 7 of the Audiovisual and Media Services Directive was no longer necessary. The Commission is however open to considering the reintroduction of a provision on accessibility in the proposal if such is the will of the co-legislators.</p>
<p>The Committee of the Regions proposes a number of amendments relating to audiovisual commercial communications and advertising, in particular:</p> <ul style="list-style-type: none"> - Amendment 9 on Article 9 of the Audiovisual and Media Services Directive (avoiding exposure of minors to alcohol commercial communications and clarifying what is meant by "<i>accompanying or included in</i>" programmes with a significant child audience, in Article 9(2)); 	<p>Article 9 (1)(e) for alcohol is not part of the Commission's proposal for the revision of the Audiovisual and Media Services Directive. In addition, the fact that audiovisual commercial communications "<i>shall avoid</i> exposure at minors" is not a legally clear term that Member States will be able to implement. As regards Article 9(2) of the Audiovisual and Media Services Directive, the Commission considers that "<i>accompanying or included in</i>" already covers audiovisual commercial communications "<i>immediately preceding or following</i>" through the term "<i>accompanying</i>".</p>
<ul style="list-style-type: none"> - Amendment 11 on Article 20 of the Audiovisual and Media Services Directive (going back to interruptions every 30 minutes, instead of 20 minutes); 	<p>The Commission's proposal does not modify Article 20(1) of the Audiovisual and Media Services Directive on the integrity of programmes and maintains limits for the most vulnerable. More flexibility for advertising will also serve a better scheduling of advertising in view of natural breaks in programmes, which could benefit consumers and</p>

	<p>businesses at the same time. The Commission also notes that the Committee of the Regions welcomes the relaxation of the rules on advertising time. The proposal on interruption rules follows in the same line.</p>
<p>- Amendment 12 on Article 22 of the Audiovisual and Media Services Directive (prohibiting television advertising and teleshopping for alcohol immediately before or after a sport event).</p>	<p>Alcohol advertising is currently regulated in varied ways at Member States' level and Member States remain free to adopt rules that are stricter than the Directive.</p>

<p>N°3 The Revision of the Posting of Workers Directive COM(2016) 128 final - CoR 2016/2881 – SEDEC-VI/011 120th Plenary Session - December 2016 Rapporteur: Ms Yoomi RENSTRÖM (SE/PES) DG EMPL – Commissioner THYSSEN</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>Amendments 1, 2 and 4 and Recommendation 9: The Committee of the Regions proposes that rules on long-term posting apply after a period of 12 months, instead of 24 as proposed by the Commission, as it considers it non-essential to coordinate with Regulation (EC) No 883/2004 on Social Security Coordination¹⁹.</p> <p>The Committee of the Regions argues that the circumstances in which the law of the host country is fully applicable to the employment relationship must not result in the posted worker being put into a less favourable position in practice.</p> <p>The Committee of the Regions also proposes that the question of which country's law is applicable to posted workers should be regulated in its entirety in the Posting of Workers Directive, and not by the application of the Rome I Regulation²⁰. Therefore, it puts forward a legal text which clarifies conflict-of-law rules.</p>	<p>The Commission considers its proposed limit of 24 months as appropriate not only in order to align with the social security rules but also to guarantee a balance with the free provision of services across borders.</p> <p>The Commission's proposal for the revision of the Posting of Workers Directive does not amend Article 3(7) of Directive 96/71/EC²¹ stipulating that the provisions of the Directive do not prevent application of terms and conditions of employment, which are more favourable to workers. This Article would also apply to circumstances of long-term posting in which the new rule would apply.</p> <p>The Commission acknowledges that there are different legislative techniques to reach the objective of the proposal, in particular a specific conflict-of-law rule or the determination of the terms and conditions of employment to be applied in the case of long-term posting.</p>

¹⁹ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland), OJ L 166, 30.4.2004.

²⁰ Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I), OJ L 177, 4.7.2008.

²¹ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, OJ L 18, 21.1.1997.

<p>Amendments 3 and 5 and Recommendation 15: The Committee of the Regions emphasises that the definition of remuneration and social security contributions are a national competence and that the Posting of Workers Directive does not put under review national remuneration rules themselves, and proposes an amendment to clarify this point.</p>	<p>The Commission agrees with the Committee of the Regions that the definition of remuneration is the exclusive competence of the Member States.</p> <p>While the Commission agrees that the regulation of social security systems is a national competence, it does not see the need to mention it in the context of this Directive, as social security systems fall outside the scope of it.</p>
<p>Recommendation 5: The Committee of the Regions underlines that there is a need to also protect the self-employed as well as those carrying out work intermediated by digital platforms, in the context of the fight against social dumping.</p>	<p>The Commission recalls that the self-employed are outside the scope of the Posting of Workers Directive.</p>
<p>Recommendation 8: The Committee of the Regions emphasises the difficulty of companies in obtaining information about the hiring rules in other Member States and suggests that the Commission and Member States could draw up clear and easily accessible information and assessment mechanisms dealing with these aspects.</p>	<p>The Commission recalls that improved access to information is one of the objectives of the Enforcement Directive²² (Article 5). The Commission will assess the quality of transposition of this Directive in due time.</p>
<p>Recommendation 17: The Committee of the Regions advises to introduce a European support fund to provide assistance or support to workers posted in the context of subcontracting chains.</p> <p>It also suggests setting up a European register placing undertakings that post workers under an obligation in all Member States to declare the posted worker at the latest upon commencement of the provision</p>	<p>The Commission considers that the fund proposed by the Committee of the Regions falls outside the scope of the Posting of Workers Directive.</p> <p>As regards the suggestion to introduce a European register of undertakings posting workers, the Commission would like to underline that the Enforcement Directive (Article 9) provides Member States with the</p>

²² Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’) Text with EEA relevance, OJ L 159, 28.5.2014.

<p>of services.</p>	<p>possibility to require a prior declaration from service providers ahead of the posting. The revision of the Posting of Workers Directive does not touch upon issues regulated by the Enforcement Directive.</p>
<p>Recommendation 18: The Committee of the Regions recommends that the Commission should investigate the establishment of a European directory of occupations and vocational skills in order to remedy the under-recognition of employees' qualifications for the purpose of pay and protect the interests of employees without recognised qualifications.</p>	<p>The Commission considers that this recommendation falls outside the scope of the Posting of Workers Directive. However, the Commission is currently developing a European Skills, Competences, Qualifications and Occupations initiative.</p>
<p>Recommendation 26: The Committee of the Regions recommends promoting the exchange of data between reporting bodies or social insurance institutions in the context of posting as a means to fight bogus self-employment.</p> <p>It also recommends considering the possibility of requiring a minimum period of employment of a worker in the posting Member State before he or she can be posted.</p>	<p>The Commission would like to underline that improving the exchange of information and mutual assistance between national authorities are amongst the issues regulated by the Enforcement Directive, and thus not in need of regulation through the revision of the Posting of Workers Directive.</p> <p>As regards requiring a minimum period of employment prior to posting, the Commission would like to underline that rules on social security coordination already establish that a period of at least one month of prior social insurance in the sending Member State must be complied with before an employee can be posted</p>

<p>N°4 Proposal for a Council Recommendation on establishing a Skills Guarantee COM(2016) 381 final, COM(2016) 382 final, COM(2016) 383 final - CoR 2016/4094 - SEDEC-VI/015</p> <p>120th Plenary Session - December 2016</p> <p>Rapporteur: Ms Marie-Louise RÖNNMARK (SE/PES)</p> <p>DG EMPL – Commissioner THYSSEN</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>Amendments 1 and 4: The Committee of the Regions made some specific drafting suggestions with regard to national, regional and local circumstances and available resources and ensuring that Member States' competences are respected, as well as on investment and defining the objectives of low-skilled adults.</p>	<p>The Commission's proposal for a "Skills Guarantee" was adopted as a Council Recommendation on Upskilling Pathways: New Opportunities for Adults on 19 December 2016²³. In line with the initial Commission proposal, the Council Recommendation includes strong references to the principle of subsidiarity and the need to take into account the specific context in each Member State.</p> <p>The Council Recommendation is based on Articles 165 and 166 of the TFEU, which define Member States competences in the area of education and training. Furthermore, it recommends that national circumstances, available resources and existing national strategies should be taken into account, while considering, as far as possible, local, regional and national labour market needs (Recommendation 8 paragraph 1)</p>
<p>Amendment 2: The Skills Guarantee should be delivered in line with the implementing arrangements put in place by the Member States and based on the individual's commitment and interest in taking part in the upskilling pathway. The offer of taking part in the Skills Guarantee should detail explicit objectives which the low-qualified</p>	<p>The Commission considers that this is covered in the Recommendation by the reference to "tailored and flexible learning offer" which will result from an individual skills assessment.</p>

²³ <http://ec.europa.eu/social/main.jsp?catId=1224>.

<p>adult must meet.</p>	
<p>Amendment 5. In the same way as for digital and entrepreneurial skills, equivalent competence frameworks for other key competences should be developed and the use of competence frameworks for literacy, numeracy and digital skills and assessment tools be promoted; account should be taken of the fact that the starting points vary a great deal between Member States.</p>	<p>The Council Recommendation includes a specific invitation to the Commission to promote the use of existing relevant competence frameworks, such as the European Digital Competence Framework for Citizens, and assessment tools. The development of new competence frameworks could be addressed through the proposed revision of the Recommendation on Key Competences announced under the New Skills Agenda for Europe.</p>
<p>13. The Committee of the Regions would like to see cooperation developed on the basis of partnerships between national, regional and local authorities, companies, employees and employee associations, as well as civil society players, with the aim of taking more account of skills and qualifications acquired through non-formal and informal learning.</p>	<p>The three steps of the Upskilling Pathways Recommendation should be underpinned by a set of key enablers, one of which is the set-up of partnerships involving as appropriate, relevant public and private actors in education and training, employment, social, cultural and other relevant policy areas, including partnerships fostering cross-border and regional cooperation.</p>
<p>14. The Committee of the Regions believes that, while the content and organisation of education and training systems are a Member State competence, the Skills Guarantee should be designed with reference to national, regional and local conditions and available resources, while also considering that investment in human capital should be seen as social investment. The possibility of European Union co-financing – through existing or future funding programmes – is very important for the implementation of a skills guarantee in the Member States.</p>	<p>Beyond the EUR 27 billion European Social Fund funding to be invested in education, training, skills and life-long learning, from 2014 to 2020, a further EUR 21.2 billion are available for social inclusion and EUR 30.8 billion for sustainable and quality employment. Member States planned to reach out to around eight million low qualified individuals through ESF funding for education and training.</p>
<p>16. The Committee of the Regions considers the reference frameworks for digital and entrepreneurial skills developed by the Commission useful tools, and</p>	<p>See reply to amendment 5.</p>

<p>suggests developing equivalent frameworks for other key competences, such as the competence of financial literacy, together with supporting material for implementation, assessment and evaluation.</p>	
<p>17. The Committee of the Regions believes it would make sense for the Commission to continue organising themed weeks and cooperate with the World Skills Organisation. This would in turn stimulate and support national, regional and local efforts to promote vocational training through information days and skills competitions, including "hands-on" activities.</p>	<p>Building upon the success in 2016 of the first European Vocational Skills Week, the Commission is considering the continuation of this initiative, including the potential for strengthening cooperation with World Skills and Euroskills, as well as encouraging Member States to organise national, regional and local campaigns to raise awareness of excellence in Vocational Education and Training.</p>
<p>18. The Committee of the Regions awaits the implementation of the new proposal for a Blueprint for Sectoral Cooperation on Skills to see if this new scheme can contribute to cross-sectoral cooperation for regional and local government. Such cross-sectoral cooperation platform could be of benefit for local economies, workforce and public services.</p>	<p>The Blueprint is a new framework for strategic cooperation between key stakeholders in a given economic sector to deliver sector-specific skills solutions. The cooperation starts in the form of European partnerships and should then be taken up at national/regional level. The initiative has a very clear sectoral focus and does not currently envisage cross-sectoral platforms. A call to support European partnerships in six pilot sectors has already been published²⁴.</p>
<p>22. The Committee of the Regions notes that the Commission must also continue efforts to ensure that vocational training still supports lifelong learning and provides the opportunity for further learning to continue at a higher level of qualification.</p>	<p>In line with the New Skills Agenda for Europe, and the 2015 Ministerial Declaration 'Riga Conclusions', Vocational Education and Training policy will continue to prioritise permeability with other levels of education and training and support the upskilling and reskilling of the workforce throughout working life, including with the support of the European Social Fund.</p>
<p>27. The Committee of the Regions points</p>	<p>The Commission agrees with this</p>

²⁴ OJ C 26, 26.1.2017, p. 8–15.

