



## Research and Information Service Briefing Paper

---

Paper 130/12

3 March 2012

NIAR 364-2012

**Eoin Murphy**

# Briefing Paper on European Commission Legislative Proposals 2012

This paper provides spreadsheets detailing information on legislative and non-legislative initiatives laid out in the EU Commission Work Programme 2012.

**Table 1: European Commission Legislative Proposals 2012**

Strategic Initiatives (Legislative)	Title	Estimated date of Adoption	Current stage of progress	Type of Initiative	Description	Perceived Relevance to Northern Ireland	Current Prioritisation	Indicative date of when Committee can become involved	Any Identified Subsidiarity Issues?
	Including seafaring workers of vessels in the scope of several labour law EU Directives	2nd semester 2012	First and second stage consultations completed.	COD - Ordinary Legislative Procedure	The proposal aims to provide seafarers with the same or equivalent level of employment rights as on-shore workers. Several Directives in the field of labour law currently exclude seafarers from their scope. The amendments, which cover several Directives, will aim at ensuring an equivalent level of protection while taking into account the particular circumstances and the economic environment for this sector.	This would have a limited impact on NI due to the small population of seafarers. The Directive would result in increased employment protections for seafarers including Transfer of Undertakings, Collective agreements and posting of workers	Low (Due to the limited number of people impacted).	The consultation stage is completed. The Committee may wish to ask the Department if it had any input into either consultation stage.	The Roadmap document does not identify any Subsidiarity issues - The action aims to reassess some of the exclusions concerning seafaring workers, existing within EU social law. Action at EU level is necessary in order to propose amendments to pre-existing EU legislation.
	Protection of supplementary pension rights of people who change jobs	4th semester 2012	As per the Commission Work Programme (CWP), a mandatory consultation is required. This has yet to be announced.	COD - Ordinary Legislative Procedure	Aims to conclude the negotiations on the 2005 Commission proposal modified in 2007 - the proposal would aim to address the issue of vesting periods (duration of employment before pension rights are irrevocably granted).	Pensions are a concern for everyone who holds one and as such this may be of note to the Committee. However part of the scope of this initiative is around workers moving between countries.	Low - Medium	As the proposal is in the pre-consultation stage the Committee may wish to ask the Department if it has had any input into the development of the legislation or if it has any plans to become involved.	No Subsidiarity issues identified - No roadmap and no information identified in House of Lords scrutiny documents
	Proposal for an initiative on enforcement of rights of EU migrant workers and members of their families in relation to the fundamental principle of free movement of workers	3rd Semester 2012	A search of the Prelex database found no entry for this proposal. As such it is still at an early stage of development.	COD - Ordinary Legislative Procedure	This initiative will remove existing barriers to mobility of EU workers by enhancing the enforcement of rights conferred by EU law and providing information and legal support to migrants facing discrimination based on nationality.	This may have some impact on NI including the land border shared with the Republic of Ireland and the movement of workers across it.	Low	The initiative has yet to be adopted, with no documents found on PRELEX. This suggests it is still at an early stage of development.	The Roadmap document does not identify any Subsidiarity issues However, it should be noted that the House of Lords EU Select committee noted that it may require close scrutiny.

Strategic Initiatives (Legislative)	Title	Estimated date of Adoption	Current stage of progress	Type of Initiative	Description	Perceived Relevance to Northern Ireland	Prioritisation	Indicative date of when Committee can become involved	Any Identified Subsidiarity Issues?
	Commission Recommendation on Child Poverty	4th semester 2012 (please note, in the most recently available documentation regarding the 2012 CWP this recommendation is listed as non-legislative)	A search of the Prelex database found no entry for this proposal. As such it is still at an early stage of development.	Recommendation	This Recommendation will support the EU and Member State (MS) efforts to tackle child poverty. As part of this it will lay out common principles for effective policy intervention in key areas including support to families which includes access to the labour market for parents.	The overall recommendation may have some impact on NI, however of note to the Committee is the focus on improving access to the labour market for parents.	Low	The initiative has yet to be adopted, with no documents found on PRELEX. This suggests it is still at an early stage of development.	The Roadmap document does not identify any Subsidiarity issues
	Framework for the European Research Area	June 2012	Consultation held - preliminary results produced January 2012.	Initiative (the exact legislative nature of the initiative will depend on the outcome of the impact assessment work and further analysis to be completed within the Directorate).	The ERA framework will be the basis for achieving strategic policy coherence and coordination between EU and MSs, with the aim to increase the efficiency of the European research system through better exploitation of the potential for cross border synergies and complementarities.	As the ERA will have a significant impact on research across the EU and the focus on Research and Development within the NI Economic Strategy the development of the Framework should be closely monitored.	Medium	The public consultation on the Framework is now closed - the Committee may wish to ask the Department what input it has had on the development of the framework and if it has identified any opportunities within it for NI's economic development.	The Roadmap document does not identify any Subsidiarity issues
	Youth on the Move Card(soft law - please note, this means that this has no binding effect but may have some legal effects)	No date provided/found	Public consultation closed 3 June 2011	As this is a soft law initiative it will be either a guideline, declaration or opinion.	An action of the Youth on the Move flagship initiative. This should facilitate both the mobility and participation for all young people aged between 13 and 30 years old residing in Europe. It would build on existing cards which already provide young people with benefits in various fields.	Relatively low - although it would allow NI's young people certain benefits when traveling within Europe in areas such as travel and accommodation.	Low	The public consultation closed in June 2011 although following a review of Prelex and similar EU databases no further data could be identified. The Committee may wish to ask the Department if it had any input into the consultation since then.	No Subsidiarity issues identified - No roadmap and no information identified in House of Lords scrutiny documents

