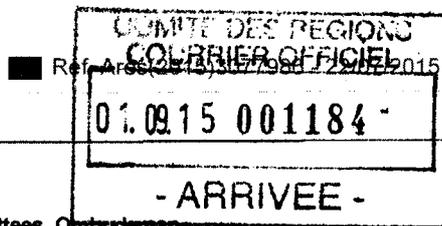




EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Direction F – Relations with other Institutions
SG.F.3 - National Parliaments, Consultative Committees, Ombudsman

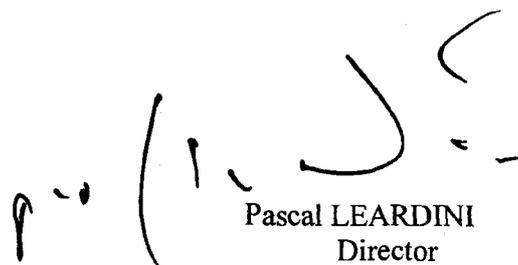


Brussels, 22 July 2015

Dear Secretary General,

In conformity with the Protocol on Cooperation between the Commission and the Committee of the Regions, I am pleased to send you the follow-up given by the Commission to the opinions adopted by the Committee of the Regions during the plenary session of February 2015.

Yours faithfully,

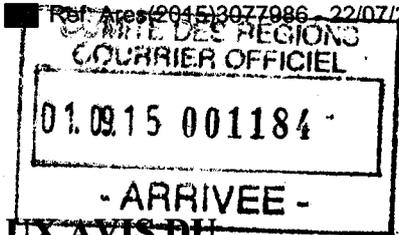


Pascal LEARDINI
Director

*Mr Jiří Buriánek
Secretary General
Committee of the Regions
99 – 101 Rue Belliard
B-1040 Brussels*

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111

http://ec.europa.eu/dgs/secretariat_general/



SUIVI ACCORDÉ PAR LA COMMISSION AUX AVIS DU

COMITÉ des RÉGIONS

SESSION PLENIERE DE FEVRIER 2015

63^{ème} RAPPORT

N°	TITRE	REFERENCES
EMPL		
1.	<p>Un cadre stratégique de l'Union européenne en matière de santé et de sécurité au travail (2014-2020)</p> <p>Communication de la Commission au Parlement européen, au Conseil, au Comité économique et social européen et au Comité des régions</p> <p>Rapporteur: M. Mauro D'Attis (conseiller municipal de Brindisi, Italie/PPE)</p>	<p>COM(2014) 332 final</p> <p>COR-2014-04330-00-00-PAC-TRA</p> <p>ECOS-V-061</p>
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2.	<p>Partenariat transatlantique de commerce et d'investissement (PTCI)</p> <p>Rapporteur: M. Markus Töns (membre du Parlement du land de Rhénanie du Nord - Westphalie, Allemagne/PSE)</p>	<p>COR-2014-05385-00-00-PAC-TRA</p> <p>ECOS-V-063</p> <p>Avis d'initiative</p>
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3.	<p>Lignes directrices relatives aux mesures établissant un lien entre les FESI et une bonne gouvernance économique</p> <p>Communication de la Commission au Parlement européen, au Conseil, au Comité économique et social européen et au Comité des régions</p> <p>Rapporteur: M. Bernard Soulage (vice-président du Conseil régional de Rhône-Alpes, France/PSE)</p>	<p>COM(2014) 494 final</p> <p>COR-2014-06247-00-00-PAC-TRA</p> <p>COTER-V-053</p> <p>Avis d'initiative</p>

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4. co-lead EMPL	<p>Plan d'action vert pour les PME et Initiative pour l'emploi vert</p> <p>Communication de la Commission au Parlement européen, au Conseil, au Comité économique et social européen et au Comité des régions</p> <p>Rapporteur: M^{me} Satu Tietari (conseillère municipale de Säkylä, Finlande/ADLE)</p>	<p>COM(2014) 440 final</p> <p>COM(2014) 446 final</p> <p>COR-2014-04331-00-00-PAC-TRA</p> <p>ECOS-V-062</p>
5.	<p>L'extension de la protection de l'indication géographique aux produits non agricoles</p> <p>Livre vert</p> <p>Rapporteur: M^{me} Maria Luisa COPPOLA (membre du Conseil et assesseure de la région de Vénétie, Italie/PPE)</p>	<p>COM(2014) 469 final</p> <p>COR-2014-05386-00-00-PAC-TRA</p> <p>ECOS-V-064</p> <p>Avis d'initiative</p>
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6.	<p>Vers une économie circulaire: révision de la législation européenne sur les déchets</p> <p>Proposition de directive du Parlement européen et du Conseil</p> <p>Communication de la Commission au Parlement européen, au Conseil, au Comité économique et social européen et au Comité des régions</p> <p>Rapporteur: (maire de la commune de Cumpăna (judet de Constanța), Roumanie, PSE)</p>	<p>COM(2014) 397 final - 2014/0201 (COD)</p> <p>COM(2014) 398/2 final</p> <p>COR-2014-04083-00-02-PAC-TRA</p> <p>ENVE-V-048</p>

JUST		
7.	<p>Les collectivités locales et régionales et la protection à multinationaux de l'État de droit et des droits fondamentaux dans l'UE</p> <p>Rapporteur: M. Luc Van Den Brande (président du conseil d'administration de l'Agence de liaison Flandre-Europe (VLEVA), Belgique/PPE)</p>	<p>M^{me} Mariana Gâju</p> <p>COR-2014-04527-00-01-PAC-TRA</p> <p>CIVEX-V-050</p> <p>Avis d'initiative</p>
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8.	<p>L'interopérabilité comme moyen de moderniser le secteur public</p> <p>Proposition de décision du Parlement européen et du Conseil</p> <p>Rapporteur: M^{me} Odeta Žerlauskienė (membre du conseil municipal de Skuodas, Lituanie/ADLE)</p>	<p>COM(2014) 367 final – 2014/0185 (COD)</p> <p>COR-2014-05514-00-01-PAC-TRA</p> <p>EDUC-V-045</p>

<p>N°1 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU Strategic Framework on Health and Safety at Work 2014-2020 COM (2014) 332 final – COR 2014/4330 - ECOS-V-061 110th Plenary Session - February 2015 Rapporteur: Mr Mauro D'ATTIS (IT/EPP) DG EMPL – Commissioner THYSSEN</p>	
<p>Points of the CoR opinion considered essential</p>	<p>Commission position</p>
<p>The CoR welcomes the aim of the Commission communication on a new EU Strategic Framework on Health and Safety at Work 2014-2020 to uphold the Europe 2020 employment targets by promoting high standards for working conditions both in the EU and internationally.</p>	<p>The Commission shares the CoR views on this point.</p>
<p>The CoR questions why the Commission makes no provision for specific legislative measures within this Strategic Framework, particularly in the area of Musculo-Skeletal Disease (MSD) and carcinogens.</p> <p>The CoR supports in this context the call of the European Parliament on the Commission concerning asbestos (screening and registration, safe removal of asbestos from public buildings etc.).</p>	<p>The Commission is now carrying out a comprehensive evaluation of 24 EU Occupational Safety and Health (OSH) Directives, final results of which will be available by the end of 2015, including relevant directives addressing some MSD factors, carcinogens and asbestos directives. The Strategic Framework will be reviewed in 2016 in the light of the results of the <i>ex post</i> evaluation of the EU OSH <i>acquis</i> and progress on its implementation.</p> <p>The Commission has taken note of the importance and urgency that stakeholders, including the CoR, attach to improving the legislation on carcinogens. At the same time the Commission needs to ensure that legislation on Health and Safety at Work (HSW) in this field reflects the best available evidence and scientific research and is consistent with</p>

	regulation in related areas, in particular with the REACH legislation.
The CoR points to the contradiction by the Commission of pursuing the establishment of an EU OSH Strategic Framework 2014-2020 while at the same time announcing in its Work Programme 2015 the possible withdrawal of the proposal for a directive amending Council Directive 92/85/EEC on pregnant workers.	There is no contradiction as the Strategic Framework provides a framework for action, cooperation and exchange of good practice in the field of OSH in 2014-2020. A withdrawal of a proposal is in no way reducing the level of existing protection for pregnant or breastfeeding women. The proposal as such does not give any rights, as long as it is not adopted by the co-legislators, thus becoming a directive. The Commission has come to the conclusion that, notwithstanding its intensive efforts to break the deadlock, negotiations between the co-legislators regarding this proposal which dates from 2008 have not progressed in the last years but have come to a standstill. As leaving the stalled proposal on the table will not do anything to improve the real day-to-day lives of working mothers, the Commission has decided to withdraw the proposal and to pave the way for a fresh approach. Before the withdrawal becomes effective, the Commission will set out its ideas for a new and broader approach which will continue to promote the objectives of the previous proposal and provide minimum protection while examining a wider range of issues that face working parents and carers in their daily lives.
The CoR acknowledges the importance of EU-level coordination of measures to address the risks linked to HSW and to achieve ongoing and progressive improvement in working conditions.	This point is in line with the EU Strategic Framework 2014-2020 (SF).
Emphasises the essential role that employers	This point is in line with the SF 2014-

<p>and workers' representatives must play in developing policies on HSW at European, national, regional and local level and calls on the Commission to strengthen social dialogue in its decision-making processes.</p>	<p>2020 and the Commission's approach, in particular through the ongoing close cooperation with the tri-partite Advisory Committee on Safety and Health at Work and the sectoral social dialogue committees.</p>
<p>The CoR endorses the Commission's decision to identify three main challenges in the new strategic framework which are: i) complying with existing legislation; ii) better prevention of work-related illnesses, including the prevention of new and emerging risks; iii) the response to demographic developments.</p>	<p>This point is in line with the SF 2014-2020.</p>
<p>The CoR agrees with the European Parliament that the economic crisis is not a pretext for undermining prevention policies and emphasises the importance of HSW as a fundamental right for workers.</p>	<p>This point is in line with the SF 2014-2020.</p>
<p>The CoR regrets that LRAs have played a very limited role in the Commission's strategy. The Committee calls on the Commission to guarantee that they will be formally involved in commitments in this area, acknowledging that as major employers they are key institutional actors.</p>	<p>This recommendation should be addressed to Member States to strengthen LRAs involvement in this area. In this regard, the SF 2014-2020 encourages Member States to review, in close consultation with relevant stakeholders, their national strategies in view of the new SF, and this would be a good occasion to promote involvement of LRAs.</p>
<p>The CoR stresses that, due to their partnership and links to local businesses, LRAs can play an important role in integrating legislation, promoting the "culture of prevention" and the proper application of preventive standards, and supporting representation and collective redress on safety issues.</p>	<p>This point is in line with the SF 2014-2020.</p>
<p>The CoR proposes to identify a European central steering committee responsible for</p>	<p>The Commission considers that there are already structures in place, e.g. the</p>