<p>out that a distinction must be made between basic digital skills, which everybody has to acquire, and more specific digital competences that are linked to specific subject and skills areas.</p>	<p>distinction and is pursuing both goals with several targeted initiatives, including i) the Upskilling Pathways: New Opportunities for Adults for basic digital skills; ii) the Digital Skills and Jobs Coalition for both goals; iii) the Blueprint for Sectoral Cooperation on Skills for specific digital competences linked to specific tasks and occupations.</p>
<p>28. The Committee of the Regions expects the review of the European Qualifications Framework to ensure that national qualifications frameworks are updated where appropriate and that reporting follows a standardised format. The Committee of the Regions repeats, however, that the Member States are those responsible for formulating principles to ensure quality within national qualifications frameworks.</p> <p>29. The Committee of the Regions underlines the importance of maintaining quality assurance coordination between the Member States and agrees with the European Commission that a step-by-step approach is needed for cooperation between the European Union and third countries over the comparability of qualifications.</p>	<p>One of the aims of the revision of the European Qualifications Framework is to ensure that referencing stays relevant and up to date, and supports comparability of qualifications. Member States are in charge of National Qualifications Frameworks and their quality assurance. The Commission proposes common principles for quality assurance for qualifications with a European Qualifications Framework level in order to ensure trust in these qualifications.</p>
<p>31. The Committee of the Regions notes that it is also important to provide support as promptly as possible to Member States in ensuring access to skills identification, language introduction, upskilling efforts and other measures to promote integration at work and in society of refugees, asylum-seekers and people in equivalent circumstances. It should also be possible for people with training/qualifications acquired in their country of origin to have those skills assessed without delay.</p>	<p>The Commission is working on a Skills Profile Tool for Third Country Nationals to assist national authorities to identify and document skills held by recently-arrived third-country nationals in a consistent way across Member States and services. The goal is to make the skills and work experience of third-country nationals visible and help understand their needs. The information collected can be used to assist further assessment, form a basis for offering guidance, identify up-skilling needs and support job-searching and job-matching.</p>

<p>33. The Committee of the Regions believes that the Commission should promote further development of student-centred learning based on the aspects of digital learning mentioned in the Committee of the Regions' opinion on the Commission Communication on Opening up Education (COR 6183/2013).</p>	<p>A learner-centred perspective is at the heart of the learning outcomes approach, which the Commission promotes consistently across policies and tools. The current proposals on the revision of Europass and the European Qualifications Framework support this approach and accommodate new ways of learning including digital, non-formal and informal. The Upskilling Pathways Recommendation recommends that the learning offer should be tailored to the learner's needs.</p>
<p>37. The Committee of the Regions underlines, in respect of the initiative announced by the Commission on graduate tracking to improve information on how graduates progress in the labour market, that no additional red tape should be created for national and regional authorities and higher education establishments, nor should this create an additional burden for students; moreover it would point out the need to comply with data protection provisions. For this reason, the idea of using tax and social security information for these plans is questionable.</p>	<p>The proposed initiative aims to improve the availability and quality of information on graduate outcomes by encouraging Member States to develop comprehensive tracking systems for graduates at national level and also to cooperate to improve the availability of comparable data to allow more in-depth comparative analyses of graduate outcomes. This will be supported through a pilot phase of a new European graduate study. Participation in the proposed activities will be entirely voluntary and the pilot phase of the European tracking study will examine how such an exercise could be designed while minimising the burden on organisations and respondents. In all activities proposed as part of the initiative, due attention will be paid to data protection.</p>

<p>N°5 Tourism as a driving force for regional cooperation across the EU (own-initiative opinion) CoR 2016/6648 – NAT-VI/009 120th Plenary Session - December 2016 Rapporteur: Mr Hans-Peter WAGNER (AT/EPP) DG GROW – Commissioner BIEŃKOWSKA</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>3. The Committee of the Regions calls on the Commission to revise the 2010 tourism strategy, to launch an integrated European Union tourism policy relating to all relevant European Union policies, to improve tourist confidence in the tourism sector as a whole, to strengthen the Commission's approach towards seasonality and to propose a multi-annual work programme with clear goals, indicators and measures for tourism.</p>	<p>The Commission continues implementing the actions outlined in the 2010 Communication on tourism²⁵. In line with the Juncker priorities, it has also streamlined the EU tourism policy to the following works strands:</p> <ol style="list-style-type: none"> 1) Improving business environment and facilitating access to finance; 2) Digitisation (including collaborative economy); 3) Skills and training/workforce mobility; 4) Promotion of Europe as a tourist destination, including diversification of tourism products and internationalisation of tourism businesses. <p>The Commission regularly reports on the implementation of its tourism-related actions to the European Parliament, but also to public and private stakeholders on the occasion of its main sector specific events.</p>
<p>5. The Committee of the Regions asks</p>	<p>Regions are setting the objectives for</p>

25 COM(2010) 352 final.

<p>that a section on tourism be added to all macro-regional strategies²⁶. The Commission is urged to draw up, together with the Committee of the Regions, a catalogue of topics with possible tourism objectives for macro-regions.</p>	<p>their tourism policies and for cooperation programmes falling under macro-regional cooperation. In line with European Union competences, the Commission is supporting EU macro-regional strategies and their cooperation on tourism.</p> <p>All macro-regional strategies have included tourism as a priority action/topic apart.</p> <p>The relevant Action Plans of the macro-regional strategies include detailed information on the topics and examples of projects for tourism as they have been developed further to extensive stakeholders' consultation processes.</p>
<p>9. The Committee of the Regions calls on the Member States and the Commission to enable and actively support cross-border cooperation of local and regional authorities in the field of tourism.</p> <p>20. The Committee of the Regions calls on the Commission to support cross-border small and micro-projects in the field of tourism as well as "people-to-people" projects, which make a major contribution to a sense of European identity, especially in border regions.</p> <p>25. The Committee of the Regions proposes the promotion of thematic tourism projects in the sense of smart specialisation (smart regions/cities) so as to counteract the negative effects of mass tourism, and also suggests introducing the title of "European Capital of Smart Tourism", to be awarded to up to three EU cities/regions per year by representatives of the tourism industry, the Commission, the European Parliament and</p>	<p>The Commission agrees with the Committee of the Regions that the support to local and regional authorities is important, especially on the cross-border cooperation. The Commission supports the development and promotion of transnational thematic tourism products. In the last several years tens of transnational projects have been supported with European Union grants (e.g. transnational cycle or hiking routes like: "EuroVelo" Network of long distance cycle routes, Greenways, itineraries based on nature, rural, gastronomic, pilgrimage tourism, as well as cultural or industrial heritage tourism routes passing by several European countries (European Cultural Routes), in the framework of the EU Programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME Programme)</p>

26 COM(2009) 248, "European Union Strategy for the Baltic Sea Region" (EUSBSR); COM(2014) 357, "European Union Strategy for the Adriatic and Ionian Region"; COM(2010) 715, "European Union Strategy for Danube Region" (EUSDR); COM(2015) 366, "European Union Strategy for the Alpine Region" (EUSALP).

the Committee of the Regions.

27. The Committee of the Regions calls for cultural, natural, historical and religious tourism to be supported, which contributes to employment, multicultural understanding and local, regional and rural development, and calls for tourist attractions to be linked so as to create European, national and local thematic trails, like the United Nations Educational, Scientific and Cultural Organization (UNESCO)-declared World Heritage cities and sites. To this end, a European Network of World Heritage Cities should be set up, and specific measures taken to preserve them and make them better known.

2014-2020 or its predecessor.

In addition, for 2017, the Commission has been asked by the European Parliament to implement a new Preparatory Action "European Capital of Tourism".

In the 2007-2013 programming period, tourism and culture were the most popular topics supported by the European Territorial Cooperation programmes (in particular, cross-border cooperation and transnational). Regional and local actors have received 11% of the total budget of European Territorial Cooperation (up to EUR 1 019 billion) for investments in tourism and cultural projects.

In the current programming period (2014-2020), tourism actions and projects are also very prominent in the 60 cross-border and 15 transnational programmes in particular with investments in competitiveness of small and medium-sized enterprises, environmental protection and resource efficiency, education, skills and lifelong learning. Over EUR 550 million have been programmed for tourism-related investment priorities, of which the major part is allocated to the 'development and promotion of the tourism potential of natural areas' and the 'protection, development and promotion of public tourism assets'.

The Commission is also currently cooperating with United Nations Educational, Scientific and Cultural Organization (UNESCO) and supporting it with European Union grants in order to increase visibility of United Nations Educational, Scientific and Cultural Organization (UNESCO)-

	declared European sites.
<p>13. The Committee of the Regions calls on the Commission, when conducting the mid-term review of the Multiannual Financial Framework, to radically rethink its approach to tourism in the European Structural and Investment Funds, since at present it has in effect excluded support for tourism from these funds in some countries, even though many of their regions have poorly developed areas where tourism is virtually the only possible means of development (national parks, protected areas, and so on).</p>	<p>European Structural and Investment Funds (2014-2020) are available for tourism related investments. In the Cohesion Policy of 2014-2020, tourism is conceived as an economic activity rather than a thematic objective. It is supported via two kinds of schemes:</p> <p>a) the smart specialization strategies which have a more regional focus and link tourism with specific thematic objectives (i.e. research and innovation, information and communication technologies, competitiveness of small and medium-sized enterprises;</p> <p>b) the macro-regional strategies that perceive tourism with a more holistic and multi-level approach.</p> <p>Moreover, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund programmes, as part of the ESI Funds and as stipulated in their respective regulations, are directly supporting tourism actions with special measures created for that purpose.</p>
<p>11. The Committee of the Regions calls for a review of the Commission White Paper for a competitive, Europe-wide transport system, in particular to reduce transit traffic in sensitive regions (including urban population centres and natural regions) and to ensure a fully joined-up door-to-door travel chain, information about public transport and existing services²⁷, and measures to promote public transport, in particular rail travel²⁸, as well as measures to</p>	<p>The Commission strongly recognises the importance of door-to-door multimodal travel information as outlined in the 2011 White Paper²⁹. In addition to various Research and Investment activities, including H2020 and the Connecting Europe Facility, the Commission is currently preparing a legal framework that will provide the necessary requirements to make EU-wide multimodal travel information</p>

²⁷ Including accessible intermodal transport options and ticketing services.

²⁸ E.g. motorail services, carriage of bicycles on cross-border trains.

²⁹ COM(2011) 144 final.

<p>promote European and national cycle routes and long-distance footpaths.</p>	<p>services accurate and available across borders. Modal shift, in particular to rail and public transport, is a key priority of the Commission. The new 'Shift2Rail' Joint Undertaking provides focused R&I and market-driven solutions to accelerate the integration of new and advanced technologies into innovative rail products, further promoting rail travel. The European Mobility Week is a flagship event that aims to influence mobility and urban transport issues - local authorities are strongly encouraged to use the week to test new transport measures, in particular on active modes, cycling and public transport, and get feedback from citizens.</p>
<p>14. The Committee of the Regions stresses that investments must be made in the competitiveness of European tourism. Small and medium-sized enterprises in particular need to make better use of the digital single market strategy and its stimulus packages (European Fund for Strategic Investments, European Structural and Investment Funds, the European Maritime and Fisheries Fund, Interreg, Urbact, the European Union's Financial Instrument supporting environmental, nature conservation and climate action projects (LIFE Programme), Horizon, Cosme, Creative Europe, Erasmus+, the European Union Programme for Employment and Social Innovation)³⁰. In this regard, support and training initiatives for small and medium-sized enterprises with regard to making more effective use of funding would be welcome.</p>	<p>The Commission agrees with the Committee of the Regions that the investments are crucial to strengthen the competitiveness of European tourism. To support tourism-related small and medium-sized enterprises in using European Union funds, the Commission has published a comprehensive guide on "European Union funding for the tourism sector". Moreover, the Commission is currently preparing a set of webinars aiming at supporting tourism-related small and medium-sized enterprises in improving their digital e-management and online marketing.</p>
<p>18. The Committee of the Regions</p>	<p>The European Fund for Strategic</p>

³⁰ "Guide on EU funding for the tourism sector 2014-2010": <http://ec.europa.eu/DocsRoom/documents/18164/attachments/1/translations/en/renditions/pdf>.

<p>recommends to the Commission and the European Investment Bank that they collectively set up a Europe-wide investment platform for tourism-related small and medium-sized enterprises and jointly hold local tourism investment forums under the European Fund for Strategic Investments. Specifically, five pilot projects should be carried out in model regions by 2018 (rural/remote or outermost, mountainous, border, island/coastal regions, and cities), possibly also involving networks such as NECSTouR, the Association of European Border Regions, European Groupings of Territorial Cooperation or Euroregions;</p>	<p>Investments was launched to help overcome the current investment gap in the European Union by mobilising private financing for strategic investments.</p> <p>The Commission and the European Investment Bank already provide support for investment projects through the European Investment Advisory Hub and the European Union Investment Project Portal.</p> <p>The Commission has organised several events to raise awareness about the European Fund for Strategic Investments' opportunities for tourism with high participation from public and private stakeholders.</p>
<p>23 The Committee of the Regions draws attention to difficulties with the regulatory framework and recommends that Member States avoid unnecessary tightening of European Union legislation by means of national regulations (gold plating). Under REFIT, the Committee of the Regions recommends that the Commission should include several tourism-specific initiatives.</p>	<p>The Commission made it a priority to simplify existing legislation and ensure it remains fit for purpose in a rapidly changing world. It has withdrawn 90 proposed laws over the past two years that were not advancing in the legislative process, repealed 32 outdated laws and identified 103 areas for regulatory simplification.</p> <p>The Commission would welcome specific suggestions by the Committee of the Regions to simplify or reduce regulatory burdens in relation to EU legislation affecting tourism.</p> <p>These suggestions can be made through a dedicated internet platform, 'Lighten, the Load – Have your Say'³¹ or through the Committee of the Regions' member in the REFIT Platform, Mr Decoster.</p>
<p>29. The Committee of the Regions emphasises that rural tourism preserves local</p>	<p>The Commission highlights that in the 2007-2013 programming period, the</p>

³¹ http://ec.europa.eu/smart-regulation/refit/simplification/consultation/contributions_en.htm.

