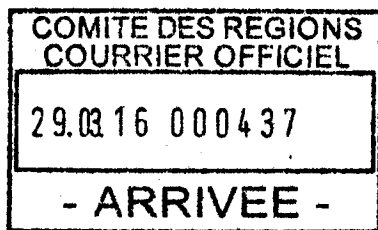


EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

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



Brussels, 23 March 2016  
SG F3/ESZ/

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 October 2015.

Yours faithfully,

*[signed]*  
Pascal LEARDINI  
Director

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

## Strigini Chiara

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**From:** Hagemann Annette on behalf of Burianek Jiri  
**Sent:** mercredi, 23 mars, 2016 17:25  
**To:** adonis  
**Cc:** Burianek Jiri; Thieule Laurent; Wobben Thomas; dir-b-contact-point; dir-c-focal-point; Spinaci Gianluca; Boele Klaus; Essender Boris; Passera Anna; Gsodam Christian; Jouglain Marie-Pierre; sgcab-cor  
**Subject:** FW: Ares(2016)1439697 - Suivi des avis du Comité des Régions - session plénière d'octobre 2015  
**Attachments:** Note de couverture\_suivi CdR octobre 2015.pdf; 66th Report.FINAL.pdf

Pour enregistrement dans Adonis.  
Annette

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

**From:** EC ARES NOREPLY [<mailto:DIGIT-NOREPLYARES@ec.europa.eu>]  
**Sent:** mercredi, 23 mars, 2016 14:55  
**To:** Burianek Jiri  
**Subject:** Ares(2016)1439697 - Suivi des avis du Comité des Régions - session plénière d'octobre 2015

Veillez trouver ci-joint le document Ares(2016)1439697 concernant "Suivi des avis du Comité des Régions - session plénière d'octobre 2015" envoyé par M/Mme LEARDINI Pascal le 23/03/2016.

Please find attached document Ares(2016)1439697 regarding "Suivi des avis du Comité des Régions - session plénière d'octobre 2015" sent by Mr/Ms LEARDINI Pascal on 23/03/2016.

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Note: This e-mail was automatically generated by the European Commission's central mail registration system. Replies by e-mail must be addressed to the original sender LEARDINI Pascal (<mailto:pascal.leardini@ec.europa.eu>).  
Remarque : Cet e-mail a été généré automatiquement par le système d'enregistrement central du courrier de la Commission européenne.  
Toute réponse éventuelle par e-mail doit être adressée à l'expéditeur en personne, à savoir LEARDINI Pascal (<mailto:pascal.leardini@ec.europa.eu>).

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

**COMMITTEE OF THE REGIONS**

**PLENARY SESSION OF OCTOBER 2015**

**66<sup>th</sup> REPORT**

N°	TITLE	REFERENCES
<b>SG</b>		
1.	<p><b>European Citizens' Initiative (ECI)</b></p> <p>Rapporteur: Mr Luc Van den Brande (Chair of the Management Board of the Flanders-Europe Liaison Agency, VLEVA, Belgium/EPP)</p>	<p>COM(2015) 145 final</p> <p>COR-2015-02606-00-01-PAC-TRA</p> <p>CIVEX-VI/005</p> <p>Own-initiative opinion</p>
2.	<p><b>EU Agenda on Better Regulation</b></p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions</p> <p>Rapporteur-general: Mr Spyros Spyridon (Municipal Councillor of Poros, Greece/EPP)</p>	<p>COM(2015) 215 final</p> <p>COR-2015-04129-00-00-PAC-TRA</p> <p>CIVEX-VI/007</p>
3.  co-lead DG CNECT	<p><b>Digital Single Market</b></p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions</p> <p>Rapporteur: Ms Helma Kuhn-Theis (Member of Weiskirchen Municipal Council, Germany/EPP)</p>	<p>COM(2015) 192 final</p> <p>COR-2015-02646-00-01-PAC-TRA</p> <p>SEDEC-VI/005</p> <p>Own-initiative opinion</p>

<b>REGIO</b>		
<b>4.</b>	<b>Strengthening Cross-border Cooperation: the need for a better regulatory framework?</b>  Rapporteur-general: Mr Nikola Dobroslavić (Prefect of Dubrovnik-Neretva County, Croatia/EPP)	COR-2015-04286-00-01-PAC-TRA  COTER-VI/007  Luxembourg Presidency referral – ROP 41 b)i)
<b>5.</b>	<b>Financial Instruments in support of territorial development</b>  Rapporteur: Mr Adam Struzik (Member of the Mazovia Regional Assembly, Poland/EPP)	COR-2015-01772-00-00-PAC-TRA  COTER-VI/005  Own-initiative opinion
<b>AGRI</b>		
<b>6.</b>	<b>Simplification of the Common Agricultural Policy (CAP)</b>  Rapporteur: Mr Anthony Gerard Buchanan (Councillor East Renfrewshire Council, United Kingdom/EA)	COR-2015-02798-00-00-PAC-TRA  NAT-VI/006  Own-initiative opinion
<b>MARE</b>		
<b>7.</b>	<b>The future of European aquaculture</b>  Rapporteur: Mr Jesús Gamallo Aller (Director-General for External Relations and Relations with the European Union, Region of Galicia, Spain/EPP)	COR-2015-02712-00-00-PAC-TRA  NAT-VI/002  Own-initiative opinion
<b>8.</b>  <b>co-lead DG ENER</b>	<b>Developing the potential of Ocean Energy</b>  Rapporteur: Mr Rhodri Glyn Thomas (Assembly Member for Carmarthen East and Dinefwr, United Kingdom/EA)	COR-2015-01693-00-02-PAC-TRA  ENVE-VI/004  Own-initiative opinion

<b>SANTE</b>		
<b>9.</b>	<p><b>The decision-making process on genetically modified food and feed</b></p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions</p> <p>Proposal for a Regulation of the European Parliament and of the Council</p> <p>Rapporteur: Mr Mark Weinmeister (State Secretary for European Affairs, Land of Hesse, Germany/EPP)</p>	<p>COM (2015) 176 - final</p> <p>COM(2015) 177 – final – 2015/0093 (COD)</p> <p>COR-2015-03636-00-00-PAC-TRA</p> <p>NAT-VI/003</p>
<b>CNECT</b>		
<b>10.</b>	<p><b>Review of the Audiovisual Media Services Directive</b></p> <p>Rapporteur: Mr Jean-François Istasse (municipal councillor, Belgium/PES)</p>	<p>COR-2015-01690-00-00-PAC-TRA</p> <p>SEDEC-VI/003</p> <p>Own-initiative opinion</p>
<b>BUDG</b>		
<b>11.</b>	<p><b>Draft EU Budget 2016</b></p> <p>Rapporteur-general: Mr Uno Silberg (Member of Kose Rural Municipality Council, Estonia/EA)</p>	<p>COR-2015-03219-00-00-PAC-TRA</p> <p>COTER-VI/006</p> <p>Own-initiative opinion</p>

<b>TAXUD</b>		
<b>12.</b>	<p><b>Tax Transparency Package</b></p> <p>Proposals for a Council Directive</p> <p>Communication from the Commission to the European Parliament and the Council</p> <p>Rapporteur: Mr Hicham Imane (Member of the Walloon Parliament, Belgium/PES)</p>	<p>COM(2015) 129 final – 2015/0065 (CNS)</p> <p>COM(2015) 135 final – 2015/0068 (CNS)</p> <p>COM(2015) 136 final</p> <p>COR-2015-02697-00-02-PAC-TRA</p> <p>ECON-VI/004</p> <p>Own-initiative opinion</p>
<b>CLIMA</b>		
<b>13.</b>	<p><b>Towards a global climate agreement in Paris</b></p> <p>Communication from the Commission to the European Parliament and the Council</p> <p>Rapporteur: Ms Annabelle Jaeger (Member of Provence-Alpes-Côte d'Azur Regional Council, France/PES)</p>	<p>COM(2015) 81 final/2</p> <p>COR-2015-01535-00-02-PAC-TRA</p> <p>ENVE-VI/002</p>
<b>ENER</b>		
<b>14.</b>	<p><b>Energy Union Package</b></p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank</p> <p>Communication from the Commission to the European Parliament and the Council</p> <p>Rapporteur: Mr Pascal Mangin (Member of Alsace Regional Council, France/EPP)</p>	<p>COM(2015) 80 final</p> <p>COM(2015) 82 final</p> <p>COR-2015-01536-00-02-PAC-TRA</p> <p>ENVE-VI/003</p>

**N°1 European Citizens' Initiative (ECI)**  
**COM(2015) 145 final – COR 2015/2606 – CIVEX-VI/005**  
**114<sup>th</sup> Plenary Session - October 2015**  
**Rapporteur: Mr Luc VAN DEN BRANDE (BE/EPP)**  
**SG – First Vice-President TIMMMERMANS**

<b>Points of the CoR opinion considered essential</b>	<b>Commission position</b>
<p>4. The CoR stresses that the ECI should be used to give an answer to the European democratic deficit and prevent further disenchantment of EU citizens in the concept of European integration.</p>	<p>The Commission fully agrees with the CoR on the importance of the ECI as an instrument for participatory democracy in the EU and as a mechanism for promoting participatory democracy at EU level through active participation of citizens in EU policy-making. The Commission attaches utmost importance to the ECI and is committed to making the instrument work, so that it can achieve its full potential.</p>
<p>1., 6., 7., 9., 12. The CoR considers more generally that citizens must be at the heart of the European project and therefore European participatory democracy should be considered as the right of European citizens. The CoR emphasises the role of the other instruments of participatory democracy foreseen in Article 11 of the TEU as well as the role of participative democracy at the local and regional level and its contribution to EU multilevel governance.</p>	<p>The Commission fully agrees with the CoR as regards the role of the participatory democracy and its potential to bridge the gap between the citizens and the EU policymakers.</p> <p>The Commission is committed to further promote participative democracy in the EU.</p> <p>In the Better Regulation package adopted in May 2015<sup>1</sup>, the Commission has for example considerably strengthened its consultation and feedback mechanisms, opening up its policy making process to further public scrutiny and input.</p>
<p>36. CoR is of the opinion that a revision of the Regulation is imperative so that the identified barriers can be overcome and that the process should be launched without delay to prevent deterrence of potential organisers.</p>	<p>The Commission remains fully committed to making the ECI work so that it reaches its full potential.</p> <p>The Commission has already implemented, and will continue to implement, important measures to improve the functioning of the instrument</p>

<sup>1</sup> COM(2015)215 final.



under the current framework, in close cooperation with the European Parliament, Member States, other EU bodies and stakeholders. The Commission is also considering further new actions to be implemented in several of the key areas highlighted in the opinion of the Committee of the Region and in the contributions received by other stakeholders and institutions, in particular:

- Advice and support to potential organisers of ECIs; and broader information and communication actions for awareness-raising on the ECI instrument, objectives and rules;
- assessing the role that the representations in the Member States can play for information and awareness-raising actions at national level;
- cooperation with Member States, in the framework of the experts group, on ECI Regulation implementation measures (e.g. simplification of the data requirements);
- assessing scope of possible simplification and revision of the Implementing Regulation laying down the technical specifications for online collection systems;
- implementation of further improvements in the open-source software offered to organisers of ECIs, including in relation to the elements raised in the European Parliament resolution (e.g. adaptation to mobile devices; accessibility for citizens with disabilities);
- enhancing the dialogue with and the participation of organisers of successful ECIs, including improvement of the Hearings at Parliament to promote public debate and involvement of all stakeholders, and not only of the ECI organisers, in this phase of the ECI lifecycle.

	<p>The Commission considers, however, that after only three years following the effective entry into application of the ECI Regulation, it is still too early to launch a legislative revision. Nevertheless, as part of its ongoing assessment of the functioning of the instrument, the Commission will continue to work in 2016 to further assess the possible need for such a revision at a later stage.</p>
<p>32 and 33. The CoR suggest modifications in the timeline of the ECI lifecycle, namely by extending the collection period to 18 months and by allowing the organisers to choose the starting date of the collection period within two months following the date of registration.</p> <p>34. The CoR suggest establishing a legal status for citizens' committees to mitigate the risk of personal liability for their individual members and to facilitate campaigning.</p>	<p>While such a modification would clearly require a revision of the ECI Regulation, which the Commission considers too early at this point in time, the Commission takes note of the suggestions expressed by the CoR, recalls that the two issues have also been identified as challenges in its Report on the ECI of 31 March 2015<sup>2</sup> and will further consider these aspects as part of its ongoing assessment of the ECI instrument.</p>
<p>26. - 31. The CoR proposes to externalise the admissibility check in order to avoid Commission conflict of interests at the registration stage.</p>	<p>While such a modification would clearly require a revision of the ECI Regulation, which the Commission considers too early at this point in time, the Commission wishes to stress that the decision about whether to register an ECI is a legal decision. The Commission is obliged to verify whether the conditions listed under Article 4.2. of the Regulation are met and the proposed ECI falls within the scope of application of the Regulation. At this stage in the procedure, the Regulation does not leave any margin of discretion to the Commission for political considerations.</p> <p>To date, six cases have been submitted to the Court challenging the Commission's decision of refusing registration. In its first ruling on the ECI concerning the initiative "One Million Signatures for 'A Europe of Solidarity'" having asked to "Establish the Principle of the 'state of</p>

<sup>2</sup> COM (2015) 145 final.

	necessity", the Court has recently confirmed the Commission's position to refuse registration <sup>3</sup> .
38. The CoR suggests exploring the possibility of changing the ECI Regulation so that it would also be admissible to propose ECIs which aim at concrete changes of the EU Treaty	The current wording of Article 11(4) of the TEU clearly refers to the ECI as an instrument whereby the Commission is invited to "submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties". The Treaty therefore does not allow for ECIs aiming at Treaty changes.
35. The CoR calls on the Commission not to arbitrarily decide to refuse ECIs and to come forward with a legislative proposal within one year if it agrees to a successful ECI.	The decisions on how to respond to the first three successful ECIs have been taken by the Commission after detailed analysis and thorough reflection and in no way arbitrarily. According to the Regulation, the Commission can decide which action it intends to take in reply to a successful ECI and has to provide reasons for taking or not taking that action. If it decides to follow up with a legislative proposal, the preparation of such proposal will need to fully respect all Better Regulation principles.
39. The CoR considers that some problems in the functioning of the ECI which do not require changes in the Regulation should be addressed as quickly as possible to prevent deterrence of potential organisers.	The Commission fully agrees with the position of the CoR and will concentrate on these issues in the following months. It has already implemented, and will continue to implement, a number of measures to improve the functioning of the instrument in several of the areas highlighted in the CoR opinion and will consider further new actions to be implemented in several of the key areas highlighted in the opinion of the Committee of the Region and in the contributions received by other stakeholders and institutions.
41 and 42. The CoR calls for more efficient communication on the ECI, which at present is not sufficiently well known about among Europeans, and stresses in this context the role of decentralised communication involving	The Commission fully recognises the need for further awareness-raising and for improving the communication on the ECI.  The Commission already communicates

<sup>3</sup> Case T-450/12 (Alexios Anagnostakis vs European Commission).

<p>therein the regional and local authorities.</p>	<p>actively on the ECI, namely via "Europe direct"<sup>4</sup>, the Commission representations, participation in conferences, through press releases, via brochure dissemination<sup>5</sup> and on the Commission website<sup>6</sup>.</p> <p>The Commission welcomes the suggestion of the CoR to use the local and national authorities in order to allow for a better dissemination of information on the ECI. Indeed, all institutions and stakeholders (the Commission, the other EU institutions and bodies, the Member States and civil society) have an interest in communicating on the instrument.</p> <p>The Commission is open to discuss ways of further improving communication on the ECI with the other Institutions and stakeholders, including the CoR.</p>
<p>43. - 45. The CoR proposes to establish an interinstitutional information point on the ECI and an ECI help desk distinct from the EU institutions. It is also willing to keep up its cooperation with the EESC in organising "ECI Day" events.</p>	<p>The Commission welcomes the willingness of the CoR to engage in the "ECI Day" events which, thanks to the EESC, have become an important annual event mobilising all stakeholders involved in matters related to the ECI.</p> <p>As regards the idea of an information point/help desk, the Commission is always open to discuss how to improve communication and information on the ECI, but wishes to stress that similar services exist already today. In fact, the Commission established, already in 2012, a point of contact providing information and assistance to citizens, based in the Europe Direct Contact Centre. Since the ECI Regulation entered into application in 2012, around 1 200 questions from citizens on the ECI rules and procedures have been replied to via this channel, in all official EU languages.</p>

<sup>4</sup> [http://europa.eu/contact/index\\_en.htm](http://europa.eu/contact/index_en.htm).

<sup>5</sup> <http://ec.europa.eu/citizens-initiative/files/guide-eci-en.pdf>.

