



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 73/11

06 June 2011

NIAR 265-11

Eoin Murphy

European Commission Work Programme 2011: Employment and Learning Quarter 2

1 Introduction

The following Briefing Paper has been written for the Committee for Employment and Learning to inform their scrutiny of the Northern Ireland Executive's implementation of strategic initiatives and legislation being produced by the European Commission which falls under the Committee's remit.

The Briefing Paper discusses the European Commission Work Programme for 2011 (published October 2010) and the proposals, initiatives and communications due to be adopted between 2011 and 2014. It provides an update to the 1st quarter paper NIAR 192/2011¹.

¹ The 1st quarter paper is available online at: <http://www.niassembly.gov.uk/researchandlibrary/2011/4811.pdf> and via the Committee Office.

2 Background to the Paper

The Committee for the Office of the First and Deputy First Minister's '*Report on its Inquiry into Consideration of European Issues*', which was published in January 2010, contained a series of recommendations addressed to the Executive together with a number of actions which were for the Assembly itself to address. Action 8 of the report stated that:

The Committee [COFMdFM] will highlight to all statutory committees the importance of their role when dealing with European issues and departments should take into consideration European policies and directives when completing business plans and strategies. Research and Library Services will screen the annual European Legislative and Work Programme and produce a prioritised menu of scrutiny topics relevant to each statutory committee. For those scrutiny topics which are of particular interest to statutory committees, the Research and Library Service should monitor the development of policy at European level and provide regular information updates which would, amongst other things, identify all relevant draft legislative acts. The Committee for the Office of the First Minister and deputy First Minister will receive all information from Research and Library Services. The Brussels Officer will also have input here.

Action 8 requires the Research and Library Service to support Committees by:

- i. screening the annual European Legislative and Work Programme;
- ii. producing a prioritised menu of scrutiny topics relevant to each statutory committee;
- iii. monitoring the development of policy at European level;
- iv. providing regular information updates; and
- v. identifying all draft legislative acts.

As a part of this the Employment and Learning Researcher monitors development of the initiatives of the 2011-2014 work programme in order to support the work of the Committee for Employment and Learning. The Researcher also monitors the development of any new policy proposals, legislative or otherwise, in these broad areas.

At a later date, if the Committee decides to prioritise these for continued monitoring, the criteria listed below will be employed by the Researcher – please note, if the Committee identifies additional priority areas it would like monitored closely, these will be added to the list:

- Legislative versus non-legislative proposal (legislative higher priority);
- Stage in policy development (earlier higher priority);
- Relevance (links to other committee work for example);

- Significance (based on likely impact, for example financial, of initiative in NI); and
- Relevance to Executive's Priorities for European Engagement².

In addition to updating the Committee directly via the Committee Clerk, the Research & Library Service's online current awareness tool 'HORIZON' is used to disseminate information on developments more widely³, with regular updates regarding developments in EU legislation available on both the Employment and Learning section and the Europe section.

Please note, if any key initiatives identified are legislative proposals they will be subject to a subsidiarity check which is triggered by draft legislation.⁴ Emerging policy developments in the areas highlighted above will also be monitored closely to identify any draft legislative acts that may emerge at a later date.

3 European Commission Work Programme 2011

Each year the European Commission publishes a work programme which sets out the legislative as well as non-legislative proposals which it will put forward during the forthcoming year.

The work programme, which is usually published in the autumn, is particularly important, as the Commission has the 'right of initiative' within the European Union. In other words, the Commission alone is responsible for drawing up proposals for new European legislation, which it presents to Parliament and the Council. The Commission is also responsible for managing and implementing EU policies and the budget. Furthermore, together with the Court of Justice, it is responsible for making sure EU law is properly applied in all the member states.

On 27 October 2010, the European Commission published its 2011 Work Programme stating that:

This Commission presents its 2011 Work Programme at a particularly challenging time for the EU. There are clear signs of economic recovery after the worst crisis of recent decades – but that recovery is not yet firmly established. For this reason the new initiatives that the Commission will propose and initiate in 2011 have a strong focus on accelerating recovery. 2011 should be the year when the Europe 2020 strategy is embedded as the backbone of efforts at EU and national level to deliver smart, sustainable and inclusive growth.

²OFDFM Priorities for European Engagement Action Plan 2008-09
http://www.ofdfmni.gov.uk/priorities_for_european_engagement_action_plan_2008-2009_3mb_-2.pdf

³ Horizon available on Assist at <http://assist/Horizon/Default.aspx>

⁴ Article 5 of the Lisbon Treaty means that National Parliaments become guardians of the principle of subsidiarity, which is formulated to ensure that the EU only acts within the limits of the powers conferred on it by the Member States.

