



Slovenian Business & Research Association

## Slovensko gospodarsko in raziskovalno združenje Bruselj

### B I L T E N

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#### **Ustanovni člani SGRZ:**

Gospodarska zbornica Slovenije; Univerza v Ljubljani; Univerza v Mariboru; Inštitut Jožef Stefan; Zadruga zveza Slovenije; s *finančno podporo Ministrstva za visoko šolstvo, znanost in tehnologijo ter Ministrstva za kmetijstvo, gozdarstvo in prehrano.*

#### **Pridruženi člani SGRZ:**

Krka d.d. Novo mesto; Nova Ljubljanska banka; Obrtna zbornica Slovenije; Luka Koper; Zavarovalno združenje Slovenije; Lek d.d.; Sava d.d.; Riko d.d., Primorska univerza, Mestna občina Ljubljana, Mestna občina Maribor; Mestna občina Novo mesto; Mestna občina Nova Gorica, Holdinška družba Istrabenz d.d.; DD Ceste d.d.

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*Redakcija Biltena je bila zaključena 14. februarja 2006*

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### UVODNIK

Leto je okoli in UO SGRZ je 2.februarja sprejel poročilo 2005 in predlog programa 2006 Združenja.

Iz poročila je razvidno, da se je SGRZ lani soočil z bistvenim zmanjšanjem javnih virov financiranja, kar bo narekovalo tudi spremembe statuta in poslovnika, finančno pa bo treba primanjkljaj kompenzirati z novimi člani ter sodelovanjem v evropskih projektih.

Dodatna novost je regionalni razvoj, poleg 4 dosedanjih mestnih občin pričakujemo več članov ter delamo na dogovoru z ZIS in SIS, preko katerega bi s pomočjo VSLR dobili sredstva za servisiranje vseh slovenskih občin, hkrati pa postali tudi predstavništvo lokalnih skupnosti v Bruslju.

V prihodnje bo pomoč članom pri prijavljanju na evropske projekte ena osrednjih dejavnosti SGRZ. V zvezi s tem bo predelan portal Združenja, ki bo imel zaprti del, namenjen samo članom, kjer bodo tudi tozadevne informacije. Ustrezna opozorila pa boste odslej lahko prebrali tudi v Biltenu.

Osrednja letošnja prireditve bo 13-15.junija v Novi Gorici, kjer skupaj z MO Nova Gorica organiziramo 2. Evropski regionalni gospodarski forum (EREF-2006) pod naslovom »Razvoj družbe znanja skozi regionalne inovacijske podpore«. V prilogi najdete program 2006 ter osnutek programa letošnjega Foruma.

Še nekaj vesti iz Bruslja v kratkem:

- Oblikovanje proračuna - glede na zmanjšanje sredstev je bilo pričakovati da se bodo pogajanja zapletla. Parlament je proračun zavrnil in pogajanja se nadaljujejo. Veliko je odvisno od dogovora, saj se leto 2007 naglo bliža. Ob začetku novega finančnega obdobja pa brez dogovora ne bo obstalo le izvajanje programov kohezijske politike, pač pa tudi nekateri komunitarni programi (7. Okvirni program, Leonardo da Vinci), ki bodo že v letošnjem letu v pričakovanju novega programskega obdobja podvrženi manj intenzivnemu delovanju.
- Novi EU davek - ideja je še v obliki osnutka, saj še nihče ne ve kaj naj bi bil vir davka, ki naj bi financiral bruseljsko blagajno). Debata se bo še razvila.
- Prost pretok delavcev - Obdobje prvih omejitev v prostem pretoku delavcev iz novih držav članic se bo s koncem aprila končalo. Komisija bo poskušala lobirati v smeri odprave nadaljnjih omejitev, ki jih zahodne države lahko uvedejo, saj po pričakovanjih novih držav članic trga delovne sile niso preplavili njihovi državljani. Študija temu pritrjuje, odločitev bo padla v vsaki državi posebej.
- Poročilo o napredku Lizbone – razočaralo, saj je splošna ocena, da gre le za preoblikovanje ukrepov na nacionalni ravni in da se države članice ne trudijo dovolj za reforme, ki bi dejansko prinesle zadovoljive rezultate.
- Slovenija: konvergenčno poročilo ugodno, ni ovir za sprejem evra. Opozorilo na področju pokojninskega sistema, saj so demografske projekcije za našo državo neugodne. Komentar je v skladu z poročilom o napredku po Lizbonski strategiji.
- Ustava EU: konkretne pobude so v oblikovanju, vse glasnejše so govorice, da pogodba iz Nice ni zadostna podlaga za nadaljnjo širitev Unije po vstopu Bolgarije in Romunije, zato naj bi leta 2009 sprejeli nov ustavni

dokument, saj brez njega EU ne bo mogla učinkovito in demokratično delovati. Parlament se tudi zavzema za široko javno razpravo o prihodnosti evropskih integracij, s skupnimi temami in jasnimi političnimi cilji.

- V luči zapisanega je razumeti tudi novo strategijo komuniciranja z državljani, ki je bila predstavljena v obliki bele knjige o komunikacijski politiki. Zato v biltenu uvajamo novo rubriko, kjer izpostavljammo možnosti sodelovanja pri oblikovanju zakonodaje, opozarjali pa bomo tudi na prihajajoče in odprte razpise.

## VSEBINA

1. Aktualne novice.....	5	Akcijski načrt EU za biomaso.....	13
Avstrija prevzela predsedovanje EU .....	5	Strategija povečanja proizvodnje biogoriv ....	13
Evropski parlament zavrnil predlog nove		Uspešen zagon Galilea .....	14
finančne perspektive.....	5	Okolju prijazna vozila .....	14
Študija o učinkih Lizbonske strategije: višja		Vračilo za zamujene in odpovedane lete	
življenska raven za evropske državljane .....	5	potrjeno .....	14
Prvo poročilo o napredku pri Lizbonski		Program v podporo preusmerjanju tovora na	
strategiji .....	5	celinske plovne poti.....	15
Bela knjiga Komisije o evropski komunikacijski		Parlament je zavrnil predlog direktive o	
politiki .....	6	liberalizaciji pristanišč .....	15
Komisija ocenila konvergenčni program		Daljši počitek za poklicne šoferje .....	15
Slovenije .....	6		
2. Kratke novice in vabila k sodelovanju.....	7	8. Farmacija in zdravstvo .....	16
3. Nova zakonodaja .....	7	Zakonodaja na področju nanomedicine	
Direktiva o zbiranju in reciklaži odpadnih		potrebna .....	16
akumulatorjev .....	7	Zelena luč za proizvodnjo generičnega	
Dosežen politični konsenz o direktivi o		rasnega hormona družbe Novartis .....	16
nevarnih kemikalijah (REACH).....	8	Strožje o izdelkih z oznako 'manj maščob' ali	
Nova strategija o ravnanju z odpadki –		'brez sladkorja' .....	16
poudarek na recikliranju .....	9		
Priprava na glasovanje v Parlamentu o direktivi		9. RR in inovacije .....	16
o storitvah .....	9	Več sredstev za raziskave in razvoj v novem	
4. Gospodarske novice .....	9	evropskem proračunu .....	16
Večje pravice delničarjev.....	9	Komisija predložila enostavnejša pravila za	
Komisija napoveduje večjo rast v evroobmočju		udeležbo v 7. Okvirnem programu.....	17
.....	10	Rezultati študije Sistem inovacijskih kazalnikov	
Odslej prost pretok delavcev iz novih držav		.....	17
članic?.....	10	Poročilo Finca Eska Aha – Creating an	
Novi evropski davek? .....	10	Innovative Europe .....	17
Liberalizacija telekomunikacijskih storitev -		10. Kmetijstvo .....	18
poročilo .....	11	Komisija predlagala dopolnjena pravila o	
Novo glasilo o državnih pomočeh .....	11	kakovostnih proizvodih v kmetijstvu.....	18
5. Finančne storitve.....	11	Nove mejne vrednosti dioksina .....	18
Čezmejne davčne olajšave za odvisna mala in		Komisija predlagala poenostavitev pravil	
srednja podjetja .....	11	podeljevanja državnih pomoči v kmetijstvu... ..	18
Izvedbeni ukrepi za direktivo o investicijskih		11. Jugovzhodna Evropa .....	19
storitvah .....	12	Posojilo 30 milijonov EUR za infrastrukturne	
Neskladja pri določanju znižane stopnje DDV -		projekte ter mala in srednja podjetja v BiH ...	19
šesta direktiva.....	12	Vključevanje Makedonije v EU.....	19
6. Regionalna politika.....	12	Bosna in Hercegovina pričela s pristopnimi	
Večji nadzor nad EU sredstvi .....	12	pogajanjmi.....	19
Uspešen izkaz porabe sredstev za 2005 .....	12	Spodbuda Komisije Zahodnemu Balkanu.....	19
Nove smernice za državne regionalne pomoči		Nov finančni vir za mala podjetja v Črni Gori 20	
za naložbe 2007 - 2013 .....	13	12. Najave dogodkov .....	21
7. Transport in energetika .....	13	13. Zanimive publikacije.....	28
		Priloge:.....	32
		Program SGRZ 2006 .....	32

EREF-2006 - Building Knowledge Society through Regional Innovation Support.....	33
The EU needs a bolder Balkan strategy...	3
We're in a mess - but it's not EU enlargement's fault.....	37
New EU Members: True Freedom of Movement.....	39
The Services Directive: moving towards a consensus.....	41

## 1. Aktualne novice

### Avstrija prevzela predsedovanje EU

S 1. januarjem 2006 je predsedovanje EU prevzela Avstrija. Med svoje prioritete naloge je zapisala oživitve pogajanj za evropsko ustavo, zlasti njene najbolj ključne dele.

Posebej je Avstrija poudarila tudi prizadevanja na področju zaposlovanja in gospodarske rasti. Tudi potrjevanje proračuna za naslednje finačno obdobje ne bo lahka naloga, saj so ga nekatere politične skupine v parlamentu označile za preizkušnjo.

Avstrija bo v luči dogodkov aktivna tudi na področju evropske energetske politike. Na zakonodajnem področju bo pospešila sprejemanje direktive o storitvah in delovnem času ter predloga o registraciji kemikalij.

Na področju širitve EU se Avstriji obetajo pogajanja s Turčijo, zavzemala pa se bo tudi za približevanje ostalih Balkanskih držav. Precej pozornosti bo morala nameniti tudi prostemu pretoku delavcev, saj v času njenega predsedovanja poteče prvo dveletno prehodno obdobje za delavce iz novih držav članic.

Avstrijsko predsedovanje naj bi pospešilo aktivnosti pri sprejemanju 7. okvirnega programa. Pospeševalo pa bo tudi vlaganje držav članic v RR v višini 3% BDP.

Avstrijsko predsedovanje se bo zaključilo junija, ko bo predsedovanje do konca 2006 prevzela Finska.

Spletna stran avstrijskega predsedovanja:

<http://www.eu2006.at/en/>

Zastavljeni program predsedstva:

[http://www.eu2006.at/en/The\\_Council\\_Presidency/Priorities\\_Programmes/index.html](http://www.eu2006.at/en/The_Council_Presidency/Priorities_Programmes/index.html)

### Evropski parlament zavrnil predlog nove finančne perspektive

Poslanci Evropskega parlamenta so z veliko večino potrdili resolucijo, s katero so 18. januarja zavrnil predlog finančne perspektive EU za obdobje 2007-13, kot ga je na decembrskem vrhu sprejel Evropski svet. Poslanci so posebej nezadovoljni, ker predlog Sveta EU predvideva sredstva v višini 862 milijard evrov, medtem ko je parlament lani junija predlagal skupno 975 milijard.

Osnutek naj ne bi zagotavljal proračuna EU, ki bi povečal blaginjo, konkurenčnost, solidarnost, kohezijo. Parlament še posebej

obžaluje nesprejemljivo znižanje obveznosti za konkurenčnost, rast in zaposlovanje.

Sporočilo Evropskega parlamenta:

[http://www.europarl.eu.int/news/expert/infopress\\_page/034-4415-18-1-3-905-20060118IPR04414-18-01-2006-2006--true/default\\_sl.htm](http://www.europarl.eu.int/news/expert/infopress_page/034-4415-18-1-3-905-20060118IPR04414-18-01-2006-2006--true/default_sl.htm)

### Študija o učinkih Lizbonske strategije: višja življenska raven za evropske državljane

Rezultat evropske strategije za rast in zaposlovanje bodo izboljšani pogoji življenja, poroča študija nizozemskega inštituta za analizo ekonomskih politik (CPB). Študija napoveduje višji BDP na prebivalca za četrtno do leta 2025 (od 12 - 23%), prav tako bo zaposlovanje naraslo za 11%. Omenjeni rezultati bi omogočili 0.8% letno povprečno rast v BDP v naslednjem desetletju. Rast bo hitrejša v novih državah članicah.

Študija nakazuje uspehe Lizbonske strategije, a le, če jih bodo države članice uspešno izvedle. Obenem študija izkazuje obsežnost reform in njihovo zahtevnost.

Študija je dosegljiva na spletni strani:

[http://europa.eu.int/comm/enterprise/enterprise\\_policy/competitiveness/doc/industrial\\_policy\\_and\\_economic\\_reforms\\_papers\\_1.pdf](http://europa.eu.int/comm/enterprise/enterprise_policy/competitiveness/doc/industrial_policy_and_economic_reforms_papers_1.pdf)

### Prvo poročilo o napredku pri Lizbonski strategiji

Poročilo o napredku, ki je bilo objavljeno 25. januarja, sestavljajo trije pomembni elementi. Poročilo analizira petindvajset novih nacionalnih programov reform, ki so jih države članice predložile oktobra 2005. Nadalje opozarja na dobre točke različnih nacionalnih programov. Kot tretje pa določa področja, kjer obstajajo vrzeli, ter predlaga konkretne ukrepe na ravni EU in na nacionalni ravni.

Ugotovljena so štiri prednostna področja: vlaganje v izobraževanje, raziskave in inovacije; sprostitev malih in srednjih podjetij; spodbujanje politik zaposlovanja za zagotavljanje dela; zagotavljanje varne in trajnostne energetske oskrbe. Za vsako od teh področij pomladansko poročilo Komisije ponuja evropskim voditeljem jasne predloge, h katerim naj se zavežejo na srečanju marčevega vrha v Bruslju in jih uresničijo do leta 2007.

Vlaganje v izobraževanje bi bilo potrebno do leta 2010 od sedanjih 1,28 % povečati na 2 %

BDP. Do leta 2007 morajo vse države članice vzpostaviti sistem „vse na enem mestu“ za pomoč bodočim podjetnikom. Raziskavam in razvoju je treba nameniti večji delež državne pomoči (25%) in financiranja iz strukturnih skladov. Izvajati je treba program „aktivnega staranja“ z okrepitevijo usposabljanja za ljudi nad 45. letom starosti, finančnimi spodbudami za podaljšanje delovne dobe in koriščenje skrajšanega delovnega časa. To so le nekatera od priporočil Komisije.

Pripombe Komisije na konkretni ravni so različne. Skandinavske dežele kotirajo visoko na področju vlaganja v RR. Nemčija si je prislužila kritike na račun nezadostnega otroškega varstva, Velika Britanija za svoj javni transport in Italija da ni odprla svojega trga storitev.

Slovenija je po oceni Komisije pripravila ustrezne ukrepe, čeprav pogreša jasnejše prioritete. Več pozornosti pa je potrebnih na področju tranjostnega pokojninskega sistema in programov aktivnega staranja. Prav tako mora Slovenija poenotiti strategijo za raziskave in razvoj ter povečati vlaganja v RR, zlasti privatnega sektorja.

Poročilo Komisije bo predstavljeno na pomladanskem Evropskem svetu meseca marca, kjer bo Komisija pozvala voditelje držav in vlad, naj sprejmejo potrebne zaveze.

