

# ECI Day calls for genuine citizen participation

## **Successful European citizen initiatives must trigger dialogue and proper follow-up at EU level**

Six years after the introduction of the European Citizens' Initiative (ECI) with barely any impact on EU legislation, the constructive criticism, particularly from the European Economic and Social Committee (EESC) and other institutions such as the European Parliament and the European Ombudsman, is finally beginning to bear fruit, tempting the European Commission to review this important instrument of participative democracy.

At the 7th EESC ECI Day First Vice-President of the Commission **Frans Timmermans** presented the main changes, including lowering the age from 18 to 16 years, which would open up ECIs to 10 million new potential supporters, or simplifying data requirements for signing initiatives.

Opening the event, EESC President **Georges Dassis** welcomed the Commission's initiative as a leap forwards as regards the simplification and reduction of the bureaucratic burden, but regretted that the follow-up and dialogue have not been reinforced in the current proposal.

"The dialogue between the ECI organisers and the European Commission needs to be strengthened. We need genuine follow-up on people's issues and worries," demanded Mr Dassis, who also motivated participants to "keep up the dialogue and transnational cooperation" despite the setbacks.

This year, the ECI Day focused on the theme of *Working together*, which aimed to highlight the value of cooperation and shared responsibility in promoting active citizenship.

## **A well-functioning ECI must empower people**

In his keynote speech, **Luca Jahier**, president of the EESC's Various Interests Group, emphasised the importance of Article 11 TEU, which imposed a legal obligation on the European institutions to consult and engage in dialogue with civil society and citizens. "A well-functioning ECI should empower citizens; it should give them a voice, a sense of belonging and identity, helping to rebuild trust and to rediscover the solidarity of the European project".

The EESC has therefore always been very vocal about the ECI, Mr Jahier stressed. "Citizens and civil society need to use this instrument to provide innovative solutions, inform the population about matters of public interest, open up channels of communication with the political elite and hold public authorities to account".

European Ombudsman **Emily O'Reilly** underlined the importance of making the ECI as transparent as possible. "In an era of gross online manipulation of the

democratic process, we must protect the ECI from any possible abuse," she said.

Deputy Minister for the Bulgarian Presidency of the Council of the EU **Monika Panayotova** warned that the future development of the EU will depend on its ability to bring citizens closer to its decision-making and to engage in an open and direct dialogue with them, addressing their expectations and concerns.

### **A well-functioning ECI must give people a say**

Three workshops followed the session, in which participants were asked to look at possibilities for strengthening the ECI. They consistently expressed the wish for the EU to become more participatory and called on European and national leaders to listen to their citizens. EU and national politics as well as parliamentarianism should therefore become more interactive, using the new tools to bring people together rather than produce a series of individual fighters.

One of the workshops focused on an ECI Online Collaborative Platform, a project which is going to be launched officially in a few days' time. The platform should support citizens interested in starting an ECI and will showcase best practices, help with finding partners in other countries and provide active advice by experts. Participants welcomed this platform, but suggested improving the content by including more explanatory videos and simplifying information or by allowing users to connect to each other more easily.

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## **New Deal for Consumers**

**[IP/18/3041](#)**

### **What is the New Deal for Consumers?**

The EU currently has some of the strongest consumer protection rules in the world. Consumers can, for example, return products bought online within 14 days or have products repaired or replaced within a guarantee period. For businesses, these common rules across the EU foster consumer trust, which boosts trade and nurtures growth and jobs.

The Commission's New Deal for Consumers is a proposal that will guarantee that all European consumers fully benefit from their rights. It will also strengthen the public and private enforcement of these rules, ensuring that authorities have the power to impose deterrent sanctions and consumers can access compensation if their rights are breached.

### **Why is the Commission proposing the New Deal for Consumers?**

The Juncker Commission has done a lot to adapt consumer rules to the fast moving marketplace:

- under the Digital Single Market Strategy, the Commission ended roaming charges and unjustified geoblocking, as well as ensuring cross-border portability of online content services;
- modernised the [Consumer Protection Cooperation Regulation](#) which will help enforce the existing consumer rules through better cooperation amongst national consumer authorities.

In 2017 the European Commission carried out a thorough evaluation of existing consumer rules. It showed that the current EU consumer legislation works well, but stressed that the rules were not applied and enforced effectively across the EU. There is also a need to raise awareness among consumers and businesses about their rights and obligations. The review identified targeted revisions to eliminate unnecessary costs for traders and to modernise the rules in the light of today's global trends and new business practices (see [press release](#)).