<p>communities by creating jobs, stimulating development, protecting environment, supporting rural culture, arts and handicrafts and calls in this context on the Common Agricultural Policy post-2020, to include tangible support to tourism-related small and medium-sized enterprises in rural areas to further foster agritourism.</p>	<p>total investment volume for agritourism activities, including national or private contributions, reached EUR 4.2 billion. Out of this, the European Agricultural Fund for Rural Development's resources are EUR 747 million. These measures support overall 35 122 farmers or their household members investing in agritourism, of which about 28 000 are natural persons. Support for rural tourism is also provided via the Leader Programme for the purpose of local territorial development. Rural enterprises could also benefit from European Agricultural Fund for Rural Development support for training and advisory functions, while local authorities could support various infrastructures and basic services facilitating or directly benefitting rural tourism.</p> <p>For the period 2014-2020, it is expected to support 4.3 thousand operations for public infrastructure in rural tourism. Support for rural small and medium-sized enterprises operating in tourism will also be given, in the frame of a generally defined small and medium-sized enterprises support amounting to EUR 4.7 billion total public support. The European Agricultural Fund for Rural Development can also finance demonstration projects, co-operational activities, clusters, trainings, advisory services, etc. Moreover, the European Agricultural Fund for Rural Development provides for the first time the possibility to give start-up aid of up to EUR 70 000 per beneficiary to newly created businesses in rural and agritourism.</p>
<p>33. The Committee of the Regions calls</p>	<p>The Commission adopted in June 2016</p>

<p>for a European legislative solution to the collaborative economy trend, which, in addition to positive effects, also carries risks such as a lack of social protection for workers, a lack of provisions in respect of the accommodation of customer/tourists, the transfer of risk from employers to employees and negative fiscal effects and lack of quality control of destinations.</p>	<p>the European Agenda on Collaborative Economy³². As a follow-up, the Commission is implementing several actions in parallel:</p> <ul style="list-style-type: none"> – a series of Impulse Papers on Collaborative Economy, focusing on, among other things, various aspects related to tourism accommodation, such as the implications of the divergent regulatory measures on the different stakeholder groups in the tourism accommodation sector³³; – an EU-28-wide regulatory study on the tourism accommodation collaborative economy; – a targeted consultation addressed to collaborative economy service providers; – a series of workshops with the involvement of Member States and relevant private stakeholders to exchange policy and regulatory practices and provide sector-specific guidance on the application of existing European Union legislation, with particular focus on the short-term accommodation rental sector.
<p>34. The Committee of the Regions supports development of sustainable cultural tourism in cities which can be a vital catalyst for revenue generation for innovative practices in heritage conservation and management. Tourism in cities also stimulates innovation. The Committee of the Regions supports the use of information, communication technologies and the smart city concept which not only creates a quality</p>	<p>The Commission acknowledges that cultural heritage and cultural and creative industries are some of the key elements to promote socio-economic development in European cities and regions. The Commission would like to put an emphasis on peer-learning and exchanges of best practice between cities and regions, in order to allow them to learn from each other and see</p>

³² COM(2016) 356 final.

³³ http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8961&lang=en

<p>visitor experience but also improves the quality of life of the local population.</p>	<p>how to place culture in the context of their development strategies³⁴.</p>
<p>36. The Committee of the Regions calls on the Commission to support campaigns to raise awareness in the sector about sustainable management of natural resources (in terms of reducing water consumption, food waste and the use of detergents and hygiene products).</p>	<p>The Commission has developed a European Tourism Indicator System to help destinations in monitoring sustainable development of tourism including management of natural resources.</p> <p>In the framework of its Environment policy, the Commission developed the European Union Ecolabel as a voluntary tool for tourism accommodation services willing to prove and promote their environmental excellence. Specific European Union Ecolabel criteria were developed for tourist accommodation and campsite services.</p> <p>In addition, the European Union Eco-Management and Audit Scheme registration allows actors in the tourism sector to improve their environmental performance and promote the quality of their services.</p> <p>The Commission has already widely communicated on the possibilities to apply for the licence and made available a tourism accommodation catalogue available for citizens to choose European Union Ecolabel hotels when booking accommodation. A new social media campaign is to be launched once the new European Union Ecolabel criteria are published. Moreover, a workshop and a conference together with the Maltese Presidency were held</p>

³⁴ Within the framework of the Creative Europe programme, the Commission is currently financing "Culture for Cities and Regions" project, implemented by EURO CITIES in partnership with KEA and European Regions Research and Innovation Network (ERRIN) in 2015-2017. The project's aim is to produce a catalogue of best practices (focused on transferability), organize a series of study visits as well as provide expert coaching for selected cities and regions across Europe.

in May 2017.

Following the Circular Economy Action Plan³⁵, the Commission established the European Union Platform on Food Losses and Food Waste supporting all actors from all sectors in defining measures needed to prevent food waste; sharing best practice and evaluating progress made over time. In this context the Commission:

- will through the future European Union guidelines on food donation clarify and facilitate the implementation of relevant European Union legislation;
- will establish harmonised methodology for food waste measurement;
- will examine ways to improve the use of 'date marking' by actors in the food chain and its understanding by consumers.

The activities of the European Union Platform on Food Losses and Food Waste will be supported by a Digital Platform. This tool will also help the tourism sector to find and exchange existing best practice on food waste prevention.

Through a Pilot Project, the Commission will:

- carry out research and analysis on existing food redistribution practices, and

inform and disseminate the future European Union guidelines on food donation.

³⁵ COM(2015) 614 final.

37. The Committee of the Regions calls for further Commission and Member State measures to ensure formal cross-border recognition of tourism qualifications, as well as multi-faceted training to reduce seasonality. The recognition of qualifications must comply with a stringent standard³⁶.

39. The Committee of the Regions calls on the Commission, under the aegis of the European Job Mobility Portal network with national employment agencies, to develop tourism-specific programmes for the Europe-wide placement of qualified workers in tourism-intensive regions.

The Commission agrees that a well-trained and skilled workforce is key to maintaining the quality of service. This requires the upgrading of skills, including digital ones, training and internship programmes, as well as mobility schemes for job seekers.

In the context of a Pilot Project "Youth on the SPOT" (Special Partnership on Tourism), the Commission is facilitating the uptake of high quality jobs, apprenticeships and traineeship positions in the tourism sector across the European Union and enabling and encouraging jobseekers and tourism businesses to use existing EU tools and instruments (like Drop' Pin, Alliances for Traineeships, Erasmus+).

The Commission has developed a section dedicated to the hospitality sector which has been integrated in the European Job Mobility Portal. It facilitates better matching of offer and demand in the labour market for the hotel and restaurant sector, and thus enhances mobility of workers. In addition, the recently created 'Skills Passport' section of the European Job Mobility Portal now allows jobseekers to create a tailor-made skills profile for the tourism and hospitality industry in any of the European Union languages plus Norwegian and Icelandic.

In 2016, the Commission published a study assessing the education and training framework and qualifications against key criteria in the context of the current key occupations in the sector and

³⁶ COM (2016), "Mapping and performance check of the supply side of tourism education and training"; COM(2014) 86, "A European Strategy for more Growth and Jobs in Coastal and Maritime Tourism".

	<p>identified main gaps in skills provision³⁷.</p> <p>The "New Skills Agenda" adopted by the Commission in June 2016³⁸ contains a Blueprint for sectorial cooperation in skills. Tourism is one of the sectors where specific actions will be taken, with the support of Erasmus+ and Cosme. The Blueprint actions in tourism aim, in particular to:</p> <ul style="list-style-type: none"> – support transnational mobility through the use of existing European Union tools and instruments in order to find and offer apprenticeships, traineeships and jobs in other European Union countries; – overcome mismatch between offer and supply, particularly arising from digitalisation, new trends in tourism, challenges in ageing of population and its increasingly international/multicultural origin; impetus will also be given to entrepreneurial skills; – enhance the image of tourism careers through actions that will showcase interesting aspects of tourism careers (like new "trendy" occupations, transnational opportunities). – facilitate cooperation and exchange of best practice among key stakeholders.
<p>44. The Committee of the Regions underlines that European citizens engaging in tourism in the European Union are consumers protected by European Union law and are able to move freely throughout the</p>	<p>Building on the idea put forward by the European Parliament to bring a younger generation closer to the idea of the European project with free Interrail tickets, the Commission is</p>

³⁷ http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8762&lang=en.

³⁸ COM(2016) 381 final.

European Union internal market and the Schengen area. Tourism therefore has a very important role to play in forging a sense of European citizenship and promoting mutual understanding. Therefore, incentives should be created to encourage European citizens to take more holidays in Europe. The Committee of the Regions urges the Commission and the Member States to reflect on the following ideas while respecting the principle of subsidiarity and applying multilevel governance:

- free InterRail tickets for young Europeans when they turn 18 to enable them to explore and know Europe better, as proposed by the European Parliament³⁹;
- offer European Union citizens travelling in the EU reduced prices for public transport (including for bicycle carriage and bicycle hire facilities), museums etc., by means of a free "European Citizen Travel Card", which Member States, regions and cities can volunteer to participate in; the card should be available on the Committee of the Regions and Commission websites, in all Europe Direct information centres, and from participating tourism associations, and be valid in conjunction with an Identity Document or passport issued by a European Union country;
- create an electronic European travel badge (social media-compatible Global Positioning System "DiscoverYrope app");
- bring in a "European Traveller's Pass" containing useful information for EU citizens engaging in tourism (consumer rights, healthcare, addresses of consulates outside Europe, emergency phone

implementing, during 2017, a one off initiative on the occasion of the 30th anniversary of the Erasmus+ Programme supporting the mobility of young Europeans, called "Move2Learn, Learn2Move". The allocated budget of EUR 2 500 000 will allow a minimum of 5 000 young citizens aged 16-19 taking part in eTwinning projects to be selected to travel to at least one other European Union country. This scheme involves all public modes of transport, not only rail, in order not to discriminate and in order to promote multimodal and sustainable mobility.

A lot of reduced fare schemes already exist for specific groups of people such as children, unemployed people or seniors.

Creating tickets which can be used on several operators in a city or region or country is a major challenge already being looked at by public authorities and operators, and is developing.

Decisions on these matters are generally of national or local competence and impact. Therefore, in line with the subsidiarity principle, the European Union has a very limited role to play.

The Commission already offers a "Your Europe" portal, which contains useful information for travelling in Europe⁴⁰. The Commission intends to reinforce this through its initiative on the Single Digital Gateway

³⁹ The idea of free InterRail tickets, which allow unlimited rail travel in and between all participating countries for a given period of time, was debated at the European Parliament Strasbourg plenary session of 3-6 October 2016.

⁴⁰ http://europa.eu/youreurope/citizens/travel/index_en.htm

<p>numbers, information on the "European Citizen Travel Card").</p>	
<p>46. The Committee of the Regions proposes a media prize ("tourism Oscar"), awarded by the Commission, European Parliament and the Committee of the Regions, to recognise (print and audio-visual) documentation that transmits knowledge about the European cultural and natural heritage, as well as about regional and local tourist attractions in Europe, and contributes to a sense of European citizenship.</p>	<p>Numerous awards exist already. The Commission currently supports a number of prizes and actions linked to cultural heritage, such as the: European Heritage Label, European Union Prize for Cultural Heritage/ Europa Nostra Awards, European Union Prize for Contemporary Architecture, European Union Prize for Popular and Contemporary Music, European Union Prize for Literature, European Festivals Award and Label (through a preparatory action) and European Union Prix Media (all of these in the framework of Creative Europe). Moreover, the Starts Prize supports innovative projects at the interface of science, technology and art.</p> <p>The Commission intends to use the existing initiatives to the best effect.</p> <p>Finally, during 2017-2018 the Commission will facilitate the exchange of best practice and policy recommendations relating to sustainable cultural tourism in Member States through an Open Method of Coordination expert group. The dialogue aims to promote sustainable cultural tourism in cooperation with relevant partners. This Open Method of Coordination group will produce a good practice report by the end of 2018.</p>
<p>51. The Committee of the Regions fully supports the decision to make 2018 the "European Year of Cultural Heritage", considering that tourism will be a key enabler of all relevant initiatives and calls for</p>	<p>The main objective of the European Year of Cultural Heritage is to raise awareness of Europe's cultural heritage as a pivotal component of cultural diversity and intercultural dialogue; to highlight the best means to ensure</p>

<p>a European Year of Tourism.</p>	<p>conservation, safeguarding of cultural heritage and enjoyment by a wider and more diverse audience; to promote cultural heritage's contribution to the economy and its role in relations between the European Union and third countries.</p> <p>The objective for the Year will also be to encourage regional and local development strategies that tap into the potential of cultural heritage, including through the promotion of sustainable cultural tourism. Moreover, the Commission considers the European Year of Cultural Heritage as an opportunity to enhance the visibility of European tourism highlighting Europe's unique and diverse cultural and creative heritage.</p>
<p>55. The Committee of the Regions recommends that the European Commission</p> <ul style="list-style-type: none"> –should champion the European brand (European Union logo) and the development of regional, inter-regional and transnational brand positioning and European marketing platforms (European Union marketing programmes, e.g. for the Alpine region or the Mediterranean) in order to promote Europe in distant markets, while reflecting the particular role of towns and regions and the diversity of their natural and cultural heritage⁴¹; –should put a "European Union tourism roadshow" and an atlas of European cultural routes on the www.visiteurope.com website⁴²; –should consider bringing in a standardised European classification and quality assurance system to complement national/ 	<p>The Commission agrees with the Committee of the Regions that attracting more international tourists from third countries is one of the key priorities to keep the leading position in the global market as number one tourist destination. To this aim, the Commission is closely cooperating with the National Tourism Offices of the Member States, organised under the umbrella association European Travel Commission, for joint public-private marketing and promotion actions in selected long-haul markets. The Commission has supported the development of the www.visiteurope.com website which is managed by the European Travel Commission. The Commission has already developed a dedicated Europe logo to promote Europe as a tourist</p>

⁴¹ European Tourism Manifesto (2016), "Tourism for growth and jobs" (<http://www.tourismmanifesto.eu/>).