<sup>6</sup> <http://ec.europa.eu/citizens-initiative/public/welcome>.

	<p>Moreover, the Commission services provide more specific support directly to organisers once their ECI has been registered, including its hosting offer, information on legal requirements, logistical aspects and technical assistance.</p> <p>General assistance to organisers is provided also by other institutions, notably the EESC, which offers its translation service to the organisers, and by non-institutional actors, for instance the "ECI Support Centre", run together by the European Citizen Action Service, Democracy International and Initiative and Referendum Institute Europe.</p>
<p>48. The CoR asks the Commission to also develop appropriate forms of response to those ECIs which receive significant support, but do not meet all the formal criteria or do not reach the full one million signatures, so that any substantial political message of an ECI, and the mobilisation which they have created, are not completely ignored.</p>	<p>The Commission is always open to a political dialogue on initiatives, which are the expression of a particular political concern by citizens.</p> <p>The EU Institutions can and should take note of such initiatives. Even if formally not successful, such initiatives can still be the basis of important political debates.</p> <p>However, the Commission considers that it would be overly rigid to foresee systematic procedures of responding to such initiatives.</p>
<p>50. The CoR suggests providing the ECI organisers with financial support (possibly while a milestone in getting to one million signatures is reached).</p>	<p>The Commission notes that there is no legal basis for such funding and that direct funding of ECI campaigns by the Commission would go against the principle of "independence of ECIs".</p> <p>The milestone referred to would be impossible to implement, as the Commission does not have official information on the number of the collected statements of support until the initiative is submitted to the Commission together with the relevant certificates produced by the Member States' authorities, which can be only obtained after having reached the required thresholds. There could also be a risk of fraud in providing such direct financial</p>

	support, against which precautions would need to be taken.
<p>52. The CoR calls urgently on the Member States to take all necessary steps to simplify the personal data requirements and to harmonise the requirements across the EU so that the divergence in these requirements do not constitute a serious barrier to the successful collection of signatures.</p>	<p>The Commission fully endorses the call of the CoR. On its side, the Commission continues its efforts to encourage Member States to simplify their data requirements for ECI statements of support (via modifications of Annex III to the ECI Regulation), in order to allow all EU citizens to actually make use of their right to sign an ECI.</p> <p>The last modification of Annex III entered into force in July 2015. It simplifies the data requirements for Sweden and Latvia and allows non-Maltese EU citizens residing in Malta to give their support on a Maltese form.</p>
<p>25. and 55. The CoR recalls the principle of subsidiarity and its relevance in the analysis of the ECI, proposing to contribute to the relevant analysis.</p>	<p>The Commission fully agrees with the CoR as regards the importance of respecting the principle of subsidiarity in all EU actions.</p> <p>While subsidiarity is not part of the admissibility criteria at the registration phase, this aspect is systematically analysed by the Commission when it replies to a successful initiative.</p> <p>In this context, any input of the CoR is welcomed. Such a contribution can be provided under established cooperation procedures. The public hearing at the European Parliament provides an additional opportunity in this respect.</p>

**N°2 EU Agenda on Better Regulation**  
**COM(2015) 215 final – COR 2015/4129 - CIVEX-VI/007**  
**114<sup>th</sup> Plenary Session - October 2015**  
**Rapporteur: Mr Spyros SPYRIDON (EL/EPP)**  
**SG – First Vice-President TIMMERMANS**

Points of the CoR opinion considered essential	Commission position
<p>10. The CoR trusts that the Commission will make a distinction between institutions representing regional and local bodies (institutional stakeholders) and those representing private interests (private stakeholders), bearing in mind that only the former are democratically elected and thus democratically embody the real needs of the people, including those who are not individually able to make their voices heard. It would seem, therefore, that there is a need to strengthen the Commission's structured dialogue with the Committee of Regions as well as with representatives of regional and local authorities, so as to safeguard the democratic nature of the participatory process when drafting EU legislation. This stems from the conviction that the EU institutions should give priority to local and regional authorities, which champion the interests of all economic and social groups, over large corporations, including in consultations.</p>	<p>Relations with the institutions representing local and regional authorities are complementary to relations with stakeholders and should not be seen as competing with each other. The Commission fully recognises the important consultative role of the Committee, as attributed to it by the Treaty. The Commission will continue to draw on the expertise of the CoR in terms of consultation and encourages its services to make use, where appropriate, of the various stakeholder platforms, which already exist within the consultative bodies and to cooperate as regards the organisation of structured dialogue platforms. The Commission also invites the Committee to make full use of the strengthened feedback and consultation opportunities established under the Better Regulation Agenda.</p>
<p>12. The CoR proposes that effective use be made of other instruments for targeted consultations (conferences, expert panels, workshops and meetings with stakeholders), as these will also ensure direct participation of the parties involved, and encourages the Commission to broaden their format and use (by introducing focus or user groups and test panels, etc.).</p>	<p>For every new proposal, a consultation strategy is set up which includes the consultation objectives, the mapping of relevant stakeholders and the consultation methods and tools and timelines. The new Better Regulation toolbox endorsed in May 2015 as an annex to the new Better Regulation guidelines provides an overview of key methods and tools, including</p>

	<p>information on when to best use them. The new guidelines reflect very clearly that stakeholder mapping is a key element of any consultation strategy. The Commission services may seek the advice of the CoR in that context. Representative organisations, including the Committee as representative body, are important stakeholder groups to consider for the stakeholder mapping and design of consultation activities. The use of open public consultations is meant to reach out more extensively.</p>
<p>15. The CoR notes the need for translation of at least the basic documents at each stage of consultation in all official EU languages, as this will facilitate the participation of more stakeholders and citizens in the process.</p>	<p>The Commission ensures full respect for the right of all citizens as enshrined in the Treaties, to communicate with it in any of the EU official languages. This also applies to replies to public consultations which can be submitted in any of the EU official languages. However, resources available for translation are limited and primarily needed to meet the Commission's legal obligations. Therefore, not all consultation documents can be made available in all EU languages. Nevertheless, since the Commission strongly believes in the importance of consultations for better policy making, it seeks to make available the translations of as many documents as possible.</p>
<p>23. In particular, for each piece of new or secondary legislation, the CoR insists on the need to carry out territorial impact assessments. The CoR, with its know-how, will actively contribute to this, including through its platforms and networks which provide a good access point to regional and local authorities. Following the Commission's commitment to "keeping the</p>	<p>The Commission's impact assessments are based on an integrated approach assessing impacts across three domains: economic, social and environmental. This aims to mainstream sustainable development in policy making. Each individual impact assessment should however focus on the most significant impacts. Tool No</p>



<p>EU competitive and the EU's development sustainable", it also calls for competitiveness and sustainability proofing.</p>	<p>29 covers assessment of territorial impacts and shall be applied when significant territorial impacts are expected. Tool No 17 provides guidance on how to assess competitiveness impacts. It should be used, whenever significant competitiveness impacts are anticipated.</p> <p>For every impact assessment, stakeholders are invited to give views on the problem, possible options and their impacts through the consultation process. The CoR is welcome to participate in all the feedback opportunities granted throughout the process and to flag likely territorial impacts of the Commission's policies.</p>
<p>24. While acknowledging the importance of SMEs as a motor for growth in the EU, the CoR regrets the lack of care in assessing the effects of legislation, in particular as regards reducing the administrative burden for local and regional authorities, which are required to implement the bulk of EU legislation.</p>	<p>The impact assessment tool No 19 specifies how the SME test should be carried out when assessing the impacts on SMEs. An assessment of administrative burdens is part of all impact assessments whenever these are likely to be significant, including for public authorities.</p>
<p>28. The CoR calls on the development of a more structured form of consultation to local and regional representatives in the pre-legislative phase, taking perhaps inspiration from the existing methodology of the European Social Dialogue that involves the Commission and the social organisations in preparing EU legislation directly concerning them.</p>	<p>As is the case for the dialogue with social partners, the consultation with the advisory bodies is well enshrined in the Treaties. Please also see the second part of the reply to point 10.</p>
<p>31. The CoR considers that, because of its permanent nature and composition, the new Regulatory Scrutiny Board with its extended mandate partially addresses the concerns of the CoR regarding its effectiveness, and insists that while</p>	<p>The Regulatory Scrutiny Board is an independent body mandated to prepare its opinions autonomously from any national or European institution, body, office or agency. The function of the Board is to conduct internal quality</p>

<p>respecting the independence of the Commission which represents the general interest, the Regulatory Scrutiny Board could ideally be made of independent external experts, as it is the case for similar bodies in some Member States.</p>	<p>control of impact assessments and major evaluations of the Commission. Members are appointed in their personal capacity based on expertise in regulatory analysis. They shall work full time for the Board and have no other tasks than those, which arise from their membership of the Board. In addition, three of the six new members are currently in the process of being recruited from outside the Commission. Its opinions are publicly available and can be scrutinised by anyone who wishes to do so.</p>
<p>32. The CoR emphasises that at least one of the external experts of the Regulatory Scrutiny Board should have experience in local/regional governance and administration.</p>	<p>The new Board members will be selected on the basis of their expertise in impact assessment, ex-post evaluation and regulatory policy, covering the pillars of sustainable development (macroeconomics, microeconomics, social and environmental policy).</p>
<p>34. The CoR recalls that the Treaties recognise the local and regional dimensions of the subsidiarity principle as well as the role of the CoR, and calls for the inclusion of the Committee of the Regions in the new Interinstitutional Agreement on Better Regulation. It repeats its concerns about the degree of consultation of local and regional authorities in shaping the EU's policies and about the need for timely and comprehensive information in order to express itself. Some members of the European Parliament have asked for a more active participation of the CoR and its experience and know-how at the early stages of the preparation of legislative proposals.</p>	<p>The legal base of the proposed interinstitutional agreement (IIA) is Article 295 TFEU, which only foresees the participation of the European Parliament, Council and the Commission. However, the Commission wants to draw on the expertise of the CoR in its Better Regulation work, for example for consultations, evaluations and in its REFIT Platform. It also invites the CoR to participate actively in the new consultation and feedback system the Commission is setting up.</p> <p>The Commission is currently testing a methodology to assess territorial impacts in cooperation with the CoR.</p>
<p>35. The CoR welcomes that the REFIT</p>	<p>The REFIT Platform is designed with a</p>

<p>Platform is being formed through an open call process. Nevertheless, the Committee of the Regions requests that this open call is widened so that it specifically allows representatives of European and national organisations of local and regional authorities to be able to directly apply and be represented in it.</p>	<p>view to representative participation within a manageable format. The participation of experts from business, including from SMEs, and from social partners and civil society organisations having direct experience in the application of Union legislation will be ensured. The Platform will encourage contributions from all sources and can extend invitations for experts to participate in specific meetings, dependent on the agendas. The Commission expects that the participation of the Committee of the Regions should ensure input from European and national organisations of local and regional.</p>
<p>40. The CoR urges the Commission to examine the causes leading to late or poor application by Member States of EU legislation and to seek solutions to this important problem, including giving reasons for the choice between directives and regulations, and to step up its efforts by strengthening the support, control and enforcement mechanisms.</p>	<p>The Commission is vigilant in executing its role as guardian of the Treaties. To this end the Commission has an ongoing dialogue with Member States to ensure correct application of EU law. When this does not lead to removal of the breach of EU law, the Commission can launch a formal infringement procedure. The Commission seeks to identify possible problems with implementation at the earliest stages of the legislative procedure and offer Member States its assistance (by means of implementation plans, guidance documents and expert meetings).</p> <p>The choice of the form of the legal instrument to be used is an integrated part of the impact assessment, which typically analyses the relative advantages of the use of regulations and directives in terms of proportionality and effectiveness.</p>
<p>55. The CoR observes that the</p>	<p>The newly negotiated interinstitutional</p>

<p>consequences of legislation should be explored not only at the time of the Commission's proposal, but also after significant changes introduced by the co-legislators. It points out, however, that doubt should not be cast on the democratic legitimacy of the legislative process and that these impact assessments must not lead to a restriction of the room for manoeuvre available to the co-legislators, and therefore does not support the idea to carry out further impact assessments in the period between the conclusion of negotiations and the final vote.</p>	<p>agreement fully respects the democratic legitimacy of the legislative process. The purpose of impact assessments is to inform the political decisions, not to make them.</p>
<p>56. The CoR notes the absence of any reference to self- and co-regulation as more flexible procedures for cooperation between the public and private sectors, in a constantly changing world where legislation may lag behind regulatory needs.</p>	<p>Alternative regulation methods – i.e. self- and co-regulation – were explicitly mentioned in the 2003 Interinstitutional Agreement. Since then, co-regulation has become a relatively well-established practice. That is, private actors are invited in specific Directives etc., to identify how best to achieve the objectives within that context. Examples include the 'New Approach' and eco-design legislation. As the co-legislators are fully involved in the legislative process relating to such directives, for the purposes of the inter-institutional arrangements, co-regulation does not differ from mainstream regulation.</p> <p>Self-regulation (voluntary agreements) is different in the sense that while the institutions (including the Commission) may monitor the effectiveness of such agreements as well as their compliance with competition law, the European institutions are not party to the agreements. There is no need therefore to establish procedures and practices between the institutions in the interinstitutional agreement on such agreements. An assessment of whether</p>

	<p>voluntary approaches are best suited to the problem being addressed at EU level is done at the impact assessment stage, and guidance in this context is contained in the Commission's impact assessment guidelines.</p>
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<p><b>N°3 Digital Single Market</b>  <b>COM(2015) 192 final – COR 2015/2646 – SEDEC-VI/005</b>  <b>114th Plenary Session - October 2015</b>  <b>Rapporteur: Ms Helma KUHN-THEIS (DE/EPP)</b>  <b>SG – Vice-President ANSIP</b></p>	
<p><b>Points of the CoR opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The CoR stresses that the internet’s open character is a key driver of competitiveness, economic growth, social development and innovation; recommends creating conditions which facilitate the connection of all areas to broadband services which will be efficient in the long term, in a competitive environment, and calls on the Commission, as part of the implementation of the digital single market, also to report regularly on progress made in overcoming the digital divide, particularly at regional and local level.</p>	<p>The Commission agrees with the Committee of the Regions on the importance of an open Internet. Indeed under the recently agreed telecoms single market package, the co-legislators have established rules that will ensure the neutrality of the net. This agreement enshrines for the first time the principle of net neutrality into EU law: users will be free to access the content of their choice, and they will no longer be unfairly blocked or slowed down. In the open Internet, all traffic will be treated equally, subject to strict and clearly identified public-interest exceptions, such as network security or combating child pornography, and subject to efficient network management by Internet service providers.</p> <p>Concerning connection of all areas to broadband, please see the section immediately below.</p> <p>In terms of reporting on the implementation of the Digital Single Market Strategy, the Commission will seek to improve the quality of the data and analysis needed to underpin the Digital Single Market by pooling the relevant knowledge and making it easily accessible to the public. To that end, the Commission would welcome</p>

	<p>input of data by regional authorities. The Commission will also further develop its Digital Economy and Society Index indicator, as well as its Digital Entrepreneurship Monitor<sup>7</sup> to provide up-to-date facts on the digital transformation of European enterprises. It will report regularly on progress for the Strategy.</p>
<p>The CoR also stresses the need to determine future investment requirements for broadband, especially at regional level, and proposes working with the European Commission and the European Investment Bank to develop new funding and support schemes for ICT infrastructure in, for example, rural areas.</p>	<p>A key aim of the Digital Single Market Strategy is to establish a supportive investment climate for digital networks, research and innovative business. Achieving our digital ambitions will require significant investment. EU funding is already earmarked for Digital Single Market infrastructures and services as well as for research and innovative SMEs (including start-ups). The European Structural and Investment Funds are expected to programme around EUR 21.4 billion in this area. In this context, increased broadband infrastructure will give consumers and businesses better access to digital goods and services, in particular in rural areas. In addition, improved e-government and interoperability will increase cost-efficiency and the quality of services provided while digitalising companies will integrate new technologies and manage the transition to a smart industrial system. It is expected that 14.6 million additional households will have access to high-speed broadband with European Regional Development Fund (ERDF) support and 77 500 companies will receive ERDF support to boost the use of quality Information</p>

<sup>7</sup> <https://ec.europa.eu/growth/tools-databases/dem/monitor>

and Communication Technology (ICT) services and to develop ICT products.

The Commission agrees that particular efforts are needed to close the digital gap between urban and rural areas. It is estimated that 18.8 million people in rural areas will have new or improved ICT services or infrastructure under the European Agriculture Fund for Rural Development. Complementing current EU programmes, the European Fund for Strategic Investment is designed to support a wide range of digital projects, in particular due to their high innovation and research component (and thus higher risk). Significant additional funding possibilities are provided by the European Investment Bank and the European Investment Fund.

