



October 2007

Citizens Information Board  
*information · advice · advocacy*



# 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 during March-August 2007 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

### UN Convention on disability rights

The EU has signed the new UN Convention on the Rights of Persons with Disabilities. It has now been signed by 100 countries. The Optional Protocol has been signed by 55 of these. That protocol allows for individuals and groups to petition the Committee on the Rights of Persons with Disabilities once all national recourse and procedures have been exhausted. The Convention can come into force when it is ratified by 20 countries. So far, the ratification process has been completed only in one country.

For further information:

[http://ec.europa.eu/employment\\_social/disability](http://ec.europa.eu/employment_social/disability)

<http://www.europa-eu-un.org>

Further information on the Convention itself is available at: <http://www.un.org/disabilities/convention/>

### Air transport for people with reduced mobility

New rules have come into force to improve access to air transport for older people and people with disabilities. From 26 July 2007, Regulation (EC) No 1107/2006 provides that:

- For flights from airports in the EU, airlines and tour operators may not refuse to carry passengers, or to take bookings, on the basis of reduced mobility. Exceptions can be made only for duly justified safety reasons.
- Airports have to provide a specific set of services for people with reduced mobility.
- On flights from EU airports, airlines are obliged to provide certain services, such as the carrying of wheelchairs or guide dogs, free of charge.

[http://ec.europa.eu/transport/air\\_portal/passenger\\_rights/prm/index\\_en.htm](http://ec.europa.eu/transport/air_portal/passenger_rights/prm/index_en.htm)

### Violence and harassment at work

The European social partners – the trade unions and employer organisations – have signed a framework agreement on harassment and violence at work. The agreement aims to prevent and, where necessary, manage problems of bullying, sexual harassment and physical violence at the workplace.

The agreement will be implemented by the national social partners in all EU member states over three years.

[http://ec.europa.eu/employment\\_social/news/2007/apr/harassment\\_violence\\_at\\_work\\_en.pdf](http://ec.europa.eu/employment_social/news/2007/apr/harassment_violence_at_work_en.pdf)

### Flexicurity

The Commission has issued a Communication on flexicurity. Flexicurity means combining more flexible labour markets with employment security. The Communication proposes the establishment of common principles of flexicurity to promote more and better jobs by combining flexibility and security for workers and companies. These include flexible and reliable contractual arrangements, active labour market policies, comprehensive lifelong learning strategies and modern social protection systems providing adequate income support during periods of unemployment. The Communication sets out a number of pathways to help member states draw up their own national strategies for flexicurity and learn from each other's experiences and best practices.

[http://ec.europa.eu/employment\\_social/news/2007/jun/flexicurity\\_en.pdf](http://ec.europa.eu/employment_social/news/2007/jun/flexicurity_en.pdf)

An expert report, with examples of flexicurity in 27 member states, can be accessed at:

[http://ec.europa.eu/employment\\_social/employment\\_strategy/flex\\_meaning\\_en.htm](http://ec.europa.eu/employment_social/employment_strategy/flex_meaning_en.htm)

### Rural Development Programme

Ireland's Rural Development Programme for the period 2007-2013 has been approved at EU level. The plan involves the spending of just over €4 billion, just over half of which is coming from the European Agricultural Fund for Rural Development (EAFRD).

EU rural development policy focuses on three core areas:

- Improving the competitiveness of agriculture and forestry
- Supporting land management and improving environment
- Improving the quality of life and encouraging diversification of economic activities

The Irish Rural Development Programme aims to:

- Support the development of Ireland's rural areas while upholding the principles of sustainable development and to support agriculture in its provision of public goods
- Enhance the environment and biodiversity
- Mitigate the effects of climate change and protect Ireland's natural resources
- Ensure a competitive agri-food sector by boosting innovation, added value and consumer focus
- Address structural problems in the agricultural industry and the need for on-farm capital investment
- Address local needs and boost the quality of life in rural areas and promote the creation of micro-enterprises

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

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## Health and consumer affairs

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### Consumer strategy

The Commission has published the Consumer Policy Strategy 2007-2013. The strategy sets out proposals for a range of initiatives including:

- An overhaul of cross-border shopping rights: this involves reviewing the main consumer protection directives
- An assessment of how best to strengthen consumer collective redress including reinforcing Alternative Disputes Resolution (ADR) schemes and considering action on collective redress mechanisms for consumers
- Proposals to strengthen the Timeshare Directive
- Opening the market for better cross-border deals for credit (Consumer Credit Directive)

[http://ec.europa.eu/consumers/overview/cons\\_policy/index\\_en.htm](http://ec.europa.eu/consumers/overview/cons_policy/index_en.htm)

### Roaming Regulation

The EU Roaming Regulation came into force on 30 June 2007. The aim is to prevent excessive charges for using mobile phones when travelling in other EU countries. Among other things, the Regulation sets a maximum limit for calls made (€0.49 excl. VAT) and received (€0.24 excl. VAT) when abroad.