⁴² COM(2014) 477, "Towards an integrated approach to cultural heritage for Europe".

<p>regional hotel classifications (e.g. star ratings) and quality standards set at national level.</p>	<p>destination.</p> <p>Commission services will continue working together on initiatives relating to the promotion and marketing of cultural heritage.</p> <p>The Commission is aware of the fragmentation in the criteria of hotel classification across Member States. Responsibility in this area lies with the national and regional authorities. At the same time, the Commission follows with interest and encourages private initiatives by the industry, such as for example the Hotelstars Union by Hotrec, the European Association of Hotels, Restaurants and Cafés.</p>
<p>56. The Committee of the Regions calls on the Commission to include the Committee of the Regions in the annual European Tourism Forum and the European Tourism Day.</p>	<p>The Commission welcomes the interest of the Committee of the Regions in the major European Union events on tourism. The Commission is already inviting Committee of the Regions representatives as speakers to major events and will continue this good cooperation.</p>

<p>N°6 Collaborative economy and online platforms: a shared view of cities and regions COM(2016) 288 final, COM(2016) 356 final – CoR 2016/4163 – ECON-VI/016 120th Plenary Session - December 2016 Rapporteur: Ms Benedetta BRIGHENTI (IT/PES) DG GROW – Commissioner BIENKOWSKA</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>11. The Committee of the Regions stresses that despite its complexity, early action to prevent fragmentation in the first place would still be far less difficult than ex-post harmonisation of 28 national frameworks and countless local and regional regulations.</p>	<p>Market fragmentation and lack of legal clarity were the two main issues that the Commission addressed through its Communication on the collaborative economy. Following the adoption of the June Communication⁴³ which was a first step, the Commission wants to continue addressing market fragmentation, by monitoring the developments and at the same time, promoting the exchange of best practice. To this end, a series of workshops for the exchange of best policy and regulatory practices in relation specifically to the collaborative tourism accommodation services will be organised, together with public authorities (including competent national, regional and local authorities) and relevant stakeholders. The project was launched in February 2017.</p>
<p>18. The Committee of the Regions considers that the European Union should define the notions of "service provider", "employers" and "workers" more clearly, and find a solution to problems in consumer-to-consumer and trader-to-trader relations on online platforms, in</p>	<p>The Commission has provided its interpretation of how European Union law should apply to the new business models and has given policy recommendations for the balanced development of these business models. Sections 2.1 and 2.4 provide</p>

43 COM(2016) 356 final.

<p>order to establish which rights and laws should prevail.</p>	<p>clarifications related to the notions of "service provider" and the identification of an "employee" in the context of collaborative economy.</p> <p>In particular for the concept of worker, the Commission in its Communication has recalled the Court's jurisprudence and the relevant criteria provided therein for the establishment of an employment relationship in the collaborative economy.</p> <p>When it comes to consumer and marketing legislation and its application to the collaborative economy, Section 2.3 of the Communication clarified its understanding of the concept of "trader". In addition, the revised Guidelines on the Unfair Commercial Practices Directive of May 2016⁴⁴ identify the different obligations that platforms and service providers have in the context of collaborative economy transactions to ensure consumer protection.</p>
<p>20. The Committee of the Regions regrets, however, the fact that there is no reference to the aim of involving local and regional authorities in future assessments and that far too much discretion has been left to Member States, running the risk of fragmentation, something to be avoided.</p>	<p>The Commission takes note and would like to stress that it fully agrees that it is of utmost importance to involve local and regional authorities.</p> <p>In the context of the series of workshops for the exchange of best policy and regulatory practices in relation specifically to the collaborative tourism accommodation services that was launched in February 2017, the Commission intends to work closely with the Committee of the Regions and representatives of public authorities (including regional and local authorities).</p>

44 SWD(2016) 163 final.

	<p>The Commission will continue to actively engage with the Committee of the Regions, in particular in view of its "Forum of collaborative-economy cities".</p>
<p>21. The Committee of the Regions finds that the Commission's Communication provides elements and criteria for assessment without giving a full response, which will inevitably result in differences in interpretation and further fragmentation of the single market; therefore calls on the Commission to come up with a clear legal framework that ensures that fair competition principles are upheld (...).</p>	<p>The adoption of the June Communication was a first step aiming at clarifying the legal principles and explaining how, in the view of the Commission, European Union law should be interpreted to avoid different interpretations.</p> <p>At this stage, the Commission has decided not to put forward any European Union legislative proposal. However, the Commission will decide to make use of its enforcement powers opening infringement proceedings if considered necessary to ensure compliance with European Union law.</p>
<p>22. The Committee of the Regions takes a positive view of the Commission's approach which (...) conveys the economic potential of the collaborative economy and would recommend assessing and recognising not only the economic gain in monetary terms, but also the gains and savings that collaborative initiatives generate in environmental and social terms. The Committee of the Regions suggests finding an optimum way of studying and monitoring the "assets" generated by sharing (...).</p>	<p>The Commission welcomes the call made by the Committee of the Regions to ensure that monitoring includes the gains and savings that collaborative initiatives generate in environmental and social terms, including the "assets" used. The monitoring undertaken by the Commission is very wide. It covers the economic developments of the collaborative economy and its regulatory environment across Member States and aims at understanding better the changing environment of the collaborative economy. These studies focus on consumer, taxation, market access requirements and liability in specific sectors (accommodation, transport).</p>
<p>23. The Committee of the Regions notes that setting up one-stop-shops for</p>	<p>The Commission agrees that public authorities at all levels have a role to</p>

<p>sharing/collaborative economy entrepreneurs that would bring together all business support services could help the wider spread of sharing/collaborative economy activities.</p>	<p>play in developing the collaborative economy.</p>
<p>24. The Committee of the Regions questions whether the Services Directive's definition of "service provider" is still appropriate, since its current wording captures any economic activity, including the many highly infrequent and non-professional activities provided by peers;</p> <p>25. The Committee of the Regions believes it would be particularly useful to identify "thresholds" for access, both "qualitative" and "quantitative", to determine who would be subject to market access requirements but also to avoid the spread of activities which may use the cloak of the collaborative economy to circumvent laws and regulations.</p>	<p>While the definition of "service provider" is provided by Article 4 of the Services Directive⁴⁵, the Commission would like to recall that existing European Union law does not establish at what point an individual providing services on an occasional basis (peer) becomes a professional in the collaborative economy.</p> <p>Collaborative economy services can be offered for free to the users, on a cost-sharing basis or against direct remuneration. As mentioned in footnote 6 of the June Communication⁴⁶, the guidance provided in the Communication focuses on economic activities.</p> <p>The Commission agrees with the Committee of the Regions that identifying thresholds to differentiate between peers and professionals, where necessary, may be a suitable way forward.</p>
<p>30. The Committee of the Regions calls on Member States, local and regional authorities and the Commission to encourage innovative solutions to the social and employment challenges raised by the collaborative economy.</p>	<p>On 26 April 2017 the Commission adopted the European Pillar of social rights, which aims at setting up a reference framework for all Member States to improve their employment and social policies at national level, including their adaptation to new forms of work, such as those arising from the digital economy. In this context, the Commission launched the first phase of</p>

⁴⁵ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, OJ L 376, 27.12.2006.

⁴⁶ COM(2016) 356 final.

	social partner consultations on various issues, including on the access to social protection for all. Based on the results of the consultations, the Commission will decide its future steps.
33. The Committee of the Regions underlines in particular the case of tourist taxes, which are a key concern for many local and regional authorities, since in many locations where such a tax applies, it is not collected on stays reserved through collaborative economy platforms (...).	The Commission, in its Communication, encouraged cooperation between competent authorities and platforms to increase tax compliance and where possible reduce administrative burdens (section 2.5). The Commission also welcomes the voluntary agreements between certain cities and platforms on the systematic collection of tourist taxes.
37. The Committee of the Regions calls on the Commission to study the need for, and feasibility of, creating a legal requirement for platforms to provide simple, user-friendly summaries of their general terms and conditions in addition to the standard documents (...).	The Commission recalls the commitments made in its Online Platform Communication of May 2016 ⁴⁷ and underlines that there are already a number of obligations applicable to platforms when acting as "traders" in the collaborative economy as explained in the Guidance on the Unfair Commercial Practices Directive ⁴⁸ .
42. The Committee of the Regions would ask the Commission to inform and involve all levels in order to publicise the "pilot project" that it has approved, acting on the proposal of the European Parliament, comprising research, monitoring and training programmes on the collaborative economy.	The Commission takes note and will follow up accordingly.
46. The Committee of the Regions supports the establishment of a "Forum of	The Commission welcomes the establishment of a "Forum of

⁴⁷ COM(2016) 288 final.

⁴⁸ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (Text with EEA relevance), OJ L 149, 116.2005.

<p>collaborative-economy cities" to share experience and exchange good practice, which besides the Committee of the Regions should involve the European organisations and networks active in the local and regional dimension of the collaborative economy and liaise with the relevant thematic partnerships of the Urban Agenda for the European Union.</p>	<p>collaborative economy cities" and intends to take an active role, facilitating where possible the identification of best practices.</p>
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<p>N°7 EFSI 2.0 Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) 2015/1017 COM(2016) 597 final – COR 2016/5690 - COTER-VI/019 520th Plenary Session - December 2016 Rapporteur: Mr Wim VAN DE DONK (NL/EPP) DG ECFIN – Vice-President KATAINEN</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>The Committee of the Regions proposes to amend the Commission proposal as regards the financing of the extension of the European Fund for Strategic Investments. In particular, the Committee of the Regions proposes to reduce the target rate of the European Fund for Strategic Investments Guarantee Fund from 35% to 33% of total EU guarantee obligations while opposing the contribution of EUR 500 million from the Connecting Europe Facility financial instrument.</p>	<p>The Commission's proposal on the extension of the European Fund for Strategic Investments is constructed so as to ensure that its impact is financially neutral to the greatest possible extent. Most of the financing comes from a recalibration of existing instruments, with a very limited use of the unallocated margins of the European Union budget.</p> <p>As regards the contribution from the Connecting Europe Facility, the availability of projects is insufficient to absorb both funding availabilities from the Connecting Europe Facility debt instrument and the European Fund for Strategic Investments. Transferring part of the Connecting Europe Facility financial instrument for transport to the European Fund for Strategic Investments will allow financing riskier projects and more geographies.</p> <p>A dedicated effort was also made to offset the cuts in the Connecting Europe Facility debt instrument by transferring EUR 1.1 billion to the Connecting Europe Facility grant budget, for blending with the European Fund for Strategic Investments or other instruments.</p>

	<p>As regards the target rate of the European Fund for Strategic Investments Guarantee Fund, the European Court of Auditors' evaluation confirmed the Commission's evaluation that the proposed adjustment from 50% to 35% is in line with the updated estimate of expected losses. Overall, the Commission wishes to remain prudent and cautious by not lowering the target rate further.</p>
<p>The Committee of the Regions proposes to further specify that European Investment Bank special activities will be considered to provide additionality under the condition that it is publicly documented that they address market failure or sub-optimal investment situations and could not have been carried out without European Fund for Strategic Investments support in the same period by the European Investment Bank, the European Investment Fund or under existing Union financial instruments.</p>	<p>The Commission's proposal on the extension of the European Fund for Strategic Investments proposes a more detailed definition of additionality, and specifies that operations under the European Fund for Strategic Investments have to address clearly identified market failures or sub-optimal investment situations as part of the eligibility criteria.</p> <p>In addition, the Commission's proposal foresees an even more transparent decision-making process for the European Fund for Strategic Investments' Investment Committee so that all stakeholders can easily identify the additionality and added value of European Fund for Strategic Investments projects. In particular, the Commission proposes the publication of the scoreboard for European Fund for Strategic Investments projects as soon as they are signed.</p>
<p>The Committee of the Regions proposes that the European Investment Bank develops, for reporting purposes, a set of result indicators for each operation, in order to provide a reliable basis for analysing the added value of European Union financing, and that this methodology be approved by</p>	<p>The assessment of the added value is one of the elements on which the European Investment Bank shall report annually. It is part of the key performance indicators approved by the Steering Board.</p>