In the Commission's review of the telecoms rules announced under the Digital Single Market (DSM) package, the Commission will take a fresh look at how to provide sufficient incentives for market players to invest in future-proof high-speed broadband networks whilst ensuring that end-users benefit from competitive and high quality connectivity.

Whilst competition has been and will remain as a key driver for investments in telecoms networks, it has to be acknowledged that investments into new, high-performance networks has not been so positive, notably in rural areas. In that context, wireless broadband will be an increasingly important source of connectivity.

In areas where the investment case for deploying future-proof broadband networks is challenging (for example



	<p>as a result of low GDP, population density, digital literacy, etc.) some specific regulatory approaches can be envisaged to improve investment incentives.</p> <p>The question of how to cover the most inaccessible areas and to realise public-interest objectives (like high-capacity connectivity for schools and universities/research hubs) will also be considered as part of the review of the Universal Service Directive.</p>
<p>The CoR emphasises the enormous importance of the digital literacy and skills for citizens, workers and jobseekers for the comprehensive implementation of digitalisation in the economy and society. In this context, the Member States and the local and regional authorities, which in many cases are responsible for schools and educational institutions, have a key long-term role to play in the development of digital skills.</p>	<p>The Commission agrees on the importance of digital skills for ensuring that the benefits of the Digital Single Market are exploited to the full. In fact as stated in the Digital Single Market Strategy, the Commission will address digital skills and expertise as a key component of its future initiatives on skills and training (see below). Demand for IT professionals is growing by around 4% a year. Shortages of ICT professionals in the EU could reach 756 000 unfilled vacancies by 2020 if no decisive action is taken. Digital skill levels need also to be raised among employees in all economic sectors and among job seekers to improve their employability. Change is needed in the way education and training systems adapt to the digital revolution. These changes can draw on EU-level initiatives such as the "Grand Coalition for digital jobs", "EU Code Week" and "Opening up Education".</p> <p>As the Committee of the Regions notes, the responsibility for curricula lies with the Member States which need to address the lack of essential digital skills. The Commission will</p>

	<p>support their efforts and will play its role in enhancing the recognition of digital skills and qualifications and increasing the level of ICT professionalism in Europe.</p> <p>In its 2016 Work Programme, the Commission has indicated that in its New Skills Agenda it will promote life-long investment in people, from vocational training and higher education through to digital and high-tech expertise and the life skills needed for citizens' active engagement in changing workplaces and societies.</p>
<p>The CoR reiterates its call for a proposal to ban geo-blocking in the digital single market, taking into account the cultural specificity of the audiovisual contents;</p>	<p>The Commission will make legislative proposals in 2016 to strengthen a genuine single market for consumers and business regardless of the way transactions take place and the technology used. These proposals will aim to implement the DSM commitment to abolish unjustified geo-blocking as a means for implementing territorial restrictions and also to implement the Single Market Strategy commitment to fight all forms of unjustified discriminatory treatment of customers on the basis of residence or nationality.</p> <p>The Commission has also launched a Competition Sector Inquiry focusing on the application of competition law in the e-commerce area.</p> <p>Furthermore, the Commission adopted a Communication in December 2015, setting out a comprehensive vision on future steps in the copyright reform.</p> <p>The Communication announced a number of measures to facilitate the cross-border availability of online content for consumers across Europe.</p>

	<p>Simultaneously, the Commission adopted a legislative proposal to ensure that consumers having acquired digital content or subscribed to an online content service at home, can access such content or service when travelling to other Member States.</p> <p>The Commission has also launched a review of the Satellite and Cable Directive and will look into its role in enhancing cross-border access to broadcasters' services.</p>
<p>The CoR regrets that the Commission Communication only scratches the surface when it comes to "the sharing economy" and does not contain any proposals for a coordinated approach to the rules applicable to it;</p>	<p>In its DSM Strategy, the Commission highlights the rise of the sharing economy which offers opportunities for increased efficiency, growth and jobs, through improved consumer choice, but also potentially raises new regulatory questions. It was noted in the DSM Strategy that these questions would be addressed in the Single Market Strategy. In that Strategy, announced in October 2015, the Commission has indicated that it will issue guidance on how EU law applies to collaborative economy business models and relevant provisions of national law. This guidance will be based on the Services Directive, E-Commerce Directive, European consumer legislation, as well as on relevant treaty provisions. It will consider international best practice and should help Member States and market operators better understand the applicable rules. It will also guide the Commission's enforcement action to ensure that national law does not hinder the development of the collaborative economy in an unjustified manner. The Commission will further assess whether and how any regulatory</p>

	<p>gaps need to be addressed. It will develop a monitoring framework helping to track the development of the collaborative economy at local, national, company and sector level.</p>
<p>The CoR stresses that, in connection with the resulting need for adaptation of governance structures, responsibility and the leading role should be assigned to local and regional authorities, as the public sector's main "interface" with businesses and the general public.</p>	<p>In 2016 the Commission will propose a new eGovernment Action Plan, the aim of which will be to identify actions that contribute to cross-border digital public services. Some actions, such as a pilot on the once-only principle and a Single Digital Gateway, have already been identified in the DSM Strategy, whereas further needs are being identified through an ongoing public consultation. Such actions should lead to better cooperation between different public administrations, including local and regional authorities, to the exchange of best practices and re-use of cost-efficient solutions.</p>

**N°4 Strengthening cross-border cooperation: the need for a better regulatory framework (own-initiative opinion)**

**COR 2015/4286 – COTER-VI/007**

**114th Plenary Session - October 2015**

**Rapporteur: Mr Nikola DOBROSLAVIĆ (HR/EPP)**

**DG REGIO - Commissioner CREȚU**

<b>Points of the CoR opinion considered essential</b>	<b>Commission position</b>
I. General comments	
<p>5. The CoR points out that in the past 25 years, cross-border cooperation has made great strides at EU level, through the Interreg Programme, the Instrument for Pre-Accession Assistance (IPA) and the European Neighbourhood Instrument (ENI), which form part of it, and through the other forms of European territorial cooperation; the results obtained to date remain unsatisfactory however, in terms of fully harnessing the potential of such cooperation. Therefore, increased attention should be paid to further strengthening cross-border cooperation and linking it to other existing instruments (cohesion policy, Horizon 2020, state aid, etc.) so disadvantaged border regions receive special treatment.</p>	<p>The Commission agrees that Interreg cooperation programmes, implemented under the European Territorial Cooperation goal of EU cohesion policy, play an important role in fostering cross-border cooperation in EU border regions. The 2014-2020 cooperation programmes follow the principles of thematic concentration and result orientation in order to ensure consistent contribution to Europe 2020 objectives as well as synergies with other EU funding instruments. In line with point (a) of Article 8(5) of Regulation (EU) No 1299/2013, all cooperation programmes shall also set out mechanisms to ensure effective coordination with other Union and national funding instruments.</p>
<p>7. The CoR highlights the scope of the legal instruments that have been adopted to strengthen cross-border cooperation, including the Council of Europe's European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities under which Member States gave a commitment to facilitate and encourage cross-border cooperation between local and regional communities or authorities within their jurisdiction and those under the jurisdiction of the other</p>	<p>The Commission points out that EGTCs are set up to carry out specific tasks given to it by its members (Article 7(1) of Regulation (EU) No 1082/2006) and on behalf of them, but that the competences stay with its members. EGTCs do not constitute an additional layer of competence adding on the different tiers of multilevel governance in the different Member States.</p>

<p>contracting parties. There are also the Regulation on European Grouping for Territorial Cooperation (EGTC) and the European Economic Interest Grouping (EEIG), which are high-quality tools for ensuring that legal instruments are in place for cross-border cooperation to gain impetus;</p> <p>8. highlights the role of the EGTC in supporting and promoting cross-border, transnational and interregional cooperation between Member States or local and regional authorities;</p> <p>9. highlights the flexibility that the EGTC offers in terms of its membership, as it constitutes a platform for multilevel governance through which bodies from different tiers of government and with differing powers can act together, adapting to each region's needs.</p>	
<p>II. Barriers to strengthening cross-border cooperation</p>	
<p>12. The CoR also acknowledges that border regions' healthcare systems are not compatible, and this includes the regulation of healthcare provided by emergency services – which, in the case of workers in areas covered by different legal jurisdictions, raises the question of which one they are covered by. There are problems of mismatching between healthcare providers and public authorities on the two sides of the border: prior authorisation is required in order to obtain reimbursement of costs, for example, which means that the local population finds it difficult to access health services quickly and in close proximity.</p>	<p>The Commission points out that social security coordination Regulation (EC) No 883/2004 precisely identifies the applicable legislation for migrant workers and provides clear entitlements for them on healthcare and other social benefits. The European Health Insurance Card under the framework of the same Regulation ensures that necessary treatment should be provided to patients staying in another Member State than their Member State of affiliation. The cross-border healthcare Directive 2011/24/EU establishes rules for facilitating access to safe and high-quality cross-border healthcare and ensures patient mobility in accordance with the principles established by the Court of Justice and promotes cooperation on healthcare between Member States.</p>
<p>14. The CoR welcomes the Commission's</p>	<p>The Commission welcomes the Committee's</p>

<p>stated aim of carrying out, by the end of 2016, an analysis of the barriers to cross-border cooperation that will look at solutions and examples of good practices; the CoR also calls on the Commission to actively involve the CoR in conducting this analysis and participate in a joint assessment of the results.</p>	<p>support for the ongoing review of cross-border obstacles. While the analysis and assessment is being carried out under the responsibility of the Commission, a joint discussion of results shall be envisaged.</p>
<p>III. Policy recommendations</p>	
<p>21. The CoR welcomes the latest initiative of the Luxembourg presidency to present a first suggestion of a new legal tool, with the objective of allowing Member States affected by a specific cross-border project to agree on a legal framework created from the existing laws of these Member States and applicable only to this specific cross-border project. This would contribute to cohesion in cross-border areas. Although this instrument is related to actions that do not necessarily involve EU funding, it provides a valuable input into the upcoming discussion on the future of cross-border cooperation and the objectives of the economic, social and territorial cohesion of the EU as a whole;</p> <p>22. notes that one tool for improving cross-border cooperation at EU level already exists in Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC), as amended by Regulation (EU) No 1302/2013, with a view to implementing and managing cross-border cooperation projects under differing national rules and legal procedures; notes the different legal nature of the two tools: whilst the EGTC legal regime applies only to its members, the Luxembourg proposal would create a legal regime that would be applicable to a specific cross-border project</p>	<p>The Commission agrees with the CoR that EGTCs and the Luxembourg EU presidency's new proposal are different in nature and scope: EGTC is a legal instrument to set up a joint body ("who is implementing?"), whereas the Luxembourg EU presidency's proposal aims at a method on how to reconcile differing national rules ("how to implement?"). There are, of course, possible links between EGTCs and the proposal, in particular where an EGTC is managing an item of infrastructure or providing a service of general economic interest. In that case, the EGTC's assembly may define the terms and conditions of the use of the item of infrastructure or the terms and conditions subject to which a service of general economic interest is provided, including the tariffs and fees to be paid by the users (Article 7(4) of Regulation (EU) No 1082/2006). In this context, the Commission takes note of the new proposal which needs to be thoroughly explored, enabling an EGTC to define such terms and conditions identical on both sides of the border.</p>

<p>with a precisely-determined geographical scope.</p>	
<p>23. The CoR welcomes all of the simplifications made in the amended EGTC Regulation which took effect on 22 June 2014, some of which were proposed by the CoR, but is disappointed to note that some Member States have been relatively slow to adopt this amended EGTC Regulation; therefore, it calls on the Member States to redouble their efforts to implement it and facilitate the creation of EGTCs in their country, bearing in mind that it makes it possible to be more flexible when setting up and registering EGTCs and to establish their tasks more clearly; nevertheless, it considers that there has not yet been sufficient time since its entry into force to evaluate its scope fully or to assess its impact on the ground.</p>	<p>The Commission underlines that the EGTC instrument is based on an EU Regulation, binding in its entirety and directly applicable to all Member States. Prospective EGTC members are therefore not prevented from submitting a draft convention and statutes for approval before the competent Member State has adapted its national implementing rules to the amendments to the EGTC Regulation. For example, Luxembourg has informed the Commission that the national rules do not require any adaptation to the amendments as the rules are already fit for the amended procedures.</p>
<p>24. The CoR considers that, given the existence of the EGTC Regulation and the full potential it has for bolstering cross-border cooperation when transposed into the legal systems of all the Member States, the proportionality principle should be respected when contemplating creating additional legal measures; it also considers that there are cases where a legal instrument of a different nature to the EGTC could have proved useful in overcoming specific obstacles to a particular cross-border cooperation project.</p>	<p>In addition to its comments on point 23, the Commission repeats that there is no need for transposition of the amendments into national legislation as it would be the case for a Directive. When screening the amended national implementing rules, the Commission will pay attention to the right balance between national rules covering all aspects necessary for a smooth implementation of the Regulation (some Member States limited themselves to the designation of a competent authority without defining a procedure), and national rules adding elements in exceeding the strict minimum (e.g. by adding a requirement of additional EGTC organs).</p>
<p>25. The CoR welcomes the proposal's approach, which consists of continuing to improve the quality of the toolbox of cross-border cooperation by providing a tool of a general character that does not create a new entity with legal personality, and therefore</p>	<p>The meaning of "pre-defined rules to implement joint initiatives" is not fully clear. It should, however, be noted that the Commission adopted its Delegated Regulation (EU) No 481/2014 of 4 March 2014 with regard to specific rules on</p>



<p>carrying forward the objective of using pre-defined rules to implement joint initiatives in two or more Member States, which could be seen as confirming the success of the EGTC concept.</p>	<p>eligibility of expenditure for cooperation programmes, thus creating a joint set of rules applicable to joint projects under Interreg programmes.</p>
<p>27. The CoR points out that, while the mission and the tasks set out by an EGTC convention are circumscribed to the group itself and to its members, and while it is not permitted to adopt, implement or enforce legislation – which means that it cannot be used as a basis for doing this at cross-border level – it may, however, manage public infrastructure, provide a public service, provide services of general economic interest and harness and manage public resources in order to achieve public interest objectives or activities that reflect the fundamental principles of the Treaty and the general interests of the Member States; it considers that the current EGTC Regulation provides a good legal framework for this type of action, even if consideration could be given to examining the alternatives, which might facilitate general cross-border cooperation in a given region.</p>	<p>The Commission shares the CoR's assessment of the usefulness of EGTCs to manage an item of public infrastructure or to provide a public service of general economic interest. When proposing the EGTC Regulation or amendments thereof, the Commission is, of course, bound by the legal basis laid down by the Member States in the Treaty. The Commission therefore understands the suggestion to consider alternative solutions as being addressed to the Member States. As an example, the three Member States of the Benelux Union have agreed on a joint legal body, the Benelux Grouping of territorial cooperation. That legal instrument draws inspiration from the EGTC while granting additional advantages (e.g. set-up without permission, delegation of regulatory powers or choice between a board and a director as executing organ).</p>
<p>The need to raise awareness and provide information for stakeholders regarding the opportunities for developing cross-border cooperation offered by the existing legal framework, in particular by the EGTC Regulation (28-29)</p> <p>28. The CoR emphasises that, in terms of using EGTCs as a mechanism for cross-border cooperation, the main problems concern insufficient awareness and information, a lack of confidence and the absence of the necessary political will and that, in order to strengthen cross-border cooperation, there is a need to raise awareness and provide stakeholders with</p>	<p>The Commission confirms its commitment to clarify and publicise the role of EGTCs and will maintain its close and fruitful cooperation with the CoR and its EGTC platform.</p>

<p>more information about the opportunities for developing this cooperation offered by the existing legal framework, and in particular by the EGTC Regulation;</p> <p>29. calls on the Commission and the Member States to make further efforts, in cooperation with the European Committee of the Regions, to clarify and publicise the role that the EGTC can play as a tool for more effectively meeting local needs in cross-border regions.</p>	
<p>Promoting simplicity in the legal framework and how it is implemented (30-33)</p> <p>32. The CoR proposes that a simplified approval procedure be applied to EGTCs in cases where an established entity – such as a Euroregion or a working community – already exists under the European Outline Convention of the Council of Europe on Transfrontier Co-operation between Territorial Communities or Authorities and its 1980 protocols and subsequent bilateral agreements.</p>	<p>In accordance with Article 17 of the EGTC Regulation, the Commission will forward a report on the application of the Regulation, "evaluating, based on indicators, its effectiveness, efficiency, relevance, European added value and scope for simplification". However, the EGTC Regulation and the acquis of the Council of Europe may set up different conditions for the setting up of a grouping. The scope of alignment between the two instruments will, of course, be limited given that not all Member States have ratified the Convention and even less Member States all its protocols.</p>
<p>Adapting how resources from EU funds are used (34-42)</p> <p>37. The CoR notes that the procedures for drawing up and adopting territorial cooperation programmes for the 2014-2020 financial programming period are lagging so far behind that they will have an impact on the successful implementation of those programmes and calls on the European Commission to step up its commitment to – and assistance for – stakeholder countries when they draw up and adopt the programmes.</p>	<p>The Commission points out that only 41% of Interreg cooperation programmes had been submitted to the Commission by the deadline of 22 September 2014 which is set under Article 26(4) of Regulation (EU) No 1303/2013. By the end of 2014, 18 programmes were adopted, with the Commission fully respecting its deadlines for the adoption procedure defined in Article 29(3) and (4) of Regulation (EU) No 1303/2013. In order to ensure no loss of financial resources and to reduce the financial pressure on implementation for programmes adopted after 31 December 2014, the 2014 annual allocation was added to the allocations</p>