Celotni sklop nacionalnih programov reform:

[http://europa.eu.int/growthandjobs/annual-report\\_en.htm](http://europa.eu.int/growthandjobs/annual-report_en.htm)

Odzivi na poročilo so različni. Zveza evropskih gospodarskih zbornic (Eurochambers) je izrazila razočaranje nad predstavljenim, saj naj bi reformni ukrepi v državah članicah bili le nadgradnja starih prizadevanj.

Evropsko poslovno združenje UNICE poudarja da bo izvajanje zastavljenega bolj zahtevna naloga.

Po oceni specializirane nevladne organizacije Lisbon Council, so predstavljene pobude že videna mešanica, ki so se ji pridružili redki novi programi. Opazna je odsotnost načrtov za direktivo o storitvah.

Vir:

<http://www.euractiv.com/Article?tcmuri=tcm:29-151946-16&type=News>

## **Bela knjiga Komisije o evropski komunikacijski politiki**

Evropska komisija je 1. februarja sprejela belo knjigo o komuniciranju, s katero je začrtala evropsko komunikacijsko politiko. Njen cilj bo predvsem zožiti razkorak med Evropsko unijo, njenimi institucijami in politikami, ter evropskimi državljani. Ta se je pokazal zlasti pri (ne)sprejemanju evropske ustave.

Bela knjiga opredeljuje 5 področij, ki zahtevajo skupna prizadevanja evropskih institucij in državljanov, med drugim vključevanje državljanov, sodelovanje z mediji, poudarek na razumevanju javnega mnenja, opredelitev skupnih načel sodelovanja in samo sodelovanje.

Ena od novosti bi lahko bila tudi Evropska tiskovna agencija, evropska različica BBC-ja.

Evropski državljani lahko pri oblikovanju bele knjige sodelujejo na spletni strani: [http://europa.eu.int/comm/communication\\_white\\_paper/index\\_en.htm](http://europa.eu.int/comm/communication_white_paper/index_en.htm)

Bela knjiga je objavljena:

[http://europa.eu.int/comm/communication\\_white\\_paper/doc/white\\_paper\\_en.pdf](http://europa.eu.int/comm/communication_white_paper/doc/white_paper_en.pdf)

## **Komisija ocenila konvergenčni program Slovenije**

Evropski komisar za gospodarske in denarne zadeve Joaquín Almunia je 1. februarja predstavil ocene konvergenčnih programov (stabilnosti) Slovenije, Estonije in Latvije. Ocena je za Slovenijo po pričakovanjih pozitivna, z nekaterimi komentarji.

Slovenija bi morala po oceni Komisije svoja prizadevanja usmeriti v višje zastavljene proračunske cilje in spodbujati spremembe svojega pokojninskega sistema glede na starajoče se prebivalstvo. Sprejem evra v začetku leta 2007 ni ogrožen.

Slovenski program predvideva postopno zmanjšanje državnega dolga z 1¼ % BDP v letu 2005 na 1 % v letu 2008. Ker so tveganja, povezana s proračunskimi napovedmi, na splošno uravnotežena, se zdi, da je fiskalna strategija v programu zadostna za izpolnitev srednjeročnega cilja do leta 2008. Vendar pa prilagajanje v ta namen ne poteka povsem v skladu z merilom uspešnosti pakta, saj predvideno strukturno izboljšanje znaša zgolj ¼ % BDP v programskem obdobju. V zvezi s

tem je začasno odstopanje od optimalnega poteka prilagajanja zaradi „večjih strukturnih reform“ za izboljšanje konkurenčnosti slovenskega gospodarstva vprašljivo, ker je v programu le malo zagotovil, da bodo reforme znatno vplivale na potencialno rast in dolgoročno vzdržnost javnih financ.

Čeprav je javni dolg pod 30 % BDP, bodo proračunski izdatki zaradi staranja prebivalstva po letu 2020 po pričakovanjih občutno zrasli, tako da je v Sloveniji tveganje, povezano z dolgoročno vzdržnostjo javnih financ, visoko.

Estonija in Latvija imata po oceni Komisije zaradi inflacije malo možnosti za prevzem evra leta 2007.

Ocene posameznih držav, ki jih je Komisija pripravila, in pregled ključnih podatkov iz posameznih programov so na voljo na naslednjem naslovu:

[http://europa.eu.int/comm/economy\\_finance/about/activities/sgp/year/year20052006\\_en.htm](http://europa.eu.int/comm/economy_finance/about/activities/sgp/year/year20052006_en.htm)

## 2. Kratke novice in vabila k sodelovanju

- V oblikovanju je direktiva, ki bo uredila sistem eko izdelkov s področja energetike. Komisija razpisuje možnost sodelovanja v ekspertni skupini, ki bo pripravila zakonodajo. Rok prijave je 31. marec 2006.

Več:

[http://europa.eu.int/comm/energy/demand/legislation/eco\\_design\\_en.htm](http://europa.eu.int/comm/energy/demand/legislation/eco_design_en.htm)

- Skupina na visoki ravni je pripravila poročilo o razširitvi glavne evropske transportne osi na sosednje države. Pripombe lahko do 10. marca 2006 izrazite vsi zainteresirani.

Poročilo z zemljevidom je na ogled: [http://europa.eu.int/comm/ten/transport/external\\_dimension/hlg/index\\_en.htm](http://europa.eu.int/comm/ten/transport/external_dimension/hlg/index_en.htm)

Več:

[http://europa.eu.int/comm/ten/transport/external\\_dimension/hlg/2006\\_02\\_17\\_tent\\_consultation/index\\_en.htm](http://europa.eu.int/comm/ten/transport/external_dimension/hlg/2006_02_17_tent_consultation/index_en.htm)

- V okviru Evropske strategije o trajnostni rabi naravnih virov, bo v

prihodnosti nastal podatkovni center za zbiranje znanja o naravnih virih, ki bo tudi obveščal pristojne odločevalce.

Celotna strategija je na voljo na: <http://www.europa.eu.int/comm/environment/natres/index.htm>

- EU bo v naslednjih mesecih podpisala sporazum o skupnem evropskem zračnem prostoru z Albanijo, Romunijo, Bolgarijo, Hrvaško, BIH, Makedonijo, SČG, ter misijo ZN na Kosovu. Sporazum razširja skupne standarde na področju varnosti, konkurence in pravic potrošnikov na omenjene države.

Podrobneje:

[http://www.southeasteurope.org/subpage.php?sub\\_site=2&id=15865&head=hl&site=8](http://www.southeasteurope.org/subpage.php?sub_site=2&id=15865&head=hl&site=8)

- Izšla je nova izdaja priročnika za e-tržne storitve. Priporočajo ga v uporabo malim podjetjem pri trženju in prodaji.

Na voljo je:

[http://www.emarketservices.com/templates/Page\\_888.aspx](http://www.emarketservices.com/templates/Page_888.aspx)

- Zainteresirane skupine lahko do 31. marca 2006 izrazite svoje mnenje o zeleni knjigi o energetski učinkovitosti.

Podrobnosti:

[http://europa.eu.int/comm/energy/efficiency/index\\_en.htm](http://europa.eu.int/comm/energy/efficiency/index_en.htm)

- Sooblikovanje je mogoče tudi na področju patentne zakonodaje. Dokument je na voljo na spletni strani Komisije, kjer do 31. marca 2006 lahko podate svoje predloge in mnenja:

[http://europa.eu.int/comm/internal\\_market/indrop/patent/consultation\\_en.htm](http://europa.eu.int/comm/internal_market/indrop/patent/consultation_en.htm)

## 3. Nova zakonodaja

### Direktiva o zbiranju in reciklaži odpadnih akumulatorjev

Direktiva po drugem branju v Parlamentu predvideva, da bodo proizvajalci v 10 letih letih zbrali 45% rabljenih akumulatorjev. Obenem

omejuje uporabo težkih kovin kadmija in merkurija.

Cilj direktive je določiti najnižjo skupno raven zbiranja in recikliranja rabljenih akumulatorjev. Direktiva nalaga financiranje stroškov zbiranja, obdelave in reciklaže proizvajalcem.

Trenutno je raven zbiranja rabljenih akumulatorjev v EU različna, od 16% v Franciji, do 59% v Belgiji. Predlog direktive želi poenotiti nivo zbiranja, da bi rabljeni akumulatorji ne končali v sežigalnicah ali na odlagališčih, saj težke kovine, ki jih vsebujejo, predstavljajo grožnjo za okolje.

Trenutni predlog predvideva 25% zbranih rabljenih akumulatorjev v 6 letih po sprejetju direktive in 45% po 10 letih od sprejetja. Omejevanje vsebnosti težkih kovin v predlogu dosega 0,0005% merkurija na težo akumulatorja in 0,002% kadmija na težo prenosnih akumulatorjev (z izjemami: alarmni in urgentni sistemi, zdravniška oprema in brezžično električno orodje).

Predstavniki izdelovalcev akumulatorjev so izrazili zadovoljstvo s predlogom, saj so predvidene ravni zbiranja ostale v okviru možnega. Namen direktive se je po njihovem prevesil z upravljanja z odpadki na zagotavljanje nižjih vsebnosti težkih kovin v akumulatorjih. Izdelovalci pa opozarjajo pred novimi zniževanji vsebnosti težkih kovin v predlogu direktive brez znanstvene ocene in ocen tveganj.

Ministri držav članic za okolje bodo v nadaljnji obravnavi poskušali ohraniti sežiganje kot metodo reciklaže in doseči mehkejšo pojmovanje obveze za ločevanje akumulatorjev od ostalih odpadkov.

Države članice bodo morale končno obliko direktive prenesti v nacionalne zakonodaje v dveh letih po sprejetju.

Predlog direktive dosegljiv na:

<http://www.europarl.eu.int/omk/sipade3?PUBREF=-//EP//TEXT+TA+P6-TA-2005-0495+0+DOC+XML+V0//EN&L=EN&LEVEL=2&NAV=S&LSTDOC=Y&LSTDOC=N>

### **Dosežen politični konsenz o direktivi o nevarnih kemikalijah (REACH)**

Cilj direktive je, da se v industriji omeji uporaba strupenih kemikalij in se jih nadomesti z nenevarnimi, kjer je to mogoče. Predstavniki evropske kemične industrije so pozdravili

dejstvo, da nadomestitve snovi niso del obvezne procedure, pač pa stvar presoje od primera do primera.

Direktiva je bila decembra 2005 sprejeta v Svetu, v nezadovoljstvo potrošnikov in predstavnikov zdravstva pa v primerjavi s predhodnim predlogom predvideva številne izjeme. V nadaljevanju se bo o predlogu odločalo v drugem parlamentarnem branju, kjer je pričakovati ostro nasprotovanje zelenih. Nov predlog direktive namreč tudi opušča nekatera načela, ki so podjetja zavezovala k večji odgovornosti pri ravnanju s kemikalijami ter obveščanje potrošnikov.

Predlog predlaga oceno okoli 30.000 kemikalij, pri čemer pa izpušča substance, ki so proizvedene ali uvožene v količinah manjših od 1 tone na letni ravni. Pod tem pogojem bo pregledu tako ušlo okoli 12.000 snovi, ki so v rabi v manjših količinah.

Evropski ministri so sprejeli pravila odobritve za tiste substance, ki povzročajo rakava obolenja, genetske okvare ali težave pri reprodukciji, pa tudi za tiste, ki se akumulirajo v človeškem telesu ali zunanjem okolju. Kompromis vsebuje zavezo, da bo bodoča Agencija za kemikalije v Helsinkih odobrila nevarne kemikalije le, če bodo podjetja uspela dokazati, da so nevarnosti primerno nadzirane, da socialne in ekonomske koristi presegajo riziko in da alternativne snovi ne obstajajo.

Direktiva ne ovira uporabe kemikalij v raziskovalne namene. Med izjeme se uvršča tudi pravilo, ki koristi predvsem malim in srednjim podjetjem, saj jim ob registraciji snovi ni potrebno plačati davka, če pri tem izkažejo popoln obrazec.

Ministri so omejili primere, ki podjetja zavezujejo k delitvi informacij, ko zapošajo za skupinsko registracijo v okviru pravila 'ena substanca – ena registracija'.

V direktivi tudi ni več načel, ki bi zavezovala podjetja k razkrivanju informacij o varnosti kemikalij potrošnikom.

Spletna stran o direktivi:

[http://www.europa.eu.int/comm/enterprise/reach/index\\_en.htm](http://www.europa.eu.int/comm/enterprise/reach/index_en.htm)



## **Nova strategija o ravnanju z odpadki – poudarek na recikliranju**

Komisija je predstavila novo strategijo za področje upravljanja z odpadki. Njen cilj je poudariti pomen recikliranja, s katerim bi omejili odpadke in jih uporabili kot vir energije.

Komisija v tem okviru predlaga spremembo Okvirne direktive o odpadkih iz leta 1975. Po novem naj bi določili standarde o reciklaži in vključili obveznost, da države članice razvijajo nacionalne programe o preprečevanju nastajanja odpadkov. Te naj upoštevajo nacionalne in lokalne razmere, pripraviti pa jih bo potrebno tri leta po sprejetju direktive.

Predlog se v letošnjem letu šele vključuje v proces oblikovanja, s prvim branjem v parlamentu in Svetu.

Več o strategiji:

<http://europa.eu.int/comm/environment/waste/strategy.htm>

## **Priprava na glasovanje v Parlamentu o direktivi o storitvah**

Proces sprejemanja direktive o storitvah bo ena od najpomembnejših zakonodaj v letu 2006, ki je na dnevnem redu. Po dveh letih razprav bi naj jo dokončno sprejeli še v času avstrijskega predsedovanja in z njo liberalizirali trg storitev v EU, ki predstavlja 70% gospodarstva (izraženo v deležu BDP). 15. februarja bodo o njej glasovali v Parlamentu v Strasbourgju.

Komisija je s predsednikom Barrosom na čelu pripravljena podpreti predlog direktive v Parlamentu, čeprav je manj liberalna kot bi si želeli.

Evropski poslanci naj bi na glasovanju našli konsenz, še posebej ker naj bi direktiva vrnila del zaupanja v EU, ki je bil omajan z negativnimi glasovi proti evropski ustavi.

Pozitiven izid glasovanja pa kljub načelni podpori poslancev ni gotov, saj bi nekateri poslanci raje podprli predlog, ki bi določene sektorje izvzel iz pristojnosti direktive.

Tudi nekatere države članice niso zadovoljne s predlogom, saj naj bi bil po njihovem mnenju premalo učinkovit na področju spodbujanja konkurenčnosti. Tako mnenje delijo Velika Britanija, Nizozemska, Španija, Nemčija, Poljska, Češka in Madžarska. Tudi Francija je še neenotna v podpori direktivi, zaradi znanega strahu pred delavci iz vzhodne

Evrope, ki bi prevzeli delovna mesta v storitvenem sektorju domačim ponudnikom.

Predstavniki podjetij direktivi očitajo prenizko raven poenostavitve postopkov in zagotavljanja pravne varnosti pri poslovanju na skupnem trgu.

Vprašanje, ki bo eno od ključnih na glasovanju, zadeva nadzor nad ponudniki storitev na skupnem trgu – naj bo ta del zakonodaje države članice kjer se storitev izvaja ali del matične države ponudnika storitev. To je pomembno zaradi višine davkov in socialnih prispevkov, ki jih odvajajo ponudniki storitev.

Več o predlogu direktive:

[http://europa.eu.int/comm/internal\\_market/services/services-dir/index\\_en.htm](http://europa.eu.int/comm/internal_market/services/services-dir/index_en.htm)

## **4. Gospodarske novice**

### **Večje pravice delničarjev**

Komisija je predlagala osnutek uredbe minimalnih standardov za povečanje pravic delničarjev, ki v EU investirajo izven meja svojih držav. Poudarila je njihovo pravico do pravočasne obveščeniosti, brez ovir, kjerkoli v EU. Nekatere države že imajo zakonodajo, ki je strožja od predloga, ki tako določa minimalne standarde, ki naj bi veljali na skupnem trgu.

Predlog naj bi okrepil vlogo delničarjev in spodbudil evropske investitorje. Podatki kažejo, da je tretjina delniškega kapitala v podjetjih, ki so registrirana v EU v lasti delničarjev, ki niso prebivalci države v kateri je podjetje. Pogosto se spopadajo z ovirami pri uveljavljanju njihovih delničarskih pravic, kot so prepoved trgovanja pred skupščinami delničarjev, pomanjkanje informacij in obremenjujoče zahteve glasovanja na daljavo.

Predlog izboljšav vsebuje zahtevo, da podjetja napovedo svoje skupščine mesec dni prej in da delničarjem pravočasno zagotovijo informacije. Izredne skupščine naj bodo napovedane vsaj 14 dni prej.

Eden ključnih poudarkov predloga je sprememba pri prepovedi trgovanja – zahtevi, ki ustavlja trgovanje z delnicami pred skupščino delničarjev, s čimer se prepreči spremembo glasovalnih pravic v zadnjem trenutku. Novi predlog se zavzema za prepoved trgovanja ne več kot mesec dni pred skupščino. Države naj se vsaka zase odločijo

za določeno obdobje, ki naj nato obvelja za vsa podjetja.

Glasovanje po pooblaščenca naj bo poenostavljeno, z možnostjo izbire načina glasovanja na daljavo. Rezultati bi morali biti objavljeni na spletnih straneh podjetij.

Kdaj naj bi bila uredba sprejeta, še ni znano, glede na vsebino predlagatelji ne pričakujejo večjega nasprotovanja. Komisija je v letu 2005 izvedla dve posvetovanji, katerih vsebina je dosegljiva na:

[http://europa.eu.int/comm/internal\\_market/company/shareholders/index\\_en.htm](http://europa.eu.int/comm/internal_market/company/shareholders/index_en.htm)

Sporočilo Komisije:

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/06/10&format=HTML&aged=0&language=EN&guiLanguage=fr>

### **Komisija napoveduje večjo rast v evroobmočju**

Komisija je za pomladansko in poletno obdobje v 2006 napovedala višjo gospodarsko rast v evroobmočju. Napoved je rezultat poročila, ki je v novi metodi raziskave zajel 2000 podjetij in ekonomske podatke iz vseh držav evroobmočja.

Napovedana rast naj bi znašala 0.7% do konca junija 2006.

Po zadnjih izračunih Eurostata za tretje četrtletje, se je gospodarska rast v 12 državah evroobmočja na letni ravni povečala za 1.6%. Po napovedih ekonomistov bo napoved verjetno spodbudila Evropsko centralno banko, da zviša obrestne mere.

Sporočilo Eurostata:

[http://epp.eurostat.ec.eu.int/pls/portal/docs/PAGE/PGP\\_PRD\\_CAT\\_PREREL/PGE\\_CAT\\_PREREL\\_YEAR\\_2006/PGE\\_CAT\\_PREREL\\_YEAR\\_2006\\_MONTH\\_01/2-13012006-EN-AP.PDF](http://epp.eurostat.ec.eu.int/pls/portal/docs/PAGE/PGP_PRD_CAT_PREREL/PGE_CAT_PREREL_YEAR_2006/PGE_CAT_PREREL_YEAR_2006_MONTH_01/2-13012006-EN-AP.PDF)

### **Odslej prost pretok delavcev iz novih držav članic?**

V aktualni debati sprostitev trga delovne sile v državah članicah po preteku dveletnega prehodnega obdobja, ki je ob vstopu v EU obveljalo za osebe novih držav članic (brez Cipra in Malte), še vedno ni konsenza. Prvo

dveletno obdobje v shemi 2+3+2 poteče 30. aprila 2006.

8. februarja je Komisija predstavila obsežno poročilo o stanju na evropskem trgu dela. Že pred objavo je poročilo vzbujalo različne odzive posameznih komisarjev. Poročilo ugotavlja, da ima mobilnost delavcev pozitivni vpliv, saj pripomore k njihovi enakomerni porazdelitvi po trgu delovne sile.

V večini držav je bil pritok delovne sile iz srednje in vzhodne Evrope po letu 2004 manjši od pričakovanega. Državlani iz novih držav članic predstavljajo manj kot 1 % delovne sile v vseh državah članicah, razen Avstrije (1,4 % leta 2005) in Irske (3.8 % leta 2005).

Na podlagi podatkov iz poročila naj bi se države članice lažje odločile, ali naj v prihodnje še uporabljajo nacionalne omejitve na trgu delovne sile. Komisar Spidla argumentira, da je omejevanje prostega pretoka delavcev voda na mlin sivemu trgu in da je priseljevanje iz tretjih držav veliko resnejši problem kot migracije na notranjem trgu.

2004 so le Velika Britanija, Irska in Švedska odprle svoje trge delovne sile. Tovrstno prakso poleg novih držav članic sedaj podpirajo še Finska, Španija ter Portugalska, k temu se nagiba tudi Grčija. Belgija ter Francija bi prost pretok delavcev v popolnosti omogočili do leta 2009, za nekatere profile pa že letos, kot je to storila Nizozemska decembra lani za dela v gradbeništvu.

Najbolj goreči zagovornici omejitev ostajata Avstrija in Nemčija. Do leta 2011 bodo morale vse države članice omenjene omejitve odpraviti.

Še strožje omejitve pa z vstopom leta 2007 v EU čakajo Romunijo in Bolgarijo.

Poročilo bo uradno predano na vrhu evropskih voditeljev marca letos.

Poročilo Komisije je na voljo:

[http://europa.eu.int/comm/employment\\_social/news/2006/feb/report\\_en.pdf](http://europa.eu.int/comm/employment_social/news/2006/feb/report_en.pdf)

### **Novi evropski davek?**

Potem ko so poslanci zavrnili predlog nove finančne perspektive, je Avstrija kot predsedujoča predlagala rešitev, ki bi

zagotovila sredstva za delovanje EU. Trda pogajanja za evropski proračun po letu 2007 napoveduje enako izčrpujočo bitko za proračun po letu 2013, zato bi sredstva, ki bi pritekala neposredno v evropski proračun, rešila to problematiko. Evropske institucije bi z njim imele več maneverskega prostora pri oblikovanu porabe ter večjo avtonomijo.

Trenutno 73% proračuna EU sestavljajo neposredna plačila držav članic na podlagi BDP, ostalo pa priteka s strani carin, posebnih uvoznih dajatev za kmetijstvo in deleža DDV.

Evropski davek bi predstavljal npr. davek na finančne špekulacije, letalsko gorivo, ladijski promet.

Idejo je večina držav članic ocenila negativno, čeprav je ideja našla tudi nekaj zaveznikov, med njimi Nemčijo in Francijo.

Bruseljski uradniki menijo, da ideja še ni zrela za resno obravnavo, saj bi države članice tako obliko obdavčitve smatrale za pregrob poseg na davčno področje, tudi državljani bi ga ocenili za avtoritarnega. Kot tak bi imel negativni vpliv na proces sprejemanja ustave.

Vir:

<http://www.eupolix.com/EN/Bulletins/PressReview/Items/200601/5b8e03d2-eda3-4252-b5c7-34179683e12c.htm>

### **Liberalizacija telekomunikacijskih storitev - poročilo**

Komisija je 7. februarja objavila poročilo o napredku o doseganju konkurenčnosti na trgu telekomunikacijskih storitev. Poročilo nakazuje na precejšnje pomankljivosti pri izvajanju zakonodaje na področju proste konkurence v sektorju.

Kljub prizadevanjem držav članic da bi uskladile svoje nacionalne zakonodaje v skladu s pravili prostega trga, Komisija ugotavlja da kar 16 držav članic še vedno ne zagotavlja poste konkurence na tržišču telekomunikacij.

Komisija je v poročilu za Slovenijo pripravila nekatere komentarje, ki zadevajo cenovno politiko Telekomoma.

Poročilo je dosegljivo na spletnih straneh:

[http://europa.eu.int/information\\_society/policy/comm/doc/article\\_7/comm\\_pdf\\_com\\_2006\\_0028\\_f\\_en\\_acte.pdf](http://europa.eu.int/information_society/policy/comm/doc/article_7/comm_pdf_com_2006_0028_f_en_acte.pdf)

Dodatek k poročilu, ki vsebuje podatke za posamezne države je dosegljiv na:

[http://europa.eu.int/information\\_society/policy/comm/doc/article\\_7/sec\\_2006\\_86\\_en\\_documentdetavail\\_p.pdf](http://europa.eu.int/information_society/policy/comm/doc/article_7/sec_2006_86_en_documentdetavail_p.pdf)

### **Novo glasilo o državnih pomočeh**

Komisija je januarja vzpostavila novo storitev tedenskega obveščanja v obliki glasila s področja državnih pomoči. V njem bo mogoče zaslediti novosti na področju zakonodaje, odločb Komisije, študij, dogodkov in poročil.

Na glasilo se je mogoče naročiti elektronsko:

[http://europa.eu.int/comm/competition/state\\_aid/overview/newsletter.html](http://europa.eu.int/comm/competition/state_aid/overview/newsletter.html)

## **5. Finančne storitve**

### **Čezmejne davčne olajšave za odvisna mala in srednja podjetja**

Mala in srednja podjetja (MSP) v EU težje izkoriščajo prednosti skupnega trga zaradi različnih davčnih sistemov v državah članicah. Samo 3% MSP trenutno deluje izven svoje matične države.

Da bi Komisija izboljšala pogoje za MSP je predlagala, da ta lahko s svojimi podrejenimi (hčerinskimi) podjetji v drugih državah članicah uporabljajo zakonodajo, davčna pravila in postopke svoje države.

T.i. 'pravilo domače države' bi bilo prostovoljno za obe državi in podjetje, v katerih posluje MSP, s poskusno dobo petih let.

Po končanem postopku bi podjetje odvedlo davek vsaki državi članici v skladu z njeno zakonodajo. Na ta način bi podjetje, ki deluje v več državah članicah, obračunalo dobiček po enotnem sistemu matične države. Ob ustanovitvi novega podjetja v tujini pa bi le to lahko poslovalo v skladu z davčno zakonodajo, ki jo pozna.

Več na spletni strani:

[http://europa.eu.int/comm/taxation\\_customs/taxation/company\\_tax/home\\_state\\_taxation/index\\_en.htm](http://europa.eu.int/comm/taxation_customs/taxation/company_tax/home_state_taxation/index_en.htm)

## Izvedbeni ukrepi za direktivo o investicijskih storitvah

Evropska komisija je 6. februarja predstavila predlog izvedbene zakonodaje za direktivo o investicijskih storitvah na trgih finančnih instrumentov. Direktiva, sprejeta aprila 2004, predstavlja temelj akcijskega načrta na področju finančnih storitev v EU. Cilj direktive je omogočiti ponudnikom tovrstnih storitev neovirano delovanje na skupnem trgu, s čimer se bo povečala konkurenca, razvila primerna zaščita za investitorje in potrošnike.

Ukrepi, ki jih je Komisija predložila Parlamentu predstavljajo izvedbene ukrepe sprejete direktive. Posegajo na področje zagotavljanja kakovosti investicijskih transakcij na finančnih trgih – ne da bi povečali administrativne ovire za podjetja. Ta naj delujejo v jasnih pogojih, ob zagotovljeni varnosti pri najemanju storitev podjetij iz drugih držav članic.

Proces sprejemanja ukrepov bo predvidoma zaključen poleti 2006, s sprejetjem v Parlamentu, ki bo o ukrepih odločal po potrditvi v Evropskem odboru za vrednostne papirje.

Predlog predvideva, da bodo morala investicijska podjetja sprejeti določena pravila poslovanja. Zagotoviti bodo morala lastne oddelke za neodvisno presojo, skladnost z zakonodajo, obvladovanje tveganj. O opravljenih transakcijah vrednostnih papirjev bodo morala poročati pristojnim organom.

Direktiva iz leta 2004 (v slovenščini):

<http://europa.eu.int/eur-lex/sl/dd/docs/2004/32004L0039-SL.doc>

Vse o novem, izvedbenem predlogu Komisije:

[http://www.europa.eu.int/comm/internal\\_market/securities/isd/mifid2\\_en.htm](http://www.europa.eu.int/comm/internal_market/securities/isd/mifid2_en.htm)

### Neskladja pri določanju znižane stopnje DDV - šesta direktiva

Evropski finančni ministri 24. januarja niso dosegli soglasja o znižani davčni stopnji (nižja od 15%) za nekatere t.i. delovno intenzivne storitve (frizerstvo, storitve na področju obnove stanovanj, za prehranske gostinske obrate, čiščenje oken, gospodinjsko pomoč). Seznam dosedanjih izjem, pri katerih se lahko obračunava nižji DDV je bil določen leta 1999 (t.i. Šesta direktiva o uporabi najnižje splošne stopnje, aneks K), konec lanskega leta pa je to

obdobje poteklo. S soglasjem vseh držav članic bi morale biti izjeme ponovno potrjene.

Nemčija je zaradi proračunskega primankljaja nasprotovala vsem znižanjem DDV. Najbolj pa je za določene izjeme lobirala Poljska in s tem prevzela vodilno mesto pri oblikovanju izjem na področju DDV. Vetu se je odpovedala šele v začetku februarja in s tem dosegla nekatere izjeme kot so npr. otroške knjige.

Izjeme pri obdavčitvi bodo še naprej veljale do 2010 in zajemajo pet področij storitev: prenova domovanj, gospodinjska pomoč na domu, frizerstvo, čiščenje oken, popravila koles in oblačil. K seznamu izjem je bilo dodano tudi daljinsko ogrevanje.

Več o direktivi:

[http://europa.eu.int/comm/taxation\\_customs/taxation/vat/key\\_documents/legislation\\_recently\\_adopted/index\\_en.htm](http://europa.eu.int/comm/taxation_customs/taxation/vat/key_documents/legislation_recently_adopted/index_en.htm)

## 6. Regionalna politika

### Večji nadzor nad EU sredstvi

Komisar za boj proti prevaram Siim Kallas je napovedal reforme, ki bodo zagotovile večji nadzor nad porabo sredstev iz evropskega proračuna. Nova pravila bodo enostavnejša, vsebovala bodo enotna navodila ter več poročanja držav članic o revizijah Komisiji.

Z reformo želijo poenostaviti predvsem zakonodajo na področju porabe sredstev v novem programskem obdobju 2007 – 2013, kot je harmonizacija načel in standardov porabe.

Finančni ministri so predlog zavrnil v tistem delu, ki predlaga odgovornost za poročanje na institucije držav članic. Ministri vztrajajo, naj regionalna telesa še naprej oskrbujejo Komisijo z izjavami o pravilni porabi sredstev.

Sporočilo Komisije:

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/06/47&format=HTML&aged=0&language=EN&quiLanguage=en>

### Uspešen izkaz porabe sredstev za 2005

Komisarka Danuta Hübner je leto 2005 na področju regionalne politike označila za uspešno, saj so strukturni in kohezijski sklad dokazali da so lahko učinkovito orodje za ustvarjanje delovnih mest ter spodbujanje rasti.

Predstavlja primerno podlago za več investicij na področju modernizacije.

V luči oblikovanja evropskega proračuna je v nadaljevanju potrebno tesnejše sodelovanje Komisije ter držav članic pri pripravah na novo programsko obdobje 2007 – 2013, da se bo v evropskih regijah pričelo izvajati v začetku 2007.

V letu 2005 je Komisija dodelila vsa načrtovana sredstva strukturnih skladov in ISPA in s tem v popolnosti izpolnila proračun za preteklo leto.

Tako je bilo iz Evropskega sklada za regionalni razvoj dodeljenih plačil za 16,9 milijard evrov.

Izvajanje ciljev regionalne politike je bilo enako uspešno tudi za nove države članice, saj so ob koncu lanskega leta uspele iz strukturnih in kohezijskega sklada počrpati primerljivo količino sredstev kot države članice v letu 2002 – po dveh letih njihovega programskega ciklusa.

V povprečju je Komisija novim državam članicam izplačala 20% celotne kvote dodeljenih sredstev za programsko obdobje 2004-2006.

Dodatne informacije o kohezijski politiki v podporo gospodarski rasti in novim delovnim mestom si lahko ogledate na spletni strani:

[http://europa.eu.int/comm/regional\\_policy/sources/docoffic/2007/osc/index\\_en.htm](http://europa.eu.int/comm/regional_policy/sources/docoffic/2007/osc/index_en.htm)

### **Novo smernice za državne regionalne pomoči za naložbe 2007 - 2013**

Komisija je 23. decembra 2005 sprejela poročilo o regionalnih pomočeh za naložbe, ki usklajujejo sheme pomoči z načelom o prosti konkurenci v Uniji v novem finančnem obdobju. V smernicah je opredeljeno kdaj regionalne oblasti smejo z odobritvijo vlade podeliti pomoč.

Nova pravila bodo veljala za investicije podjetjem na vseh področjih gospodarstva, razen nekaj opredeljenih izjem (ribištvo, premogovništvo, del kmetijstva, jeklarstvo idr).

Besedilo opredeljuje pomoči za začetne naložbe in dovoljuje tudi izjeme (višja intenzivnost pomoči), npr. pri investicijah malim

in srednjim podjetjem, ki delujejo v nerazvitih regijah.

Slovenija se uvršča med regije, ki smejo podeliti intenzivnost pomoči v višini do 30%. Zemeljevid upravičenih področij: [http://europa.eu.int/comm/regional\\_policy/themes/doc/stateaidmap\\_2007.pdf](http://europa.eu.int/comm/regional_policy/themes/doc/stateaidmap_2007.pdf)

Uredba Komisije je na voljo (v slovenščini):

[http://europa.eu.int/comm/competition/state\\_aid/regional/exempreg\\_sl.pdf](http://europa.eu.int/comm/competition/state_aid/regional/exempreg_sl.pdf)

## **7. Transport in energetika**

### **Akcijski načrt EU za biomaso**

Rastoče cene nafte in letošnji 'plinski spor' med Rusijo in Ukrajino je spodbudil razprave o preveliki odvisnosti držav članic od fosilnih goriv ter pospešenemu razvoju alternativnih energetske virov. EU uvaža okoli 50% plina in 75% nafte za svojo porabo.

Posamezne države članice razvijajo lastne strategije v tej smeri, avstrijsko predsedstvo pa na ravni EU deluje v smeri čimprejšnjega sprejetja akcijskega načrta za biomaso, ki ga je Komisije predlagala decembra lani.

Biomaso trenutno prispeva 69 milijonov ton primerljivega energijskega potenciala v EU. Študije nakazujejo, da bi do leta 2010 to količino lahko zvišali na 189 milijonov ton. Pozitivni učinki bi se pokazali tudi pri večjem številu delovnem mest na podeželskih področjih in pri prihrankih izpušnih plinov. Investicije v biomaso bi pospešile inovacije na področju tehnologij ter zagotovile Evropi vodilno tržno mesto na tem področju v svetu.

Akcijski načrt poudarja biomaso kot neizrabljeno možnost energije na področju prevozov, električne energije in ogrevanja.

Akcijski načrt je dosegljiv na:

[http://europa.eu.int/eur-lex/lex/LexUriServ/site/sl/com/2005/com2005\\_0628sl01.doc](http://europa.eu.int/eur-lex/lex/LexUriServ/site/sl/com/2005/com2005_0628sl01.doc)

### **Strategija povečanja proizvodnje biogoriv**

Del omenjenega akcijskega načrta za biomaso sestavlja tudi cilj povečanja proizvodnje biogoriv. Komisija je v ta namen 8. februarja sprejela strategijo EU za biogoriva. Leta 2003

je bila sprejeta direktiva o biogorivih, po kateri naj bi do 2010 biogoriva predstavljala 5.75% goriv. Tega cilja brez nadaljnjih spodbud v EU ne bo mogoče izvesti. Trenutna stopnja uporabe biogoriv je skromnih 1.4%.

Strategija ima sedem ključnih področij oz. ciljev. V državah članicah je potrebno povečati povprševanje po biogorivih in vzpostaviti spodbudnejše okolje za njihovo proizvodnjo. Ti ukrepi bodo lahko za članice obvezni, če bo Komisija po posvetovanju tako odločila.

Komisija bo proučila možnosti za biogoriva v programih za razvoj podeželja. V okviru skupne kmetijske politike bo zagotovila sredstva za proizvodnjo sladkorja, ki ga bodo obrati predelali v bioetanol. Na ta način bo akcijski načrt koristil tudi državam v razvoju, ki so podpisnice Protokola o sladkorju in ki čutijo posledice sladkorne reforme v EU. Ocenjena bo tudi možnosti za predelavo intervencijskih zalog žita.

Komisija bo še naprej podpirala razvoj tehnološke platforme za biogoriva, ki bo dajala priporočila za raziskave v tem sektorju. Biogoriva bodo imela prednost v 7. Okvirnem programu (npr. biorafinerija - o koristni uporabi vseh rastlinskih delov).

Strategija za biogoriva je objavljena na spletnih straneh:

[http://europa.eu.int/comm/agriculture/biomass/biofuel/index\\_en.htm](http://europa.eu.int/comm/agriculture/biomass/biofuel/index_en.htm)

### Uspešen zagon Galilea

Galileo je evropski satelitski navigacijski program, ki ga bodo v nasprotju z obstoječo prakso (ameriški GPS) uporabljali za civilne namene razvoja nove generacije storitev na področju transporta, telekomunikacij, kmetijstva in ribištva. Satelitski sistem bo v pomoč pri izogibanju prometnih zastojev, pri prevažanju nevarnih snovi mimo gostega prometa ipd.

28. decembra so iz Kazahstana izstrelili prvi Galileov satelit GIOVE – A, ki naj bi preizkusil kritične nove tehnologije pri vzpostavljanju Galilea.

Evropski svet je v decembru prav odločil, da bo sedež Galilea deljen – v Franciji (Toulouse) in Veliki Britaniji (London), s kontrolnimi centri v Nemčiji, Italiji in Španiji.

Več o projektu Galileo:

[http://europa.eu.int/comm/dgs/energy\\_transport/galileo/index\\_en.htm](http://europa.eu.int/comm/dgs/energy_transport/galileo/index_en.htm)

### Okolju prijazna vozila

Komisija je v decembru 2005 predlagala novo direktivo, s katero bi spodbudili trg okolju prijaznih vozil.

Cestni promet v Evropski uniji predstavlja približno četrtno potrošnje energije in emisij CO<sub>2</sub>. Obstaja velik potencial za zmanjšanje emisij in varčevanje z energijo, a temu primerne tehnologije ostajajo dražje od tistih, ki se uporabljajo pri tradicionalni izdelavi vozil.

Direktiva določa, da morajo javne službe pri nabavi težkih vozil (z več kot 3,5 t) kupiti (ali najeti) vsaj 25% vozil, ki so do okolja bolj prijazna. Težka vozila vključujejo avtobuse in večino gospodarskih vozil, kot so vozila za odvoz smeti.

Na področju avtomobilske industrije je komisija predlagala tudi nov paket omejitev emisij 'Evro 5', ki od proizvajalcev pričakuje vgradnjo filtrov v dieselske avtomobile, tokrat tudi v SUV.

Predlog direktive najdete na:

<http://europa.eu.int/comm/enterprise/automotive/directives/proposals.htm>

### Vračilo za zamujene in odpovedane leto potrjeno

Uredba iz leta 2004 predvideva kompenzacijo letalskim potnikom, katerih poleti so odpovedani ali zamujeni. Letalski prevozniki so se na uredbo pritožili, a je bila pritožba januarja 2006 na Evropskem sodišču zavržena.

Po besedah predstavnikov Mednarodnega združenja evropskih prevoznikov (IATA) in Evropskega združenja nizko cenovnih prevoznikov (ELFAA), bo uredba prevoznikom povzročila velike dodatne stroške. Po oceni IATA, bo izvajanje nove uredbe evropske letalske prevoznike stalo 600 milijonov evrov letno.

Predstavniki omenjenih združenj še menijo, da uredba ne bo pripomogla k zmanjšanju zamud in odpovedi letov, saj veliko večino takšnih ukrepov povzročajo dejavniki, na katere prevozniki ne morejo vplivati, npr. slabo vreme.

V primeru odpovedi poleta, morajo prevozniki sedaj potnikom bodisi vrniti stroške letalske karte ali ponuditi nov let. Višina povračila je odvisna od dolžine poleta in ne prvotne cene

vozovnice. Višina kompenzacije je določena na 250 evrov za polete, ki so krajši od 1500 km, 400 evrov za polete do 3500 km in 600 evrov za daljše polete.

Prevozniki morajo ponuditi tudi obroke in telefonske klice v primeru odpovedi leta ali zamude. Povračilo je obvezno tudi kadar so leti zamujeni več kot 5 ur.

Sporočilo Evropskega sodišča:

<http://www.curia.eu.int/en/actu/communiqués/cp06/aff/cp060001en.pdf>

### **Program v podporo preusmerjanju tovora na celinske plovne poti**

Novi akcijski program Komisije, ki ga je komisar za transport Barrot predstavil 17. januarja, NAIADES (Navigation And Inland Waterway Action and Development in Europe), bo spodbujal prenos tovora s cest na rečne poti, saj je ta način transporta okolju prijaznejši, zmanjšali pa bi tudi prometne zastoje. Program bo trajal do leta 2013.

Njegovi glavni cilji so vzpostavljanje ugodnih pogojev za storitve in pridobivanje novih trgov, spodbujanje posodabljanja vozniških parkov, nova delovna sila, spodbujanje prometa po celinskih plovniških poteh, zagotavljanje infrastrukture po njih.

Program je namenjen vsem odgovornim ravnam v prometu po celinskih plovniških poteh, industriji, državam članicami in Evropski uniji.

Več o programu najdete na spletnih straneh:

[http://europa.eu.int/comm/transport/iw/prospect/index\\_en.htm](http://europa.eu.int/comm/transport/iw/prospect/index_en.htm)

### **Parlament je zavrnil predlog direktive o liberalizaciji pristanišč**

18. januarja je parlament zavrnil osnutek direktive, ki bi liberalizirala pristaniške storitve EU. Pred tem so se množice pristaniških delavcev zbrale pred poslopjem parlamenta v Strasbourg v protest proti direktivi.

Nasprotovali so zlasti predlogu, da bi tovarniški ladji lahko natovarjale ladijske posadke same, kar bi pomenilo odpuščanje pristaniških delavcev. Enak učinek bi imela tudi liberalizacija storitev pilotáže.

Direktiva o pristaniških storitvah je pomembna, saj 90% zunanega in 40% notranjega prometa

poteka skozi evropska pristanišča. Reforma bi transportni industriji prihranila milijone evrov.

Direktivo je Komisija dala v postopek sprejemanja že leta 2001 in je del njenih prizadevanj po večji konkurenci in odpiranju čezmejne trgovine v EU, kar bi povečalo število delovnih mest in zvišalo gospodarsko rast.

Osnutek direktive dosegljiv na:

[http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2004/com2004\\_0654en01.pdf](http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2004/com2004_0654en01.pdf)

Poročilo Evropskega parlamenta:

<http://www.europarl.eu.int/omk/sipade3?PUBREF=-//EP//NONSGML+REPORT+A6-2005-0410+0+DOC+PDF+V0//EN&L=EN&LEVEL=2&NAV=S&LSTDOC=Y>

### **Daljši počitek za poklicne šoferje**

Parlament je 2. februarja v tretji obravnavi sprejel osnutek direktive, ki posega na področje delovnega časa poklicnih šoferjev (tovornjakov in avtobusov). Ti bodo odslej morali imeti vsaj dva prosta dneva (45 zaporednih ur ob koncu tedna) vsaka dva tedna, poleg tega pa tudi daljši dnevni počitek. Ta se je z 8 ur zvišal na 9 ur, če ga šoferji koristijo v kosu.

Zakonodaja prinaša tudi znižanje tedenske norme za poklicne šoferje – s sedanjih 74 na 56 ur na teden. V primeru kršitev bodo odgovarjali delodajalci in ne več šoferji sami, kot doslej.

Ukrep naj bi poenotil prakso v državah članicah, zagotovil enake delovne pogoje ter prispeval k varnosti v prometu. Države članice lahko uveljavijo strožjo zakonodajo, če to želijo.

Kršitve se bodo za posameznega šoferja lahko ugotavljale v vseh državah članicah, saj novi tahometri omogočajo vpogled v delavnik za 28 dni nazaj. Resne kršitelje bodo izločili iz prometa takoj ko bo prekoračitev ugotovljena.

Predlog zakonodaje mora potrditi še Svet. Pomisleke o predlogu izražajo predvsem majhna ali družinska podjetja v prevozništvu.

Besedilo, sprejeto v parlamentu:

<http://www.europarl.eu.int/omk/sipade3?PUBREF=-//EP//NONSGML+REPORT+A6-2006->

[0005+0+DOC+PDF+V0//SL&L=SL&LEVEL=3&NAV=S&LSTDOC=Y](http://0005+0+DOC+PDF+V0//SL&L=SL&LEVEL=3&NAV=S&LSTDOC=Y)

## 8. Farmacija in zdravstvo

### Zakonodaja na področju nanomedicine potrebna

European Science Foundation je izvedla dveletno raziskavo o nanomedicini, ki je pokazala potrebo po novi zakonski ureditvi tega področja. Zagotovila naj bi predvsem varen in zanesljiv prenos rezultatov nanotehnologije za rabo v medicini iz laboratorijev na tržišče. V nasprotnem primeru Evropa tvega izgubo prednosti nanomedicine za zdravstvo in gospodarstvo.

Rezultati so pokazali na nujnost izboljšanja komunikacije, interdisciplinarnega sodelovanja in izobraževanja v nanomedicini.

Več o študiji:

[http://www.esf.org/esf\\_pressarea\\_page.php?language=0&section=6&year=2005&newsrelease=102](http://www.esf.org/esf_pressarea_page.php?language=0&section=6&year=2005&newsrelease=102)

### Zelena luč za proizvodnjo generičnega rasnega hormona družbe Novartis

Evropska medicinska agencija je 27. januarja dala zeleno luč za proizvodnjo generične različice rasnega hormona Omnitrope, ki ga proizvaja Sandoz v skupini Novartis. S tem dejanjem je naredila korak naprej pri dovoljevanju proizvodnje različic biotehnoških zdravil, ki so cenejša in predstavljajo donosen trg za podjetja, ki jih lahko proizvajajo.

Splošne prakse v svetu na tem področju zaradi varnosti potrošnikov in pritiskov proizvajalcev še ni.

Po tej odločitvi bi Evropska komisija lahko odobrila Omnitrope v nekaj mesecih, potem ko ga je leta 2003 zavrnila. Sedaj pa so s pomočjo študij dokazali, da je to generično zdravilo, ki ga proizvaja Sandoz, primerljivo z Pfizerjevimi originalom.

S pozitivno odločitvijo Komisije bi EU prehitela ZDA, kjer generične kopije biotehnoških zdravil niso dovoljene.

Generične kopije tradicionalnih zdravil, ki jih patentna zakonodaja ne ščiti več, so postale že običajna praksa. Generična biotehnoška

zdravila pa ostajajo obljubljeni posel za farmacevtsko industrijo.

Več o odločitvi Evropske medicinske agencije:

<http://www.emea.eu.int/pdfs/human/press/pr/3179706en.pdf>

### Strožje o izdelkih z oznako 'manj maščob' ali 'brez sladkorja'

Konec decembra so evropski ministri za zdravje sprejeli osnutek uredbe o prehranskih in zdravstvenih trditvah na živilih. Predlog upošteva prehranske in zdravstvene trditve, ki se uporabljajo pri označevanju, predstavljanju in oglaševanju živil.

Namen uredbe je zagotoviti pravilno uporabo tovrstnih trditvev v tržne namene.

Živila morajo biti skladna z določenim profilom hranil, da bi bila lahko označena s trditvami kot so 'brez maščob' ali 'brez sladkorja'. Predlog vsebuje zahtevo, da je treba nekatere zdravstvene trditve preveriti v postopku odobritve. Šele nato bo dana zelena luč za njihovo trženje.

Sporočilo Komisije:

<http://europa.eu.int/eur-lex/lex/LexUriServ/site/sl/com/2006/com20060002sl01.pdf>

## 9. RR in inovacije

### Več sredstev za raziskave in razvoj v novem evropskem proračunu

Sprejet britanski predlog nove finančne perspektive namenja več sredstev raziskavam kot predhodni predlog Luxemburga. V primerjavi z 2006 naj bi do 2013 ta sredstva realno narastla za 75%.

Kljub temu je bil predlog Komisije o višini sredstev za raziskave in konkurenčnost zmanjšan kar za 41%.

V nedavni peticiji raziskovalcev in poslancev Evropskega parlamenta, apelirajo avstrijsko predsedstvo, naj ne dovolijo varčevanja na račun RR. Britanski predlog po njihovem zmanjšuje sredstva za raziskovalne programe za 28% in kar za polovico tudi sredstva namenjena programu spodbujanja konkurenčnosti.



Komisar Potočnik je obljubil, da kljub zmanjšanju sredstev za 7. Okvirni program ta ostaja vsebinsko nespremenjen.

Več sredstev bo raziskavam namenjenih v okviru možnosti financiranja z deljenim tveganjem, ki naj bi bil del 7. Okvirnega programa. Ta instrument bo spodbujal investicije privatnega sektorja v raziskave in naj bi dosegal 10 milijard evrov.

Komisar Potočnik je priporočil čimprejšnje sprejetje 7. Okvirnega programa, da bi se ta lahko pričel izvajati leta 2007. Da bi bilo to mogoče, bi bilo potrebno program potrditi najkasneje oktobra letos.

Več o proračunu:

<http://www.eu2005.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1112704221230&a=KArticle&aid=1134650443730&date=2005-12-19>

### **Komisija predložila enostavnejša pravila za udeležbo v 7. Okvirnem programu**

Komisija je 11. januarja predstavila predlog pravil, ki udeležencem v 7.OP pojasnjujejo pogodbene aspekte prijav na razpise programa. V skladu s poenostavitvijo je Komisija natančneje opredelila aspekte povezane z intelektualno lastnino, kar bo prijaviteljem omogočilo enostavnejše sklepanje konzorcijskih pogodb.

Program bo omogočal naslednje oblike financiranja: vračilo upravičenih stroškov, pavšalna vračila in pavšalno financiranje. Slednje bo uvedeno postopoma.

Najvišja stopnja sofinanciranja bo vračilo 50% upravičenih stroškov. Za dodatnih 25% bodo lahko zaprosila mala in srednja podjetja, javne organizacije, srednješolske in visokošolske institucije ter neprofitne raziskovalne organizacije.

Raziskovalne aktivnosti s strani Evropskega raziskovalnega sveta (European Research Council; v ustanavljanju) bodo financirane v celoti. Prav tako bodo v celoti financirane koordinacijske in podporne aktivnosti ter aktivnosti usposabljanja in poklicnega razvoja raziskovalcev.

V predlogu Komisija poenostavlja administrativne aspekte potrdil o presoji za udeležence. Število potrebnih potrdil bo

manjše, enako tudi obdobja poročanja. Komisija v dokumentu obljublja tudi jasnejše, enotnejše in dostopnejše informacije. Manjše bo tudi število dokumentov.

Predlog Komisije je na voljo: [http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2005/com2005\\_0705en01.pdf](http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2005/com2005_0705en01.pdf)

### **Rezultati študije Sistem inovacijskih kazalnikov**

13. januarja 2006 je izšla peta izdaja te študije, ki razkriva, da so Švedska, Finska, Švica, Nemčija in Danska vodilne države na področju inovacij. Rezultati kažejo, da se razkorak na področju inovacij med Evropo in ZDA ne bo zmanjšal, če se bodo sedanji trendi v 25 državah članicah nadaljevali.

Študija vsebuje inovacijske kazalnike in analize trendov za vseh 25 držav članic Evropske unije (EU) kakor tudi za Bolgarijo, Romunijo, Turčijo, Islandijo, Norveško, Švico, Združene države Amerike in Japonsko. Sistem ocenjuje pet ključnih inovacijskih elementov: spodbujevalci inovacij, ustvarjanje znanja, inovacije in podjetništvo, praktična uporaba in intelektualna lastnina. Predlaga tudi nov način ocenjevanja inovacijske učinkovitosti in predstavlja nov sektorski pristop.

Za Slovenijo so rezultati študije povprečni, saj jo uvršča v skupino držav 'v procesu dohitevanja'. Zaseda 14. mesto med državami EU. Študija Sloveniji napoveduje možnost hitrega napredka. Izpostavljen je nadpovprečni delež inovativnih podjetij, uveljavljen princip vseživljenjskega učenja, visok delež študentov; povečati pa bi morali vlaganja v RR, rabo širokopasovnih omrežij, spodbujati povezovanje podjetij in raziskav na fakultetah. Negativna je tudi raven vlaganja v IKT.

Celotna študija dosegljiva na: <http://www.trendchart.org/>

Ocena Slovenije: <http://www.trendchart.org/scoreboards/scoreboard2005/Slovenia.cfm>

### **Poročilo Finca Eska Aha – Creating an Innovative Europe**

Komisija je 20. januarja predstavila poročilo o inovativnosti v Evropi, ki ga bo Svet obravnaval na pomladanskem zasedanju. Poročilo

ocenjuje doseganje Lizbonskih ciljev na omenjenem področju in podaja konkretna priporočila za naprej. Poročilo je nastalo pod vodstvom bivšega finskega ministrskega predsednika.

Glede na poročilo, se napredek v EU stopnjuje na najnižjem skupnem imenovalcu. Potrebne pa so reforme, ki jih morajo sprejeti vse države članice, četudi jim na kratki rok ne prinašajo koristi, doprinesejo pa k skupnemu cilju.

Poročilo izpostavlja ključna področja, kjer je potreben večji napredek.

Potrebno je vzpostaviti trg, ki bo spodbujal podjetja pri ustvarjanju novih produktov in storitev. Ključna področja so e-zdravje, farmacija, energija, okolje, transport in logistika, varnost ter digitalne vsebine. Pri tem bo treba spodbuditi vse elemente, od investicij v tehnologije in infrastrukturo, do razvoja storitev.

Poročilo kot eno od ključnih prioritet izpostavlja tudi sprejem direktive o storitvah, saj je nemogoče pričakovati povečanje virov za raziskave in inovacije brez enotnega evropskega trga storitev.

Kot enega pomembnih finančnih virov za doseganje predlaganega, poročilo izpostavlja Strukturne sklade.

Poročilo izpostavlja tudi pomen mobilnosti v Evropi, na poročju človeških virov, finančnih sredstev in organizacijskih struktur.

Poročilo je na voljo:

<http://europa.eu.int/invest-in-research/pdf/060119Aho%20report%20final.pdf>

## 10. Kmetijstvo

### **Komisija predlagala dopolnjena pravila o kakovostnih proizvodih v kmetijstvu**

23. decembra 2005 je Komisija sprejela predloga, ki zadevata sprejemanje zaščiteneh geografskih označb, zaščitene označbe porekla in označbe tradicionalnega ugleda.

Komisija je predlog oblikovala, da bi poenostavila procese pridobivanja navedenih oznak. Bistvo predloga je opredelitev dobro pripravljenega predloga za registracijo, ki naj vsebuje vse potrebne informacije, ki jih bodo javno objavili.

Predlog spodbuja uporabo oznak z EU znakom, kar naj bi prispevalo k večji

prepoznavnosti porekla proizvodov za potrošnike.

Več o oznakah kmetijskih proizvodov in novem predlogu:

[http://europa.eu.int/comm/agriculture/foodqual/quali1\\_en.htm](http://europa.eu.int/comm/agriculture/foodqual/quali1_en.htm)

### **Novo mejne vrednosti dioksina**

Bruselj bo na novo določil mejne vrednosti dioksina, ki so ga v nekaterih državah članicah zaznali v zadnjih tednih, predvsem v jajcih in piščancih.

Zaradi nevarnosti za zdravje, ki ga ta snov povzroča pri človeku, bo Komisija novembra letos določila nove mejne vrednosti. Unija pa potrebuje tudi celovito strategijo na področju omejevanja vsebnosti dioksina in njemu podobnih snovi, PCB-jev (poliklorirani bifenili).

Komisija je 3. februarja sprejela izvedbeno zakonodajo, ki bo določila omenjene mejne vrednosti dioksina in PCB-jev v hrani in krmi. Od novembra 2006 bodo prehrambeni izdelki in krma s prekoračenimi novimi vsebnostmi umaknjeni s tržišča.

Nova zakonodaja bo odgovornost za varnost izdelkov naložila proizvajalcem hrane in krme, od kmetov do živilske industrije ter trgovcev.

Več o vsebnostih dioksina v hrani na spletnih straneh:

[http://europa.eu.int/comm/food/food/chemicals/afety/contaminants/dioxins\\_en.htm](http://europa.eu.int/comm/food/food/chemicals/afety/contaminants/dioxins_en.htm)

### **Komisija predlagala poenostavitev pravil podeljevanja državnih pomoči v kmetijstvu**

Komisija je 8. februarja predstavila osnutek uredbe, o hitrejšem in enostavnejšem podeljevanju državnih pomoči kmetom. Uredba bo omogočala nadomestilo škode v primeru naravnih nesreč in slabih vremenskih razmer ter bolezni pri živalih in rastlinah.

Komisija predvideva bolj dosledno upoštevanje okvirne direktive o vodah po letu 2010, predvsem kompenzacija za storitve za rabo vode v kmetijstvu.

Uredba predlaga tudi inovativen sistem razpisov za investicijsko pomoč. Ta bi vključeval pravilo, da se sofinancira najprej prošnje z nižjim finančnim zahtevkom, kar bi

priпомoglo k boljši razporeditvi javnih sredstev na podeželju.

Uredba bo veljala le za kmete in nič več za ukrepe predelave in trženja. Podjetja, ki se ukvarjajo s predelavo in trženjem bodo v prihodnje predmet uredb, ki veljajo za vsa ostala podjetja.

Spletna stran Komisije o reformi skupne kmetijske politike:

[http://europa.eu.int/comm/agriculture/capreform/index\\_en.htm](http://europa.eu.int/comm/agriculture/capreform/index_en.htm)

## 11. Jugovzhodna Evropa

### Posojilo 30 milijonov EUR za infrastrukturne projekte ter mala in srednja podjetja v BiH

Evropska investicijska banka (EIB) je podpisala pogodbo z HVB Central Profit Banka d.d. v vrednosti 30 milijonov EUR. S sredstvi bodo zagotavljali dolgoročne kredite malim in srednjim podjetjem v državi ter investicijam v infrastrukturo.

Gre za znano kreditno linijo Globalnih posojil EIB, ki v višini do 50% sofinancira upravičene projekte. Ročnost kreditov za področje infrastrukture je 15 let, za mala in srednja podjetja pa 12 let.

Sporočilo Evropske investicijske banke:  
<http://www.eib.eu.int/news/press/press.asp?press=3054&Region=9&categories=10>

### Vključevanje Makedonije v EU

Na vrhu Sveta EU 15. in 16. decembra 2005 v Bruslju so udeleženci govorili tudi o izpolnjevanju političnih in ekonomskih kriterijev Makedonije za vstop v EU.

Izpostavljeno je bilo vprašanje absorpcijskih sposobnosti EU za nove članice. Na tem vrhu evropskih voditeljev je Makedonija pridobila status države kandidatke. Datum začetka pogajanj ob tej priložnosti ni bil določen. Odvisen bo od napredka Makedonije pri izpolnjevanju zahtevanih pogojev.

Medtem bo država upravičena do razvojne pomoči v okviru programa Cards, ki bo v letu 2006 znašala 40 milijonov EUR.

Sporočilo Evropske komisije:

[http://europa.eu.int/comm/enlargement/docs/newsletter/latest\\_weekly.htm#a2](http://europa.eu.int/comm/enlargement/docs/newsletter/latest_weekly.htm#a2)

### Bosna in Hercegovina pričela s pristopnimi pogajanj

25. januarja so se v Sarajevu uradno pričela pogajanja BiH za vstop v EU. Tempo pogajanj bo odvisen od soglasja za predvidene reforme med tremi glavnimi skupnostmi v državi – Bošnjakov, Srbov in Hrvatov.

Po napovedih glavnega pogajalca Igorja Davidovića bi BiH lahko izpolnila kriterije Stabilizacijsko–pridružitvenega sporazuma (SAA) z EU do leta 2014, s čimer bi si zagotovila status kandidatke in vtopila v EU.

Vir:

<http://www.euractiv.com/Article?tcmuri=tcm:29-151918-16&type=News>

### Spodbuda Komisije Zahodnemu Balkanu

Komisija je 27. januarja objavila 'Salzburško' sporočilo o spodbujanju regije Zahodnega Balkana pri približevanju Uniji. Vsebuje praktične ukrepe za integracijo s področja trgovanja, gospodarskega razvoja, pretoka oseb, izobraževanja in raziskav, regionalnega sodelovanja in dialoga s civilno družbo.

Ključni aspekti dokumenta vsebujejo stališča o pogajanjih o statusu Kosova, ustavni ureditvi Srbije in Črne Gore in morebitni ustavni reformi Bosne in Hercegovine.

Praktična plat sporočila vsebuje priporočila o gospodarskem razvoju regije. Komisija podpira sporazum o prosti trgovini v regiji. 60 milijonov evrov namerava v letu 2006 prispevati v nedavno ustanovljen Evropski sklad za jugovzhodno Evropo.

Komisija bo še letos predlagala lažji dostop do vizumov ter začela pristopne pogovore z Makedonijo. V procesu izvajanja so ukrepi, ki bi omogočali lažje potovanje v EU raziskovalcem in študentom. Število štipendij zanje se bo povečalo, v 2006 pa naj bi z delovanje pričela tudi Visoka šola za javno upravo.

Dokument je na voljo:

[http://europa.eu.int/comm/enlargement/docs/pdf/com\\_2006\\_27\\_en\\_acte.pdf](http://europa.eu.int/comm/enlargement/docs/pdf/com_2006_27_en_acte.pdf)

**Nov finančni vir za mala podjetja v Črni Gori**

Nevladna organizacija Alter Modus je decembra 2005 podpisalo pogodbo z Evropsko banko za obnovo in razvoj v vrednosti 2 milijona evrov. Gre za namenska sredstva za mala podjetja v Črni Gori, ki imajo manj od 5 zaposlenih in imajo lahko manjše mesečne prilive od 250 evrov. Povprečno posojilo, ki ga lahko prejmejo, je 1500 evrov, znesek lahko znaša tudi do 8000 evrov.

Sporočilo EBRD:

<http://www.ebrd.com/new/pressrel/2005/185dec21.htm>

## 12. Najave dogodkov

### The Concept of the Knowledge Society

Bruselj, 16. – 17. februar 2006  
<http://www.eiil.net>

### European Banking Forum 2006

Praha, 16. – 19. februar 2006  
<http://www.ebforum.com/>

### Bridge 2006 International Forum

Tsakhkadzor (Armenia), 17. – 20. februar 2006  
[www.master.am](http://www.master.am)

### UK Technology Innovation and Growth

London, 20. februar 2006  
<http://www.ianis.net/index.php?page=events&ub=detail&idevent=1337>

### 3rd UITP Conference: European Legislative Framework for Urban, Suburban and Regional Public Passengers Transport Services

Bruselj, 21. februar 2006  
<http://www.uitp.com/events/2006/brussels/en/>

### Funding Sources for Research, Innovation and Competitiveness: FP7 Training course

Bruselj, 21. – 22. februar 2006  
<http://www.ipr-helpdesk.org/controlador/evento?seccion=evento&tipoListado=all&id=0000002430&len=en&mode=subscription>

### European e-ID Card Conference

Bruselj, 22. februar 2006  
<http://www.ianis.net/index.php?page=events&ub=detail&idevent=1327>

### GreenPort 2006

Antwerpen, 22. – 24. februar 2006  
[www.green-port.net](http://www.green-port.net)

### IPTEC Annual Conference

Cannes, 22. – 24. februar 2006  
<http://www.iptec-cannes.com/conferenceprog.htm>

### Workshop on Mobile Broadcasting – Technological Developments, Market Opportunities Regulations and Policy

Bruselj, 23. februar 2006  
<http://npc.eureka.be/eventsSearchResult.do?ty pes=eurekaeventdocument&endingAfterToday=1>

### Creative Industries and Regional Development

Bruselj, 23. februar 2006  
<http://www.eurada.org/doc//Creative%20Industries%20E.doc>

### Telecommunication R&D conference and Exhibition

Dublin, 23. – 24. februar 2006  
<http://npc.eureka.be/eventsSearchResult.do?ty pes=eurekaeventdocument&endingAfterToday=1>

### Knowledge Management and the Sustainable Company

Bruselj, 23. – 24. februar 2006  
<http://www.eiil.net>

### Labour Market Reform in the European Union: Learning from Best Practices

Paris, 23. – 24. februar 2006  
[http://www.cicerofoundation.org/seminars/programme\\_feb06.html](http://www.cicerofoundation.org/seminars/programme_feb06.html)

### Building the Design Regions of Europe

Bruselj, 24. februar 2006  
[http://www.designinghub.org/DH\\_W2\\_1401\\_WS\\_Description.php](http://www.designinghub.org/DH_W2_1401_WS_Description.php)

### Trends, Risks and Challenges in the CSEE Pharmaceutical Industry

Varsava, 27. – 28. februar 2006  
[www.finance.easteurolink.co.uk](http://www.finance.easteurolink.co.uk)

### IFISI 2006 – The International Forum of ICT Strategies and Investment

Marrakech, 1. – 3. marec 2006  
[http://www.cipaco.org/article.php3?id\\_article=499&lang=en](http://www.cipaco.org/article.php3?id_article=499&lang=en)

**World Sustainable Energy Days 2006**

Wels (Avstrija), 1. – 3. marec 2006  
<http://www.esv.or.at/esv/index.php?id=217&L=1>

**Academy Forum on Vocational Training & Education 2006**

München, 2. – 5. marec 2006  
[http://www.eurochambres.be/academy/application\\_Training06/EUROChambres-MUNICH.pdf](http://www.eurochambres.be/academy/application_Training06/EUROChambres-MUNICH.pdf)

**Strengthening Higher Education and Research in South East Europe: Priorities for Regional and European Cooperation**

Dunaj, 2. – 3. marec 2006  
[http://cordis.europa.eu.int/austria/events\\_02032006\\_en.html](http://cordis.europa.eu.int/austria/events_02032006_en.html)

**Foresight Conference: Global, European and Regional Governance**

Bled, 3. – 6. marec 2006  
[www.aso.zsi.at/](http://www.aso.zsi.at/)

**International Annual Symposium 2006 EU-Funds: ERDF-ESF-EAGGF**

Berlin, 6. – 7. marec 2006  
<http://www.ianis.net/index.php?page=events&ub=detail&idevent=1315>

**Eur0reg Economic Forum of European Regions**

Paris, 7. – 8. marec 2006  
<http://www.ianis.net/index.php?page=events&ub=detail&idevent=1308>

**Managing Innovation**

Paris, 7. – 8. marec 2006  
[www.opteam.fr](http://www.opteam.fr)

**2<sup>nd</sup> International Congress on Energy and Renewable Energy Sources: Financing Mechanisms and Implementation**

Sofia, 8. – 10. marec 2006  
<http://www.viaexpo.com/ee-vei-2006/eng/congress-2006.php>

**Design of National IST Programmes in the Context of ERA Coordination**

Budimpesti, 9. – 10. marec 2006  
[www.cistrana.org](http://www.cistrana.org)

**Eurocities Culture Forum Meeting**

Riga, 9. – 12. marec 2006  
[j.herve@eurocities.be](mailto:j.herve@eurocities.be)

**Innovative Strategies**

Manchester, 10. marec 2006  
<http://www.benchmarkmanchester.com/efmd/>

**Workshop on EC Project Management**

Bruselj, 15. marec 2006  
<http://events.designtech.se/projectweb/portalproject/March%2015%202006.html>

**2<sup>nd</sup> SME and IT Summit of the Informatics Association of Turkey**

Eskisehir (Turcija), 15. marec 2006  
<http://www.ianis.net/index.php?page=events&ub=detail&idevent=1305>

**Working with the EU: Institutional Relations & Public Affairs**

Bruselj, 12 – 17. marec 2006  
[http://www.e-t-i.be/download/pe\\_working\\_with\\_the\\_eu.pdf](http://www.e-t-i.be/download/pe_working_with_the_eu.pdf)

**Spider Project closing Conference: Rethinking Regions – Improving Regional Performance in the Knowledge Society**

Bruselj, 13. marec 2006  
[European.office@turku.fi](mailto:European.office@turku.fi)

**Innovation and Creativity Workshop**

Nice, 13 – 24. marec 2006  
[djoher@theseus.fr](mailto:djoher@theseus.fr)

**The Future of Packaging and Waste Policy in Europe**

Bruselj, 14 – 15. marec 2006

<http://www.agra-net.com/NASApp/cs/ContentServer?pagenam e=agra/showEvent&id=20001020745>



### **Human Capital and Innovation Expo**

Milano, 15. – 18. marec 2006

[http://www.insme.org/documenti/Ecu\\_2006\\_280x150\\_ing.pdf](http://www.insme.org/documenti/Ecu_2006_280x150_ing.pdf)



### **Innovation Pressure: Rethinking Competitiveness, Policy and the Society in a Globalized Economy – An International ProACT Conference**

Tampere( Finsko), 15. – 17. marec 2006

<http://www.proact2006.fi/>



### **European Robotics Symposium**

Palermo, 16 – 18. marec 2006

<http://www.euron.org/euros06/index.html>



### **European Business Summit 2006: Building a Europe of Excellence: Turning Knowledge into Growth**

Bruselj, 16. – 17. marec 2006

[http://icadc.cordis.lu/fep-cgi/srchidadb?CALLER=EN\\_NEWS\\_EVENT&ACTION=D&RCN=24694&DOC=63&CAT=NEWS&QUERY=1](http://icadc.cordis.lu/fep-cgi/srchidadb?CALLER=EN_NEWS_EVENT&ACTION=D&RCN=24694&DOC=63&CAT=NEWS&QUERY=1)



### **European Enlargement and Eurofunding**

Bruselj, 20. – 22. marec 2006

[http://www.eiil.net/mambo/index.php?option=com\\_content&task=view&id=57&Itemid=45](http://www.eiil.net/mambo/index.php?option=com_content&task=view&id=57&Itemid=45)



### **Brussels in a Day: Practical Approach to EU Public Affairs and Lobbying**

Bruselj, 22. marec 2006

[http://www.e-t-i.be/download/pe\\_brussels\\_in\\_a\\_day.pdf](http://www.e-t-i.be/download/pe_brussels_in_a_day.pdf)



### **Eurocities Economic Development Forum Meeting**

Budimpest, 22. – 25. marec 2006

[www.eurocities.org/extranet](http://www.eurocities.org/extranet)



### **Eurocities Knowledge Society Forum – TeleCities Spring Event**

Yalova (Turcija), 23. – 24. marec 2006

<http://www.ianis.net/index.php?page=events&ub=detail&idevent=1302>



### **Connect with Europe seminar: European Information on the Web**

Barcelona, 23. – 24. marec 2006

<http://www.eipa.nl/default.htm>



### **25th Annual European Agricultural Conference: The Future of European Agriculture in a Globalised Market**

London, 23. – 24. marec 2006

<http://www.agra-net.com/NASApp/cs/ContentServer?pagenam e=agra/showEvent&id=20001021288>



### **Lobbying in the EU: How to represent and defend your interests in Brussels**

Bruselj, 27. – 28. marec 2006

[http://www.epsilonevents.com/eps\\_current\\_event.asp?id=13&type=current](http://www.epsilonevents.com/eps_current_event.asp?id=13&type=current)



### **Demonstrating Conformance with e-Accessibility Requirements in ICT Products and Services**

Bruselj, 27. marec 2006

[http://europa.eu.int/information\\_society/policy/accessible/regulation/accessconfor/index\\_en.htm](http://europa.eu.int/information_society/policy/accessible/regulation/accessconfor/index_en.htm)



### **Giving More for Research: the Role of Foundations**

Bruselj, 27. – 28. marec 2006

<http://www.efc.be/content/alert.asp?ContentID=983>



### **OECD Global Summit on SME and Entrepreneurship Financing**

Brasilia, 27. – 30. marec 2006

[http://www.insme.org/documenti/OECD\\_Conf\\_Brazil\\_March06\\_EN.pdf](http://www.insme.org/documenti/OECD_Conf_Brazil_March06_EN.pdf)

**The Contribution of the Information Technologies to Sustainable Development**

Valenciennes (Francija), 28. – 29. marec 2006  
[www.tic21.com](http://www.tic21.com)

**Cities'marketing Conference**

Oporto (Portugalska), 29. marec 2006  
[www.ipam.pt](http://www.ipam.pt)

**URBAN Action Congress – From Vision to Action**

Graz & Maribor, 30. – 31. marec 2006  
[m.ranty@eurocities.be](mailto:m.ranty@eurocities.be)

**Financial Management of EU Structural Funds**

Maastricht, 3. april – 4. april 2006  
<http://www.eipa.nl/default.htm>

**Innovation Village for Photonics Research**

Strasbourg, 3. april – 7. april 2006  
[www.rhenaphotonics.com](http://www.rhenaphotonics.com)

**Public Private Partnerships: Making Best Use of Public Funds**

Maastricht, 5. april – 7. april 2006  
<http://www.eipa.nl/default.htm>

**Diaspora as Wealth Creators**

Joenkoepping (Svedska), 6. april – 7. april 2006  
<http://www.diwec.org/>

**ICT Tools for Providing Information, Advice and Services to Rural SMEs**

Oulu (Finska), 6. april – 7. april 2006  
<http://www.helsinki.fi/ruralia/seinajoki/rubies/>

**4<sup>th</sup> Eastern European e-Gov Days 2006**

Praha, 19. – 22. april 2006  
<http://www.ianis.net/index.php?page=events&sub=detail&idevent=1298>

**70<sup>th</sup> International Handicrafts Trade Fair**

Fortezza da Basso Firenze, 21. april – 1. maj 2006  
[info@mostrartigianato.it](mailto:info@mostrartigianato.it)

**Annual Meeting INSME: Boosting Innovation by Bridging the Knowledge Gap**

Montevideo (Uruguay), 24. – 26. april 2006  
<http://www.insme.org/page.asp>

**Regional Innovation Fair Kujawy-Pomorze**

Bydgoszcz (Polska), 25. april 2006  
[http://ica.cordis.lu/search/?fuseaction=events.simpldocument&EV\\_RCN=25065](http://ica.cordis.lu/search/?fuseaction=events.simpldocument&EV_RCN=25065)

**Competitiveness and Communication: The Role of Eu Associations**

Bruselj, 26. april 2006  
<http://kelleneurope.com/euroconference/>

**International Matching Workshop for Technology-oriented SMEs**

Wroclaw, 26. april 2006  
<http://teico-net.net/display.php?site=1&lang=8>

**17<sup>th</sup> WASME World SME Convention**

Seoul, 26. – 29. april 2006  
[http://www.wasmeinfo.org/korea\\_smeconv\\_2006.htm](http://www.wasmeinfo.org/korea_smeconv_2006.htm)

**Governing Universities in the Knowledge Society**

Valencia, 27. – 28. april 2006  
<http://www.oecd.org/dataoecd/49/55/35927436.pdf>

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Lyon, 17. – 19. maj 2006  
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Oslo, 12. – 13. juni 2006

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Glasgow (UK), 21. – 23. juni 2006

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Napoli, 28. – 30. juni 2006

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Maastricht, 6. – 7. juli 2006

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Advanced Applications (SEAA)**

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Krakow, 4. – 8. september 2006

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St.Petersburg, 10. – 13. oktober 2006

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Wilton Park (Steypning,UK), 23. – 25. oktober 2006

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**Priloge:****Program SGRZ 2006****Obračun na obeh komisijah ter na 24. seji Upravnega odbora****Izhodišča in splošne smernice**

Na osnovi dosedanjih, še posebej lanskoletnih izkušenj bo Združenje v letu 2006 nadaljevalo programsko poglobljanje, s poudarkom na tematiki, ki povezuje gospodarsko in raziskovalno sfero, t.j. utrjevanje družbe znanja in na znanju temelječe konkurenčnosti ter regionalnega razvoja.

Združenje se bo vključilo v pripravo dejavnosti povezanih s programom predsedovanja Slovenije v EU.

V organizacijskem smislu bo Združenje v prvi polovici leta usmerilo glavnino naporov v ureditev odnosov s koristniki storitev na raziskovalnem ter kmetijskem področju. To bo zahtevalo dogovor s tremi univerzami in Institutom Jožef Stefan o prevzemu dela finančnih obveznosti, ki jih je doslej nosilo Ministrstvo za visoko šolstvo, znanost in tehnologijo. Isti problem bo treba razrešiti s Kmetijsko gozdarsko zbornico in Zadružno zvezo Slovenije.

Nadalje je treba pričakovati manjši prispevek v financiranju Združenja tudi s strani Gospodarske zbornice Slovenije, ko bo sprejet in uresničen novi zakon o gospodarskih zbornicah.

To bo prineslo potrebo po spremembi statuta, saj vodilni položaj dveh ministrstev in GZS ne bi bil v skladu z njihovim bistveno zmanjšanim deležem v financiranju Združenja (od nekdanjih 60% bo ta delež v letu 2006 verjetno padel na okoli 10-15%). Posebej UO bo treba sestaviti tako, da bo odražal novo strukturo članov Združenja in njihovo vlogo v financiranju storitev.

Tudi sicer se je v 6 letih delovanja pokazalo, da določene odredbe statuta in poslovnika niso primerne in jih bo treba prilagoditi dejanskim razmeram in potrebam. Poleg tega zahteva uvedba določene spremembe tudi uvedba C kategorije pridruženega članstva.

Glede na sedanjo strukturo članov bi bilo verjetno primerno - poleg Gospodarske in Raziskovalno-razvojne komisije - uvesti tudi

Regionalno komisijo, v kateri bodo predstavniki včlanjenih občin in njihovih dveh združenj.

V letu 2006 bo Združenje predvidoma angažirano v nekaj Evropskih projektih predvsem iz področja inovacijske in raziskovalne politike, s poudarkom na vlogi regij.

V strukturi storitev za člane bo poudarek na evropskih projektih, za katere velja tudi sicer med člani vse večji interes. Priprava na 7. okvirni program ter novo generacijo kohezijskih instrumentov, zlasti Program za inovacije in konkurenčnost (CIP) ter Evropske tehnološke platforme (ETP) in Evropske tehnološke pobude (ETI), bo zahtevala ustrezno informatiko in izobraževalno dejavnost ter operativno pomoč in svetovanje članom, da se bodo uspešno vključevali in optimalno izkoristili nove možnosti.

V tem kontekstu bo 2. Evropski regionalni gospodarski forum v Novi Gorici (EREF-2006) osrednja aktivnost leta, ki bo predvidoma 14-15. junija 2006. Pričakuje se okoli 200 udeležencev, od tega vsaj tretjina iz držav Zahodnega Balkana. Dan pred Forumom bo letno zasedanje RIBN mreže, ki bo v prvem polletju dobila osnovno člansko strukturo.

V letu 2006 je pričakovati bistveno prestrukturiranje proračuna Združenja: delež ustanovnih članov – s tem, ko bodo udeležene v financiranju SGRZ tudi 3 univerze in Institut Jožef Stefan - bo ta delež predvidoma na ravni okoli 20%, delež vseh treh kategorij članov se bo dvignil na 40-45%, dohodki od dopolnilne dejavnosti – vključno z evropskimi projekti – pa naj bi se dvignil na 30-35%.

Kot je razvidno iz osnutka finančnega plana za 2006 (priloga 3) bo dopolnilna dejavnost še v veliko večji meri kot doslej pokrivala predvideni deficit osnovne dejavnosti. To ne more biti dolgoročno rešitev. Člani Združenja – posebej ustanovni člani - bi morali zagotoviti potrebna sredstva za osnovno dejavnost.

V kolikor nam to ne bo uspelo v prvem polletju s koristniki iz kmetijskega področja, bo treba ta del programa ukiniti, saj je nesprejemljivo, da bi ga financirali člani iz drugih področij. Tudi raziskovalni program je doslej Ministrstvo za visoko šolstvo, znanost in tehnologijo finančno pokrivalo le polovično. Razliko smo zagotavljali z Evropskimi RTD projekti, delno pa iz članarin – kar je delno opravičljivo, ker naraščajoči del storitev za člane sodi v področje evropskih komunitarnih, posebej RTD programov.



**EREF-2006 - Building Knowledge Society  
through Regional Innovation Support**

**Draft-Programme**

**June 12 (Monday)**

*RIBN/EREF participants arrive to Nova Gorica in the evening*

**June 13 (Tuesday) - RIBN**

<b>09:30 – 10:30</b>	<b>RIBN Steering Committee Meeting</b>
<b>10:30 – 12:30</b>	<b>General Meeting</b>
	<ul style="list-style-type: none"> <li>– Introduction to RIBN</li> <li>– Activities 2006: Briefing on the Network activities</li> <li>– Network Members' expectations and needs</li> <li>– Q&amp;A</li> </ul>
<b>12:30 – 14:00</b>	<b>LUNCH</b>
<b>14:00 – 15:30</b>	<b>RIBN Business Forum</b>
	<ul style="list-style-type: none"> <li>– National (bilateral) programmes for the Balkans</li> <li>– Investment climate and support for FDIs in the Balkan region</li> <li>– Discussion</li> </ul>
<b>15:30 – 16:00</b>	<b>BREAK</b>
<b>16:00 – 18:00</b>	<b>Match-making</b>

*20:00 Buffet reception at Hotel Perla hosted by the Municipality of Nova Gorica*

**June 14 (Wednesday) – 1<sup>st</sup> day EREF**

<b>09:00 – 10:30</b>	<b>INTRODUCTION</b>
	Opening speeches: Mayor Brulc, representatives of the Slovenian government, European

	Commission, Committee of the Regions, guest regions Stockholm and Podgorica
	European/national/regional dimension of the revised Lisbon Strategy and the role of innovation support (Potocnik)
	FP7 and the CIP programme – translating EU strategy into competitiveness (Commission)
<b>10:30 – 11:00</b>	<b>BREAK</b>
<b>11:00 – 11:30</b>	<b>EREF 2006 regions: implementing Lisbon Agenda through regional/national innovation support – panel discussion (5 min each)</b>
	– Baden Württemberg
	– Emilia Romagna
	– Lapland-Oulu
	– Ranstad region
	– Scotland
	– Valencia
	– Wallonia
	– West Pannonia
<b>11:30 – 13:00</b>	<b>Working groups (to be determined by Brussels Steering Committee upon receipt of regional presentations)</b>
<b>13:00 – 14:30</b>	<b>LUNCH</b>
<b>14:30 – 15:30</b>	<b>Lisbon type reforms preparing regions in Candidate and WB countries for integration with the EU (10 min each)</b>
	– Bosnia Herzegovina (region to be determined)
	– Croatia (region to be determined)
	– FYROM (region to be determined)
	– Podgorica region
	– Sisli Istanbul
	– Western Bačka
<b>15:30</b>	<b>EREF 2006 regions comment</b>

– <b>16:30</b>	<b>on Lisbon type reforms in Candidate and WB countries – panel discussion with Q&amp;A</b>
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*20:00 Dinner offered by Mayor of Nova Gorica*

**June 15 (Thursday) – 2<sup>nd</sup> day EREF**

<b>09:30 – 10:30</b>	<b>Experiences of EREF 2005 regions in implementing the Lisbon Agenda: role of regions in National Reform Programmes (10 min each)</b>
	– Flanders
	– Friuli Venezia Giulia
	– Lombardia
	– Slovenia
	– Steiermark
	– Stockholm
<b>10:30 – 11:00</b>	<b>Q&amp;A</b>
<b>11:00 – 12:30</b>	<b>Environmentally sustainable technologies and the Lisbon Agenda: workshop hosted by Hidro Inzeniring Ljubljana</b>
<b>12:30 – 14:00</b>	<b>LUNCH</b>
<b>14:00 – 15:30</b>	<b>Working groups</b>
	– EU Information sources and support schemes
	– Community Programmes for the Balkans
	– Introducing new generation of Structural funds
<b>15:30 – 16:00</b>	<b>BREAK</b>
<b>16:00 – 16:45</b>	<b>Working Group reports</b>
<b>16:45 – 17:15</b>	<b>General discussion</b>
<b>17:15 – 17:30</b>	<b>Closing remarks and suggestions for EREF 2007</b>

*17:30 Farewell buffet dinner offered by the guest regions Stockholm and Podgorica  
Departure*

February/March 2006 - CER BULLETIN,  
ISSUE 46

## The EU needs a bolder Balkan strategy

By Carl Bildt

The Balkans are returning to the top of the EU's agenda. UN envoy Martti Ahtisaari has begun to negotiate Kosovo's future, while Montenegrins will probably vote in April on whether to break with Serbia. Both processes could destabilise a region that is suffering an economic crisis. Unemployment is about 30 per cent in Serbia and Montenegro, 40 per cent in Macedonia and 50 per cent in Kosovo.

The European Commission quite rightly wants to give the entire region a clear perspective of membership, as an incentive for the various governments to carry out painful reforms. The demise of the EU's constitutional treaty has turned some member-states away from the idea of further enlargement. Nevertheless, last year the EU began accession talks with Croatia, declared Macedonia a candidate, and started negotiating 'stabilisation agreements' with Serbia and Bosnia.

Ahtisaari may well find that Serb and Kosovar leaders cannot agree on the final status of Kosovo. The United Nations and the EU would then be likely to impose a form of independence, with safeguards for the Serb minority. But such a deal could easily trigger the rapid and perhaps violent exodus of Kosovo's remaining minorities. A major influx of refugees into Serbia could destabilise its politics, notably by putting wind into the sails of the Radicals (the extreme nationalists). They are already capitalising on the perceived inability of the country's pro-EU government to deliver. A Radical government in Belgrade would not attack neighbours, but would create tension in many parts of the region. Meanwhile, an independent Kosovo could turn into a failed state. So long as its political structures remain weak, and its economy stagnant, organised crime will flourish and politics could turn violent.

The EU can avoid these dangers if, together with its partners, it manages a peace-building process that is based on a broad international and regional consensus. The outcome must be seen as balanced, so that everyone can live

grudgingly with the result. The EU's strategy should be to integrate Serbia through a faster track to membership, while stabilising Kosovo through a long term commitment to state building.

Balkan and EU foreign ministers are due to meet in Salzburg in March. The Commission wants the EU to propose 'multilateralising' the 31 bilateral trade agreements - some poorly implemented - that criss-cross the region, and meshing them into one free trade area.

Trade integration is the key to the region's economic revival. But the Commission's proposals are too modest. The EU should take the whole region into a customs union, similar to the one it has had with Turkey for the past ten years. This would make a bigger impact than a free trade area, forcing the Balkan states to accept the EU's common external tariffs, usually lower than their own. The EU-Turkey customs union has boosted Turkish economic growth. Creating one for the Balkans could help to kick-start these economies.

Negotiating such a customs union could take years. Entrenched interests would fight to maintain high tariffs on sensitive products. But if the Balkan states are serious about entering the EU, the real question is whether they join the customs union - an intrinsic part of membership - sooner or later. The EU should offer them a straight-forward deal that allows few special cases or exemptions.

To its credit, the Commission plans to propose visa facilitation agreements for the Balkans - the EU is currently offering more liberal visa regimes to neighbours such as Russia and Ukraine. Unfortunately, some of the larger member-states seem likely to block these moves. They should think again: easier travel would be a tangible benefit for the people of the Balkans (in the 1980s Yugoslav citizens enjoyed visa-free travel to the EU).

The best thing the EU could do to promote Balkan stability would be to offer an indicative timetable to each state that shows an appetite for reform and a willingness to engage with the Union. For example, the EU could suggest a target date for Serbia to become a candidate, and another date for Macedonia and Serbia to start accession talks. Such an approach could help transform those countries into poles of regional stability. It could also speed up reform in Bosnia, allow Montenegro to plan for an independent future and encourage state-

building efforts in Kosovo and the wider Albanian area.

The next few months are crucial for the future of the Balkans. If EU leaders refuse to discuss realistic strategies for enlargement, the region will be more likely to suffer a new cycle of instability than enjoy enduring stability.

***Carl Bildt is a former prime minister of Sweden and a member of the CER's advisory board.***

## **We're in a mess - but it's not EU enlargement's fault**

### **Western European politicians should stop exploiting populist fears of low-wage competition**

**by Katinka Barysch**

published in the European Voice, 26 January - 1 February 2006

Germany's new Finance Minister, Peer Steinbrück, revived an idea that was first mooted in 2004 by the then chancellor Gerhard Schröder and French presidential hopeful Nicolas Sarkozy: to cut EU regional aid to new member-states that engaged in 'tax dumping'.

At the time, it looked as if these statements were meant as a warning to the newcomers not to demand too much cash in the EU's forthcoming budget negotiations. So it is all the more worrying that the theme has returned, now that a deal on the budget has been done. "It is not acceptable," said Steinbrück recently, "that individual EU countries want more money from the EU budget without at the same time improving their domestic tax base."

"This is not fair tax competition," he added, "and it damages German jobs." Such populism has even made it into the coalition agreement between Angela Merkel's CDU and Steinbrück's SPD, which says: "EU regional aid should be cut for member states whose corporate tax is below a minimum threshold relating to their GDP [gross domestic product]."

The EU only has competencies for taxes that directly affect the functioning of the single market, such as Value Added Tax (VAT). Attempts to harmonise corporate taxes have persistently been blocked by the UK, Ireland and others. So threatening to punish Eastern European countries for their lower tax rates only serves to deepen the political rifts that have opened up after enlargement.

Only a minority of people now support further enlargement of the EU in France, Austria, Denmark, Finland, Germany, the Netherlands and the UK. Anti-enlargement sentiment has been fuelled by the perception that competition in the enlarged single market has somehow become 'unfair'. Cheap Polish plumbers and Latvian builders are accused of stealing jobs from Western Europe. Workers in slow-

growing Germany and Italy think that Eastern Europe's economic success has been achieved by luring investment and jobs eastwards with the help of 'unfair' tax competition and 'social dumping'.

The reality in Central and Eastern Europe is very different. The widespread perception that the new members are ultra-liberal, low-tax economies that are damaging Western Europe's social systems is wrong. There are big differences between the individual countries in Eastern Europe. But generally, their levels of taxation and budget spending are only marginally lower than in most Western European countries. It is true that headline corporate tax rates in the new members are now much lower than in the EU, typically 15%-20% compared with 34%-38% in Germany, Italy and France. But this does not automatically mean that Eastern European governments are reluctant to tax local companies.

Western European tax systems tend to be riddled with exemptions so the effective tax rate on corporate profits is often much lower than the headline rate. Estimates of the effective tax rates vary widely, in the case of Germany for example from 15% to 36%.

Another (albeit similarly flawed way) of gauging the real tax burden is to look at how much money national treasuries actually obtain from companies. According to the European Commission, Germany collected corporate taxes worth only 0.8% of its GDP in 2003, and France 2.2%. Compare that with allegedly low-tax countries such as Slovakia and Hungary (2.8% and 2.2% of GDP respectively). Even Estonia, which does not tax reinvested profits at all, still managed to collect more than Germany in corporate taxes as a share of its GDP.

The perception that Eastern Europe loves low taxes has been reinforced by the fact that four of the new members have introduced 'flat' income taxes at low rates. But to make up for lost income from income tax, Eastern European governments levy very high payroll taxes to pay for their rather generous and often badly targeted social security systems. The total tax burden in the ten new members is on average four percentage points lower than in the old EU15, which is not a lot, given their much lower level of economic development.

Eastern Europeans have already gone through more than a decade of turbulent change to get

ready for EU membership. The challenges they now struggle with - from ageing workforces to stubbornly high unemployment, badly targeted welfare systems and under-funded universities - are not that different from those faced by Western European countries. Western European politicians should stop exploiting populist resentment of low-wage competition. They should explain to their voters that even if Eastern Europe disappeared from the face of earth tomorrow, the old EU would still have to go through painful adjustments to cope with ageing populations and global competition from the US and Asia.

In fact, outsourcing labour-intensive jobs to Poland or Hungary helps Western European companies to stay competitive on a global scale and thus preserves jobs in Germany and France. But it takes some political courage to admit that, on the whole, eastward enlargement has been good for the European economy.

**Katinka Barysch is chief economist at the Centre for European Reform, an independent think-tank based in London.**

TRANSITIONS ONLINE:  
**New EU Members: True Freedom of  
 Movement**

by Tony Venables  
 8 February 2006

The EU should put an end to the system of work permits for union citizens from the new member states, a citizens' rights activist argues.

BRUSSELS, Belgium | On 1 May 2004, when the citizens of eight Central and Eastern European countries became European Union citizens, they were told they had the right to move freely within the union – the only exception being that, for cross-border employment, they might need a permit. In practice, however, that “exception” has turned out to be a significant deterrent and barrier. Without the right to work, other rights are a dead letter.

My organization, the European Citizen Action Service (ECAS), is urging the European Commission to recommend an end to the system of work permits for European citizens from the eight member states of Central and Eastern Europe, particularly since 2006 is the European Year of Workers' Mobility.

This is an important juncture in the future of transitional work arrangements, with the commission set to publish its report on the future of such arrangements this week. We are looking for clear European leadership from the commission. If the 12 old member states applying transitional measures can be persuaded to act together, then it will be much easier to open up the European labor market. If it is left to each country to decide on its own, there is a risk of repeating the lowest-common-denominator approach witnessed in the run up to the 2004 enlargement, when country after country decided on transitional arrangements because neighboring countries had. Unfortunately, the accession process provided for no co-ordination mechanism because, at that time, it was thought that few member states would resort to transitional measures.

There is now a strong case for getting rid of restrictions.

First, transitional arrangements are unfair to new European citizens and counterproductive.