The 2011 Work Programme is based on five political priorities for the EU set out by President Jose Barroso in the State of the Union address to the European Parliament in September 2010:

- Dealing with the economic crisis and building the momentum of the recovery;
- Restoring growth for jobs by accelerating the Europe 2020 reform agenda;
- Building an area of freedom, justice and security;
- Launching negotiations for a modern EU budget; and
- Pulling the EU's weight on the global stage.

It should be noted that the 2011 European Commission Work Programme is the first to be adopted under the new programming cycle initiated by the Political Guidelines of the Commission President and set out in the Framework Agreement between the European Parliament and the Commission.

The format of the 2011 work programme carries on the approach first used in the 2010 CWP⁵, providing a four-year rather than an annual overview of the Commission's legislative and non-legislative priorities, for the period 2011 - 2014. This format is designed not only to improve predictability for all stakeholders, but also to facilitate cooperation with the other EU institutions. Through annual updates of the Work Programme, the Commission will identify new annual strategic initiatives and adapt the multiannual strand as necessary.

3.1 Strategic initiatives scheduled for adoption in 2011

Whilst the body of the Work Programme describes the Commission's ambitions and commitments for 2011 and beyond, a number of annexes provide detail on individual initiatives which it plans to take forward.

Under the following headings, Annex I of the CWP 2011 contains a list of 40 strategic initiatives on which the Commission commits to deliver in 2011:

- Strengthening economic governance and initiating the European Semester;
- Financial Regulation: completing the reform;
- Smart growth;
- Sustainable growth;
- Inclusive growth;
- Tapping the potential of the Single Market for growth;
- Pursuing the citizens agenda: freedom, security and justice;
- A comprehensive trade policy;
- EU enlargement, neighbourhood, development policies and humanitarian aid; and

⁵ Please see NI Assembly Briefing Paper European Commission Work Programme 2010: Employment and Learning update NIAR 151-2010

- A modern budget for Europe's future.

Table 1 following identifies the strategic initiatives the Commission is scheduled to adopt in 2011 which may have an impact on the work of the Committee for Employment and Learning.

Table 1: Strategic initiatives expected to be adopted in 2011

Title	Current stage of progress	Nature of initiative	Description of scope of objectives	Perceived Relevance to Northern Ireland
Strengthening economic governance follow-up (Expected to be adopted 1 st Quarter 2011) 2011/ECFIN/013	Discussions at Council	<i>Non-Legislative</i>	Follow up on Commission's proposals of 29 September 2010 aimed at reinforcing the European fiscal framework and broadening macroeconomic surveillance to the prevention of adverse macroeconomical imbalances.	Whilst targeted at a UK level, the follow up may have some impact on Northern Ireland, with detection of macroeconomic imbalances potentially impacting on structural issues such as public/private sector balance in the region.
Communication on Modernisation of Higher Education (Expected to be adopted September 2011) 2011/EAC/004	No record found in legislative monitor	<i>Non-Legislative</i>	Aims to revise and propose new objectives for the future of HE - may include possible proposals for a transparency and ranking system for HEIs.	Higher education (HE) is an essential part of the NI Programme for Government. As such the proposed modernisation of HE across the EU has important implications for the sector in Northern Ireland.
Posting of Workers (Expected to be adopted December 2011) 2011/EMPL/001	No record found in legislative monitor	<i>Legislative Initiative (Co-Decision Procedure - COD)</i>	The aim of this initiative is to ensure effective respect of the posted workers' rights and clarify the obligations of national authorities and businesses. It also aims to improve cooperation between national authorities, the provision of information for companies and workers and ensure effective enforcement.	The initiative could have a limited impact on NI businesses, especially those that place workers in different legal jurisdictions across the EU.
Proposal for benchmarks on mobility and employability 2010/EAC/006	Commission Staff working paper produced on the 25 May 2011 (SEC (2011) 670)	<i>Non-Legislative Act</i>	The Commission has been requested to make proposals for new European benchmarks in the fields of learning mobility and employability relating to how well different parts and levels of education and training prepare people for the labour market.	The new proposed benchmarks would act as a means of monitoring Member States progress in mobility and employability and help develop cooperative policies to encourage growth in these areas, benefiting the EU as a whole and regions such as Northern Ireland.

