

Official Journal of the European Union

C 56



English edition

Information and Notices

Volume 64

16 February 2021

Contents

I Resolutions, recommendations and opinions

OPINIONS

European Economic and Social Committee

556th plenary session of the European Economic and Social Committee –Interactio, 2.12.2020-3.12.2020

2021/C 56/01	Opinion of the European Economic and Social Committee on Towards an EU strategy for enhancing green skills and competences for all (own-initiative opinion)	1
2021/C 56/02	Opinion of the European Economic and Social Committee on 'Industrial transition towards a green and digital European economy: regulatory requirements and the role of social partners and civil society' (exploratory opinion)	10
2021/C 56/03	Opinion of the European Economic and Social Committee on Public services principles for stability of democratic order (exploratory opinion requested by the German presidency)	29
2021/C 56/04	Opinion of the European Economic and Social Committee on The need to guarantee real rights for persons with disabilities to vote in European Parliament elections (additional own-initiative opinion)	36

III Preparatory acts

European Economic and Social Committee

556th plenary session of the European Economic and Social Committee –Interactio, 2.12.2020-3.12.2020

2021/C 56/05	Opinion of the European Economic and Social Committee on 'Proposal for a Regulation of the European Parliament and of the Council on cross-border payments in the Union (codification)' (COM(2020) 323 final — 2020/0145 (COD))	43
--------------	---	----

EN

2021/C 56/06	Opinion of the European Economic and Social Committee on ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — EU Agenda and Action Plan on Drugs 2021-2025’ (COM(2020) 606 <i>final</i>)	47
2021/C 56/07	Opinion of the European Economic and Social Committee on ‘Amended proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast)’ (COM(2020) 579) and ‘Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1139 as regards the capacity of the European Union Aviation Safety Agency to act as Performance Review Body of the Single European Sky’ (COM(2020) 577)	53
2021/C 56/08	Opinion of the European Economic and Social Committee on ‘Proposal for a Regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council Regulation (EU) No 520/2007’ (COM(2020) 308 <i>final</i> — 2020/0139 (COD))	59
2021/C 56/09	Opinion of the European Economic and Social Committee on ‘Proposal for a Council Directive amending Council Directive 2006/112/EC as regards temporary measures in relation to value added tax for COVID-19 vaccines and <i>in vitro</i> diagnostic medical devices in response to the COVID-19 pandemic’ (COM(2020) 688 <i>final</i> — 2020/0311 (CNS))	61
2021/C 56/10	Opinion of the European Economic and Social Committee on ‘Proposal for a Decision of the European Parliament and of the Council authorising the Commission to vote in favour of the capital increase of the European Investment Fund’ (COM(2020) 774 <i>final</i> — 2020/0343 (COD))	62
2021/C 56/11	Opinion of the European Economic and Social Committee on ‘Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work’ (COM(2020) 0571 — 2020/0262 (COD))	63
2021/C 56/12	Opinion of the European Economic and Social Committee on ‘Proposal for a Regulation of the European Parliament and of the Council on certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link’ (COM(2020) 782 <i>final</i> — 2020/0347 (COD))	64

I

(Resolutions, recommendations and opinions)

OPINIONS

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

556TH PLENARY SESSION OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE –
INTERACTIO, 2.12.2020-3.12.2020**Opinion of the European Economic and Social Committee on Towards an EU strategy for enhancing
green skills and competences for all****(own-initiative opinion)**

(2021/C 56/01)

Rapporteur: **Tatjana BABRAUSKIENĖ**

Plenary assembly decision	20.2.2020
Legal basis	Rule 32(2) of the Rules of Procedure Own-initiative opinion
Section responsible	Employment, Social Affairs and Citizenship
Adopted in section	11.11.2020
Adopted at plenary	2.12.2020
Plenary session No	556
Outcome of vote (for/against/abstentions)	241/4/8

1. Conclusions and recommendations

1.1. The EESC emphasises that **environmental responsibility is an obligation of everyone**. Sustainable environmental development requires a drastic social change, including individual and collective changes to our mentality, behaviour, lifestyles, as well as in the social, political and economic organisation of our countries and societies.

1.2. The EESC urges the Member States to set up effective national strategies with the involvement of social partners and relevant stakeholders to make steps towards urgent implementation of the **UN Sustainable Development Goals (SDGs)**, which call on countries to take action on inclusive and equitable quality education (SDG 4) and on climate change (SDG 13). In particular, target 13.3 aims to: '[i]mprove education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning'. Target 4.7 aims to 'ensure that all learners acquire the knowledge and skills needed to promote sustainable development', which is not only envisaged as a way of enhancing skill sets and boosting the economy, but also of furthering the aims of **global citizenship and peace**. Education plays a crucial role in that change, which goes beyond solely addressing the environmental issues in a curriculum.

1.3. The EESC calls on the European Commission and Member States to implement the first principle of **the European Pillar of Social Rights (EPSR)**, which is to make quality and inclusive education, training and lifelong learning (LLL) a right for all in Europe, to apply it to improve provision of green skills and competences for environmental protection and professional skills for all to support the implementation of this principle with sustainable public funding agreed with the social partners and civil society.

1.4. The EESC believes that green skills, environmental responsibility and sustainable development should be integrated transversally within the learning outcomes (knowledge, skills, attitudes and values) of the formal, informal and non-formal learning of all age learners in every educational sector, in apprenticeships, and in employee training schemes within and beyond the green sectors.

1.5. The EESC reminds the European Commission and Member States to better connect environmental policies to employment and education policies. This should also help to focus on the skills anticipation and skills development of the unemployed or of people in work whose training should cover environmental responsibility and have a specific focus on green skills. Thus it is essential to ensure that climate change in learning and teaching is aligned with democratic school culture and with a learning environment of 'green culture' that is experiencing the **creation of green schools**, which by having adequate climate-aware and environment-preserving infrastructure, are run sustainably in partnership with all school stakeholders and prepare pupils for combating climate change as active citizens and in their future jobs.

1.6. The EESC calls on the European Commission to conduct an **EU-level research** on green skills and competence development within Member States and base its policy strategy on such research. Schools are a crucial source of information on environmental issues for students especially in the era of the know-it-all internet, of social media and fake news. However, more information is needed on the policies of the EU Member States on integrating climate change awareness, environmental responsibility, and sustainable development, as green skills and competences, within education policies and education curricula of early childhood education, general education and higher education. Such research should also focus on social and professional green skills and competences in the vocational education and training (VET) sector, initial education and training (IVET) sector and continuous education and training (CVET) sector, and upskilling and reskilling training of the unemployed and the workers.

1.7. The EESC reminds that green skills and competences are necessary for all citizens, young and old ones. Therefore there should be more attention to implement them in line with implementing the **Key Competence Framework** ⁽¹⁾ for all types of education and use it to improve citizenship competence, which is needed to take responsibility for the environment and the 'mathematical competence and competence in science, technology, engineering', which need to support environmental sustainability, in particular as regards scientific and technological progress. In addition, green skills and environmental responsibility issues should be integrated in all subjects, in particular in geography, ethics, and philosophy.

1.8. The EESC welcomes that the new European Commission's European Skills Agenda ⁽²⁾ (2020) focuses on green skills but regrets that it does not provide a target to countries on the share of adults' participation in quality and inclusive training on at least basic green skills and competences while it suggests a target on participation in adult training on basic digital skills.

1.9. The EESC welcomes the fact that the European Green Deal ⁽³⁾ (2019) presents a comprehensive EU strategy on fighting climate change and for environmental protection in order to achieve EU climate neutrality by 2050 and that it announced different strategies which will be followed up by upcoming regulations, funds, and national reforms. The EESC calls the Member States to set up national policies which also focus on education on environmental responsibility and green

⁽¹⁾ OJ C 189, 4.6.2018, p. 1.

⁽²⁾ COM(2020) 274 final.

⁽³⁾ COM(2019) 640 final.

skills, and **pro-active upskilling and reskilling** to facilitate the just transition to a green economy for all, particularly for workers in declining sectors. The EESC reminds that such reforms shall take place within effective social dialogue with teachers' and workers' trade unions, the employers and in consultation with relevant civil society organisations.

1.10. The EESC welcomes the suggestion of the European Green Deal to set up a **'European competence framework'** and recommends to the Commission to develop this to be applicable to **formal, informal and non-formal** learning under the 'Open Method of Cooperation' that would involve representatives of ministries of education, social partners from the education and training sectors, and other relevant stakeholders such as youth and educational NGOs.

1.11. The EESC welcomes the fact that the European Parliament adopted a resolution on the European Green Deal ⁽⁴⁾ and underlined that **industrial strategy** must include the impacts on the workforce, as well as **training, reskilling and upskilling of workers** ⁽⁵⁾ and the EESC supports regional dimension of this strategy and strong governance with social dialogue. The EESC underlines that businesses also need to develop strategies on environmental protection, for which skills development for the employers is also needed.

1.12. The EESC calls on future EU presidencies and the European Commission to step up cooperation between the **Education Council, Employment Council and Environment Council** so that decision-makers at the highest level link the fight against climate change and the importance of providing green skills and competences for all ages in each form and type of the education and training sector.

1.13. The EESC calls for a **comprehensive EU level strategy**, such as a Council recommendation, on improving education and training on green skills and competences, developing green school strategies, and providing upskilling and reskilling to adults at and beyond the workplace in the skills needed for protecting the environment, for society and for greening the economy. We suggest that such a Council recommendation could follow up the suggestions of the new European Skills Agenda to focus on how to develop green attitude of everyone, making environmental responsibility as a transversal competence within education and training within the European Education Area, and focus on equality on green skills development for all ages and especially for socioeconomically disadvantaged groups. Implementing the strategy in this way should also require that this improvement to education and training be accompanied by sustainable and adequate technical, financial and staff resources and funded by the public budget.

1.14. The EESC believes that Member States should put in place comprehensive policies and funding to **support teachers' and trainers' initial and continuous professional development on environmental protection** as a transversal topic for teachers across all subjects and levels and types of education and training, as well as specific training on green skills and competences. Member States should also ensure the provision of adequate professional support for teachers and trainers and provide them with relevant, up-to-date teaching materials, tools, methods and instructional practices on this topic.

1.15. The EESC reminds that the acquisition of green skills in the workplace would increase the resilience and adaptability of workers, managers and stakeholders, while contributing to green growth. The EESC calls for supporting collaboration and pooling resources between companies (especially SMEs) to meet training needs in relation to soft and hard green skills and competences.

1.16. The EESC calls to ensure **EU funding for green skills and competence of environmental protection**, e.g. **Erasmus+**, the ESF+, the Recovery Package, and the Just Transition Fund should focus on providing financial support to green skills development of all age learners.

⁽⁴⁾ European Parliament resolution of 15 January 2020 on the European Green Deal.

⁽⁵⁾ Our emphasis.

1.17. The EESC calls for **greening the European Semester** ⁽⁶⁾ and requests the Commission to work with the ministries of education, relevant social partners and civil society organisations in defining Country Specific Recommendations to EU Member States on enhancing provision of green skills and competences in all levels and types of education and training sectors, starting with **early childhood education and going up to higher education and adult learning**, taking into consideration effective support to adults in and beyond workplaces.

2. General comments

2.1. Tackling climate change has an enormous impact on social conditions, education, employment and the labour market. Particularly important citizen mobilisations marked the year 2019 in Europe, in particular by students, asking public authorities to take urgent and ambitious action to tackle climate change. Environmental responsibility and green skills are needed by everyone, consumers and citizens at large, and also by policymakers, businesses, workers. It is necessary for every sector and activity, both in work-life (covering tasks from strategic planning and innovation to the grassroots level work in factories and services) and in everyday life (regarding e.g. home, transport and consumption) mainly as an integrated part of each profession, although some jobs can be considered as 'environmental specialist' jobs.

2.2. Disruptions to economies caused by the COVID-19 pandemic should not make climate policy a lower priority for governments and people across Europe. Europe's politicians, companies, lawmakers and activists have called on its leaders to provide green investment in order to restart growth after the coronavirus pandemic. The assumption behind this is that fighting climate change and promoting biodiversity contribute to rebuilding stronger economies. Post COVID-19 fiscal stimulus packages will provide an opportunity for initiating a transformational and green recovery with the creation of green jobs.

2.3. In parallel, several countries have seen widespread protest resulting from fiscal and social reforms perceived as unfair by part of their populations. These recent developments show the urgency and need for ambitious and significant climate policies that should be inclusive and supportive for the most vulnerable regions, sectors, workers and citizens in general. These climate policies naturally **impact formal, informal and non-formal learning of all age learners** and green skills environmental responsibility and sustainable development should be integrated transversally within the learning outcomes (knowledge, skills, attitudes and values) of each education sectors, apprenticeships, and employee training provision within and beyond the green sectors. Green skills and competences should be understood as those which are needed to the society and the economy in relation to environmental requirements. Environmental issues cover a wide range of issues from climate change and pollution to natural resources and biodiversity.

2.4. Education plays a crucial role in raising awareness of environmental challenges and shaping the attitudes and behaviours that can make a difference. While many 15-year olds feel pessimistic about their future from the environmental standpoint ⁽⁷⁾, according to the OECD ⁽⁸⁾, numerous countries have already incorporated **environmental topics into their curricula** and are looking at issues such as recycling, daily consumption patterns and sustainable behaviours. Schools are a crucial source of information on environmental issues for students and a place to prepare responsible and critically-thinking citizens with awareness and understanding of the causes and consequences of environmental problems, as well as with the knowledge, skills and attitudes needed to find more sustainable solutions. However, more information is needed on the policies of the EU Member States on integrating climate change awareness, environmental responsibility, and sustainable development, as green skills and competences, within education curricula of early childhood education, general education, and higher education.

⁽⁶⁾ Environment Council, 5 March 2019.

⁽⁷⁾ OECD (2019), Avvisati, F., Is there a generational divide in environmental optimism?, PISA in Focus, No 95.

⁽⁸⁾ OECD (2014), Trends shaping education 2014 Spotlight 4.

2.5. Green skills and competences are necessary for all citizens, young and old. Green skills is a transversal term and relate to the ability to integrate environmental aspects with other skills. This requires sufficient understanding and knowledge on environmental issues but at the same time a solid basis of general skills and work-related skills. Key Competence Framework ⁽⁹⁾ mentions that the *mathematical competence and competence in science, technology, engineering* need to support environmental sustainability, in particular as regards scientific and technological progress and Citizenship competence is needed to take responsibility for the environment. STEM competences are an important basis to understand environmental issues and also to develop solutions for problems. Competences like critical thinking, creativity and collaboration/teamwork are also important to enable environmentally conscious and active citizenship.

2.6. According to the OECD, while in most countries only a minority of schools have courses dedicated to the environment, the issue is often discussed as part of other core curricula, and many schools offer out-of-school activities that focus on the environment ⁽¹⁰⁾. However, there is still no dedicated **international research** on national strategies and curricula on environmental science, environmental attitudes and the specific development of green skills provision and assessment of such skills. Thus, the EESC calls the European Commission to enforce research on green skills and competence development within Member States and base its strategy on such research.

2.7. Greening the economy means producing products and services with less energy, fewer raw materials and with reduced carbon emissions. It applies to all economic activities in all sectors and includes workers and consumers in its scope ⁽¹¹⁾. The shift to a low-carbon economy implies structural changes across sectors and occupations as new green occupations arise or grow in demand. However, it is the greening of existing ones that is mostly required. This translates into **new skill sets that necessitate curriculum updates** or even new qualifications across education and training levels.

2.8. Every profession has its specific environmental aspects to be considered. While the greening of the economy creates skills needs, particularly in specific sectors such as energy and resource efficiency, construction or manufacturing, moving towards a circular economy creates green skills needs across a broad range of industries. Such new skillsets need to be also reflected in different education sectors, including vocational education and training (VET) delivery, ranging from initial education and training (IVET) to continuous education and training (CVET), as well as apprenticeships curricula. These new green skills can range from very technical and job-specific skills to 'softer' ones, such as responsible use of resources, which can be relevant across occupations, levels of hierarchy and sectors ⁽¹²⁾.

2.9. There is still no **comprehensive EU level strategy**, such as a Council recommendation, on improving education and training on green skills and competences, developing green **school** strategies, and providing upskilling and reskilling to adults at and beyond the workplace on skills needed for protecting the environment, for society and for greening the economy. The EESC welcomes that the new European Commission's European Skills Agenda ⁽¹³⁾ (2020) focuses on green skills but regrets that it does not provide a target to countries on the share of adults having at least basic green skills and competences, while it suggests a target on participation in adult training on basic digital skills. We propose that a Council recommendation could follow up the suggestions of the new European Skills Agenda to focus on how to develop green

⁽⁹⁾ OJ C 189, 4.6.2018, p. 1.

⁽¹⁰⁾ OECD (2012), How 'green' are today's 15-year-olds? PISA in Focus, No 15.

⁽¹¹⁾ Eurofound (2011), Industrial relations and sustainability: the role of social partners in the transition towards a green economy.

⁽¹²⁾ Cedefop (2019), Skills for green jobs: 2018 update. European synthesis report. Cedefop's research discusses developments in Germany, Denmark, Spain, Estonia, France and the UK.

⁽¹³⁾ COM(2020) 274 final.

attitude of everyone, making environmental responsibility as a transversal competence within education and training within the European Education Area, and focus on equality on green skills acquisitions for all ages, genders and socioeconomically disadvantaged groups.

2.10. Moving to a circular and low-carbon economy will inevitably alter sectoral and occupational structures and bring about opportunities but also challenges, including declining sectors and sectors facing recruitment bottlenecks. From this perspective, tailored approaches to more vulnerable groups of adults, such as the low-skilled⁽¹⁴⁾, would garner additional socioeconomic benefits.

2.11. Comprehensive policies and funding should be put in place to support teachers' and trainers' initial and continuous professional development on environmental protection as a transversal topic for teachers across all subjects and levels and types of education and training, as well as specific training on green skills and competences. The provision of adequate professional support for teachers and trainers and relevant, up-to-date teaching materials, tools, methods and instructional practices on this topic should also be ensured.

2.12. According to recent research⁽¹⁵⁾, training programmes for the skills development of the unemployed or of people in work generally rarely have a specific focus on green skills, although sector organisations and charitable/not-for-profit organisations are sometimes active in developing such skills. This may reflect the weak link identified between environment-relevant policies and those dealing with employment and skills, including skills anticipation. In the countries examined, green skills and jobs are rarely the sole focus of regulations, policies and strategies. At the same time, subsidies and incentives targeted at companies for green skills development are rare.

3. Specific comments

3.1. The EESC points out that the **UN Sustainable Development Goals (SDGs)** demand countries take action on inclusive and equitable quality education (SDG 4) and on climate change (SDG 13). In particular, Target 13.3 aims to: '[i]mprove education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning'. Target 4.7 aims to 'ensure that all learners acquire the knowledge and skills needed to promote sustainable development', which is not only envisaged as a way of enhancing skill sets and boosting the economy, but also of furthering the aims of **global and active democratic citizenship and peace**.

3.2. The EESC emphasises the need to implement the first principle of **the European Pillar of Social Rights (EPSR)**, which is to make quality and inclusive education, training and lifelong learning (LLL) a right for all in Europe within the context of improving provision of green skills and competence for all and to support the implementation of this principle with sustainable public funding agreed with the social partners and civil society.

3.3. The EESC welcomes the fact that the European Green Deal⁽¹⁶⁾ published on 11 December 2019 presents a comprehensive EU strategy on fighting against climate change and for environmental protection in order to achieve EU climate neutrality by 2050 and that it announced different strategies which will be followed up by upcoming regulations, funds, and national reforms. The EESC is particularly pleased that the European Green Deal puts an emphasis on the fact that: 'Schools, training institutions and universities are well placed to engage with pupils, parents, and the wider community on the changes needed for a successful transition.' The European Green Deal also underlines the importance of pro-active upskilling and reskilling to facilitate the just transition to a green economy for all, particularly for workers in declining sectors.