<p>defining, coordinating and developing health and HSW issues (preferably coordinated by EU-OSHA), not least in order to play a more effective proactive role in providing a point of reference, guidance and oversight for Member States implementing EU legislation.</p>	<p>tri-partite Advisory Committee on Safety and Health at Work (ACSH) and the Senior Labour Inspectors Committee (SLIC), ensuring appropriate steering and coordination of OSH issues at EU level. It is not EU-OSHA's competence to coordinate EU OSH policy, as its remit is to raise awareness, and provide and disseminate information in the field of HSW.</p>
<p>The CoR supports the Commission's plan to review national strategies in light of the new framework, by establishing a database covering all national strategic frameworks on health and safety.</p>	<p>The Commission encourages Member States to review their national strategies in the light of the SF 2014-2020.</p>
<p>The CoR firmly believes that the "culture of prevention" must be developed.</p>	<p>This point is in line with the SF 2014-2020.</p>
<p>The CoR agrees with the Commission that raising awareness about HSW starts at school and endorses the recommendation to give these issues greater prominence in school curricula.</p>	<p>This point is in line with the SF 2014-2020.</p>
<p>The CoR agrees with the Commission on the need to provide financial and technical support for the online interactive risk assessment tool OiRA and other technical, scientific and IT tools in the Member States, in particular for micro and small enterprises.</p>	<p>This point is in line with the SF 2014-2020.</p>
<p>The CoR calls for more integrated policies for SMEs (financial incentives, better access to the ESF and ERDF, practical albeit technically and scientifically rigorous mechanisms for risk assessment).</p>	<p>This point in line with the SF 2014-2020. Member States should be the addressees of this call.</p>
<p>The CoR is in favour of the SLIC, providing the labour inspectorates and</p>	<p>This point is in line with the SF 2014-2020.</p>

<p>officials of bodies responsible for HSW of individual Member States with guidance and coordination, and being equipped with the appropriate tools and resources.</p>	
<p>The CoR hopes that LRAs will have a stronger role in terms of local oversight, not least through progressive strengthening of their powers, particularly over the procurement and subcontracting system, one area where safeguarding is particularly inadequate.</p>	<p>This recommendation should be addressed to Member States to strengthen LRAs involvement in this area, for instance in the context of the review of their national OSH strategies.</p>
<p>The CoR endorses the move to include potential simplifications in the risk assessment and/or reductions in the administrative burden in the evaluation of HSW legislation, at the same time ensuring that the level of employee protection is not reduced.</p>	<p>This point is in line with the SF 2014-2020.</p>
<p>The CoR supports the Commission in calling for the collection and compilation of more exhaustive statistical data.</p>	<p>This is in line with the SF 2014-2020. The relevant Commission services are actively working to improve the availability of harmonized data. A key strategic objective of the SF is to improve statistical data collection and develop the information base.</p>
<p>The CoR endorses the Commission's view whereby clear EU standards in HSW legislation could contribute to achieving equivalent global labour standards.</p>	<p>This is in line with the SF 2014-2020.</p>
<p>The CoR would remind the Commission to encourage Member States to ratify all ILO and other international conventions and agreements on health and safety.</p>	<p>Since 2006, the Commission encourages and facilitates the process of ratification of ILO up-to-date Conventions while taking account of the relevant areas of responsibility and policies of the EU. It cooperates closely with the ILO to that aim. It particularly reinforced its cooperation with the ILO on HSW in 2014 and has been encouraged in March 2015 by the</p>

	Council to do so.
<p>The CoR would remind the Commission to monitor HSW standards and related issues closely in negotiations on all partnerships established worldwide, and particularly in current negotiations on the Transatlantic Trade and Investment Partnership (TTIP) with the United States.</p>	<p>This point is in line with the SF 2014-2020. All ongoing negotiations on Free Trade Agreements (FTAs) as well as recently concluded FTAs include commitments to respect, promote and realise core labour standards and to promote high levels of labour protection, consistent with internationally agreed ILO standards that have been classified by ILO as up-to-date. This includes also ILO standards on HSW. In addition, recently concluded FTAs include commitments not to lower standards in order to encourage trade or investment. This means FTAs expressly reflect the fact that the authorities will not fail to enforce, and will not depart from, domestic laws as an encouragement of trade and investment. Furthermore, provisions are included to follow up on the implementation of agreed rules, once FTAs enter into force, and to provide for monitoring of compliance with obligations. The involvement of social partners and civil society in the implementation processes is a key element in this approach.</p>

<p>N°2 The Transatlantic Trade and Investment Partnership (own-initiative opinion) COR 2014/5385 - ECOS-V-063 110th Plenary Session - February 2015 Rapporteur: Mr Markus TÖNS (DE/PES) DG TRADE – Commissioner MALMSTRÖM</p>	
<p>Points of the CoR opinion considered essential</p>	<p>Commission position</p>
<p>In its opinion the CoR assumes that the TTIP could be an opportunity to boost growth and employment in the EU, in that it may provide reciprocal market access for trade in goods, services, investment and public procurement, and cut red tape and remove non-tariff barriers to trade (NTBs).</p>	<p>The Commission shares the CoR's overall assessment on TTIP. The objective is to negotiate an ambitious agreement that goes beyond a traditional free trade agreement. Achieving an ambitious, comprehensive trade and investment agreement that fully respects existing legislative frameworks, and without lowering of EU standards, is feasible. The EU has done so in its agreement with Canada (CETA), and TTIP will be no exception.</p>
<p>The CoR notes, however, that an agreement of such global scope entails risks as well as opportunities, and therefore insists that democratic participation and the powers of local and regional authorities must be safeguarded.</p>	<p>The CoR's opinion plays an important role for the Commission in these negotiations. In this regard the Commission welcomes further cooperation with the CoR to enhance its exchanges with local and regional authorities.</p> <p>The democratic controls laid out by the Lisbon Treaty are very clear and will be respected. The Commission informs and listens to the elected representatives of the European people, the Members of the European Parliament and representatives of Member States in the Council.</p> <p>The Commission has made unprecedented efforts and will continue to inform citizens and explain the objectives and state of play of the TTIP</p>

	<p>negotiations in detail. When conducting our trade negotiations – including TTIP – it is vital to ensure that all stakeholders are consulted and informed, and that the positions the Commission takes defend the interest of EU citizens. This will ensure that the final agreement reflects European citizens' expectations. The Commission has already taken on board a number of suggestions: for example by including a chapter on small and medium-sized enterprises' interests, pursuing provisions on animal welfare, and consulting the public on investor-to-state dispute settlement (ISDS).</p>
<p>The CoR considers the high European standards of protection that exist for EU citizens to be an achievement worth defending at all costs, and insists that the Member States' existing legal standards in such areas as the protection of life, product safety, health, social, environmental, climate, foodstuff and animal protection, and consumer and data protection rights and intellectual property, as well as workers' rights, must on no account be lowered, but rather efforts should be made to raise these standards and to put public service provision on a solid footing; the CoR supports the view that the right to regulate these key areas should remain with the relevant European and national institutions alone.</p>	<p>Both parties to this negotiation have made clear that under no circumstances will TTIP lead to lower standards of protection. On the contrary, both the EU and the US are committed to high levels of protection. Making our regulations more compatible does not mean implementing the lowest common denominator. Rather, it means avoiding unnecessary divergences that create additional costs for business but which do not help us achieve public policy objectives. Furthermore, any common approach to health, environmental or financial risks by the world's two largest traders has a good chance of becoming the world-wide standard, which would benefit many other countries too. Moreover, the regulatory cooperation mechanism the Commission is negotiating with the US is meant to simply foster cooperation between regulators, and will thus also not infringe on the EU or the Member States' right to regulate in the public interest.</p>

<p>The CoR points out further that the negotiations on the transatlantic free trade agreement cover areas that fall within the remit of all government and administrative levels, including local and regional authorities, and calls on the European Commission to include the Committee in the Commission's TTIP advisory group to ensure the timely involvement and participation of the local and regional level in the negotiations.</p>	<p>The Commission acknowledges the regional and local dimension of the agreement and does its utmost to ensure transparency towards the Member States and the European Parliament. Given the size and scope of TTIP, it has come under intense public debate, fed by many misapprehensions on the objectives and impacts of TTIP. This required the Commission to refresh and adapt its consultation and outreach process – an important element of the ‘fresh start’ that Commissioner Malmström implements.</p> <p>The Commission would like to recall that two nominated members of the CoR have been granted access to all EU negotiations texts and position papers in a reading room managed by DG TRADE, in the same way as for the TTIP Advisory Group.</p> <p>Also, the Commission would like to recall that organising access to negotiating documents for members of national parliaments is the sole responsibility of the Member States, who are aware that confidentiality must be respected.</p>
<p>The CoR underlines that TTIP amounts to a mixed agreement that is subject to approval by the European Parliament and ratification by all 28 Member States, which, depending on the law of each Member State, may require the approval of not just the national parliaments, but also that of the governments, parliaments and chambers representing the regional level.</p>	<p>The question of whether TTIP will be an agreement that is mixed and therefore requires ratification by national parliaments can only be fully answered once the negotiations are concluded. If TTIP includes issues of sole national competence, it will require ratification by national parliaments. Commissioner Malmström has nevertheless several times already publicly said that it is very likely that TTIP will be a mixed agreement.</p>
<p>The CoR recalls that the outcome of the TTIP</p>	<p>Multilateral trade policy remains the</p>

<p>would pave the way for future bilateral and multilateral trade and investment agreements.</p>	<p>Commission's priority and in this regard it is important that the TTIP negotiations are not seen as a diversion.</p> <p>However, from a practical perspective, it is evident that a deal between the world's two biggest trading partners could help to support the multilateral process, in particular by developing enhanced rules and standards for key areas of international trade.</p>
<p>The CoR disagrees with the proposal to introduce more far-reaching regulatory cooperation, which would give the trade and investment partner a strong voice in the pre-legislative or legislative phase of EU, Member State and local and regional authority legislative procedures, or enable it to delay legislative procedures by calling for analyses on the impact of legislation on free trade.</p>	<p>With regards to regulatory cooperation in TTIP, none of the EU's objectives proposals would compromise, or provide for interference in, our existing decision-making and legislative processes, either in the EU or in the US. These domestic processes will need to be respected as is the case under all our previous trade agreements. The CoR may be interested to review the recent proposals¹ made by the EU to the US on regulatory cooperation in TTIP.</p>
<p>The CoR suggests that the possibility of including a revision clause in the agreement between the EU and the USA be examined, in order, if appropriate, to be able to review and amend the agreements reached, depending on their impact.</p>	<p>This will indeed be examined as negotiations unfold. Revision clauses are frequently included in EU trade agreements and in any case, the possibility to amend the agreement on the basis of a mutual agreement between the two parties will certainly be integrated.</p>
<p>The CoR calls on the Commission to work to embed a positive listing approach in the TTIP agreement, and rejects negative listing and "ratchet" clauses.</p>	<p>The EU has in past trade agreements used both negative and positive lists and both techniques can deliver the same level of protection for public services. All sensitive sectors can be protected via a negative list.</p>
<p>The CoR stresses that the precautionary principle is one of the fundamental principles</p>	<p>TTIP will uphold the EU's precautionary principle as outlined in the treaties. As</p>