Title	Current Stage	Nature of initiative	Description of scope of objectives	Perceived Relevance to Northern Ireland
<p>Proposal for a revision of exclusions concerning seafaring workers</p> <p>Expected to be adopted in 4th Semester 2011</p> <p>2008/EMPL/014</p>	<p>No record found in legislative monitor</p>	<p><i>Non – Legislative Act CNS (Consultation Procedure)</i></p>	<p>The proposal aims to provide seafarers with the same level of employment rights as on-shore workers, with a number of existing Directives regarding labour law excluding seafarers from their scope. The proposal will alter several amendments to rectify this issue.</p>	<p>As Northern Ireland has an established fishing fleet this proposal will have an impact on seafarers from the region, raising their employment rights to the same level as other workers.</p>
<p>Communication on the implementation of lifelong learning strategies, adult learning and competence development</p> <p>2010/EAC/005</p>	<p>No record found in legislative monitor</p>	<p><i>Non-Legislative Act</i></p>	<p>Linked to the New Skills for New Jobs initiative, it seeks to develop the key competences approach in the fields of vocational training, adult learning and higher education.</p>	<p>Vocational training, adult learning and higher education continue to be an important part of economic and social development in Northern Ireland. As such the further development of key competences in these areas across the EU could have an impact on how Northern Ireland develops links between education/training and employers.</p>
<p>Proposal for a Council Recommendation on the promotion and validation of non-formal and informal learning supporting the development of national qualification frameworks linked to the European Qualifications Framework</p> <p>Expected to be adopted in November 2011</p> <p>2011/EAC/009</p>	<p>No record found in legislative monitor</p> <p>Public Consultation closed February 2011.</p>	<p><i>Non-Legislative Act</i></p>	<p>Part of the Youth on the Move initiative – it will address how national qualifications frameworks should facilitate the promotion and validation of non-formal and informal learning outcomes and provide permeability between Vocation Education and Training (VET) and higher education.</p>	<p>Skills development through non-formal and informal methods are increasingly becoming a cost effective method for employers and employees to up-skill. This proposal could have an impact on the Northern Ireland workforce and on the development of skills by young people.</p>

Title	Current Stage	Nature of initiative	Description of scope of objectives	Perceived Relevance to Northern Ireland
<p>Communication on unlocking the potential of cultural and creative industries (CCIs)</p> <p>Expected to be adopted 4th Semester 2011</p> <p>2011/EAC/003</p>	<p>Green paper launched in April 2010 (COM (2010) 183)</p>	<p><i>Non-Legislative Act</i></p>	<p>A follow up to a 2010 Communication on creative industries – this Communication proposes further action in order to foster the right environment for CCIs to flourish and contribute to smart, sustainable and inclusive growth in the EU.</p>	<p>This Communication will encourage growth in cultural and creative industries across the EU. The Green Paper highlights the benefits CCI's can have on regional economies in terms of developing cultural heritage for business use, enhancement of sustainable tourism and partnerships between CCIs and industry. Development of strategies in this area may benefit the local economy in terms of employment and efficient use of existing CCI resources.</p>
<p>Revision of Council Directive 2001/86/EC regarding the involvement of Employees</p> <p>Expected to be adopted in June 2011</p> <p>2011/EMPL/012</p>	<p>1st phase consultation</p>	<p><i>Non-Legislative Act</i></p>	<p>The consultation will aim to elicit the European social partners' position on the possible revision of Directive 2001/86 with a view to simplifying the arrangements for the representation of employees in European companies and on the scope of such a revision.</p>	<p>This Revision will have some impact on the operation of NI companies, although it is a revision of an existing Directive and will mainly involve the simplification of the current process.</p>
<p>Revision of Council Directive 2003/72/EC supplementing the Statute for a European Cooperative Society with regard to the involvement of Employees</p> <p>Expected to be adopted in 4th Semester 2011 COM/2010/481 2011/EMPL/013</p>	<p>1st phase consultation</p>	<p><i>Non-Legislative Act</i></p>	<p>The consultation will aim to elicit the European social partners' position on the possible revision of Directive 2003/72 (which established the European Cooperative Society). The initiative will assess whether existing arrangements on employee involvement may be responsible for the small take up of the existing framework and identify any possible ways towards simplification.</p>	<p>The main groups affected by this revision will be the founders, managers and employees of the undertakings adopting the form of an SCE. As such it may impact on any NI business which is involved in an SCE.</p>