Recent cross-border consumer cases, such as the "Dieselgate" scandal which affected consumers all over the EU, have confirmed that European consumer law should be strengthened, for example by introducing collective redress systems.

This is why the European Commission is proposing the New Deal for Consumers. It will ensure that all European consumers fully benefit from their rights, by helping Member States to enforce existing rights better, and by modernising redress systems.

### **Which legislative proposals does the New Deal consist of?**

Concretely, the New Deal for Consumers will update the following four existing Directives:

The New Deal also contains a legislative proposal replacing the current [Injunctions Directive](#), proposing representative actions for the collective interest of consumers. The proposal aims to improve tools for stopping illegal practices and facilitating redress for consumers where there are widespread infringements on their rights where many of them are victims of the same infringement of their rights in mass harm situation.

### **How will such representative actions work in practice?**

Under the existing rules, a court or an administrative authority can put an end to illegal practices when a company does not respect its duties towards several consumers, without individual consumers being obliged to act.

Under the New Deal, it will also be possible for consumers to get redress, such as compensation or repair without any cost on their side, following a

legal action to stop such illegal practices.

This is already the case in some Member States, but the New Deal introduces these rights across the EU. This will help individual consumers all over the EU to secure their rights, especially those who cannot afford to pursue redress or who shy away from individual litigation.

### **Who will act on behalf of consumers in representative actions?**

Only qualified entities, such as consumer organisations and independent public bodies, designated by the EU Member States, will be able to bring representative actions for redress. These entities must be non-profit and will have to respect a number of criteria (see details below).

EU Member States will monitor on a regular basis whether the designated qualified entities continue to comply with the criteria. Failure to do so will lead to the loss of the status of qualified entity.

### **What are the features of representative action specific for the EU model? Will there be a risk of US style class actions?**

No. Thanks to numerous safeguards, the EU representative actions will be different from the US style class action. We want a system that cannot be misused and that bring more fairness to consumers, not more business for law firms.

Under the EU representative actions system, qualified entities representing consumers will have strict obligations of transparency regarding the origin of the funds they use for their activity. This rule is a strong safeguard as it enables the court or authority to assess whether there may be a conflict of interest between any third party funder and the qualified entity. Such a conflict of interest could lead to abusive litigation for example between competitors as one company could use a qualified entity to launch a frivolous action against another company.

Other safeguards are the following:

- only qualified entities (such as consumer organisations and independent public bodies) designated by the EU Member States according to strict criteria, including their non-profit making character and their legitimate interest in ensuring the provisions of relevant Union law are complied with, can bring representative actions for redress;
- representative actions for redress will be possible only based on a final decision of a national court or authority which establishes that the trader has breached the law. This can be for example a final injunction order or a final decision of a national enforcement authority. Thus, no frivolous claim can be brought;
- EU Member States will monitor on a regular basis whether the designated

qualified entities continue to comply with the criteria. Failure to do so will lead to the loss of the status of qualified entity;

- no punitive damages should be awarded. Consumers will be compensated for the actual harm suffered.

The proposal introduces strong information obligations for the benefit of consumers, who will need in any case to be clearly informed about their rights and the modalities at their disposal to benefit from the redress awarded further to the representative action.

The proposal is principle-based and sets out a general framework for collective injunctions and redress, while respecting subsidiarity, the procedural autonomy and legal traditions of Member States. For example, the proposal leaves the freedom to Member States to choose between opt-in or opt-out systems in order to allow consumers to be represented by the action.

### **Will it be possible to organise one representative action on behalf of consumers from several EU countries?**

Yes. Cross-border actions could become more efficient since it will be possible for qualified entities representing consumers from different Member States to join forces within a single representative action on behalf of consumers from those countries, making a joint case against a company on the same breach of consumer law.

### **What will happen if another mass harm case like the 'Dieselgate' scandal emerges in Europe where a product does not respect the relevant standards?**

Should a Dieselgate-type scandal happen again, victims of unfair commercial practices, such as misleading advertising about environmental claims, by car manufacturers will be able to obtain remedies collectively through a representative action under this Directive even if the Union regulatory framework for type approval of vehicles is not covered as such by Annex I. This was not possible previously across the EU.

### **Why should there be stronger penalties for violations of EU consumer law?**

The availability of effective and deterrent penalties is especially important for the good functioning of the enforcement co-operation in cross-border cases under the recently revised Consumer Protection Cooperation (CPC) Regulation.