¹ <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1230#regulatory-cooperation>

<p>of European environmental, health and consumer protection policy, and stresses that TTIP must not result in the precautionary principle being undermined.</p>	<p>frequently stated in public by the Commission, TTIP will make no changes to the EU's current environmental, health, safety and consumer standards. The precautionary principle will thus continue to guide EU policy making in the future in line with the treaties.</p>
<p>The CoR holds that all important questions of detail regarding the agreement must be negotiated in full, and that there should be no subsequent delegation of regulatory questions – thereby circumventing the democratic legislative process – to special expert committees.</p>	<p>As stated above, with regard to regulatory cooperation in TTIP, none of the EU's objectives could compromise our existing decision-making and legislative processes, either in the EU or in the US. These domestic processes will need to be respected as is the case under all our previous trade agreements.</p>
<p>The CoR calls on the parties to the agreement to guarantee the right to privacy as well as citizens' rights and freedoms, including online. The CoR insists that negotiations on TTIP should be linked to the conclusion of a comprehensive agreement on data protection between the EU and the USA.</p>	<p>The TTIP is not the right forum to discuss privacy standards. Data privacy is outside of the scope of this negotiation. Separate discussions with the US are taking place on Safe Harbour – which provides for the conditions under which US companies must process personal data transferred to them – and an agreement on the use of data by criminal law enforcement authorities. The Commission would like to recall that any transfer of personal data outside the EU has to be in accordance with the applicable EU legislation on personal data protection.</p>
<p>The CoR notes that the <i>acquis communautaire</i> includes binding provisions in the field of International Labour Organization (ILO) standards as well as labour protection and product safety, and in this connection underlines its expectation that the ILO core labour standards and the OECD Guidelines for Multinational Enterprises will be complied with, including in further TTIP negotiations.</p>	<p>A strong trade and sustainable development chapter is a key plank of the TTIP negotiations. As in its previous agreements, the EU aims to include language to ensure (a) that both parties fully retain the right to regulate on matters of environmental and labour policy; (b) the upholding in domestic laws and practices of the values and principles of international instruments</p>

<p>The CoR objects to existing and future employee protection rights, such as the right to co-decision in workplace labour relations and other employee protection rights, being deemed non-tariff barriers to trade by TTIP; the labour market regulation, social security systems, free collective bargaining, freedom of association, right to strike, minimum wages and collective agreements of an EU Member State must also remain the responsibility of the individual Members State</p>	<p>such as the 8 core ILO Conventions and the Multilateral Environmental Agreements; (c) a commitment not to allow trade interests to erode these standards; and (d) the promotion of trade and investment favouring sustainable development.</p> <p>TTIP will build on the EU's and the US' existing commitment to high levels of protection for the environment and workers – including in their trade agreements. The TTIP negotiations will pave the way for a comprehensive and ambitious approach to trade and sustainable development issues, including on labour, environmental and cross cutting aspects such as Corporate Social Responsibility – thereby responding to expectations for a true “21st century deal” in this area.</p> <p>The EU considers that TTIP should include strong commitments to guarantee from the outset the respect by both the US and the EU of the core labour standards enshrined in all 8 core ILO Conventions.</p>
<p>The CoR notes that, according to point 20 of the EU's negotiating mandate, services supplied in the exercise of governmental authority are excluded from the negotiations, and calls for clarification that this excludes from the negotiations services deemed in the case law of the parties to the agreement or of each member to be supplied in the exercise of governmental authority.</p> <p>The CoR seeks clarification whether the public services referred to in point 19 of the EU's negotiating mandate are those that, under the case law of each party to the agreement or of each member, are subject to specific regulatory regimes or characterised by specific obligations imposed on the</p>	<p>As regards the protection of public services in trade agreements the Commission would like to refer to the joint statement of March 2015 by Commissioner Cecilia Malmström and Ambassador Michael Froman about the importance of protecting public services in which both sides confirm that US and EU trade agreements do not prevent governments, at any level, from providing or supporting services in areas such as water, education, health, and social services.</p> <p>As a general rule all EU trade deals provide important guarantees for public services to ensure that EU governments</p>

service providers at national, regional or local level in connection with the general interest; these include, for example, water and energy provision, waste and sewage disposal, emergency services, public health and social services, public transport, housing, urban planning measures and urban development;

The CoR calls on the Commission to apply a horizontal exemption for public services referred to in point 19 of the EU's negotiating mandate from all obligations entailed by the principle of market access and national treatment, and, with respect to public services, calls for a restriction to be introduced for all sectors and all existing and future measures by the parties to the agreement, for the number of services and service providers to be limited, for specific obligations to be imposed on service providers, and for the provision of these services to be regulated in accordance with the general interest.

remain entirely free to manage public services as they wish. This has provided effective protection for public services during the last 20 years since the creation of the General Agreement on Trade in Services (GATS) in 1995.

This protection is provided irrespective of whether the definitions or concepts enshrined in the respective domestic laws of the parties are reflected in the agreement. There is therefore no need to specify this in the Agreement.

The EU will not take any market access or national treatment commitments on publicly-funded health and social services, education, water collection, purification, distribution and management services. There can be no question of the ratchet applying to these services because the EU has decided to exclude these services from its services/investment commitments under TTIP. Member States will remain free to allow or not allow foreign firms to provide such services. Claims that the ratchet clause could be used as a backdoor mechanism to privatise public utilities, such as public water services, are unfounded.

For public services, a targeted approach using wide-ranging public utilities reservations and sector-specific reservations has been tried and tested and shown to work. In this way, we can exclude commitments for current or future public services, whatever they are. Should a public monopoly be decided for an area, TTIP would not prevent this.

The CoR reminds that the laws of the Member States must not be undermined by a transatlantic trade agreement. The Committee

The Commission would like to clarify the situation with regards to Investor-to-State Dispute Settlement (ISDS).

expects the European Union's room for manoeuvre, and that of its Member States' parliaments and governments, to be maintained, thus also safeguarding the public's democratic opportunity to exert influence here, and investment disputes to be settled before the national courts.

It stresses further that political and administrative measures taken in a democratically legitimate and constitutional way must not be challenged by arbitral tribunals especially in respect to retrospective claims for damages, and that the investor protection clauses contained in TTIP must on no account directly or indirectly undermine states' right to regulate.

Investment protection rules address only a limited number of fundamental guarantees about the treatment of non-domestic investors: for example, a foreign investor should not be subjected to a denial of justice, or to coercion, abuse or harassment and his property should not be expropriated without compensation. These are the sorts of protections that we can already guarantee to foreign investors in Europe, and that we would want EU investors to have overseas. The investor-to-state dispute settlement mechanism (ISDS) only allows investors to address situations where these fundamental guarantees have not been respected. The assumption that investors can sue governments whenever a governmental measure affects investors' business and their ability to make profit is a widespread misconception. The idea that EU agreements would allow for "retrospective claims for damages" (claims based on treatment afforded before the EU agreement begins to apply) is another widespread misconception.

The EU approach on investment protection and ISDS in TTIP is currently under internal discussion. A concept paper published on 5 May 2015 suggests further improvements in four key areas: i) the protection of the right to regulate; ii) the establishment and functioning of arbitral tribunals; iii) the review of ISDS decisions through an appellate mechanism; iv) the relationship between domestic judicial systems and ISDS. The Commission has made clear that it would not consider an agreement with the United States that would lower European standards or limit

	<p>governments' right to regulate in the public interest. The ideas contained in the concept paper are intended to be an integral part of the EU's investment policy for TTIP and future EU investment agreements but also the stepping stones towards a permanent multilateral system for investment disputes. These ideas are without prejudice to the final position of the Commission on this matter.</p>
<p>The CoR points out that legislation on the public administration of savings banks and regional public banks must not be undermined by the TTIP or other EU trade agreements. Such legislation presents neither a barrier to market access nor any other form of discrimination.</p>	<p>The Commission would like to recall that neither TTIP nor TiSA (the plurilateral Trade in Services Agreement the EU and some other WTO members are currently negotiating) nor any other of the EU's trade agreements has, or will have implications for how regional or savings banks operate. Despite the fact that the EU has been taking broad commitments in the banking sector since the beginning of the World Trade Organisation's General Agreement on Trade in Services (GATS), the regulatory regime applicable to savings banks has never been challenged by any other WTO member. TTIP will not include any additional obligations related to savings banks.</p>
<p>The CoR notes that, at the moment, 85% of public tenders in the European Union are already open to US suppliers, while only 32% of US tenders are open to EU suppliers, with this imbalance further exacerbated by an "opt-in" system for US states. The agreement should therefore promote equal opportunities for the two parties, given that this will help European SMEs in particular to access US public procurement.</p> <p>It stresses further that the standard-setting aspects of European public procurement law must not be challenged – particularly as</p>	<p>Government Procurement is a high priority for the EU and without a good outcome in procurement, TTIP cannot be concluded. One of the key concerns is US Domestic preferences which continue to play a very important role. These restrictions prevent European companies from accessing the US market or restrict their sourcing options to the US market, especially in transport infrastructure projects, thus severely reducing the benefits for the European economy. Our overall aim is to achieve</p>

<p>applied in a regional and local context, for example in connection with compliance with labour law, social and collective agreement standards, green procurement, or inclusion of small and medium-sized enterprises (SMEs); these ensure that criteria in addition to price, such as social and sustainability considerations, can also be taken into account when determining the successful bidder.</p>	<p>equal treatment, not to ask the US to abolish domestic preference policies, just to neutralise their effects with regard to EU companies.</p> <p>The TTIP negotiations are not about lowering of standards for environmental protection, social aspects or labour law in public procurement but about increasing business opportunities in the two markets. Environmental criteria can be taken into account in procurement according to the applicable EU Directives, and TTIP will not affect this. Also, both the EU and the US have very high standards in these areas which would also be confirmed in TTIP procurement negotiations. What we need to make sure is that EU businesses, including SMEs, are not discriminated against in the US.</p>
<p>The CoR highlights that this agreement is to benefit firms of all sizes, notably SMEs that do not have the financial, legal and other resources to cope with regulatory differences and other barriers to trade.</p>	<p>The potential benefits of TTIP for SMEs in the EU are very significant. As a sector representing 99% of European and American business, employing millions of people and producing a wide range of highly innovative and specialised goods and services, small businesses make up an important share of transatlantic trade. TTIP could help make this easier by reducing existing barriers (ranging from lower tariffs to less red tape at customs), and could encourage more small businesses to export and reap the gains of access to the whole transatlantic market.</p>
<p>The CoR is concerned that as a result of differences in standards concerning, for example, the environment, social protection of employees, public aid, patent procedures and energy, there could be an outflow of production and other activities of individual companies from EU regions to the USA due</p>	<p>A significant level of EU employment is in firms that have been selling goods and services in the affluent and competitive US market over many years. It is expected that strengthening economic relations with the US via TTIP will bring important benefits to the</p>

