



January 2009

Citizens Information Board
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EU Supplement

Published quarterly with *Relate*, the journal of developments in social services, policy and legislation in Ireland

Introduction

This supplement covers the significant EU developments during September-November 2008 in the broad areas of social policy, consumer policy and citizens' rights.

There is further information about almost all the issues mentioned on the Europa website: <http://www.europa.eu>. In some cases, we give the extended website address. The Official Journal of the EU may be accessed via <http://eur-lex.europa.eu>

Ireland and the EU

Ireland's future in the EU

The Oireachtas Sub-Committee on Ireland's Future in the European Union has published its report: *Ireland's future in the European Union: Challenges, Issues and Options*. The sub-committee was established in order to assess the implications of the result of the referendum on the Lisbon Treaty and consider Ireland's future in the EU. It was also asked to make recommendations on enhancing the role of the Oireachtas in EU affairs and to consider measures on improving public understanding of the EU and the fundamental importance of Ireland's membership. The report is available at www.oireachtas.ie

Scrutiny of EU proposals

The Oireachtas Joint Committee on European Scrutiny monitors EU developments. The statutory basis for this is the EU (Scrutiny) Act 2002. This Act requires Government departments to send new EU legislative measures to the Oireachtas along with an explanatory note. Ministers are required to have regard to any subsequent reports by the Oireachtas. The Government must also provide two reports to the Houses of the Oireachtas each year on EU developments. The reports of the Scrutiny Committee and the Government reports are available at www.oireachtas.ie.

Employment and social policy

Poverty and social exclusion

The Commission has published a set of common principles to help guide EU countries in their strategies to tackle poverty. This recommendation identifies three main areas:

- Adequate income support
- Inclusive labour markets and
- Access to quality services

In its communication on "active inclusion" the Commission aims to reintegrate into the labour market all those who can work while providing the necessary resources to live a dignified life to those who cannot.

<http://ec.europa.eu/social/main.jsp?langId=en&catId=437&newsId=401&furtherNews=yes>

Social protection and social inclusion

The Commission has published its yearly review of social trends in EU countries.

http://ec.europa.eu/employment_social/spsi/the_process_en.htm

Agency workers

The proposed Directive on Temporary Agency Work has been agreed by the European Parliament. It was first proposed in 2002. It has now passed all the legislative processes and it is expected that it will come into effect in 2011.

The proposed directive provides that temporary agency workers must have equal treatment with regular workers from their first day at work in respect of pay, maternity leave and leave. It will be possible to derogate from this by agreements between the social partners. Temporary agency workers must also have equal access to facilities such as childcare and must be informed of permanent employment opportunities.

http://ec.europa.eu/employment_social/labour_law/index_en.htm

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Private pensions

The Commission has published a study entitled: *Privately managed pension provision and its contribution to adequate and sustainable pensions*. This examines the coverage and contribution levels of the different private pension arrangements in the EU member states.

http://ec.europa.eu/employment_social/spsi/adequacy_sustainability_en.htm

Maternity and parental leave

The Commission has proposed some changes to the rules governing maternity leave. Some of these proposals are not relevant to Ireland because better conditions already exist. The current EU Directive on Maternity Leave (Directive 92/85/EEC) provides for a minimum period of 14 weeks' maternity leave. It is proposed to increase this to 18 weeks. Irish law already provides for a period of 26 weeks' maternity leave during which you may be paid or get maternity benefit. It also provides for a further 16 weeks without pay or benefit.

This proposal provides for a right to ask the employer for flexible working patterns after the end of maternity leave. However, the employer will have the right to refuse this request.

At present, self-employed women may qualify for maternity benefit if they meet certain conditions. This proposal provides that spouses and partners (where there is national recognition of the relationship) who work on an informal basis in small family businesses (assisting spouses) may be able to qualify for maternity benefit. It is not clear how exactly this proposal would operate.

The social partners at EU level are currently discussing changes to the parental leave directive (Directive 96/34/EC). This directive was based on a social partners' framework agreement.

Proposal for a revised directive on maternity leave

<http://ec.europa.eu/social/BlobServlet?docId=607&langId=en>

Proposal for a revised directive on self-employed women and assisting spouses

<http://ec.europa.eu/social/BlobServlet?docId=608&langId=en>

School Fruit Scheme

A scheme to distribute fresh fruit and vegetables to schoolchildren will start in the 2009/2010 school year. Individual governments may decide whether or not to take part in the scheme – the Irish Government has not yet announced a decision. The EU is making €90 million available for the scheme and this would be matched by the participating governments.

http://ec.europa.eu/agriculture/markets/fruitveg/sfs/index_en.htm

Free movement of workers

The Commission has published a report outlining the effects of the movement of workers from the countries that joined the EU in 2004 and 2007 to the existing member states. The report shows that the migrant workers have had a positive impact on the economies of the existing member states and have not led to serious disturbances on their labour markets. The majority of workers from the countries which joined in 2004 – mostly from Poland, Lithuania and Slovakia – went to Ireland and the UK.