The new CPC Regulation requires Member States to take enforcement measures, including fines, in a coordinated manner regarding widespread infringements and widespread infringements across the EU. This is clearly not possible with

the current disparities amongst national rules on fines.

Currently, for example, in France, Poland and the Netherlands, fines for misleading the consumers (infringing the Unfair Commercial Practices Directive) may reach 10% of a company's annual turnover. In contrast, fines for similar breaches of EU consumer law are capped at € 8,688 in Lithuania, € 13,157 in Croatia and € 32,000 in Estonia.

### **How will new penalties for violations of EU consumer law work in practice?**

Under the proposal, national authorities will have the power to impose effective, proportionate and dissuasive penalties in a coordinated manner.

For widespread infringements that affect consumers in several EU Member States, the available maximum fine will be at least 4% of the trader's annual turnover in the respective Member State. Member States are free to provide for higher maximum fines.

The actual level of penalties in a case will have to be determined by the relevant national authority, taking into account aggravating and alleviating factors set out in the updated directives.

### **Who will enforce the new rules under the New Deal for Consumers?**

Consumer protection authorities and courts in the EU countries will enforce the rules provided in the proposals of the New Deal. This is the same way EU consumer law is enforced today. The European Commission does not have powers to intervene in concrete disputes between traders and consumers.

### **How will the New Deal support consumers to fully enjoy their rights in the Digital Single Market?**

The new Deal for consumers gives the right tools to support enforcement of our consumer legislation in particular much has already been achieved in the last years to improve consumer rights and certainty to business in area such as cross-border portability of content, roaming charges and geoblocking as well as the energy sector. This now needs to be fully implemented.

### **What is the Commission doing to tackle the dual quality of food issue?**

In September 2017, the Commission issued [guidelines](#) on the application of EU food and consumer laws to dual quality products. The guidance will help national authorities to determine whether a company is breaking EU laws when selling products of dual quality in different countries.

Following up on these guidelines, the New Deal for Consumers will update the Unfair Commercial Practices Directive in order to make explicit that, it may be illegal to market products as being identical in several EU countries, if their composition is significantly different. Business operators are free to

market and sell goods with different composition or characteristics, tailoring their products to local consumer preferences or taking into account the need to respond to different trends. Products under the same brand may exceptionally have different characteristics. However, a substantially different composition in identically branded goods can be a source of concern when those products are marketed in a way that has the potential to mislead the consumer.

In parallel, the Commission's Joint Research Centre, with the support of more than half of the EU Member States and a wide range of stakeholders' organisations, is also currently finalising a common testing methodology and will coordinate a testing campaign focussed on food products in May 2018. This work will be key in helping national authorities to enforce EU rules.

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## [A New Deal for Consumers: Commission strengthens EU consumer rights and enforcement](#)

While the EU already has some of the strongest rules on consumer protection in the world, recent cases like the Dieselgate scandal, have shown that it is difficult to enforce them fully in practice. The New Deal for Consumers will empower qualified entities to launch representative actions on behalf of consumers and introduce stronger sanctioning powers for Member States' consumer authorities. It will also extend consumers' protection when they are online and clarify how EU law to clarify that dual quality practices misleading consumers are prohibited.

First Vice-President **Timmermans** said: *"Today's New Deal is about delivering a fairer Single Market that benefits consumers and businesses. We introduce a European collective redress right for when groups of consumers have suffered harm, like we have seen in the recent past, with proper safeguards so there can be no misuse. Consumers will know who they are buying from online, and when sellers have paid to appear in search results. The majority of traders who play fair will see burdens lifted. The handful of traders who deliberately abuse European consumers' trust will be sanctioned with tougher fines."*

**Věra Jourová**, Commissioner for Justice, Consumers and Gender Equality added: *"In aglobalised world where the big companies have a huge advantage over individual consumers we need to level the odds. Representative actions, in the European way, willbring more fairness to consumers, not more business for law firms. And with stronger sanctions linked to the annual turnover of a company, consumer authorities will finally get teeth to punish the cheaters. It cannot be cheap to cheat."*

The New Deal for Consumers will mean:

## 1. Strengthening consumer rights online

- **More transparency in online market places** –When buying from an online market place, consumers will have to be clearly informed about whether they are buying products or services from a trader or from a private person, so they know whether they are protected by consumer rights if something goes wrong.
- **More transparency on search results on online platforms** –When searching online, consumers will be clearly informed when a search result is being paid for by a trader. Moreover, online marketplaces will have to inform the consumers about the main parameters determining the ranking of the results.
- **New consumer rights for “free” digital services** –When paying for a digital service, consumers benefit from certain information rights and have 14 days to cancel their contract (withdrawal right). The New Deal for Consumers will now extend this right to ‘free’ digital services for which consumers provide their personal data, but do not pay with money. This typically would apply to cloud storage services, social media or email accounts.

