



EU Supplement

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Introduction

This supplement covers the significant EU developments during March 2005 – May 2005 in the broad areas of social policy, consumer policy and citizens' rights.

Monthly updates are posted on the Citizens Information Database at the end of each month. (www.cidb.ie). These include more detailed information on many of the topics which are briefly described in the Supplement and on a number of other topics; information on proposals for new legislation and on reports published by the EU; information on calls for proposals for funding – these must be checked frequently as the closing dates are usually within a number of weeks of publication – and information on the implementation of EU Directives in Ireland.

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

Employment and Social Policy

Jobs and Growth

The European Council has agreed to re-launch the Lisbon Strategy. It identified the main strands of the re-launch as:

- ◆ Knowledge and innovation
- ◆ Environmental policy
- ◆ Completion of the internal market and making the regulatory environment more business friendly
- ◆ Growth and employment contributing to social cohesion

The Council agreed that raising employment rates and extending working life, coupled with reform of social

protection systems, provide the best way of maintaining the present level of social protection.

The Commission has published a 3-year “Integrated Guidelines Package” for 2005 to 2008 which aims to improve growth and jobs. On the basis of the guidelines, member states are to draw up 3-year national reform programmes – the first is due by 15 October 2005. They will report on these programmes each autumn in a single national Lisbon report. The Commission will analyse and summarise these reports in an EU Annual Progress Report in January each year. These guidelines replace the separate Broad Economic Policy Guidelines and Employment Guidelines.

http://europa.eu.int/growthandjobs/index_en.htm

PROGRESS programme

The Employment, Social Policy, Health and Consumer Affairs Council has agreed on a general approach to the establishment of a Community programme for employment and social solidarity (PROGRESS). However, the budgetary aspects of the programme were not discussed and are not agreed.

The aim of the PROGRESS programme is to financially support the implementation of the objectives of the EU in the employment and social affairs area and thereby contribute to the achievement of the Lisbon Strategy. The programme has five sections: employment, social protection and inclusion, working conditions, anti-discrimination and diversity and gender equality. It will replace the four specific action programmes currently in place in order to ensure achievement of these objectives.

The Services Directive

A proposal for a Directive on Services in the Internal Market was published in January 2004 and it has proved quite controversial. It is generally known as the “Bolkestein directive” – so called after the former



information for all

Commissioner who introduced it. It has been agreed by the European Council that “the internal market of services has to be fully operational while preserving the European social model. The proposed Directive does not fully meet these requirements”. The Commission intends to change the proposal in a number of ways.

The proposed Directive aimed to remove a number of barriers to providing services in other member states. These barriers are identified in the Commission’s “Report on the State of the Internal Market for services” July 2002. www.europa.eu.int/comm/internal_market/en/service/s/services/index.htm

The original proposal would require member states to cut administrative burdens that can prevent businesses from offering their services across borders or from opening premises in other member states. The general principle is that a service provider who is legally established in one member state would be entitled to operate in other member states (the country of origin principle).

The proposed Directive covers all services provided to consumers and businesses except

- ◆ services which are provided directly by public authorities free of charge, for example, education, cultural services
- ◆ services already covered by specific EU laws, for example, financial services, telecommunications and transport

It does cover businesses such as retailing, construction, travel agencies and tour operators, information technology related services, advertising, car rental, employment agencies, security services, audiovisual services, healthcare services and the services of craft workers such as plumbers and carpenters. It includes services provided by regulated professions (for example, doctors, lawyers) but it does not change the existing EU rules about recognition of qualifications which apply to them.

For example, under the proposal, member states would not be allowed to have nationality based requirements for the exercise of service activity; requirements that companies have a registered office in the member state would also be prohibited. The proposal also aims to get rid of complex authorisation and licensing procedures unless they are objectively justifiable.

The proposed Directive applies to healthcare services. It clarifies the existing rules about the reimbursement of the costs of healthcare and hospital services if you go to another member state for these services.

The text of the original proposal (including the impact assessment) is at: www.europa.eu.int/comm/internal_market/en/service/s/services/index.htm

It is expected that the original proposal will be changed in the following ways:

- ◆ It will clarify that conditions and standards for workers will not be affected in any way
- ◆ Sectors such as health and publicly funded services of general interest are to be excluded from its scope
- ◆ The country of origin principle will be retained but concerns about which law applies to cross border provision of services will be addressed

These changes will be introduced at some stage in the legislative process but it is not clear when exactly this will happen.