	<p>for 2015 by way of a modification of Regulation (EU) No 1311/2013 (MFF)<sup>8</sup>. All ERDF ETC programmes were adopted at the end of 2015.</p>
<p>39. The CoR urges the European Commission to continue simplifying procedures in order to make the implementation of cross-border projects easier, to start the process of adapting funds implemented at national level and in this matter to consider the possible automatic coupling of EU funds with cross-border projects.</p>	<p>The Commission stresses that significant progress has been made in the simplification of procedures and rules at EU level, notably with a dedicated Regulation for European territorial cooperation (Regulation (EU) No 1299/2013) and related delegated regulations on eligibility rules and on simplified cost options. The Commission recalls that the implementation of cross-border projects and the setting up of project pipelines come under the responsibility of participating Member States who shall not only make use of the new regulatory possibilities but also take steps from their side to simplify procedures at national and regional levels.</p> <p>The Commission has launched studies to assess how the new simplification provisions have been taken up by the Member States. It has also set up a High Level group on simplification for beneficiaries to assist in identifying the obstacles and barriers to simplification and to find a way to address them. Its work should be relevant both for the implementation of the current period and for the future.</p>
<p>41. The CoR suggests that discussions on this new Regulation form part of the comprehensive discussion on the future of Cohesion Policy. The called-for full and effective implementation of the EGTC Regulation in Member States could be a medium-term goal along with awareness-</p>	<p>The Commission will take due account of the Luxembourg proposal as endorsed by the Council and make its own assessment, including with regard to the appropriate legal basis in the Treaty.</p>

<sup>8</sup> Council Regulation (EU, Euratom) 2015/623 of 21 April 2015 amending Regulation (EU, Euratom) No 1311/2013 laying down the multiannual financial framework for the years 2014-2020, OJ L 103, 22.4.2015, p. 1.

raising in relation to its application and/or possible amendments arising from its shortcomings; it calls on the Commission to consider the Luxembourg proposal and further elaborate it in the light of the results of the cross-border review currently carried out by the Commission.

**N°5 Financial Instruments in support of territorial development (own-initiative opinion)**  
**COR 2015/1772 – COTER-VI/005**  
**114<sup>th</sup> Plenary Session - October 2015**  
**Rapporteur: Mr Adam STRUZIK (PL/EPP)**  
**DG REGIO – Commissioner CREȚU**

<b>Points of the CoR opinion considered essential</b>	<b>Commission position</b>
<p>4. The CoR underlines that the subsidy system plays an important role in fostering territorial development in particular in areas where the market has failed and where territorial cohesion challenges are a real issue, and points at the complementary nature of subsidies and financial instruments as they ought to apply to different situations. Promoting the use of financial instruments must not lead to an excessive curtailment of the subsidy system or to a crowding out effect on the EU's budget allocated to cohesion policy;</p>	<p>The risk of curtailment of subsidies by the financial instruments is rather limited when considering the use of financial instruments. At the end of 2014, financial instruments represented only 5.2% of the total European Regional Development Fund (ERDF) and 0.6% of the total European Social Fund (ESF) amounts. The Commission, based on Council conclusions, promotes the use of financial instruments for financially viable projects and where needed in combination with subsidies.</p>
<p>6. the CoR acknowledges the Court of Auditors' conclusions in Special Report 05/2015 on the use of financial instruments in rural areas, which highlighted the risk of overcapitalising the guarantee fund relative to private investor demand, and also the consequences associated with a lack of leverage when private funding is needed to top up public funds. It calls therefore on the Commission to learn lessons from this report;</p>	<p>The Commission considers that the new legal framework for the programming period 2014-2020 addresses the concerns raised by the Court sufficiently well.</p> <p>The issue of overcapitalisation is addressed by the provisions of Article 41 of Regulation (EU) No 1303/2013 where phased-in payments, based on achievement of concrete disbursement results, have been introduced as a general rule for all financial instruments in 2014-2020.</p> <p>As regards the participation of private investors, the Commission would like to refer to the state aid legislation on risk capital finance (GBER) which</p>

	<p>requires certain participation of a private investor. The Commission's definition of leverage mechanism includes all contributions (private and public) in addition to the EU funds.</p> <p>In addition, in order to encourage the use of financial instruments, the Commission strengthened its co-operation in the field of agriculture and rural development with the European Investment Bank (EIB) and signed a Memorandum of Understanding on 14 July 2014. This cooperation includes the possibility of utilising the experience and the knowledge of the EIB Group on financial instruments and its application in rural development.</p> <p>As part of its working programme, the technical assistance platform "fi-compass" will produce also European Agriculture Fund for Rural Development (EAFRD)-specific products.</p>
<p>8. under-regulating the use of financial instruments is as harmful as over-regulating it. It is important, particularly at the start of the 2014-2020 financial perspective, to adopt without delay all necessary legal solutions to avoid repeating the mistakes that occurred at the beginning of the 2007-2013 financial perspective;</p>	<p>With the Regulation (EU) No 1303/2013 laying down common provisions on the ERDF, the ESF, the Cohesion Fund, the EAFRD and the European Maritime and Fisheries Fund (EMFF), as well as the delegated and implementing regulation, the legal framework 2014-2020 is now more comprehensive and consistent and has been set at the beginning of the programming period. It builds on past experiences and it formally encodes the provisions of the guidance of 2007-2013. On explicit Member State demand, the Commission provides guidance to support the implementation of the financial instruments including answers to specific questions by the</p>

<p>14. the CoR notes that point 20 of the Guidelines on State aid to promote risk finance investments stipulates that "risk finance aid measures have to be deployed through financial intermediaries or alternative trade platforms, except for fiscal incentives on direct investments in eligible undertakings. Therefore, a measure whereby the Member State or a public entity makes direct investments in companies without the involvement of such intermediary vehicles does not fall under the scope of the risk finance State aid rules of the General Block Exemption Regulation and these Guidelines". Consequently, when a managing authority makes a direct aid payment to an SME as part of a financial package, the aid in question can only be considered State aid compatible with the Treaty if the amount provided is smaller than the amounts decreed in the de minimis regulation, or if the aid is provided in accordance with other horizontal State aid rules (e.g. SMEs, regional cohesion, R&amp;D, etc.). The CoR calls therefore on the Commission to make sure this scheme does not result in the break-up of projects supported by financial instruments, and that the Guidelines are not in breach of Article 38 of Regulation 1303/2013 on common provisions for Structural Funds with regard to implementing financial instruments;</p>	<p>managing authorities.</p> <p>The General Block Exemption Regulation can provide for a compatibility ground for State aid. State aid granted in line with all the applicable General Block Exemption Regulation provisions does not require prior notification. In all other cases, Member States are obliged to notify such State aid and not to grant it before approval by the Commission.</p>
<p>20. in this context, it should be underlined that, in the case of collection of fees and commissions from SMEs by intermediaries, reducing the size of the eligible expenditure funded under the 2007-2013 perspective may act as a disincentive to sound management of public resources and lead to excessive distortion of natural market mechanisms. The Committee of the</p>	<p>The fees collected by intermediaries from SMEs are a normal market practise and they may constitute part of the remuneration of the financial intermediary. The legal provisions in 2014-2020 (and the guidance in 2007-2013) aim to ensure that the financial intermediary is not paid twice for the same service: once by the SMEs and</p>

<p>Regions calls on the Commission to take steps, together with the regions, to identify inefficient areas and to prepare appropriate remedial measures without delay;</p>	<p>for the second time by the managing authority in the framework of eligible management costs and fees. Thus, fees collected from SMEs would need to be deducted from the eligible management cost only if they are charged for the same activity for which eligible management costs are also claimed. Such a deduction does not have any impact on the amount of eligible investment in final recipients. On the contrary, such reduction results in a lower amount of eligible management costs - and thus higher capital for investments in SMEs. This provision is in line with the principle of sound financial management as it prevents overcompensation of the financial intermediary (which should not be paid twice for the same service).</p>
<p>22. the decision to introduce financial instruments should always take into account the analysis of the impact that such an instrument will have on the other available forms of support, including the possible synergies obtainable by combining different forms of assistance and possible overlapping of instruments. Competent authorities should ensure coherence between instruments implemented at EU level (e.g. COSME and Horizon 2020) and other sources of support, in particular resources from the EIB, the ESIF and those financed with the help of national/local development banks and promotional banks. Taking into account the benefits of synergies, the CoR calls on the Commission and the European Investment Bank to ensure permanent dialogue with local and regional partners in this area;</p>	<p>Under the shared management mode, the Member States (national/regional authorities) are responsible for the implementation of the European Structural and Investment Funds (ESIF). To ensure complementarities and potential support to and from other financial instruments, the obligatory ex-ante assessment will have to analyse and ensure consistency with other forms of public intervention addressing the same market, and examine all options possible, including combination of support (Article 37(2) of the Regulation (EU) No 1303/2013 laying down common provisions on the ERDF, the ESF, the Cohesion Fund, the EAFRD and the EMFF).</p> <p>A guidance describing the different implementing options, including the possibility to contribute to EU level instruments with ESIF programmes, will be issued and discussed with the</p>



	Member States.
25. the Commission and the European Investment Bank should ensure appropriate participation of the regions in the use of financial instruments under the Investment Plan for Europe. It welcomes in that context that Recital 56 of the Regulation on the European Fund for Strategic Investments (EFSI) stipulates that regional and local authorities should be able to contribute to the establishment and management of the European investment project portal;	The Commission welcomes involvement by the regions in the European Fund for Strategic Investments (EFSI) initiative. Specifically, they could play an important role in project development and co-financing projects of high interest and value. In accordance with Regulation (EU) 2015/1017 on the EFSI, the Commission will provide guidance on combining EFSI and ESIF.
31. given the limited availability of external financing, particularly for small and micro-enterprises in the European Union, more flexible options for financing working capital are needed. In view of payment difficulties and the seasonal nature of production, working capital should be financed without unnecessary restrictions. To this end, the Commission should take appropriate steps to ensure such solutions, together with representatives of the regions;	The Regulation (EU) No 1303/2013 laying down common provisions on the ERDF, the ESF, the Cohesion Fund, the EAFRD and the EMFF specifies the eligibility of working capital for enterprises. The Commission issued in February 2015 a guidance note on working capital for the programming period 2014-2020 in order to help managing authorities. The note can be found on the Inforegio website: <a href="http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/guidance_support_enterprise.pdf">http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/guidance_support_enterprise.pdf</a> .
37. in order to promote the use of financial instruments - and not only as regards the implementation of the ESIF- the Commission and the European Investment Bank should ensure that regions have the possibility of appropriate substantive support. This support should allow for a case-by-case approach to each region, but equally it requires that there is proper comprehensive guidance on how local and regional authorities can apply for Financial Instruments, EIB credit lines and EFSI loans, so as to ensure that they can make informed decisions on which financial	To provide technical advice on ESIF-supported financial instruments 2014-2020, which can now be deployed in all thematic objectives, the Commission (DGs REGIO, AGRI, EMPL, MARE), in partnership with the EIB, have set up a unique technical advisory platform for financial instruments called "fi-compass" ( <a href="https://www.fi-compass.eu/">https://www.fi-compass.eu/</a> ).  fi-compass provides advisory services which are made available to all Member States and managing

<p>instrument is more relevant for them in terms of size, type of investment and level of risk;</p>	<p>authorities and for all types of financial instruments. Activities include the exchange of good practice and networking across Member States, as well as training and guides on common themes such as the ex-ante assessment, regulatory aspects concerning ESIF's policies, state aid, etc. In more concrete terms, it provides "how-to" manuals, factsheets for quick reference, case studies, e-learning modules, face-to-face training seminars and networking events.</p> <p>fi-compass does its best to help Member States and regions make wider and better use of financial instruments that invest ESIF resources to achieve impact on the ground.</p>
<p>39. while acknowledging the steps already taken, the CoR calls on the Commission and the European Investment Bank to swiftly implement awareness-raising programmes, including courses and training (at different levels and in regional languages) for the administrations in charge of planning, implementing and clearance of financial instruments, but also for regional financial entities, in particular non-profit organisations, which have limited access to such knowledge. Similarly given that some regions and groups of municipalities have successfully used EU-funded loan instruments in the past, there should be support for transferability of their models and lessons learned to other countries and regions. The Committee emphasises that e-learning must be used to this end;</p>	<p>Please see above the reply on the point 37.</p> <p>fi-compass is public, i.e. open to all stakeholders involved with ESIF and financial instruments, including non-profit organisations.</p> <p>Besides the fi-compass, the Commission "PEER 2 PEER" mechanism can be used by Member States and regions to strengthen administrative capacity of national and regional administration in managing ERDF and the Cohesion Fund. Funded by the Commission, this initiative enables sharing expertise on financial instruments, among other subjects linked to the implementation of the ERDF and the Cohesion Fund. PEER 2 PEER aims to capitalise on the officials' know-how and deliver better results by sharing their expertise and good practice through bilateral exchanges, study visits or workshops organised via a new online platform</p>

	<p>where national or regional administrations can get and offer assistance between them.</p> <p>The Commission would also like to recall that Member States and regions have also at their disposal substantive Operational Programme budgets for customised technical assistance.</p>
<p>43. those responsible must take into consideration the possibility of undesirable developments arising in the implementation of financial instruments, especially the crowding-out of private funds from the market as a result of public intervention. It is therefore necessary to adopt appropriate measures to safeguard against such phenomena. There is a need for appropriate cooperation in this area between the Commission, the European Investment Bank and the regions including comprehensive official guidance of the different financial instruments that are available to local and regional authorities;</p>	<p>The assessment of the added value of the financial instruments, the consistency with other forms of support and the State aid (market distortion) implications must be addressed in the ex-ante assessment as referred to in Article 37 of Regulation (EU) No 1303/2013 laying down common provisions on the ERDF, the ESF, the Cohesion Fund, the EAFRD and the EMFF.</p> <p>The Commission, through fi-compass, provided ex-ante assessment methodologies to help managing authorities to use good practice methodologies.</p> <p>The Commission also provided, through the Commission Implementing Regulation (EU) No 964/2014, some standard terms and conditions for financial instruments focussing on most commonly used instruments addressing known market failures.</p>

<p><b>N°6 The simplification of the Common Agricultural Policy (CAP) (own-initiative opinion)</b>  <b>COR 2015/2798 – NAT-VI/006</b>  <b>114<sup>th</sup> Plenary Session - October 2015</b>  <b>Rapporteur: Mr Anthony Gerard BUCHANAN (UK/EA)</b>  <b>DG AGRI – Commissioner HOGAN</b></p>	
<p><b>Points of the CoR opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The opinion contains a limited number of short term proposals to improve the current regime, whereas the main emphasis has been placed on ideas for the future discussions on the CAP post 2020.</p> <p>As a result, only few of the recommendations are fit for purpose of the ongoing simplification exercise, which currently focuses on changes to implementing and delegated acts. The remaining ideas, although extremely valuable for the future debates on the CAP post 2020, cannot be taken on board at this stage.</p>	
<p>Risk based, more flexible and proportionate approach to inspections so that more than one type of inspection can be carried out on a single visit and giving, in justified cases, early notice of inspection so as to ensure these can be carried out efficiently and with limited disruption to the daily work of farmers and other beneficiaries. When there is a high chance of errors, pre-inspections could take place so as to help increase compliance and ownership from the beneficiary.</p>	<p>Currently, the way that applicants are sampled for on-the-spot is integrated in one so-called cascade sampling method aimed at reducing the number of applicants selected for on-the-spot checks (OTSC) as much as possible by using the same applicant applying for several schemes (this is further elaborated in the ongoing discussion on the simplification of IACS).</p> <p>Early notice of inspections is already allowed within certain periods and in certain cases. Remote sensing is considered as a possible way of performing OTSC which does not require availability of the farmer.</p> <p>With regard to errors and 'pre-inspections', modifications to the relevant implementing and delegated acts are under preparation to introduce, on a voluntary basis, a system of 'preliminary checks' that will inform beneficiaries about potential non-</p>