<p>the Steering Board.</p>	
<p>The Committee of the Regions proposes to amend the Commission proposal with regard to the European Fund for Strategic Investments' support to achieving the Union's climate targets, more specifically to specify that the operations supported by the European Fund for Strategic Investments should in addition to the 2015 United Nations Climate Change Conference (COP21) also contribute to the implementation measures decided at the 2016 United Nations Climate Change Conference (COP22), as well as be disaster resilient.</p> <p>In addition, the Committee of the Regions proposes to allow support to motorways in all Member States, but to avoid European Fund for Strategic Investments' support to carbon-intensive transport projects and fossil energy unless this is needed to support private investment in transport in cohesion countries or in cross-border projects.</p>	<p>The Commission's proposal on the extension of the European Fund for Strategic Investments reinforces the focus of the European Fund for Strategic Investments on European Union political priorities as regards climate change. The European Fund for Strategic Investments will provide even more support for sustainable investments across all sectors (including transport) to help meet the Union's climate targets and support the transition to a resource efficient, circular and low-carbon economy.</p> <p>At the same time, the Commission proposes that European Fund for Strategic Investments' support to motorways is avoided, unless it is necessary to attract private investment in cohesion countries or for cross-border transport projects involving at least one cohesion country. In non-cohesion countries, support to motorways remains possible outside the European Fund for Strategic Investments.</p> <p>In addition, all European Fund for Strategic Investments-supported projects undergo European Investment Bank due diligence, and the European Investment Bank is committed to applying best practice in risk assessment for all projects, not just with respect to the European Fund for Strategic Investments.</p>
<p>The Committee of the Regions proposes to recall that the European Fund for Strategic Investments Regulation called for a proposal to amend the European Fund for Strategic Investments Regulation to be</p>	<p>The Commission's proposal on the extension of the European Fund for Strategic Investments is accompanied by the evaluations from the Commission (published on 14</p>

<p>made by 5 July 2018 and to be supported by an independent evaluation. The Committee of the Regions notes that the independent evaluation was released only after the Commission's proposal on the extension of the European Fund for Strategic Investments.</p>	<p>September 2016), the European Investment Bank (published on 5 October 2016) and an independent external evaluation (published on 14 November 2016), as foreseen in the European Fund for Strategic Investments Regulation. In addition, the Commission published a Communication on 29 November 2016⁴⁹ summarising the various evaluations of the European Fund for Strategic Investments and setting out the Commission's follow-up actions addressing the conclusions and recommendations.</p> <p>The results of all the evaluations, including the independent evaluation, have been fed into the ongoing legislative process and discussions. Furthermore, the Commission's proposal on the extension of the European Fund for Strategic Investments already addresses a number of recommendations raised in the independent evaluation.</p>
<p>The Committee of the Regions proposes that European Investment Bank special activities supported by the European Fund for Strategic Investments should have certain features in order to better address not only market failures or sub-optimal investment situations but also forms of government failure (e.g. sub-optimal investment situations due to barriers caused by national borders/ regulation).</p> <p>In addition, the Committee of the Regions proposes that not only cross-border cooperation projects but also projects of interregional cooperation, in particular</p>	<p>The Investment Plan for Europe has three pillars, of which the European Fund for Strategic Investments is the first. The third pillar aims to remove barriers to investment by providing greater regulatory predictability and increasing investor confidence. From the outset, the Commission has highlighted that financing under the European Fund for Strategic Investments does not substitute the need for Member States to implement the necessary reforms to remove obstacles to investment, which are a necessary condition to sustain and</p>

⁴⁹ COM(2016) 764 final.

between functional regions, are considered to provide additionality.

increase investment levels in Member States. In addition, on top of efforts at Member States' level, the Commission has also made efforts to improve Europe's investment environment, and has in that respect tabled a number of initiatives to help support investment and facilitate the financing of the real economy. The European Fund for Strategic Investments Regulation cannot replace the actions needed at national level.

Projects fostering interregional cooperation are encouraged and eligible for European Fund for Strategic Investments support, provided they comply with the eligibility criteria laid down in the European Fund for Strategic Investments Regulation.

<p>N°8 Regulating price volatility of agricultural products (own-initiative opinion) CoR 2016/3169 – NAT-VI/013 120th Plenary Session – December 2016 Rapporteur: Mr Jacques BLANC (FR/EPP) DG AGRI – Commissioner HOGAN</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>Overall assessment on regulating price volatility</p>	<p>It would be more appropriate to speak of "helping the industry to address the consequences of price volatility"– it is not an objective of the policy to regulate volatility.</p>
<p>3. The Committee of the Regions believes that mechanisms to safeguard farmers' incomes need to be strengthened.</p>	<p>The role of direct payments is to provide an income buffer for producers, which protects them against the negative effects of price and income volatility.</p>
<p>28. The Committee of the Regions believes that, to enable producers to cope with price volatility under comparable conditions, rates of direct payments should be harmonised among European Union Member States.</p>	<p>During the last Common Agricultural Policy reform, major steps were taken to bring about convergence between Member States as well as within. The development of prices is not the same throughout the European Union so Member States need to have access to a range of risk management tools best suited to their situation. The differences between direct payments also reflect differences that exist in terms of a series of economic factors.</p>
<p>2. The Committee of the Regions notes that, despite the reforms of the Common Agricultural Policy, risk management tools that enable farmers to protect themselves against the negative effects of variations in yield and price and against health- or environment-related damages are still the poor relation of the</p>	<p>The Commission notes the limited uptake by Member States of risk management measures and has launched a study to investigate the reasons for this and to shed light on where the bottlenecks are and to identify appropriate instruments.</p>

<p>Common Agricultural Policy.</p> <p>23. The Committee of the Regions calls on the Commission to work closely with national, regional and local authorities and farming organisations to increase awareness and understanding of the risk management tools available within Pillar II of the Common Agricultural Policy; in addition, calls on the Commission to increase the budget for these tools to above the current 2% of the Pillar II funds.</p> <p>31. The Committee of the Regions calls on the Commission to undertake a detailed study into the various options currently available for expanding the range of risk management tools</p>	
<p>4., 13. The Committee of the Regions notes that private agri-food operators should be encouraged to help regulate markets.</p>	<p>The Commission agrees that improved market transparency, implying an enhanced understanding of the value formation throughout the food supply chain, would benefit all participants. At the same time, collective agreements should not impair the internal market so as to preserve a fair chance for all producers.</p>
<p>4., 32., 36. The Committee of the Regions considers that an increase in added value should be promoted to reduce vulnerability.</p>	<p>The Commission supports the call for added value to reduce vulnerability. This allows producers to respond to demands from the market for high quality products. The Common Agricultural Policy fosters these ambitions by providing support for investments, innovation, knowledge and training to boost innovative practices and enhance entrepreneurship.</p>
<p>5., 6., 11., 12. The Committee of the Regions suggests that mandatory contractualisation should be strengthened.</p>	<p>The Commission agrees that written contracts between agricultural producers and manufacturers and other</p>

	<p>downstream partners can be a useful tool in stabilising delivery relations and increasing planning certainty. In this regard, the Commission welcomes initiatives taken by the sector, e.g. in the form of multi-partite contracts which aim at the delivery of a high standard agricultural product which both meets consumer needs and takes into account the production conditions of the agricultural producer.</p> <p>The Commission points out that the current Common Market Regulation⁵⁰ already provides Member States with the possibility to impose the use of written contracts with certain minimum criteria and is carefully studying the recommendation of the Agricultural Market Task Force to work on best practices and increase the use of written contracts.</p>
<p>7. As part of a more flexible interpretation of the competition rules that is consistent throughout the Union, the Committee of the Regions suggests empowering agricultural businesses, producer organisations and recognised inter-branch organisations, as well as the operators of agri-food markets and centres which are recognised as structures designed to safeguard the public interest, in order to avoid crises.</p> <p>8. The Committee of the Regions suggests that, in the event of a market imbalance or a confirmed risk of such an imbalance assessed on the basis of certain indicators, agricultural enterprises (including Producer Organisations and their associations) should be able to make use of</p>	<p>The Commission agrees that the position of farmers in the food supply chain should be strengthened. The Commission supports effective producer cooperation that can improve in a sustainable manner the economic situation of producers. To that effect there are already some specific derogations to competition rules. The Commission has provided in 2015 guidance to producers on how to apply these derogations in the arable crop, beef and veal and olive oil sectors, under the Common Organisation of the Markets.</p> <p>The Commission notes that there is further the possibility for producers to collectively agree on reducing output in</p>

<p>their scope for action and to reduce their production in a coordinated manner, even before being authorised to do so by the European Commission under Article 222 of Regulation (EU) No 1308/2013 establishing a Common Organisation of the Markets. The Common Organisation of the Markets should therefore explicitly allow agricultural enterprises, including producer organisations and their associations, to take preventive action to rebalance the market, in order to avoid abuse of dominant positions, communicating this in advance to the competent authorities.</p>	<p>cases of severe market imbalances. This possibility was offered to milk producers in 2016 but they did not use it.</p> <p>The Commission supports the work in interbranch organisations to enable a dialogue between the chain operators, as well as market transparency measures that can produce benefits for the entire food supply chain. In this regard, interbranch organisations have the possibility to notify their agreements to the European Commission for scrutiny under Article 210 of the Common Organisation of the Markets.</p> <p>The Commission considers that agricultural producers and other operators of the food supply chain should be able to work together in an environment in which the applicable legal rules, including the application of the European Union competition rules, are clear and easy to handle. The Commission points out that the Agricultural Market Task Force made detailed recommendations to achieve this objective, which the Commission currently analyses in detail.</p>
<p>9. The Committee of the Regions notes that there is a close link between regulating the price volatility of agricultural products and combating Unfair Trading Practices in the food supply chain.</p> <p>10. The Committee of the Regions recommends adopting specific European rules against Unfair Trading Practices in the food supply chain, as proposed in the European Parliament's resolution of 7 June 2016 [2015/2065 (INI)].</p>	<p>The Commission takes note of the position taken by the European Parliament and the Council Conclusions that respectively call for European Union action. The Commission is determined to address these concerns and recognises the need for a common European Union response.</p>

<p>14. The Committee of the Regions suggests setting up a European Agricultural Markets Observatory, drawing on a network of national observatories for each product sector, taking advantage of the experience of the Milk Market Observatory and the agricultural markets dashboard published regularly by the European Commission.</p>	<p>The Commission has established the Milk Market Observatory and more recently the Meat Market Observatory, which provide market data (production, prices, margins, trade) and short term market analysis.</p> <p>Significant progress in market transparency has been made over the past two years, with dashboards being developed for the main agricultural products and observatories being set up for milk, pigmeat, beef and veal. These have been a great success in terms of providing accurate and timely information to operators, allowing them to make important commercial and market-related decisions.</p> <p>On market transparency, the Agricultural Market Task Force has also come forward with ideas which go beyond the level of the existing market data to include data from processors. The Commission will examine these recommendations for additional mandatory price reporting.</p>
<p>15. The Committee of the Regions stresses that the implementation of the Markets in Financial Instruments Directive II, scheduled for 2018, should encourage greater knowledge and regular monitoring of the positions held by the various categories of operators in agricultural financial markets, in order to reduce the risk of excessive speculation and allow commercial stakeholders in the industry to manage price risks effectively.</p>	<p>The reporting requirements foreseen in the Markets in Financial Instruments Directive II will provide further transparency to the agricultural financial markets and together with new position limits regime will reduce the risk of excessive speculation in the agricultural commodity derivatives while still permitting the agricultural sector to use financial instruments such as futures markets to hedge their risks.</p>
<p>4., 16., 17., 27. The Committee of the Regions considers that the future Common Agricultural Policy should include risk management tools, and</p>	<p>While it is too early to predict what the future Common Agricultural Policy will hold, nevertheless the Commission considers that improving the resilience</p>

<p>expand access to risk management tools.</p>	<p>of farmers is vital in order to enable them to cope with future shocks, and will be a central plank in future Common Agricultural Policy discussions.</p>
<p>18. The Committee of the Regions emphasises that the development of risk management tools must not significantly affect the stability of the Common Agricultural Policy budget, which is currently achieved by decoupling aid from production and prices. A budget in which spending closely tracks fluctuations in the price of agricultural products and falls cyclically when the markets perform well would risk being reduced substantially during the debates on the European Union's multi-annual financial perspectives. This would lead to a reduction in the protection offered by the Common Agricultural Policy, which would be detrimental to farmers in the event of a market downturn.</p>	<p>The Commission agrees that countercyclical measures would not be an appropriate form of support as they prevent farmers from responding to market signals. Decoupled direct payments provide a more appropriate income buffer in times of market disturbance.</p>
<p>19., 20., 22., 30. The Committee of the Regions recommends new instruments such as a precautionary savings scheme.</p>	<p>The Commission takes note of the recommendation. Although producers today already have the opportunity to open a savings account in good years to be used in more difficult times, the Agricultural Market Task Force has recommended taking stock of this and other measures, such as tax averaging. The Commission will assess these recommendations.</p>
<p>24., 25. The Committee of the Regions recommends developing mutual funds modelled on the Income Stabilisation Tool, and calls for income stabilisation funds to be implemented at sectoral level.</p>	<p>The Commission endorses the call for more extensive use to be made of the Income Stabilisation Tool. In an effort to increase the efficiency of the Common Agricultural Policy tools, the Commission has made a proposal for a sector specific Income Stabilisation Tool in the framework of the Omnibus</p>

	Regulation ⁵¹ , where payments would be triggered faster; by just a 20% drop in income.
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⁵¹ https://ec.europa.eu/agriculture/newsroom/296_en.