⁽¹⁴⁾ See Cedefop (2020), Empowering adults through upskilling and reskilling pathways, Volume 1: adult population with potential for upskilling and reskilling, for a comprehensive overview of low-skilled adults in the EU 27 and the UK.

⁽¹⁵⁾ Cedefop (2019), Skills for green jobs: 2018 update. European synthesis report. This research discusses developments in Germany, Denmark, Spain, Estonia, France and the UK.

⁽¹⁶⁾ COM(2019) 640 final.

3.4. The European Green Deal announces the European Commission's plan to prepare a **'European competence framework'** to help develop and assess knowledge, skills and attitudes on climate change and sustainable development. It will also provide support materials and facilitate the exchange of good practices in EU networks of teacher-training programmes.' The EESC welcomes this suggestion and recommends that the Commission develop the kind of competence framework that would be applicable to **formal, informal and non-formal** learning under the Open Method of Cooperation that would involve representatives of ministries of education, social partners from the education and training sectors, and other relevant stakeholders such as youth and educational NGOs.

3.5. From a formal learning perspective, green skills and a focus on climate change in learning and teaching go together with making the running of schools more democratic, and with a learning environment of 'green culture' that is leading to the **creation of green schools**, which by having adequate climate-aware and environment-preserving infrastructure, are run in a sustainable way in partnership with the whole school community and prepare pupils for combating climate change as active citizens and in their future jobs.

3.6. Green skills need to be developed within national **active education/training and skills strategies**, in cooperation with relevant actors, as part of effective social dialogue and in consultation with the relevant civil society organisations — including students, youth, teachers, and parents organisations — in order to promote a low-carbon, resource-efficient and socially inclusive economy. These strategies also need to be shaped and kept up to date by drawing on an effective skills anticipation and matching system⁽¹⁷⁾ that incorporates all relevant stakeholders, in particular the social partners and youth and educational NGOs, and takes into consideration other policy goals, such as those relevant to education, employment, environmental protection, the circular economy and migration. This would allow for timely and targeted delivery of education and training on green skills that would meet the needs of society and the economy. In terms of seeing the transition to a circular economy as a strategic goal for Member States, fostering the delivery of green skills should also be aligned with national growth strategies to ensure that education and training initiatives meet national strategic goals.

3.7. Besides formal education, non-formal settings contribute to education for Environmental Citizenship by providing the opportunity and conditions that enable young people to acquire the body of knowledge as well as the skills, values, attitudes and pro-environmental actions necessary to become an Environmental Citizen. 'In addition, an Environmental Citizen is empowered and motivated to participate in society as an agent-of-change in the direction of solving contemporary environmental problems, preventing the creation of new ones, and achieving sustainability and restoring our (human) relationships with nature. Pedagogies including place-based education, civic ecology education, ecojustice pedagogy, action competence and socio-scientific inquiry-based learning can contribute to building young peoples' competencies for the deep civic participation necessary to realise environmental and social change.'⁽¹⁸⁾ It is therefore vital to support **non-formal educational programmes and organisations using these upskilling methods**, as they complement formal education in schools.

3.8. Following the example of the first-ever **Joint Council meeting** between the EU's finance and education ministers in 2019⁽¹⁹⁾, the Committee calls on future EU presidencies and the European Commission to step up cooperation among the Education, Employment and Environment Council so that decision-makers at the highest level link the fight against climate change and the importance of providing green skills and competences for all ages.

⁽¹⁷⁾ For more information on skills anticipation and matching under a comprehensive skills governance system, see Cedefop's web page on Anticipating and matching skills. For the importance of skills anticipation targeting green skills, see Cedefop (2019), Skills for green jobs: 2018 update.

⁽¹⁸⁾ Paraskeva-Hadjichambi D. et al. (2020) Educating for Environmental Citizenship in Non-formal Frameworks for Secondary Level Youth. In: Hadjichambis A. et al. (eds) Conceptualising Environmental Citizenship for 21st Century Education. Environmental Discourses in Science Education, vol. 4. Springer, Cham.

⁽¹⁹⁾ Joint session of Education and Finance Ministers.

3.9. The EESC also welcomes the fact that the European Parliament adopted a resolution on the European Green Deal ⁽²⁰⁾ in which it ‘underlines that the **industrial strategy** must include due consideration for the impacts on the workforce, as well as **training, reskilling and upskilling of workers** ⁽²¹⁾; calls on the Commission to closely look at the regional dimension of this strategy, ensuring that no one and no region is left behind; insists that the strategy must include a social dialogue in which workers are fully involved.’ The EESC underlines that businesses also need to develop strategies on environmental protection, for which skills development for the employers is also needed.

3.10. Environmental responsibility starts with providing information to people on which technical solutions to start using for the greening of the economy, private lives, households. For that, it is crucial that measures are put in place, so that more technological green solutions are given into the hands of companies, public bodies, households, along with training how to use those technological solutions via learning by doing. Thus, the Just Transition Strategy ⁽²²⁾ should **support competence and skills development of adults of all ages** in and beyond workplaces and so help them in making career choices and transitions and in following a sustainable mindset in life.

3.11. The first principle of the EPSR needs to be made a reality to ensure that all adults have equal access to quality and inclusive training and LLL both in workplaces and beyond in relation to green skills, competences, green technologies, and the hard and soft green skills of particular professions which leads to recognition of training to improve the level of qualifications. Effective support for improving the provision of training on green skills and skills for green jobs should be given to workers at any skills level and in any size of company, regardless of the sector and the geographical area they work in. Such support needs to be developed as national and sectoral strategy with the involvement of Sectoral Skills Councils and the social partners with special attention to the quality of training of the providers.

3.12. The EU needs to boost its investment to reduce its carbon emissions and footprint through projects that can also create quality jobs. **Funding for green skills and competence of environmental protection** is essential as part of **Erasmus+** to support youth and educational cooperation projects in the fight against climate change, mobility and exchange of students, youth and staff on learning, developing green schools and teacher training. The EESC notes that the Commission has been working to provide Member States with new financial resources to make school buildings and operations more sustainable with the aim of leveraging EUR 3 billion in investment in school infrastructure in 2020. We support that other EU funds, such as the ESF+, the Recovery Package, and the Just Transition Fund to focus on providing financial support to green skills development of all age learners. At the same time sustainable public investment in education and training needs to be ensured ⁽²³⁾.

3.13. Support for the training of adults is an important gain for the individual, the employer and the whole economy within a fundamental **transformation of the world of work**, mainly driven by climate change. **Financing of upskilling and reskilling** of the workforce with the assistance of ESF+, other European funds, national PES support and the employers’ contribution is of the utmost importance and should be backed up by effective reskilling and upskilling strategies. Supporting collaboration and pooling resources between companies to meet training needs can be especially helpful for SMEs that lack the time and resources to provide training on their own ⁽²⁴⁾. The acquisition of green skills in the workplace would increase the resilience and adaptability of workers, managers and stakeholders, while contributing to green growth.

⁽²⁰⁾ European Parliament resolution of 15 January 2020 on the European Green Deal.

⁽²¹⁾ Our emphasis.

⁽²²⁾ Just Transition Mechanism is part of the European Green Deal Investment Plan and will mobilise at least EUR 100 billion of investments to provide additional targeted support to the regions most impacted by the transition towards a climate-neutral economy and with less capacity to deal with the challenge.

⁽²³⁾ OJ C 262, 25.7.2018, p. 1.

⁽²⁴⁾ Cedefop (2019), Skills for green jobs: 2018 update. The research discusses developments in Germany, Denmark, Spain, Estonia, France and the UK.

3.14. The EESC welcomes the fact that the Environment Council met on 5 March 2020 and discussed the Green Deal and **Greening the European Semester** ⁽²⁵⁾ and requests the Commission to work with the ministries of education, relevant social partners and civil society organisations in defining Country Specific Recommendations to EU Member States on enhancing provision of green skills and competences in all levels and types of education and training sectors, starting with early childhood education and going up to higher education and adult learning, taking into consideration effective support to adults in and beyond workplaces.

Brussels, 2 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

⁽²⁵⁾ Environment Council, 5 March 2019.

Opinion of the European Economic and Social Committee on 'Industrial transition towards a green and digital European economy: regulatory requirements and the role of social partners and civil society'

(exploratory opinion)

(2021/C 56/02)

Rapporteur: **Lucie STUDNIČNÁ**

Referral	European Parliament, 15.9.2020
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Single Market, Production and Consumption
Adopted at plenary	2.12.2020
Plenary session No	556
Outcome of vote (for/against/abstentions)	148/89/19

1. Conclusions and recommendations

1.1. There are a number of prerequisites for the industrial transition towards a green and digital European economy to achieve a sustainable, fair and socially acceptable future in Europe. The COVID-19 pandemic has made more pressing the need for much broader and stronger participation of the social partners and civil society in policy-making at all levels, as well as a strong regulatory framework and standards at the European level, especially on the social agenda. The action plan announced to implement the European Pillar of Social Rights (EPSR) should play an important role in this effort.

1.2. The EESC believes that it is essential to recognise the complementarity between climate change, circular economy policies, and corporate social responsibility, and to highlight the circular characteristics of energy from renewable sources.

1.3. The role of employers, entrepreneurs and private sector engagement in driving structural change are key to industrial transition. As innovation in Europe typically emerges from small entities, a focus is needed on creating a favourable business environment for and promoting the potential of SMEs that provide high-level knowledge-based services. They often play a pioneering role for the market positioning of related industries and are reliable and crisis-resistant employers. The experience of social economy enterprises and organisations should also be harnessed: they are active in areas that are impacted by the green and digital transitions. As such, their businesses and social innovation processes need to be promoted.

1.4. A mechanism for channelling private-sector financial resources towards investments compliant with ESG (environmental, social, governance) criteria should be put in place in a coherent manner. The strategies on the Banking Union, Capital Markets Union, sustainable finance, digital finance and SMEs are therefore all mutually reinforcing and warrant the channelling of funds to the more productive projects, in an economy that depends for up to 80 % of its financing needs on the banking sector.

1.5. A resilient, sustainable, fair and prosperous Europe requires a regulatory framework that can enhance a just transition process while taking into account its ethical impacts and public interests such as consumer protection, health, safety and quality. The EESC recommends that European and national institutions introduce new governance structures that can ensure the active involvement of the local economy, social partners and civil society in designing and implementing fair measures to ensure that transitions are socially just. One of the key governance arrangements for implementing and monitoring progress of socially just transitions is the European semester. The EESC recommends incorporating into the European semester new, improved, measurable and complementary social, economic and environmental indicators to monitor and keep track of the principles of the European Pillar of Social Rights.

1.6. The role of the regions should be strengthened in the European transition agenda. Long-term planning, a strong place-based approach, smart specialisation and a human capital agenda are the core focus, as well as reconciling the long-term transition ambition with short-term priorities.

1.7. The EESC believes that funding and support instruments for transition-related activities at the EU level need to be complemented by national resources, with the necessary coordination between different levels of governance. To ensure sufficient funding, the EESC also advocates a wider range of own resources.

1.8. A human capital agenda is one of the prerequisites of successful transition. A number of actors, including educational institutions, employers, trade unions, public employment services, NGOs, and professional organisations need to cooperate in the sphere of skills development and anticipating the full set of future, new and old skills needs.

1.9. The EESC welcomes the action plan announced to implement the EPSR. The relevant EU labour law *acquis* should be reinforced to better support a just transition for workers. The action plan should set a minimum floor of rights at EU level, including: the right to health and safety covering all workers and new types of work; information, consultation, co-determination and participation rights not limited to transition situations; skills development rights; minimum standards for unemployment insurance; minimum wage; and collective bargaining.

2. General comments and forward-looking approach

2.1. This exploratory opinion was requested by the Employment and Social Affairs Committee of the European Parliament as a contribution to the forthcoming action plan to implement the EPSR and the next EU Social Summit, planned for May 2021 in Porto.

2.2. European business and workers are facing the massive social and economic consequences of the COVID-19 pandemic. Many companies are collapsing, we are losing jobs and households are losing their livelihoods. Despite unprecedented economic rescue measures aimed at cushioning the effects of the lockdown on jobs and companies, the economic forecasts give a very worrying picture. The EU economy is forecast to contract by 8,3 % in 2020 and grow by 5,8 % in 2021. Growth in 2021 will also be slightly less robust than projected in the spring ⁽¹⁾. Member States are in record debt and the EU has also incurred common debt for the first time. We also do not know the consequences of Brexit.

2.3. Key industries and sectors, from human resources to research, must be identified and supported, resulting in a European industrial policy that protects these strategic sectors in the market and ensures security of supply of key resources. Europe's industrial policy should serve as an umbrella coordinating all the various European policies in a coherent and comprehensive way to provide synergies. Such a transformation will require the European Commission to set the course and Member States' policies to be aligned with those of the EU. This does not mean micromanaging, but it does mean aligning policies so that they are coherent and foster transformational change. This process will only be possible with the active participation of civil society organisations and social partners. Without a 'social deal' based on democratic and effective participation of EU citizens there will be no beneficial Green Deal for all.

2.4. A mechanism for channelling private-sector financial resources towards investments compliant with ESG (environmental, social, governance) criteria should be put in place in a coherent manner. The strategies on the Banking Union, Capital Markets Union, sustainable finance, digital finance and SMEs are therefore all mutually reinforcing and warrant the channelling of funds to the more productive projects, in an economy that depends for up to 80 % of its financing needs on the banking sector.

2.5. The term that has emerged in this context in relation to environmental and technological change is 'just transition'. The EESC sees just transition as a core component of both the budget and recovery plan pushing for a greener European economy. It is therefore necessary to develop a wider understanding of a just transition (beyond carbon-based economies) that fully implements the European Pillar of Social Rights ⁽²⁾, based on a new social contract, while driving reform in relation to redistributive systems, work-life balance and gender equality. Particularly important in relation to implementing the European Pillar of Social Rights are high-quality jobs for all, access to high-quality education and training, including the

⁽¹⁾ EC Summer 2020 Economic Forecast: A deeper recession with wider divergences.

⁽²⁾ OJ C 364, 28.10.2020, p. 1.

right to lifelong learning, especially for vulnerable groups, equal access to healthcare and social services for all, social protection, and inclusion of vulnerable groups, such as the long-term unemployed, women, young people, migrants or people with disabilities. All these important goals can be achieved on the basis of a prospering economy, new, highly qualified jobs offered by employers and the necessary investment in new technologies.

2.6. Countries and regions in industrial transition typically face challenges in modernising their industrial base, upgrading the skills of the workforce, compensating for job losses in key sectors and raising the low productivity that limits income growth. Overall, they would benefit from greening and technological progress and related developments, yet some places and certain population groups, in particular vulnerable groups such as people with disabilities, the elderly, Roma and migrants, risk being left behind. Addressing the challenges associated with long-term transformations requires anticipation of change and active transition management on the part of policy-makers, the social partners, civil society organisations and key stakeholders in these countries and regions. Social dialogue, information, consultation and participation of workers and their representative organisations, including in decision-making bodies (boards and supervisory boards) play a key role in addressing and influencing company decision-making so as to manage transitions in a forward-looking way. The EESC urges the Commission to strengthen and develop the social dimension in the future updated industrial strategy.

2.7. Dealing with the pandemic crisis and enabling successful industrial transformation is in the interests of all stakeholder groups, and requires a joint effort and shared goals (such as long-term business development), and effective social dialogue in a climate of confidence, as well as a positive attitude. The EESC believes that good, and thus sustainable, business management with joint anticipation of change must be based on the tried-and-tested legal minimum standards of the internal market, with the voice of workers expressed through information, consultation and workers' participation in company boardrooms.

2.8. Digitalisation and automation have both positive and negative effects for the economy and society. This transition would need regulation that follows the pace of technological transformation and anticipation of change by involving e.g. the social partners. European Works Councils (EWCs) and Societas Europaea (SE) works councils may serve as a positive example of obligatory cross-border involvement of workers in balancing interests and exploring solutions in a spirit of social partnership. This involves guaranteeing training for workers and negotiating collective agreements to support work autonomy and ensure a good work-life balance. Digitalisation and the internet economy have also resulted in the emergence of new forms of work, like platform work, where workers are without any social and job security and often work under very precarious conditions and with unclear status. Their working conditions and status need to be harmonised at European level to encourage fair mobility and integration in the internal market⁽³⁾. To this end, the EESC sees the need to create legal certainty for workers by defining a legal status for labour in the digital platform economy. Low or no access to social protection incurs a cost, not only for the workers themselves but also for social security systems.

2.9. The digital transformation also entails potential risks in fields such as financial stability, financial crime and consumer protection. These risks may further increase due to the fragmented regulatory landscape in the EU, and uneven global developments in regulating the sector. The EESC therefore sees a need for the EU to create a comprehensive and stable regulatory framework in this area. It also recommends that the EU resume its initiative on taxing large digital companies⁽⁴⁾.

2.10. Workers have to be enabled to adequately prepare themselves for the labour market, and economic changes that are already under way will be fundamental for the growth of industry and Europe's broader economic success. New and higher skills, including for blue-collar workers, present a challenge to apprenticeship systems. Higher skills require more vocational training in tertiary education institutions. In contrast to the best designed initial apprenticeship systems, the lack

⁽³⁾ OJ C 429, 11.12.2020, p. 173.

⁽⁴⁾ OJ C 429, 11.12.2020, p. 6.

of national frameworks and quality control are issues, as is progression from initial apprenticeships to tertiary education. The future will require cooperation and innovation from both civil society and governments at all levels to create the level playing-field called for by the organisations represented in the EESC ⁽⁵⁾.

2.11. The EESC notes that digital technology and artificial intelligence applications should be human-centred and benefit our society as a whole and supports a regulatory framework for artificial intelligence. The green and digital transitions should not be resisted, and the EU should promote the development of AI systems geared to specific applications to accelerate the ecological and climate transitions ⁽⁶⁾.

3. Innovation

3.1. There will be substantial innovation needs: from the creation and acceleration of new low-carbon production processes (many of which necessitate fundamentally different modes of design and production, in addition to novel feedstocks and/or core industrial processes) to innovation not only in the more circular value chains of basic materials industries but also in the energy systems that power them. Furthermore, the most promising low-carbon technologies will need to prove industrial scale. This will require rapid policy support to introduce and drive the scale-up of new low-carbon production routes and uses of materials by 2030 at the latest.

3.2. The transformations needed to achieve a just transition across the EU will require a shared framework to mobilise governments, businesses and civil society around targeted problem-solving. Social innovation has a major role to play in this process. For that matter, an important step might be to create an inter-sectoral EU strategy on social innovation, give greater recognition to social economy players, and test and perhaps use their business models. This would help develop an ecosystem for subsidised experimentation at EU, national, regional, and local levels.

4. Promoting entrepreneurship and private sector engagement

4.1. Entrepreneurship and private sector engagement driving structural change play a key role in industrial transition. A number of barriers to innovative entrepreneurship often persist where there is a strong industrial heritage, notably low levels of start-up and scale-up activity, weak entrepreneurship cultures and a lack of innovation and effectively linked knowledge networks.

4.2. As innovation in Europe typically emerges from small entities, a focus is needed on promoting the potential of SMEs that provide high-level knowledge-based services such as those of the liberal professions, including as regards funding. They often play a pioneering role for the market positioning of related industries and are reliable and crisis-resistant employers.

4.3. Social economy enterprises and organisations, actors in a sector that has proven great resilience and contributed to mitigating the effects of the COVID-19 crisis, are predominantly active in areas that are impacted by the digital and green transitions. As such, the promotion of their operations and social innovation processes needs to be ensured.

5. Role of the social partners and civil society

5.1. The EESC has underlined that 'the changes to productive processes and to the economy in general brought about by the new technologies, artificial intelligence and big data will also radically change the labour market' and that it is important that 'these changes take place in the context of constructive social dialogue and with due respect for workers' rights and quality of life' ⁽⁷⁾.

⁽⁵⁾ EESC study *Finding a new consensus on European civil society values and their evaluation*.

⁽⁶⁾ OJ C 47, 11.2.2020, p. 64.

⁽⁷⁾ OJ C 353, 18.10.2019, p. 6.