	<p>compliances and will allow them to correct their aid applications and payments claim within a long but defined period without reductions and administrative penalties. Full administrative checks will still have to be carried out before payment is made.</p>
<p>A more effective approach to data sharing and integrated IT solutions such as electronic forms and databases that can provide a one stop shop that reduces the form filling burden for farmers, land managers and managing authorities.</p>	<p>DG AGRI has in place an IT tool (ISAMM) to manage all the notifications from Member States to the Commission. Several proposals to further simplify this system are currently under discussion and are expected to be adopted in the first half of 2016. .</p> <p>The development of integrated IT solutions for farmers, other CAP beneficiaries and national authorities is the responsibility of Member States.</p>
<p>On greening measures, proportionality should be added to the inspections and compliance rules by enabling higher tolerance levels to minor infractions, adverse climatic conditions and unexpected events beyond the control of beneficiaries.</p>	<p>Besides the fact that there are no administrative penalties to be applied in the claim years 2015 and 2016, the Commission has allowed for several flexibilities as regards implementation including the controls. One of them includes the possibility to compensate up to the number of hectares of the Ecological Focus Areas (EFAs) declared, an ecological focus area found not complying with another one present on the farm at the time of the OTSC qualifying as EFA even when it was not declared. [In the ongoing simplification of the IA, it is also proposed to allow farmers to modify the declaration of the use (read crop) of the agricultural parcels in respect of greening in duly justified cases after the final date of the aid-application (to be applicable retro-actively as from 2015)]</p>

	<p>As regards greening, the Commission committed itself to review the Commission level rules on EFA (a new and sensitive part of greening measures) after the first year of aid applications. This review will also cover other greening elements and may lead to changes in the relevant delegated and implementing acts, where warranted. Proposals are expected before summer 2016 and the changes will be applicable as from claim year 2017</p>
<p>Also on greening, more flexibility on mapping so that the beneficiary does not have to declare all the greening elements in the concerned area, thus avoiding the risk of over declaration.</p>	<p>Adjustments have been made to the implementation guidelines for direct payments with effect from 2015 concerning the mapping of EFAs in the land parcel identification service (LPIS). Already in 2015, Member States that so wish only need to map declared EFA elements, instead of all potential EFAs in the EFA layer.</p>
<p>The review process of CAP instruments to be done using the new Better Regulation and Regulatory Fitness (REFIT) criteria that have been recently formulated by the Commission.</p>	<p>CAP instruments will be reviewed in the framework of several studies. DG AGRI has launched a study on "mapping and analysis of the implementation of the CAP" to determine to what extent the implementation of the new CAP towards 2020 has led to a change in administrative burden at the level of the beneficiaries, Member States' administration and Commission services. The study will make a distinction between change in administrative burden which is linked to the policy design and those that are linked to the implementation choices made by the Member States. The results of this analysis will be available before the summer 2016.</p>



<p><b>N°7 The future of European aquaculture (own-initiative opinion)</b>  <b>COR 2015/2712 – NAT-VI/002</b>  <b>114th Plenary Session - October 2015</b>  <b>Rapporteur: Mr Jesús GAMALLO ALLER (ES/EPP)</b>  <b>DG MARE – Commissioner VELLA</b></p>	
Points of the CoR opinion considered essential	Commission position
14. to 19.	<p>The Commission shares the views of the Committee of the Regions on the importance of simplifying administrative procedures and access to space.</p> <p>The Commission would however like to recall that these issues are Member States' exclusive competences and that the Commission is committed to support and facilitate the implementation of such measures and to exchange good practice on reducing administrative burden.</p>
<p>23. The CoR urges the Commission to introduce a labelling system for aquaculture products, which will distinguish European products, instil confidence in consumers, enhance products' quality image and set them apart from competitor products. Correct information can only make the sector more competitive.</p>	<p>The Commission would like to recall that rules on consumer information already exist under Regulation (EU) N° 1379/2013. These rules entered into force on 13 December 2014 and deal with product origin for unprocessed products and some processed products.</p> <p>In the case of aquaculture products, Article 38 of the Regulation provides for clear indication on the product's label or marking of the country where the product was farmed.</p> <p>These rules place all products, whether EU or imported, under the same obligations and therefore ensure a level playing field.</p> <p>Producers have the possibility to indicate a more precise production area</p>



	if they wish, provided that this information can be verified.
<p>31. The CoR takes note of the negative impact on sustainable aquaculture of the rapid recovery of protected species, and consequently recommends that population management plans for these species should not only be drawn up on the basis of scientific criteria, but should also give consideration to possible conflicts with aquaculture producers. It therefore urges the Commission, in the course of any future updates to the nature protection directives (Birds and Habitats), to take account of current conflicts involving different uses of maritime, river and land areas.</p>	<p>The Commission recognises that, as a result of the recovery and increase in populations of some protected species, predation pressures have reportedly increased on some aquaculture facilities at local level, representing a challenge for freshwater aquaculture producers. However, Article 9 of the Birds Directive sets out a derogation system that provides a tool for Member States to prevent serious damage by cormorants to fisheries or aquaculture, where this is justified and in the absence of alternative solutions. Member States do not require prior agreement from the Commission before applying the derogations, but must have regard to the conditions set out in the Directive. The Commission has published a guidance document<sup>9</sup> to help Member States apply the derogation.</p>

<sup>9</sup> [http://ec.europa.eu/environment/nature/pdf/guidance\\_cormorants.pdf](http://ec.europa.eu/environment/nature/pdf/guidance_cormorants.pdf).

<p><b>N°8 Developing the potential of Ocean Energy (own-initiative opinion)</b>  <b>COR 2015/1693 – ENVE-VI/004</b>  <b>114<sup>th</sup> Plenary Session - October 2015</b>  <b>Rapporteur: Mr Rhodri Glyn THOMAS (UK/EA)</b>  <b>DG MARE – Commissioner VELLA</b></p>	
<p><b>Points of the CoR opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1. The CoR asserts that, given the scale of investments required to realise the potential of the Ocean Energy sector, coordinated actions between the different layers of governance in the EU is essential, and calls on the Commission to organise a conference with the European Investment Bank, the European Parliament, and other EU institutions, working in cooperation with Member States, local and regional authorities (LRAs), research institutes and universities, NGOs, the emerging industry, and potential investors.</p>	<p>The Commission agrees that attracting financing, in particular for demonstration and pre-commercial projects, is a key barrier to the development of this emerging industry.</p> <p>That is why the Ocean Energy Forum has a dedicated workstream on finance. This is open for all stakeholders to participate in and brings together people from the industry, financing institutions, national and regional authorities, academics and other stakeholders to discuss the barriers to finance and what actions could be taken to overcome them.</p> <p>The Commission has also organised specific meetings to help industry find their way towards funding mechanisms. In October 2015, for example, DG MARE organised a meeting between industry and the EIB on available EIB financing tools for ocean energy.</p>
<p>2. The CoR welcomes the initiative of the Commission to set up an Ocean Energy Forum tasked with the publication of an Ocean Energy Roadmap to steer the development of this sector, and intends with its opinion to ensure the roadmap takes due account of the strong local and regional dimension in the development of this emerging industry.</p>	<p>The Commission thanks the Committee of the Regions for its strong support for the Ocean Energy Forum.</p> <p>Representatives of regions play a key role in the workings of the Ocean Energy Forum. For example, the workstream on environment and consenting issues is co-led by representatives from Marine Scotland and Ouest Normandie Energies Marines.</p>

	<p>The work of the Forum is open to all interested stakeholders, so the Commission encourages regions and local authorities to remain engaged in the Forum.</p>
<p>3. The CoR calls on the Commission to develop the Ocean Energy Forum into an industrial platform to drive forward delivery of the key actions set out in the Ocean Energy Roadmap.</p>	<p>The Commission Communication COM(2014) 08 final on Blue Energy mentions the possibility to develop a European Industrial Initiative or another appropriate form of public-private partnership for ocean energy following the adoption of a strategic roadmap after 2017.</p> <p>While such an action could indeed be very helpful in implementing the roadmap, the exact form such an initiative would take would have to be seen in the broader framework of the new Strategic Energy Technology Plan (SET-plan) and other tools being developed in the context of the Energy Union initiative.</p>
<p>4. The CoR calls for the establishment of EU level targets for Ocean Energy as a clear statement of intent in order to provide investors with certainty for long term commitments;</p>	<p>Deciding on the energy mix is a competence of the Member States.</p>
<p>5. The CoR stresses the need for a coherent approach to all activities related to seas and oceans, and argues that development of the Ocean Energy sector could provide the stimulus to the development of a Maritime Industrial Policy for the EU;</p>	<p>The Commission agrees that a coherent framework covering all activities related to seas and oceans offers a great value-added. That is why the Integrated Maritime Policy is central to the Commission's maritime policy. The Commission is intent on keeping a focus on developing the Blue Economy.</p>
<p>28. The CoR reiterates its call for the creation of a specific Knowledge and</p>	<p>As mentioned in the Communication on Innovation in the Blue Economy</p>

<p>Innovation Community for the Blue Economy<sup>10</sup>, since the development of skills and the transfer of ideas from marine research to the private sector have a crucial role in the development of ocean energy.</p>	<p>(COM(2014)254 final/2), there are currently no plans for a Knowledge and Innovation Community (KIC) devoted specifically to the blue economy. In the context of the preparation of the Strategic Innovation Agenda and amended legal base of the European Institute of Innovation and Technology (EIT) for the period beyond 2020, the Commission will examine whether the creation of a specific KIC for the blue economy after 2020 could be of value.</p>
<p>29.The CoR calls for future EU funding programmes supporting Territorial Cooperation including the Atlantic Area Transnational Programme, to be refocused around supporting the development of Ocean Energy.</p>	<p>EU funding programmes supporting Territorial Cooperation can be used for supporting ocean energy, for example through the priorities 'fostering innovation' and 'promoting a resource efficient economy'.</p>
<p>30.The CoR recommends that strong consideration be given to developing an Atlantic Macro Region focused on developing Ocean Energy; such an approach would provide a clear focus for the five Member States and nations/regions in this area to cooperate, and could potentially lead to a coherent Maritime Industrial Strategy for the Atlantic Macro Region, centred around renewable energy and connectivity.</p>	<p>The Atlantic Strategy (2011) and accompanying Action Plan (2013) seek to provide a more coherent approach between the five Member States to maritime issues – including marine renewables, connectivity and industry support. As the objectives of the Atlantic Action Plan and the envisaged macro regional strategy by the CoR are the same, the Commission sees no reason for the moment to change strategy.</p>
<p>43.The CoR calls on the EIB and the Commission to prioritise use of the new European Fund for Strategic Investment (EFSI) to support investments in the Ocean Energy sector, including looking at how this fund can be used to support grid development and connectivity.</p>	<p>One of the main priorities of the European Fund for Strategic Investments is 'infrastructure and innovation'.</p>
<p>46. The CoR stresses the importance of</p>	<p>The European Structural and Investment</p>

<sup>10</sup> OJ C 19, 21.1.2015, p. 24.

<p>strengthening the link between the EU's energy policy and cohesion policy and calls on the Commission to provide details of the priority given to Ocean Energy in the regional Operational Programmes for the ESIFs for 2014-2020 and to provide analysis of which regions are prioritising Ocean Energy in their S3s.</p>	<p>Funds (ESIF), and in particular the EU Cohesion policy, are an integral part of the EU's Energy Union Strategy and the annual reporting on the State of the Energy Union<sup>11</sup>.</p> <p>The Commission is not currently planning to provide specific analysis on the funding for ocean energy from the operational programmes and the national or regional smart specialisation strategies, although such analysis could be carried out by interested stakeholders.</p>
<p>50. The CoR reiterates its call for stronger political priority to be given to creating synergies between EU, Member State and sub-state (local and regional authority) budgets to support investments of key European importance, such as Ocean Energy.</p>	<p>The Commission agrees on the importance of creating synergies between the different funding opportunities. To this end, a Guide on "Enabling synergies between the European Structural and Investment Funds, Horizon 2020 and other research, innovation and competitiveness-related Union programmes" was prepared<sup>12</sup>, and the Smart Specialisation Platform on Energy was launched to facilitate such synergies as one of its tasks.</p>

<sup>11</sup> <http://ec.europa.eu/priorities/energy-union/>.

<sup>12</sup> SWD(2014) 205 final, available at:

[http://ec.europa.eu/research/regions/pdf/publications/h2020\\_synergies\\_201406.pdf](http://ec.europa.eu/research/regions/pdf/publications/h2020_synergies_201406.pdf).

<p><b>N°9 The decision-making process on genetically modified food and feed COM(2015) 176 final and COM(2015) 177 final COR 2015/3636 – NAT-VI/003 114<sup>th</sup> Plenary Session - October 2015 Rapporteur: Mr Mark WEINMEISTER (DE/EPP) DG SANTE - Commissioner ANDRIUKAITIS</b></p>	
<p><b>Points of the CoR opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The Committee of the Regions:</p> <ul style="list-style-type: none"> <li>- broadly welcomes the intention underlying the Commission's proposal to give a greater say to the regions and extend their decision-making powers, but seriously questions the appropriateness of the measure in this particular case;</li> </ul>	<p>(1) The Commission thanks the Committee for supporting the overall objective of the proposed Regulation.</p> <p>As explained in the Communication from the Commission<sup>13</sup> accompanying the legislative proposal, the Member States have never obtained a qualified majority in favour or against a Commission draft decision authorising GMOs for food and feed, leading to a situation where the Commission, which is bound to ensure the proper implementation of the GMO legislation, is systematically put in a situation where it has to take a decision on authorisation without support of Member States in relevant committees.</p> <p>Given that the issues raised by Member States who have abstained or opposed authorisations are most often not based on scientific considerations, but reflect national concerns which do not only relate to issues associated with the safety of GMOs for health or the environment, the Commission decided to adopt a subsidiarity-based approach that would grant to Member States a decisional power to restrict or prohibit,</p>

<sup>13</sup> [http://ec.europa.eu/food/plant/gmo/new/authorisation/index\\_en.htm](http://ec.europa.eu/food/plant/gmo/new/authorisation/index_en.htm).

	<p>in part or all of their territory, the use of GMOs on the basis of compelling grounds other than risks to health and the environment.</p>
<p>- would favour a system whereby, subject to legal examination and notwithstanding observations about the current proposal for a regulation, it should only ever be possible in future for the Commission to take a positive decision on an application if the Standing Committee or the Appeal Committee also vote in favour by at least a qualified majority;</p>	<p>(2) The system of prior authorisation, interpreted in the light of Article 41 of the Charter of Fundamental Rights and the case-law of the Court of Justice, requires the Commission to adopt a decision within a reasonable period of time.</p> <p>Under these circumstances any solution which would not allow the Commission to reach a decision within a reasonable deadline would increase the risk that the Commission is declared in failure to act by the Court of Justice of the EU, and penalties could be asked by the applicant in compensation for this failure.</p> <p>Given that Member States most often invoke national reasons not related to health and the environment to vote against or abstain a draft decision, the Commission considers that the legislative proposal is the right way to reconcile an EU authorisation procedure based on risk assessment with a possibility for the Member States to take into account their national context as regards the use of GM food and feed in their territory.</p> <p>The Commission is of the opinion that the solution proposed by the Committee of the Regions would expose the Commission and the EU budget to bearing the consequences of the fact that qualified majority in favour or against a draft authorisation for GM food and feed has so far never been obtained by the Member States.</p>

<p>- considers it unsatisfactory that, as current experience indicates, a prohibition option entails unreasonably high hurdles for a Member State to overcome before it can exercise this option at national level and impose a ban; this raises subsidiarity concerns and indicates that the proportionality principle would clearly be breached under this proposal;</p>	<p>(3) The Commission would like to recall that the possibility to opt out is permitted by Article 36 of the TFEU and related case-law of the Court of Justice of the EU, provided that a number of conditions are met, i.e. that the bans are based on overriding reasons of public interest, are proportionate and non-discriminatory. These substantial requirements do not aim to restrain the possible use of this new tool by any Member State who wishes to do so, but rather to guide them in the adoption of subsidiarity-based measures which are compatible with the rules of the internal market and comply with Member States' international obligations.</p>
<p>- also notes with dissatisfaction that current experience suggests it is impossible to cost-effectively monitor a national ban in view of the free circulation of goods in the internal market and of global goods flows, not to mention the multiple links in the process chains of industrial food and feed production; the CoR would consequently recommend that the proposal for a regulation be rejected.</p>	<p>(4) The Commission stresses that the legislative proposal only grants a possibility to the Member States, who will hold the responsibility, in case they make use of the possibility, for the subsequent potential costs or impacts. It should be stressed though that any national measures adopted within that legislative proposal may not hinder the free circulation of goods. In this respect the Commission recalls that the Member States already have an obligation to put in place appropriate control measures to ensure that food and feed marketed in their territory do not contain GMOs which are not authorised in the EU. Likewise, Member States having adopted safeguard clauses against particular GMOs for food and feed uses already have in place control systems to ensure that these GMOs are not present at any level in the food and feed chain, without hindering the free circulation of food and feed products in the</p>



	Internal Market. The Commission is not aware that these existing obligations raise particular feasibility challenges in the Member States.
<p>The Committee of the Regions:</p> <ul style="list-style-type: none"> <li>- broadly welcomes the intention underlying the Commission's proposal to give a greater say to the regions and extend their decision-making powers;</li> <li>- seriously questions the appropriateness of the measure in this particular case, however;</li> <li>- points to the widespread mistrust and lack of acceptance among the general population with respect to genetically modified organisms. This mistrust and lack of acceptance should be addressed, for instance by ensuring a more transparent authorisation process for genetically modified food and feed;</li> </ul>	<p>1. See comment (1) above.</p> <p>2. See comment (1) above.</p> <p>3. The EU authorisation system is operated in a transparent manner (e.g. EFSA's scientific opinions are submitted to public comments prior to presentation to the Standing Committee, and the application for authorisation can be accessed by the public upon request, in accordance with the rules of Regulation (EC) No 1049/2010 on access to documents). The Commission would also like to stress that, contrary to GMOs for cultivation, GM feed is widely used in the vast majority of – if not all – Member States, including those which have abstained or voted against the authorisation decision.</p> <p>The legislative proposal aims to set a clearer framework, with EU authorisations based on a risk assessment approach, and decisions on the use of EU authorised GM food and feed taken at national level based on reasons not related to safety. This clearer framework may help address some of the perceived issues of trust referred to by the Committee of the Regions.</p>
- reiterates the call for clearer labelling	4. The Commission would like to recall

rules so that consumers can make informed purchasing choices. Transparent labelling must also clearly show the use of genetically modified feed in the production of animal food products;

that the EU Regulation on GMOs has put in place a comprehensive traceability and labelling system which covers both GMOs for food and feed use.