<p>N°9 Conservation of Fishery Resources and the Protection of Marine Ecosystems through Technical Measures COM(2016) 134 final – CoR 2016/2898 – NAT-VI/011 120th Plenary Session – December 2016 Rapporteur: Ms Emily WESTLEY (GB/PES) DG MARE - Commissioner VELLA</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>Current licences for pulse trawling should be made subject to scientific (re-)assessment before being renewed or otherwise given a "non-prohibited" status.</p>	<p>In its proposal, the Commission has included specific provisions that authorize the use of pulse fishing restricted to a very specific area, the southern part of the North Sea. The Commission made its proposal on the basis of extensive scientific opinion of both the International Council for the Exploration of the Sea and Scientific, Technical and Economic Committee for Fisheries, which note that pulse fishing offers clear advantages over conventional beam trawling, which it is intended to replace, in terms of lower fuel consumption, impact on the marine ecosystem and selectivity. The Commission acknowledges the concerns raised by the International Council for the Exploration of the Sea and the Scientific, Technical and Economic Committee for Fisheries regarding control and monitoring. For this reason, specific provisions for an implementing act (Article 27(1) indent 3) have been included in the Commission's proposal and which is intended specifically for the pulse trawl. As part of a wider research programme, ongoing pilot projects are developing tamper proof control systems that limit the pulse output. The Commission is monitoring these</p>

	<p>developments closely.</p> <p>With regards the re-assessment of existing licences, the Commission continues to closely monitor the utilisation of these licences and will continue to request information including scientific assessment on their use.</p>
<p>Article 4</p> <p>The Committee of the Regions propose the removal of quantitative targets and to replace these with limits defined in acts.</p>	<p>Targets, with concrete, measurable parameters, are a prerequisite of the new results-based approach which the technical measures proposal introduces. Results are what matter in the future of the technical conservation measures, and this goes hand in hand with monitoring, accountability and transparency on how well the Common Fisheries Policy is delivering in its objective of the gradual elimination of unwanted catches. Quantitative targets are therefore necessary for the implementation of the Common Fisheries Policy.</p>
<p>Article 6 (4); (26); (30); (38); (42)</p> <p>Definition of terms</p>	<p>The Commission takes note of these comments.</p>
<p>Article 9 (1)</p> <p>General restrictions on the use of towed gears.</p>	<p>The Commission takes note of this comment.</p>
<p>Article 13 (2)</p> <p>Protection for sensitive habitats including vulnerable marine ecosystems.</p>	<p>The Commission takes note and considers that there should be no contradiction between the technical measures and other regulations.</p>
<p>Article 19 (1)</p> <p>Regional measures under multi-annual plans.</p>	<p>The Commission takes note and adds that there may be also the possibility to permit regionalisation of technical measures outside the multi-annual plans. However, the proposal ensures that any technical measures adopted</p>

	through regionalisation should be in line with the provisions of multi-annual plans.
<p>Article 19 (6)</p> <p>The Commission must, rather than may seek the opinion of the Scientific, Technical and Economic Committee for Fisheries.</p>	The Commission takes note.
<p>Article 31 (1)</p> <p>The Committee of the Regions seeks that an economic impact assessment is undertaken prior to the application of safeguard measures.</p>	<p>The Commission's proposal includes a provision on safeguard measures to be used only in those urgent cases, where swift and immediate action is required in order to halt further declines in stocks. Failure to do so would have greater consequences in the longer term. Adding a pre-requisite that a prior economic impact would be required before the application of safeguard measures is likely to result in a delay meaning that further deterioration in stocks could be envisaged. Additionally, to ensure proportionality, the Commission proposed that these safeguard measures are limited in time and are adopted via "urgency" procedure, meaning that they apply only as long as the Council or European Parliament does not object (Article 32(5) and (6) of the Commission proposal).</p>
<p>Article 32 (2)</p> <p>2. The power to adopt delegated acts referred to in Articles 11, 13, 19 and 28 shall be conferred on the Commission for a period of five years from [---] and for a period of three years in the case of Article 31.</p>	The Commission takes note of the Committee of the Regions' drafting suggestion.
<p>Article 34 (4)</p> <p>The Committee of the Regions seeks that the Commission provides a comprehensive</p>	The Commission takes note and adds that the intention of the annual report is for regional groups to self-report to

<p>territorial impact assessment as the basis of Member State annual reporting requirements.</p>	<p>determine whether the levels of unwanted catches are in line with the targets laid out in Article 4. Indeed, through regionalisation, the territorial impact is already taken on board, given that technical measures are to be adopted by seabasin rather than at European Union level. Economic trends by Member State, seabasin and fleet are already provided annually via the Annual Economic Report and therefore the proposed territorial impact assessment would represent a duplication of effort.</p>
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<p>N°10 Reform of the Common European Asylum System COM(2016) 270 final, COM(2016) 271 final, COM(2016) 272 final – CoR 2016/3267 - CIVEX-VI/013 120th Plenary Session - December 2016 Rapporteur: Mr Vincenzo BIANCO (IT /PES) DG HOME – Commissioner AVRAMOPOULOS</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>COM(2016) 270 final</p>	
<p>Amendment 1</p> <p>Added "<i>this provision shall not apply where the average rate of acceptance of asylum applications for the applicant's country of origin exceeds 33.33% at European Union level</i>" in Article 3 (3).</p> <p>A fair balance needs to be struck between the need for a speedy, efficient system and the need to protect fundamental rights. The introduction of preliminary admissibility screening, which helps meet the first need, should not therefore lead to the denial of the right to an effective examination of the merits of applications made by those who come from countries for which there is, nonetheless, a significant reception rate. It should be pointed out here that the majority of children, including unaccompanied minors, come from countries for which there is a reception rate of around 50%.</p>	<p>The Commission is of the opinion that persons coming from a safe third country or a safe first country of asylum and whose applications can be declared inadmissible, should not be transferred between Member States, but rather be returned. The Commission acknowledges that this procedure puts an extra administrative burden on the Member States of first application. However, the Commission points out those applications which come under this procedure are counted towards the share of that Member State under the corrective allocation mechanism.</p>
<p>Amendment 2</p> <p>Added "<i>without a valid and substantiated reason</i>" in Article 7 (1).</p> <p>Given the severity of the consequences of absconding provided for in the Commission's proposal (no interview, and accelerated examination procedure), the applicant should have the opportunity to put</p>	<p>The current Dublin rules allow for a shift of responsibility if the person absconds beyond the transfer time limits, and has exposed significant weaknesses in the design and implementation of the Dublin arrangements. The Commission considers that the obligation not to abscond and not to frustrate the</p>

<p>forward a substantiated reason and thus recover the full extent of their rights.</p>	<p>procedure is fair and proportionate. However, it is important to highlight that the rights laid down in the Charter will always have to be respected, even if the applicant absconds to another Member State.</p>
<p>Amendment 3</p> <p><i>Added "During the interview provided for by this Article, the applicant must be informed of the right to request to be received in a given Member State (and to indicate alternatives, up to a maximum of two). Specific questions must then be asked to ascertain language skills, previous stays, contacts with communities of the same country or region of origin that are legally resident, professional skills and any other particularly relevant factor that is useful for and serves to facilitate social inclusion, even temporarily" as a new Article 7 (6).</i></p> <p>In order to discourage secondary movements, it would be more fruitful to ascertain from the outset the applicant's preference for one or more countries (up to a maximum of three), as well as the knowledge, contacts and skills that could facilitate their integration, even on a temporary basis, for the benefit of the social equilibrium of the host country.</p>	<p>See comments to amendment 6 below.</p>
<p>Amendment 4</p> <p><i>Deleted "where an unaccompanied minor is obliged to be present" in Article 8 (2).</i></p> <p>Given their vulnerability, assistance and representation should always be guaranteed to children, even where, for whatever reason, they are not present in the Member State responsible for examining their application.</p>	<p>The issue pointed out by the Committee of the Regions has also been brought up by Member States during discussions in the Council. The Commission agrees that unaccompanied minors are a vulnerable group of applicants in need of special protection and intends to further reflect on this issue.</p>
<p>Amendment 5</p>	<p>The judgment of the European Court of</p>

<p>Changed proposed text "<i>first has lodged his or her application for international protection</i>" to "<i>is currently staying</i>" in Article 10 (5).</p> <p>This amendment is in line with the rulings of the European Court of Justice (judgment M.A and others, Case C-648/11) and aims to guarantee that the procedure for determining the Member State responsible is not needlessly prolonged.</p>	<p>Justice in case C-648/11 is based on the same wording as the current Article 8(4), which is not clear on whether the Member State responsible is that where the application was first lodged, or where the minor is present. The Court stated that "it is important not to prolong more than is strictly necessary the procedure for determining the Member State responsible" to ensure that unaccompanied minors are given quick access to the asylum procedure. The proposal therefore ensures that the determination procedures will not be prolonged and clarifies that the Member State responsible should be the one where the minor lodged the first application for international protection, unless it is demonstrated that this is not in the best interest of the minor.</p>
<p>Amendment 6</p> <p>Added as a new article after Article 14:</p> <p><i>"1. Where, during the interview provided for under Article 7, the applicant has expressed a preference for a particular Member State (with a maximum of two other Member States as alternatives) and there are substantiated or credible factors such as language skills, contacts with communities of the same country or region of origin, specific professional skills and job opportunities, or other factors deemed relevant for the purposes of integration, even temporarily, according to the information provided annually by the European Asylum Support Office, the country specified shall be responsible for examining the application for international protection, provided that, for the country in question, the 50% threshold in relation to the reference number determined by the key</i></p>	<p>The Commission believes that the text proposed by the Committee of the Regions seeks to introduce a system which would be based on the preference of the asylum seeker. As a general point, the Commission is strongly of the opinion that the system must be one where a person applies "in the European Union", and it is for the European Union to decide to which Member State he or she will be allocated. The proposal thus does not include links of an applicant to a given Member State as criterion: this would require case-by-case assessments among Member States which would be lengthy and very often inconclusive and contrary to the objective in recital 5. The Commission opted instead for a targeted widening of the family criterion, to include siblings under the</p>

referred to in Article 35 has not already been exceeded in the current year.

2. Where the aforementioned threshold has already been exceeded in that year, responsibility for examining the application for international protection shall, in this order, lie with:

(a) the Member State specified in the interview as a second preference, provided that the conditions set out above are met, and that in the year in question the threshold referred to in the previous paragraph has not been exceeded;

(b) the Member State specified as a third preference, provided that the conditions set out above are met, and that in the year in question the threshold referred to in the previous paragraph has not been exceeded;

3. Where the threshold referred to in paragraph 1 has also been exceeded in the countries referred to in paragraph 2, the Member State responsible for examining the application shall be determined on the basis of the subsequent articles of this chapter."

In keeping with the respect of fundamental rights and the principles of solidarity and fair distribution and in order to discourage secondary movements, in the hierarchy of criteria for determining the Member State responsible, connections and integration possibilities highlighted by the applicant and the reception capacities of each country (as determined by the Article 35 reference key for each country) should take precedence over the country of arrival. This would appear, after all, more consistent with the overall approach of the hierarchy of criteria set out in Chapter III (which focuses first on criteria linked to the

family definition as well as families formed during transit. A frequent criticism of the Dublin system has been that the family definition was too narrow, which may have caused some secondary movements.

In relation to the 100/150% thresholds proposed, the Commission would like to clarify that these thresholds do not reflect 100/150% of the capacity of a Member State to examine applications, but 100/150% of the fair share of applications compared with other Member States and as determined by the reference key.