5.2. Close cooperation between the key local/regional stakeholders is essential to identify the most sustainable applications and maximise socioeconomic development. Good practices of the social partners at all levels based on collective agreements creating a level playing-field for economic competitors in a sector or a region provide a benchmark for fostering a strategy of just transition in relation to decarbonisation and other climate policy objectives ⁽⁸⁾.

6. Ensuring a just transition — governance/regulatory requirements

6.1. Transitioning to a climate-neutral economy presents a set of complex governance challenges for policy-makers. One of these is balancing the long-term strategic dimension of transition with the need for short-term action. While transition needs long-term strategic thinking and policy-making, it also requires an ability to accommodate electoral cycles and the associated desire of governments and other stakeholders to see the results of implemented projects.

6.2. One of the key governance arrangements for implementing and monitoring the progress of socially just transitions is the European semester. It is of the utmost importance to provide constant evaluation of European and national policies at the social, economic and environmental levels. The European semester has gradually developed a more social dimension, but its macroeconomic and fiscal dimensions still predominate. The EESC therefore proposes incorporating into the European semester new, improved, measurable and complementary social, economic and environmental indicators to monitor and keep track of all aspects of the European Pillar of Social Rights and its principles, as well as the 17 SDGs ⁽⁹⁾, creating synergies with the social scoreboard by introducing the concept of a sustainable well-being economy for all ⁽¹⁰⁾, together with targeted social and environmental Country Specific Recommendations ⁽¹¹⁾. The semester has now also been redesigned to provide for more action to support the recovery, which the EESC hopes can also help to renew the entire EU governance mechanism and make it function as a guiding force for the survival of democracy as well as upward convergence within the EU.

6.3. A comprehensive analysis of synergies and trade-offs between the objectives, initiatives and recommendations proposed by the EU in the various policy areas of the semester would require a high degree of policy integration, coherence and coordination between the various institutional actors responsible for economic, social and environmental policies, and an improvement in their analytical capacities.

6.4. In addition, to offset the institutional imbalance in economic and social governance, the EESC recommends using a 'golden rule' ⁽¹²⁾ when applying the EU's fiscal rules exempting public investment from deficit calculations and taking into account the sustainability of existing debt levels, in order to guarantee a modern healthcare, ecological, education and technological infrastructure and avoid an unprecedented recession ⁽¹³⁾.

6.5. Equally, the EESC welcomes the European Commission's suspension of the Stability and Growth Pact and asks that it be revised ⁽¹⁴⁾ in the interests of ensuring both stability and growth to support EU industry's recovery and transition to a climate-neutral circular and digital economy.

7. Regional preconditions for industrial transition

7.1. Industrial transition comes in many shapes, rendering a 'one-policy-fits-all' approach to developing new industrial pathways difficult. While some economic sectors will be in decline, with an 'irreversible' decrease in economic production and employment, others will have to go through dramatic restructuring. This will require a comprehensive political approach and massive investment, both public and private, and has to be accompanied by well-functioning local and regional labour markets.

⁽⁸⁾ Framework Agreement for a Fair Transition of Coal Mining and Sustainable Development of the Mining Communities for the period 2019-2027 (Spain); Jobs for the Climate (Portugal); Agreement of Social Partners on Just Transition and Climate Change (Greece); Thyssenkrupp Steel Europe: Future Pact for Steel 20-30 (Germany (March 2020)).

⁽⁹⁾ OJ C 120, 14.4.2020, p. 1.

⁽¹⁰⁾ Charveriat, C. and Bodin, E. (2020), Delivering the Green Deal: the role of a reformed European Semester within a new sustainable economy strategy.

⁽¹¹⁾ OJ C 14, 15.1.2020, p. 1.

⁽¹²⁾ OJ C 311, 18.9.2020, p. 1.

⁽¹³⁾ OJ C 311, 18.9.2020, p. 1.

⁽¹⁴⁾ OJ C 311, 18.9.2020, p. 1.

7.2. Reconciling long-term transition ambition with short-term priorities can be challenging because it might not be easy to garner public approval for policy measures that have a limited immediate effect. This puts regions in industrial transition in a difficult situation. On the one hand, they need to cope with the immediate need for action resulting from a decline in traditional industries, to address issues such as higher unemployment, income losses and deteriorating living conditions for parts of the population, especially disadvantaged and vulnerable groups such as people with disabilities or the elderly. On the other hand, they need to take action to seize opportunities associated with industrial modernisation, such as attracting higher value-added industry, creating and/or attracting new companies and business models and making better use of enabling technologies. Getting it wrong has political consequences that can also affect support for climate action. The growth of far-right movements in Europe and elsewhere can in part be traced to deindustrialisation and entire regions being left behind⁽¹⁵⁾.

8. Meeting with the regions in industrial transition: main outcomes

8.1. The role of the regions in the transition process should be strengthened in the European agenda. The involvement of regional administrations could contribute to the creation of the necessary eco-systems for a successful transition. Long-term planning, a strong place-based approach, smart specialisation and a human capital agenda have been mentioned as the prerequisites for this process.

8.2. Several regions in Europe — especially the coal and steel regions — have already undergone transition for either economic or climate agenda reasons. The main precondition for successful transition is an inclusive, anticipatory approach to ensure people have a decent future. This includes the design of a realistic roadmap, creation of the necessary research infrastructure and provision of technological, innovation, academic and educational facilities, together with the necessary funding. To ensure appropriate funding, European instruments planned to support these regions (e.g. the European Just Transition Fund) should not be replacing national efforts.

9. Funding and support for transition-related activities and projects at EU level

9.1. The process of industrial transition can provide enormous opportunities, but reaping these requires substantial investment in advanced manufacturing and accessible infrastructure, as well as research and innovation. It also comes at an initial cost, which includes income-replacing benefits and expenses for (re-)skilling workers.

9.2. There are many instruments already in place, at both national and EU level, to support transition-related activities and projects. The objective of achieving a just transition was also reiterated in the EU recovery plan. However, too often policy support measures are designed and carried out independently at different levels of government, with little or no coordination and little monitoring and evaluation.

9.3. The EESC calls on the Council and the European Parliament to increase and allocate sufficient funding for investment needs in the MFF 2021-2027 to deliver a real and radical green and digital transition. To achieve sufficient funding, the EESC also advocates broadening the range of own resources, possibly to include a digital services tax, Common Consolidated Corporate Tax Base, and a financial transactions tax⁽¹⁶⁾.

9.4. In the current programming period, rules applicable to large companies that have received support from the European Structural and Investment Funds stipulate that they must repay that contribution if, within 10 years of the final payment of the aid they received, the productive activity is offshored outside the Union (Article 71(2) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council⁽¹⁷⁾). The EESC believes that provisions must be strengthened for the future programming period in order to promote reshoring and to guarantee cohesion, preserve the productive fabric/capacity, boost employment and promote more sustainable 'territorial development'.

⁽¹⁵⁾ Rodríguez-Pose, A. (2017), 'The revenge of the places that don't matter (and what to do about it)', *Cambridge Journal of Regions, Economy and Society*, Vol. 11, No 1, pp. 189–209.

⁽¹⁶⁾ OJ C 440, 6.12.2018, p. 106.

⁽¹⁷⁾ OJ L 347, 20.12.2013, p. 320.

9.5. The EESC also supports the improvement of EU fiscal governance, considering sustainability risks and learning from the screening of green budgeting best practices and fiscal plans. Additionally, tax incentives are needed to persuade companies and individuals to invest in green initiatives with a social impact ⁽¹⁸⁾.

9.6. The challenges that Europe is facing with the transition to a green and digital economy require massive investments that public money and traditional funding through bank lending alone cannot deliver. Huge amounts of investment will be required from the private sector. A mechanism for channelling private-sector financial resources towards investments compliant with ESG (environmental, social, governance) criteria should be put in place in a coherent manner. The strategies on the Banking Union, Capital Market Union, sustainable finance, digital finance and SMEs are therefore all mutually reinforcing and warrant the channelling of funds to the more productive projects. The EESC welcomes the creation of the Platform on Sustainable Finance and anticipates an acceleration in social taxonomy development.

10. Employment implications

10.1. Because industrial transition often requires a shift from old and traditional manufacturing industries to future-oriented activities (even in traditional sectors), it can lead to higher than average unemployment (at least temporarily) due to locally concentrated deindustrialisation and to the skills base being in declining sectors. Anticipation and involvement of workers' representatives at branch and enterprise level and before decisions are taken is fundamental. It is crucial that policies to address industrial transition help workers and local communities, especially workers with disabilities and other workers from vulnerable groups, manage the transition with the least possible disruption while maximising potential benefits.

10.2. Skills

10.2.1. Successfully transitioning into the work of the future requires tailoring employment and skills development policies to local labour market conditions. At the same time, the supply of skills needs to be matched with skills demand. Better anticipating the future set of skills needs and an appropriate supply, by retraining and upskilling workers, including through access to lifelong learning, needs to be combined with policies that stimulate investment in new sources of employment and productivity growth. Industry R & D must look specifically for opportunities to establish technological leadership, which will in turn create opportunities for upskilling. Technical institutes, professional organisations and NGOs, as well as public employment agencies, will also have a key role to play in providing back-up in the form of retraining programmes.

10.2.2. The EESC notes that supporting people with training in the just digital and green transitions starts with validation of non-formal and informal learning (NFIL) and with ensuring the recognition and certification of training courses allowing NFIL to be a full part of a person's qualifications ⁽¹⁹⁾.

10.3. The Skills Agenda should pay more attention to the development of key competences during mandatory education cycles/curricula, and to learning for young people and adults.

10.4. The Commission has published a Digital Education Action Plan (2021-2027) ⁽²⁰⁾. This should be a cross-cutting strategy that could also increase the strategic importance of education and training among policy fields at European level.

⁽¹⁸⁾ OJ C 311, 18.9.2020, p. 63.

⁽¹⁹⁾ OJ C 10, 11.1.2021, p. 40.

⁽²⁰⁾ https://ec.europa.eu/education/sites/default/files/document-library-docs/deap-factsheet-sept2020_en.pdf.

10.5. Action Plan to implement the EPSR

Just transitions require adequate social policies to support good working conditions, well-functioning collective bargaining and industrial relations systems, and provision of proper social protection to help workers in transition. The EESC would like to put forward some proposals for the Commission's forthcoming action plan to implement the EPSR.

10.5.1. The EESC suggests that the Commission should reassess the adequacy of the relevant EU labour law *acquis*, strengthening it to better support a just transition for workers.

10.5.2. The right to safety and health is a fundamental workplace right for all workers, regardless of their employment relationship or the kind of business model within which they work. The EESC is very concerned that some new types of work created by the climate and digital transitions could fall outside the scope of occupational safety and health (OSH) provisions. Additionally, significant risks have already been demonstrated across digitalised workplaces, such as work intensification, stress and psychosocial violence⁽²¹⁾, and in the future we can expect to see accidents caused by Artificial Intelligence⁽²²⁾, accidents that we need to prevent. The EESC therefore calls for all workers in the EU to be protected by OSH legislation⁽²³⁾.

10.5.3. The EESC encourages the European Commission to regularly review the General Data Protection Regulation (GDPR) and related regulations in the light of technological developments⁽²⁴⁾.

10.5.4. Social dialogue, at national and European level, plays a key role in shaping economic, labour and social policies. The EESC supports the development, in the framework of social dialogue at the appropriate national, regional and European levels, of adequate 'just transition' measures to manage, change and grant minimum protection in cases of reorganised workplaces or collective dismissals stemming from (technological, demographic, globalisation, climate change, and circular economy) transitions, including the right to engage in collective bargaining so as to anticipate change and provide support to affected workers (adapting the Directive on collective redundancies)⁽²⁵⁾.

10.5.5. The EESC reiterates the need for consultation with and information for workers and their representatives when introducing changes, new technologies and AI systems that may lead to changes in work organisation, work supervision and control, and in systems for the assessment and recruitment of workers. Information and consultation rights, duly implementing the EWC Directive, have to be ensured in all enterprises and a harmonised framework at EU level regarding board-level participation should be introduced. The EESC therefore calls for a strong and robust European framework of information and consultation and worker participation⁽²⁶⁾ as an important aspect of developing just and fair paths for reconstruction and or the environmental and digital transitions. The Commission should promote social dialogue with a view to involving workers in the climate and digital transitions in all the Member States and monitor its results through European semester.

10.5.6. There is a need for a framework for socially responsible restructuring and anticipating corporate change that complements the existing information, consultation and participation rights of workers and matches key elements of the European Social Model⁽²⁷⁾. The EESC believes that the European Commission should revise the EU Quality Framework for Anticipation of Change and Restructuring and propose a legal basis for specific framework conditions concerning worker participation in order to improve workers' involvement in managing the challenges of the Green Deal and of the digital transformation⁽²⁸⁾.

⁽²¹⁾ ILO (2019) *The Threat of Physical and Psychosocial Violence and Harassment in Digitalised Work*.

⁽²²⁾ OJ C 47, 11.2.2020, p. 64.

⁽²³⁾ OJ C 14, 15.1.2020, p. 52.

⁽²⁴⁾ OJ C 47, 11.2.2020, p. 64.

⁽²⁵⁾ OJ C 14, 15.1.2020, p. 1.

⁽²⁶⁾ OJ C 10, 11.1.2021, p. 14.

⁽²⁷⁾ OJ C 161, 6.6.2013, p. 35.

⁽²⁸⁾ OJ C 364, 28.10.2020, p. 1.

10.5.7. The Action Plan should set a minimum floor of rights at EU level: the EESC has called for action on minimum income protection ⁽²⁹⁾ to stem poverty and promote an inclusive labour market, and therefore welcomes the plans of the Commission and the German Presidency of the Council to establish a European framework on minimum income schemes ⁽³⁰⁾. The EESC has recommended exploring the possibility of setting common minimum standards in the field of unemployment insurance in the EU Member States ⁽³¹⁾. The Committee has also called for a European initiative on minimum wage and collective bargaining ⁽³²⁾, and therefore welcomes ⁽³³⁾ the Commission's initiative on adequate minimum wages in the European Union ⁽³⁴⁾.

10.6. *A new social contract*

To establish the pathways for recovery that invest in jobs and protect rights and a living wage, to rebuild strong labour market institutions for all workers in line with past commitments, and to ensure social protection, the EESC calls for a just transition to be placed at the heart of recovery through social dialogue, with the active involvement of civil society to help design a social, just and inclusive industrial transition.

Brussels, 2 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

⁽²⁹⁾ OJ C 190, 5.6.2019, p. 1.

⁽³⁰⁾ Council Conclusions on Strengthening Minimum Income Protection to Combat Poverty and Social Exclusion in the COVID-19 Pandemic and Beyond.

⁽³¹⁾ OJ C 97, 24.3.2020, p. 32.

⁽³²⁾ OJ C 429, 11.12.2020, p. 159.

⁽³³⁾ OJ C 364, 28.10.2020, p. 1.

⁽³⁴⁾ COM(2020) 682 final.

ANNEX

The following amendments, which received at least a quarter of the votes cast, were rejected during the discussions (Rule 59 (3) of the Rules of Procedure):

a) **Point 2.1 (Amendment 9)**

Amend as follows:

~~2.1. This exploratory opinion was requested by the Employment and Social Affairs Committee of the European Parliament as a contribution to the forthcoming action plan to implement the EPSR and the next EU Social Summit, planned for May 2021 in Porto. This exploratory opinion was requested by the Employment and Social Affairs Committee of the European Parliament. According to the letter of the European Parliament, the opinion should cover in particular the following topics: just transition, green deal, digital transition, industrial strategy, employment and social inclusion policies, which lie at the heart of a series of ongoing and future legislative and non-legislative files linked to green and digital transformation.~~

Outcome of the vote:

For: 99

Against: 129

Abstentions: 20

b) **Point 2.2 (Amendment 10)**

Amend as follows:

~~2.2. European business and workers are facing the massive economic and social and economic consequences of the COVID-19 pandemic. Many companies are collapsing, people we are losing jobs and households are losing their livelihoods. Despite unprecedented economic rescue measures aimed at cushioning the effects of the lockdown on jobs and companies, the economic forecasts give a very worrying picture. The EU economy is forecast to contract by 8,3 % in 2020 and grow by 5,8 % in 2021. Growth in 2021 will also be slightly less robust than projected in the spring ⁽¹⁾. The COVID-19 pandemic has hit the European economy hard: many companies are collapsing, we are losing jobs, households are losing the livelihood, the health service is losing efficiency. Member States are in record debt, exceeding established spending rules and the EU has also incurred common debt for the first time. We also do not know the consequences of Brexit and we do not know when the pandemic will end.~~

Outcome of the vote:

For: 95

Against: 140

Abstentions: 22

c) **Point 2.3 (Amendment 11)**

Amend as follows:

2.3. Key industries and sectors, from human resources to research, must be identified and supported, resulting in a European industrial policy that protects these strategic sectors in the market and ensures security of supply of key resources. Europe's industrial policy should serve as an umbrella coordinating all the various European policies in a coherent and comprehensive way to provide synergies. Such a transformation will require the European Commission to set the course and Member States' policies to be aligned with

⁽¹⁾ EC Summer 2020 Economic Forecast: A deeper recession with wider divergences.

those of the EU. This does not mean micromanaging, but it does mean aligning policies so that they are coherent and foster transformational change. This process will only be possible with the active participation of civil society organisations and social partners. ~~Without a 'social deal' based on democratic and effective participation of EU citizens there will be no beneficial Green Deal for all.~~

Outcome of the vote:

For: 91

Against: 137

Abstentions: 18

d) Point 2.5 NEW (Amendment 13)

Add new point:

2.5. The best policy response is to deliver on the expectations of the NextGenerationEU, which represents a unique opportunity for a fast and transformative recovery. Setting this in motion and engaging with the private sector should be given the highest priority.

Outcome of the vote:

For: 97

Against: 136

Abstentions: 22

e) Point 2.6 NEW (Amendment 14)

Add new point:

2.6. Challenges brought by Brexit should be overcome by a strong push to strengthen the Single Market that creates a stronger sound and competitive environment for companies.

Outcome of the vote:

For: 93

Against: 141

Abstentions: 20

f) Point 2.4 (Amendment 15)

Amend as follows:

2.4. The term that has emerged in this context in relation to environmental and technological change is 'just transition'. The EESC sees just transition as a core component of both the budget and recovery plan pushing for a greener European economy. It is therefore necessary to develop a wider understanding of a just transition (beyond carbon-based economies) ~~that fully implements the European Pillar of Social Rights (2), based on a new social contract, while driving reform in relation to redistributive systems, based on work-life balance and gender equality.~~ ~~Particularly important in relation to implementing the European Pillar of Social Rights are~~ high-quality jobs for all, access to high-quality education and training, including the ~~right~~ access to lifelong learning, especially for vulnerable groups, equal access to healthcare and social services for all, social protection, and inclusion of vulnerable groups, such as the long-term unemployed, women, young people, legal migrants or people with disabilities. All these important goals can be achieved on the basis of a prospering economy, new, highly qualified jobs offered by employers and the necessary investment in new technologies.

(2) European Economic and Social Committee's contribution to the European Commission's 2021 Work Programme.