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

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## Justice and home affairs

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### Funding programmes

There are a number of funding programmes under the general Fundamental Rights and Justice Programme for the period 2007-2013. These are:

*Fundamental rights and citizenship programme:* The main objectives of the programme are to promote the development of a European society based on respect for fundamental rights, to strengthen civil society and to encourage an open transparent and regular dialogue with it in respect of fundamental rights, to fight against racism, xenophobia and anti-Semitism and to promote a better interfaith and intercultural understanding and improved tolerance throughout the EU.

[http://ec.europa.eu/justice\\_home/funding/rights/funding\\_rights\\_en.htm](http://ec.europa.eu/justice_home/funding/rights/funding_rights_en.htm)

*Drugs prevention and information programme:* The programme is aimed at implementing the targets identified by the EU Drugs Strategy 2005-2012 and EU Drugs Action Plan 2005-2008 and 2009-2012 by supporting projects aiming at prevention of drug use, including by addressing reduction of drug-related harm and treatment methods considering the latest scientific knowledge.

*Civil justice programme:* This programme is aimed at improving mutual understanding of the legal and judicial systems of the member states and improving judicial cooperation in civil matters.

### Civil liability ("Rome II" Regulation)

The Council and the European Parliament have approved the proposed Regulation harmonising the rules concerning the law applicable to non-contractual obligations ("Rome II"). The aim is to ensure that courts in all the member states apply the same law in the event of cross-border disputes in matters of tort – mainly in relation to liability for damage caused to others, for example, in road accidents, defective products and environmental pollution.

### European Small Claims Procedure

The Council has agreed its common position on a proposal for a Regulation for the establishment of a European Small Claims Procedure. The proposed procedure will apply in civil and commercial matters where the value of a claim is not

greater than €2,000. In general, the matter will be dealt with in writing but oral hearings may be held if necessary. It will come into effect on 1 January 2009.

### Passenger name records

An interim agreement on passenger name records between the EU and the USA which has existed since October 2006 is replaced by a 7-year agreement from the end of July 2007.

The passenger name record (PNR) is the name given to the files created by the airlines for each journey that any passenger books. They are stored in the airlines' reservation and departure control databases. The system allows all the different agents in the industry – the travel agent, the computer reservation systems (CRS), the carrier and the handling agents at the airports – to recognise each passenger and have access to all relevant information related to his/her journey: departure and return flights, connecting flights (if any), special services required on board the flight, etc.

The EU has made an agreement with the USA on sharing the PNR data of air carriers. This arose because a 2001 US law requires airlines operating passenger flights to, from or through the United States to provide US authorities, if requested, with electronic access to PNR data contained in their reservation and departure control systems.

The agreement between the EU and the USA is intended to meet security and data protection requirements through assurances provided by the USA.

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## Environment

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### LIFE+

The Council has formally agreed the regulation aimed at establishing a financial instrument for the environment (LIFE+). This will operate over the period 2007-2013.

LIFE+ involves the continuation of a number of existing environmental programmes including the current LIFE programme, the Forest Focus and Urban programmes, DG Environment's funding programme for environmental non-governmental organisations (NGOs) and a general fund for policy development and implementation.

LIFE+ will deal with the four priority areas of the Sixth Environment Action Programme (6EAP, 2002-2012): climate change; nature and biodiversity; health and quality of life; natural resources and waste, as well as the programme's seven thematic strategies. There are three strands:

- LIFE+ Nature and Biodiversity – this focuses on the implementation of the EU directives on the conservation of habitats (Directive 92/43/EEC) and of wild birds (Directive 79/409/EEC) as well as strengthening the knowledge needed for developing, assessing, monitoring and evaluating EU nature and biodiversity policy and legislation.

- LIFE+ Environment Policy and Governance covering the other 6EAP priorities besides nature and biodiversity, as well as strategic approaches to policy development, implementation and enforcement.
- LIFE+ Information and Communication on environmental issues.

