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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

This supplement covers the significant EU developments from December 2009 to mid-March 2010 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>.

## Employment and social policy

### Europe 2020

Europe 2020 is the title of the European Commission's new economic strategy. It is the successor to the Lisbon strategy for growth and jobs. It identifies three drivers for growth to be implemented at EU and national levels. They are:

- Smart growth – fostering knowledge, innovation, education and digital society
- Sustainable growth – making production more resource efficient while boosting competitiveness
- Inclusive growth – raising participation in the labour market, encouraging the acquisition of skills and taking measures to reduce poverty

The strategy sets out a number of what it calls flagship initiatives in each area. These include a European platform against poverty to ensure social and territorial cohesion such that the benefits of growth and jobs are widely shared and people experiencing poverty and social exclusion are enabled to live in dignity and take an active part in society.

The following targets will be used to measure progress towards these objectives:

- 75% of the population aged 20–64 should be employed; at present 69% are.

- 3% of the EU's GDP should be invested in research and development.
- The 20/20/20 climate/energy targets should be met. This means that greenhouse gas emissions should be reduced by at least 20%, there should be an increase of 20% in energy efficiency and the share of renewable energy should be at least 20%.
- The share of early school leavers should be under 10% and at least 40% of the age group 30–34 should have a degree or diploma; at present, 15% of pupils leave school early and 31% of 30–34 year olds have third-level education.
- 20 million less people should be at risk of poverty. This would mean that the numbers living in poverty would be reduced by 25%.

The Commission will monitor progress. Reporting and evaluation under both Europe 2020 and the Stability and Growth Pact will be carried out simultaneously.

[http://ec.europa.eu/eu2020/index\\_en.htm](http://ec.europa.eu/eu2020/index_en.htm)

### Joint Report on Social Protection and Social Inclusion

The Commission has published the 2010 Joint Report on Social Protection and Social Inclusion. This reviews the main trends in social protection and social inclusion across the EU and at national level.

<http://ec.europa.eu/social/main.jsp?catId=757&langId=en>

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## Joint Employment Report 2009

The Commission has published the Joint Employment Report 2009. This is the employment analysis and reporting part of the EU's Lisbon Strategy for Growth and Jobs. The report gives an update of the employment situation in the EU, reports on the principal labour market changes undertaken by member states in 2009 and highlights the main challenges for the future.

### Social security for migrant workers

The October 2009 issue of EU Supplement included information on the updated legislation on social security for migrant workers. This ensures that workers are part of a co-ordinated social security system and do not lose their rights regardless of the member state they decide to work in. The new rules come into operation on 1 May 2010 and, amongst other things, broaden the benefits and the categories of people to whom the legislation applies.

One of the features of the new rules is an increased emphasis on the provision of information to people using the system. The new rules emphasise that member states must give active help to people who are enforcing their rights under the system. They also require you to provide information to the authorities in the relevant countries.

The rules provide that authorities are required to communicate with you in an easily understood manner. They must give you the necessary information to enable you to exercise your rights. This information must include guidance on procedures and administrative formalities.

The authorities must also ensure that the data protection rules are respected.

The rules also provide that the relevant institutions must answer all queries within a reasonable time. There is no definition of "reasonable time" but answers must be provided at least within the time limits set under social security legislation in the member state in question; Ireland does not have such time limits within its social security legislation.

You must be told of your right to appeal. In cases where you have choices about availing of benefits and you want to know about the consequences of such a choice – for example, in some countries you can postpone your state pension – the institution must give you the information necessary to enable you to make an informed choice.

There is more information on the co-ordination of social security for migrant workers at <http://ec.europa.eu/social>.