Outcome of the vote:

For: 82

Against: 152

Abstentions: 20

g) Point 2.5 (Amendment 16)

Amend as follows:

2.5. Countries and regions in industrial transition typically face challenges in modernising their industrial base, upgrading the skills of the workforce, compensating for job losses in key sectors and raising the low productivity that limits income growth, upward convergence and compensating unfavourable demographic trends. Overall, they would benefit from greening and technological progress and related developments, yet some places and certain population groups, in particular vulnerable groups such as people with disabilities, the elderly, Roma and legal migrants, risk being left behind. Addressing the challenges associated with long-term transformations requires anticipation of change and active transition management on the part of policy-makers, the social partners, civil society organisations and key stakeholders in these countries and regions. Social dialogue, information, consultation and participation of workers ~~and their representative organisations~~, including in decision-making process bodies (boards and supervisory boards) play a key role in addressing and influencing company decision-making so as to manage transitions in a forward-looking way. ~~The EESC urges the Commission to strengthen and develop the social dimension in the future updated industrial strategy.~~

Outcome of the vote:

For: 92

Against: 152

Abstentions: 17

h) Point 2.6 (Amendment 17)

Amend as follows:

2.6. Dealing with the pandemic crisis and enabling successful industrial transformation is in the interests of all stakeholder groups, and requires a joint effort and shared goals (such as long-term business development), and effective social dialogue in a climate of confidence, as well as a positive attitude. The EESC believes that good, and thus sustainable, business management with joint anticipation of change ~~is the key to success must be based on the tried and tested legal minimum standards of the internal market, with the voice of workers expressed through information, consultation and workers' participation in company boardrooms.~~

Outcome of the vote:

For: 90

Against: 151

Abstentions: 18

i) Point 2.7 (Amendment 18)

Amend as follows:

2.7. Digitalisation and automation have both positive and negative effects for the economy and society. This transition would need regulation approaches that follows the pace of technological transformation and anticipation of change by involving e.g. the social partners. European Works Councils (EWCs) and Societas Europaea (SE) works councils may serve as a positive example of obligatory cross-border involvement of workers in balancing interests and exploring solutions in a spirit of social partnership. This involves guaranteeing training for workers and negotiating collective agreements or other social agreements to support work autonomy and ensure

a good work-life balance. Digitalisation and the internet economy have also resulted in the emergence of new forms of work, like platform work, where workers are without any social and job security and often work under very precarious conditions and with unclear status. ~~Their working conditions and status need to be harmonised at European level to encourage fair mobility and integration in the internal market (3). To this end, the EESC sees the need to create legal certainty for workers by defining a legal status for labour in the digital platform economy. Low or no access to social protection incurs a cost, not only for the workers themselves but also for social security systems.~~

Outcome of the vote:

For: 88

Against: 149

Abstentions: 24

j) Point 2.8 (Amendment 19)

Amend as follows:

2.8. The digital transformation also entails potential risks in fields such as financial stability, financial crime and consumer protection. These risks may further increase due to the fragmented regulatory landscape in the EU, and uneven global developments in regulating the sector. The EESC therefore sees a need for the EU to create a comprehensive and stable regulatory framework in this area. It also recommends that a global solution in the tax area is achieved at the OECD level during 2021 ~~the EU resume its initiative on taxing large digital companies (4).~~

Outcome of the vote:

For: 89

Against: 149

Abstentions: 22

k) Point 5.2 (Amendment 21)

Amend as follows:

5.2. Close cooperation between the key local/regional stakeholders is essential to identify the most sustainable applications and maximise socioeconomic development. Good practices of the social partners at all levels based on collective agreements or other form of social dialogue creating a level playing-field for economic competitors in a sector or a region provide a benchmark for fostering a strategy of just transition in relation to decarbonisation and other climate policy objectives (5).

Outcome of the vote:

For: 93

Against: 146

Abstentions: 19

(3) EESC (SOC/645) opinion on Fair work in the platform economy.

(4) EESC opinion on Combating tax fraud, tax avoidance and money laundering.

(5) Framework Agreement for a Fair Transition of Coal Mining and Sustainable Development of the Mining Communities for the period 2019-2027 (Spain); Jobs for the Climate (Portugal); Agreement of Social Partners on Just Transition and Climate Change (Greece); Thyssenkrupp Steel Europe: Future Pact for Steel 20-30 (Germany (March 2020)).

l) **Point 6.2 (Amendment 22)**

Amend as follows:

6.2. One of the key governance arrangements for implementing and monitoring the progress of socially just transitions is the European semester. It is of the utmost importance to provide constant cyclical evaluation of European and national policies at the social, economic and environmental levels. The European semester has gradually developed a more social dimension, but its macroeconomic and fiscal dimensions still predominate. ~~The EESC therefore proposes incorporating into the European semester new, improved, measurable and complementary social, economic and environmental indicators to monitor and keep track of all aspects of the European Pillar of Social Rights and its principles, as well as the 17 SDG ⁽⁶⁾, creating synergies with the social scoreboard by introducing the concept of a sustainable well-being economy for all ⁽⁷⁾, together with targeted social and environmental Country Specific Recommendations ⁽⁸⁾. The semester has now also been redesigned to provide for more action to support the recovery, which the EESC hopes can also help to reinforce ~~renew~~ the entire EU governance mechanism and make it function as a guiding force for the feeding survival of democracy as well as upward convergence within the EU.~~

Outcome of the vote:

For: 87

Against: 148

Abstentions: 21

m) **Point 6.4 (Amendment 23)**

Amend as follows:

6.4. In addition, to offset the institutional imbalance in economic and social governance, the EESC recommends using a well balanced 'golden rule' ⁽⁹⁾ ~~without jeopardizing medium-term financial stability~~ when applying the EU's fiscal rules exempting justified public investment from deficit calculations and taking into account the sustainability of existing and future debt levels, in order to guarantee a modern healthcare, ecological, education and technological infrastructure and avoid an unprecedented recession ⁽¹⁰⁾.

Outcome of the vote:

For: 87

Against: 159

Abstentions: 16

n) **Point 9.3 (Amendment 24)**

Amend as follows:

9.3. The EESC calls on the Council and the European Parliament to enhance the business climate and to increase and allocate sufficient funding for investment needs in the MFF 2021-2027 to deliver a real and radical green and digital transition. To achieve sufficient funding, the EESC also advocates analysing the effects of a broadening of the range of own resources, possibly coming from revenues from the EU Emissions Trading System, from a Carbon Border Adjustment Mechanism (CBAM), and from a digital levy to include a digital services tax, Common Consolidated Corporate Tax Base, and a financial transactions tax ⁽¹¹⁾.

⁽⁶⁾ EESC opinion on the Annual Sustainable Growth Strategy 2020, OJ C 120, 14.4.2020, p. 1.

⁽⁷⁾ Charveriat, C. and Bodin, E. (2020), Delivering the Green Deal: the role of a reformed European Semester within a new sustainable economy strategy.

⁽⁸⁾ EESC opinion on The European Pillar of Social Rights — evaluation of the initial implementation and recommendations for the future, OJ C 14, 15.1.2020, p. 1.

⁽⁹⁾ OJ C 311, 18.9.2020, p. 1.

⁽¹⁰⁾ OJ C 311, 18.9.2020, p. 1.

⁽¹¹⁾ OJ C 440, 6.12.2018, p. 106.

Outcome of the vote:

For: 91

Against: 157

Abstentions: 13

o) Point 9.4 (Amendment 25)

Amend as follows:

9.4. In the current programming period, rules applicable to large companies that have received support from the European Structural and Investment Funds stipulate that they must repay that contribution if, within 10 years of the final payment of the aid they received, the productive activity is offshored outside the Union (Article 71(2) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council). The EESC believes that provisions must be strengthened for the future programming period in order to promote reshoring and to guarantee cohesion in the spirit of the strategic autonomy, preserve the productive fabric/capacity, boost employment and promote more sustainable 'territorial development'.

Outcome of the vote:

For: 89

Against: 149

Abstentions: 19

p) Point 9.5 (Amendment 26)

Amend as follows:

9.5. The EESC also supports the improvement of EU fiscal governance, considering sustainability risks and learning from the screening of green budgeting best practices and fiscal plans. Additionally, tax incentives may be ~~are~~ needed to motivate ~~persuade~~ companies and individuals to invest in green initiatives with a social impact⁽¹²⁾. Such subsidies should be carefully assessed in a cost-benefit analysis.

Outcome of the vote:

For: 93

Against: 154

Abstentions: 16

q) Point 9.6 (Amendment 27)

Amend as follows:

9.6. The challenges that Europe is facing with the transition to a green and digital economy require massive investments that public money and traditional funding through bank lending alone cannot deliver. Huge amounts will be required from the private sector of all ~~sorts of private funds are invested every year in harmful economic activities across the whole range of industry sectors, risking eventually ending up as 'sunk assets'~~. A mechanism for channelling private-sector financial resources towards investments compliant with ESG (environmental, social, governance) criteria should be put in place in a coherent manner. The strategies on the Banking Union, Capital Market Union, sustainable finance, digital finance and SMEs are therefore all mutually reinforcing and warrant the channelling of funds to the more productive projects. The EESC welcomes the creation of the Platform on Sustainable Finance and anticipates an acceleration in social taxonomy development.

⁽¹²⁾ OJ C 311, 18.9.2020, p. 63.

Outcome of the vote:

For: 74

Against: 154

Abstentions: 31

r) Point 10.1 (Amendment 28)

Amend as follows:

10.1. Because industrial transition often requires a shift from old and traditional manufacturing industries to future-oriented activities (even in traditional sectors), it can lead to higher than average unemployment (at least temporarily) due to locally concentrated deindustrialisation and to the skills base being in declining sectors. ~~Anticipation and involvement of workers' representatives at branch and enterprise level and before decisions are taken is fundamental.~~ It is crucial that policies to address industrial transition help workers and local communities, especially workers with disabilities and other workers from vulnerable groups, manage the transition with the least possible disruption while maximising potential benefits.

Outcome of the vote:

For: 88

Against: 149

Abstentions: 17

s) Points 10.5, 10.5.1, 10.5.2, 10.5.3, 10.5.4, 10.5.5, 10.5.6, 10.5.7 (Amendment 30)

Delete points:

~~10.5. Action Plan to implement the EPSR~~

~~Just transitions require adequate social policies to support good working conditions, well-functioning collective bargaining and industrial relations systems, and provision of proper social protection to help workers in transition. The EESC would like to put forward some proposals for the Commission's forthcoming action plan to implement the EPSR.~~

~~10.5.1. The EESC suggests that the Commission should reassess the adequacy of the relevant EU labour law acquis, strengthening it to better support a just transition for workers.~~

~~10.5.2. The right to safety and health is a fundamental workplace right for all workers, regardless of their employment relationship or the kind of business model within which they work. The EESC is very concerned that some new types of work created by the climate and digital transitions could fall outside the scope of occupational safety and health (OSH) provisions. Additionally, significant risks have already been demonstrated across digitalised workplaces, such as work intensification, stress and psychosocial violence⁽¹³⁾, and in the future we can expect to see accidents caused by Artificial Intelligence⁽¹⁴⁾, accidents that we need to prevent. The EESC therefore calls for all workers in the EU to be protected by OSH legislation⁽¹⁵⁾.~~

⁽¹³⁾ HLO (2019) *The Threat of Physical and Psychosocial Violence and Harassment in Digitalized Work*.

⁽¹⁴⁾ OJ C 47, 11.2.2020, p. 64.

⁽¹⁵⁾ OJ C 14, 15.1.2020, p. 52.

10.5.3. The EESC encourages the European Commission to regularly review the General Data Protection Regulation (GDPR) and related regulations in the light of technological developments⁽¹⁶⁾.

10.5.4. Social dialogue, at national and European level, plays a key role in shaping economic, labour and social policies. The EESC supports the development, in the framework of social dialogue at the appropriate national, regional and European levels, of adequate 'just transition' measures to manage, change and grant minimum protection in cases of reorganised workplaces or collective dismissals stemming from (technological, demographic, globalisation, climate change, and circular economy) transitions, including the right to engage in collective bargaining so as to anticipate change and provide support to affected workers (adapting the Directive on collective redundancies)⁽¹⁷⁾.

10.5.5. The EESC reiterates the need for consultation with and information for workers and their representatives when introducing changes, new technologies and AI systems that may lead to changes in work organisation, work supervision and control, and in systems for the assessment and recruitment of workers. Information and consultation rights, duly implementing the EWC Directive, have to be ensured in all enterprises and a harmonised framework at EU level regarding board level participation should be introduced. The EESC therefore calls for a strong and robust European framework of information and consultation and worker participation⁽¹⁸⁾ as an important aspect of developing just and fair paths for reconstruction and/or the environmental and digital transitions. The Commission should promote social dialogue with a view to involving workers in the climate and digital transitions in all the Member States and monitor its results through European semester.

10.5.6. There is a need for a framework for socially responsible restructuring and anticipating corporate change that complements the existing information, consultation and participation rights of workers and matches key elements of the European Social Model⁽¹⁹⁾. The EESC believes that the European Commission should revise the EU Quality Framework for Anticipation of Change and Restructuring and propose a legal basis for specific framework conditions concerning worker participation in order to improve workers' involvement in managing the challenges of the Green Deal and of the digital transformation⁽²⁰⁾.

10.5.7. The Action Plan should set a minimum floor of rights at EU level: the EESC has called for action on minimum income protection⁽²¹⁾ to stem poverty and promote an inclusive labour market, and therefore welcomes the plans of the Commission and the German Presidency of the Council to establish a European framework on minimum income schemes⁽²²⁾. The EESC has recommended exploring the possibility of setting common minimum standards in the field of unemployment insurance in the EU Member States⁽²³⁾. The Committee has also called for a European initiative on minimum wage and collective bargaining⁽²⁴⁾, and therefore welcomes⁽²⁵⁾ the Commission's initiative on adequate minimum wages in the European Union⁽²⁶⁾.

Outcome of the vote:

For: 93

Against: 149

Abstentions: 17

⁽¹⁶⁾ OJ C 47, 11.2.2020, p. 64.

⁽¹⁷⁾ OJ C 14, 15.1.2020, p. 1.

⁽¹⁸⁾ EESC opinion SOG/644 on Social dialogue for economic sustainability and resilience (adopted on 29.10.2020, not yet published).

⁽¹⁹⁾ OJ C 161, 6.6.2013, p. 35.

⁽²⁰⁾ EESC Resolution on the European Economic and Social Committee's contribution to the 2021 European Commission's work programme.

⁽²¹⁾ OJ C 190, 5.6.2019, p. 1.

⁽²²⁾ Council Conclusions on Strengthening Minimum Income Protection to Combat Poverty and Social Exclusion in the COVID-19 Pandemic and Beyond.

⁽²³⁾ OJ C 97, 24.3.2020, p. 32.

⁽²⁴⁾ EESC opinion on Decent minimum wages across Europe.

⁽²⁵⁾ EESC Resolution on the European Economic and Social Committee's contribution to the 2021 European Commission's work programme.

⁽²⁶⁾ COM(2020) 682 final.

t) Point 10.6 (Amendment 31)

Delete point:

~~10.6: A new social contract~~

~~To establish the pathways for recovery that invest in jobs and protect rights and a living wage, to rebuild strong labour market institutions for all workers in line with past commitments, and to ensure social protection, the EESC calls for a just transition to be placed at the heart of recovery through social dialogue, with the active involvement of civil society to help design a social, just and inclusive industrial transition.~~

Outcome of the vote:

For: 85

Against: 146

Abstentions: 19

u) Point 1.1 (Amendment 1)

Amend as follows:

1.1. There are a number of prerequisites for the industrial transition towards a green and digital European economy to achieve a sustainable, fair and socially acceptable future in Europe. However, a new situation must be taken into account. The COVID-19 pandemic has hit the European economy hard: many companies are collapsing, we are losing jobs, households are losing the livelihood, the health service is losing efficiency. It has made more pressing the need for much broader and stronger participation of the social partners and civil society in policy-making at all levels, as well as a realistic strong regulatory framework and standards at the European level, taking into account the specificities of the Member States and the distribution of the competences between EU and Members States as well as the subsidiarity principle especially on the social agenda. The action plan announced to implement the European Pillar of Social Rights (EPSR) should play an important role in this effort.

Outcome of the vote:

For: 90

Against: 146

Abstentions: 18

v) Point 1.5 NEW (Amendment 4)

Add new point:

1.5. The best policy response is to deliver on the expectations of the NextGenerationEU, which represents a unique opportunity for a fast and transformative recovery. Setting this in motion and engaging with the private sector should be given the highest priority.

Outcome of the vote:

For: 97

Against: 136

Abstentions: 22

w) **Point 1.6 NEW (Amendment 5)**

Add new point:

1.6. Challenges brought by Brexit should be overcome by a strong push to strengthen the Single Market that creates a stronger sound and competitive environment for companies.

Outcome of the vote:

For: 93

Against: 141

Abstentions: 20

x) **Point 1.4 (Amendment 6)**

Amend as follows:

~~1.4. A resilient, sustainable, fair and prosperous Europe requires a regulatory coherent framework that can enhance a just transition process while taking into account its ethical impacts and public interests such as consumer protection, health, safety and quality. The EESC recommends that European and national institutions introduce new governance structures that can ensure the active involvement of the local economy, social partners and civil society in designing and implementing fair measures to ensure that transitions are socially just. One of the key governance arrangements for implementing and monitoring progress of socially just transitions is the European semester. The EESC recommends incorporating into the European semester new, improved, measurable and complementary social, economic and environmental indicators to monitor and keep track of the principles of the European Pillar of Social Rights.~~

Outcome of the vote:

For: 80

Against: 145

Abstentions: 16

y) **Point 1.8 (Amendment 8)**

Amend as follows:

~~1.8. The EESC welcomes the action plan announced to implement the EPSR. The relevant EU labour policies law acquis should be reinforced to better support a just transition for workers. The action plan should set a minimum floor of rights at EU level, including: the right to health and safety covering all workers and new types of work; information, consultation, co-determination and participation rights not limited to in transition situations; skills development rights; minimum standards for unemployment insurance; minimum wage; and collective bargaining or other forms of agreement in line with competences of Member States.~~

Outcome of the vote:

For: 98

Against: 148

Abstentions: 17

Opinion of the European Economic and Social Committee on Public services principles for stability of democratic order

(exploratory opinion requested by the German presidency)

(2021/C 56/03)

Rapporteur: **Christian MOOS (DE-III)**

Co-rapporteur: **Philip VON BROCKDORFF (MT-II)**

Request by the German Presidency of Letter of 18.2.2020
the Council

Legal basis Article 304 of the Treaty on the Functioning of the European Union

Bureau decision 17.3.2020

Section responsible Employment, Social Affairs and Citizenship

Adopted in section 11.11.2020

Adopted at plenary 2.12.2020

Plenary session No 556

Outcome of vote 220/0/15

(for/against/abstentions)

1. Summary

1.1. The German presidency of the Council of the EU has asked the EESC to give its opinion on the principles that must apply to EU Member States' public services in order to guarantee the core fundamental values of democracy and the rule of law, and on the conditions under which these principles act as automatic stabilisers of democracy and the rule of law in times of crisis.

1.2. For more than a decade, the EU has faced severe crises, including the fight against terrorism, the global financial debt and economic crises, the crisis in the Common European Asylum System, the environmental and climate crisis, as well as the COVID-19 pandemic. Effective public services play a crucial role in mastering crises, guaranteeing public safety and security of supply by providing access to their services based on the principle of equal access and guaranteed universality.

1.3. Based on a state of emergency, it was temporarily necessary to curtail fundamental rights in some of these exceptional crisis situations. To guarantee that such measures are justified and proportional, public services face the challenge of balancing interference in fundamental rights and enforcement of the rule of law and ensuring the legality of all administrative action.

1.4. With regard to threats to democracy and the rule of law throughout the world and also in the EU, public services have a protective function, in that they can refuse to obey illegitimate instructions and uphold European values and the rule of law. Respecting the basic principles of objectivity, integrity, transparency, respect for others and commitment to the European Union and its citizens, public services constitute pillars of democracy and a bulwark against populism.

1.5. To guarantee that public services in Europe act in all crisis situations as an automatic stabiliser, the European values enshrined in the EU Treaties, the Charter of Fundamental Rights of the EU, the European Convention for the Protection of Human Rights, Member States' guarantees of fundamental and human rights in national constitutions as well as the shared values of the Union in respect of services of general economic interest within the meaning of Article 14 of the Treaty on the Functioning of the European Union (TFEU) as set out in the Treaty on European Union (TEU), Protocol No 26 on services of general interests, have to set the tone for the conduct of administration on the European level and, in accordance with their constitutions, in all EU Member States.

1.6. The EESC underlines furthermore, that functioning public services at all levels throughout the EU require the necessary skills and human, technical, material and financial resources, as well as proper working conditions and sufficient remuneration, and social dialogue for public servants to carry out the tasks assigned to them and to function as an automatic stabiliser.