### Liability for environmental damage

The EU Directive on liability for damage to the environment came into force on 30 April 2007. The aim of the Directive is to ensure that environmental damage is prevented or remedied. Environmental damage includes:

- Damage to species and natural habitats protected under the Directive on the conservation of wild birds (Directive 79/409/EEC) and the Directive on the conservation of natural habitats (Directive 92/43/EEC)
- Damage to waters covered by the Water Framework Directive (Directive 2000/60/EC)
- Land contamination which causes significant risk of harming human health.

The Directive is based on the "polluter pays" principle. It distinguishes between two groups. Certain activities give rise to absolute liability whether or not there is fault or negligence involved, while other activities give rise to liability only if there is fault or negligence involved.

The Directive lists risky or potentially risky activities and makes the operators of these activities liable for the costs of preventing or remedying environmental damage whether or not fault or negligence is involved (there are some exceptions to this). The activities listed include industrial and agricultural activities requiring permits under the 1996 Integrated Pollution Prevention and Control Directive, waste management operations, releasing heavy metals into water or into the air, installations producing dangerous chemicals, and the transport, use and release of genetically modified organisms (GMOs).

Other economic operators may also be liable for the costs of preventing or remedying damage to protected species and natural habitats, but only if they are found to be at fault or negligent.

Public authorities are required to ensure that responsible operators undertake themselves, or finance, the necessary preventive or remedial measures. Public interest groups, such as non-governmental organisations, may require public authorities to act, if this is necessary, and to challenge their decisions before the courts, if those decisions are illegal.

Where damage or a threat of damage may affect more than one member state, the member states concerned must cooperate on the preventive or remedial action to be taken.

<http://europa.eu.int/comm/environment/liability/>

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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## Constitutional Treaty/Reform Treaty

The Constitutional Treaty was agreed in 2004 and ratified by 18 member states. It was rejected in referendums held in two member states. Its ratification is no longer being pursued. Instead the main elements of a Reform Treaty have been agreed by the European Council, which is composed of the heads of state and government. The details must now be agreed by an Inter-Governmental Conference (IGC) which will be held later this year. The ratification process for the Reform Treaty is likely to take place in 2008/9 – it is hoped that the process will be completed before the European Parliament elections in 2009.

The main changes which it is proposed to make are as follows. Further changes could be agreed in the IGC.

**Institutional changes:** The main institutional changes agreed in the Constitutional Treaty will be in the Reform Treaty.

**Justice and home affairs:** Most of the decisions in the area of justice and home affairs will be subject to qualified majority voting (QMV) – including external borders control, asylum, immigration, criminal law and police cooperation. The Treaty will also integrate these areas in the Community method of decision-making (many of these areas are now in what is called the Third Pillar where the decision-making process has a lesser role for the Commission and little or no role for the Parliament and the European Court of Justice).

**Energy policy and climate change:** The new Treaty will include new legal bases to deal with energy policy and climate change.

**European Parliament:** There will be more participation by the European Parliament in the legislative process – this means that more decisions will be made by the co-decision procedure.

**National parliaments:** There will be a greater role for national parliaments to be more involved in the workings of the EU.

### Charter of Fundamental Rights

The treaty will give legal force to the Charter of Fundamental Rights.

## General

### Europe for Citizens

The “Europe for Citizens” programme has been officially launched. It aims to give citizens the opportunity to be involved in initiatives and projects with European profile. It provides grants to groups promoting active European citizenship such as local authorities, European public policy research organisations, citizens’ groups, civil society organisations, NGOs, trade unions and educational institutions.

Grants are provided under the following main headings:

- *Active citizens for Europe:* this involves citizens directly, either through activities linked to town-twinning or through other kinds of citizens’ projects.
- *Active civil society for Europe:* this is targeted at Europe-wide civil society organisations, which can receive either structural support on the basis of their work programme or support for trans-national projects.
- *Together for Europe:* this supports high-visibility events, studies and information tools.
- *Active European remembrance:* this action supports the preservation of the main sites and archives associated with the deportations and the commemoration of the victims of Nazism and Stalinism.

[http://ec.europa.eu/citizenship/index\\_en.html](http://ec.europa.eu/citizenship/index_en.html)

## Citizens Information

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

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**1890 777 121** Open Mon to Fri, 9am to 9pm

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