Title	Current Stage	Nature of initiative	Description of scope of objectives	Perceived Relevance to Northern Ireland
<p>Consultation of social partners on the protection of workers' health from risks related to exposure to Environmental Tobacco Smoke at the workplace.</p> <p>Expected to be adopted in 4th Semester 2011</p> <p>2009/EMPL/019</p>	<p>Second phase consultation</p>	<p><i>Non-Legislative Act</i></p>	<p>Approximately 7.5 million workers in the EU are exposed to "environmental tobacco smoke" (ETS) in the workplace. This Consultation is intended to help develop an EU wide Initiative as regards to workers exposure to ETS.</p>	<p>This will have some impact on Northern Ireland but it should be noted that there are a number of existing UK laws regarding smoking in the workplace, and as such any EU initiative may have a limited impact in Northern Ireland</p>
<p>Communication on the strategy for the sustainable competitiveness of the EU Construction sector</p> <p>Expected to be adopted in November 2011</p> <p>2011/ENTR/008</p>	<p>Optional consultation – No record found in legislative monitor.</p>	<p><i>Non-Legislative Act</i></p>	<p>The Communication will focus on four strategic objectives aimed at enhancing competitiveness in the sector with two having the most validity for the Committee – (c) better provision of education and training; and (d) strengthening of research, innovation and knowledge deployment.</p>	<p>The Initiative could potentially impact throughout the construction industry supply chain from supply of manufacturing materials, construction companies and architectural firms. It will also impact on regulatory bodies.</p>
<p>Green paper on the Professional Qualifications Directive</p> <p>Expected to be adopted 22 June 2011</p> <p>2011/MARKT/020</p>	<p>Consultation Paper launched on the 7th January 2011 closed 15th March. Green paper to be released in the Autumn of 2011</p>	<p><i>Non-Legislative Act</i></p>	<p>The objective of the Green paper is to present the main conclusions of the evaluation of the Professional Qualifications Directive and to consult all interested parties on the options for amending the system. It will prepare a possible revision of the Directive in 2012</p>	<p>This may have some impact on the movement of NI workers across the EU in allowing the further recognition of professional qualifications.</p>

Title	Current Stage	Nature of initiative	Description of scope of objectives	Perceived Relevance to Northern Ireland
<p>Communication on "Partnering in Research and Innovation"</p> <p>Expected to be adopted 27 September 2011</p> <p>2011/RTD+/019</p>	<p>No record found in legislative monitor</p>	<p><i>Non-Legislative Act</i></p>	<p>The Commission will present a Communication on how partnering for innovation and research of different nature (i.e. public-private and public-public) can deliver towards the EU 2020 strategy and the Innovation Union. In this context, special attention will be paid to the Innovation Partnerships concept.</p>	<p>This may have some impact in Northern Ireland with research and innovation an important aspect of the work of NI Universities and the NI Programme for Government (2008-2011).</p>
<p>Revision of the Directive on Working Time (Expected to be adopted September 2011)</p> <p>COM(2010)106 COM(2010)801 2010/EMPL/022</p>	<p>Consultations phase 1 and 2. Phase 1 was transmitted to the European Parliament in March 2010 and phase 2 (consultation of social partners) was transmitted to the European Parliament in December 2010.</p>	<p><i>Revision Legislative Initiative (COD)</i></p>	<p>The objective of the revision is to adapt the Directive to the new realities created by the evolution of working patterns and to clarify the implementation of it in regards on-call time.</p>	<p>As the directive affects all workers it has an impact across all EU member states. It is noted in the related Roadmap that the clarification regarding on-call time will have a significant impact on public service workers, especially those who work in 24 hour services (e.g. hospitals and emergency services).</p>

Please see Appendix 1 of this Briefing Paper for further information on the 2011 strategic initiatives.

3.2 Indicative list of possible initiatives under consideration in 2011

The 2011 CWP also provides details on initiatives that will be under consideration for adoption in 2011.

Table 2 below provides a list of these initiatives. Please note further information is available on these initiatives in Appendix 2 of this briefing paper.

Table 2: Indicative list of possible strategic and priority initiatives under consideration in 2011

Nature of initiative	Description
<i>Non Legislative/legislative Initiative</i>	Social Business Initiative. Expected to be adopted in the third quarter of 2011. No record found in legislative monitor (PreLex)
<i>Non-legislative</i>	European Strategy and Action plan towards a sustainable bio-based economy by 2020. Expected to be adopted in November 2011. No record found in legislative monitor (PreLex)

3.3 Indicative list of possible initiatives under consideration from 2012 - 2014

The 2011 CWP also contains an indicative list of possible strategic and priority initiatives under consideration for 2012 to 2014. Those which may impact on Employment and Learning are listed in table 3 below.

Table 3: Indicative list of possible strategic and priority initiatives under consideration for 2012 - 2014

Nature of initiative	Description	Expected year of adoption
<i>Non-legislative communication</i>	Communication on 'Developing labour market intelligence and skills governance: towards an EU skills audit'	2012
<i>Legislative Proposal</i>	Proposal for a legal instrument on enforcement of rights of EU migrant workers in relation to the principle of free movement of workers	2012
<i>Legislative Proposal</i>	Proposal for a Regulation amending Regulation 1612/68 (EURES) – will support the implementation of "Youth on the Move" by reforming the EURES network	2012
<i>Legislative Proposal</i>	Proposal to amend Directive 2204/37 concerning the protection of workers against the risks associated with exposure to Carcinogens and Mutagens at work	2013

Nature of initiative	Description	Expected year of adoption
<i>Legislative Proposal</i>	Proposal for a revision of the Directive on clinical trials to foster clinical research and innovation in the pharmaceutical sector	June 2012
<i>Legislative Review</i>	Review of Professional Qualifications legislation	2012
<i>Legislative</i>	Framework Directive on European Research Area	June 2012

The 2011 CWP also lists simplification proposals and withdrawals in Annexes III and IV to the Work Programme. These are not considered in this paper as they do not comprise new legislation. A number of the key initiatives identified are legislative proposals, and will therefore be subject to a subsidiarity check which is triggered by draft legislation.⁶ The House of Lords EU Select Committee identified the following proposals as requiring close scrutiny in respect of subsidiarity⁷:

- Proposal on the posting of workers;
- Revision of the Working Time Directive;
- New Competences Initiative, including a European Skills Passport;
- Promotion and validation of informal and non-formal learning; and
- Environmental Tobacco Smoke at the workplace.

Emerging policy developments in the areas highlighted above will also be monitored closely to identify any draft legislative acts that may emerge at a later date.

4 Relevant Legislation

The table following provides information on upcoming and proposed legislation which may have an impact in the UK and NI and which may be of note to the Committee.

⁶ Article 5 of the Lisbon Treaty means that National Parliaments become guardians of the principle of subsidiarity, which is formulated to ensure that the EU only acts within the limits of the powers conferred on it by the Member States.

⁷ House of Lords, EU Select Committee "Subsidiarity Scrutiny" <http://www.parliament.uk/documents/lords-committees/eu-select/subsidiarity/Subsidiarity%20Scrutiny.pdf>

Table 4: Upcoming and Proposed EU Legislation⁸

Topic	Date of EU Legislation	EU Legislation Title	Date enacted in UK/NI	Title of UK Legislation (if any)	Potential Impact/target areas
Parental Rights: Additional EU maternity rights proposed	2011/2012	Pregnant Workers Directive (proposed amendments)	No date as of yet	n/a at this time	Proposed changes to maternity rights – unlikely to have a major impact on the UK as a result of existing maternity provisions. The suggested 20 weeks full maternity pay would have implications for the UK ⁹ .
Parental Rights: Increase in Parental Leave	Adopted on the 8 th March	EU Parental Leave Directive	Member nations have two years to introduce to national law	n/a at this time	The increase is unlikely to have a major impact in the UK, since statutory parental leave is unpaid and it is relatively uncommon for employees to take it.
Unions and Employee Representation: Changes to EU Works Councils	June 2011	Transnational Information and Consultation of Employees (Amendment) Regulations 2010	The UK has until the 5 th June 2011 to implement the revised directive.	TICE ¹⁰ (Amendment) Regulations – went before UK Parliament on the 6 th April 2010	Amendments made to the directive on European Work Councils (EWC ¹¹) to reduce uncertainty and increase the number of EWCs. The majority of the provisions are expected to come into force in the UK on the 5 th June 2011.
Agency Workers: Right to equal treatment	2008	Temporary Workers Directive	Due to come into force on 1 st October 2011	Agency Workers Regulations 2010	Provides all agency workers with a right to equal treatment over basic employment and working conditions, compared with their directly recruited counterparts after 12 weeks in post.
Self Employed Workers: Equal treatment for self-employed workers	2010	EU Directive on equal treatment for self-employed workers	2012	n/a at this time	Entitles self-employed women and assisting female spouses and life partners of self-employed workers to maternity benefits, including at least 14 weeks maternity allowance
Working Time: EU discussions for future of opt-out	2011	Working Time Directive (proposed amendments)	No date at this time	n/a at this time	European discussions on proposed changes to the EU directive have been ongoing for some time including the scope for workers to opt-out from the maximum average 48 hour working week and whether or not time spent 'on-call' should be treated as working time. This could potentially lead to significant changes to the UK working time laws in due course.

⁸ People Management 9th September 2010 Legislative Timetable
<http://www.peoplemanagement.co.uk/pm/subjects/employment-law/legal-developments/legislative-timetable.htm> (first accessed 4th October 2010, most recently accessed 1st October 2011)

⁹ Ibid

¹⁰ Transnational Information and Consultation of Employees Regulations

¹¹ Employees who work for a large multinational company that has employees in the UK and another member state of the European Economic Area may have the right to be represented by a Europeans Work Council

Appendix 1: Strategic Initiatives Scheduled for Adoption in 2011

Further details of possible strategic and priority initiatives scheduled for adoption in 2011:

Strengthening Economic Governance Follow Up¹²

On the 29th of September 2010 the Commission introduced proposals aimed at reinforcing the European fiscal framework and broadening macroeconomic surveillance to the prevention of adverse macroeconomic imbalances. The proposal covered three areas:

- The reinforcement of Member States compliance with the stability and growth pact (SGP) and to deepen fiscal policy coordination. Fiscal responsibility is encouraged by setting minimum requirements for national fiscal frameworks to make sure they are in line with EU treaty obligations.
- The Commission proposes to broaden economic surveillance to prevent, detect and correct macroeconomic imbalances and divergence in competitiveness. This proposal is designed to tackle intra EU and especially intra-euro-area imbalances in a preventative and effective way. In practical terms, this means creating a scoreboard of economic and financial indicators and carrying out in-depth country analyses. When necessary, country specific recommendations will be addressed. Euro area members who show insufficient compliance with their respective recommendations could also face sanctions.
- Strengthening enforcement mechanisms. Effective, timely and fairly applied enforcement mechanisms are crucial for the functioning of the economic surveillance framework. This requires the introduction of a wider range of sanctions and incentives, which would be applied gradually and at an earlier stage of the surveillance process than is currently the case.

This proposal will be revisited by the EU commission in the early stages of 2011.

Modernisation of Higher Education¹³

The proposed Communication will form part of the Commission's response to the need for reform in European higher education systems. More specifically, the Communication will seek to respond to a risk that efforts to reform higher education are reduced in the wake of the current economic situation and pressures on public finances, at a time when the need for reform is more pressing than ever.

The main groups affected by the problems outlined above are:

¹² Economic Governance Package : Strengthening the stability and growth pact
<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/455&format=HTML&aged=0&language=EN>

¹³ European Commission Roadmap – Communication on Modernisation of Higher Education
http://ec.europa.eu/governance/impact/planned_ia/docs/2011_eac_004_higher_education_en.pdf

- Current and future students at European higher education institutions (who experience difficulties in relation to issues such as access, relevance and quality of study programmes and recognition of qualifications);
- Employers (who experience difficulties recruiting graduates with the right skill sets);
- Management and staff in Higher Education Institutions (who may currently be constrained in adapting their operations and programmes as they would wish to).

At a specific level, the objectives of the initiative are:

1. To raise the profile of the higher education modernisation agenda and stress its importance, at a time when national governments face other serious challenges and difficult choices regarding public spending;
2. To provide a clear and concise overview of progress made in addressing the challenges faced by higher education in Europe already set out in the last Communication - Education and Training 2020 (ET2020) - and elsewhere;
3. To highlight new or emerging challenges facing higher education, which have not featured prominently in previous EU strategic policy statements. These include the increasing need for transparency, the increased focus on employability and the social dimension of higher education; and
4. To present (concise) examples of how the outstanding and new challenges can be addressed effectively in different contexts.

At a strategic level, the initiative should:

1. Ensure that higher education and higher education reform remains high on the political agenda at Member State level and reforms progress;
2. Support the process of breaking down the barriers around universities in Europe (including continued progress in the implementation of Bologna process reforms, increasing the proportion of graduates and researchers spending a semester abroad or in industry, and improving academic recognition processes);
3. Support the creation of real autonomy and accountability for universities;
4. Encourage provision of incentives for structured partnerships with the business community;
5. Promote provision of the right skills and competencies for the labour market;
6. Encourage increased funding for higher education and make funding work harder in education and research;
7. Promote enhanced interdisciplinarity and transdisciplinarity; and

8. Help to become the European Higher Education Area and the European Research Area more visible and attractive in the world, including an EU internationalisation strategy.

The initiative is conceived as a supporting measure to reinforce and update the on-going modernisation agenda and highlight areas where further work (or future initiatives) may be required.

At this stage, it is not intended to propose substantive new actions at Community level.

The Commission will continue to support the modernisation of EU higher education through a process of identifying and sharing good practice, and through its funding programmes for education, research and innovation: the Lifelong Learning Programme, the Seventh Framework Programme for research and development, the Competitiveness and Innovation programme, and the Structural and Cohesion Funds

Expected to be adopted in September 2011.

Posting of Workers¹⁴

The Posting of Workers Directive (Directive 96/71/EC) broadly requires that where a Member State has certain minimum terms and conditions of employment, these must also apply to workers posted temporarily by their employer to work in that state. Despite a significant body of EU labour law setting minimum standards, important differences persist between employment rights across Member states, reflecting unequal levels of economic and social development as well as different industrial relations systems. With the development of opportunities for cross-border provision of services and establishment of undertakings brought about by the Single Market, these differences in employment conditions became more visible and gave rise to problems of reconciliation between economic freedoms and the protection of social rights.

The general objective of the Initiative is to improve the implementation and application in practice of Directive 96/71/EC on Posting of Workers. Specific objectives relate to ensuring the effective respect of the posted workers rights, clarification of the obligations of national authorities and clarification of the role of trade unions and social partners in general in the framework of the Directive.

Expected to be adopted in December 2011.

Revision of the Working Time Directive

The Directive was prepared to develop new proposals to adapt legislation to the needs of workers, businesses, public services and consumers of the 21st Century¹⁵.

¹⁴ European Commission Impact Assessment Roadmap – Posting of Workers
http://ec.europa.eu/governance/impact/planned_ia/docs/2011_empl_001_posting_of_workers_en.pdf

¹⁵ European Commission Impact Assessment Roadmap – Review of the Working Time Directive
http://ec.europa.eu/governance/impact/planned_ia/docs/21_empl_revision_working_time_directive_en.pdf (first accessed 6th September 2010)

Its main objective is:

To ensure that EU working time regulation achieves effectively its objective under Art 153 TFEU (improving protection of workers' health and safety and of their working conditions) in a way which meets the current and prospective needs of workers, businesses and consumers in the EU in the 21st century.

The Initiative is expected to be adopted in September 2011.

Commission Communication on the implementation of lifelong learning strategies, adult learning and competence development

The Communication is linked to the New Skills for New Jobs initiative and seeks to develop the key competences approach in the fields of vocational training, adult learning and higher education, building on the 2006 Key Competences Recommendation but going beyond. It supports efforts in Member States to modernise these other areas of education and training provision, looking especially at assessment and validation questions and the development of a common language on competences between the worlds of education/training and of work including the proposals for a High Level Forum on basic skills and for a European Skills Passport.

Expected to be adopted in July 2011

Recommendation on the promotion and validation of informal and non-formal learning

Part of the Youth on the Move initiative; it will address how national qualifications frameworks should facilitate the promotion and validation of non-formal and informal learning outcomes and provide permeability between Vocational Education and Training (VET) and higher education, as well as how to promote professionalism and recognition of those delivering such learning experiences, in particular in the youth field.

Expected to be adopted in November 2011.

Unlocking the potential of Cultural and Creative Industries

The objective is to foster the right environment for cultural and creative industries (CCIs) to flourish and contribute to smart, sustainable and inclusive growth. The initiative should make it easier for CCIs (in particular SMEs) to access funding, improve the monitoring of the skill needs of CCIs, better embed CCIs in regional development strategies, and set up "creative partnerships" between CCIs and education institutions, businesses and administrations.

Expected to be adopted in the 4th Semester in 2011.

Proposal to amend several labour law EC Directive with a view to including seafaring workers or vessels within their scope

The proposal aims to provide seafarers with the same level of employment rights as on-shore workers. A number of Directives in the field of labour law currently exclude seafarers from their scope. The amendments, which should cover several Directives, will either include seafarers in their scope or provide for special treatment of seafarers so as to ensure an equivalent level of protection, while taking into account the special circumstances and the overall economic environment for this industry.

Expected to be adopted in the 4th Semester of 2011.

Consultation of social partners on the revision of Council Directive 2001/86/EC supplementing the Statute for a European company with regard to the involvement of employees.

The consultation will aim to elicit the European social partners' position on the possible revision of Directive 2001/86 with a view to simplifying the arrangements for the representation of employees in European companies and on the scope of such a revision. The consultation will take place after the publication of the Commission Report on the implementation of Regulation 2157/2001.

Expected to be adopted in June 2011.

Consultation of the social partners on the revision of Council Directive 2003/72/EC supplementing the Statute for a European Cooperative Society with regard to the involvement of employees.

The consultation will aim to elicit the European social partners' position on the possible revision of Directive 2003/72. The consultation will take place after the publication of the Commission Report on the implementation of Regulation 1435/2003 (European Cooperative Society Statute).

Expected to be adopted in the 4th Semester of 2011.

The strategy for the sustainable competitiveness of the EU Construction sector

The Communication will define a strategy for strengthening the competitiveness of the European construction sector whilst meeting current and future societal challenges until year 2020. It will present a set of priority actions to be undertaken by the key sector operators (EU level, Member States authorities, industry) allowing tangible steps to be taken towards meeting the foreseen objectives. This includes appropriate modalities of coordination in order to achieve maximum impact. The objectives and actions will fully take into account the different country settings in the Member States, the various construction subsectors, the differences in role and size of the operators as well as the impact of cyclical economic developments.

Expected to be adopted in November 2011.

Communication on 'Partnerships in Research and Innovation'

The Commission will present a Communication on how partnerships for innovation and research of different nature (such as public-private and public-public), can deliver towards the EU 2020 strategy and the Innovation Union. In this context special attention will be paid to the Innovation Partnerships concept.

Expected to be adopted in September 2011.

Appendix 2: Potential Strategic and Policy Initiatives 2011 and Beyond¹⁶

Social Business Initiative

Since the completion of the internal market, and despite the adoption of European statutes for enterprises (European society, European Cooperative), most social businesses are still operating essentially in a national or local sense, and not benefiting from the growth potential that the market could bring.

This is a result of most social enterprises products and services being mainly tailored to a local market and are rarely taken into account in cross-border trade. In order to encourage the growth of social businesses, the EU Commission has developed the Social Business Initiative. It mainly concerns access to public and private commissions (including unfair trade practices) and access to finance (banking and financial markets).

The purpose of the initiative is to facilitate the growth and development of social entrepreneurship through encouraging:

- Company access to relevant procurement;
Access to private control by improving transparency on the social performance of companies and fighting against unfair trade practices by enabling social enterprises to submitted their certification throughout the internal market.
- Access to funding for "social enterprises".

All of these measures are intended to be subjected to a brief consultation, possibly in a White Paper.

European Strategy and Action plan towards a sustainable bio-based economy by 2020

The Communication will provide a vision and action plan for a sustainable and innovative European Bio economy by 2020, including:

- implementation of a European Innovation Partnership and completion of the European Research Area in the bio-economy sectors;
- to improve framework conditions for innovation, including promotion of knowledge transfer and public procurement and development of standards; and
- to stimulate the reforms of Member States national R&D and innovation systems, in order to enable the development of the bio-economy at national level.

¹⁶ EU Commission , Commission Work Programme 2010 - Annexe to the Communication from the Commission to European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions

Proposal for a legal instrument on enforcement of rights of EU migrant workers in relation to the principle of free movement of workers

Removing existing barriers to mobility of EU workers by enhancing the enforcement of rights conferred by EU law.

Proposal for a Regulation amending Regulation 1612/68 (EURES)

The proposal will support the implementation of the flagship initiative "Youth on the Move". More specifically, it aims at reforming the EURES network, improving its already existing information and advice activities and expanding it to include an EU-wide scheme for the mobility of young workers.

Legislative proposal to amend Directive 2004/37 concerning the protection of workers against the risks associated to the exposure to Carcinogens and Mutagens at work (2013)

The purpose is to review the current legal framework in order to address acceptable cancer risk levels, improve risk management, and assess the extension of the scope of the Directive in order to take into account new factors of risk and substances that are toxic for reproduction.

Proposal for a revision of the Directive on clinical trials to foster clinical research and innovation in the pharmaceutical sector

The objective is to revise the Directive on clinical trials to address the shortcomings identified in various evaluations conducted by the Commission in previous years. The aim is to strengthen knowledge and innovation in clinical research. The proposal would respond to the fact that the vast majority of larger clinical trials are conducted in a pan-European setting. Possible issues that would be addressed are reduction of administrative delays prior to the commencement of clinical trials, avoiding divergent decisions throughout the EU and streamlining of reporting procedures.

Review of Professional Qualifications legislation

Following the evaluation of the professional acquis ("that which has been acquired"), appropriate amendments will be made to the legislative framework.

Framework directive on European Research Area (ERA)

As announced in the "Innovation Union" flagship initiative, the Commission will propose a European Research Area framework with supporting measures to remove obstacles to mobility and cross-border cooperation.