<p>to the lower costs of such things as energy, subsidised renewable resources, CO2 emissions and social standards for employees, but also in terms of research and development, given the quicker patent procedures and so on.</p>	<p>EU economy and have a positive impact on jobs in the EU.</p> <p>With respect to lower energy costs in the US, the Commission is pursuing a number of objectives:</p> <ul style="list-style-type: none"> - the Commission continues to request that all US export restrictions on LNG and crude oil be removed; - the Commission envisages longer phasing periods for tariff dismantlement for some particularly energy intensive sectors; - we continue to advocate energy and raw materials specific rules for reasons of energy security, competitiveness and global standard building; - energy and raw material specific rules in TTIP could help both EU and US companies, as they are facing similar barriers to trade when doing business in third countries; - the Commission is also looking at an array of measures that should enhance trade and investment in renewable energy equipment and energy efficiency, such as non-discriminatory access to export markets, convergence of standards and certification, and enhanced cooperation in research and development.
<p>The CoR notes that in Europe the majority of Member States reject the cultivation, import and processing of genetically modified organisms (GMO).</p> <p>Furthermore, the CoR calls for a guarantee that special arrangements are planned for the agricultural sector banning the import of certain products into the EU; this concerns first</p>	<p>The EU has developed very high standards of food safety and consumer protection. It has also made certain choices as to how our food should be produced. For example, we have decided that we want to produce beef without the use of hormones and we have in place a robust assessment</p>

<p>and foremost products that do not comply with the EU labelling directive; products consisting of, or produced using, GMO; animals treated with growth hormones; and the placing on the market of foods made from cloned animals. The same applies to foods treated with substances that are banned in the EU and foods whose ingredients are not adequately listed on the label.</p>	<p>system for GMOs. Consequently, products imported from the US to the EU as of today already meet and will continue to meet EU basic requirements. These EU requirements will not be negotiated in TTIP.</p> <p>The TTIP negotiations will not oblige either side to compromise on a level of protection it has established. Basic EU laws, like those relating to GMOs or which are there to protect human life and health, animal or plant health and welfare, or environment and consumer interests will not be part of the TTIP negotiations. Through TTIP, the EU only wants regulators to cooperate pragmatically and to work in a more coordinated fashion to avoid unnecessary duplication of regulations.</p> <p>The CoR can rest assured that the EU will keep, for instance, its restrictions on hormones or growth promoters in livestock farming. This will change only if and when the EU legislator ever decides to do so. We have already clarified that the basic EU regulation on GMO's – including the European Food Safety Agency's safety assessment and the risk management procedure – is not up for negotiation in TTIP.</p> <p>In the EU, food is being labelled on the basis of existing legislation which is related to health and consumer protection (for example nutritional content, health claims) and the agricultural marketing order (for example country of origin labelling). Any decision about labelling would have to be taken on this basis.</p>
<p>The CoR emphasises that agricultural biodiversity is the basis of food production, and underlines that the planned TTIP</p>	<p>Both the EU and the US are committed to high levels of environmental protection and to the effective</p>

<p>agreement must not lead to a restriction of traditional seeds or the depletion of our traditional crops, or interfere with high-quality and environmentally friendly agriculture.</p>	<p>implementation of both international and domestic environmental standards and agreements. The provisions on trade and sustainable development build on this.</p> <p>In TTIP we are looking to reconfirm the importance of the participation and the work in the core Multilateral Environmental Agreements and other environment-related bodies, which are internationally recognized instruments to deal with such challenges. Building on these international commitments, we aim to promote the conservation and sustainable management of biodiversity and ecosystems, the sustainable use and management of natural resources, and the role that trade could play in this regard, in particular in areas such as forests, fisheries, wildlife, and biological resources.</p>
<p>The CoR calls for a specific chapter on geographical indications (GIs) with the aim of maintaining European standards and of establishing rules protecting GIs in both jurisdictions and a system of mutual recognition of EU and US designations.</p>	<p>The EU has made geographical indications one of its main priorities in TTIP. It is an important issue for many in the EU. The Commission is looking for a US binding commitment to make a good faith and serious effort to improve the protection of EU GIs in the US. The Commission will publish a position paper or textual proposal once the discussions in this area are sufficiently advanced.</p>
<p>The CoR underlines that Member States and local and regional authorities must still be able to take any regulatory or financial measure necessary to protect or promote the cultural diversity, freedom and pluralism of the media and to preserve or develop audiovisual and other similar services in order to meet the democratic, social and cultural needs of each society, irrespective of which technology or distribution platform is used. The cultural and</p>	<p>The negotiating directives clearly set out that the EU will not take any liberalisation commitment for the audiovisual sector. The Commission is aware of the concerns that the audiovisual sector raises in the European public opinion and will do what it takes to ensure that the ability of the EU and the Member States to regulate such sector is duly preserved in</p>

<p>media sovereignty of the Member States must be safeguarded by means of a clear exemption for culture and the media in the negotiating mandate.</p>	<p>the Agreement – including the ability to adopt new legislation, or to adapt existing legislation such as the Audiovisual Media Services Directive to the digital environment. The audiovisual exemption therefore covers policy developments that contribute to the achievement of the objective of general interest of promotion of cultural diversity in view of the evolution of the audiovisual industry, the technology and the markets in the digital era. Moreover, neither TTIP nor any other EU trade agreement is to affect fixed book pricing and other similar policies. These can therefore continue to be applied by those Member States who wish to do so.</p>
<p>The CoR hopes that the negotiators, bearing in mind the global repercussions that the free trade agreement will have, support fair and sustainable trade rules that do not run counter to the mutual development policy efforts of the EU and the USA aimed at improving the situation of developing countries, but are rather managed in a spirit of global responsibility and solidarity towards those countries.</p>	<p>A trade agreement between the EU and the US will have spill-over effects on the world economy. For example, increased trade between the two will raise demand for raw materials, components and other inputs produced by other countries. This is expected to add an extra EUR 100 billion to the world economy in addition to the extra trade between the EU and the US. The more extensive the deal reached between the EU and the US, the greater the boost to their bilateral trade and investment flows, and the greater will be the benefits for the rest of the world.</p> <p>While the elimination of tariffs between the EU and US could erode some of the preferences that some trading partners benefit from in those markets, harmonising of EU and US technical standards could also boost trade between these two parties and the other countries of the world by making it cheaper for these countries to export to the EU-US transatlantic market.</p>

	<p>Moreover this could well provide the basis for global standards: the size of the transatlantic market is so big that if it had a jointly agreed set of rules, it would be in the interest of other countries to adopt them too. That way, they would only have to produce goods complying with this joint set of specifications, making trade throughout the world easier and cheaper. This way TTIP would further boost world trade to the benefit of all countries.</p> <p>The economic impact of this is not negligible. More specifically, the Commission estimates (c.f. http://trade.ec.europa.eu/doclib/docs/2013/march/tradoc_150737.pdf) that low income countries would see GDP gains of some EUR 2.4 billion (or up 0.2% by 2027 relative to a situation without TTIP in place).</p>
<p>Finally, the CoR underlines the need to collect, analyse, evaluate and manage extensive and comparable data predicting or illustrating the impact of TTIP on the regional and local level, paying particular attention to the outermost regions.</p>	<p>The Commission recognises the importance of accurate economic analysis of TTIP's potential, and the CoR's comments on this subject are valuable as the work on the Sustainability Impact Assessment (SIA) moves ahead. Communicating clearly and in a balanced manner on the variable impacts of TTIP continues to be a priority. DG TRADE is in close contact with DG REGIO to closely involve the outermost regions in the SIA.</p>

<p>N°3 Guidelines on the application of the measures linking the effectiveness of the ESIF to sound economic governance COM (2014) 494 final - COR 2014/6247 - COTER-V-053 110th Plenary session - February 2015 Rapporteur: Mr Bernard SOULAGE (FR/PES) DG REGIO – Commissioner CREȚU</p>	
Points of the CoR opinion considered essential	Commission position
<p>2. The CoR reiterates its opposition, as set out in its opinion on the proposal for a general regulation on the funds covered by the common strategic framework, to the principle of applying macroeconomic conditionality to the implementation of cohesion policy and, more specifically, to any links between the effectiveness of the European Structural and Investment Funds (ESIF) and sound economic governance. This link is founded on the false premise that local and regional authorities are just as accountable for budgetary excess as the national authorities.</p>	<p>A sound macroeconomic framework is a precondition for regional development and cohesion. Therefore, investments at the regional level through ESI funds cannot be seen in isolation from economic and fiscal policies implemented at the central level. Budgetary policies at sub-national level also have an impact on the overall budgetary position of Member States.</p>
<p>3. The CoR points out, moreover, that the Committee had called for a white paper on cohesion policy, mainly in order to reopen the debate about basing the measurement of quality of life and the quality of economic growth on more than mere GDP; the CoR calls for work to be carried out on new, more reliable indicators, which better reflect public expectations.</p>	<p>Sections 3.6 and 3.7 in chapter 6 of the Cohesion Report address the "beyond GDP" issue. The Commission will continue to investigate how indicators beyond GDP can be integrated into Cohesion Policy.</p>
<p>4. The CoR, further to its opposition on the principle to macroeconomic conditionality, has doubts as to the added value of these guidelines, which are no more than a paraphrase of Article 23 of Regulation 1303/2013.</p>	<p>The content of the Guidelines was set by the commitment given by the Commission to provide guidance on the application of specific provisions of paragraphs 1 and 6 of Article 23 of the Regulation. Its scope was limited to some aspects related to the first strand</p>

	<p>whereby the Commission may request a Member State to reprogramme part of its funding when this is justified by the economic and employment challenges identified through different EU economic governance procedures or to maximise the growth and competitiveness in Member States under financial assistance. Therefore, the Guidelines are meant to provide further certainty on how the above-mentioned specific provisions of Article 23 will be implemented.</p>
<p>6. The CoR emphasises that a very similar situation applies to the debts of local and regional authorities since (as the Commission recognises in the Sixth Cohesion Report) the increase in the public debt stems mainly from the activities of the central authorities. The overall debt of local authorities and regions with no legislative powers is still below 10% of GDP in all Member States. Nevertheless, this debt remains a concern in some countries.</p>	<p>Debts accumulated at sub-national level also have an impact on the overall debt position of Member States and are therefore the responsibility of all levels of Government. Interventions financed by ESIF can only be effective and able to achieve the objectives of Article 174 TFEU if they take place under sound economic conditions.</p>
<p>7. [...] It should be noted, moreover, that the "six-pack" regulations already lay down heavy penalties for non-compliance with macroeconomic stability rules. Therefore the CoR doubts the efficacy of suspending ESI funding, which would amount to penalising the same failure twice.</p>	<p>The sanctions laid down in the six-pack only apply to euro area Member States while the possible suspension of ESIF concerns all Member States except the United Kingdom. The former are justified by the fact that the need for economic convergence is greater in a monetary union; the purpose of the latter is to ensure that the interventions financed by ESIF take place under sound macroeconomic conditions in order to be able to achieve their objective and maximise their impact. In addition, they are of a very different nature than "six-pack" sanctions as, in most cases, suspensions will only apply for commitments, taking effect the year following the year in which suspension</p>