Articles 12 and 24 of Regulation (EC) 1829/2003 provide that food and feed products that consist of or contain GMOs, or are produced from GMOs, must be labelled as GM unless GMO presence is below 0.9% by ingredient and is adventitious or technically unavoidable. Furthermore, as set out in Recital 16 of the above Regulation, the co-legislator decided that it was adequate that products from animals raised on GMO feed are subject neither to the authorisation requirements nor to the above labelling requirements. The rationale of this decision is explained in Recital 16 of the above Regulation, which provides that the determining factor to decide if a product falls under its scope is whether or not material derived from the GM source material is present in the food. This is not the case for products from GM fed animals since, as demonstrated by EFSA in a scientific opinion in 200714, the GMOs are rapidly degraded into short DNA or peptide fragments in the gastrointestinal tract of animals and, to date, a large number of experimental studies with livestock have shown that recombinant DNA fragments or proteins derived from GM plants have not been detected in tissues, fluids or edible products of farm animals.

	<p>The Commission recalls that Member States are allowed to put in place “GM-free” labels highlighting that specific measures have been taken on a voluntary basis to strictly exclude the presence or the use of GMOs in some food or feed, provided that the information is not misleading for the consumer. The Commission has recently published a study giving an overview of GM free labels in place or in development in the EU15. The Commission considers that voluntary labelling is the most appropriate way to meet the expectations of those consumers actively seeking to avoid products from animals fed with GM feed.</p>
<p>- refers here to the Committee of the Regions opinion on Freedom for Member States to decide on the cultivation of genetically modified crops in their territory (CDR 338/2010 fin) (adopted at the 88th plenary session on 27 and 28 January 2011) and its Resolution on the priorities for the 2016 Work Programme of the Commission (adopted at the 113th plenary session on 9 July 2015).</p>	<p>5. The Commission is aware about these two documents.</p>
<p>Authorisation procedure for genetically modified food and feed:</p>	
<p>6. The CoR notes that the European Union has a very comprehensive legal framework governing the authorisation, traceability and labelling of genetically modified organisms (GMOs) and genetically modified (GM) food and feed, based on: Directive 2001/18/EC on the</p>	<p>6. The Commission agrees with the Committee of the Regions' comment.</p>

<sup>15</sup> [http://ec.europa.eu/dgs/health\\_food-safety/dyna/enews/enews.cfm?al\\_id=1621](http://ec.europa.eu/dgs/health_food-safety/dyna/enews/enews.cfm?al_id=1621).

<p>deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC; Regulation (EC) No 1829/2003 of 22 September 2003 on genetically modified food and feed; and Directive (EC) No 1830/2003 of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC;</p>	
<p>7. The CoR observes that the proposed regulatory framework provides that no GMO or genetically modified food or feed may be placed on the market without prior authorisation having being granted under the relevant legal framework;</p> <p>8. The CoR notes that the authorisation procedure for genetically modified food and feed provides for a concluding scientific assessment of the application documents by the European Food Safety Authority (EFSA);</p>	<p>7. The Commission confirms the Committee of the Regions' observation.</p> <p>8. The Commission confirms the Committee of the Regions' observation.</p>
<p>9. The CoR notes further that after receiving the EFSA assessment, the Commission presents the Member States, represented in the Standing Committee on Plants, Animals, Food and Feed, with a draft decision as to whether the authorisation should be granted or refused;</p>	<p>9. The Commission confirms the Committee of the Regions' observation.</p>
<p>The CoR observes that if the result of voting is inconclusive both in the Standing Committee for Plants, Animals, Food and Feed and in the Appeal Committee, the Commission is obliged,</p>	<p>10. The Commission agrees with the description of the authorisation procedure by the Committee of Regions. The Commission would like to recall that the Member States so far</p>

<p>under the GMO legal framework and the Charter of Fundamental Rights, to take a decision on any application for authorisation.</p>	<p>consistently failed to obtain a qualified majority in favour or against a Commission draft decisions, which is an exception to the usual functioning of the EU comitology procedure.</p>
<p>Review of the authorisation procedure for genetically modified food and feed:</p> <p>11. The CoR points out that in its Work Programme for 2015 the Commission announced its intention to review the process for approving genetically modified organisms in order to address the concerns of the general public and of Member States about the Commission's current legal obligation to grant authorisation of GMOs even in cases where no qualified majority of the Member States is in favour of such authorisation;</p>	<p>11. The Commission confirms the Committee of the Regions' observation.</p>
<p>12. The CoR is surprised that the promise of a review has yielded only a proposal on the use of genetically modified food and feed, as opposed to a radical revision of the authorisation procedure, as had been indicated;</p> <p>13. The CoR draws attention to the voting behaviour of the individual Member States under the current authorisation procedure pursuant to Regulation (EC) No 1829/2003 on GM food and feed;</p> <p>14. The CoR laments the fact that voting on genetically modified food and feed in the Standing Committee and the Appeal Committee regularly fails to produce a qualified majority for or against the draft decision;</p> <p>15. The CoR remarks that a Member State may be motivated to abstain or to vote against authorisation because of concerns relating not only to the scientific</p>	<p>12.-19. The Commission shares the analysis of the Committee of Regions in points 13 to 18 on the voting behaviours of the Member States on GM food and feed authorisation decisions.</p> <p>The Commission acknowledges that this situation, which shows that Member States do not consider that the authorisation process allows them to fully address their individual concerns, has contributed to raising a feeling of public distrust in the functioning of the authorisation procedure, and more particularly as regards the Commission's decision.</p> <p>With respect to point 19, the Commission would like to recall that the GMO legislation allows the Commission to take into consideration "other legitimate factors", in addition</p>

<p>assessment but also to issues outside the scope of the EFSA risk assessment;</p> <p>16. The CoR notes that under current legislation, the Commission must take a decision on authorisation applications;</p> <p>17. The CoR regrets in particular that the Commission therefore always, in practice, takes the decision without the endorsement of the Member States' vote, with Commission decisions in the case of a positive EFSA opinion generally being to grant authorisation;</p> <p>18. The CoR deplors the consequence of this, namely that concerns – e.g. relating to social considerations – of one or more Member State expressed during the authorisation process tend not to be taken into account in the decision to grant authorisation;</p> <p>19. The CoR stresses for this reason that authorisation based solely on the EFSA's risk assessment is increasingly being criticised.</p>	<p>to the risk assessment carried out by EFSA, when deciding on an EU authorisation. However, until now reasons invoked by Member States at the time of vote are diverse and none of them would justify an EU-wide ban on a product being found safe by EFSA.</p> <p>As regards point 12, given that it is critical to maintain a GMO authorisation system at European level, in order to ensure an equal level of safety across the European Union, the Commission came to the conclusion that the appropriate way to address the concerns of the Member States was to give them a legal capacity to decide on the use of GMOs in their territory once authorised at European level.</p> <p>The Directive (EU) 2015/412 as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory, which was adopted with a wide majority by the European Parliament and the Council, successfully provides a practical and efficient solution as regards GMO cultivation. The current Commission proposal therefore mirrors and complements the rights already given to Member States in respect of GMOs for cultivation by the 2015 Directive – and cover GM food and feed which represent the majority of authorisations granted in the EU.</p>
<p>Proposals for improving the current authorisation procedure:</p> <p>20. The CoR shares the Member States' view that since authorisation or non-authorisation of GMOs is a matter of great public interest, it is imperative that there be a way of taking concerns, including</p>	<p>20. The Commission shares these views of the Committee of the Regions. See comments 12.-19. above.</p>

<p>non-scientific concerns, into account in the decision-making process;</p>	
<p>21. The CoR regrets that this is not, in practice, the case at the moment: under the current procedure, the EFSA's risk assessment is ultimately the main basis for a decision taken by the Commission, since opinions of the Member States diverge and there are not enough votes to achieve a qualified majority;</p> <p>22. The CoR advocates a system whereby, subject to legal examination and notwithstanding observations about the current proposal for a regulation, it should only ever be possible in future for the Commission to take a positive decision on an application if the Standing Committee or the Appeal Committee also vote in favour by at least a qualified majority;</p> <p>23. The CoR believes that this would allow any continuing reservations on the part of the Member States to be better accommodated, and would strengthen their sense of responsibility for the way they vote;</p>	<p>21. The authorisation system for GMOs is based on a risk assessment approach. Therefore, in conformity with legislation, the Commission's decision of authorisation is taken based on the outcome of EFSA's risk assessment, in absence, until now, of Other Legitimate Factors meaningful in the context of the EU as a whole.</p> <p>22. See comment (2).</p> <p>23. The Commission shares the willingness of the Committee of the Regions to increase Member States' sense of responsibility at the time of vote, especially having in mind the fact that GM feed authorised at EU level is widely used by livestock breeders across the EU, including in most – if not all – Member States which voted against or abstained.</p>
<p>24. The CoR does not share the Commission's view that the existing legal framework must be preserved and that voting rules are immutable solely on the basis that they apply in other policy areas;</p>	<p>24. The Commission does not see the voting rules as immutable, but would like to draw the attention of the Committee of the Regions to the legal constraints described in comments (2) and (3) above. Furthermore, it should be stressed that modifying the voting rules solely for GMOs would create a situation of discrimination for these products vis à vis all other products</p>

	subject to a prior authorisation regime.
<p>25. The CoR therefore calls on the Commission to consider whether it would be possible to change the authorisation requirements for GMOs at risk management level in a way that is compatible with European law;</p>	<p>25. The Commission recalls that the existing legislation already allows referring to Other Legitimate Factors at risk management level, in addition to the risk assessment carried out by EFSA. However, none of the reasons invoked by the Member States so far have allowed justifying the ban at European level of any GM food and feed.</p>
<p>26. The CoR, like the Commission, is in favour of a single risk assessment system;</p>	<p>26. The Commission shares the view of the Committee of the Regions.</p>
<p>27. The CoR calls for closer cooperation between the Commission and national or regional authorities responsible for GMO cultivation;</p> <p>28. The CoR points out that this could improve acceptance of the risk assessment by the Member States as well as improving the quality of the assessment;</p>	<p>27.-28. The Commission recalls that the competent authorities are largely involved in the risk assessment process (Member States can comment on EFSA's opinion) and the authorisation procedure. The level at which Member States take their decision, and in particular the involvement of regions, depends on their national constitutional arrangements.</p>
<p>29. The CoR would advocate a better examination of the environmental concerns raised about genetically modified plants, as well as GM food and feed, during the authorisation procedure;</p> <p>30. The CoR sees a pressing need to include the reinforced guidelines of EFSA for the environmental impact assessment of genetically modified plants in the annexes of the Directive on deliberate release of GMOs (2001/18/EC), so as to give these binding legal force.</p>	<p>29.-30. The Commission would like to recall that the Environmental Risk Assessment (ERA) is a core and systematic part of the comprehensive risk assessment performed by EFSA on all GM plants and GM food and feed. EFSA updated its guidelines on ERA in 2010, which serve as a basis for the updating of the technical annexes of Directive 2001/18/EC related to environmental risk assessment, which is to be completed in 2017 in line with Article 3 of Directive 2015/412/EC.</p>



<p>Appraisal of the proposal for a Regulation:</p> <p>31. The CoR observes that in its Communication COM(2015) 176, the Commission discusses in detail the way the authorisation procedure works, which it too regards as unsatisfactory, and proposes a change in the regulation on genetically modified food and feed, along the same lines as provided for in Directive (EU) 2015/412 (opt-out rules for GMO cultivation);</p> <p>32. the CoR believes that the Commission's objective of better addressing the concerns of individual Member States would be better achieved by a revision of the environmental risk assessment part of the authorisation process in the very near future – as has just been provided for in Article 3 of Directive (EU) 2015/412 – than by the proposal for a Directive that is now on the table;</p> <p>33. the CoR notes that the point of the proposal is not to change the uniform level of safety that has been established through the EU-wide risk assessment by the EFSA. The EU legal framework already has provisions allowing the Member States to ban a product pending re-evaluation at EU level in cases where new findings indicate that a genetically modified food or feed could pose a serious risk to health or the environment.</p>	<p>31. The Commission confirms the CoR's observation.</p> <p>32. See comments 29.-30. Nevertheless, the Commission recalls that the concerns raised by Member States with respect to authorisation of GMOs for food and feed do not relate to environmental risks (or to health risks) but to other matters not related to the risk assessment, such as societal considerations. The legislative proposal aims to address this specific state of play.</p> <p>33. The Commission shares the analysis of the Committee of the Regions.</p>
<p>34. The CoR notes that Member States should be granted the right to adopt decisions at national level to restrict or to ban the use of GMOs in food and feed that are authorised at EU level (opt-out measures with respect to the use of</p>	<p>34. The Commission shares the analysis of the Committee of the Regions.</p>

<p>GMOs);</p> <p>35. The CoR points out that the Member States must nevertheless ensure in such cases that their measures comply with EU law in respect of the proportionality principle and the requirement not to discriminate between national and non-national products, and with the EU's international commitments in the WTO;</p> <p>36. the CoR notes that as well as being consistent with WTO global-level provisions, measures must be compatible with the principle of free circulation of goods in the internal market as laid down in Article 34 of the Treaty on the Functioning of the European Union (TFEU), which proscribes any measures that would have an equivalent effect to quantitative restrictions on free movement of goods;</p> <p>37. the CoR observes that Member States wanting to use the prohibition option must justify their measures on the basis of Article 36 TFEU and with compelling reasons of general interest in accordance with European Court of Justice case law; in addition, the reasons invoked by a Member State for banning a product may not conflict with the assessment carried out by the EFSA for risks to human and animal health and to the environment.</p>	<p>35. The Commission shares the analysis of the Committee of the Regions.</p> <p>36. The Commission shares the analysis of the Committee of the Regions.</p> <p>37. The Commission shares the analysis of the Committee of the Regions.</p>
<p>38. The CoR considers it unsatisfactory that, as current experience indicates, a prohibition option entails unreasonably high hurdles for a Member State to overcome before it can exercise this option at national level and impose a ban; this raises subsidiarity concerns and indicates that the proportionality principle would clearly be breached under this proposal.</p>	<p>38. See comment (3) above.</p>

<p>39. In that regard, the CoR regrets the failure to provide a list of examples of legally watertight grounds on which a national prohibition could be justified. Such a list, which has proved helpful in providing legal certainty, is contained for example in Directive (EU) 2015/412 amending Directive 2001/18/EC in relation to the option accorded to Member States of restricting or banning the cultivation of genetically modified organisms (GMOs) on their sovereign territory.</p> <p>40. The CoR thus explicitly laments the failure to attach an impact assessment to the proposal.</p>	<p>39. No list of grounds was included in the proposal because Member States would be best placed to identify compelling grounds which best correspond to their national context. They can however find examples in Article 36 of the Treaty, related case-law or secondary legislation – such as Directive (EU) 2015/412 as regards the possibility for Member States to restrict or prohibit the cultivation of GMOs in their territory - of compelling grounds which they may consider appropriate. The above-mentioned proposal sets out a clear legislative framework allowing Member States to take into account their national context and, if they wish, restrict or prohibit the use of EU authorised GM food and feed in part of or all of their territory. In view of the variety of national contexts and situations which can be covered by the proposal, the Commission was not in a position to identify precisely the justifications which could be used by Member States to support their measures, provided that they are compatible with Union law. This approach is in line with the principle of subsidiarity.</p> <p>40. See comment (4) above.</p>
<p>41. In short, the CoR criticises the Commission's proposal for giving Member States the option of restricting or banning the use of GMOs in food and feed products authorised by the EU, yet</p>	<p>41. The legislative proposal provides the core substantial conditions to ensure the legality of national measures to restrict or ban the use of GM food and feed. It intentionally does not go</p>

<p>giving no indication of how countries can implement such a decision with legal certainty at national level.</p>	<p>further into detail in order to offer a flexible framework that Member States can tailor-shape to fit their specific situations and needs.</p>
<p>42. The CoR believes that it is therefore very difficult to predict, at the moment, to what extent the prohibition option could be used at all in practice given the multitude of conditions to be met;</p> <p>43. the CoR notes with dissatisfaction that current experience suggests it is impossible to cost-effectively monitor a national ban in view of the free circulation of goods in the internal market and of global goods flows, not to mention the multiple links in the process chains of industrial food and feed production.</p>	<p>42. The voting behaviour of the Member States on decisions of authorisation for GM food and feed shows that there is a need to give a capacity to Member States to decide at national level on the use of EU authorised GMOs. Member States will hold responsibility of making use or not of this capacity, depending on their national circumstances. The substantial conditions aim to guide the Member States in the adoption of measures which are defensible in Courts at national, European and international levels.</p> <p>43. See comment (4) above.</p>
<p>44. The CoR believes it would be preferable to take more account of Member States' concerns by changing the weighting of votes in the two committees referred to above, rather than having a national prohibition system. Such systems can only be introduced after clearing many hurdles, and are moreover virtually impossible to monitor.</p>	<p>44. See comment 24 above.</p>

45. The CoR does not therefore agree with the Commission's conclusions that led to this proposal for a regulation;

46. the CoR would consequently recommend that the proposal for a regulation be rejected.