<p>applicant's characteristics and life path: in order, status of minor, family ties and possession of documents – even if expired less than two years previously – issued by a Member State).</p> <p>Again in keeping with the principles of fair distribution and solidarity, it is appropriate, however, to limit the application of this criterion up to the threshold of 50% of the capacity of each country, in order to prevent, in times of lesser influx, the burden falling solely on the countries deemed most attractive, overwhelming their reception capacity.</p> <p>Only where the above threshold is exceeded (and once the subsequent thresholds referred to in paragraph 3 are reached) should responsibility for examining the application remain rooted in the first country of arrival.</p>	
<p>Amendment 7</p> <p>Changed proposed text "<i>of 7 days</i>" to "<i>of 15 days</i>" in Article 28 (2).</p> <p>This should comply with the principle of allowing a reasonable period of time, at least 14 days (Diouf case).</p>	<p>The Commission points out that the seven day period concerns the procedure for determining the Member State responsible and not for granting refugee status as was the case in C-69/10 <i>Diouf</i>. In this case, the Court of Justice of the European Union found that "a 15-day time limit for bringing an action does not seem, generally, to be insufficient in practical terms to prepare and bring an effective action and appears reasonable and proportionate in relation to the rights and interests involved". The Commission is therefore of the opinion that the proposal does not contradict any Court of Justice of the European Union case law.</p>
<p>Amendment 8</p> <p>Changed proposed text "<i>150%</i>" to "<i>120%</i>"</p>	<p>The Commission highlights that the automated system will be triggered once a Member State reaches levels at</p>

<p>in Article 34 (2).</p> <p>The threshold for triggering the automatic relocation mechanism needs to be set at a level which, although still exceeding the reception capacity of the Member State (as determined under Article 34(2)), ensures that the mechanism will be useful and that it will actually be activated.</p> <p>The level proposed by the Commission (150% of the reference number of each Member State) – also considering the greater rigidity of the system as a whole in the light of the changes proposed by the Commission and taking account of the statistics for the last three years – may mean that the mechanism is never activated at all or would only be, in any case, when the reception system and capacity of the most exposed Member States have reached saturation point, leading to a slow-down of the entire system and inevitable social tensions.</p>	<p>150% or more of its fair share, not its capacity. Whether the number of applications in one Member State is disproportionate is determined on the basis of each Member States' population size and total Gross Domestic Product. The system is based on a dynamic calculation of the total number of applications lodged on the common territory of the Member States and the fair share of the single Member State. Therefore, the Member States will not be left with disproportionate pressure on their asylum systems, leading to a Member State reaching 150% of its capacity.</p>
<p>Amendment 9</p> <p>Added "<i>of the Member State</i>" in Article 35 (2) (a) and (b) and "<i>The reference key shall be corrected by reducing the share for the following year by 20% of the difference between the share based on Gross Domestic Product and population and the average number of arrivals recorded by the Member State over the last three years, for countries which in the last three years have received an average share of arrivals higher than that determined on the basis of (a) and (b)</i>" in Article 35 (2).</p> <p>To determine the current effective reception capacity of a Member State, account must be taken of the number of migrants already received and of the impact of migration as a whole on the Member State's economic and social fabric. This amendment introduces a</p>	<p>The proposal contains a fundamentally new system, in need of a clear cut off date. Pursuant to Article 61 of the proposal, only persons who lodge an application for international protection as from the first day following the Regulation's entry into force are subject to allocation.</p> <p>The Commission is of the opinion that the burden on a Member State as per the Dublin Regulation does not lie in the number of irregular arrivals in a given Member State, but in the number of applications for which a Member State is eventually the Member State responsible.</p> <p>Other areas of the migration policy – measures against irregular arrivals, hotspots, return policy – support</p>

<p>corrective element into the calculation of the reference key, to lessen the risk of undermining the objectives of solidarity and fair distribution, which are stated priorities in the proposed regulation. The amendment also meets the need to take a comprehensive approach, which takes account of the whole set of policies on asylum and of the migration issue as a whole.</p>	<p>Member States with high arrival numbers.</p>
<p>Amendment 10</p> <p>Changed proposed text "250 000" to "60 000" in Article 37 (3).</p> <p>The imposition of a solidarity contribution on Member States that refuse relocations (even temporarily) seems like a good idea, based on a sound principle. However, the amount of the contribution should be set at a level that is fair and sustainable, so as not to exacerbate public opinion, and lead to certain Member States rejecting the very principle of solidarity out of hand. The contribution should thus be established at a level (EUR 60 000) that correlates to a fair benchmark, such as, for example, the average annual cost of reception and assistance for each applicant including health care costs, multiplied by the average duration of the permit granted to him/her.</p>	<p>In addition to the objective of contributing to reception (and possible integration) costs, the figure of EUR 250 000 has also a dissuasive element, aiming at discouraging Member States from not participating in the corrective allocation mechanism. This is why this sum has been set at a level which does not necessarily correspond to average reception costs. It is to be stressed that this possibility is only a temporary exception; the normal course of action is that every Member State participates in a corrective allocation mechanism, in line with the principle of solidarity.</p>
<p>COM(2016) 271 final</p>	
<p>Amendment 11</p> <p>Added "<i>and regional and local authorities</i>" in Article 2 (c), (d) and (g).</p> <p>Given that responsibility for providing assistance and reception services often lies fully or partly with local and regional authorities, the European Asylum Support Office's support should also be directed at them.</p>	<p>When referring to the provision of assistance, the Commission generally refers to Member States without specifying the particular authorities. It is up to the Member States to determine which national/regional/local authority is responsible or may benefit from assistance.</p>

<p>Amendment 12</p> <p>Added "<i>regional and local</i>" in Article 3 (2).</p> <p>Given that responsibility for providing assistance and reception services to applicants often lies fully or partly with local and regional authorities, the European Asylum Support Office should also work directly with them.</p>	<p>See comment to amendment 11 above.</p>
<p>COM(2016) 272 final</p>	
<p>Amendment 13</p> <p>Added after paragraph 3 in Article 38:</p> <p>"4. <i>Under no circumstances may any data be transferred or made available to third countries that are not regarded as safe third countries under Directive 2013/32/EU.</i></p> <p>5. <i>Under no circumstances may any data concerning minors be provided to third countries, even after they have reached the age of majority.</i>"</p> <p>Although the rationale for it is the need to facilitate returns, the whole of this article appears to expose applicants to possible reprisals upon return to their country of origin, in particular where these countries are not able, in turn, to ensure proper data protection. In any case, sharing data with third countries not considered to be safe and sharing data with any third country concerning children should, at the very least, remain prohibited.</p>	<p>The proposal allows sharing information on the identity of an irregular migrant with a third country where it is necessary to share that information for return purposes only.</p> <p>The readmission and redocumentation of third-country nationals to their country of origin entails sharing information on that individual with the authorities of that country when a travel document needs to be secured. Thus, the proposal allows data to be shared on that basis and in line with data protection rules. A strict prohibition is set out for sharing any information on the fact that an asylum application has been made with a Member State.</p> <p>By adding this provision on sharing data with third countries, Eurodac is aligned with other databases such as the Visa Information System and the Entry/Exit System that also contain similar provisions for return purposes.</p>

<p>N°11 Action plan on the integration of third country nationals COM(2016) 377 final – CoR 2016/4438 – CIVEX-VI/015 120th Plenary Session - December 2016 Rapporteur: Mr Karl VANLOUWE (BE/EA) DG HOME – Commissioner AVRAMOPOULOS</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>50. The Committee of the Regions calls on the Commission to ensure that the European Integration Network becomes a platform that encourages and supports cooperative and co-responsible action between the different levels of national, regional and local government in defining integration policy initiatives and in the coordination and distribution of powers⁵².</p>	<p>The mandate of the European Integration Network, which was launched in October 2016 to replace the Network of the National Contact Points on Integration, includes the promotion of cooperation in the field of integration between national authorities, local and regional authorities and with civil society organisations, as well as with other European Union level networks in connected policy areas (employment, education, equality, etc.).</p> <p>Activities to promote the dialogue between national, local and regional authorities on integration are planned in the framework of the Network 2017 work programme.</p>
<p>51. The Committee of the Regions regrets – without denying that it is a matter that falls within their own competence – that in the 2014-2020 multiannual financial framework, Member States have allocated fewer resources to integration through their national programmes for the Asylum, Migration and Integration Fund, even as need has increased, particularly in the light of the current migration, asylum and humanitarian crisis.</p>	<p>Through their national programmes under the Asylum, Migration and Integration Fund, Member States have allocated approximately EUR 736 million of their basic allocation for the 2014-2020 programming period to integration, which represents 30.8% of their total basic allocation.</p> <p>In the 2017 Budget, the Budgetary Authority has approved EUR 150 million in additional funding to support measures implementing the Action</p>

⁵² Article 79(4) TFEU.

	<p>Plan on the integration of third country nationals, in particular those carried out by civil society organisations and regional and local authorities in the context of comprehensive integration strategies. Such measures would notably promote an integrated approach to the integration of third-country nationals, including through enhancing the cooperation between relevant actors.</p>
<p>54. The Committee of the Regions urges the European Commission to consider introducing a specific thematic objective on integration under post-2020 Cohesion Policy, in order to ensure more efficient and targeted concentration of European Structural and Investment Funds resources on integration projects. With regard to the 2014-2020 programming period, further guidelines - as clear and detailed as possible - on integration-related activities that are eligible for the European Structural and Investment Funds should be given to the management authorities.</p>	<p>In order to give further prominence and to increase the focus of investments in support of migrants and refugees, the Commission has already proposed amendments to the Common Provisions Regulation⁵³ and the European Regional Development Fund Regulation⁵⁴ which include migration and asylum as a horizontal priority (Article 9) in the Common Provisions Regulation, a new investment priority under thematic objective 9 in the European Regional Development Fund Regulation to support the reception and social and economic integration of migrants and refugees; and new indicators on housing and other infrastructure developments, which may benefit migrants. These amendments are currently being discussed by the co-legislators. For the post-2020 period, the Commission will further reflect on the need for specific provisions concerning migration and</p>

⁵³ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006, OJ L 347, 20.12.2013.

⁵⁴ Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006, OJ L 347, 20.12.2013.

	<p>integration issues.</p> <p>The Commission is assisting the national administration and other actors including at regional and local level, social partners and civil society in optimizing the use of European Union funding, specifically regarding migratory and security challenges, through dedicated synergies meetings. They are aimed at optimising the complementarities and synergies between the different European Union funding instruments, with a particular focus on actions supporting the integration of third-country nationals.</p>
<p>55. The Committee of the Regions calls for it to be made as simple as possible for Member States, local and regional authorities and civil society to put forward proposals for national programmes under the various funds, and therefore welcomes – among other things – the Commission's proposal to rely more heavily on the use of partnership arrangements.</p>	<p>In their national programmes under the Asylum, Migration and Integration Fund, according to Article 12 of Regulation (EU) No 514/2014⁵⁵, the Responsible Authorities need to ensure that relevant public authorities at national, regional and local level (if applicable) draw up a partnership, which includes relevant international organisations, non-governmental organisations and social partners if necessary.</p> <p>The Commission will continue working with Member States to ensure the fullest use of the partnership mechanisms for the implementation of the European Union Funds.</p> <p>To support the further uptake of and access to European Union financial support for integration, the Commission is organising the conference "European Union funding for the integration of third-country</p>

⁵⁵ Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, OJ L 150, 20.5.2014.

	nationals" on 29 March 2017.
<p>56. The Committee of the Regions calls for greater and more targeted use of Interreg to support integration projects. This could include adjusting the rules and priorities of the relevant operational programmes. It underlines the central role that European territorial cooperation can play in enhancing integration policies, especially at local level, by facilitating synergies and exchange of best practice.</p>	<p>The Commission fully acknowledges the central role of the Interreg programmes, as being instrumental in sharing experiences and lessons learnt and facilitating synergies to help improve integration of third-country nationals in their communities. The Commission encourages the Interreg programmes to support, where necessary and justified, integration projects within the framework of their existing programme priorities and agreed intervention logic, particularly when the intervention logic contains the thematic objectives 8, 9, 10 or 11. The Commission is also ready to support any Member State willing to adjust their programmes to better support the integration of third-country nationals.</p>
<p>57. The Committee of the Regions calls on the Commission to limit excessive administrative complexity and bureaucracy with regard to the monitoring mechanisms of the different European funds that are used for integration projects so that Member States and local and regional authorities can effectively focus all their energy on integration policy on the ground, but without sacrificing monitoring that is sufficiently strict to ensure that public funds are being used efficiently.</p> <p>58. The Committee of the Regions calls on the Commission to ensure that the tailored approach required by integration policy is extended to the monitoring mechanisms of the different European funds that are used to support integration projects, without undermining the rigorous checks that must be carried out to ensure</p>	<p>The Asylum, Migration and Integration Fund requires Member States to take adequate measures to guarantee the proper functioning of the management and control system and the quality of implementation of their national programmes. To this end, Regulation (EU) No 514/2014 sets out general principles and the necessary functions which these systems should fulfil.</p> <p>Within this framework, it is for the Member States to set out eligibility rules and administrative requirements for beneficiaries under the national programmes.</p> <p>The Commission fully supports the approach to limit the administrative burden on beneficiaries as much as possible while having sufficient guarantees that the European Union</p>

<p>that public money is being spent properly.</p>	<p>budget is correctly used for its intended purpose, in line with the provisions of the Financial Regulation⁵⁶.</p>
<p>60. The Committee of the Regions calls on the Commission to therefore take the specific needs of local and regional authorities into account, as well as to involve them more extensively than in the past in the integration policy drawn up, pursued or promoted at European level and to provide them with maximum support in this regard.</p> <p>62. The Committee of the Regions asks the Commission, in this context, to view it as a privileged partner – being a European Union advisory body made up of representatives of European local and regional authorities – but also to encourage other forms of cooperation with local and regional authorities, their associations, and other partnerships, networks and platforms, such as the Euro-Mediterranean Regional and Local Assembly, the Conference of the Regional and Local Authorities for the Eastern Partnership, joint consultative committees, working groups, the Conference of Peripheral Maritime Regions, the Council of European Municipalities and Regions, etc., with the aim of having local and regional authorities make the broadest possible contribution.</p>	<p>The Commission fully acknowledges the key role played by regional and local authorities in the implementation of integration policies. The Commission launched different initiatives to enhance the dialogue with them at European level in the design and implementation of integration policies. The partnership launched under the Urban Agenda for the European Union brings together cities, Member States, the Commission and civil society organisations to develop policy proposals and concrete actions to enhance the integration of migrants and refugees.</p> <p>The European Integration Network will be a key tool at European Union level to strengthen the dialogue between national, local and regional authorities on integration. The Committee of the Regions is regularly invited to the meetings of the Network.</p>
<p>61. The Committee of the Regions calls on the Commission to encourage Member States and the regions and provide them with financial support in implementing integration initiatives, especially in educational and vocational training courses and entry into the labour and housing</p>	<p>The Commission will continue working together with the national managing authorities of the different European Union funds that can support integration to ensure that European Union funding is used to its full potential and reaches where it is most</p>

⁵⁶ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, OJ L 298, 26.10.2012.