The TRESS network (Training and Reporting on European Social Security) is an expert group supported by the Commission. It provides guidance and training on the social security co-ordination rules. [www.tress-network.org](http://www.tress-network.org)

## Social protection of self-employed workers and assisting spouses

The Council has considered the proposed Directive aimed at improving the social protection of self-employed workers and of assisting spouses (legally recognised spouses or life partners of self-employed workers who are not employees or business partners but habitually participate in the activities of the self-employed worker). The aim of the draft directive is to improve the social protection of self-employed workers and assisting spouses, with a view to removing disincentives to female entrepreneurship. The draft directive provides that:

- Self-employed women, assisting spouses and life partners of self-employed workers would qualify for a maternity allowance of at least 14 weeks; the decision on the amount of the maternity allowance would be left to the discretion of the member states.
- Assisting spouses and life partners of self-employed workers would have separate individual social protection rights if they want this.

In Ireland, self-employed women with enough PRSI contributions are already entitled to maternity benefit; assisting spouses who do not pay PRSI do not have this entitlement.

The proposal must now be considered by the European Parliament.

### Parental leave

The council has agreed the proposed Directive extending parental leave from three to four months for each parent. One of the four months may not be transferred between parents so it is lost if not used. This is to encourage fathers to take parental leave.

The Directive clarifies that all workers are covered including fixed-term, part-time and temporary agency workers. The Directive also gives parents returning to work after parental leave the opportunity to ask for a change in their working conditions. Employers must consider and respond to such requests, taking into account both employers' and workers' needs.

The Directive puts the framework agreement on parental leave agreed by the social partners at European level into EU law. It will come into effect in 2012.

This means that changed parental leave arrangements will have to be introduced in Ireland. At present, there is an entitlement to 14 weeks' parental leave. This is not transferable between the parents except where they work for the same employer. There is no legal right to ask for a change in working conditions when returning after parental leave.

## European Year against Poverty and Social Exclusion

2010 is the European Year against Poverty and Social Exclusion. The year aims to raise greater awareness of the causes and consequences of poverty in Europe, both among governments and social partners and among the public at large. It also aims to: mobilise these different partners in the fight against poverty; promote social integration and inclusion; and encourage clear commitments on drawing up EU and national policies to tackle poverty and social exclusion.

It has four main objectives:

- To promote shared collective and individual responsibility in combating poverty and social exclusion, and fostering commitment by all public and private actors
- To promote a more cohesive society, as society as a whole benefits from the eradication of poverty
- To take concrete action to renew the pledge of the EU and its member states to combat poverty and social exclusion
- To recognise the fundamental right of people experiencing poverty and social exclusion to live in dignity and to take an active part in society

All 27 member states of the EU are taking part and so also are Norway and Iceland. The budget for the year is €17 million.  
[www.2010againstpoverty.eu](http://www.2010againstpoverty.eu)

The Department of Social and Family Affairs is the national implementation body for the year in Ireland. Its social inclusion division is co-ordinating the various activities involved.

[www.welfare.ie](http://www.welfare.ie)

## Professional qualifications

The Commission has published a user's guide to help citizens to understand how the Directive on professional qualifications works. It has also published information on how member states are implementing the Directive. The Directive should have been implemented by October 2007 but five member states – Austria, Belgium, France, Greece and Luxembourg – have not implemented it. This means that you may have difficulty having your qualifications recognised if you go to work in one of these countries.

[http://ec.europa.eu/internal\\_market/qualifications/news\\_en.htm](http://ec.europa.eu/internal_market/qualifications/news_en.htm)

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## Justice and home affairs

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### Fair trial rights

The Commission has published a proposal for a directive on the right to interpretation and translation in criminal proceedings. It had put forward a proposal for a Framework Decision on interpretation and translation rights in July 2009. All proposals for Framework Decisions ceased to be valid once the Lisbon Treaty came into effect (1 December 2009). This is because of the changes made to the decision-making processes and the legal basis for decisions in the justice and home affairs area – see EU Supplement, January 2010.

The aim of the proposed directive is to set common minimum standards on the right to interpretation and translation in criminal proceedings throughout the EU. It aims to improve the rights of suspects and accused persons who do not understand or speak the language of the proceedings.

The proposal, when implemented, will mean that interpretation would have to be provided for communication with lawyers as well as during investigations – such as police questioning – and at trial. It also covers written translation of all essential documents such as the detention order, the charge sheet or indictment, or important pieces of evidence. People must have the right to legal advice before waiving the right to interpretation and translation. The translation and interpretation costs will have to be met by the member state, not by the accused person.