Institute for Gender Equality

The Commission has decided to establish a European Institute for Gender Equality which will aim to support the EU institutions and the member states in promoting equality between women and men and combating sex discrimination. The proposed Regulation to establish the Institute has yet to be agreed by the Parliament and the Council but it is expected that it will be in operation in 2007. It is proposed that it will have a budget of €52.5 million for the period 2007 to 2013. http://europa.eu.int/comm/employment_social/news/2005/mar/genderinstitute_en.html

European Year of Equal Opportunities for All

The Commission proposes to designate 2007 as the “European Year of Equal Opportunities for All”. The four core themes of the European Year proposed by the Commission are:

- ◆ Rights – raising awareness of the right to equality and non-discrimination
- ◆ Representation – stimulating a debate on ways to increase the participation of under-represented groups in society
- ◆ Recognition – celebrating and accommodating diversity
- ◆ Respect and tolerance – promoting a more cohesive society

It is proposed that there will be a budget of €13.6 million to cover preparatory actions in 2006 as well as the various activities taking place during 2007.

European Youth Pact

The European Council has agreed the European Youth Pact. The Youth Pact aims to improve the education, training, mobility, vocational integration and social inclusion of young Europeans, while facilitating the reconciliation of working life and family life. It is effectively an agreement between the EU and the member states. In a follow up to this, the Commission has published a Communication on youth policies. http://europa.eu.int/comm/youth/index_en.html

Older People in Europe

The results of a European survey of health, ageing and retirement in Europe (SHARE) have been published. The survey was financed by the EU Research Framework Programme. It collected data on life circumstances of about 22,000 European citizens aged 50 and over in 11 countries. The data include health variables (for example, self-reported health, physical functioning, cognitive functioning, health behaviour, use of healthcare facilities), psychological variables (psychological health, well-being, life satisfaction), economic variables (current work activity, job characteristics, opportunities to work past retirement age, sources and composition of current income, wealth and consumption, housing, education) and social support variables (assistance within families, transfers of income and assets, social networks, volunteer activities). The full report and the data compiled are available at: www.share-project.org

Justice and Home Affairs

The Hague Programme

The Hague Programme aims to improve the ability of the EU and its member states to further the creation of an Area of Freedom, Security and Justice through progress in a variety of policies for the period till 2010. The Hague Programme: Strengthening Freedom, Security and Justice in the EU is published in OJ C 53, 3 March 2005. The Commission intends to propose a number of programmes for implementing the Hague Programme – they are programmes on:

- ◆ Solidarity and Management of Migration Flows,
- ◆ Security and Safeguarding Liberties and
- ◆ Fundamental Rights and Justice.

www.europa.eu.int/comm/justice_home/news/information_dossiers/2005-2009/index_en.htm

The Commission has published its 5 year Action Plan for Freedom, Justice and Security. This involves proposals for EU action on terrorism, migration management, visa policies, asylum, privacy and security, the fight against organised crime and criminal justice. These proposals are based on the overall priorities for Freedom, Justice and Security set out in the Hague Programme. The Plan identifies 10 areas for priority action:

- ◆ Fundamental rights and citizenship: special attention will be given to the rights of the child
- ◆ The fight against terrorism
- ◆ Migration management: a common immigration policy will be put in place in the next five years
- ◆ Internal borders, external borders and visas
- ◆ A common asylum area: a common asylum policy should be in place within five years

- ◆ Integration: it is proposed to introduce measures to help member states to deliver better policies on integration
- ◆ Privacy and security in sharing information
- ◆ The fight against organised crime
- ◆ Civil and criminal justice: proposals include measures to facilitate access to justice
- ◆ Freedom, Security and Justice: sharing responsibility and solidarity

http://europa.eu.int/comm/justice_home/index_en.htm

European Small Claims Procedure

The Commission has published a proposal for a Regulation establishing a European Small Claims Procedure. The aim of the proposal is to simplify, speed up and reduce the costs of litigation concerning small claims. The European Small Claims Procedure would be an alternative to existing national procedures. It would apply to civil and commercial matters where the total value of the claim is not more than €2,000.