1.7. The Member States are solely responsible for their public services, which they organise according to their traditional principles and in accordance with their constitutional law. Without prejudice to this, the EESC advocates an effective European legal framework (including sanctions) that guarantees the full compliance of all Member States with democracy and the rule of law according to the 'Copenhagen Criteria', which are a necessary basis for good conduct by administrations in the EU and its Member States.

2. Questions, definitions and aims of the opinion

2.1. There is no single definition of 'public service' in the EU. For the purposes of this opinion, the EESC classifies as public services the various sovereign and administrative public services, including those of an industrial and commercial nature, which serve the general interest at national, regional and municipal level.

2.2. Public services ensure core democratic values including respect for fundamental and human rights, the constituent power of the people, the separation of powers, judicial independence, government accountability, pluralism of political parties and rights of expression and of opposition, the freedom of media, the prohibition of discrimination, minority rights, and the legality of the administration. For the EU, these fundamental values are enshrined as European values, in particular in Art 2 (TEU, and the Charter of Fundamental Rights).

2.3. The term 'automatic stabilisers' is taken from economic theory. By analogy with how these are defined, public service principles are seen as automatic stabilisers that protect the core values of democracy, in particular in times of crises.

2.4. The aim of this opinion is to identify criteria and frame European recommendations to make public services that are subject to national legislation operate as a stabilising element for democracy and the rule of law. This is about recognising the essential value of smoothly functioning public services in defending the core values of democracy and the rule of law in Europe.

2.5. Both natural and legal persons rely on smoothly functioning public services, which make an important contribution to a vibrant society, a productive economy and trust-based collaboration between the social partners. In this process, public services should treat people equally, without discrimination, guaranteeing unimpeded access for all citizens e.g. to quality education, social services, healthcare, housing, water and energy supply, and postal delivery, irrespective of sex, ethnic origin, religion, world view, disability, age or sexual preference.

2.6. Public services have a key role in maintaining democratic order but cannot do so without political pluralism, the freedom of expression, democracy, rights for civil society and intermediary bodies such as trade unions. They are integral part of democracies. Together with other democratic actors, they guarantee social progress.

3. Times of crisis — a challenge for democracy and the rule of law

3.1. Democracy and crisis policy

3.1.1. Particularly in times of crisis, it is essential, for example, that assistance be ensured for all those made vulnerable at such times — both natural and legal persons — in accordance with clear standards guaranteeing equality in law, and that disadvantaged individuals and groups also be able to access support.

3.1.2. The possible curtailment of fundamental rights based on a state of emergency due to an exceptional crisis situation must be justified, temporary and proportional, and authorised in specific circumstances by a democratically elected parliament. While an independent judiciary provides protection against unjustified administrative acts, democracy cannot work in the long term unless citizens enjoy their rights in full. Legislators, governments and public services must not only act in accordance with fundamental rights, but also be their guarantors.

3.1.3. The duty of impartiality of public servants is one of the prerequisites of equal treatment for all users and the prevention of discrimination. It must be guaranteed in all Member States to protect public servants from populism.

3.2. *Terrorism and state counter-terrorism measures*

3.2.1. Since 9/11, if not earlier, a difficult balance has been struck between guaranteeing freedoms on the one hand and effective security on the other. This is a particular challenge also for public services, since there may be a conflict between the protection of fundamental freedoms and the rule of law on the one hand and new executive powers on the other.

3.2.2. It is precisely when it comes to effective enforcement of the state monopoly on the use of force that the balancing act between interference in fundamental rights and security manifests itself — not only in abstract terms, but in actual daily practice. This requires public services with properly trained staff and the necessary resources to conduct their operations while respecting the right to liberty. Safeguards must be in place to prevent any abuse of public authority and ensure the right of recourse against acts which exceed the remit of public service, be it through an act of legislation, or by individuals.

3.2.3. Public services ensure public order. In doing so, they must strike a balance between safety and the protection of fundamental rights, using the latitude afforded by the principle of the proper exercise of discretion.

3.2.4. Alongside civil society organisations and diverse and independent social services, public services are a crucial pillar in preventing extremist radicalisation, violence, and intolerance, in promoting democracy and social cohesion and defending European values. This applies, inter alia, to the state education system.

3.3. *The global financial and debt crisis*

3.3.1. Years of austerity measures following the global financial and debt crisis have affected public services, weakening the impact of their work.

3.3.2. Experience from that period showed that short-term debt reduction need not necessarily be achieved through the privatisation of services of general interest.

3.3.3. The continued and reliable provision of free access to high-quality services of general interest should be guaranteed at EU level; it is particularly at times of crisis that these services demonstrate, thanks to this continuity, their role as powerful social shock absorbers.

3.3.4. A smoothly functioning and efficient public service makes an important contribution to maintaining proper levels of government spending. Efficiency does not mean a 'reduced role for the state', because poor performance leads to higher overall social and economic costs.

3.3.5. Through effective enforcement of the rules, a public service with trained staff and adequate resources acts as a tool for preventing future crises. This is the case, for instance, where an administration successfully combats tax avoidance and evasion and so guarantees government revenue, or where there is effective supervision of the financial sector.

3.4. *The crisis in the Common European Asylum System*

3.4.1. Since 2015 Europe has seen a sharp rise in the number of refugees. Effective public services, in tandem with civil society commitment, is crucial when meeting this challenge. The EESC insists that the right of asylum and the related international law must be guaranteed in all EU Member States and that the Common European Asylum System must be completed.

3.4.2. Where the capacity of public services of one or more Member States is not enough to ensure refugees sufficient protection of fundamental and human rights, for example at entry points to the EU, a pan-European solution is needed. Public services everywhere in the EU must be placed in a position where they can uphold European values as they carry out their tasks.

3.4.3. If one Member State's public services are acting on behalf of all Member States, the resulting burden must be fairly shared. At the same time, the highest level of protection of fundamental and human rights and respect for European values must be guaranteed in these operations.

3.4.4. The digital interoperability of border control systems must comply with the rules on personal data protection. The EU must guarantee respect for the protection of personal data by all administrations in all Member States.

3.5. *The environmental and climate crisis*

3.5.1. Public services are important for achieving the sustainable development goals (SDGs) and implementing the Green Deal. Public services can act as catalysts for change through environmentally friendly initiatives and policies in public procurement and work practices.

3.5.2. Environmental transformation is also becoming a question of social justice. For the sharing of burdens to be acceptable, fair distribution and non-discriminatory enforcement of obligations are essential.

3.5.3. Public services can implement incentive schemes and offer new services, especially in the areas of mobility, energy supply and security. Sustainability and carbon neutrality are also fundamental principles that the EU should make sure all public services in Europe respect.

3.6. *The COVID-19 pandemic*

3.6.1. The tension between freedom and security, between rights and state of emergency, has again come to the fore in the COVID-19 crisis. The dangers and the curbs on fundamental rights affect everyone equally.

3.6.2. Public services and their staff are in the first line of defence against the virus. They have to ensure public health, risk prevention and security of supply in all circumstances.

3.6.3. The COVID-19 crisis shows the extent to which Member States and their citizens need responsive, efficient, properly funded and modern public services. An acute crisis can require quick decisions. These must be well-founded and subject to democratic oversight. Otherwise democracy may suffer. A lack of legitimacy saps readiness to comply with rules. To act quickly in a crisis, governments need a good degree of public trust and rely on the efficacy of public services. As the administrative branch of the executive power, public services themselves need trust in order to implement decisions effectively.

3.6.4. The pandemic has demonstrated the need for public services to have sufficient trained and capable staff, resources and reserves. Recognising the fundamental nature of public service missions justifies paying public servants properly and that minimum social standards are applied to them throughout Europe. Many EU countries have demographic problems that need to be taken on board so as to make sure that public services remain or become financially attractive in the 'competition for the best minds'.

3.6.5. The quality of public service principles and proper working conditions for civil servants, including good social dialogue and democratic climate, increase citizens' confidence in their governments.

3.6.6. In balancing their capacity to safeguard the right to life and the right to physical integrity, all EU countries have in recent times restricted other fundamental rights to a degree unheard of in democracies. These unprecedented measures must only be temporary and be regularly reviewed by elected parliaments.

3.6.7. Public services are dependent on clear government decisions and legal clarity and certainty. The principle of transparency and good administration that the EU applies to itself leads the EU to ensure that all public services in Europe respect these principles.

3.6.8. There are many public services dealing with the economic and social fallout of the crisis. Together, they show in tangible terms the critical value of effective management in times of crisis.

4. Public services as automatic stabilisers

4.1. For there to be an automatic stabiliser, there must be a functioning administration throughout the EU, at European, central, regional and local level, with the necessary skills and human, technical, material and financial resources to carry out the tasks assigned to it.

4.2. With the exception of the European level, the assignment of tasks to the different levels need not be uniformly regulated across the EU, but should accommodate the particular circumstances of the Member States in order to ensure effective administration.

4.3. The decision about which services are to be provided by the public sector and which by the private sector is one for the Member States themselves. In taking that decision, they should make sure that any failure of private or public service providers in times of crisis does not constitute a risk to public safety or security of supply.

4.4. If all public services consistently adhere to the principles of legality, proportionality and equal treatment and implement the right to good administration, they strengthen trust in the rule of law, democracy and resistance to populist promises.

4.5. Transparent public services make a key contribution to the fight against corruption and thus to the provision of reliable and cost-effective services. Trust is strengthened by adherence to the fundamental principles of public service in Europe, and its availability, competence and openness to independent oversight bodies.

4.6. With regard in particular to the question of respect for fundamental and human rights by governments and legislators at all levels, public services — if they live up to their principles — have a protective and redistributive function in that they can refuse to obey illegitimate instructions, thereby protecting democracy and the rule of law.

4.7. Public education must make a substantial contribution by teaching European values and fostering a democratic civic culture. Formal education is a key public service in own right, especially in preparing the citizens of tomorrow.

4.8. The current pandemic shows how an overburdened health system can lead to violations of human dignity and the importance of having adequate staff and care capacity.

4.9. Functioning welfare authorities that provide unimpeded access to social security services without discrimination bolster trust in the rule of law. Here, public service reveals itself to be an expression of social solidarity.

5. Principles for public services in the European Union

5.1. The Member States are and will remain solely responsible for their respective public services, which they organise according to their traditional principles and in accordance with their constitutional law. Without prejudice to this, given the threats to democracy and the rule of law throughout the world, and unfortunately also in Europe, common European principles and guarantees are needed to ensure that the civil service and public services remain guarantors of democracy and the rule of law.

5.2. The EESC advocates an effective European legal framework that guarantees full compliance with the 'Copenhagen Criteria', which have been the criteria for accession to the EU since 1993 for all Member States. The framework should provide for the possibility of sanctions.

5.3. For all the public services of the EU and its Member States, European values enshrined in the EU Treaties, the Charter of Fundamental Rights, the European Convention for the Protection of Human Rights and Member States' guarantees of fundamental and human rights in national constitutions set the tone for the conduct of administration.

5.4. The shared values of the Union in respect of services of general economic interest within the meaning of Article 14 of the TFEU as set out in the TEU, Protocol No 26 on services of general interests provide the guidelines for the activation of public service principles across all Member States.

5.5. Public services in the EU Member States, for all their diversity, must obey three principles: neutrality, the application of law and order, and transparency. Shortcomings in the independence of the judiciary as well as constitutional amendments that undermine the aforementioned principles of public service and thus undermine the traditional principles of public services must lead to effective sanctions.

5.6. In accordance with the principle of neutrality, public services must guarantee access to their services based on the principle of equal access and guaranteed universality. The accessibility of these services must also be fully ensured for social groups for whom access is difficult, such as people with disabilities, minorities and those in rural areas.

5.7. Ensuring the legality of all administrative action is essential, and laws and instructions must not run counter to constitutional order or European values. These must also comply with the principles of proportionality, equal treatment and the proper exercise of discretion.

5.8. Public services put into effect the right to good administration and are transparent in their work ensuring public supervision of the executive. They ensure free access to administrative information and respond unreservedly to requests for information. Exceptions should be interpreted strictly.

5.9. Public services are bound by the UN Convention against Corruption and take all necessary measures to combat it. They also implement the recommendations of European Anti-Corruption Reports.

5.10. Public services are guided exclusively by a democratic civic principle. The role of an effective and structured civil society and political opposition is paramount to upholding this principle.

5.11. Staff working in public services must have the protection afforded by law and security in their terms of employment such that they can refuse to obey illegitimate service instructions and lodge complaints in an appropriate manner. This is part of the proper functioning of public services and constitutes a guarantee for democracy and for defending the general interest against corruption, fraud and abuse.

5.12. The EU directive on improved protection for whistleblowers applies to public service staff. As maintained in EESC opinion SOC/593 on Strengthening whistleblower protection at EU level ⁽¹⁾, the possibility of alerting the relevant internal or external authorities (which are not the media or the public) is a matter of choice for the staff member concerned..

5.13. Digitalisation notwithstanding, the possibility of contacting the administration in person must continue to be guaranteed in the future: this applies to all public services — local, regional and national — to ensure that an individual approach is taken to support for vulnerable people (the elderly, the poor, migrants, etc.) and that digitalisation is not an additional exclusion factor for this section of society.

5.14. Public services must keep pace with the current state of digitalisation without fundamental rights, including workers' rights, being weakened in the process. In terms of digital administration this applies particularly to data protection and the right to control one's own data.

5.15. Public services must have the necessary skills and human, technical, material and financial resources to carry out the tasks assigned to them. Adequate reserves are needed on all of these fronts in order to ensure they work properly, including in exceptional crisis situations.

5.16. The Member States alone are responsible for national public services, since these are crucial to a country's identity. However, they must be interoperable in the European multilevel governance system.

5.17. European cooperation and practical application of the principles governing public services in the EU must form part of the training for all staff performing public duties.

5.18. The number of exchange staff between the EU and its Member States, as well as between Member States, needs to be increased in order to better integrate administrative tiers in the EU multilevel system. Job rotation in public services should be possible within Member States without entailing disadvantages for those concerned.

⁽¹⁾ OJ C 62, 15.2.2019, p. 155.

5.19. European institutions providing in-service training should create courses on implementing the principles of public service and on ensuring the automatic stabilisation effect for public service staff at all levels.

5.20. All the public services involved in allocating European funds must respect and implement public service principles.

Brussels, 2 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

Opinion of the European Economic and Social Committee on The need to guarantee real rights for persons with disabilities to vote in European Parliament elections

(additional own-initiative opinion)

(2021/C 56/04)

Rapporteur: **Krzysztof PATER**

Plenary Assembly decision	20.2.2020
Legal basis	Rule 32(2) of the Rules of Procedure Additional own-initiative opinion
Section responsible	Employment, Social Affairs and Citizenship
Adopted in section	11.11.2020
Adopted at plenary	2.12.2020
Plenary session No	556
Outcome of vote (for/against/abstentions)	246/0/0

1. Introduction

1.1. This opinion is a summary of the second phase of the work of the European Economic and Social Committee (EESC), which aims to ensure that all European Union (EU) citizens with disabilities have a genuine right to vote in elections to the European Parliament (EP).

1.2. In the first stage, which ended in March 2019, the EESC drafted the information report *Real rights of persons with disabilities to vote in EP elections*⁽¹⁾. The report comprehensively describes the legal and technical obstacles preventing these rights from being realised in all EU Member States. This opinion cites only some of the findings and conclusions of that report, to fully understand the situation, one would need to read the whole report.

2. Conclusions and recommendations

2.1. In each of the 27 EU countries, there are rules or organisational arrangements that deprive some voters with disabilities of the possibility of participating in EP elections.

2.2. If no major legal changes are made, alongside the ageing of the population, there will be a steady rise in the number of people who do not have a genuine right to vote due to disability — this applies both to people living at home and those in long-term care institutions. This lack of possibility to vote also affects many other people, such as those undergoing short-term care in hospitals, people in the process of treatment or rehabilitation at home and people who are subject to isolation or quarantine due to epidemiological risks.

2.3. The EESC considers this unacceptable and contrary to the fundamental values of the EU and the provisions of the Treaty on European Union (TEU). It is also contrary to many international legal and political acts, including the UN Convention on the Rights of Persons with Disabilities, the UN Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the recommendations of the Council of Europe Committee of Ministers.

2.4. The EESC calls on the EP, the European Council and Member States to urgently amend the 1976 Electoral Act⁽²⁾ by clarifying the principles of universality, directness and secrecy of elections, which would make it possible to implement standards throughout the EU that would guarantee real voting rights for persons with disabilities, in accordance with Article 29 of the Convention on the Rights of Persons with Disabilities. The standards should include at least the following:

⁽¹⁾ <https://www.eesc.europa.eu/en/node/68473>

⁽²⁾ OJ L 278, 8.10.1976, OJ C 340, 10.11.1997, OJ L 283, 21.10.2002.

- a ban on depriving people of the right to vote in EP elections on the grounds of disability or health status,
- obligation to provide information on voting rules in a form suitable to the needs resulting from the type of disability,
- allowing individuals unable to access their polling station due to their disability to vote independently outside the polling station,
- implementing solutions that would enable persons with disabilities in need of significant support — such as persons who are deafblind, blind, visually impaired or having limited manual dexterity — to vote independently, without relying on assistance from other people,
- the possibility of changing the designated polling station to one that is more suited to the needs of voters with disabilities,
- a person's right to freely choose a personal assistant who will support them in exercising their right to vote.

2.5. Implementing these rules will still give Member States broad discretionary powers, but will nevertheless guarantee that as of 2024 every EU citizen will have the real right to elect their representative to the EP, regardless of nationality or country of residence.

3. State of play

3.1. *Obstacles encountered by persons with disabilities when exercising their voting rights*

3.1.1. Politicians across Europe are aware of the fact that many persons with disabilities are unable to exercise their voting rights as for many years representatives of organizations dealing with the rights of persons with disabilities and human rights, as well as individual persons with disabilities and their families, have been demanding a real right to vote, without any limitations. The President of the European Parliament Antonio Tajani also indicated this problem in the letter he sent in 2017 to all Member States' prime ministers, asking them to take all appropriate measures to ensure that persons with disabilities can exercise their voting rights during the 2019 elections. However, the expected result has not been achieved.

3.1.2. On 20 March 2019, the EESC sent its information report *Real rights of persons with disabilities to vote in EP elections* to EU institutions and Member States.

3.1.2.1. The report comprehensively describes the legal and technical obstacles encountered in all EU Member States by persons with disabilities when exercising their voting rights. It also presents more than 200 examples of good practices, namely solutions that make it easier for them to take part in elections.

3.1.2.2. The report provides an analysis of the rights of persons with disabilities to participate fully in political life, including the right to vote, arising from the most important international legal and political acts.

3.1.2.3. The report also provides a detailed description of the rules in force in the EU which govern how EP elections are conducted and how these rules can be amended.

3.1.3. The limitations described in the report were confirmed by reports from European media and civil society organisations from the last EP elections on 23-26 May 2019.

3.1.4. During the 2 months between the publication of the report in March and the EP elections in May, legal changes were decided in Germany⁽³⁾ and France⁽⁴⁾, enabling people to vote who had previously been deprived of that right. Despite this, national laws of 14 Member States still exclude a total of around 400 000 EU citizens from voting in EP elections on the grounds of intellectual disabilities or mental health problems — usually following the decision to place them under plenary or partial guardianship.

(3) https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2019/04/qs20190415_2bvq002219en.html

(4) <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000038261631&categorieLien=id>

3.1.5. Organisational arrangements (technical limitations) arising from rules or practices in Member States cause millions of EU citizens to be unable to vote in EP elections. For example:

- in 8 Member States, people who cannot get to a polling station due to disability or illness, including people in 24-hour care institutions, do not have any other way to vote;
- in 18 countries, blind people are not able to vote independently;
- in 12 countries, voters with disabilities cannot select their preferred polling station;
- in 9 countries, voters must write the candidate's identification number, their name or the name of the party they are supporting on the ballot paper, which constitutes a serious barrier, and not only for the blind;
- only 1 EU country has rules defining the equipment and operation of the polling stations so that they would be suited to the needs of persons with different disabilities (they apply to half the stations in the country).