45.-46. The Commission takes note of this conclusion and recommendation, and informs the Committee of the Regions that it maintains its original proposal, which, if adopted, would enable Member States to address at national level considerations which are not covered by the EU decision making process.

**N°10 Review of the Audiovisual Media Services Directive (own-initiative opinion)**  
**COR 2015/1690 – SEDEC-VI/003**  
**114<sup>th</sup> Plenary Session - October 2015**  
**Rapporteur: Jean-François ISTASSE (BE/PES)**  
**DG CNECT– Commissioner OETTINGER**

<b>Points of the CoR opinion considered essential</b>	<b>Commission position</b>
<p>1. The CoR deems it appropriate to review the Audiovisual Media Services Directive (AVMSD) in the light of constantly evolving technological developments and the geopolitical situation and their implications for the production, distribution and consumption of audiovisual media.</p>	<p>The Commission is currently evaluating the AVMSD under the REFIT programme of the Better Regulation framework, to assess whether the Directive has delivered on its objectives and is still fit for purpose. Also on the basis of the outcomes of this evaluation, the Commission is conducting an Impact Assessment for the review the Directive in 2016. As announced in the Digital Single Market strategy, the main ground for the review is to take into account developments in the market, technology and viewing patterns. To gather the experience and opinions of viewers, industry and public authorities on the evaluation and the future of the AVMSD, the Commission launched a Public Consultation that closed on 30 September 2015.</p>
<p>12. The CoR considers that the scope of the AVMSD must cover all types of audiovisual content providers, including those that host user-generated content.</p>	<p>The Commission takes note of the CoR opinion on the review of the AVMSD rules on material scope. In the context of the evaluation of the AVMSD under the REFIT programme and the Impact Assessment on policy options for the future of the Directive, the Commission consulted the public and gathered data on the functioning of the AVMSD rules on material scope and</p>

	<p>on the best options for the future of the AVMSD in this regard. The Public Consultation on the role of platforms and intermediaries also has a bearing on issues around the material scope of the AVMSD. Based on the information gathered and following a thorough analysis, the Commission will take decisions on the way forward in the context of the AVMSD review. The Opinion of the CoR will form part of the evidence base.</p>
<p>19. The CoR reiterates the call for an assessment of the country of origin principle as enshrined in the AVMSD, considering in particular questions of legal certainty, which is crucial for the development of European audiovisual stakeholders. The appropriateness of considering the so-called "country of destination principle" as is being done in some Member States, should therefore also be explored, to the extent that this does not empty the country of origin principle of all substance.</p> <p>21. The CoR encourages the strengthening and broadening (in particular to cover non-linear services) of the current arrangements as laid down in Article 4 of the AVMSD which aim to prevent European and national measures being circumvented.</p>	<p>The Commission takes note of the CoR Opinion as regards the country of origin principle in the AVMSD. The Commission consulted the public and gathered data on the functioning of the AVMSD rules on country of origin and on the best options for the future of the AVMSD in this regard. Based on the information gathered and following a thorough analysis, the Commission will take decisions on the way forward in the context of the AVMSD review. The Opinion of the CoR will form part of the evidence base.</p>
<p>22. The CoR considers it appropriate to require providers of audiovisual media services based outside the EU that are targeting EU audiences to register or appoint a representative in one Member State.</p>	<p>The Commission takes note of the CoR Opinion as regards the AVMSD rules on geographical scope. The Commission consulted the public and gathered data on the functioning of the AVMSD rules on geographical scope and on the best options for the future of the AVMSD in this regard. Based on the information gathered and following a thorough analysis, the Commission</p>

	<p>will take decisions on the way forward in the context of the AVMSD review. The Opinion of the CoR will form part of the evidence base.</p>
<p>24. Noting the growing importance of OTT services [...] the CoR underlines the usefulness of effective regulation [...] in order to ensure access to a broad range of information sources and a diversity of audiovisual content.</p> <p>27. The CoR calls for provisions to be adopted ensuring that OTT services and Internet and telecommunications service providers are in no way able to favour their own content or any content of their choice when acting as audiovisual media service distributors, in order to promote cultural diversity.</p>	<p>The Commission takes note of the CoR opinion on access to information.</p> <p>The AVMSD aims to promote the public interest and cultural diversity. It does so by striking a balance with the commercial freedom of operators falling within the scope of application and with the principle of subsidiarity.</p> <p>In the context of the regulatory framework applicable to the telecoms operators, Member States can in certain circumstances oblige providers of electronic communications networks to transmit specific TV and radio channels ("must-carry" rules). Also, Member States can require the inclusion of radio and TV services in electronic programme guides (EPGs) and on presentational aspects of EPGs such as the channel listing.</p> <p>The AVMSD Public Consultation asked stakeholders whether legislative changes are needed to facilitate or ensure access to public interest content. This issue is also being addressed in the Public Consultation on the evaluation and review of the regulatory framework for electronic communications networks &amp; services (section " Scope of 'must carry' and Electronic Programme Guide provisions"). Based on the information gathered and following a thorough analysis, the Commission will take decisions on the way forward. The opinion of the CoR will form part of the evidence base.</p>



<p>35. The CoR considers that the principle of copyright territoriality must be preserved, this mechanism having proved its effectiveness in guaranteeing payment to producers and promoting quality European audiovisual production.</p> <p>36. The CoR supports the introduction of portability of rights by audiovisual media service users and, in particular, portability of rights relating to audiovisual subscriptions, allowing users to access the services they have in their country when travelling elsewhere in the European Union.</p>	<p>The Commission takes note of the CoR opinion as regards copyright. One of the Commission's objectives is a fully functioning Digital Single Market for copyright-protected content. To achieve it, the EU's copyright framework must be brought up to date so it can protect creators and cultural industries in the digital age, and also facilitate access to culture, knowledge and education, as they all move online. The Commission tabled the first proposal – to enable consumers to keep access to their favourite online content services while travelling – in 2015.</p> <p>The Commission set out, on 9 December 2015, a comprehensive plan of legislative and non-legislative measures towards a pragmatic and targeted modernisation of copyright, to be taken in 2016 and beyond. As regards improving online access to works by users across the EU, the Commission will focus on working with European filmmakers to enrich the offer of films to European viewers while keeping in mind the need to ensure viable financing models for film production in Europe. Also, the Commission will assess how to improve the cross-border distribution of television and radio programmes online (via the review of the Satellite and Cable Directive) and facilitate the granting of licences for cross-border access to content.</p>
<p>41. Pursuing the same objective of promoting quality European works and programming, the CoR believes that more extensive measures should be taken to harmonise this promotion effort for both</p>	<p>The Commission takes note of the CoR opinion on the AVMSD rules on promotion of European works.</p> <p>The Commission consulted the public and gathered data on the functioning of</p>

<p>linear and non-linear services.</p>	<p>the AVMSD rules on the promotion of European works and on the best options for the future of the AVMSD in this regard. Based on the information gathered and following a thorough analysis, the Commission will take decisions on the way forward in the context of the AVMSD review. The opinion of the CoR will form part of the evidence base.</p>
<p>44. [on commercial communications] The CoR calls for the introduction of a coherent and unified body of measures aimed at ensuring that consumers of linear and non-linear audiovisual media services are protected.</p>	<p>The Commission takes note of the CoR opinion.</p> <p>Qualitative rules aimed at the protection of viewers, particularly vulnerable viewers, already do apply to both linear and non-linear services that fall within the scope of application of the AVMSD.</p> <p>The REFIT evaluation of the Directive aims to assess amongst other things whether the existing rules delivered on their objectives. The Public Consultation asked stakeholders to share their experience with the existing rules on commercial communications and indicate the best options for the way forward in this regard.</p>
<p>47. The CoR suggests a similar form of regulation for programmes likely to be harmful to minors, irrespective of the means of accessing such programmes or the broadcasting medium used, for both linear and non-linear services.</p>	<p>The Commission takes note of the CoR opinion on the AVMSD rules on protection of minors.</p> <p>The Commission consulted the public and gathered data on the functioning of the AVMSD rules on protection of minors and on the best options for the future of the AVMSD in this regard. Based on the information gathered and following a thorough analysis, the Commission will take decisions on the way forward in the context of the AVMSD review. The Opinion of the CoR will form part of the evidence</p>

	base.
<p>52. The CoR supports the inclusion in the AVMSD of the principles set out by ERGA - the European Regulators Group for Audiovisual Media Devices - in its founding declaration, referring to "the identification, at European level, of common characteristics that any independent regulator in our sector should be equipped with" in terms of independence, transparent decision-making and appointment processes, competence and expertise, the effectiveness of enforcement powers, dispute settlement mechanisms and review of regulators' decisions by a judicial authority.</p>	<p>The Commission takes note of the CoR opinion on the independence of audiovisual regulators.</p> <p>The Commission already addressed this issue in a Public Consultation that ran in 2013. A key outcome was that the independence of regulators is directly linked to a free and pluralistic media system and to the effective application of the AVMSD.</p> <p>This issue was addressed once again in 2015. The Commission consulted the public and gathered data on the functioning of the AVMSD rules on the independence of regulators and on the best options for the future of the AVMSD in this regard. Based on the information gathered and following a thorough analysis, the Commission will take decisions on the way forward in the context of the AVMSD review. The Opinion of the CoR will form part of the evidence base.</p>

<p><b>N°11 The Draft EU Budget for 2016</b>  <b>COR 2015/3219 – COTER-VI/006</b>  <b>114th Plenary Session – October 2015</b>  <b>Rapporteur: Mr Uno SILBERG (EE/EA)</b>  <b>DG BUDG – Vice-President GEORGIEVA</b></p>	
<p><b>Points of the CoR opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>6. The CoR criticizes that the considerable delay in the start of new programmes under the 2014-2020 multiannual financial framework (MFF) period owing to the late approval of the Operational Programmes will have negative implications on the territory of the LRAs; urges the European and national institutional level to take all necessary measures, together with regional and local authorities, in order to make good the delays in the implementation of the new EU funding.</p>	<p>All 2014-2020 European Structural and Investment Funds (ESIF) programmes have been adopted by the end of 2015. Implementation has so far progressed at a rather slow pace due to delays in the designation of the management and certifying authorities which is a prerequisite for the submission of interim payment claims. This does not however block the implementation of projects on the ground, and an increase in claim submission following the formal designation of authorities can be expected. Moreover, the initial and annual pre-financing made available following the adoption of the programme should ensure that sufficient cash is available for the start-up of projects on the ground.</p>
<p>9. The CoR welcomes the creation of a special payment plan as the result of an agreement, however is concerned that payment shortages will have a damaging effect on beneficiaries, particularly on LRAs, who are currently facing many economic and social challenges; also points out that the difference of EUR 10 billion between commitments and payments will not address the structural problem of the backlog of outstanding claims to be expected at the end of the programming period, and laments the limited involvement</p>	<p>The Parliament, the Council and the Commission have agreed to a payment plan allowing for the reduction of the end-2016 backlog for 2007-2013 programmes to a 'normal' level.</p> <p>Furthermore, the Parliament, the Council and the Commission, in a "Joint statement on a payment forecast 2016-2020" reiterated their commitment to prevent a similar build-up of backlog in the future, including through setting up an early warning system.</p>

<p>of the CoR in the analytical process.</p>	<p>With regard to the CoR's involvement, the Commission duly takes into account the opinions the Committee expresses.</p>
<p>14. The CoR requests that it attends interinstitutional meetings on the state of play and outlook for budgetary implementation in the current and future years, to be held based on the provisions of point 36 of the Annex to the MFF interinstitutional agreement.</p>	<p>In accordance with point 36 of the Annex of the Interinstitutional Agreement, the dedicated interinstitutional meetings take place at least three times in 2016 at political level.</p> <p>The Commission publishes every month on the Europa website a budgetary implementation report. This report includes information on implementation at month end by MFF heading and policy area, summarising the data concerning commitment appropriations and payment appropriations.</p>
<p>15. The CoR underlines the persistence of a too significant gap between commitment appropriations and the ceiling set by the MFF, in a situation of austerity measures and significant cuts in public and private investment, to finance measures aimed at job creation, fighting unemployment, tackling migration issues or reducing regional disparities.</p>	<p>The Commission, after having examined the availabilities, has made the necessary proposals, including the mobilisation of special instruments in order to respond to the issues mentioned by the CoR, which constituted the main priorities for the Budget 2016.</p>
<p>16. The CoR is particularly concerned about the weakness of the contingency reserve in the 2016 budget in particular with a view to the costs of managing the European migration crisis which, on the basis of the Commission's plan to relocate 160 000 asylum seekers throughout the Union and an assistance of EUR 6 000 per person supported, should amount to at least EUR 1 billion.</p>	<p>The Commission has proposed in its Amending Letter 2/2016 to make use of the flexibilities foreseen in the MFF in order to respond to the challenge of the migration crisis.</p> <p>The Commission has proposed to cover the needs of relocation and other agreed measures related to the migration crisis by recourse to the Flexibility Instrument using the full amount available for 2016 (EUR 1.5 billion). The Contingency Margin for</p>

	2016 is set by the MFF Regulation at EUR 4.4 billion. The amount remains fully available, and could be mobilised if this should be necessary for any unforeseen needs.
18. The CoR reinforces its recommendation already set out in its opinion on the draft budget for 201516 that a specific budget line be created for providing technical assistance to the Adriatic and Ionian macro-region, as well as the Alpine macro-region, modelled on the one established in 2014 for the Baltic Sea and Danube macro-regions, amounting to EUR 2.5 million in commitment and payment appropriations respectively.	The Commission does not consider the creation of such a budget heading necessary. Support to the implementation of the Adriatic & Ionian Macro-regional Strategy (EUSAIR) will be part of the activities of the new transnational ETC programme "Adriatic & Ionian" 2014-2020" which will be adopted in the following months (Commission Implementing decision 2014/388/EU Annex 3).
20. The CoR points out that COSME continues to be the EU's only programme specially geared towards SMEs and improving competitiveness, and is concerned about the reduction in commitment appropriations compared with the draft budget for 2015.	The Commission presented its draft budget 2016 in line with the financial programming. The reduction for COSME was the result of the budgetary authority's decision to frontload this programme.  In the agreement for the Budget 2016, an increase of EUR 14.3 million was agreed for COSME by the conciliation committee.
22. The CoR believes that a reduction in strategically significant research could have considerable negative repercussions in the long term and for this reason it opposes the proposed cut in commitment appropriations for the Horizon 2020 programme.	In the agreement for the Budget 2016, an increase of EUR 31.8 million was agreed for Horizon 2020 by the conciliation committee.
28. The CoR hopes that the Commission's capacity to make payments improves on the whole, and that the target groups receive the investments they require on time.	The Commission is determined to bring the backlog back to a sustainable level. The Commission's proposals take full account of the objectives