## 2. Giving consumers the tools to enforce their rights and get compensation

- **Representative action, the European way** – Under the New Deal for Consumers it will be possible for a qualified entity, such as a consumer organisation, to seek redress, such as compensation, replacement or repair, on behalf of a group of consumers that have been harmed by an illegal commercial practice. In some Member States, it is already possible for consumers to launch collective actions in courts, but now this possibility will be available in all EU countries.

For example, in a Dieselgate-type scenario, victims of unfair commercial practices, such as misleading advertising by car manufacturers not in compliance with Union regulatory framework for type approval of vehicles or environmental legislation will be able to obtain remedies collectively through a representative action under this Directive. Such collective redress was previously not provided under Union law.

This model has strong safeguards and is distinctly different from US-style class actions. Representative actions will not be open to law firms, but only to entities such as consumer organisations that are non-profit and fulfil strict eligibility criteria, monitored by a public authority. This new system will make sure European consumers can fully benefit from their rights and can obtain compensation, while avoiding the risk of abusive or unmerited litigation.

- **Better protection against unfair commercial practices** –The New Deal for Consumers will ensure that consumers in all Member States have the right to claim individual remedies (e.g. financial compensation or termination of contract) when they are affected by unfair commercial practices, such as aggressive or misleading marketing. This protection

currently varies greatly across the EU.

### **3. Introducing effective penalties for violations of EU consumer law**

EU consumer authorities are not well equipped to sanction practices creating 'mass harm situations' that affect a large number of consumers across the EU. Currently, the level of penalties differs widely depending on the Member State, and is often too low to actually have a deterrent effect, particularly on companies operating cross-border and on a large scale.

Under the proposal, national consumer authorities will have the power to impose effective, proportionate and dissuasive penalties in a coordinated manner. For widespread infringements that affect consumers in several EU Member States, the available **maximum fine will be 4 % of the trader's annual turnover** in each respective Member State. Member States are free to introduce higher maximum fines.

### **4. Tackling dual quality of consumer products**

Following up on the Commission's [guidelines](#) from September 2017, the New Deal for Consumers will update the Unfair Commercial Practices Directive in order to make explicit that national authorities can assess and address misleading commercial practices involving the marketing of products as being identical in several EU countries, if their composition or characteristics are significantly different.

### **5. Improved conditions for businesses**

The New Deal will remove unnecessary burden for businesses, including by lifting obligations on companies as regards the consumer's withdrawal right. For instance, consumers will no longer be allowed to return products that they have already used instead of merely trying them out, and traders will no longer have to reimburse the consumers before actually receiving the returned goods.

The new rules also introduce **more flexibility** in the way traders can communicate with consumers, allowing them to also use web forms or chats instead of e-mail, provided the consumers can keep track of their communication with the trader.

### **Next Steps**

The Commission's proposals will be discussed by the European Parliament and the Council.

### **Background**

The New Deal for Consumers will build on what the Juncker Commission has already achieved to improve consumer protection. Under the [Digital Single Market Strategy](#), the Commission has delivered on many initiatives that adapt consumer rules to the online world, for instance by putting an end to roaming charges or unjustified geoblocking. Also, the modernised Consumer Protection Cooperation Regulation, adopted in 2017, will improve the public enforcement

and cross-border cooperation of consumer authorities.

However the review of EU consumer rules and recent EU-wide breaches of these rules last year showed that there was still room for improvement to better protect consumers.

The New Deal for Consumers is composed of two proposals for Directives:

- A proposal on representative actions for the protection of the collective interests of consumers and repealing the [Injunctions Directive 2009/22/EC](#). This proposal aims to improve tools for stopping illegal practices and facilitating redress for consumers where many of them are victims of the same infringement of their rights, in a mass harm situation.

The accompanying Communication includes an action plan to develop and strengthen coordinated enforcement actions among authorities and their international cooperation with authorities from key trading partners.

A [study on transparency in online platforms](#), also published today, supports the New Deal's proposals on online market places. It shows that greater online transparency helps consumers take decisions and increases their trust when buying online.