3.1.6. In each of the 27 EU countries, there are rules or organisational arrangements which deprive some voters with disabilities of the possibility to participate in EP elections. However, if the best practices from all countries were implemented, there would be an ideal system whereby every EU citizen who has a disability would not only have the full possibility to vote, but would also be able to choose the method of voting most comfortable for them from several options.

3.1.7. The COVID-19 pandemic has prompted the countries organising elections in 2020 to implement new, often innovative solutions, creating the possibility of voting without having to come to the polling station, thus expanding the range of positive solutions applied in the Member States which are useful not only for persons with disabilities.

3.1.8. On 26 November 2020, the European Parliament adopted a resolution on stocktaking of European elections ⁽⁵⁾ in which, referring to the EESC's information report, it pointed out the serious barriers persons with disabilities face when exercising their right to vote.

3.2. Demographic and health determinants

3.2.1. According to Eurostat forecasts ⁽⁶⁾, the share of people aged 65 or over in the overall EU population will rise from 19,8 % in 2018 to 31,3 % in 2100.

3.2.2. According to Eurostat 'a girl born in 2015 could expect to live an average of 63,3 years in a healthy state free from any form of disability, while a new-born boy could expect to live 62,6 years free from disability' ⁽⁷⁾. As average life expectancy of this girl was 83,3 years and of a boy was 77,9 years — the average women born in 2015 will live 20 years experiencing disability while the men born in the same year — about 15 years.

3.2.3. According to Eurostat estimates ⁽⁸⁾, the rate of persons with disabilities in the 15-64 age group is 11-14 %, depending on the definition adopted. If the definition given in Article 1 of the UN Convention on the Rights of Persons with Disabilities, ratified by the EU and all Member States, is used as a reference then the rate exceeds 15 %.

3.2.4. It can therefore be estimated that almost 20 % of adult EU citizens, approximately 80 million people, currently experience some form of disability that makes it difficult to function in day-to-day life, and this rate will increase by 1 % on average every 6 years.

⁽⁵⁾ P9_TA(2020)0327.

⁽⁶⁾ https://ec.europa.eu/eurostat/statisticsexplained/index.php/Population_structure_and_ageing#The_share_of_elderly_people_continues_to_increase

⁽⁷⁾ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=People_in_the_EU_-_statistics_on_an_ageing_society&oldid=458862

⁽⁸⁾ <https://ec.europa.eu/eurostat/statistics-explained/pdfscache/34409.pdf>

3.2.5. The UN Convention on the Rights of Persons with Disabilities applies to people ‘who have long-term physical, mental, intellectual or sensory impairments.’ However, the EESC emphasises that other people who are not formally considered to have a disability because their impairment is temporary also experience the same limitations when it comes to the possibility of voting.

3.2.5.1. This includes, for example, short-term hospital patients and people undergoing treatment or rehabilitation at home who, due to the temporary constraints caused by their current state of health, are not able to vote at a polling station. This could apply to several hundred thousand patients in the EU.

3.2.5.2. This may also be important to people who, due to epidemiological risk, are subject to restrictions on movement, including isolation in a closed institution or not being able to leave their home. Experience from the COVID-19 pandemic shows that many millions of EU citizens could be affected at the same time.

4. The most important international legal and policy framework applying to the voting rights of persons with disabilities

4.1. Article 21 of the UN Universal Declaration of Human Rights, adopted on 10 December 1948, states that ‘Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.’

4.2. According to Article 25 of the International Covenant on Civil and Political Rights, adopted by the UN General Assembly on 16 December 1966, ‘Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:[...] To vote [...].’

4.3. The UN Convention on the Rights of Persons with Disabilities, which entered into force on 3 May 2008:

- requires States Parties to ‘ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, [...] including the right and opportunity [...] to vote’ and sets out a number of measures to enable this to happen, requiring that ‘voting procedures, facilities and materials [be] appropriate, accessible and easy to understand and use’ (Article 29);
- emphasises that ‘persons with disabilities have the right to recognition everywhere as persons before the law’ and ‘enjoy legal capacity on an equal basis with others in all aspects of life’ (Article 12);
- requires that people with disabilities have access to commonly used ‘buildings, roads, transportation and other indoor and outdoor facilities’ (Article 9).

4.4. The UN Committee on the Rights of Persons with Disabilities noted in 2015 ‘that across the European Union, persons with disabilities, especially those deprived of their legal capacity or residing in institutions, cannot exercise their right to vote in elections and that participation in elections is not fully accessible’ and recommended to ‘take the necessary measures ... to enable all persons with all types of disabilities ... to enjoy their right to vote’⁽⁹⁾.

4.5. The Treaty on the Functioning of the European Union clearly stipulates, in Article 20(2)(b), that ‘Citizens of the Union [...] shall have, inter alia: [...] the right to vote [...] in elections to the European Parliament [...] in their Member State of residence, under the same conditions as nationals of that State.’

4.6. The Charter of Fundamental Rights of the European Union confirms, in Article 39, the right of all EU citizens to vote in EP elections. Furthermore, in Article 21(1) the Charter stresses that ‘Any discrimination based on any ground such as [...] disability [...] shall be prohibited.’ Article 26 states that ‘The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their [...] participation in the life of the community.’

⁽⁹⁾ Concluding Observations on the initial Report to the European Union

4.7. The Recommendation of the Council of Europe Committee of Ministers of 16 November 2011 ⁽¹⁰⁾ reaffirms that all persons with disabilities have the right to participate in political and public life on an equal basis with others and ‘that accessible ballot papers and facilities should be available at the time of voting.’

5. Action to be taken

5.1. The EESC emphasises that in accordance with Article 10(2) of the Treaty on European Union (consolidated version) ‘citizens are directly represented at Union level in the European Parliament.’ Article 14(3) of the Treaty states that ‘Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.’ These provisions do not provide a basis for any differentiation in the right to vote in EP elections between people with disabilities depending on their citizenship or country of residence.

5.2. There are currently many examples in the EU of unjustified differentiation in the rights of people with disabilities and, therefore, discrimination against them. For example:

- a person with citizenship of two EU Member States could, depending on the identity document they chose, either vote completely independently or be deprived of the right to vote due to their intellectual disability;
- a person who is bedridden and requiring 24-hour care cannot vote because they are unable to get to the polling station and there is no other possibility of voting in the country of residence. However, if the same person lived in another EU country, they could vote freely by post, at a mobile ballot box or by internet;
- a blind person in one Member State can vote fully independently, without any support whatsoever, but if they lived in another country it would be impossible — they could only vote at a polling station with the assistance of another person;
- someone who had Parkinson’s disease would be able to vote independently in a country where voting is based on making a simple graphic sign (e.g. ‘X’) or selecting the relevant card from a package of cards they have received, but in a country where it is necessary to write a number, name or surname legibly on the ballot would face an insurmountable barrier;
- someone with serious mobility issues (e.g. requiring crutches or a wheelchair) would be able to choose a suitable polling station in some countries, while other countries do not allow free choice of polling stations, which often prevents such people from participating in elections.

The EESC considers such situations unacceptable and contrary to the basic values of the EU and the provisions of the TEU.

5.3. Member States are responsible for organising the EP elections and establishing their rules. However, their discretionary power is limited by EU law. The Electoral Act of 1976, which is the legal basis for the EP elections, sets out requirements which are sometimes different from Member States’ rules for local or national elections ⁽¹¹⁾. The EESC believes that amending this Act by requiring Member States to implement standards that guarantee persons with disabilities a genuine right to vote is an appropriate and quick way to remove existing practices that discriminate against these EU citizens.

5.3.1. The EESC believes that the principle of universal suffrage set out in Article 1(3) of this Act must be clarified by stating that no EU citizen may be deprived of their right to vote in EP elections because of a disability or health condition on the basis of national regulations.

5.3.2. The EESC considers it essential to clarify the principles of the directness and secrecy of the elections referred to in Article 1(3) of this Act by stating that when outlining detailed voting principles Member States are required to:

- enable persons who, due to disability, are unable to vote in a polling station to cast their votes directly and independently,
- provide information on voting rules in a form adapted to the needs resulting from all types of disability,

⁽¹⁰⁾ Recommendation CM/Rec(2011)14

⁽¹¹⁾ <https://www.eesc.europa.eu/en/node/68473> — Part 4.

- decide on a kind of voting method and implement the necessary technical arrangements for persons with disabilities in need of significant support — such as people who are deafblind, blind, visually impaired or having limited manual dexterity — to be able to vote independently without the assistance of others,
- guarantee all persons who have disabilities the possibility to change their designated polling station if they consider a different station to be better suited to their disability,
- ensure all voters with disabilities the right to freely choose the person who will help them vote (personal assistant).

5.4. The EESC believes that it is possible to take advantage of the wealth of positive experience of many countries to quickly implement the proposed solutions, taking into account the specific features and electoral traditions of each Member State.

5.4.1. 17 EU countries already have arrangements in place for voting by mobile ballot box for certain groups of voters. In eight countries people can vote by post. In one country it is possible to vote online. Some EU countries organise closed stations in 24-hour care facilities. These solutions enable people who are not able to get to their designated polling station to vote.

5.4.2. Nine Member States have implemented solutions for blind people to vote independently. This takes the form of special covers for ballot papers on which a simple graphic symbol is placed when voting, or entails preparing envelopes for polling cards inscribed with Braille so that the voter can easily find the right card to put into the ballot box. Special covers are also very helpful for visually impaired people as well as those with reduced manual dexterity. Countries that currently require voters to include a candidate's consecutive number or surname on the ballot paper can benefit from this expertise if they decide to change the system to a more convenient one.

5.4.3. 15 countries provide voters the possibility to change polling stations, at least when justified by a disability. In 10 countries it is possible at least for certain groups of people to vote in advance, most often in facilities well adapted to the needs of persons with different types of disabilities. Because no EU country has all of its polling stations adapted for persons with all kinds of disabilities, giving voters the right to freely choose the appropriate station is the only appropriate solution.

5.4.4. In many countries, any person chosen by voters with disabilities can perform the function of an assistant during elections. However, a large group of countries limit the right to freely choose an assistant. This can only be considered justifiable in a situation where it would have to be a person who is performing other duties at the same time (for example, a member of the electoral commission or an observer). In other cases, the restrictions are not justified and the procedure for selecting an assistant used in some countries is detrimental to the dignity of voters with disabilities.

5.5. The implementation of these principles will by no means limit the discretionary power of Member States, and would guarantee that every EU citizen who has a disability would have a real right to elect their representative in the EP regardless of nationality or country of residence. The EESC believes that it is essential to adopt these principles so that the next EP elections can be considered truly universal.

5.5.1. Article 223(1) of the TFEU provides that 'The European Parliament shall draw up a proposal to lay down the provisions necessary for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States. The Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, which shall act by a majority of its component Members, shall lay down the necessary provisions. These provisions shall enter into force following their approval by the Member States in accordance with their respective constitutional requirements.'

5.5.2. In light of this and with a view to guaranteeing all EU citizens who have disabilities the right to vote in the EP elections in 2024, the EESC calls on:

- The European Parliament to urgently draw up a draft amendment to the 1976 Electoral Act,

- The European Council to lay down revised rules in accordance with the objectives set out in this opinion,
- Member States to approve the rules laid down by the Council without undue delay.

5.5.2.1. The EESC is aware that many, often controversial, proposals to amend the rules governing EP elections have been discussed in recent years. Nevertheless, it believes that the proposals on voting rights of persons with disabilities should be excluded from this general debate and put forward as a separate project, as only this approach offers the prospect of reaching a broad consensus and implementing the proposed changes quickly. Implementing standards concerning persons with disabilities exercising their voting rights could also be a good basis for similar initiatives on other issues in the future, as mentioned in the European Parliament resolution of 26 November 2020 ⁽¹²⁾.

Brussels, 2 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

⁽¹²⁾ Point 23 of the European Parliament resolution of 26 November 2020 on stocktaking of European elections (2020/2088(INI)); P9_TA(2020)0327.

III

(Preparatory acts)

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

556TH PLENARY SESSION OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE –
INTERACTIO, 2.12.2020-3.12.2020**Opinion of the European Economic and Social Committee on ‘Proposal for a Regulation of the European Parliament and of the Council on cross-border payments in the Union (codification)’***(COM(2020) 323 final — 2020/0145 (COD))**(2021/C 56/05)*Rapporteur: **Gonçalo LOBO XAVIER**

Consultation	European Parliament, 23.7.2020 Council of the European Union, 15.10.2020
Legal basis	Article 114(1) of Treaty on the Functioning of the European Union
Section responsible	Single Market, Production and Consumption
Adopted in section	10.11.2020
Adopted at plenary	3.12.2020
Plenary session No	556
Outcome of vote (for/against/abstentions)	242/2/5

1. Conclusions and recommendations

1.1. The European Economic and Social Committee (EESC) welcomes the Commission proposal on cross-border payments in the Union aimed at lowering the costs for cross-border payments in euros and at bringing more transparency regarding currency conversion fees.

1.2. The EESC endorses the fact that the Commission should analyse further possibilities — and the technical feasibility of those possibilities — of extending the equal charges rule to all Union currencies and of further improving the transparency and comparability of currency conversion charges. Extending the equal charges rule to all Union currencies would go even further in deepening the internal market and would avoid any discrimination against citizens living outside the euro area and who might, for example, initiate a cross-border transaction in a currency different from the euro.

1.3. Concerning the submission and covering period of this report aimed at evaluating several aspects of the impact of the proposal for a Regulation, the EESC agrees with the fact that it should be submitted on 19 April 2022 at the latest and cover at least the period from 15 December 2019 to 19 October 2021.

1.4. In the spirit of codification and given that the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments (since no changes of substance may be made to the instruments affected by codification), the EESC fully endorses 20 April 2021 as the date of entering into force of the current Regulation.

2. The Commission proposal

2.1. In the context of a people's Europe, the Commission puts the emphasis on simplifying and clarifying the law of the Union in order to make it clearer and more accessible to citizens. This objective cannot be achieved if numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules. For this reason, a codification of rules that have frequently been amended is also essential if the law is to be clear and transparent ⁽¹⁾.

2.2. The purpose of the current Commission proposal, COM(2020) 323 final, is to undertake a codification of Regulation (EC) No 924/2009 of the European Parliament and of the Council ⁽²⁾. Regulation (EC) No 924/2009 has been amended by Regulation (EU) No 260/2012 of the European Parliament and of the Council ⁽³⁾ and subsequently by Regulation (EU) 2019/518 of the European Parliament and of the Council ⁽⁴⁾.

2.3. The new Regulation will supersede the various acts incorporated in it; the current proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself ⁽⁵⁾.

3. General comments

3.1. Cross-border payments are crucial for the integration of the EU economy, and play an important role in ensuring that citizens and enterprises from all EU Member States enjoy the same rights offered by the single market ⁽⁶⁾. In fact, payments are a key element of the single market which encompasses the free movement of goods, persons, services and capital. As stated in the Commission staff working document *Impact Assessment Accompanying the document Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 924/2009 as regards certain charges on cross-border payments in the Union and currency conversion charge* ⁽⁷⁾, 'High cross-border payment costs are creating barriers to the single market — effective barriers to cross-border activities of households (buying goods/services in another currency zone) and enterprises (using suppliers located abroad, reaching clients in another currency zone) [...]. High costs of cross-border payments also create two categories of payment services users: those in the euro-area who are able to reach, with their payments, a majority of EU citizens and businesses at very low costs, and those in non-euro countries who can only reach a small number of people and businesses with low-cost payments. In order to address those two concerns, legislative action at EU level is the most effective response, and it is in line with the objectives of the Treaties'.

3.2. Since the introduction of the euro, the EU has conducted several initiatives aimed at reducing the cost of cross-border transactions ⁽⁸⁾. Over time, legislation related to cross-border payments has progressed through different steps which aimed at lowering the costs for citizens and enterprises within the euro area. However, as stated in the Commission staff working document mentioned above ⁽⁹⁾, 'cross-border euro payments originating from non-euro area countries as well as cross-border non-euro payments, whatever the country of origin or destination, have not followed the same trend when it comes to the level of fees paid by payment services users'.

⁽¹⁾ COM(2020) 323 final.

⁽²⁾ Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11).

⁽³⁾ OJ L 94, 30.3.2012, p. 22.

⁽⁴⁾ OJ L 91, 29.3.2019, p. 36.

⁽⁵⁾ COM(2020) 323 final..

⁽⁶⁾ See EP Briefing *Cross-border euro transfers and currency conversions — A step forward in favour of the single market* [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/628291/EPRS_BRI\(2018\)628291_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/628291/EPRS_BRI(2018)628291_EN.pdf)

⁽⁷⁾ See https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL%3AST_7844_2018_ADD_1&from=FR

⁽⁸⁾ See for example SEPA Regulation (EU) No 260/2012, which introduced a set of standards for euro transactions (SEPA credit transfers, SEPA direct debits), or the Payment Services Directives which increased the transparency of fees and allowed new players to enter the market.

⁽⁹⁾ See https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL%3AST_7844_2018_ADD_1&from=FR

3.3. The current Commission proposal represents yet another step in the direction of lowering the operational costs. It amends Regulation (EC) No 924/2009 with the aim of:

- (a) lowering the costs for cross-border payments in euros: in other words, the price of intra-EU cross-border-payment transactions in euros should not be different from that of domestic transactions made in the national currency of the Member States. Member States which do not have the euro as their national currency can decide to extend the application of the current Regulation to their national currency (opt-in), provided they notify the Commission accordingly;
- (b) bringing more transparency regarding currency-conversion fees, in order to protect consumers against excessive charges for currency conversion services and ensure that they are given the information they need to choose the best currency conversion option ⁽¹⁰⁾.

3.4. Both actions proposed by the Commission would represent a step forward in providing equal opportunities to SMEs everywhere in Europe, unlocking the potential of the single market ⁽¹¹⁾. SMEs located in the euro area would get potentially higher demand from consumers and enterprises based in non-euro Member States (where high fees for cross-border payments constitute a significant barrier). In turn, SMEs based in non-euro area Member States would have lower-cost access to 360 million citizens (potential clients) and 16 million euro area enterprises (clients and providers). Hence, they would be able to compete better on the EU market ⁽¹²⁾. Another expected impact is the promotion of greater equality between European citizens concerning access to low-cost cross-border payments.

4. Specific comments

4.1. Regulation (EC) No 924/2009 on cross-border payments equalised, across the EU, the fees for intra-EU cross-border euro payments with the fees for domestic euro payments (that is to say for transactions within the same Member State). EU Member States outside the euro area may decide to extend the application of the current Regulation to their national currency, provided they notify the Commission accordingly.

4.2. Even though the Regulation proposal constitutes an important step towards deepening of the internal market, it would be worth reflecting on the possibility of extending the equal charges rule to all Union currencies, as mentioned in recital 12. In fact, situations can be seen where some banks located in Member States outside the euro area charge between EUR 15 and 30 for a cross-border transaction of an amount equivalent to EUR 100.

4.3. Extending the equal charges rule to all Union currencies would be beneficial for consumers of financial services who would be equally treated, independently of the Member State or the currency in which they make a cross-border transaction. Extending the equal charges rule to all Union currencies would be an even more ambitious step, since it would imply that payment service providers align their fees for all cross-border transactions between EU countries in whatever EU currency with domestic transactions, including transactions in currencies that are not the ones of the sending or receiving country. Payment services users would certainly benefit from such an option, but it would imply significant costs for payment service providers, among others in terms of infrastructure ⁽¹³⁾.

4.4. The European Commission should definitely reflect further on this possibility, analysing the benefits and costs for all the stakeholders.

⁽¹⁰⁾ See [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/628291/EPRS_BRI\(2018\)628291_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/628291/EPRS_BRI(2018)628291_EN.pdf)

⁽¹¹⁾ See [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/628291/EPRS_BRI\(2018\)628291_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/628291/EPRS_BRI(2018)628291_EN.pdf)

⁽¹²⁾ See https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL%3AST_7844_2018_ADD_1&from=FR

⁽¹³⁾ See https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL%3AST_7844_2018_ADD_1&from=FR

4.5. The EESC believes that, in a future revision of the regulation, it would be relevant to clarify the situation of fees on account incomes, to further reflect on the information to be provided to customers prior to the initiation of a payment order, and to explicitly mention the moment when electronic notification should be sent and with which frequency.