This proposal must be agreed by the Council and the European Parliament and it is hoped that this will be done during 2010.  
[http://ec.europa.eu/justice\\_home](http://ec.europa.eu/justice_home)

The Commission intends to introduce further measures in the following related areas:

- Information on rights and information about the charges
- Legal advice, before trial and at trial, and legal aid
- The right for a detained person to communicate with family members, employers and consular authorities
- Protection for vulnerable suspects

### Loss of refugee status

The European Court of Justice (ECJ) has ruled that a person who has been granted refugee status may lose it if the circumstances in the country on which his fear of persecution was founded have ceased to exist. That change in circumstances must be of a significant, and not of a temporary, nature. The case concerned Iraqi nationals who had been granted refugee status in Germany. The ECJ upheld a German court ruling that the people concerned no longer faced persecution in Iraq because of the changed circumstances there.

### Data transfers between countries

The Commission has published a decision updating the standard contractual clauses for the transfer of personal data to processors established in non-EU countries.

The Citizens Information Board provides independent information, advice and advocacy on public and social services through [citizensinformation.ie](http://citizensinformation.ie), the Citizens Information Phone Service and the network of Citizens Information Services. It is responsible for the Money Advice and Budgeting Service and provides advocacy services for people with disabilities.

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Contractual clauses are not necessary for the transfer of personal data within the EEA (EU plus Iceland, Norway and Liechtenstein) or to those countries whose own data protection regimes have been recognised by the Commission as offering adequate protection (these are Argentina, Switzerland, Canada, Isle of Man, Jersey and Guernsey) or to US companies which adhere to the Safe Harbour Privacy Principles issued by the US Department of Commerce. [http://ec.europa.eu/justice\\_home/fsj/privacy/docs/modelcontracts/sec\\_2006\\_95\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/modelcontracts/sec_2006_95_en.pdf)

## Health and consumer affairs

### Minimum retail prices for cigarettes

The European Court of Justice (ECJ) has ruled that Ireland's (and other countries') rules on minimum prices for cigarettes infringe EU law. The countries which had set minimum prices mainly justified them on the basis of public health concerns. The court took the view that these concerns could be met in other ways, for example, by increased taxation.

## General

### European Commission

The new European Commission was formally appointed on 9 February 2010. Its term of office runs until the end of 2014.

### Committee of the Regions

The Committee of the Regions is an EU advisory committee. It must be consulted by the Commission, the Council and the European Parliament on a range of issues which are set out in the treaties and may be consulted on other areas, in particular those which concern cross-border co-operation, if any of the institutions think it appropriate. This means that it must be consulted on virtually all EU legislation and policies other than those relating to foreign and defence policy and justice and home affairs.

Under the Lisbon treaty, it has been given a new role in relation to upholding the principle of subsidiarity (that decisions should be taken at the lowest appropriate level). It has always had the power to appeal to the ECJ if its rights were infringed. It now has the power to go to the ECJ if it believes that an EU law violates the subsidiarity principle or fails to respect regional or local powers.

The Committee has 344 members, of whom nine are Irish. The members must be directly elected representatives to local or regional authorities or be politically accountable to a directly elected assembly. They are, however, expected to operate independently in the Committee. The members are appointed for a five-year period coinciding with the European Parliament's term of office.

The Dublin Regional Authority acts as the secretariat to the Irish delegation: [www.iro.ie/delegation.html](http://www.iro.ie/delegation.html). Further information on the Committee is available at: [www.cor.europa.eu](http://www.cor.europa.eu)

### Mutual assistance in the recovery of taxes

The Council has agreed a draft directive aimed at strengthening mutual assistance between member states in the recovery of taxes. This must now be considered by the European Parliament.

Member states have been engaged in mutual assistance on clamping down on tax evasion since 1976. The draft directive is intended to provide for an improved system, with rules that are easier to apply. These include rules on access to information held by banks and other financial institutions. There is also provision for the spontaneous exchange of information.

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