#### **More information**

[Proposal & legal documents on the New Deal for Consumers](#)

[MEMO: A New Deal for Consumers: Frequently Asked Questions](#)

[Factsheets on the New Deal for Consumers:](#)

- New Deal benefits for consumers
- New Deal benefits for businesses
- Functioning of the collective redress
- Achievements of the Juncker Commission in the area of consumer protection
- Improved public enforcement with updated Consumer Protection Cooperation rules

[Dual Food Quality](#)

[Information about the evaluation of EU consumer legislation](#)

[Information about collective redress](#)

[Behavioural study on transparency in online platforms](#)

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## Daily News 11 / 04 / 2018

### **COLLEGE MEETING: Commission acts to boost trust in scientific studies on food safety**

Today the Commission is responding to the concerns expressed by citizens in a successful European Citizens' Initiative, with a proposal to improve the transparency of scientific studies in the food safety area. The proposal, drawing also on the [Commission's Fitness Check](#) of the [General Food Law](#), which dates back from 2002 and thus needs an update, will: give citizens greater access to information submitted to the European Food Safety Authority ([EFSA](#)) on approvals concerning the agri-food chain; provide the possibility for additional studies to be requested by the Commission and, will involve Member States' scientists more closely in approval procedures. First Vice-President Frans **Timmermans** said: *"Today we are addressing citizens' concerns, to improve transparency about decision making, to offer better access to relevant information and to ensure that trustworthy, science-based risk assessment remains at the heart of decision making in this sensitive area of food safety."* Vytenis **Andriukaitis**, Commissioner for Health and Food Safety, said: *"The EU's science-based risk assessment for food safety is one of the most stringent in the world. We are now making it even stronger through clearer transparency rules and more effective risk communication throughout the process. With this reform citizens will have immediate access to scientific studies supporting applications for authorisation."* [Press release](#) and [MEMO](#) are available. (For more information: Anca Paduraru – Tel.: +32 229 91269; Aikaterini Apostola – Tel.: +32 229 87624)

### **COLLEGE MEETING: A New Deal for Consumers: Commission strengthens EU consumer rights and enforcement**

Today, the European Commission is proposing a New Deal for Consumers to ensure that all European consumers fully benefit from their rights under Union law. While the EU already has some of the strongest rules on consumer protection in the world, recent cases like the Dieselgate scandal, have shown that it is difficult to enforce them fully in practice. First Vice-President **Timmermans** said: *"Today's New Deal is about delivering a fairer Single Market that benefits consumers and businesses. We introduce a European collective redress right for when groups of consumers have suffered harm, like we have seen in the recent past, with proper safeguards so there can be no misuse. Consumers will know who they are buying from online, and when sellers have paid to appear in search results. The majority of traders who play fair will see burdens lifted. The handful of traders who deliberately abuse European consumers' trust will be sanctioned with tougher fines."* Věra **Jourová**, Commissioner for Justice, Consumers and Gender Equality added: *"In a globalised world where the big companies have a huge advantage over*

*individual consumers we need to level the odds. Representative actions, in the European way, will bring more fairness to consumers, not more business for law firms. And with stronger sanctions linked to the annual turnover of a company, consumer authorities will finally get teeth to punish the cheaters. It cannot be cheap to cheat.”* Concretely, the New Deal for Consumers will empower qualified entities to launch representative actions on behalf of consumers and introduce stronger sanctioning powers for Member States’ consumer authorities. It will also extend consumers’ protection when they are online and clarify that dual quality practices misleading consumers, are prohibited. More information will be made available in this [press release](#) and [memo](#), in addition to a series of factsheets explaining the various elements of the proposal. Commissioner **Jourová** will give a press conference later today, which can be followed on [EBS](#). (For more information: Christian Wigand – Tel.: +32 229 62253; Mélanie Voin – Tel.: +32 229 58659)

### **Support to peace and development in Colombia: EU signs projects worth €14.3 million**

The European Union continues to support sustainable development and peace building in Colombia, with ten new projects worth €14.3 million. This assistance underlines the EU’s commitment to promote a better quality of life for Colombians, notably for young people, to peace building and to equal sustainable development for all. The new projects, signed yesterday in Bogota, will be implemented by Colombian civil society organisations and will help to strengthen their capacity to contribute to democratic governance, overcome poverty and support equal and sustainable development. For instance, two projects will help to better connect humanitarian aid and development support, while another programme seeks to improve public planning in municipalities, as many of these are located in historical conflict zones and are facing challenges to overcome social inequalities. The projects will reach a total of 355 organisations and around 1.7 million participants in Antioquia, Bolivar, Cauca, Caquetá, Chocó, Meta, Nariño, Tolima, Putumayo, Valle del Cauca and Bogotá. (For more information: Maja Kocijancic – Tel.: +32 229 86570; Christina Wunder – Tel.: +32 229 92256)

