



European Economic and Social Committee

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SUITE AUX AVIS

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lors des sessions plénières
du quatrième trimestre 2008

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par la Commission européenne

ACTION TAKEN ON OPINIONS

adopted by the European Economic and Social Committee
at its plenary sessions
in the fourth quarter of 2008

Quarterly review presented
by the European Commission

Documents issued by EESC rapporteur
Mr. Marius – Eugen Opran (Gr. I – RO)

SUIVI ACCORDÉ PAR LA COMMISSION AUX AVIS DU
COMITÉ ÉCONOMIQUE ET SOCIAL EUROPÉEN
RENDUS AU COURS DU 4^{ème} TRIMESTRE 2008

Ref.: Avis préparés par le Rapporteur du Comité

M. Marius – Eugen Opran (Gr. I – RO)

(octobre et décembre 2008)

TABLE DES MATIÈRES

PARTIE A : avis faisant l'objet d'une réponse substantielle

a) Avis du quatrième trimestre 2008

N°	TITRE	RÉFÉRENCES	DG RESP.	P.
1.	Transferts de produits liés à la défense Rapporteur: M. OPRAN (Empl./RO)	COM(2007) 765 final CESE 1660/2008	ENTR	3
2.	Industrie aéronautique Rapporteur: M. OPRAN (Empl./RO) Corapporteur: M. BAUDOUIN (Trav./FR)	Avis d'initiative CESE 1921/2008	ENTR	4
3.	Marchés publics – Défense et sécurité Rapporteur: M. OPRAN (Empl./RO)	COM(2007) 766 final CESE 1661/2008	MARKT	6

<p>1. Transfer of defence-related products COM (2007) 765 final – EESC 1660/2008 – October 2008 Rapporteur : M. OPRAN (Empl./RO) DG ENTR - Mr VERHEUGEN</p>	
Main points of the EESC Opinion	Commission Position
<p>The Committee considers that the proposal for a Directive will have substantial beneficial effects on industrial cooperation in Europe and the development of competitiveness of European defence industries.</p>	<p>The Commission has taken into account most recommendations made by the Committee.</p>
<p>The Committee strongly supports the exclusion from the Directive of export policy, which should remain the competence of Member States, and continues to be the subject of international cooperation, e.g. in the context of the Council Code of Conduct on Exports.</p>	<p>The Directive confirms that it does not prejudice international obligations and commitments of Member States or their discretion as regards policy on the export of defence-related products.</p>
<p>The Committee stresses that the proposed Directive should establish a preference for general and global licensing and restrict individual licensing to the defined cases where it is still necessary.</p>	<p>Individual licences will be limited to very specific cases set out in Article 7. The attention of the Committee is drawn to the fact that, during the co-decision procedure, the number of cases in which general licences must be granted was extended to other cases in order to improve the free circulation of defence-related products. In the light of the opinion of the Committee, the Commission accepted the amendment according to which Member States may exempt certain transfers from the obligation of prior authorisation.</p>
<p>The Committee strongly recommends the Commission to follow-up infringements according to the Treaty in the specific area covered by the proposed Directive, using the professional capabilities of a multi-national Board of Experts, to be formed inter alia for this purpose.</p>	<p>The Commission will continue to examine any complaints, and to pursue any infringement cases, related with the free movement of defence-related products in accordance with Article 226 of the EC Treaty. However, the Commission cannot accept, for institutional reasons, that a multi-national Board of Experts would be involved in the Commission's powers with respect to the application of Article 226 EC Treaty.</p>

<p>2. Aeronautics industry Under French Presidency request – EESC 1921/2008 – December 2008 Rapporteur M. OPRAN (Empl./RO) DG ENTR - Mr VERHEUGEN</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The opinion made an assessment of the current situation of the European aeronautics industry, but considered only the “fixed wing aircraft sector”. Main points of interest to the Commission are :</p> <p>With reference to technological development, growth and cooperation, a new framework has to be set up to encourage businesses in different EU countries to work together more effectively in order to set and meet their industrial priorities. This will strengthen competitiveness and improve reactions to market fluctuations. There is an urgent need to set new quality and efficiency standards by maximising the effectiveness of R&D financing.</p> <p>Coordination between the European Commission and the European Defence Agency (EDA) must be increased in order to promote the development of new dual-use technologies to be implemented in both the military and civilian segments of the aeronautics industry. At the same time, it is vital to ensure that the European commission and the EDA have control over the further dissemination of technology which may be of use in both the military and civilian segments of the aeronautics industry.</p> <p>Industrialists should receive support – with particular attention being given to the development of SMEs in the equipment supplier sector of the supply chain – for a quick and in-depth implementation of CLEAN SKY JTI; this would, on the one hand, contribute to meeting the EU's environmental objectives and, on the other hand, enable the industry to play an important role in the establishment of a new-generation air traffic management system (SESAR-ATM) to support the</p>	<p>The Commission thanks the EESC for the work on this opinion and appreciates the assessment. The Commission shares the view that the sector is currently undergoing important changes due to a continuous globalisation of the aeronautics industry. Therefore, the Commission launched a study to assess the competitiveness of the sector end of 2008 and welcomes this opinion as a contribution to its own ongoing assessment. With view to the recommendations, the Commission would like to make the following comments.</p> <p>The 7th Framework Programme for Research and Development is aiming at fostering aeronautics research and cooperation at European level. Member States (24), industry representatives and research associations work closely together using the technology platform ACARE in which the Strategic Research Agenda for aeronautics research is defined. Based on this work the Commission defines the research priorities for the sector. The Commission continuously encourages industry and Member States to strengthen cooperation at EU level.</p> <p>The Commission coordinates its research activities with the EDA especially regarding the security research programme. Cooperation with the EDA is important to explore possible synergies especially regarding dual-use technologies such as unmanned aerial vehicles and software defined radio</p>

<p>Single European Sky programme (SES)¹.</p> <p>In addition to the industrial aspect, the Committee believes that developments and changes in employment should be anticipated by introducing job and skills forecast management at all levels, i.e. the occupational sectors and EU, national, regional and local bodies. Setting up observatories for occupations in the aeronautics sector would help to identify the jobs of tomorrow and training needs, in cooperation with academic authorities.</p> <p>The Committee stresses the importance of a rapid implementation of a set of measures on:</p> <ul style="list-style-type: none">- making air transport more environment-friendly;- passenger satisfaction and safety;- the reduction of CO₂ emissions by the air transport sector (in line with EU policies on the overall reduction of CO₂ emissions in Europe), noise pollution and fuel consumption;- the development of concepts that make it easier to dismantle old equipment (use of recyclable materials etc.). <p>The Committee believes that the Commission and the Member States should react very swiftly to the need for a strategic aeronautics policy. Such a policy would include the implementation of practical measures at EU level and in regions with an aeronautics tradition in order to better forecast change and minimise its social impact. The Commission and the Member States should facilitate the implementation of a social dialogue committee within the EU aeronautics sector, as recommended by the social partners.</p>	<p>The Commission is currently implementing the two Joint Undertakings SESAR and CLEAN SKY, in which industry participates and will carry out major parts of the research work. The Commission strongly emphasizes the need to involve SMEs in Community research programmes. This is why the Commission funds AeroPortal, a project managed by the Aerospace and Defence Association of Europe, which provides support for SMEs to participate in the 7th R&D Framework Programme. During the preparation of CLEAN SKY, events for SMEs in many Member States were launched to invite SMEs to participate. The Commission regularly monitors the participation rate of SMEs in the R&D Framework Programme. Regarding SESAR, the Commission wishes to assure the Committee that the equipment industry has a leading role in the Programme. The entire equipment industry, both ground and airborne sectors, is represented in the administrative Board of the SESAR Joint Undertaking (SJU) and a number of major industrial players bringing a substantial contribution to the Programme have applied to become members of the SJU. The participation of SMEs is also encouraged by the SJU. The Administrative Board has recently adopted a policy document in which it sets the principles for accession and participation of members to the SJU. These principles clearly indicate that the SJU shall ensure the involvement of the widest range of stakeholders also by facilitating the participation of SMEs either as members, participants in projects and activities carried out by the SJU directly or by its members and also by seeking other appropriate forms of association to the SJU.</p> <p>The Commission launched a study and organised a stakeholder forum on the</p>
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¹ An EU initiative to structure airspace and air navigation services at pan-European level in order to better manage air traffic and provide a uniform and high level of safety in Europe's skies.

	<p>restructuring in the defence industry, which is an important part of the aeronautics sector. The Commission also launched recently a study on emerging competencies and skills needs in the defence sector. Given that the employment conditions and skills needs in the aeronautics and the defence sectors are quite similar – most companies in the sector cover anyway both subsectors – the results will also be relevant for the aeronautics sector.</p> <p>The Commission welcomes and shares these objectives. They are part of the Strategic Research Agenda for aeronautics research in Europe. The CLEAN SKY Joint Undertaking was also established to respond to those challenges. Furthermore, the Commission is working on the implementation of the inclusion of aviation emissions in the European Emissions Trading Scheme from 2012.</p> <p>The Commission generally welcomes the establishment of social dialogue committees at EU level. However, it is important that the main parties agree to participate before such a dialogue can be launched.</p>
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<p>3. Proposal for a Directive of the European Parliament and of the Council on the coordination of procedures for the award of certain public works contracts, public supply contracts and public service contracts in the fields of defence and security COM(2007) 766 final - EESC 1661/2008 – October 2008 Rapporteur : Mr OPRAN (Empl./RO) DG MARKT– Mr McCREEVY</p>	
Main Points of the EESC Opinion	Commission Position
The EESC notes with great satisfaction that stakeholders played an active role in the preparation of the proposal for this Directive.	The Commission notes the favourable opinion.
The EESC believes that the proposal ensures in an innovative manner compliance on the one hand with Article 296 of the Treaty (for defence) and	The Commission notes the favourable opinion.

<p>Article 14 of the current procurement Directive (for security), and, on the other, the request of the Court of Justice to limit the exemption of defence contracts from Community rules to exceptional cases.</p>	
<p>The EESC suggests developing a new military list for the definition of the field of application of all Community directives, but recommends for the time being to continue to use the list of 1958.</p>	<p>In spite of its age, the list of 1958 is generic enough to cover also most recent technological developments in the field of defence. Moreover, the list only serves as a reference and allows Member States to interpret it in a flexible way, including by using the Common military list (which is updated every year). All this compensates for the age of the list of 1958 and takes the EESC concern into account.</p>
<p>The EESC is not convinced by the Commission's decision not to reproduce Article 14 of the current Procurement Directive 18/2004 (secret contracts) in the new Directive and instead to make direct reference to the relevant Treaty articles on public security (in particular Articles 30 and 296). This may lead to confusion with the contracting authorities on what is, and what is not considered appropriate.</p>	<p>The Directive as it was adopted by Council and Parliament includes two specific clauses for exclusions, which cover the cases which are dealt with in Article 14 of Directive 2004/18. The EESC concern is therefore duly taken into account.</p>
<p>According to the EESC, the new Directive is perfectly suited to the specificities of the procedures for the award of public contracts (for works, supply and services) in the fields of defence and security.</p>	<p>The Commission notes the favourable opinion.</p>
<p>The EESC considers the Commission's approach acceptable to avoid the principle of "buy European"/"European preference" or a "reciprocity" clause.</p>	<p>The Commission notes the favourable opinion.</p>

<p>The EESC believes that the new Directive represents a major step towards the establishment of the much-sought-after EDEM, because opening the internal market to defence products will improve the competitiveness of the EDEM, and introducing transparent and competitive procurement rules applicable throughout the Union will lead to a greater openness of defence markets between Member States to the benefit of all: armed forces, taxpayers and industries</p>	<p>The Commission notes the favourable opinion.</p>
<p>The EESC considers that, for statistical evaluation and correct benchmarking, the Commission should periodically present a Progress Report on the implementation progress of the Directive.</p>	<p>According to Article 45 (a) of the Directive, the Commission shall report after a certain period to Parliament and Council on the implementation of the Directive and its impact on the European defence market. The EESC concern is therefore duly taken into account.</p>