<http://ec.europa.eu/social/main.jsp?catId=508&langId=en>

Disability policy

The Commission has launched a debate on the future shape of European disability policy. The current European Disability Action Plan runs until 2010. The Commission wants to start the debate on what should happen after 2010 for people with disabilities.

<http://ec.europa.eu/social>

Consumer affairs

Air transport

The regulation setting common rules for the operation of air transport services in the EU (Regulation 1008/08 of 24 September 2008) came into effect on 1 November 2008. Among other things, this requires airlines to include all taxes and charges in their published ticket prices. The airlines must show clearly the different elements of the price including, for example, taxes, airport charges and any other fees. It will not be possible to impose optional additional charges on passengers without their express consent.

The regulation bans price discrimination on the basis of the place of residence or the nationality of the customer or the place of establishment of the travel agent. This means that the price must be the same regardless of where you are living or do the booking.

Rules on timeshare

The 1994 directive on timeshare means that:

- Consumers have the right to certain information before signing a contract
- There must be a cooling-off period of at least 10 days
- Operators may not take deposits from buyers during the cooling-off period

An amendment to this directive has now been agreed. The new directive provides that new timeshare products will be covered – these include discount holiday clubs and timeshare-like holidays on cruise boats, canal boats and caravans. It also deals with timeshare resale and exchange clubs. At present, the rules apply only to contracts for three years or more. The new directive extends the rules to shorter contracts.

http://ec.europa.eu/consumers/cons_int/safe_shop/timeshare/index_en.htm

Proposed directive on consumer contractual rights

The Commission has published a proposal for a Directive on Consumer Contractual Rights. This aims to recast and simplify four existing directives: the Distance Selling Directive (Directive 97/7/EC), the Doorstep Selling Directive (Directive 85/577/EEC), the Consumer Sale of Goods and Guarantees Directive (Directive 1999/44/EC) and the Unfair Contract Terms Directive (Directive 93/13/EEC).

The proposed Consumer Rights Directive deals with contracts for sales of goods and services from business to consumer (B2C). The directive proposes to:

- Oblige traders to provide consumers with clear information such as the main characteristics of the product, geographical address and identity of the trader, the price inclusive of taxes, all additional freight, delivery or postal charges
- Set rules on delivery and the passing of risk to the consumer – this is not regulated by the EU at present. There will be a maximum of 30 days for delivery after the signing of the contract; the trader will be required to carry the risk and cost of deterioration or loss until the consumer actually receives the goods. If delivery is late or does not occur, the consumer will have a right to a refund within 7 days.
- Introduce a standard 14-day cooling-off period for distance sales
- Introduce a standard set of remedies for all consumers who have bought a faulty product; the remedies are repair or replacement in the first place, followed by the reduction of the price or the reimbursement of money

The proposal also deals with online auctions and pressure selling. The proposal must now be discussed by the Council and the European Parliament.

http://ec.europa.eu/consumers/overview/cons_policy/index_en.htm

Roaming charges

The Commission has proposed to reduce the price of roaming text messages by 60% from 1 July 2009. This should reduce the cost of text messages from one EU state to another from a current average of 29 cent to 11 cent. It is also proposing price caps for roaming phone calls and reduction in charges for surfing the web using a mobile phone.

<http://ec.europa.eu/roaming/>

Settling large-scale consumer complaints

The Commission has published a Green Paper on *Consumer Collective Redress*. This examines how to facilitate redress in situations where large numbers of consumers have been harmed by a single trader's practice which is in breach of consumer law. Comments on the Green Paper may be made up to 1 March 2009.

http://ec.europa.eu/consumers/redress_cons/collective_redress_en.htm

Motor insurance

The Commission has sent a formal notice to Ireland requesting full information on its compliance with a 2008 judgement of the European Court of Justice (Case C 211/07) concerning payment of compensation to those without motor insurance. This judgement concerned the rules contained in the Motor Insurance Agreement of 31 March 2004 between the Minister for Transport and the Motor Insurers' Bureau of Ireland, under which there is to be no payment of compensation from the Bureau to passengers of vehicles where all vehicles involved in a collision are uninsured, regardless of the circumstances. Ireland has not complied with the judgement, which would require it to provide insurance cover for passengers in cases where all vehicles are uninsured.