The process would be mainly written but an oral hearing could be held. The parties should not need lawyers. The judgement would be enforceable in all member states. The Irish government has decided to opt in to this Regulation.

Health and Consumer Affairs

Rights of air passengers

Ireland has nominated the Commission for Aviation Regulation as the national body which is responsible for monitoring compliance with the rights of air passengers.

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Seat belts for commercial vehicles

The European Parliament has agreed three proposed Directives on the mandatory fitting of seat belts to commercial vehicles. These Directives should come into force later this year and, six months after they come into force, it will be mandatory to fit seat belts to new types of commercial vehicles. Later this requirement will be extended to all new commercial vehicles in production.

<http://europa.eu.int/comm/enterprise/automotive/pagesbackground/pedestrianprotection/index.htm>

General

Better regulation

The Commission has proposed a package of measures to achieve better regulation. The measures include:

- ◆ Improved impact assessments (of the economic, social and environmental aspects of legislative proposals)
- ◆ Screening and possible modification or withdrawal of proposals (hundreds of Commission proposals are pending in the European Parliament and Council. Some of these are not progressing and may be modified or withdrawn or subject to further assessment)
- ◆ More simplification of existing EU legislation
- ◆ Pilot projects to reduce the administrative burden on member states because of reporting obligations

http://europa.eu.int/comm/enterprise/regulation/better_regulation/index_en.htm

Maintenance Costs of Students

The European Court of Justice has made a ruling on the English rules for giving help with maintenance costs to other EU nationals who are studying in the UK. The case is Case C-209/03: *The Queen (on the application of Dany Bidar) v London Borough of Ealing & Secretary of State for Education and Skills* and judgement was given on 15 March 2005. The ECJ held that the English rules for giving maintenance grants are incompatible with EU law since they are dependent on the student being "settled" in the UK and it is impossible for a national of another member state, as a student, to obtain the status of a "settled" person.

In England and Wales, students from the UK may get help with maintenance costs by means of student loans from the state – these loans are at less than commercial rates of interest and they have to be repaid once the student starts to earn over a certain limit. (The situation in Scotland is different.) Students from other member states of the EU may get these loans if they are "settled" in the UK and have been living there for three years before starting the course. However, it is not legally possible to become "settled" while a student.

In the past, the ECJ has held that, while students from other member states must be subject to the same rules as nationals in relation to tuition fees, EU law did not require that they be treated in the same way in respect of maintenance costs. The introduction of EU citizenship and the increased EU role in education and training has changed this and the ECJ now considers that assistance given to students who are lawfully resident in a member

state, whether in the form of a subsidised loan or grant, intended to cover their maintenance costs, falls within the scope of EU law. If nationals of other member states are to be treated differently, then there must be objective justification for this. The Court said that it would be permissible for a member state to ensure that giving help to cover the maintenance costs of students from other member states does not become an unreasonable burden which could have consequences for the overall level of assistance which may be granted by that state. So, it is reasonable for a member state to give such help only to students who have demonstrated a certain degree of integration into the society of that state.

<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en>

Citizens for Europe programme

The Commission has published a proposal for a Citizens for Europe programme for the period 2007-2013. The programme will aim to promote active citizenship and will have a budget of €207 million.

The first action, "Active citizens for Europe", will focus on involving citizens directly, either through activities linked to town-twinning or through other kinds of citizens' projects.

The second action, "Active civil society for Europe" is targeted to Europe-wide civil society organisations, which will receive either structural support on the basis of their work programme or support to transnational projects.

The third action, "Together for Europe", will support high visibility events, studies and information tools, which will address the widest possible audience across frontiers and make Europe more tangible for its citizens.
http://europa.eu.int/comm/dgs/education_culture/activecitizenship/index_en.htm

Cohesion Policy

The Commission has published a paper on the Community Strategic Guidelines on Cohesion. This is the first stage in the preparation of the next cohesion policy (2007-2013).

http://europa.eu.int/comm/regional_policy/index_en.htm

The Commission has published the "Third Progress Report on Cohesion".

http://europa.eu.int/comm/regional_policy/sources/docoffic/official/reports/interim3_en.htm