	<p>was decided, and will be lifted as soon as corrective measures to correct an excessive deficit or imbalance or to abide by a macroeconomic adjustment programme are taken. For all these reasons, suspensions should not disturb the implementation of ESI Funds on the ground.</p>
<p>8. The CoR also considers, in the framework of the "Six-Pack", that there is a case for revising the methods for calculating structural deficit, so as to give consideration to the specific characteristics of national economies and structural differences in public spending.</p>	<p>By construction, the "structural balance" is designed to take into account the intrinsic characteristics of national economies, i.e. by netting out the effect of the economic cycle as well as one-offs and other temporary factors.</p>
<p>11. The CoR therefore calls for the investment clause to be reviewed so as to enable regional and national investments co-financed through EU funds (ESI or CEF funding) to be excluded from the calculation of national deficits in the framework of the European Semester.</p>	<p>The Treaty envisages that budgetary discipline is assessed against reference values that do not differentiate amid different kinds of expenditure, hence pre-empting any exclusion of specific items from the deficit calculations.</p> <p>The Commission has recently adopted guidelines [COM (2015) 12] on how to strike a better balance between fiscal responsibility, structural reforms and the need to boost investment. The special nature of investment is, therefore, acknowledged in the application of the Stability and Growth Pact (SGP). Under certain conditions, the so-called "Investment Clause" allows Member States under the preventive arm of the SGP to deviate temporarily from their budgetary Medium Term Objective or from the adjustment path towards it by an amount equal to national co-financing under the Structural and Cohesion policy, Trans-European Networks and Connecting Europe Facility, national co-financing of investment projects also co-financed by the EFSI and</p>

	projects under the Youth Employment Initiative.
<p>12. The CoR emphasises the inherent contradiction between macroeconomic conditionality provisions, on the one hand, and the Stability and Growth Pact's provisions, on the other, since the latter allows for flexibility in its application in exceptional and temporary circumstances defined by Regulation 1177/2011, and since, by the Commission's own evaluation, "the EU fiscal framework offers enough scope to balance the acknowledgement of productive public investment needs with fiscal discipline objectives".</p>	<p>Article 23 provides that the possible decisions regarding suspensions of ESI funds will take account of the impact of the economic and social circumstances and the impact of the suspension on the economy of the Member State concerned. There can be no contradiction between the Pact's flexibility and conditionality as non-respect of the Pact is the trigger for ESI funds' suspension.</p>
<p>13. The CoR therefore reiterates its concerns regarding Eurostat's new ESA 2010 accounting framework, implemented as from September 2014, which makes no distinction between expenditure and investment and which obliges local and regional authorities to apply maximum investment ceilings per year and per inhabitant. These ceilings could prevent local and regional authorities in certain Member States from providing the co-financing needed for ESIF projects. The Committee therefore urges the Commission to present a report on the implementation of ESA 2010.</p>	<p>The new system of national accounts ESA 2010 did not change basic statistical principles, which have been applied in the EU since 1996 when the previous ESA 95 entered into force. Both ESA 95 and ESA 2010 are rooted in worldwide guidelines set out in the System of National Accounts (respectively 1993 and 2008 SNA) and take the form of a regulation of the Council and the Parliament. Both ESA 2010 and ESA 95 treat expenditure and investment as separate concepts. ESA 2010 also does not include provisions on maximum investment ceilings and thus cannot be their direct cause. Moreover, Article 12 of the Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts (the ESA 2010 Regulation) already obliges the Commission to submit a report on the application of the Regulation by 1 July 2018 and every five years thereafter.</p>
<p>18. The CoR therefore believes that it is</p>	<p>The possible suspensions of ESI funds</p>

<p>illogical to threaten a Member State facing economic difficulties with the suspension of ERDF and ESF funding. Lower public expenditure does not automatically lead to lower public deficits and can have a negative social impact.</p> <p>19. The CoR has serious concerns about a potential deterioration in national and subnational public finances as a consequence of suspended payments as well as commitments. It also draws attention to the fact that the limitations of linking the Structural Funds to the sound economic governance of public deficits have already been demonstrated by its original application to the Cohesion Fund, bearing in mind that penalising deficits is more likely to aggravate the economic situation of the countries concerned.</p>	<p>under Article 23 will be decided in case of non-effective or corrective action by the Member State following a Commission request or Council decision or recommendation, not because of the existence of economic difficulties. Articles 3 and 5 of Regulation 1467/97 explicitly indicate that the assessment of effective action must take into account whether unexpected adverse economic events with major unfavourable consequences for government finances have occurred. Suspensions under the different EU economic governance procedures take place at a late stage in each procedure, providing different opportunities for Member State to take corrective action and avoid a suspension of ESI Funds.</p> <p>Moreover, it should be borne in mind that the SGP ultimately aims at Member States achieving sound budgetary positions. Therefore, compliance with the requirements of the SGP will avoid financial sanctions or suspensions of ESI Funds.</p>
<p>20. The CoR reiterates its call for the European Commission to present a white paper setting out an EU-level typology for the quality of public investment in public accounts, on the basis of its long-term effects. If necessary, this typology could lead to a weighted evaluation of the quality of public investment in the calculation of budget deficits or to a better consideration of the actual macroeconomic cycle or context.</p>	<p>The Commission acknowledges that further research is needed so as to possibly identify an EU-level classification of public expenditure according to their quality/efficiency. However, the Treaty envisages that budgetary discipline is assessed against reference values that do not differentiate amid different kinds of expenditure, hence pre-empting a weighted calculation or exclusion of specific items from the budget deficits. The Commission has recently adopted guidelines [COM (2015) 12] on how to strike a better balance between fiscal responsibility, structural reforms and</p>

	<p>the need to boost investment. The special nature of investment is, therefore, acknowledged in the application of the Stability and Growth Pact (SGP) through the so-called "investment clause" (see Paragraph 11).</p>
<p>24. The CoR believes that reprogramming is far from easy and quick to implement. Based on the last five years' experience, as described in the Sixth Cohesion Report, when it led to the involvement of substantial human resources in the eight Member States concerned and the Commission, it will be extremely expensive and difficult for national, regional and local authorities to manage.</p>	<p>The Commission will use its reprogramming powers with caution. A reprogramming request will only be launched when a review of the Partnership Agreement and programmes can have a better impact to address the structural challenges identified by the relevant Council recommendations or under macroeconomic adjustment programmes. In addition, the number of programmes and priorities subject to reprogramming should generally be kept to the strict minimum.</p>
<p>28. The CoR emphasises the damage to public opinion that would be caused by such a sanction, which would undoubtedly fuel hostility towards the EU still further.</p>	<p>It is the unsound macroeconomic frameworks that penalise citizens, not macroeconomic conditionality. Through a careful and balanced design of the mechanism, Article 23 grants every opportunity for Member States to take corrective action before suspension of ESI funds becomes effective.</p>
<p>29. The CoR is surprised that the European Parliament's democratic oversight of this new macroeconomic conditionality system will no longer be exercised to the full as a result of this steady technocratic drift, especially where the reprogramming of funds is concerned. As a result, the Committee issues a strong call for the Commission to restore the European Parliament's central decision-making role in the implementation of the principle of macroeconomic conditionality, in association with the European Committee</p>	<p>The Commission will fully cooperate with the European Parliament in the context of the possible structured dialogue as envisaged by paragraph 15 of this Article and will fully meet its obligation to inform immediately and provide the necessary details to the European Parliament when one of the conditions of possible suspension of the ESI funds is met.</p>

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<p>N°4 Green Action Plan for SMEs: Enabling SMEs to turn environmental challenges into business opportunities COM (2014) 440 final, COM(2014) 446 final – COR 2014/4331 – ECOS-V-062 110th Plenary Session – February 2015 Rapporteur: Mr Satu TIETARI (FI/ALDE) DG GROW - Commissioner BIENKOWSKA</p>	
Points of the CoR opinion considered essential	Commission position
<p>4. endorses the Commission's communications on a Green Action Plan for SMEs and a Green Employment Initiative;</p>	<p>The Commission welcomes the support received from the Committee of the Regions to the Green Action Plan.</p>
<p>7. believes that it is vitally important to continue efforts to promote the green competitiveness of SMEs by improving access to finance, providing more information, simplifying legislation, cutting red tape and strengthening a green business culture;</p>	<p>The Commission pays particular attention to facilitate the access to finance, in general, and for resource-related improvements and energy efficiency in SMEs, in particular, with instruments such as the Natural Capital Financing Facility (NCFF) and the Private Finance for Energy Efficiency instruments (PF4EE). The European Regional Development Fund also supports SMEs competitiveness including investments for improving resource efficiency.</p> <p>A network of public and private financiers and investors, called INNEON, which supports eco-innovation has also been established.</p> <p>It is also important to note that the Commission is continuously updating and improving the Access to Finance portal (www.access2finance.eu) with centralised information on how businesses can access the new EU financial instruments (2014-2020) in their countries.</p>

	<p>Cutting red tape both at the EU level and in Member States is essential. Consequently, the SME Test needs to become a central and indispensable element of impact assessment procedures. This is already the case at European level, while an increasing number of Member States are catching up on this best practice. To this end we have introduced the systematic application of the SME Test as a requirement of eligibility for regional funding.</p> <p>Moreover, the Enterprise Europe Network (EEN) will be encouraged to organise a European Resource Efficiency Campaign with awareness-raising activities and provide advisory services to SMEs.</p>
<p>24. approves of the European Commission's objective of setting up a European Resource Efficiency Excellence Centre in 2015 and of connecting it to a partnership network in all European regions, but calls on the Commission to clarify, with respect to this platform, who these partners will be and how they will be chosen;</p>	<p>The development and the operation of the European Resource Efficiency Excellence Centre should ideally be performed by a consortium formed by a network of officially recognised partners with a proven track record of working on improving resource efficiency in SMEs. Partners should guarantee large territorial coverage for the activities, ideally at national level or at regional level. The consortium should actively seek new officially recognised partners in those Member States where support for SMEs on resource efficiency is at the early stages of development or still missing, building also on the EEN. The Commission will launch a call for tender in the second half of 2015 for a three year contract.</p>
<p>25. also underlines the need to involve local and regional authorities in this process, as they are best placed to understand the specific circumstances and</p>	<p>The Commission is committed to working closely with the regions in the implementation of the Green Action</p>

challenges at local and regional level, and to assess who the most relevant local stakeholders are. In this connection, steps should be taken to promote the mapping process for identifying the specific potential of each region able to assist local operators in the identification of investment clusters, measures for self-employment support and training course creation and specialisation in various aspects of the green economy;

Plan for SMEs.

Regarding the mapping of areas for investment potential, the European Cluster Observatory will provide regions with a better mapping of geographic concentrations of competences in eco-industries as well as identification and analysis of cross-sectoral clustering trends, including cluster internationalisation and industrial transformation trends, related to eco-industries. The European Cluster Observatory will also develop a methodology for the analysis of the framework conditions conducive for the development of emerging industries, such as eco-industries. It will also provide a European Regional Ecosystem Scoreboard and a European Stress Test for Cluster Policy, including a self-assessment tool, in order to help regions develop modern cluster strategies.

<p>N°5 Extending geographical indication protection to non-agricultural products COM(2014) 469 final – COR 2014/5386 - ECOS-V-064 110th Plenary Session - February 2015 Rapporteur: Ms Maria Luisa COPPOLA (IT/EPP) DG GROW - Commissioner BIENKOWSKA</p>	
<p>Points of the CoR opinion considered essential</p>	<p>Commission Position</p>
<p>Text without amendment and no comments. The CoR fully endorsed the position expressed by the Commission in the Green Paper and supports further action on the matter.</p>	<p>The Commission welcomes this opinion of the CoR and will take it into consideration when deciding on the way forward on this dossier.</p>

<p>N°6 Towards a Circular Economy: review of EU waste legislation COM(2014) 397 final, COM(2014) 398/2 final – COR 2014/4083 – ENVE-V-048 110th Plenary Session - February 2015 Rapporteur: Ms Mariana GÂJU (RO/PES) DG ENV – Commissioner VELLA</p>	
<p>Points of the CoR opinion considered essential</p>	<p>Commission position</p>
<p>The Opinion welcomed the Commission's 2014 package of measures on the circular economy establishing a common and consistent EU framework for resource efficiency. The Opinion fully supports the necessity and benefits of the transition to a circular economy.</p>	<p>The new Commission has reaffirmed its commitment to promoting the transition towards a resource-efficient, circular economy in Europe, which will have a major positive impact on jobs, growth, competitiveness and innovation.</p>
<p>The Opinion expresses deep concern by the announcement in December 2014 of the Commission's intention to withdraw the legislative proposal amending several waste directives to promote a circular economy.</p>	<p>As a follow-up to its work programme for 2015 (COM(2014) 910 final), the Commission has withdrawn the legislative proposal on waste in order to replace it with a new, more ambitious approach to promote the circular economy before the end of 2015.</p> <p>While a revised waste proposal will take better account of the starting point in the various Member States, the new and more ambitious approach of the new package to the circular economy will go beyond the narrow focus on waste and will “close the loop” by, for example, addressing product design and creating markets for secondary raw materials. Our ambition is also to focus on creating business opportunities which will result in growth and high-quality and well paid jobs.</p>
<p>The Opinion calls on the European Commission to adopt a more comprehensive and holistic approach to</p>	<p>The development of the circular economy is supported by the European Structural and Investment Funds and</p>

<p>the circular economy. In addition to paying attention to waste prevention and reuse, the transition to a circular economy calls for a whole chain approach and better cohesion between various policy sectors and initiatives.</p>	<p>falls entirely within the scope of the European Fund for Strategic Investments recently proposed by the Commission under the new investment plan.</p>
<p>The Opinion takes note, in this context, of the intention of the European Commission to present by the end of 2015 an "improved" and "more ambitious" set of proposals; expresses, however, its serious doubt that substantially improved compromises can be found on a large number of complex issues in such a relatively short time-frame.</p>	<p>The detailed opinion of the CoR provides an important contribution to the above-mentioned process and will be duly taken into account.</p>
<p>The Opinion emphasises the need to take the whole bio-economy into account as part of the European response to the circular economy.</p>	
<p>The Opinion stresses the need to develop further an enabling policy framework for the circular economy at all levels - EU, national and regional, using measures which combine smart regulation, market-based instruments, especially those aimed at promoting the use of recycled materials, research and innovation, incentives, information exchange and support for voluntary approaches.</p> <p>The CoR considers that design and innovation are key to accelerating the transition to a circular economy. The Opinion supports the application of the Eco-design Directive to resource efficiency criteria related to durability, modularity, reusability and recyclability, with corresponding advice to the consumer, including for the future priority product groups in the 2015- 2017 Work Plan.</p>	

The Opinion welcomes the initiatives announced by the European Commission to promote green public procurement (GPP), namely the guidance on possibilities offered by the new public procurement directives in the field of GPP, a recommendation on monitoring Member States' performance in achieving the indicative 50% GPP target, and support for establishing GPP networks among public authorities. The CoR however reiterates its call for mandatory GPP targets for national governments and the European institutions.

On the proposal on waste the Opinion stresses the fact that some Member States and local and regional authorities are meeting and exceeding the EU targets in this area and feels that future legislation should take into account the different starting positions and support in particular the least performing ones to pursue and increase their efforts here.

The Opinion points out that, given the differences that exist between the EU's regions and Member States in achievement of the targets laid down in current EU waste management legislation², it is very important to encourage cooperation and the dissemination of best practices in this area, so that the least performing Member States and regions can be helped to meet the ultimate goals; although it should be borne in mind that in regions or areas with highly dispersed populations, with low population densities and long distances to treatment facilities, waste management costs increase and the ultimate goal of

² Directives 2008/98/EC, 99/31/EC, 94/62/EC.

<p>zero waste is extremely hard to achieve.</p>	
<p>The Opinion stresses the importance of creating markets for materials recovered from waste and the products made from them, creating a uniform legal framework as well as equal opportunities for all who recover these materials and reintegrate them into the economic cycle.</p>	
<p>The Opinion considers that the findings of the impact assessment that accompanies the proposal for a directive are very optimistic and recommends that the Commission clarify the data on which it was based, including the scientific evidence that prompted the Commission to take a particular approach, the cost of this approach, and finally, the advisability of using the criterion of the best performing Member States.</p>	
<p>Building on previous recommendations, the Opinion supports an accelerated systematic introduction of economic instruments in waste management by the Member States and local and regional authorities, for instance by promoting such instruments in the waste management and compliance plans (as part of the early warning system) and by promoting extended producer responsibility.</p>	
<p>The Opinion calls on the Council and the European Parliament to retain a single and unambiguous definition of <i>municipal waste</i> in Annex VI of the proposal for a directive. This definition should be clarified by shifting its focus from <i>who</i> collects the waste to <i>what kind of waste</i> is collected.</p>	
<p>The Opinion welcomes the proposed</p>	

change to the definition of what counts as *prepared for reuse and recycled*. Even if this is not yet a full output-based definition, it reflects previous CoR calls for a single calculation method for recycling performance and effectively recycled quantities

The CoR stresses and affirms the importance of establishing a single method of calculation for recycling targets and welcomes the Commission's proposal here. The Opinion also points out, however, that a number of queries remain regarding the proposed method of calculation.

The Opinion emphasises that waste prevention should come before any other consideration, in order to comply with the "waste hierarchy", in which 'waste prevention is ranked at the top, and given that this principle is also a key element of the circular economy. The CoR repeats the request to introduce a mandatory target for prevention/reduction of municipal waste in the EU in order that, by 2020, the amount of municipal waste generated per person is reduced by 10% compared to the level recorded in 2010.

The CoR notes that the proposal for a directive does not foresee a quantified objective for environmentally responsible product design and therefore calls for greater environmental responsibility from businesses and would like to see concrete recommendations put forward for the percentage of recycled materials to be used in marketed products; in this context, it points also to the importance of the Ecolabel tool;

the CoR highlights the fact that extended

producer responsibility (EPR), including manufacturers and importers, is proving to be an effective lever for the policy of promoting waste prevention measures. The Committee nevertheless calls for support measures to ensure that the costs entailed will not be passed on to end users and consumers and that the profits generated are injected back into the waste management process;

the CoR continues to support reinforcing the principle of EPR in EU legislation³, and thus backs the proposal to introduce minimum requirements (coverage of the costs of collecting, managing and treating the waste streams and the cost of informing the public and of adapting product design – ecodesign).

The Opinion recommends that the EU legislation be both ambitious and realistic. The CoR draws attention to the fact that the proposed amendment of the targets and simultaneous introduction of a single calculation method could prove very challenging for many Member States and local and regional authorities, especially for those that have experienced difficulties in implementing the current legislation.

The Opinion recommends keeping the level of ambition regarding the objectives for recycling of packaging waste for 2020, 2025 and 2030 and supports the proposal to use a single method for calculating recycling performance, limiting this to recycling activities, unlike current recovery and recycling activities. Quantitative recycling targets should be set after assessing the impact of changing the calculation method. Direct re-use of packaging should also be taken into account in the calculation methods and

<p>targets.</p>	
<p>The CoR, following on from the European Parliament's call to gradually introduce a landfill ban⁴, has called for the landfilling of recyclable waste and biodegradable waste to be prohibited by 2020.</p>	
<p>The Opinion welcomes the proposal to introduce an early warning system for monitoring compliance with the recycling targets proposed in the new directive. The compliance plans reflect CoR recommendations for individual roadmaps for each Member State; nevertheless, the CoR calls on the Commission to provide the Member States with methodological support to draw up these plans.</p>	
<p>The CoR considers that the new recycling targets for municipal waste, packaging waste and WEEE, the plan to phase out landfilling of recyclable waste by 2025 and then 2030, the early warning system and the new reporting obligations give no cause for concern regarding subsidiarity. Some problems exist, however, in terms of proportionality, with regard to the varying levels of implementation of the current targets and the timetable for the new targets envisaged by the Commission.</p>	

⁴ European Parliament Report on a resource-efficient Europe, (2011/2068(INI)) 08.05.2012

<p>N°7 Local and regional authorities and the multilevel protection of the rule of law and fundamental rights in the EU (own-initiative opinion) COM(2014) 158 final – COR 2014/4527 – CIVEX-V-050 Rapporteur: Mr Luc VAN DEN BRANDE (BE/EPP) DG JUST – Commissioner JOUROVÁ</p>	
Points of the CoR opinion considered essential	Commission position
The CoR welcomes the Commission's new Rule of Law Framework as established in March 2014	The Commission takes note and welcomes this.
The CoR believes that the principles of the rule of law are essential for giving concrete form to democracy and safeguarding human rights.	The Commission agrees.
The CoR feels that multi-level governance makes it possible to address a possible threat of the rule of law in a concrete situation and to compensate for a number of shortcomings by involving local and regional authorities in the surveillance and implementation of the principles of the rule of law in the EU.	In full respect of Member States' national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government, the Commission supports in general the involvement of local and regional authorities in promoting the rule of law in the EU. Duplication of efforts should be avoided.
The CoR encourages local and regional authorities to take specific actions, including (i) embedding and safeguarding fundamental rights and the rule of law in the activities of civil society organisations, (ii) fostering public debate on the importance of such issues and raising awareness of them, (iii) strengthening the capabilities of all stakeholders, by means of training and support, (iv) setting up information points, (v) putting in place an alert system, (vi) passing on information to other authorities, and (vii) following up on the "smart cities" experiment (point 28 of	In full respect of Member States' national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government, the Commission supports the objectives of the proposals of the CoR set out in point 28 of the Opinion, seeking to also involve local and regional authorities in promoting the rule of law in the EU.

<p>the Opinion).</p>	
<p>The CoR finally indicates that it could also examine whether a number of other proposals could contribute to the protection of the rule of law in the EU, including (i) setting up a task force to develop an open method of coordination, (ii) setting up a reporting point for local and regional authorities, (iii) considering a general European awareness-raising campaign for local and regional authorities in protecting the rule of law, (iv) organising a conference on multi-level-governance in the protection of fundamental rights and promoting the implementation of the EU Charter of Fundamental Rights in view of drawing up a multi-level-governance Covenant between local and regional authorities, and (v) concluding a tripartite agreement with the Congress of the Council of Europe and the Fundamental Rights Agency (FRA) (point 29 of the Opinion).</p>	<p>The Commission would like to continue following the discussions in the CoR on the other proposals set out in point 29 of the Opinion.</p> <p>While the Commission welcomes the good cooperation between the CoR and the FRA, it underlines the necessity to ensure that the possible further development of the cooperation with FRA should respect the latter's mandate as mapped out in its founding regulation.</p>

N°8 Proposal for a Decision of the European Parliament and of the Council establishing a programme on interoperability solutions for European public administrations, businesses and citizens ((ISA²): interoperability as a means for modernising the public sector
COM(2014) 367 final – COR 2014/5514 – EDUC-V-045
110th Plenary session - February 2015
Rapporteur: Ms Odeta ŽERLAUSKIENĖ (LT/ALDE)
DG DIGIT – Vice-President ŠEFČOVIČ

Points of the CoR opinion considered essential	Commission position
<p>Point 8.</p> <p>The CoR welcomes the proposal for the Programme on Interoperability Solutions for European Public Administrations, Businesses and Citizens (ISA²), also regarding it as a step towards the completion of the European digital market. The Committee underlines, however, the importance of ensuring it is line with other relevant policy areas such as the European Semester, the Horizon 2020 Programme, the Connecting Europe Facility (CEF), the Digital Agenda for Europe's pillar II on interoperability and standards, the European Interoperability Strategy, the European Interoperability Framework and their future updates, with a view to maximising coherence and synergies.</p>	<p>The Commission would like to assure that the ISA² Programme will indeed bring coherence and visibility in a structured way to the contributions of different initiatives in various policy areas to interoperability between public administrations by the development and maintenance of the EU interoperability cartography (EUCart) and the European Interoperability Research Architecture (EIRA). As an example, services available under the Connecting Europe Facility (CEF) will be included in the cartography and their visibility increased by their publication in the JOINUP platform and the different awareness-raising activities of the ISA² Programme. Solutions developed under the Competitiveness and Innovation Framework Programme (CIP) can also be "incubated" and/or brought to maturity by the ISA² Programme (as it was the case with the current ISA Programme). In another perspective, some actions of the Digital Agenda for Europe in Pillar II on interoperability and standards are (or have been), in fact, implemented and monitored by the ISA Programme and the future</p>

	<p>ISA² will continue working in these areas. The European Interoperability Strategy and the European Interoperability Framework will be maintained and extended under the ISA² Programme as well. The Commission draws the attention of the Committee on the separation between the policy initiatives (i.e. Digital Agenda for Europe) from the funding tools (i.e. Horizon 2020 Programme).</p>
<p>Point 16</p> <p>The CoR notes that interoperability legislation should extend to private individuals and businesses, and therefore calls for the ISA² Programme to be more open to non-governmental sectors.</p>	<p>The Commission would like to clarify that the proposed programme does not create interoperability legislation. It will, instead, identify legislative gaps that hinder interoperability. Moreover, the proposed programme will create solutions that will be given to national, local and regional administrations and to the EU bodies but without imposing their use. Solutions are also available online via the JOINUP platform.</p> <p>The proposed programme, as its predecessor, promotes, when relevant, the standardisation of its results through the appropriate bodies. Standards, by their nature, are applicable to everyone (business, citizens and administrations).</p> <p>The Commission draws the Committee's attention to the numerous communities around the open JOINUP platform for sharing and reuse interoperability solutions. There are very active communities that share their results such as the open source software (OSS) community. These include also communities where there is a great involvement of the private sector. The ISA² Programme will ensure the continuation of support to</p>

	<p>the communities of JOINUP.</p> <p>Public consultations are regularly launched to receive input from wider audiences on different topics addressed by the Programme.</p>
<p>Point 18</p> <p>The CoR underlines that the interoperability of e-government requires not only system compatibility (M2M solutions), but also capacity of civil services to work in close cooperation with information systems, as well as public awareness of the possibilities that such systems offer; the Committee therefore suggests adding human capacity-building, both in terms of digital and language skills, and awareness-raising components to the ISA² Programme, as suggested in other legislation.</p>	<p>The Commission would like to underline that the proposed programme does not fund directly the Member States in their endeavours to become more interoperable in their national, local and regional administrations. However, the programme will address aspects that touch upon the awareness and knowledge about the development and operation of the solutions. As examples, the training material available on JOINUP, dissemination material for the use of the solutions and numerous communication activities around interoperability solutions including participation in conferences and seminars in the Member States could be mentioned. Furthermore, the programme calls for a greater collaboration with other Union policies, programmes and initiatives (European Structural and Investment Funds (ESIF), single points of contact, interconnection of base registers, e-procurement/e-invoicing, etc.) that can directly support the Member States.</p>
<p>Point 22</p> <p>The CoR welcomes the opening-up of the ISA² to the European Economic Area and to candidate countries, as a tool for promoting their integration with the EU; suggests however, while taking into consideration possible interest from other partner states and the potential to disseminate good governance incentives, that ISA² financing be opened up to other</p>	<p>The Commission draws the Committee's attention to the fact that the proposed programme does not fund directly the Member States or other third countries. The countries belonging to the Eastern or Euro-Mediterranean Partnerships are more than welcome to use the solutions that are available on JOINUP and to seek explanatory support from the</p>

<p>partner states, primarily those involved in the Eastern or Euro-Mediterranean Partnerships.</p>	<p>Commission.</p>
<p>Point 23</p> <p>Nevertheless, the CoR views as somewhat limited and undefined the provision that national administrations can be supported in their endeavours through specific instruments under the European Structural and Investment Funds (ESIF) and calls for a more detailed elaboration on this proposal.</p>	<p>The Commission would like to repeat that, like its predecessor programme, the ISA² proposal does not foresee a direct funding of Member States for the development or use of interoperable solutions. The proposal attempts to explain however that such developments at national, local or regional level as well as their use can be funded from other sources such as national funding or funding through the ESIF.</p>
<p>Point 24</p> <p>The CoR acknowledges the progress in seeking interoperability for European public services made by the introduction of the European Interoperability Strategy (EIS) and the European Interoperability Framework (EIF) and suggests that the Commission report regularly on the level of public service interoperability within different Member States, EEA countries and candidate states, and also provide cross-sectoral analyses, thus highlighting good practice and implementing the open method of coordination in this area.</p>	<p>The Commission would like to draw the Committee's attention to the national interoperability framework observatory (NIFO) and the tasks that it fulfils (https://joinup.ec.europa.eu/elibrary/factsheet/national-interoperability-framework-observatory-nifo-factsheets). It monitors the interoperability implementation in the Member States, provides comparisons with EIF and, amongst Member States, keeps updated fact sheets on interoperability and e-government and much more.</p> <p>In addition to NIFO, the programme has already established the ISA monitoring tool that reports online the developments of the ISA actions. The programme has extended communication activities on dissemination of good practice and interoperability solutions. All the above-mentioned actions will continue in the proposed programme.</p>

<p>Point 25</p> <p>The CoR calls for current changes in the cross-sectoral and cross-border interoperability of public administrations e-services EU-wide to be included, also at local and regional level, as one of the indicators to be developed in the rolling work programme with a view to measuring the programme's impact.</p>	<p>The Commission recognises the value of this point and will take this suggestion into account when drafting the rolling work programme.</p>
<p>Point 26</p> <p>Taking into account the low response rate from the Member States during the consultations on the ISA² programme, the CoR suggests that the Commission endeavour to involve Member States as well as sub-national authorities more closely in reviewing the ISA² Programme.</p>	<p>The Commission would like to draw the attention of the Committee to the fact that the current programme is managed together with the Member States through the ISA Committee established under the comitology legislation. The same arrangement is expected for ISA². Member States are closely involved in the developments of the current programme and were extensively consulted for the ISA² proposal. The programme will be evaluated twice (interim and final) during its lifetime and the actions will be reviewed annually for the rolling work programme. Member States involve all levels of administration in their national consultations before giving an opinion and before participating in the decision-making procedures of the programme.</p>
<p>Point 27</p> <p>The CoR welcomes the reference to multilingualism as one of the key principles of the ISA² Programme and calls on the Commission to pay adequate attention to the development of multilingual solutions, providing end-users with greater opportunities to use solutions in their native language.</p>	<p>The Commission would like to emphasise the fact that multilingualism is one of the principles of the new programme, and actions included in the rolling work programme shall respect this principle, when relevant.</p>

<p>Point 28</p> <p>Given the possibilities for misuse of stored and processed data, as well as the social and political implications, suggests explicitly mentioning security of usage as one of the general principles applying to all actions financed under the ISA² Programme.</p>	<p>The Commission would like to draw the Committee's attention to article 4, where it is described that 'security and privacy' and 'preservation of information' are principles of the proposed programme. These two principles ensure a high level of security and safety on the use of the data. In addition, the Commission would like to emphasise that the development of the solutions fall under the existing EU legislation on data protection. When a solution is applied in the national, local or regional context of a Member State, the national legislation on data protection applies as well. Moreover, the guidelines and interoperability agreements defined under the current and the future programme contribute to a better use of the information and to the explicit definition of the conditions of usage of data by different public entities, thus being instrumental for the security and preservation of the information.</p>
<p>Point 29</p> <p>Since implementation of the actions under the programmes preceding the ISA² Programme was often hindered by cumbersome public procurement procedures, the CoR therefore calls on the Commission to seek out possible improvements in this area, which would also make it possible to uphold the principles of sound financial management and value for money.</p>	<p>The Commission recalls that the proposed programme will be executed through public procurement. The Commission assures the Committee that the new legislation on public procurement will be applied, e-tools will be used that will increase transparency and efficiency.</p>
<p>Point 30</p> <p>The CoR refers to its frequently stated support for the development of the new common frameworks within the draft decision on ISA² and calls for a more</p>	<p>The Commission stresses the fact that 'sharing and reuse' of solutions is one of the pillars of the current programme and the newly proposed ISA².</p>

<p>resource-efficient approach, primarily focussing on updating and expanding current infrastructure rather than creating new ones</p>	
<p>Amendment 1 (20) Security of usage and data stored in clouds is a further area which needs to be covered by ISA².</p>	<p>The Commission notes the suggested amendment from the Committee to add a new recital 20 in the proposed legal act. The Commission endeavours to consider it during the inter-institutional procedure in as far as interoperability is concerned.</p>
<p>Amendment 2 (28) Regulation (EU) No 1303/ 2013 includes a thematic objective of ‘enhancing institutional capacity of public authorities and stakeholders and an efficient public administration’. In this context, the ISA² Programme should tie in with programmes and initiatives contributing to the modernisation of public administrations like the DAE, and related networks like the European Public Administration Network (EUPAN), and seek synergies with them and contribute to human capacity-building in public administrations.</p>	<p>The Commission would like to emphasise that the proposed programme does not fund directly the Member States in their endeavours of becoming more interoperable in their national, local and regional administrations. Moreover, human capacity building is not in the scope of the proposed programme. However, the programme will address aspects that touch upon the awareness and knowledge about the development and operation of the solutions. As examples, the training material available on JOINUP, dissemination material for the use of the solutions and numerous communication activities around interoperability solutions including participation in conferences and seminars in the Member States could be mentioned. Furthermore, the programme calls for a greater collaboration with other Union policies, programmes and initiatives (ESIF, single points of contact, interconnection of base registers, e-procurement/e-invoicing, etc.) that can directly support the Member States.</p>
<p>Amendment 3 (29) Interoperability of European public</p>	<p>The Commission would like to draw the attention of the Committee to the</p>

<p>administrations concerns all levels of administration: European, local, regional and national. It is therefore important that solutions take into account their respective needs, as well as those of citizens and enterprises where relevant. Local and regional authorities need to be closely involved in the review of ISA².</p>	<p>fact that the current programme is managed together with the Member States through the ISA Committee established under the comitology legislation. The same arrangement is foreseen for ISA². Member States are closely involved in the developments of the current programme and were extensively consulted for the ISA² proposal. The ISA² Programme will be evaluated twice (interim and final) during its lifetime and the actions will be reviewed annually for the rolling work programme. Member States' ISA² representatives should take into account all levels of administration in their national consultations before providing an opinion and before participating in the decision-making procedures of the programme. Any particular action in the work programme directly targeting local and regional administrations would be the object of specific indicators.</p>
<p>Amendment 4</p> <p>(30) National, regional and local administrations can be supported in their endeavours through specific instruments under the European Structural and Investment Funds (ESIF). Close cooperation under the ISA² Programme should maximise the benefits expected from such instruments by ensuring that funded projects are aligned with the Union-wide interoperability frameworks and specifications such as the EIF.</p>	<p>The Commission notes the suggested amendment from the Committee to change recital 30 in the proposed legal act. The Commission endeavours to consider it during the inter-institutional procedure.</p>
<p>Amendment 5</p> <p>Consideration should be given to the possibility of using pre-accession funds to facilitate candidate countries' participation in the ISA² Programme and the adoption</p>	<p>The Commission draws the attention of the Committee to the fact that the proposed programme cannot fund Member States, Associated Counties or Third Countries. However, all</p>

<p>and further implementation in those countries of solutions provided under it. In order to encourage countries from the Eastern or Euro-Mediterranean partnerships to adopt European interoperability standards, some ISA² funding shall be made available to those countries, should they wish to participate.</p>	<p>countries, including those belonging to the Eastern or Euro-Mediterranean Partnerships, are more than welcome to use the solutions that are available on JOINUP and to seek explanatory support from the Commission.</p>
<p>Amendment 6 (Article 2)</p> <p>For the purposes of this Decision, the following definitions shall apply:</p> <p>(1) "interoperability" means the ability of disparate and diverse organisations to interact towards mutually beneficial and agreed common goals, involving the sharing of information and knowledge between the organisations, through the business processes they support, by means of the exchange of data between their respective information and communication technology (ICT) systems;</p> <p>(2) "European public administrations" means public administrations at EU, national, regional and local levels;</p> <p>(3) "interoperability solutions" means common frameworks, common services and generic tools facilitating cooperation between disparate and diverse organisations, either autonomously funded and developed by the ISA² Programme or developed in cooperation with other Union initiatives, based on identified requirements of European public administrations;</p> <p>(4) acting as a "solution incubator" means the development of, or support for, interoperability solutions during their pilot phase, before they become operational under other Union programmes or initiatives;</p> <p>(5) acting as a "solution bridge" means the</p>	<p>The Commission notes the suggested amendment from the Committee to change article 2 in the proposed legal act and endeavours to consider it during the inter-institutional procedure.</p>

further development of, and support for, fully operational interoperability solutions before their delivery under other Union programmes or initiatives;

(6) "common frameworks" means specifications, standards, methodologies, guidelines, common semantic assets and similar approaches and documents;

(7) "common services" means the organisational and technical capacity to deliver a common outcome to users, including operational systems, applications and digital infrastructures of a generic nature which meet common user requirements across policy or geographical areas, along with their supporting operational governance;

(8) "generic tools" means systems, reference platforms, shared and collaborative platforms, and generic components which meet common user requirements across policy or geographical areas;

(89) "actions" means projects, solutions already in their operational phase and accompanying measures;

(10) "project" means a time-limited sequence of well-defined tasks addressing identified user needs through a phased approach;

(11) "accompanying measures" means:

- strategic and awareness-raising measures;
- measures in support of the management of the ISA² Programme;
- measures in relation to the sharing of experience and the exchange and promotion of good practices;
- measures to promote the re-use of existing interoperability solutions;

<p>– measures aimed at community-building and capability-raising; and</p> <p>– measures aimed at establishing synergies with initiatives relevant to interoperability in other areas of Union policy;</p> <p>(12) "European Interoperability Reference Architecture (EIRA)" means an architecture of a generic structure, comprising a set of principles and guidelines applying to the implementation of interoperability solutions in the European Union;</p> <p>(13) "European Interoperability Cartography (EIC)" means a repository of interoperability solutions for European public administrations provided by Union Institutions and Member States, presented in a common format and complying with specific re-usability and interoperability criteria that can be represented on the EIRA.</p>	
<p>Amendment 7 (Article 3)</p> <p>The ISA² Programme shall support and promote:</p> <p>(a) the assessment, improvement, establishment, industrialisation, operation and re-use of existing cross-border or cross-sector interoperability solutions;</p> <p>(b) the development, establishment, industrialisation, operation and re-use of new cross-border or cross-sector interoperability solutions;</p> <p>(c) the assessment of the ICT implications of proposed or adopted Union legislation;</p> <p>(d) the identification of legislation gaps that hamper interoperability between European public administrations;</p> <p>(e) the establishment, maintenance and improvement of the EIRA;</p> <p>(f) the establishment and maintenance of</p>	<p>The Commission would like to draw the attention of the Committee to article 4 where it is described that 'security and privacy' and 'preservation of information' are principles of the proposed programme. In addition, the Commission would like to emphasise that the guidelines and interoperability agreements defined under the current and the future programme contribute to a better use of the information and to the explicit definition of the conditions of usage of data by different public entities thus being instrumental for the security and preservation of the information. The Commission will consider this amendment during the inter-institutional procedure.</p>

<p>the EIC as an instrument to facilitate the re-use of existing interoperability solutions and to identify the areas where such solutions are still lacking;</p> <p>(g) the assessment, update and promotion of existing common specifications and standards and the development, establishment and promotion of new common specifications and standards through the Union's standardisation platforms and in cooperation with European or international standardisation organisations as appropriate, including on data transmission, processing and storage security; and</p> <p>(h) the development of mechanisms that will measure and quantify the benefits of interoperability solutions.</p> <p>In addition, the ISA² Programme may act as a 'solution incubator', piloting new interoperability solutions, and as a 'solution bridge', operating existing interoperability solutions.</p>	
<p>Amendment 8 (Article 11.1)</p> <p>The Commission and the ISA² Committee shall regularly monitor the implementation and impact of the ISA² Programme and users' satisfaction with it. The National and sub-national authorities shall be asked for feedback on the results of this monitoring. The Commission and the ISA² Committee shall also explore synergies with complementary Union programmes.</p>	<p>The Commission would like to stress the fact that the beneficiaries of the programme are public administration at all levels as it is clearly stated in Article 1 paragraph 2. Therefore feedback will derive from all levels of administration. The Commission will consider this amendment during the inter-institutional procedure.</p>
<p>Amendment 9 (Article 11.2)</p> <p>The Commission shall report annually to the ISA² Committee, the European Parliament, Council and Committee of the Regions on the implementation of the Programme and the level of public service interoperability within different Member</p>	<p>The Commission would like to draw the attention of the Committee to the national interoperability framework observatory (NIFO) and the tasks that it fulfils https://joinup.ec.europa.eu/e-library/factsheet/national-interoperability-</p>

<p>States.</p>	<p><u>framework-observatory-nifo-factsheets</u>). It monitors the interoperability implementation in the Member States, provides comparisons with EIF and, amongst Member States, keeps updated fact sheets on interoperability and e-government and much more.</p> <p>In addition to NIFO, the programme has already established the ISA monitoring tool that reports online the developments of the ISA actions. The programme has extended communication activities on dissemination of good practices and interoperability solutions. These reports are publicly available.</p> <p>All the above-mentioned actions will continue in the proposed programme.</p>
<p>Amendment 10 (Article 12)</p> <ol style="list-style-type: none"> 1. The ISA² Programme shall be open to participation by the countries of the European Economic Area and the candidate countries in the framework of their respective agreements with the Union. 2. Cooperation with other Third Countries and international organisations or bodies shall be encouraged, notably in the framework of the Euro-Mediterranean and Eastern Partnerships and with neighbouring countries, in particular those of the Western Balkans and Black Sea regions. Related costs shall not <u>could partially</u> be covered by the ISA² Programme. 3. Where appropriate, the Programme shall promote re-use of its solutions by Third Countries. 	<p>The Commission recalls that the proposed programme cannot fund Member States, Associated Countries or Third Countries.</p>

Valls Rovira Francesc d'Assis

From: Hagemann Annette
Sent: mardi, 01 septembre, 2015 15:56
To: adonis
Subject: FW: Ares(2015)3077986 - Suivi des avis du Comité des régions - session plénière de février 2015
Attachments: 63e rapport-FINAL.pdf; cover letter signed.pdf

Chers collègues,

Pourriez-vous s.v.p. vérifier si ce courrier-ci a déjà été enregistré dans Adonis?

Merci d'avance.

Bien à vous,

Annette

-----Original Message-----

From: EC ARES NOREPLY [<mailto:DIGIT-NOREPLYARES@ec.europa.eu>]
Sent: mercredi, 22 juillet, 2015 16:44
To: Burianek Jiri
Subject: Ares(2015)3077986 - Suivi des avis du Comité des régions - session plénière de février 2015

Veillez trouver ci-joint le document Ares(2015)3077986 concernant "Suivi des avis du Comité des régions - session plénière de février 2015" envoyé par M/Mme LEARDINI Pascal le 22/07/2015.

Please find attached document Ares(2015)3077986 regarding "Suivi des avis du Comité des régions - session plénière de février 2015" sent by Mr/Ms LEARDINI Pascal on 22/07/2015.

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