NIAR 364-2012

**Table 2: European Commission Non-Legislative Proposals 2012**

Strategic Initiatives (non-legislative)	Title	Estimated date of Adoption	Current stage of progress	Type of Initiative	Description	Perceived Relevance to Northern Ireland	Prioritisation	Indicative date of when Committee can become involved	Any Identified Subsidiarity Issues?
	Employment package: Reforming the European Employment Service EURES and its legal basis	September 2012	Staff Working document produced April 2012 (SWD 2012 100)	Proposal	The proposal will aim to: 1) improve access to employment opportunities and facilitate job creation by establishing EURES as matching placement and recruitment tool for labour mobility across Europe; 2) expand EURES to support the new "Your First EURES Job" scheme; 3) reflect the ECJ jurisprudence on placement services which will need to be opened up to private employment services while widening the range of EURES partners. Part of the Employment package.	As with many other EU nations, NI is currently experiencing a high level of unemployment, especially amongst young people. This proposal could have a positive impact on unemployment in NI.	Medium to High - Could have a positive impact on individuals employment opportunities and NI economy	Whilst a staff working document has been produced this proposal is still at a relatively early stage of development. The working paper states that the consultation period is expected to be completed by the end of summer 2012.	The Roadmap document does not identify any Subsidiarity issues
	Internationalisation of Higher Education	1st Quarter 2013	Stakeholders meetings are expected to have occurred in 1st quarter 2012.	Communication	The Communication will deal with the internationalisation strategy of the EU higher education section. In an increasingly interdependent world, a strategic way of addressing global challenges for the EU is through higher education partnerships which can generate research and teaching capacity and empower universities as agents of knowledge transfer.	The income generated by international students is becoming increasingly more important as sources of revenue for Universities. The Committee may wish to ask the Department how this communication links in with the Higher Education strategy.	Low - the communication will only impact on third level institutions.	The Communication appears to be at an early stage of development as such the Committee may wish to ask the Department if it has been consulted on this issue.	The Roadmap document does not identify any Subsidiarity issues
	Commission Communication on unlocking the potential of cultural and creative industries	July 2012	Green paper consultation closed July 2010, analysis published March 2011. Opinions received from Committee of the Regions and the European Economic and Social Committee	Non-Legislative	As a follow up to the 2010 Communication on creative industries, the Commission proposes further action in order to foster at EU level the right environment for CCIs to flourish and contribute to smarter, sustainable and inclusive growth.	Cultural and creative industries are a powerful driver for jobs, growth, export earnings, cultural diversity and social inclusion in Europe. CCIs could be of significant benefit to NI via the economy and employment, especially considering the burgeoning film industry here.	Low - Medium	The Green paper consultation was completed in 2010 but the initiative is yet to be adopted by the EU Commission. The Committee may wish to ask the Department what input it has had in regards the Initiative.	The EU Roadmap states that intervention is justified on the grounds of subsidiarity.

Strategic Initiatives (non-legislative)	Title	Estimated date of Adoption	Current stage of progress	Type of Initiative	Description	Perceived Relevance to Northern Ireland	Prioritisation	Indicative date of when Committee can become involved	Any Identified Subsidiarity Issues?
	Commission Proposal for a Council Recommendation on the promotion and validation of non-formal and informal learning supporting the development of national qualifications frameworks linked to the EQF	July 2012	Public Consultation closed 9 February 2011	Non-Legislative	Part of the Youth on the Move initiative - designed to address how National Qualification 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.	One of the major strategies in NI is the development of the Skills Base, through essential skills training, further and higher education. As this initiative encourages the recognition of skills learned in the workplace it could have both educational and economic benefit for NI, in both acknowledging learned skills of the workforce and in making the region more attractive to Foreign investors/companies.	Medium	The public consultation has closed but the initiative has not yet been published. The Committee may wish to see what input the Department provided on the Consultation.	The EU Roadmap believes that EU intervention is justified under subsidiarity regulations. However, the House of Lords European Committee identified this initiative as having potential subsidiarity issues and has referred it for further scrutiny (13 June 2011).
	Revision of Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees.	4th Quarter 2012	1st Phase consultation is expected to take place in 1st quarter 2012, 2nd phase consultation 4th quarter 2012 and potentially a decision in 2013 (please note, this contradicts the estimated date of adoption but both dates were supplied via the roadmap document).	Non-Legislative	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.	The revision will mainly affect those involved with SCEs (European Cooperative Societies). As this has a relatively low take up (only 17 have been established) on an EU wide basis, impact in NI is expected to be limited.	Low	No information was found regarding the completion of the 1st Phase consultation as such the Revision is still at an early stage.	The EU Roadmap states that intervention is justified on the grounds of subsidiarity.