### **Les étudiants en journalisme sont invités à postuler pour une expérience directe dans le journalisme européen**

Les candidatures pour l’édition 2018 du programme [Youth4Regions](#) sont désormais ouvertes. Les étudiants en journalisme peuvent envoyer leurs meilleurs articles ou vidéos sur un projet cofinancé par le Fonds européen de développement régional (FEDER) ou le Fonds de cohésion et ainsi gagner un voyage à Bruxelles pour couvrir la [Semaine européenne des villes et régions 2018](#), en octobre; il s’agit du principal événement européen sur la politique de cohésion, rassemblant de nombreuses personnalités politiques européennes, nationales et locales ainsi que des journalistes venant de toute l’Europe. Les lauréats pourront également participer à des sessions de formation sur le journalisme, la communication et la politique de cohésion à Bruxelles et

verront leurs meilleurs articles sur la Semaine européenne des villes et régions publiés sur le [site web](#) du département de la Commission pour la politique régionale et urbaine (DG REGIO) et dans le magazine [Panorama](#). 28 étudiants (un par Etat membre) seront sélectionnés. Les candidatures sont ouvertes jusqu'au 29 juin 2018. Les étudiants peuvent postuler dans les 24 langues officielles de l'UE. *(Pour plus d'informations: Johannes Bahrke – Tél .: +32 229 58615, Sophie Dupin de Saint-Cyr – Tél .: +32 229 56169)*

### **Antitrust: Commission confirms unannounced inspections concerning distribution of sports media rights and other related rights**

The European Commission can confirm that on 10 April 2018 its officials carried out unannounced inspections in several Member States at the premises of companies active in the distribution of media rights and related rights pertaining to various sports events and/or their broadcasting. The Commission has concerns that the companies involved may have violated EU antitrust rules that prohibit cartels and restrictive business practices. Unannounced inspections are a preliminary step into suspected anticompetitive practices. The fact that the Commission carries out such inspections does not mean that the companies are guilty of anti-competitive behaviour nor does it prejudge the outcome of the investigation itself. The Commission respects the rights of defence, in particular the right of companies to be heard in antitrust proceedings. A full [statement](#) is available online. *(For more information: Ricardo Cardoso – Tel.: +32 229 80100; Yizhou Ren – Tel.: +32 229 94889)*

### **Concentrations: la Commission autorise l'acquisition du contrôle conjoint de Datix par TA Associates et Rothschild**

La Commission européenne a approuvé, en vertu du règlement européen sur les concentrations, l'acquisition de Datix Holdings Ltd (Royaume-Uni) par TA Associates Cayman Ltd (Îles Caïmans) et Rothschild & CO S.C.A (France). Datix fournit un logiciel de sécurité des patients médicaux et de rapport d'incidents. TA Associates investit généralement dans les services aux entreprises, les produits de consommation, les services financiers, et dans les secteurs de la santé et des technologies en Amérique du Nord, en Europe et en Asie. Rothschild est un groupe de conseil financier indépendant fournissant des conseils en fusions et acquisitions, stratégie et financement, ainsi que des solutions d'investissement et de gestion de patrimoine aux grandes institutions, familles, individus et gouvernements, à l'échelle mondiale. La Commission a conclu que la concentration envisagée ne soulèverait pas de problème de concurrence, compte tenu des chevauchements horizontaux limités entre les activités de Datix et celles des sociétés du portefeuille de TA Associates et Rothschild. L'opération a été examinée dans le cadre de la procédure simplifiée de contrôle des concentrations. De plus amples informations sont disponibles sur le [site internet concurrence](#) de la Commission, dans le [registre public](#) des affaires sous le numéro d'affaire [M.8845](#). *(Plus d'informations: Ricardo Cardoso – Tel.: +32 229 80100; Maria Sarantopoulou – Tel.: +32 229 13740)*