Brussels, 3 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

Opinion of the European Economic and Social Committee on ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — EU Agenda and Action Plan on Drugs 2021-2025’

(COM(2020) 606 final)

(2021/C 56/06)

Rapporteur-general: **Ákos TOPOLÁNSZKY**

Referral	European Commission, 23.9.2020
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Employment, Social Affairs and Citizenship
Bureau decision	15.9.2020
Adopted at plenary	3.12.2020
Plenary session No	556
Outcome of vote (for/against/abstentions)	246/1/3

1. Conclusions and recommendations

1.1. The EU Drugs Strategy that is now expiring highlighted and demonstrated the role and importance of balanced, evidence-based planning, and of monitoring and evaluating drugs policy.

1.2. However, the external evaluation report on the EU drugs strategy concluded that it had only partially achieved its objectives of reducing supply and demand, while significant progress had been made with regard to international cooperation and monitoring, evaluation and research. The report identified imbalances in the use of financial resources, in particular at the expense of demand reduction interventions.

1.3. The review undertaken by the Civil Society Forum on Drugs set up by the European Commission highlighted some significant shortcomings in the implementation of health and social interventions at Member State and local level. In the majority of Member States, numerous evidence-based prevention and harm reduction interventions are completely non-existent or have low coverage.

1.4. On 24 July 2020, the European Commission published its new Security Union Strategy for 2020 to 2025, of which the agenda on drugs is one element. The EESC takes the view that, in its current form, this agenda is a clear step backwards, and abandons the consensual, balanced and evidence-based approach previously taken to the fight against drugs, which had been evaluated positively.

1.5. The EESC welcomes the decision taken by the European Council's Horizontal Working Party on Drugs, at its meeting on 28 September, to ask the German Presidency of the Council to recast, by December, the document drawn up by the European Commission. The EESC strongly believes that the technical approach and public policies that formed the consensual basis for the previous EU drugs strategy must be continued and further strengthened in the 10th such strategy.

1.6. The EU should respect and resolutely defend the fundamental values set out in its current strategy and commit itself to them in its strategy document.

1.7. The EESC recommends that the new drugs strategy and the new EU action plan(s) in this field should significantly improve the balance between demand reduction and harm reduction interventions in terms of both the number of strategic interventions and the allocation of resources.

1.8. It is important for the agenda to address drug phenomena in a truly balanced way, using an integrated, multidisciplinary approach within a framework that is based on human rights and international cooperation, takes account of public health aspects and developments in scientific knowledge, and provides for continuous evaluation. The EU's drugs strategy should recognise drug users' fundamental rights when it comes to treatment and care, as is the case for any other category of illness.

1.9. The EESC believes that, in the longer term, there is a need to improve consistency in Member States' law enforcement practices in the interests of harmonisation, given that the existing differences between Member States' practices unquestionably undermine human rights.

1.10. The COVID-19 pandemic has shown that vulnerable groups of drug users are particularly exposed to the negative impact of the epidemiological situation, which could lead to a striking increase in the risks associated with drug use.

1.11. Indicators to assess the effects of supply reduction interventions and quality standards should be established as soon as possible on the basis of the model already being used to reduce demand.

2. Background

2.1. The EU's first joint action plan on drugs was drawn up in 1990 by the European Committee to Combat Drugs (CELAD), set up at the initiative of French president François Mitterrand. In 1995, the European Commission took over the task of defining European drugs strategies. The last EU drugs strategy, adopted by the European Council on 7 December 2012 for a seven-year period (2013-2020), was based on 'a balanced, integrated and evidence-based approach'. During this period, responsibilities and short-term goals were set out in two action plans (2013-2016 and 2017-2020).

2.2. While the EU's drugs strategy is legally non-binding, it is an expression of the shared commitment and policy ambitions of the Union and the Member States. It determines the actions of the European institutions and agencies, influences the Member States' policy approaches to the issue, sets common guidelines and priorities, and allows for the adoption of unified positions on the international stage. The EU has demonstrated this resoundingly, for example at the Special Session of the UN General Assembly (UNGASS) in 2016 and at the session of the UN Commission on Narcotic Drugs in 2019 ⁽¹⁾.

2.3. The EU Drugs Strategy highlighted and demonstrated the role and importance of balanced, evidence-based planning, and of monitoring and evaluating drugs policy.

2.4. However, the external evaluation report on the EU drugs strategy ⁽²⁾ concluded that it had only partially achieved its objectives of reducing supply and demand, while significant progress had been made with regard to international cooperation and monitoring, evaluation and research. The report identified imbalances in the use of financial resources, in particular at the expense of demand reduction interventions. It concluded that, in order to make more efficient use of limited resources, it was necessary to prioritise actions and to reduce the duration of the strategy (currently eight years).

2.5. The Civil Society Forum on Drugs set up by the European Commission investigated the implementation of the action plan's objectives for 2017-2020 at Member State and local level, with contributions from 169 civil society organisations from 32 countries ⁽³⁾. Its report highlighted some significant shortcomings in the implementation of health and social interventions at Member State and local level. In the majority of Member States, numerous evidence-based prevention and harm reduction interventions are completely non-existent or have low coverage. This is mainly due to a lack of funding and political ownership.

2.6. The strategy established the first common interpretation framework for demand reduction interventions, comprising 'a range of equally important and mutually reinforcing measures, including prevention (environmental, universal, selective and indicated), early detection and intervention, risk and harm reduction, treatment, rehabilitation, social reintegration and recovery'.

⁽¹⁾ EU Statement on the occasion of the 62nd session of the Commission on Narcotic Drugs, Vienna 14-22 March 2019. 'The European Union and its Member States strongly support the concrete implementation of the UNGASS Outcome Document for a real balanced drug policy at international level, strengthening the prevention, public health and human rights dimension in order to accelerate our joint commitment to efficiently improve the world drug situation. (...) address drug demand reduction across its full spectrum: prevention, risk and harm reduction, treatment, and social integration and rehabilitation.'

⁽²⁾ SWD(2020) 150.

⁽³⁾ https://drogriporter.hu/wp-content/uploads/2018/12/2018_CSF-report_final.pdf

2.7. The strategy's action plan and its latest evaluation highlight the need for scientifically robust monitoring of supply reduction interventions and for alternative sanctions for drug users, but also underline the role of civil society in drafting, implementing, monitoring and evaluating strategies at both European and national level.

3. European Commission communication

3.1. On 24 July 2020, the European Commission published its new Security Union Strategy for 2020 to 2025, made up of three elements: a strategy for combating child abuse, the agenda on drugs (referred to below as the 'agenda'), and a strategy on firearms trafficking. The introduction to the agenda explicitly highlights the need for a paradigm shift in European drugs policy, stating that supply reduction interventions should be strengthened and given more weight. Of the three pillars of the agenda (enhanced security/supply reduction, prevention and harm reduction), it is the first that is given the most attention.

3.2. The annex to the agenda contains the draft Action Plan on Drugs. 26 of the actions listed come under the 'supply reduction' pillar, while only five fall under 'prevention' and 13 under 'harm reduction'. However, the latter pillar includes four actions whose classification there is questionable (actions 40 and 41 on driving under the influence of drugs, action 42 on alternatives to coercive sanctions, and action 43 on sharing forensic data). Overall, there are thus major imbalances in how the action plan is divided up, in favour of the 'supply reduction' pillar.

3.3. The EESC takes the view that this agenda is a clear step backwards, and abandons the consensual, balanced and evidence-based approach previously taken to the fight against drugs, which had been evaluated positively.

3.4. At the meeting of the European Council's Horizontal Working Party on Drugs on 28 September, the agenda was also heavily criticised by a majority of Member States; they were critical of the circumstances in which it was drafted, its direction and its content, and therefore decided that the German Presidency of the Council would recast the document prepared by the European Commission by December.

3.5. The European Commission's civil society advisory body (the Civil Society Forum on Drugs) criticised a number of points in the agenda and deemed it unacceptable:

- a) During the drafting process, civil society stakeholders and the Member States were not able to see the conclusions of the external evaluation until after the agenda was published, and therefore could not give a preliminary opinion on the draft agenda.
- b) The agenda does not reflect the priorities proposed by civil society stakeholders, but further reduces the emphasis on health and social interventions within a drugs policy that already places disproportionate weight on supply reduction measures.
- c) The security-focused framework and language of the agenda reinforce an outdated and stigmatising approach.
- d) The imbalance characteristic of the approach favoured in the action plan, and its expected impact on resource allocation, are concerning, as are the lack of measurable indicators and the consequences of that in terms of accountability.

3.6. Influential civil society organisations in this field have unanimously criticised the general spirit and the details of the draft, and called for it to be thoroughly revised.

4. Policy considerations

4.1. The EESC strongly believes that the technical approach and public policies that formed the consensual basis for the previous EU drugs strategy must be continued and further strengthened in the 10th such strategy. The Committee therefore welcomes the European Council's commitment to developing a balanced, integrated and evidence-based European drugs strategy. It invites the German government, which holds the Presidency of the Council of the European Union, to take into account the following aspects in drafting the new drugs strategy.

4.2. The EESC recommends retaining the language used in the agenda, and the professional and scientific terminology, and further developing the strategic approach favoured to date, while adapting it to administrative use and ensuring that its implementation can be monitored continuously and evaluated critically.

4.3. The EU should respect and resolutely defend the fundamental values ⁽⁴⁾ set out in its current strategy ⁽⁵⁾ and commit itself to them in its strategy document.

4.4. The Committee proposes that the document for adoption should make explicit reference to, and build on, the international conventions and policy recommendations underlying its substantive and legal validity ⁽⁶⁾. The EESC encourages the EU's decision-making bodies to maintain the Union's leading position and its exemplary engagement in international drugs policy forums.

4.5. In the EESC's view, the new agenda should also incorporate the flagship elements of the previous strategy and, taking into account developments in scientific knowledge, further develop the framework for prevention, treatment, harm reduction, treatment models and recovery processes.

4.6. The evaluation of the previous strategy and action plan on drugs identified significant imbalances in favour of criminal justice interventions in terms of prioritisation and the allocation of drugs policy resources. Health and social interventions make up only a fraction of what Member States devote to reducing supply. In a number of countries, this has led to the suspension or extremely low coverage of the services concerned, with sometimes serious consequences in terms of increased mortality and morbidity. The EESC recommends that the new drugs strategy and the new action plan(s) in this field significantly improve the proportion of demand reduction interventions within drugs policy, in terms of both the number of strategic interventions and the allocation of resources. The Committee also hopes that the Commission will make every effort to ensure that the Member States significantly improve their coverage and quality.

4.7. The mandate and toolkit of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) should also be strengthened and scientific conclusions should be directly incorporated into the decision-making process.

4.8. It is important for the agenda to address drug phenomena in a truly balanced way, using an integrated, multidisciplinary approach within a framework that is based on human rights and international cooperation, takes account of public health aspects and developments in scientific knowledge, and provides for continuous evaluation.

4.9. The EESC points out that, as drug use is a complex biopsychosocial phenomenon, inappropriate measures to combat drugs, such as the unilateral criminalisation of drug users, cause serious health and social harm and therefore exacerbate societal security problems rather than solving them. For this reason, the EESC recommends:

- a) that the European Council maintain its previous approach and remove the agenda on drugs from the Security Union package;
- b) that it ensure that the phenomena linked to the various facets of the problem are given tailored treatment;
- c) that it adopt a multidisciplinary approach in responding to these phenomena;
- d) and that it use sanctions and law enforcement only as a last resort in cases where other intervention tools can be shown to be ineffective.

4.10. Over the past few decades, there has been a real improvement in the culture of monitoring and evaluating demand and risk reduction interventions. With a view to promoting an evidence-based drugs policy, the EESC recommends:

⁽⁴⁾ '...is based first and foremost on the fundamental principles of EU law and, in every regard, upholds the founding values of the Union: respect for human dignity, liberty, democracy, equality, solidarity, the rule of law and human rights. It aims to protect and improve the well-being of society and of the individual, to protect public health, to offer a high level of security for the general public and to take a balanced, integrated and evidence-based approach to the drugs phenomenon.'

⁽⁵⁾ https://www.consilium.europa.eu/media/30727/drugs-strategy-2013_content.pdf

⁽⁶⁾ <https://www.unodc.org/documents/postungass2016//outcome/V1603301-E.pdf>
https://www.unodc.org/documents/ungass2016/Contributions/IO/EU_COMMON_POSITION_ON_UNGASS.pdf

- a) ensuring that the new drugs strategy and action plan place a strong emphasis on significantly improving the coverage and quality of social and health services for drug users, reviewing the indicators already used in the previous action plan;
- b) developing, with the help of the EMCDDA and the Civil Society Forum on Drugs, a single system to allow continuous monitoring and evaluation in the various Member States of developments in the coverage and quality of interventions provided for in the EU Action Plan on Drugs;
- c) establishing as soon as possible, on the basis of the model already used to reduce demand, indicators for assessing the effects of supply reduction interventions and quality standards, recognising that, though such interventions potentially have a direct and serious impact on the individual living conditions and freedoms of the people concerned, they are rarely subject to evidence-based assessment;
- d) broadening the mandate of the EMCDDA to include an evaluation of the impact of drugs policy on human rights, which will, for example, measure the negative effects of criminalisation and institutional discrimination on drug-using populations belonging to vulnerable groups.

4.11. The EESC believes that, in the longer term, there is a need to improve consistency in Member States' law enforcement practices in the interests of harmonisation, given that the existing differences between Member States' practices unquestionably undermine human rights⁽⁷⁾.

4.12. The EESC is therefore convinced that the European Union must find and develop ways of leading the Member States to significantly harmonise their approaches to drugs policy in the future, and not only by means of policy recommendations.

4.13. The EESC also considers it important for innovative science-based interventions to be recognised, guaranteed and supported in the strategic programmes of the EU and its Member States.

4.14. Given that, in terms of the social reality, legal addictions (alcohol, tobacco, most behavioural addictions) and illegal ones constitute an interpersonal system within families and communities, the EESC recommends that the European Union and its Member States should no longer evaluate and manage these risks separately, but see them as interconnected elements making up one single system, and that they should increasingly put forward common intervention policies.

4.15. Based on the principle of 'first, do no harm', a frank and robust evaluation and debate are needed to address the negative impact of policies and the regulatory environment, the effects of social stigmatisation and unjustified criminalisation, and barriers to access to treatment. The EESC recommends also taking into account the substantive assessment in the common position adopted by 32 UN agencies in 2019⁽⁸⁾.

4.16. The EU's drugs strategy should recognise drug users' fundamental rights when it comes to treatment and care, as is the case for any other category of illness.

4.17. The allocation of Member States' budgetary resources should be assessed on the basis of the availability and capacity of recognised and recommended services in this area.

4.18. Greater professional involvement by civil society is essential for the implementation of the fundamental principles. The European mandate of the Civil Society Forum on Drugs should therefore be strengthened, as should the involvement of civil society professionals in the Member States. To this end, it is necessary to regularly assess the openness of the Member States and their willingness to cooperate, along with their practices in terms of involving professional organisations in the decision-making process.

⁽⁷⁾ The same conduct will lead in some countries to criminal prosecution and rigorous law enforcement, and in others to the provision of healthcare and social services — i.e. a difference in treatment based solely on a drug user's nationality or place of residence. Similarly, the provision of certain services is considered in some Member States to be a fundamental right while others reject this idea.

⁽⁸⁾ CEB/2018/2, pp 12-14.

4.19. The Committee believes that supply reduction interventions are important, but stresses that they must always be coordinated with demand reduction interventions. While effective law enforcement and judicial tools are essential to tackling the illicit drugs trade, it has become clear in recent decades that unilateral criminalisation policies have a negative impact on the health of people and communities, as well as on the social integration of drug users.

4.20. The COVID-19 pandemic has shown that vulnerable groups of drug users are particularly exposed to the negative impact of the epidemiological situation, which could lead to a striking increase in the risks associated with drug use (reduced access to treatment, taking greater risks to buy drugs, buying more dangerous drugs, increased criminalisation and stigmatisation effects, negative consequences for public health, further reduction of basic livelihoods, etc.). Due to the pandemic, in many countries it is precisely those services that form the only interface between these groups and the treatment pathway that are liable to suffer the most from the situation and to be forced to reduce their capacity.

Brussels, 3 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

Opinion of the European Economic and Social Committee on ‘Amended proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast)’

(COM(2020) 579)

and

‘Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1139 as regards the capacity of the European Union Aviation Safety Agency to act as Performance Review Body of the Single European Sky’

(COM(2020) 577)

(2021/C 56/07)

Rapporteur-general: **Dumitru FORNEA**

Referral	Council of the European Union, 26-27.10.2020 European Parliament, 22.10.2020
Legal basis	Article 100(2) and 304 of the Treaty on the Functioning of the European Union
Section responsible	Transport, Energy, Infrastructure and the Information Society
Bureau decision	28.10.2020
Adopted at plenary	2.12.2020
Plenary session No	556
Outcome of vote (for/against/abstentions)	198/21/34

1. Conclusions and recommendations

1.1. The European Economic and Social Committee values the efforts of the European Commission, the European Parliament and the specialised EU institutions to find new legal and administrative solutions that can ensure the sustainable development of the air transport system for the benefit of all citizens, airspace users and the environment. We all agree that it is necessary to ensure air traffic safety, to improve the overall performance, scalability and resilience of air traffic management and air navigation services (ATM/ANS), and also we support the aim of the Single European Sky (SES) for a coherent pan-European network and a progressively more integrated and technologically modernised ATM/ANS.

1.2. The European Commission’s amended recast proposal for Single European Sky (SES) is generally welcomed by many stakeholders and it is considered to be necessary to achieve the goals set out by the Commission namely: reduction of CO₂-emissions, lesser delays on the ground (airports) and more cost efficiency in the ATM service provision. These goals also have the support from other reports such as the Wise Persons Group report on the future Single European Sky from 2019 ⁽¹⁾.

1.3. The Single European Sky amended recast proposal presented is an updated regulatory framework that attempts to achieve the original SES targets on reducing CO₂ emissions, reducing delays and improvements in the cost efficiency of the ATM service provision. However, even if the Commission’s proposal is an improvement compared to the existing regulation, it remains unclear whether the draft is sufficient to achieve the original SES goals. Therefore, we suggest initiating a discussion to clarify the ambition of the new SES regulation.

⁽¹⁾ <https://www.sesarju.eu/node/3330>

1.4. The function of the network manager needs to be clarified. In particular, the overall scope and its impact on airline planning, capacity management, airspace design, the environment and the prioritisation of demands.

1.5. All stakeholders in aviation should be engaged in reaching major decisions. The principle of meaningful consultation needs to be part of the framework proposal.

1.6. There is concern that the ambition of this proposal is too broad, and therefore environmental measures should be given further thought and development outside this proposal. Such an additional policy should consider all relevant sustainability measures in aviation, including the introduction and integration of sustainable aviation fuels (SAFs). In these debates, the effectiveness of modulation of charges to incentivise environmental behaviour of airlines should be assessed.

1.7. While recognising that the ATM sector can contribute to the overall reduction of CO₂ emissions, the effective use of technology in a sustainable way can mitigate CO₂ emissions in aviation. This approach should be considered as a means to further reduce the aviation industry's footprint. It is recognised that technologies such as Sustainable Aviation Fuels (SAFs) can significantly reduce CO₂ emissions, considerably more than can be achieved through this proposal.

1.8. The proposal is lacking in its consideration for the dramatic impact of COVID-19 on the industry. Specifically, the proposal's encouragement of structural change has the potential to create further fragmentation and greater complexity at a time when the industry needs stability to recover. Therefore, further study and consideration is needed to give adequate consideration to the social and economic impact of the COVID-19 pandemic for both workers and service users. Additionally, the aim of the proposal to improve capacity in the ATM sector has become less relevant as traffic has reduced dramatically since the COVID-19 pandemic began. Current estimates from Eurocontrol show that a return to 2019 traffic is likely to take place in 2024^(?).