Justice and home affairs

Personal data

The Council has agreed a Framework Decision that regulates the collection and use of personal data by police and judiciary in the course of their activities. It proposes to regulate cross-border exchanges of personal data within the framework of police and judicial cooperation. It regulates issues such as the right to be informed, right of access to personal data held by law enforcement authorities, right of compensation in case of damage as a result of unlawful processing of personal data and limitations on the use of sensitive data. The new rules must be implemented within 2 years.

Mutual recognition of supervision measures

The Council has reached political agreement on the proposal for a Council Framework Decision on the application of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention. The problem being addressed is that non-resident suspects are often remanded in custody because of the fear that they will abscond, while residents benefit from alternative measures.

Immigration

The Commission has published a Communication on *Strengthening the global approach to migration: increasing coordination, coherence and synergies* and a Communication on the application of Directive 2003/86 on the right to family reunification. These are contributing to the process of developing a common immigration policy.

The report on family reunification analyses national legislation implementing the directive on the right of legally residing third-country nationals to be joined by their non-EU family members. It does not deal with the situation of third-country nationals who join family members under rules covering the free movement of EU citizens.

The Citizens Information Board is the statutory body which supports the provision of information, advice and advocacy on the broad range of social and civil services to the public. It provides the Citizens Information website and supports the voluntary network of Citizens Information Services and the Citizens Information Phone Service.

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Safer Internet Programme

The European Parliament has agreed the proposed Safer Internet Programme. This is a programme for the years 2009-2013 which aims to combat illegal online content and illegal and harmful conduct such as grooming and cyberbullying. The programme will have a budget of €55 million.

Ireland opt-ins

The Irish Government has decided to opt in to the following:

Proposal for a Council Framework Decision amending Framework Decision 2002/475/JHA on combating terrorism

Proposal for a Council Decision on the strengthening of Eurojust amending Council Decision 2002/187/JHA of 28 February 2002, as amended by Council Decision 2003/659/JHA setting up Eurojust with a view to reinforcing the fight against serious crime

Proposal for a Council Framework Decision on the recognition and supervision of suspended sentences, alternative sanctions and conditional sentences

Proposal for the adoption by the EU of the Agreement on Extradition between the EU and the USA, done at Washington on 25 June 2003 and the Agreement on Mutual Legal Assistance between the EU and the USA, done at Washington on 25 June 2003

Proposal for a Council Decision establishing a European Police Office (EUROPOL)

Proposal for a Decision amending Council Decision 2001/470/EC establishing a European Judicial Network in civil and commercial matters

Environment

Waste management

The Council has agreed the proposed waste management directive which aims to encourage re-use and recycling of waste. It sets new recycling targets: by 2020, member states must recycle 50% of their household and similar waste and 70% of their construction and demolition waste.

The proposed directive also aims to simplify the current legislation. It repeals the current Waste Framework Directive (2006/12/EC), the Directive on Hazardous Waste (91/689/EEC) and part of the Directive on Waste Oils (75/439/EEC). It must be brought into effect within 2 years.

Recycling batteries

In September 2008, the EU Directive 2006/66/EC on waste batteries came into effect. This is implemented in Ireland by the Waste Management (Batteries and Accumulators) Regulations: SI 268/2008.

The directive and the regulations provide that retailers must take back all waste batteries and accumulators (rechargeable batteries) free of charge. Receptacles for waste batteries have to be located at a suitable location in the shop.

You are entitled to deposit waste batteries at retail outlets or at local authority civic amenity facilities free of charge.

Producers are required to finance the collection, treatment and recycling of all waste batteries.

<http://ec.europa.eu/environment/waste/batteries/index.htm>

Implementation in Ireland:

www.environ.ie/en/Environment/Waste/ProducerResponsibilityObligations/Batteries/

General

Recipients of EU funding

A new website providing details of all recipients of EU funding has been launched.

http://ec.europa.eu/grants/search/index_en.htm

All member states were required to have online information about certain agricultural payments in place by 30 September 2008. The information for Ireland is available at:

www.agriculture.gov.ie/index.jsp?file=areasofi/capben_db.xml

2009: European Year of Creativity and Innovation

2009 has been designated as the European Year of Creativity and Innovation. The aim is to exploit and promote creative and innovative approaches and initiatives in different domains of human activity and at all levels. Education and culture will be at the centre of the year but it will also be concerned with enterprise, information society, employment and regional policy.

Citizens Information 

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