### **Concentrations: la Commission autorise l'acquisition de deux locaux**

## **commerciaux par AXA et la Caisse des dépôts et consignations**

La Commission européenne a approuvé, en vertu du règlement européen sur les concentrations, l'acquisition du contrôle en commun de trois lots de copropriété qui consistent en deux coques à usage de commerce au sein d'un centre commercial situé dans la région Provence-Alpes-Côte d'Azur, en France, par AXA et la Caisse des dépôts et consignations, toutes deux basées en France. AXA est un groupe d'assurances global actif dans le secteur de l'assurance vie, santé et d'autres formes d'assurance ainsi que dans la gestion d'investissements. La Caisse des dépôts et consignations est un établissement public réalisant des activités d'intérêt général telles que la gestion des fonds privés auxquels les pouvoirs publics souhaitent apporter une protection particulière et des activités ouvertes à la concurrence dans les secteurs de l'environnement, de l'immobilier, de l'investissement et du capital investissement ainsi que des services. La Commission a conclu que l'acquisition envisagée ne soulèverait pas de problème de concurrence compte tenu de son impact très limité sur la structure du marché. L'opération a été examinée dans le cadre de la procédure simplifiée du contrôle des concentrations. De plus amples informations sont disponibles sur le site internet [concurrence](#) de la Commission, dans le [registre public](#) des affaires sous le numéro d'affaire [M.8853](#). (*Plus d'informations: Ricardo Cardoso – Tel.: +32 229 80100; Maria Sarantopoulou – Tel.: +32 229 13740*)

## **State aid: Commission approves €38 million public support for broadband network project in the region of Rivierenland, the Netherlands**

The European Commission has endorsed, under EU State aid rules, €38 million of public support to a newly established public entity of the Rivierenland region in the Dutch province of Gelderland, for the roll-out of a wholesale-only broadband network providing to third party network operators and service providers access on equal and non-discriminatory terms. This network will only cover areas where there is no next generation access broadband infrastructure at present or in the foreseeable future (known as "NGA white areas"). The new entity will provide open access to the physical infrastructure, such as ducts, poles, dark fibre and street cabinets. It will not offer active electronic communication services such as Internet access. The Commission assessed the measure under its [2013 Broadband Guidelines](#) and concluded that the measure is in line with EU State aid rules because the positive effects on competition in the Dutch broadband market outweigh any distortion of competition brought about by the State aid. More information will be available, once potential confidentiality issues have been resolved, on the Commission's [competition](#) website, in the [State Aid Register](#) under the case number SA.46613. (*For more information: Ricardo Cardoso – Tel.: +32 229 80100; Yizhou Ren – Tel.: +32 229 94889*)

## **ANNOUNCEMENTS**

### **Commissioner Thyssen on European Semester visit in the Netherlands**

Tomorrow, 12 April, Commissioner for Employment, Social Affairs, Skills and Labour Mobility, Marianne **Thyssen**, will travel to the Netherlands. Aim of the

visit is to discuss the Commission's [country report on the Netherlands, published on 7 March in the context of the European Semester of economic and social policy coordination](#), as well as current social files. Commissioner Thyssen will first meet with members of the standing committee on EU Affairs and Social Affairs and Employment at the Dutch House of Representatives. She will then meet with State Secretary of Social Affairs, Ms Tamara van Ark, to discuss the [European Labour Authority, posting of workers](#), and the [coordination of social security systems](#). The meeting will be followed by a joint meeting with Minister of Social Affairs, Mr Wouter Koolmees and State Secretary for Finance, Mr Menno Snel, to discuss the country-specific recommendations. Commissioner Thyssen will conclude her visit by a meeting with the social partners from the Dutch Social and Economic Council (Sociaal-Economische Raad, SER). *(For more information: Christian Wigand – Tel.: +32 229 62253; Sara Soumillion – Tel.: + 32 229 67094)*

### **Commissioner Navracsics in Slovenia to discuss culture and creativity**

Commissioner for Education, Culture, Youth and Sport, Tibor **Navracsics**, will be in Ljubljana, Slovenia, tomorrow to participate in the [Creative Forum](#) and in the [European Festival Associations' Arts Festivals Summit 2018](#). At the Creative Forum, the Commissioner will take part in a political roundtable entitled "Creativity as a tool for regional cooperation". He will highlight the importance of EU cooperation with countries from the Western Balkans and the Southern Mediterranean, notably regarding education exchanges, youth programmes and cultural cooperation fostering direct contacts between people. The theme of this year's Arts Festival Summit is "The (Herit)age of the ARTS – audiences in the heart of the places". Commissioner Tibor **Navracsics** will highlight the role that festivals play in urban and regional development and acknowledge their contribution to the [European Year of Cultural Heritage](#) celebrated throughout 2018. The European Commission will shortly present a revised European Agenda for Culture, which will be instrumental in improving awareness of Europe's common identity and heritage. *(For more information: Christian Wigand – Tel.: +32 229 62253; Joseph Waldstein – Tel.: +32 229 56184)*

### **Vice-President Jyrki Katainen in Ljubljana and Zagreb for European Semester visits**

Vice-President Jyrki **Katainen**, responsible for Jobs, Growth, Investment and Competitiveness, is in Ljubljana, Slovenia, and Zagreb, Croatia on 12-13 April. The aim of these European Semester visits is to engage with Slovenian and Croatian citizens and high-level political decision makers on the Future of Europe and the reform agendas essential for growth and jobs. In Ljubljana Vice-President **Katainen** will meet Mr Borut Pahor, President of Slovenia, and Mr Miro Cerar, Prime Minister of Slovenia. He will participate in a joint session of the Parliamentary Committees on EU Affairs and on Economic Affairs in the Slovenian National Assembly. The recording of the debate will be broadcast at Slovenian public TV, [Channel 3](#) at 22.00. He will also attend a working lunch with Mr Mateja Vranicar Erman, Minister of Finance. Vice-President **Katainen** will participate in a Citizens' Dialogue at the Faculty of Business and Management Sciences Novo mesto to discuss the Future of Europe, the European Semester, investment, the economy and cohesion funds. The

discussion can be followed [online](#) from 16.30 onwards. Vice-President **Katainen** will then visit Zagreb, Croatia, on Friday 13 April. He will meet Ms Kolinda Grabar Kitarovic, President of Croatia. He will also participate in a working lunch with Mr Andrej Plenković, Prime Minister, Mr Zdravko Marić, Minister of Finance and Ms Gabrijela Žalac, Minister of EU Funds and Regional Development. He will deliver a keynote speech at the conference on the Investment Plan for Europe: “Opportunities for Croatia”. Vice-President **Katainen** will also participate in a Citizens’ Dialogue on Jobs and Growth in Tomorrow’s Europe, which is [livestreamed](#) from 11.45 onwards. In addition, he will participate in a meeting at the Croatian Parliament, chaired by the Chair of the European Affairs Committee, with the participation of MPs representing several Committees. (*For more information: Christian Spahr – Tel.: +32 229 56153; Siobhán Millbright – Tel.: +32 229 57361*)

[Upcoming events](#) of the European Commission (ex-Top News)

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## [Posting of workers: Council confirms the compromise text agreed with the European Parliament](#)

### Press contacts

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Equal pay for equal work – EU is ensuring fair wages and conditions for posted workers

On 11 April 2018, EU ambassadors approved the compromise text negotiated with the European Parliament on the revision of the posting of workers directive. The final adoption of the directive will come at a later stage, once the legislation has been voted in the Parliament.

With today’s agreement, the EU delivers on the important principle of equal pay for equal work, ensuring that all workers are treated fairly across the Union. Local or posted workers doing the same job at the same place will have the same working and wage conditions. The agreement is also fair and balanced since it helps preserve the free provision of services.

*Biser Petkov, Minister for Labour and Social Policy of Bulgaria and*

## *President of the Council*

The aim of the revised directive is to facilitate the transnational provision of services whilst ensuring fair competition and respect for the rights of those workers who are employed in one member state and sent to work temporarily in another by their employer (posted workers).

More specifically, the directive aims at ensuring fair wages and a level playing field between posting and local companies in the host country whilst maintaining the principle of free movement of services.

In particular, the new directive provides for the following:

- **Remuneration** will apply from day 1 of posting, so that posted workers will benefit from the same rules on remuneration as local workers of the host member s The rules on **allowances** are also clarified.
- The concept of **long-term posting** is introduced. This means that a worker will be considered to be posted long-term after 12 months (with the possibility of a 6 months extension subject to a justified notification by the service provider). After this period, the posted worker will be subject to nearly all aspects of the labour law of the host country.
- The number of potential **collective agreements** which may apply in member states having a system for declaring collective agreements or arbitration awards of universal application is increased. Collective agreements can be applied to posted workers not only in the construction sector, as it is so far, but in all sectors and branches.
- **Temporary work agencies** are to guarantee to posted workers the same terms and conditions which apply to temporary workers hired in the member state where the work is carried out.
- **Cooperation on fraud and abuse** in the context of posting is enhanced.
- For the **international road transport** sector, the rules would be stipulated in the forthcoming sector-specific legislation.
- The deadline for **transposition** and the date of **application** will be 2 years after the entry into force of the directive.

The revision of the 1996 directive was launched with the objective of adapting the legislation to new economic and labour market conditions. It focuses on those issues covered by the EU regulatory framework established by the original 1996 directive. The revised posting of workers directive and the enforcement directive therefore complement each other and are mutually reinforcing.

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