1.9. In relation to the performance scheme, a top-down EASA led approach on performance review should take local conditions into account in a meaningful way. A structured social dialogue process around performance must take local conditions and factors into account.

1.10. The independence of a new economic regulator must be ensured and a clear demarcation between the regulation of and the application of services must be maintained. Therefore, the following amendments to the performance scheme should be made:

- the safety KPA should be developed at the same level as other KPA with EU metric targets and indicators,
- mandatory consultation mechanisms should be introduced at local level to ensure appropriate involvement of staff representatives in the adoption of local performance plans,
- interdependency between the different KPA should be acknowledged and appropriately mitigated.

1.11. It should be ensured that the structural separation of National Supervisory Authorities (NSAs) and National Competent Authorities (NCAs) avoids significant conflicts of interest, which could impact the efficiency and cost-effectiveness of the industry, workers' lives and the safety of the industry. The NSAs and NCAs must act independently from any industry, economic, social or political pressure and therefore, in line with standards in Member States, they should remain in the remit of the public sector. Rules laying down the selection of processes for NSA and NCA staff should not be in contradiction with the usual selection processes for Member States' civil servants.

1.12. The Function Airspace Blocks (FABs), which this proposal seeks to disband, have helped to create a common culture amongst all social partners, and have facilitated improved performance.

(?) Eurocontrol, Market Update [10 November 2020]. As presented by Eamonn Brennan at <https://www.youtube.com/watch?v=VSQe97wDmc>

1.13. In reference to the provision of the support services (CNS, AIS, MET), we are concerned that the intention of the proposal aligns with the previous proposals, SES1, and SES2, to privatise and fragment the sector, both of which were denied between the initial Commission proposal and adoption of the various texts. While compromise was reached in the SES2 process, this current approach is not balanced, favouring the separation of support services and the application of market principles. The proposal should consider a balanced view, taking into account the negative socioeconomic consequences of such an approach, the objective of creating an efficient and effective service, and the lack of political will that has been expressed in previous SES proposals.

1.14. During the legislative procedure, it is recommended that due consideration is given to certain aspects of this proposal, in particular any proposal to unbundle or liberalise service provision. It is recognised that these factors have the potential to have a detrimental impact on workers and social partners should therefore be engaged during this process.

2. Background and general comments

2.1. *European Commission's stated aim in adopting this legislative package*

The Commission aims to improve the overall efficiency of the way in which European airspace is organised and managed by reforming the monopoly of air traffic service providers. The package is long overdue and SES legislation has not been updated for more than 10 years. Changes in the evolution of air traffic management have been taken into account and the European ATM Network has to be reformed to cope both with sustained air traffic growth over the last decade and with significant unforeseen traffic variations, such as those caused by the current COVID-19 pandemic. This requires changes allowing operations to take place under the safest, most cost-effective, flight-efficient and environmentally-friendly conditions, as well as measures contributing to the reduction of aviation emissions, in accordance with the objectives of the European Green Deal. This means continuing to defragment European airspace, to reduce delays, to increase safety standards and flight efficiency to reduce the aviation environmental footprint, and to regulate charges related to monopolistic service provision.

The efficiency of flight routes can be increased by adopting new digital technology solutions. This can be implemented through cooperation and confidence building between European Union nations and industry stakeholders.

2.2. *Social licence to operate and the relationship with organised civil society*

2.2.1. This SES2+ proposal is in part, a recasting of a previous SES2+ proposal on which discussions stalled due to a bilateral disagreement between two Member States. Given the similarity of the content to previous unsuccessful SES proposals, the possibility that a political consensus will not be reached still remains. The Member States' concerns have traditionally included political concerns, sovereignty concerns, socioeconomic factors, liberalisation of national airspace and forced privatisation. During the legislative procedure, it is recommended to give due consideration to these concerns.

2.2.2. The European Commission claims that social issues were taken into account in the 2013 Impact Assessment on the SES2+ initial proposal. There is an ongoing study on ATCO and ATSEP working conditions that will be taken into account during the development of secondary legislation once the SES proposal is adopted. However, the social background has heavily evolved since then. The study on ATCO and ATSEP working conditions is focusing mainly on the current situation and the feedback of the social partners is not that positive with regard to the future scenarios.

2.2.3. A number of issues from the feedback provided by stakeholders in previous discussions have not been taken into account. These include the series of roundtables that led to the high-level declaration on the Digital European Sky, and existing consultation tools, such as the ATM Sectoral Social Dialogue, the Wise Persons Group and the SES Expert Group on the Human Dimension. Given this, there remain a number of outstanding socioeconomic concerns including the implementation of new technologies and an initiative taken by the ATM social partners to develop a social and human dimension roadmap for the SES.

2.2.4. Leading aviation stakeholders support the continued cooperation between Member States, ANSPs, and the network manager. The work of the SES initiative supports such cross-border engagement, and should continue to develop means in which operational safety, efficiency and cost-effectiveness can be improved, including through access to staff training programs on which the achievement of the 'Single European Sky' depends.

2.2.5. More frequent working meetings between military air traffic administrations in the Member States and ongoing dialogue between civilian and military air traffic administrations can lead to more efficient flight routes, both economically and especially from the ecological perspective and the benefits to passengers/consumers.

2.2.6. The environmental performance setting will need to be more driven by concrete parameters than the cost itself. A reform is needed to reinforce the importance of the greening of the flights and thus service to be offered by ANSP and Network Manager, as well as the best use of the network by the airspace users.

2.3. *Consideration of the COVID-19 pandemic*

2.3.1. Notably, the aviation industry has suffered most from the economic crash following the COVID-19 crisis. International estimates are for a return to 2019 traffic levels by 2024 at the earliest, provided that a COVID-19 vaccine is successfully introduced in the first half of 2021. Given the increasing pressure placed on the industry to recover some form of normal operations, the impact of this proposal must be fully understood, considering the significant structural amendments to the European ATM industry that it proposes. The proposal should not inhibit the ability of ATM or other sectors of aviation to restart normal operations.

2.3.2. There is a noted lack of adaptations to the proposal in light of the COVID-19 crisis, which serves to highlight the concern expressed that the proposal is out of touch with the factors concerning the aviation industry in the post-COVID-19 world. It would seem that all assessments of the impact of the proposal have been done pre-COVID-19 and therefore would no longer be relevant.

2.3.3. The COVID-19 crisis has had a dramatic effect on the workforce in aviation, where tens of thousands of workers have already lost their jobs in Europe. The 'support functions' of the ATM industry such as CNS, AIS, and MET might lead to further negative social consequences due to this proposal's efforts to unbundle services. This must be recognised, and the proposal should be cognizant of the socioeconomic impact of the pandemic on these workers and the volatility of the sector in the current climate.

2.3.4. As the future of the industry remains unclear, it is hard to prepare legislation that will provide an effective remedy to the concerns addressed in the aim of the proposal. Additionally, the social and economic impacts of the crisis are not yet fully clear, and it is premature to make assessments or conclusions based on current projections, which are changing rapidly as the pandemic develops.

2.4. *Application of market principles*

2.4.1. The Commission is calling for financial robustness, but the ANSPs might perceive the new proposed institutional architecture as quite bureaucratic, with new costs introduced that are not necessarily related to the operative work. Another aspect that may raise questions is the appeal body, which, in the proposed format, might not be totally independent from the PRB, even if the Commission's intention in this regard is quite clear, namely, the creation of a body that can solve cases through a non-judicial procedure, and not only at the European Court of Justice.

2.4.2. Unlike other sectors of the industry, the ATM sector must remain at a high level of operational capacity regardless of demand in commercial air traffic. The sector and its workforce have continued to work regardless of the pandemic and have provided necessary services to essential traffic such as air cargo, medical and military flights.

2.4.3. From a socioeconomic perspective, there is a concern that the application of market principles to the Aerodrome Air Traffic Services could lead to labour instability and reduce the standards of work in the sector to the detriment of the workforce and the community as a whole. This would hinder the objective of achieving an increase in operational efficiency and is therefore unlikely to bring the cost of services down. It could also reduce the number of aerodromes where ATS is provided and have a direct impact on safety at such aerodromes.

2.4.4. In the ATM sector, there has traditionally been a high-level of industrial unrest with previous attempts to liberalise the sector. Indeed, much of this unrest has specifically focused on previous SES proposals. It is possible that this proposal in its current form will lead to further social unrest and labour disputes given its aim to achieve greater industry liberalisation and to open up to further privatisation and fragmentation of the ATM sector, in particular in the so-called 'support functions'.

2.5. *Separation of the supervisory authority and service provision*

Following the SES1 regulation, there is mandatory separation between supervisory and service provision roles, at least at function level. Consideration should be given to this amendment in SES2+, as experience built through the functional separation processes has shown that performance can be maintained at the same level as a sector that is structurally separated. Likewise, further clarity would be welcome on the overall scope of the proposal in this regard.

Brussels, 2 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

ANNEX

The following sections of the draft opinion were amended to reflect amendments adopted by the assembly but received more than one quarter of the votes cast (Rule 54(4) of the Rules of Procedure):

(a) **Point 1.14**

1.14. ~~A Social Impact Assessment should be conducted on~~ During the legislative procedure, it is recommended that due consideration is given to certain aspects of this proposal, in particular any proposal to unbundle or liberalise service provision. It is recognised that these factors have the potential to have a detrimental impact on workers and social partners should therefore be engaged during this process.

Outcome of the vote on the amendment:

Votes in favour: 119

Votes against: 104

Abstentions: 26

(b) **Point 2.2.1**

2.2.1. This SES2+ proposal is in part, a recasting of a previous SES2+ proposal on which discussions stalled due to a bilateral disagreement between two Member States. Given the similarity of the content to previous unsuccessful SES proposals, the possibility that a political consensus will not be reached still remains. The Member States' concerns have traditionally included political concerns, sovereignty concerns, socioeconomic factors, liberalisation of national airspace and forced privatisation. ~~A thorough series of impact assessments would help in identifying and mitigating these concerns.~~ During the legislative procedure, it is recommended to give due consideration to these concerns.

Outcome of the vote on the amendment:

Votes in favour: 113

Votes against: 113

Abstentions: 23

According to Rule 61 of the Rules of Procedure, as the vote was a tie (an equal number of votes for and against), the President had the casting vote in favour of the amendment.

Opinion of the European Economic and Social Committee on ‘Proposal for a Regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council Regulation (EU) No 520/2007’

(COM(2020) 308 final — 2020/0139 (COD))

(2021/C 56/08)

Rapporteur working alone: **Javier GARAT PÉREZ**

Referral	European Parliament, 23.7.2020 Council, 20.7.2020
Legal basis	Article 43(2) and Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Section for Agriculture, Rural Development and the Environment
Adopted in section	12.11.2020
Adopted at plenary	2.12.2020
Plenary session No	556
Outcome of vote (for/against/abstentions)	228/0/9

1. Conclusions and recommendations

1.1. The EESC is of the view that control, conservation and management measures adopted by the Inter-American Tropical Tuna Commission (IATTC) need to be transposed into EU law, the aim being to ensure that they are uniformly and effectively implemented within the EU. The transposition should adhere strictly to what has been agreed in the IATTC, without imposing any new obligations on European vessels. The Committee therefore supports the proposal for a regulation.

1.2. However, the Committee recommends taking into account the considerations it set out in its opinion on *Conservation and enforcement measures in the area of the Northwest Atlantic Fisheries Organisation (NAFO)* ⁽¹⁾.

1.3. In the EESC’s view, therefore, the proposal presented does not establish an efficient mechanism for transposing IATTC rules and does not resolve the issue of needing to update them every year.

1.4. The Committee is in favour of a mechanism that is simpler and more efficient, and therefore proposes drafting a regulation with a single article stipulating that the European Union must without fail apply IATTC rules to its fleet.

1.5. The EESC stresses the risk involved in introducing a system of delegated acts, as this would give the Commission the power to legislate without being required to follow the ordinary procedures.

2. Gist of the Commission proposal

2.1. The purpose of the present proposal ⁽²⁾ is to transpose into EU law the control, conservation and management measures adopted by the Inter-American Tropical Tuna Commission (IATTC), to which the European Union (EU) has been a contracting party since 2006.

⁽¹⁾ EESC opinion on *Conservation and enforcement measures — NAFO* (OJ C 429, 11.12.2020, p. 279).

⁽²⁾ Proposal for a Regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council Regulation (EU) No 520/2007 (COM(2020) 308 final): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020PC0308&qid=1603701098515>.

2.2. The IATTC Convention specifies that its Resolutions are binding and that the contracting parties are to take the necessary steps to ensure implementation of and compliance with the Convention and any conservation and management measures adopted pursuant to it.

2.3. The European Union thus has an obligation to ensure compliance with all the measures approved by the IATTC with the measures laid down in the present proposal covering those adopted by the IATTC since 2008. The proposed regulation also includes a mechanism to facilitate the implementation of IATTC measures in the future.

2.4. The proposal provides for delegated powers to be conferred on the Commission, pursuant to Article 290 of the Treaty on the Functioning of the European Union, enabling it to implement any amendments to measures approved at the IATTC's annual meetings and ensuring a level playing field between European fishing vessels and those of other IATTC contracting parties.

2.5. The measures envisaged in the proposal concern the technical specifications of shark lines and, in general, the protection of certain shark species, closure periods, provisions on the design and deployment of fish aggregating devices (FADs), data collection, protection of seabirds, scientific observer coverage, the Regional Vessel Register, data and statistical programmes and turtle mortality guidelines.

3. General comments

3.1. The EESC is of the view that control, conservation and management measures adopted by the Inter-American Tropical Tuna Commission (IATTC) need to be transposed into EU law, the aim being to ensure that they are uniformly and effectively implemented within the EU. The transposition should adhere strictly to what has been agreed in the IATTC, without imposing any new obligations on European vessels.

3.2. However, in the Committee's view, bearing in mind that the IATTC frequently amends its conservation and control measures at its annual meetings, the proposal does not establish an efficient mechanism for transposing the measures adopted by the IATTC or for updating them.

3.3. The EESC believes that the most efficient mechanism for regularly updating the rules adopted by the IATTC would be to draft a simple regulation, clearly explaining the need for regular updates of measures concerning at least the competences allocated and containing a single article summarising the European Union's firm commitment to apply without fail the rules adopted annually by the IATTC to its fleet.

3.4. Otherwise, the EESC warns that there is a risk of a permanent mismatch between IATTC rules and the legislation published by the EU, something that could generate a high degree of legal uncertainty.

Brussels, 2 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

Opinion of the European Economic and Social Committee on ‘Proposal for a Council Directive amending Council Directive 2006/112/EC as regards temporary measures in relation to value added tax for COVID-19 vaccines and *in vitro* diagnostic medical devices in response to the COVID-19 pandemic’

(COM(2020) 688 final — 2020/0311 (CNS))

(2021/C 56/09)

Referral	Council of the European Union, 6.11.2020
Legal basis	Article 113 of the Treaty on the Functioning of the European Union
Section responsible	Economic and Monetary Union and Economic and Social Cohesion
Adopted at plenary	2.12.2020
Plenary session No	556
Outcome of vote	195/0/3
(for/against/abstentions)	

Since the Committee has announced its support for taxation rules due to the COVID-19 crisis in its opinion on the *Proposal for a Council Directive amending Directive 2011/16/EU to address the urgent need for deferring certain time limits for the filing and exchange of information in the field of taxation due to the COVID-19 pandemic* (COM(2020) 197 final — 2020/0081 (CNS)); on the *Proposal for a Council Decision amending Directives (EU) 2017/2455 and (EU) 2019/1995 as regards the dates of transposition and application due to the outbreak of the COVID-19 crisis* (COM(2020) 198 final — 2020/0082 (CNS)) and on the *Proposal for a Council Regulation amending Regulation (EU) 2017/2454 as regards the dates of application due to the outbreak of the COVID-19 crisis* (COM(2020) 201 final — 2020/0084 (CNS))⁽¹⁾, adopted on 10 June 2020 and this amendment to Directive 2006/112/EC does not contain any further content for the EESC to comment on, it decided, at its 556th plenary session of 2 and 3 December 2020 (meeting of 2 December 2020), by 195 votes with 3 abstentions, to issue an opinion endorsing the proposed text and to refer to the position it had taken in the abovementioned document.

Brussels, 2 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

⁽¹⁾ OJ C 311, 18.9.2020, p. 76.

Opinion of the European Economic and Social Committee on ‘Proposal for a Decision of the European Parliament and of the Council authorising the Commission to vote in favour of the capital increase of the European Investment Fund’

(COM(2020) 774 *final* — 2020/0343 (COD))

(2021/C 56/10)

Referrals	European Parliament, 26.11.2020 Council of the European Union, 30.11.2020
Legal basis	Articles 173(3) and 304 of the Treaty on the Functioning of the European Union
Section responsible	Economic and Monetary Union and Economic and Social Cohesion
Adopted at plenary	2.12.2020
Plenary session No	556
Outcome of vote (for/against/abstentions)	207/1/8

Since the Committee endorses the contents of the proposal and has already set out its views on the Proposal for a regulation establishing the InvestEU programme ⁽¹⁾, adopted on 17 October 2018 and on its revision ⁽²⁾, adopted on 15 July 2020, it decided, at its 556th plenary session of 2 and 3 December 2020 (meeting of 2 December 2020), by 207 votes to 1 with 8 abstentions, to issue an opinion endorsing the proposed text and to refer to the position it had taken in the above-mentioned document.

Brussels, 2 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

⁽¹⁾ OJ C 62, 15.2.2019, p. 131.

⁽²⁾ OJ C 364, 28.10.2020, p. 139.

Opinion of the European Economic and Social Committee on ‘Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work’

(COM(2020) 0571 — 2020/0262 (COD))

(2021/C 56/11)

Referral	Council of the European Union, 21.10.2020 European Parliament, 5.10.2020
Legal basis	Articles 153(2) and 304 of the Treaty on the Functioning of the European Union
Section responsible	Section for Employment, Social Affairs and Citizenship
Adopted at plenary	2.12.2020
Plenary session No	556
Outcome of vote (for/against/abstentions)	224/0/6

Since the Committee unreservedly endorses the content of the proposal and has already set out its views on the subject in its earlier opinions, namely SOC/545 — *Protection from cancer-causing chemicals*, adopted on 21 September 2016, SOC/559 — *Protection of workers from carcinogens or mutagens at work*, adopted on 31 May 2017, SOC/591 — *Protection of workers from carcinogens or mutagens at work*, adopted on 19 September 2018, and CCMI/130 — *Freeing the EU from asbestos*, adopted on 18 February 2015 ⁽¹⁾, it decided, at its 556th plenary session of 2 and 3 December 2020, by 224 votes with 6 abstentions, to issue an opinion endorsing the proposed text and to refer to the position it had taken in the abovementioned documents.

Brussels, 2 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

⁽¹⁾ OJ C 487, 28.12.2016, p. 113; OJ C 288, 31.8.2017, p. 56; OJ C 440, 6.12.2018, p. 145; OJ C 251, 31.7.2015, p. 13.

Opinion of the European Economic and Social Committee on ‘Proposal for a Regulation of the European Parliament and of the Council on certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link’

(COM(2020) 782 *final* — 2020/0347 (COD))

(2021/C 56/12)

Referral	Council of the European Union, 2.12.2020 European Parliament, 14.12.2020
Legal basis	Articles 91(1) and 304 of the Treaty on the Functioning of the European Union
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted at plenary	2.12.2020
Plenary session No	556
Outcome of vote (for/against/abstentions)	210/1/4

Since the Committee unreservedly endorses the content of the proposal and feels that it requires no comment on its part, it decided, at its 556th plenary session of 2 and 3 December 2020 (meeting of 2 December 2020), by 210 votes to 1 with 4 abstentions, to issue an opinion endorsing the proposed text.

Brussels, 2 December 2020.

The President
of the European Economic and Social Committee
Christa SCHWENG

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN