



Northern Ireland
Assembly

Research and Library Service Briefing Paper

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European Commission Work Programme 2010: Employment and Learning

Introduction

1. 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.

2. 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. identify all draft legislative acts.
3. This briefing paper contains the results of an initial screening of the work programme to identify initiatives contained in the European Commission's 2010 work programme which relate to the work of the Committee for Employment and Learning.

European Commission Work Programme 2010

4. 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.
5. On 31st March 2010, the European Commission published its 2010 Work Programme for which it provided the following overview:

The Commission Work Programme (CWP) 2010 translates the priorities of President Barroso's political guidelines into concrete actions. Overall, emphasis of the CWP is on (1) putting the Europe 2020 Strategy into practice thereby building the basis for exiting the economic crisis and creating sustainable growth and jobs (2) enhancing the rights and security of European citizens and (3) strengthening Europe's role on the world stage.¹

6. Notably, the format of the 2010 work programme differs from that of previous years' legislative and work programmes. For the first time, the work programme provides a four-year rather than an annual overview of the Commission's legislative and non-

¹EU Commission The Commissions Work Programme http://ec.europa.eu/atwork/programmes/index_en.htm

legislative priorities. 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.

7. Whilst the body of the Work Programme describes the Commission's ambitions and commitments for 2010 and beyond, a number of annexes provide detail on individual initiatives which it plans to take forward.
8. Under the following headings, Annex I contains a list of 34 strategic initiatives on which the Commission commits to deliver in 2010:
 - Tackling the crisis;
 - Advancing the "Europe 2020" flagship initiatives;
 - Tackling Europe's bottlenecks;
 - Putting people at the Heart of European action and building a citizens' Europe;
 - Ensuring an open and secure Europe;
 - Addressing long-term societal changes;
 - Deepening Europe's trade agenda; and
 - Modernizing EU instruments and the ways of working.
9. Annex II contains a list of 280 major proposals under consideration during 2010 and beyond, which are tentative prospects for the rest of the mandate. These are broken down under the following headings, which map closely to the Departments and Services of the European Commission.²

Table 1: Proposal Headings

| | |
|-----------------------------------|---|
| Agriculture and Rural Development | Humanitarian Aid & Crisis Response |
| Budget | Industry and Entrepreneurship |
| Climate Action | Internal Market and Services |
| Competition | Justice, Fundamental Rights and Citizenship |
| Development | Maritime Affairs and Fisheries |
| Digital Agenda | Regional Policy |
| Economic and Monetary affairs | Research and Innovation |

² The term 'Commission' is used within the European Union in two senses. First, it refers to the team of people from Member States appointed to run the institution and take its decisions. Secondly, the term 'Commission' refers to the institution itself and to its staff.

| | |
|--|------------------------------|
| Education, Culture and Youth | Services of general interest |
| Employment, Social Affairs & Inclusion | Smart Regulation |
| Energy | Taxation and Customs Union |
| Enlargement and Neighborhood Policy | Trade |
| Environment | Transport |
| Health and Consumers | |
| Home Affairs | |

10. A list of simplification proposals and withdrawals is included as Annexes III and IV to the Work Programme.
11. The remainder of this paper identifies those initiatives contained in Annexes I and II which are most relevant to the work of the Committee for Employment and Learning.
12. Tables 1 below identifies the initiatives the Commission is scheduled to adopt in 2010, with table 2 listing possible strategic and priority initiatives to be considered post 2010.

Table 2: Strategic initiatives the Commission is scheduled to adopt in 2010

| Nature of initiative | Title of the document | Likely date of publication |
|-----------------------------|---|-----------------------------------|
| <i>Communication</i> | European Plan for Research and Innovation | 3 rd Quarter 2010 |
| <i>Communication</i> | Youth on the Move Initiative | 3 rd Quarter 2010 |
| <i>Communication</i> | Communication on Youth Employment | 4 th Quarter 2010 |
| | Agenda for New Skills and Jobs | 3 rd Quarter 2010 |
| <i>Proposal</i> | Revision of the Working Time Directive | 4 th Quarter 2010 |
| <i>Review</i> | Budget Review | 3 rd Quarter 2010 |

Table 3: Indicative list of possible strategic and priority initiatives under consideration

| Nature of initiative | Description |
|-----------------------------|--|
| <i>Proposal</i> | Recommendation on early school leaving |
| <i>Proposal</i> | Integrated youth on the move programme 2014 – 2020 |
| <i>Proposal</i> | Strategic Innovation agenda of the European Institute of Innovation and Technology (EIT) |
| <i>Communication</i> | Impetus for European Vocational Education and Training Cooperation 2010 - 2020 |
| <i>Proposal</i> | Promoting learning mobility of young people |
| <i>Communication</i> | Initiative on new European competences |
| <i>Communication</i> | Proposal for benchmarks on mobility and employment |
| <i>Report</i> | Report on the implementation of the education and training OMC during 2009 – 11 |
| <i>Communication</i> | Modernisation of higher education |
| <i>Proposal</i> | Implementation of Posted Workers Directive |
| <i>Communication</i> | EU disability strategy 2010-2020 |
| <i>Proposal</i> | Amendment of several labour law EC Directives with a view to including seafaring workers or vessels within their scope |
| <i>Proposal</i> | Regulation on the European Globalisation Adjustment Fund (EGF) 2013 - 2020 |
| <i>Proposal</i> | Decision on the Progress Programme 2013-2020 |
| <i>Proposal</i> | Steps to improve the legal and policy framework on reconciliation regarding parental leave |

Please note: The initiatives listed in Table 2 cover 2010 and beyond. Please see Appendix 1 for further details.

It is proposed that, to support the work of the Committee for Employment and Learning, the Employment and Learning Researcher will monitor development of the initiatives of the 2010-2014 work programme identified above. The Researcher will also monitor the development of any new policy proposals, legislative or otherwise, in these broad areas.

13. At a later date, should it become necessary to prioritise these for continued monitoring, the criteria listed below could be employed:

- 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 Engagement³.
14. In addition to updating the Committee directly via the Committee Clerk, the Research & Library Service's online current awareness tool 'HORIZON' will be used to disseminate information on developments more widely.
15. A number of the key initiatives identified are legislative proposals, and will therefore be subject to a subsidiary 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.

Relevant Legislation

16. The table below 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.

Table 4: Upcoming and Proposed EU Legislation⁵

| Topic | Date of EU Legislation | EU Legislation Title | Date enacted in UK/NI | Title of UK Legislation (if any) | Potential Impact/target areas |
|-----------------------------|--|---|--|-------------------------------------|--|
| Employment – Agency Workers | 1 st October 2010 | Temporary Agency Workers Directive 2008 | Due to come into force 1 st October 2011. | The Agency Workers Regulations 2010 | All agency workers have a right to equal treatment over basic employment and working conditions after 12 weeks in a given job. |
| Parental Rights | 2011 | Pregnant Workers Directive – still at an early stage of development | No date as of yet | N/A | 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. |
| Parental Rights | The Directive came into force on the 4 th August 2010 | EU Directive on Equal Treatment for Self-employed Workers | Member nations have two years to introduce it to | N/A | Entitles self-employed women and assisting female spouse and life partners of self-employed workers to access maternity benefits. |

³OFDFM Priorities for European Engagement Action Plan 2008-09
http://www.ofdfmni.gov.uk/priorities_for_european_engagement-action_plan_2008-2009_3mb_-2.pdf

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.

⁵ 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)

| | | | | | |
|------------------------------------|-----------|--|---------------------------|---|--|
| | | | national law ⁶ | | |
| Unions and Employee Representation | June 2011 | Transnational Information and Consultation of Employees (Amendment) Regulations 2010 | 5 th June 2011 | TICE ⁷ (Amendment) Regulations – went before UK Parliament on the 6 th April 2010 | Amendments made to the directive on European Work Councils (EWC ⁸) 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. |

⁶ EU Business 7th June 2010 New EU law: self-employed workers obtain maternity leave right <http://www.eubusiness.com/news-eu/self-employed-benefits.706> (first accessed 7th October 2010)

⁷ Transnational Information and Consultation of Employees Regulations

⁸ Employees who work for a large multinational company that has employees in the UL and another member state of the European Economic Area may have the right to be represented by a European Work Council

Appendix 1: Initiatives Scheduled for Adoption in 2010

Further details of possible strategic and priority initiatives under consideration are provided below:

European Plan on Research and Innovation⁹

The aim of the Research and Innovation Plan is to implement the innovation related elements of the Europe 2020 strategy, in particular the flagship action "Innovation Union", i.e. to re-focus R&D and innovation policy on the challenges facing our society, such as climate change, energy and resource efficiency, health and demographic change. Every link should be strengthened in the innovation chain, from 'blue sky' research to commercialisation.

In terms of its main objectives, the Commission will work at EU level:

- To complete the European Research Area, to develop a strategic research agenda focused on challenges such as energy security, transport, climate change and resource efficiency, health and ageing, environmentally-friendly production methods and land management, and to enhance joint programming with Member States and regions;
- To improve framework conditions for business to innovate (i.e. create the single EU Patent and a specialised Patent Court, modernise the framework of copyright and trademarks, improve access of SMEs to Intellectual Property Protection, speed up setting of interoperable standards; improve access to capital and make full use of demand side policies, e.g. through public procurement and smart regulation);
- To launch 'European Innovation Partnerships' between the EU and national levels to speed up the development and deployment of the technologies needed to meet the challenges identified. The first may include, for example: 'building the bio-economy by 2020', 'the key enabling technologies to shape Europe's industrial future' and 'technologies to allow older people to live independently and be active in society';
- To strengthen and further develop the role of EU instruments to support innovation (e.g. structural funds, rural development funds, R&D framework programme, CIP, SET plan), including through closer work with the EIB (including innovative financial instruments) and streamline administrative procedures to facilitate access to funding, particularly for SMEs and to bring in innovative incentive mechanisms linked to the carbon market, namely for fast-movers; and
- To promote knowledge partnerships and strengthen links between education, business, research and innovation, including through the EIT, and to promote entrepreneurship by supporting Young Innovative Companies.

⁹ European Commission Impact Assessment 2010 Roadmaps
http://ec.europa.eu/governance/impact/planned_ia/roadmaps_2010_en.htm (first accessed 6th September 2010)

At national level, Member States will need:

- To reform national (and regional) R&D and innovation systems to foster excellence and smart specialisation, reinforce cooperation between universities, research and business, implement joint programming and enhance cross-border co-operation in areas with EU value added and adjust national funding procedures accordingly, to ensure the diffusion of technology across the EU territory;
- To ensure a sufficient supply of science, maths and engineering graduates and to focus school curricula on creativity, innovation, and entrepreneurship; and
- To prioritise knowledge expenditure, including using tax incentives and other financial instruments to promote greater private R&D investments.

The initiative is expected to be adopted in the third quarter of 2010.

Youth on the Move Initiative¹⁰

The Communication is intended to set out a strategy to:

- integrate EU and national mobility, University and researchers programmes;
- modernise higher education;
- promote entrepreneurship through the mobility of young professionals; and
- promote the recognition of informal learning.

Four specific objectives can be identified which will, in turn, be supported by a number of initiatives¹¹:

- Promote the performance and attractiveness of Europe's higher education, in particular, by harnessing and enhancing the EU's mobility programmes, such as, Erasmus, Erasmus Mundus, Tempus and Marie Curie in order to develop further the knowledge economy. A key target is to raise the share of the young adult population who hold a university degree - to 40% of the 30-34 age cohort, by 2020. The aim is to make university studies more relevant, more attractive and more open towards the rest of the world, including by fostering their internationalisation and student/staff mobility;
- Contribute to building a strong basis for modern lifelong learning systems which supports the development of high quality and increased participation in higher education. This includes investing in high quality schools, high performing vocational training systems and flexible access for adults to training and up-skilling opportunities including by supporting more learning mobility opportunities;

¹⁰ Ibid

¹¹ European Commission Impact Assessment Roadmap - Youth on the Move
http://ec.europa.eu/governance/impact/planned_ia/docs/12_eac_youth_on_the_move_communication_en.pdf (first accessed 6th September 2010)

- Encourage the transnational mobility of young people for learning, employability, social and personal development. The aim is that by 2020 all young people in Europe should have the possibility to spend a part of their educational pathway in another Member State; and
- Extend and broaden learning opportunities to young people as a whole, stimulate their engagement in society, and improve their employment situation, inter alia, by launching a youth employment framework outlining policies aimed at reducing youth unemployment rates.

This Communication was expected to be adopted on the 23rd June 2010, however, it has subsequently been launched in September 2010.

Communication on Youth Unemployment¹²

This Communication looks at ways of strengthening policy to overcome the impact of the crisis on young people. The initiative is part of the flagship initiative "Youth on the Move" in the Europe 2020 strategy adopted by the Commission on 3 March 2010.

It will explore how to ease transitions from education and training work and will also address how to ensure a better link between policy priorities and EU funds, especially the European Social Fund.

The Communication will announce a set of new initiatives including the promotion of youth geographical mobility (EURES), a mobilisation of the business sector to recruit youth, and announce increased direct support to innovative projects through PROGRESS, the Lifelong Learning and Youth in Action Programmes.

The main policy objective of this initiative is to consolidate the EU policy orientations for youth employment responding to the challenges outlined above and seek to strengthen Member States commitment to action. This may include that the Council endorses conclusions for youth employment policies. Such a commonly agreed policy framework would be a strong tool for filtering down policy orientations to the ground level where concrete action takes place, thus supporting the implementation of the Europe 2020 strategy. Regional and local bodies (administration, public employment services, chambers, education and training establishments, youth services) are those dealing directly with young people and often decide on the use of available budgets.

In addition, the initiative would provide the ground for further specific initiatives to:

- Increase vocational training through more apprenticeship schemes;
- Foster high quality learning experiences at workplace after graduation ("traineeships") including in another Member State;
- Promote the geographical mobility of young workers; and

¹² European Commission Impact Assessment 2010 Roadmaps
http://ec.europa.eu/governance/impact/planned_ia/roadmaps_2010_en.htm (first accessed 6th September 2010)

- Stimulate employers' recruitment of young people.

The initiative is expected to be adopted in November 2010.

Agenda for New Skills and Jobs¹³

The Agenda has been developed to identify ways in which to develop new skills and jobs across the EU. Areas to be developed include:

- Raise activity rates;
- Facilitate intra-EU labour mobility;
- Better match skills and labour supply with demand;
- Strengthen the capacity of social partners;
- Strengthen cooperation in education and training; and
- Ensuring that competences are acquired and recognised throughout general, vocational, higher and adult education.

The Communication will briefly report on the achievements made since the adoption of the first New Skills for New Jobs (NSNJ) Communication (December 2008), but mainly outlining future activities and the role of NSNJ within EUROPE 2020. This forward-looking aspect will be partly based on the recommendations of an independent expert group report released on 4 February 2010 and debates during the Spanish Presidency Conference on NSNJ (Barcelona, 8-9 April). This would be alongside work on input for the G-20 meeting in April on new training strategies and any follow-up. The work on "competences" (cf. the Council conclusions) will support the NSNJ agenda. The general objectives of future activities within NSNJ are:

- Make the case for skills as an integrated agenda within EUROPE 2020;
- Empowering people through the acquisition of the right mix of new skills and lifelong learning (LLL);
- Anticipate future skills challenges to enable our current and future workforce to adapt to new conditions and potential career shifts;
- Match skills and jobs, bridge the gap between education/training and work; and
- Open up to talent.

The Agenda is expected to be adopted in the Third Quarter of 2010.

Revision of the Working Time Directive

The Directive was developed to come forward with new proposals to adapt legislation to the needs of workers, businesses, public services and consumers of the 21st Century¹⁴.

¹³ Ibid

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 December 2010.

Potential Strategic and Policy Initiatives 2010 and Beyond¹⁵

Proposal of the Commission for a Council Recommendation on Early School Leaving

Early school leaving is one of the key targets under the Europe 2020 strategy. The recommendation would provide Member States with a 'policy toolbox' which could be used to tackle the issue and accelerate the rate of improvement in the EU.

Proposal for an integrated Youth on the Move programme 2014 – 2020 (phase II)

In line with the Youth on the Move initiative, the programme will draw together the existing programmes 'lifelong learning' and 'Youth in Action' as well as external actions to create and integrate programme support for the objectives of Youth on the Move.

Commission Proposal for a European Parliament and Council decision on the Strategic Innovation agenda of the EIT and on the amendment to the EIT Regulation

As requested under the European Institute of Innovation and Technology (EIT) regulation, the strategic innovation agenda will make proposals for further governance, operations and resources for the 7-year period ahead.

Communication on a new impetus for European Vocational Education and Training Cooperation: 2010-2020

The Communication will propose a set of orientations to support the modernisation of Vocational Education and Training (VET) policies. It is an input to the Bruges Ministerial meeting planned for late 2010.

¹⁴ 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)

¹⁵ 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 Recommendation of the Council on Promoting Learning Mobility of Young People

Part of the Youth on the Move initiative, the Recommendation will propose actions by the Member States to increase opportunities for learning mobility and to tackle barriers to mobility.

Communication on the initiative for new European Competences

The Communication 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 and will include a proposal for a European Skills Passport.

Commission Communication: Proposal for benchmarks on mobility and employability

The Commission has been requested to make proposals for new European benchmarks in the fields of mobility and employability relating to how well different parts and levels of education and training prepare people for the labour market.

Draft 2012 Joint Progress Report of the Council and the Commission on the progress made under the 2009-11 priorities of ET 2020

Report on the implementation of the Education and Training Open Method of Communication (OMC) during 2009-11 as foreseen in the Strategic Framework for European Cooperation in Education and Training and update of priorities to cover the subsequent period.

Communication on the Modernisation of Higher Education

The purpose of this Communication is to review and propose new objectives for the future of this policy agenda. This may include possible proposals for transparency and ranking systems for higher education institutions.

Proposal on the implementation of the Posted Workers' Directive

The initiative will aim to improve the implementation of the Posting of Workers' Directive. The proposal will clarify the legal obligations for national authorities, businesses and workers on the Directive's implementation and ensure the same rules are universally applicable. Any new legal instrument would improve the provision of information for firms and workers. It would improve cooperation between national authorities, ensure effective enforcement through sanctions and remedial action and prevent abuse.

Legislative Proposal on the European Social Fund

The Regulation will have to be adapted in line with EU priorities for the programming period 2014-2020.

Proposal to amend several labour law EC Directives 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 onshore 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.

Proposals for a Regulation on the EGF 2013-2020

In 2011, the Commission will carry out a mid-term evaluation of the European Globalisation Adjustment Fund (EGF - exists to support workers who lose their jobs as a result of changing global trade patterns so that they can find another job as quickly as possible) in particular concerning the effectiveness and sustainability of results. This will provide a solid basis for proposing improvements to the preparation of and types of actions the EGF can co-finance and consider how delivery can be improved.

Proposal for a Decision on the Progress Programme 2013 – 2020

PROGRESS is the EU's employment and social solidarity programme, which started in 2007.

Proposals on Reconciliation

Following the Council's agreement on the revision of Directives 96/34/EC on parental leave which also covers adoption leave and taking into consideration the progress and outcome of the on-going negotiations on the revision of Directive 92/85/EC, the Commission will take further steps to improve the legal and policy framework on reconciliation. To this end, a cost-benefit study will be carried out in 2010 with regard to a possible initiative on paternity leave.