<p>markets, and to facilitate exchange of best practice already put in place by regions which have implemented integration measures, such as the distributed reception approach.</p> <p>63. The Committee of the Regions calls on the Commission to actively involve it in its efforts – aimed at local and regional authorities – to enhance and share best practices specifically related to integration policy that is implemented prior to departure or arrival, as well as in relation to education, the labour market and vocational training, access to basic services, and active participation and social inclusion, and in this connection refers to the comparative study it conducted on integration policies⁵⁷.</p>	<p>needed, including the regional and local level.</p> <p>The Commission will continue mobilizing its networks in different policy areas (e.g. education, vocational training and employment) to promote exchanges of experiences and best practice in the field of integration. The promotion of exchanges and mutual learning will be one of the main tasks of the newly established European Integration Network. Where relevant, representatives of the local and regional level will be involved in the mutual learning activities organised in the framework of the Network. The Committee of the Regions is regularly invited to the meetings of the Network and will be involved in the organisation of a meeting of the Network dedicated to the cooperation with local and regional authorities during 2017. In education, the Education and Training 2020 Working Groups have undertaken exchanges of good practice and mutual learning on integration of migrant students. Where relevant, representatives of the local and regional level will be involved in mutual learning activities.</p>
<p>64. The Committee of the Regions calls on the Commission to continue to make progress on the issue of unaccompanied minors in the migration process, the management of which is a competence of certain regions, and also calls on the Commission to encourage Member States to share the burdens and responsibilities between the European, national and</p>	<p>The Commission continuously monitors the situation of minors in migration, including those unaccompanied, and takes further steps to improve it.</p> <p>The Commission has set out actions to reinforce the protection of all migrant children at all stages of the process in its Communication of 12 April 2017⁵⁸.</p>

⁵⁷ "Regulatory Framework on Employment and Funding for Migration and Integration Policies in the EU", European Union (2016).

⁵⁸ COM(2017) 211 final.

<p>regional levels. The Committee of the Regions therefore eagerly awaits the Commission's new comprehensive strategy, which is to be implemented as a follow up to the Action Plan on Unaccompanied Minors (2010-2014), so that the situation of missing and unaccompanied children is taken into account.</p>	<p>This comprehensive approach is building also on activities undertaken under the Action Plan on Unaccompanied Minors (2010-2014)⁵⁹ and the European Agenda on Migration⁶⁰, adopted in 2015, as well as following up on the conclusions of the 10th European Forum on the protection of children in migration, in November 2016, and the issues raised during the conference on missing children in January 2017.</p>
<p>66. The Committee of the Regions calls on the Commission to enable it to actively participate in the new European Integration Network, the European Migration Forum, the partnership for the integration of third-country nationals under the Urban Agenda for the European Union⁶¹, as well as in the assessment and subsequent follow-up of the "integration indicators".</p>	<p>As it was the case for the Network of the National Contact Points on Integration, the Committee of the Regions is regularly invited to the meetings of the European Integration Network.</p> <p>The Committee of the Regions is actively involved in the organisation of the European Migration Forum. Every year around one fifth of the places at the Forum are reserved for representatives of local and regional authorities that are selected by Committee of the Regions.</p> <p>As one of the key partners for the Urban Agenda for the European Union, the Committee of the Regions was involved in the setting-up of the partnerships. Possibilities for a closer cooperation within the Partnership on the inclusion of migrants and refugees will be explored.</p>

⁵⁹ COM(2010)213 final.

⁶⁰ COM(2015)240 final.

⁶¹ <http://urbanagendaforthethe.eu/partnerships/inclusion-of-migrants-and-refugees/>.

<p>N°12 Legal Migration COM(2016) 378 final – CoR 2016/3699 – CIVEX-VI/014 120th Plenary Session - December 2016 Rapporteur: Mr Olgierd GEBLEWICZ (PL/EPP) DG HOME – Commissioner AVRAMOPOULOS</p>	
<p>Points of the Committee of the Regions' opinion considered essential</p>	<p>Commission position</p>
<p>15. The Committee of the Regions welcomes the recognition that the Blue Card may be granted not only to workers arriving in the European Union, but also to those who are already there.</p> <p>16. At the same time, however, the Committee of the Regions considers that clarification is needed as to why this option should be available only to recognised refugees. The proposed Directive explicitly excludes from this possibility seasonal and posted workers, as well as persons whose application for refugee status is pending. While understanding the political reasons for this decision, the Committee of the Regions considers that opening up a path to employment commensurate with qualifications for other categories of persons residing in the European Union could result in more stable perspectives for the migrants and employers concerned and thus a better use of human capital.</p>	<p>The Commission agrees with the Committee of the Regions in that the Blue Card should be an instrument not only for the attraction but also the retention of highly skilled third-country nationals and thereby serve as a tool to enhance their labour market integration. However, providing an unlimited right to status change is challenging due to the sectorial approach reflected in the various legal migration directives, and the different procedures and rights reserved for each group of migrants.</p> <p>The Commission proposal already takes an important step forward with the inclusion of beneficiaries of international protection. Furthermore, the proposal allows intra-corporate transferees admitted under Directive 2014/66/European Union⁶² who subsequently become locally employed in a Member State to apply for an EU Blue Card.</p>
<p>17. The Committee of the Regions points out that measures for the recruitment of third-country nationals in occupations requiring high-level skills should aim not</p>	<p>The Commission shares the view of the Committee of the Regions on the need for a holistic approach in attracting talent, and the revised Blue Card</p>

⁶² Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, OJ L 157, 27.5.2014.

only to attract immigrants but also to create conditions conducive to their remaining in the EU and integrating effectively.

18. The Committee of the Regions suggests that the issue of employment of highly skilled workers should be treated in a holistic and comprehensive way appropriate to the logic of the migration process: from recruitment, via admission and identification of skills, to effective integration and eventual freedom of movement within the EU labour market.

Related also to points 3, 14 and 19.

Directive should be seen as one part of the solution envisaged by the Commission.

In line with the European Agenda for Migration, the Commission is already looking into possible mechanisms to make labour migration policies more responsive to attract the necessary skills and talents and to facilitate the matching between potential migrants and employers. In particular, a study has been launched with the Organisation for Economic Co-operation and Development to examine existing "expression of interest" models in place in some of the countries that compete with the European Union in attracting skilled migrants, and how they could be adapted to the European context. The underlying idea of these models is to create a pool of pre-screened candidates from which candidates are selected according to a certain set of criteria.

The Commission Action Plan on the integration of third-country nationals⁶³ has a comprehensive approach, not targeting a specific group but providing a common policy framework which should help Member States as they further develop and strengthen their national integration policies for migrants from third countries, and describes the policy, operational and financial support which the Commission will deliver to support them in their efforts. The improvement of the general policy and funding framework for integration will benefit all migrants, including highly skilled

⁶³ COM(2016) 377 final.

	<p>workers. Furthermore, several of the specific actions proposed in the Action Plan can directly benefit highly skilled workers, among other groups.</p> <p>As regards the intra-European Union mobility of highly skilled workers, which is the key added value of European Union intervention in this area, the Blue Card proposal provides for legal certainty for conducting business trips in other Member States and facilitates obtaining a new European Union Blue Card in a second Member State.</p>
<p>21. The Committee of the Regions emphasises that the issue of recognition of qualifications - and the practical aspects of this process - will be particularly relevant in the case of a category of persons that is for the first time becoming a potential beneficiary of the scheme: recognised refugees and those granted subsidiary protection. It may be expected that, in the case of these persons, obtaining proof of qualifications will be especially difficult and complex.</p> <p>Related also to proposed amendments 1 and 2.</p>	<p>While the recognition of qualifications of third-country nationals remains in the remit of national authorities, several European Union instruments aim at facilitating it. Legal migration directives guarantee that third-country nationals benefit from equal treatment with nationals as regards recognition of qualifications.</p> <p>The Commission recognises the Committee of the Regions' concern that beneficiaries of international protection may face particular challenges in the validation and recognition of their qualifications. However, the Commission considers that challenges with the recognition of qualifications are also highly relevant for other Blue Card applicants. Therefore, instead of a specific facilitation for a limited group, the Blue Card proposal obliges Member States to generally facilitate the validation and recognition of documents attesting the qualifications, with the aim of making the procedures swift and flexible for all applicants.</p> <p>Finally, in the proposals under the New</p>

	<p>Skills Agenda for Europe⁶⁴, the Commission took into account the third-country dimension, in particular in the proposals related to the European Qualifications Framework and the Europass Regulation.</p>
<p>22. The Committee of the Regions stresses that more attention should be paid to ethical issues relating to the recruitment of highly skilled workers from third countries, and that effective methods should be devised for preventing a brain drain from less developed countries with already low levels of human capital.</p> <p>23. The Committee of the Regions proposes that an in-depth and reliable analysis be carried out of the outflow of highly skilled workers from third countries and of the potential impact of a brain drain. The results of this study should be used to develop common actions - by the European Union and the migrants' countries of origin - aimed at preventing the negative effects of migration and, where possible, creating "win-win-win" solutions (migration that is beneficial to the countries of origin and destination and to the migrants themselves).</p> <p>Related also to proposed amendments 3 and 4.</p>	<p>The Commission shares the view of the Committee of the Regions in that ethical recruitment considerations are central to a sustainable Blue Card scheme. The Commission fully recognises that "brain drain" can be damaging to developing countries. The European Union's migration policy aims to limit any negative effects by promoting ethical recruitment and circular migration.</p> <p>The Blue Card proposal maintains the possibility for Member States to include a mechanism under which they may reject an application for a European Union Blue Card in order to ensure ethical recruitment in sectors suffering from a lack of qualified workers in the countries of origin, for example the healthcare, education and engineering sectors. Furthermore, the proposed Directive allows the European Union and/or its Member States and one or more third countries to enter into agreements that list the professions which should not fall under the Blue Card Directive in order to assure ethical recruitment. However, currently, the Commission is not aware of any Member State having entered into such an agreement with a third country.</p> <p>The Blue Card Directive also provides</p>

⁶⁴ <http://ec.europa.eu/social/main.jsp?catId=1223>.

specific reporting obligations for Member States which enable monitoring the implementation of the Directive and thereby identifying and possibly counteracting its possible impacts in terms of "brain drain" in developing countries.

The Commission supports the World Health Organization Global Code of Practice on the International Recruitment of Health Personnel, which promotes ethical recruitment in the health sector, and the International Organization for Migration initiatives on ethical recruitment. This is reflected in the Preamble of the proposed Directive, where it is stated that ethical recruitment policies and principles should be developed in key sectors. Moreover, these principles and policies should be strengthened by the development and application of mechanisms, guidelines and other tools to facilitate, as appropriate, circular and temporary migration, as well as other measures that would minimise negative and maximise positive impacts of highly skilled immigration on developing countries in order to turn "brain drain" into "brain gain".

In terms of circular migration, the Blue Card Directive facilitates mobility of highly skilled third-country workers between the European Union and their countries of origin. This is relevant for migrants wishing to obtain or maintain the European Union long-term resident status after having held a Blue Card, as they have the possibility for longer absences than what is generally provided for, enabling them to return to their country of origin without being

	<p>penalised.</p> <p>The Commission is of the opinion that the existing legal framework in the Blue Card proposal is appropriate for the promotion of ethical recruitment. Therefore, the Commission does not see the need for amendments as suggested by the Committee of the Regions, even if they reflect considerations which Member States should take note of when applying the relevant provisions.</p> <p>The Commission takes note of the view of the Committee of the Regions on the need to conduct further studies and analysis in order to create "win-win-win" situations wherever possible.</p>
<p>30. The Committee of the Regions proposes that the role of the local and regional partners be considered in various contexts, such as in relation to: the establishment of experimental fast-track systems in partnership between regions, countries and the private sector; the effective sharing of best practice, especially in connection with recognition of qualifications and reducing structural mismatches and boosting the effectiveness of integration; and the implementation of solutions ensuring the best possible match between formal qualifications and the needs of local and regional labour markets.</p>	<p>The Commission adheres to the Committee of the Regions' view underlining the importance of regional and local aspects in building a successful approach to attracting and retaining highly skilled workers. In the Blue Card proposal, for the sake of legal clarity and simplicity, admission conditions are generally formulated so that they apply similarly in the whole territory of the Member State. However, an important exception is the possibility for Member States to introduce labour market tests in case there are serious disturbances in the labour market, be it in the whole country or in a specific region. Clearly, regional actors and mechanisms are central in order to establish that such disturbances exist. The proposal also provides Member States with the possibility to set up a recognised employer scheme which enables building flexible fast-track processing systems with much room for national</p>

	<p>adaptation to needs and preferences of the labour market of the Member State concerned.</p> <p>The Commission fully agrees on the need to improve cooperation and information exchange especially in areas such as recognition of qualifications. The Blue Card proposal provides that the Member States' contact points for the Directive shall cooperate effectively regarding validation arrangements with stakeholders in the education, training, employment and youth sectors, as well as other relevant policy areas, needed to implement the provisions related to qualifications.</p>
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