	<p>agreed in the so-called Payment Plan, and will allow for the phasing out of the 'abnormal' backlog of outstanding unpaid bills for the 2007-2013 programmes, and proper implementation of the 2014-2020 programmes.</p>
<p>31. The CoR is concerned about the lack of sufficient funding under heading 2 to offset the loss of income of farmers in the EU Member States caused by the steep fall in the price of agricultural produce stemming from low purchase prices and from the abolishment of milk quotas, the current swine fever outbreak in Europe and Russian sanctions, and is disturbed by the lack of provision for (direct) assistance to ease these situations.</p>	<p>With the presentation of the Amending Letter 2/2016 on 14 October, the Commission has proposed additional temporary support measures of almost EUR 700 million for the dairy sector and pigmeat, as well as for those sectors affected by the extension of the Russian ban on imports from the EU.</p>
<p>33. The CoR regrets the inadequacy of the means proposed by the European Commission for a reserve for the agricultural crisis and the insufficient increase of appropriations for the European Agricultural Fund for Rural Development (EAFRD) compared with the 2015 commitment appropriations.</p>	<p>The Commission updates the needs for agriculture and presents an Amending letter for this purpose every autumn.</p>
<p>37 The CoR calls for better-quality financial planning at all levels and for an effort to avoid mechanical programming of commitment and payment appropriations by the European Commission.</p>	<p>The Commission, on the basis of the financial programming, undertakes a thorough assessment of the needs for commitments and payments, taking particularly into account implementation levels.</p>
<p>38. The CoR stresses the importance of the commitments made in the 2016 draft EU budget and calls for them to be further strengthened in response to recent developments that entail new, more cumbersome and onerous tasks, such as the migration crisis and new problematic situations in neighbouring regions; it</p>	<p>The Commission has presented Amending Letter 2, strengthening the immediate action in Member States and neighbourhood countries close to conflict areas. The mobilisation of the Flexibility Instrument was proposed for this purpose and its full use was decided by the conciliation committee to address</p>

<p>supports the application of the flexibility instrument in an appropriate form, fears, however, that the proposed increases might prove to be insufficient and that even more resources will be required.</p>	<p>migration and refugees-related problems.</p>
<p>40. The CoR calls for earlier presentation and adoption of key legislative proposals for the next programming period (post-2020). In fact, delays in adoption of the multiannual financial framework as well as the Common Provisions Regulation and other ESIF-specific regulations, resulting from lengthy negotiations, have caused the 2014–2020 programming period to get off to a slow start and are one of the main reasons for the rise in outstanding commitments (RAL). The Committee will strive to actively contribute to an early debate on the future of cohesion policy post-2020 and will submit its contribution to the discussions in due course.</p>	<p>The Commission will present the proposals for the new MFF in line with the provisions of the MFF, point 14, stating that "(14) The Commission should present a proposal for a new multiannual financial framework before 1 January 2018, to enable the institutions to adopt it sufficiently in advance of the start of the subsequent multiannual financial framework."</p> <p>The Commission is seeking to stabilise the RAL, and to this end is pleased there is an agreement on a payment plan.</p> <p>The Commission appreciates the CoR's contribution regarding the future of cohesion policy post-2020.</p>



<p><b>N°12 Tax Transparency Package (own-initiative opinion)</b>  <b>COM(2015) 129 final; COM(2015) 135 final; COM(2015) 136 final</b>  <b>COR 2015/2697 – ECON-VI/004</b>  <b>114<sup>th</sup> Plenary Session - October 2015</b>  <b>Rapporteur: Mr Hicham IMANE (BE/PES)</b>  <b>DG TAXUD – Commissioner MOSCOVICI</b></p>	
<p><b>Points of the CoR opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The Directive should apply to Member States' central tax authorities and also to territorial or administrative subdivisions including local authorities.</p>	<p>The definitions of advance cross-border ruling and advance pricing arrangements in the Directive refer to "...the government or the tax authority of one or more Member States, including any territorial or administrative subdivision thereof, including local authorities...". Regarding the question on how to organise the collection, submission and analysis of information on a national level, the Commission leaves this to the individual Member State.</p>
<p>Large MNCs should be subject to special transparency requirements entailing disclosure of advance cross-border rulings and advance cross-border arrangements country-by-country.</p>	<p>The Council compromise text requires the Commission to provide before 1 January 2019 a report that provides an overview and an assessment of the statistics and information received from Member States. The Directive does not foresee any form of general publication of the rulings.</p> <p>Regarding a possible publication of tax rulings by multinational companies (MNCs), the Commission stresses that the information exchanged between tax authorities on tax rulings should remain confidential in order to ensure sufficient protection of businesses' commercial interests.</p> <p>Whether such a requirement should be introduced in the future country-by-</p>

	country is currently subject to analysis in the context of the ongoing work on an impact assessment regarding further tax transparency.
Examination of all sanctions to be established in instances of refusal or omission of information exchange.	The proposal of the Commission and the compromise reached at the level of Ecofin does not explicitly foresee any sanctions in case of non-compliance. However, the Commission will be included in the exchange of information and will therefore be in a position to monitor the proper functioning of the Directive. In case of non-compliance, standard procedures would be followed, i.e. launch of infringement procedures.
Update and storage of relevant information in the central directory should be mandatory.	The compromise text, in line with the Commission's proposal, foresees the creation of a central directory by 31 December 2017 by the Commission including the provision of technical and logistical support. Existing rulings shall be uploaded by 31 December 2017.
Retroactivity of 10 years for tax rulings still valid would constitute an excessive administrative burden.	<p>The compromise text provides for a period of five years. The compromise includes an SME exemption except for those conducting mainly financing and investment activities.</p> <p>The Commission concludes that the compromise text strikes a balanced and proportionate solution without creating excessive administrative burden.</p>

**N°13 Towards a global climate agreement in Paris**  
**COM(2015) 81 final – COR 2015/1535 – ENVE-VI/002**  
**114th Plenary Session – October 2015**  
**Rapporteur: Ms Annabelle JAEGER (FR/PES)**  
**DG CLIMA – Commissioner ARIAS CANETE**

<b>Points of the CoR opinion considered essential</b>	<b>Commission position</b>
<p>3. The CoR considers the first commitments made by the EU as part of its INDC to be a move in the right direction. However, the CoR urges the EU to go further by deciding to carry out an upwards revision of its fixed obligations, set by the European Council in October 2014. The CoR believes that a greenhouse gas reduction of at least 50% in Europe would be both realistic and beneficial for Europe. It is also possible and desirable to achieve at least a 40% share of renewable energies and 40% energy efficiency.</p> <p>Furthermore, the CoR believes that the EU should support the inclusion in the Paris agreement of commitment periods and revision cycles of five years, beginning in 2025. This will avoid becoming locked into a lower target for a long period, and take regular account of developments in science and technology.</p>	<p>As the first ever universal, legally binding global climate deal, the Paris Agreement delivers on all of the EU top priorities – commitments by all parties, a long term goal, a robust review cycle with the flexibility to strengthen ambition over time and a strong common transparency and accountability framework. It was agreed in Paris that Parties come back every five years to take stock, to look at the latest science, and to strengthen ambition accordingly.</p> <p>The EU was also engaging with Parties outside the formal climate negotiations to explore ways of raising aggregate mitigation ambition, through initiatives such as the Rabat INDC Forum.</p> <p>In terms of domestic commitments, the EU contribution to the Paris agreement is a reduction of the EU's greenhouse gas emission by at least 40% by 2030. The 2030 Climate &amp; Energy Policy Framework also includes a legally binding target of at least 27% in renewable energy consumed and an indicative target of at least 27% in energy efficiency improvements.</p> <p>The at least 40% greenhouse gas emissions reduction target is in line with the recommendations by the IPCC in order to achieve the below 2°C</p>

	<p>objective in a likely manner. Based on the evolving science surrounding the long-term temperature goal(s) and mitigation pathways needed to reach it, the EU should continue to review possible impacts on the EU ambition level.</p>
<p>4. The CoR calls on the EU and non-EU developed countries to set out a financial package to support efforts to adapt to climate change and reduce greenhouse gas emissions in developing countries before COP21. The CoR is awaiting a roadmap on increasing funding from the EU. Funding should be predictable, transparent, new and additional. In this document, the EU will indicate how it intends to honour its pledge to raise its fair share of the commitment of USD 100 billion dollars per year by 2020. In the Paris agreement, the EU should also support the principle of new financial commitments for the post-2020 period, drawn up every five years with separate objectives for adaptation – which has been the "poor relation" of climate funding.</p>	<p>Climate finance is captured prominently in the Paris Agreement (see in particular Article 2.1(c) and Article 9) in the accompanying decisions (paragraphs 53-64). Developed countries commit to continuing mobilising USD 100billion/year until 2025 to support climate action in developing countries. By 2025, a new collective goal shall be set from a floor of USD 100billion. Developed countries are urged to come forward with a roadmap to the USD 100 billion goal and to provide more finance for adaptation.</p>
<p>10. A stronger focus on the Covenant of Mayors, and an extension until 2030 and 2050 is necessary in order to give new impetus to the 6 500 European cities and regions that have signed it and that are committed to going further than European targets for lowering greenhouse gas emissions by 2020. The CoR supports the expansion of the Covenant of Mayors at global level and calls on the Commission to provide the necessary means for such action, as it respects local realities.</p>	<p>The Commission welcomes the Committee of the Regions' support for the Covenant of Mayors, in the CoR's capacity of institutional representative of European local and regional authorities. In cooperation with CoR, European Parliament and representative pan-European city networks, the Commission has initiated an extension of the Covenant of Mayors beyond 2020. As proposed by Commissioner Arias Cañete at the ceremony held on 15 October 2015, the new Covenant of Mayors for Climate and Energy will bring together municipalities committed to reducing</p>

	CO2 emissions by at least 40% by 2030 and combining mitigation and adaptation to climate change.
<p>13. The CoR recommends facilitating access for cities and regions to the main global climate funds, namely: the Green Climate Fund, the Global Climate Facility and the Adaptation Fund.</p> <p>In particular, direct access to global climate funds for regional and local authorities in the most vulnerable developing countries, particularly the Green Climate, fund would enable such stakeholders to step up their activities, as part of a shared approach to climate change and the millennium development goals.</p>	<p>Regional and local authorities can apply for accreditation at the Green Climate Fund if they intend to implement projects themselves. They can also access funding via accredited national entities (e.g. national banks) and international entities (e.g. KfW, AFD, World Bank and the regional development banks).</p>
<p>16. Finally, the CoR recommends that the European Union support the implementation of a COP decision establishing a work programme on climate action by cities and regions, by defining a modus operandi between local and regional authorities and Member States. An example of this is the Convention on Biological Diversity (CBD), which in 2010 adopted an "action plan for the cities and regions". This kind of plan would constitute a flexible application of the principle of multi-level governance at international level.</p>	<p>The Paris outcome recognises the important role non-Party stakeholders play in addressing climate change, including cities and subnational authorities; the Paris outcome welcomes the continued efforts of non-Party Stakeholders to address climate change.</p> <p>Further, the Paris outcome invites for continued dialogue between Parties and non-Party stakeholders, both at technical and political level, to explore options for enhanced action on mitigation and adaptation prior to 2020.</p> <p>Regular high level events, building on the Lima Paris Action Agenda, create a space for engagement from non-state actors and set the stage for announcing new voluntary initiatives and reviewing progress with existing ones.</p> <p>It is encouraging to see the broad engagement on the ground (mayors are building low emission climate resilient cities etc.; the strong commitment seen under the Covenant of Mayors provides</p>

	a good example to the world).
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<p><b>N°14 Energy Union Package</b>  <b>COM(2015) 80 final, COM(2015) 82 final – COR 2015/1536 – ENVE-VI/003-00-02-PAC-TRA;</b>  <b>114<sup>th</sup> Plenary Session - October 2015</b>  <b>Rapporteur: Mr Pascal MANGIN (FR/EPP)</b>  <b>DG ENER - Commissioner ARIAS CAÑETE</b></p>	
Points of the CoR opinion considered essential	Commission position
<p><b>Point I.10</b></p> <p>The CoR can find scarcely any indication in the documents presented of how one of the main energy transition issues is to be addressed, namely reconciling long-term investment with the high volatility created by progressive market liberalisation. This affects for instance hydroelectric and pump storage power plants, as well as modern, highly efficient gas-powered CHP and combined cycle gas and steam plants.</p>	<p>The transition towards a more secure and sustainable energy system will require major investments in generation, networks and energy efficiency. This process will be facilitated by a fully functioning internal energy market.</p> <p>The Commission will in 2016 come forward with a legislative initiative on market design, which inter alia will aim to ensure that the electricity markets can give the right investment signals.</p>
<p><b>Point I.15</b></p> <p>The CoR is seriously concerned that the risks and proven disadvantages of nuclear energy are being completely overlooked. Saying that the EU is "at the forefront" of "the world's safest nuclear generation" suggests that nuclear technology is safe, but the risks of nuclear energy are not mentioned. And stating that the EU must ensure use of the highest standards for disposing of nuclear waste implies that nuclear waste is actually being disposed of, whereas current technology only allows such waste to be stored without it actually being eliminated. The problem of disposal is thus merely shelved, and certainly not solved.</p>	<p>Decarbonisation of the energy mix will need a combination of various low carbon technologies. It is however for each Member State to decide whether to use nuclear energy, and the Commission's role is primarily to ensure that Member States choosing to do so meet the highest standards of safety and security.</p>

<p>Point I.22</p> <p>The CoR asks to be more closely involved in the work of the Commission, specifically in setting up a new initiative on "Financing for Smart Buildings" and as regards the measures to improve the energy efficiency of existing buildings.</p>	<p>As regards the review of the Energy Efficiency legislation stemming from the Energy Union, the Commission will organize a stakeholder event in March 2016 as a follow up to the consultations to evaluate the Energy Performance of the Buildings Directive and the Energy Efficiency Directive. The CoR will be invited to participate.</p> <p>The Smart Finance for Smart Buildings Initiative is a part of the "Energy Efficiency" package (together with the EPBD and EED Review), on which the CoR will be consulted. In addition, pragmatic cooperation on working level will continue.</p>
<p>Point I.62</p> <p>The CoR asks the European Union to urge national regulatory bodies to include a local authority representative;</p> <p>Point I.63</p> <p>The CoR hopes that ACER will incorporate a local authority representative, who could be appointed by the CoR.</p>	<p>The Commission notes that under the framework of EU energy law ("Third Energy Package"), national regulatory authorities have to be independent from government authorities at all levels. It is however, possible to involve local authorities by other means, such as in advisory boards. The Commission agrees that an involvement in an advisory role may be useful.</p> <p>As regards ACER, the participation in the Administrative Board is regulated in the ACER Regulation. Members/alternates are nominated by the Council; these could also include members from local authorities. Actually, membership in the Administrative Board was and is quite diverse and does not only include members working for federal governments, but also people who worked in the past on energy issues, and may include experts with knowledge on energy policy at local level.</p>



<p>Point I.64</p> <p>The CoR deplors the increase in energy poverty, i.e. the situation for people who do not have normal and regular access to the energy resources necessary for meeting their needs, not only in their homes, but also when they travel.</p>	<p>The Commission shares the CoR concerns on the increasing levels of energy poverty.</p> <p>While EU legislation clearly assigns to Member States the responsibility to protect vulnerable consumers and to address energy poverty, the Commission has been taking action to assist Member States to meet their obligations under EU law by identifying good practices and supporting exchange of information on how to alleviate energy poverty in the most cost-effective way.</p> <p>A review of relevant EU legislation (e.g. Energy Efficiency Directive, Energy Performance of Buildings Directive, and Third Energy Package) is foreseen and it will consider options for further actions for the protection of vulnerable consumers.</p>
<p>Point I.67</p> <p>The CoR considers that the fight against energy poverty must result from energy efficiency and transport policies especially through action on buildings inhabited by low-income households, as well as educational and social policies.</p>	<p>The Commission's recent Communication on "Delivering a New Deal for Energy Consumers"<sup>17</sup> highlights the issue of energy poverty and the need for Member States to tackle it through the wider context of social security and targeted, effective assistance in the energy field.</p> <p>If provided through the energy market (for instance, by a social tariff or as a discount on energy bills), such a system should be targeted to those most in need, to minimise the cost for non-eligible customers.</p>

<sup>17</sup> COM(2015) 339 final.

Point I.71

The CoR stresses the importance of energy infrastructure investment and calls for the CoR to be involved in the activities of the energy infrastructure forum.

The Commission will ask for CoR participation in the next session of the Infrastructure Forum.