As just one example among many, the ECAS has been contacted by a Polish woman who has been living in Germany since 2002,

working as a volunteer under programs financed by the EU and the German government. Paradoxically, although fully integrated and fluent in German, she is still impeded by the existing system of work permits. “The German authorities are making so many bureaucratic hurdles,” she said. “The whole process takes so long, just to exclude the non-German workers from entering the labor market.” The same could be said of other countries.

The coexistence of European rights and national restrictions on labor-market entry creates legally complex and confused situations. It encourages migrants to establish themselves as self-employed service providers rather than seek employment in their new country of residence.

Second, the overall picture in the expanded union is one of low-level, temporary migration.

The ECAS, with its hotlines and reports, has monitored the free movement of workers in the EU before and after May 2004. The latest report, “Who’s afraid of EU enlargement?”, was presented by ECAS Chairman Mario Monti to European Parliament deputies in Strasbourg last autumn, where it received widespread support from the delegations of old as well as new member states.

The report painted a picture of the extremely low level of movement of workers from new to old member states, with some signs of greater mobility starting within Central and Eastern European, concentrated in certain border regions. Most migrants are young, without dependents, in no way a burden on the host state, and intent not on a permanent move but on returning home as economic prospects improve. There are a high proportion of students improving their linguistic and academic qualifications, and seasonal and posted workers.

With enlargement there was no migratory flood from old to new member states, only a trickle. Media attention focuses on the countries that have opened up their markets and where numbers are higher – ignoring the overall picture of rather low-level migration.

Third, in the three old member states that opened up their labor markets – the United Kingdom, Ireland, and Sweden – the results have been positive.

In updating its 2005 report, the ECAS has

begun to collect the latest figures for the three countries concerned, but already some conclusions can be drawn: Enhanced mobility made positive contributions to the Swedish economy and did not cause disturbances on the labor market. There are no signs of increased demand for social benefits. Just over 9,000 applications for work were made by nationals from new member states in the period from May 2004 to November 2005. This figure suggests that opening up the labor market has had no dramatic consequence.

In the United Kingdom, new-member-state nationals took up "hard-to-fill" jobs. According to a report by the House of Lords, this influx improved the United Kingdom's competitiveness, productivity, and growth, and had no detrimental effect on wage or employment rates. The period from May 2004 to September 2005 saw 293,000 applications for work, yet the economy struggles with a shortage of around 600,000 people in fields like nursing and construction.

In Ireland, new workers helped the economy to grow more than it would have otherwise. Furthermore, recent studies show that Ireland is attracting more highly skilled migrants than other member states. The Irish Central Statistical Office reported that during the May 2004 to October 2005 period, around 105,000 workers from Central and Eastern Europe entered Ireland's labor market; only one percent of them claimed welfare benefits, proving the fears of "welfare hunters" to be unfounded.

With that in mind, the European Commission should make a strong recommendation in favor of eliminating the transitional arrangements on a concerted European basis. In addition, the commission should take further steps. It should consider allowing regional cross-border safeguards in case of disturbances on labor markets rather than unnecessary blanket national restrictions; recommend measures to tackle misleading advertising and unfair terms of employment of migrant workers; and launch a communication campaign to explain the impact of European enlargement, particularly in the old member states. We also hope that the European Parliament will analyze the commission's report and organize public hearings and debates.

Finally, the commission must realize that maintaining transitional arrangements has wider consequences. They breed a sense of unfairness, of people being treated as second-

class citizens. They are a virus that can spread to other policies, they promote a division between old and new member states, and they make it harder to agree on advances to European citizenship and to resist pressures for a "fortress Europe" at the union's external border.

**Tony Venables is the director of the Brussels-based European Citizen Action Service, which advises nongovernmental organizations and individuals on lobbying, fundraising, and defending their European citizenship rights.**



Robert Schuman European Issues policy paper

### **The Services Directive: moving towards a consensus**

Marie-Dominique GARABIOL-FURET –  
Executive Civil Servant, PhD in Law

Last year the European Union witnessed an extremely lively debate on the draft directive on services. The name of the former European Commissioner Fritz Bolkestein was used as a scare tactic in the referendum campaign whereby the Commission's supposed liberal orientation was regularly stigmatised. It is true that the "services directive" aims to complete the measure that encourages the free circulation of people, capital and merchandise. In effect the services sector seems to be a decisive one for the European Union's economy. In its presentation of the draft directive the Commission recalled that service activities employed nearly 70% of the working population in the Union and represented 56% of its GDP; it also emphasised that it only involved 20% of intra-community trade and concluded that the internal market was still not complete, notably because services, a major part of economic activity was still excluded from it[1].

The Commission also pointed out in its communication that according to a study undertaken by the Dutch presidency the application of the draft directive on services might increase the trade in commercial services to a possible total of 30%. This study also considered that an increase of more than a third in direct investments in the European Union's services sector might also be produced. However these ambitious views were far from being shared by all economists and political leaders.

Beyond the national debates the European Parliament continued to examine the draft directive under the impetus of Ms Evelyne Gebhardt, Social Democrat MEP, elected in Germany and the project's rapporteur. The internal market committee at the European Parliament adopted most of the amendments proposed on 24<sup>th</sup> November last but was divided on two fundamental points: the maintenance or abolition of the country of origin principle and the perimeter of the directive's field of application[2].

After the plenary vote it will now be up to the Council of Ministers of the European Union, the co-legislator with the European Parliament under the Finnish Presidency to vote on the

directive and the modifications brought by MEPs. The text will then return to Parliament for a second reading. It is likely that the divisions that appeared in Parliament will also emerge within the Council. Whilst most of the new Member States, the UK and Ireland are overall in favour of the Commission's proposal, France and the Northern States of Europe whose social norms are of a conventional nature showed that they were extremely more reticent demanding at least the restriction of the field of application and guarantees on the application of the country of origin principle to protect their companies from all unfair competition.

This procedure demonstrates the strength of democratic dynamism that took hold of the European Union's representative bodies. Community directives are no longer simple matters for specialists selected for their technical capabilities. Indeed this directive, in effect is a vitally political one since the polemic it created over the country of origin principle endangers the political logic that has run through community policy for nearly a quarter of a century. Can the principle of the country of origin in an enlarged European Union still enable the construction of a Europe founded on the model of a social market economy? This is the question that MEPs and Heads of State and government will have to decide upon.

In his speech during a conference in March last in Lisbon[3] the President of the European Commission Mr José Manuel Durão Barroso, laid down the conditions of a compromise by declaring that the Commission did not intend to abandon the country of origin principle because "if we are to have a single services market it will essentially have to be based on the country of origin principle with adequate guarantees". The President of the European executive believes that particular attention should be paid to "public services" some of which could be excluded from the directive's field of application and also to the methods adopted to protect against "social dumping"[4]. He also said that he believed it difficult to propose the directive's adoption "as it was proposed by the previous Commission." [5]

The stakes are enormous: if the directive is not adopted in the wake of the failed referenda on the European Constitution this will mean that the community of Europe no longer believes in its future, in the coherence of its project after enlargement.

I- The directive relative to services whose field of application is restricted and the expected effects of which on employment are minimal,

does however establish community logic and in this sense it is essentially political in nature.

If we listen to some comments the directive, like the snake that led to the downfall of Adam and Eve would lead to ruin and desolation in France and Europe. But the directive's field of application and economic logic also lead us to relativize this attitude to a great extent.

The draft directive published in January 2004 laid down three main guidelines:

1) the elimination of the obstacles to the freedom of establishment, which implies administrative simplification such as the creation of "one stop shops", electronic procedures and authorisation schemes applicable to service activities, the prohibition of certain particularly restrictive legal requirements, the obligation to assess the compatibility of existing legal requirements with the conditions laid down in the Directive.

2) the elimination of the obstacles to the free movement of services which means the application of the country of origin principle, the right of recipients to use services freely, the mechanism to provide assistance to recipients who use a service provided by an operator established in another Member State, in the case of posting of workers in the context of the provision of services, the allocation of tasks between the Member State of origin and the Member State of destination

3) the establishment of mutual trust between Member States by the harmonisation of legislation in order to ensure equal protection, by stronger mutual assistance between national authorities, by measures for promoting the quality of services, such as voluntary certification of activities, by encouraging conduct codes.

However the services directive's field of application is controlled tightly. Of course the draft directive apparently covers an extremely wide range of activities given article 2 that defines the directive's field of application: "the services provided by providers established in a Member State" and article 4 defining what a "service" is: "any unpaid economic activity targeted by article 50 of the treaty comprising the provision of a service that is subject to economic compensation."

But in reality the most emblematic services in the eyes of the citizens are excluded either because specific directives apply to them or because Member States insist on maintaining their prerogatives in the matter.

The first category includes:

-financial services, according to an overall action plan[6] ;

-electronic communications services and networks as far as issues governed by the "telecoms package"[7] adopted in 2002 are concerned;

-transport services in that they are governed by other community instruments[8] ; and the second includes:

-taxation[9] except for fiscal measures that are not part of a community instrument;

-activities that comprise direct, specific participation in the application of public authority[10].

As they are defined by the ECJ services provided by the State in the framework of its public service assignment (education, justice ...) are excluded from the draft directive's field of application. However services of general economic interest (SGEI) are affected. SGEIs are services whose provision to all citizens arises from a social requirement independent of their profitability. SGEIs are open to competition if the application of these rules does not lead to the failure of the specific assignment they have been given. Sanitary and social areas are included in part in SGEI's. In effect the Court of Justice has a wide conception of economic services and notably includes the organisation against payment of higher education schemes, activities that involve homes for the elderly, the provision of emergency transport services as well as services to transport the sick.

During the debate at the European Parliament it appears to have been accepted however that the directive's scope is restricted and that the following are excluded from the directive's field of application – notably games of chance and gambling – although the Commission's proposal had included a delayed timetable for this activity – public and ministerial officers due to the specificity of the professions of notary and legal adviser and finally healthcare and medico-social services. However services of general economic interest whose operators can be private or public agents, such as in the electricity or postal industries will be included in the directive's field of application.

Even for services that are within the directive's field of application however it is highly unlikely that the latter will in the short term have any influence over employment. Indeed services are not really very open to "flexibility in price". The quality of the service and the reputation of the provider appear to be the decisive criteria in the consumers' choice.

However the "services directive" never intended to impose its primacy over sectoral or thematic directives. As a result of this the directives on the posting of workers[11] and

above all on professional qualifications [12] govern the activities of service providers.

Even though “as a whole services generate nearly 70% of the GDP and jobs and offer significant potential for growth and creating employment” the Commission stresses that it is highly unlikely that the “services directive”, which by nature involves a person to person relationship, will have any effect on consumer choice except in border areas or when waiting time is believed to be too high with regard to the subject of the service. The “Polish plumber” is in fact rather more a subject of imaginary rather than real competition.

The scope of the “services directive” appears therefore limited both in its field of application as well as in its effect on employment although technically it enables the elimination of 15 sectoral directives. It does however establish community logic and in this sense it is fundamentally political.

II- The country of origin principle is one that has been acknowledged for a long time by community law and is a driver of community integration.

The draft directive is based on the application of the “country of origin principle” that represents a powerful vehicle for integration in the sense that it forces States to lift invisible customs barriers embodied by national regulations.

The country of origin principle was established by the “Cassis de Dijon” decision by the ECJ in 1979[13] for the free movement of merchandise. This decision put an end to Member States’ disguised protectionism by deciding that if a product could be sold in one Member State it could also be sold in another Union country. The ECJ obliged the Germans to accept the Dijon liqueur on their national territory even though it did not correspond to any specification determined by the German administration.

This principle also appears in derivative law in certain texts relative to the internal market in specific areas, notably the directive on borderless television (89/552/CEE) or the directive on electronic trade (2000/31/CE), activities that naturally lend themselves to the application of laws of the country where the service provider is established.

Given the lack of harmonisation the country of origin principle is however designed to be applied to all commercial activities within the internal market. Indeed it establishes a general legal framework in order to eliminate the obstacles that impede the free movement principle expressed in article 3 of the EC

Treaty[14], in the perspective of ensuring greater growth across the entire Union.

In order to ensure the achievement of this objective the Commission presented a draft directive similar to the “services directive” on 1st December 2005; this is designed to create a “single point of payment in the Union”[15] so that cross-border payments are easier, cheaper and just as safe as national payments guaranteeing the users the same level of protection and legal security, independent of the origin of the instrument of payment employed.

As for the directive relative to the posting of workers for the provision of services[16], this is also based on the country of origin principle. This directive aims to eliminate the impediments and uncertainties that might prevent the establishment of free movement in the provision of services; it increases legal security and enables the identification of working conditions applicable to people undertaking work, temporarily, in a Member State other than the State whose law governs labour relations. When the worker is posted temporarily to another country the stability of the terms of labour relations are opposed to any changes being made to the law applicable to the contract if the worker is sent abroad for a fixed length of time or for specific requirements. It is therefore the law of the usual place of work that governs labour relations in principle.

The finality of the country of origin principle is to ensure the free movement of merchandise, men and capital. But this principle does not hold sway alone. It is based on the principle of mutual confidence between EU Member States. If there is economic transfer within the Union there is no need for the host State to apply its own regulations if there is a similar regulation in the country of origin since this would then comprise an invisible impediment to trade.

The community judge is extremely rigorous in the application of the principle of mutual confidence and penalises administrative measures imposed by the destination State that he believes disproportionate with regard to its subject.

The case of the import of medicines is a revealing example of the strength of this principle.

In the affair C-212/03, the European Commission versus the French Republic whose central theme it was to examine the conformity with Community law of measures that aimed to control the medicines that an individual wanted to import into a Member State, whilst these medicines were allowed to

be marketed only in the Member State where they were purchased and therefore did not enjoy a marketing authorisation in France, in his conclusions on 21<sup>st</sup> October 2004 Counsel for the prosecution, L.A. Geelhoed, said in point 39: "We lend much importance to the principle of mutual recognition – in other words : to reciprocal confidence – that comprises a basis of community legislation relative to medicines. If a medicine is authorised in one Member State after having been analysed the other Member States cannot simply establish even greater restrictions on its import from that Member State." France was condemned by an ECJ decision given on 26<sup>th</sup> May 2005.

European construction is based either on the procedure of community harmonisation or on the principle of reciprocal confidence that is declined via mutual recognition and the country of origin principle.

The condemnation of the "services directive" surely indicates a lack of confidence in France's partners within the Union and notably in the new members. The spectre of the "Polish plumber" was not chosen anecdotically as an emblem by the supporters of the NO in the referendum. Questioning the country of origin principle implies NO to the enlargement process and in fine NO to an integrated Europe.

III- The strengthening of supervision procedures and the establishment of legislative standards in labour law in traditionally conventional countries is enough to counter the dangers of "social dumping"

The country of origin principle only applies in the context of the cross-border supply of services. If the service provider establishes a fixed structure on the territory of the State of residence of his client he would then have to obey the administrative and legal requirements of the latter. If his presence is but temporary then he is only obliged by the regulations of his country of origin. Consequently given the dangers of the abusive employment of this principle, the country of origin principle was stigmatised as the Trojan Horse for "social dumping". In an open but not integrated market companies would take advantages of the differences between levels of taxation, social charges and the regulatory measures protecting workers to establish disloyal competition, which would be particularly damaging to States that have adopted a high social compromise[17]. The only way to hold out against a Europe where the lowest bidder wins would be to re-establish protection – at least for a short period –time enough for the new Member States to acquire sufficient

growth so that the differences in salaries between workers do not lead to strategies to circumvent social legislation. Here emerges a faint condemnation of an enlargement that many believe to have been premature.

However such an approach, the theory of which is based on the idea that EU25 put an end to the dynamism of building the community, ignores both the protection granted to workers by the community texts and by the jurisprudence of the ECJ.

Of course since the free provision of services, a basic principle of the EC Treaty[18], aimed to allow the provider to exercise his activities in the destination State of the service it is impossible for the social legislation of the Member State where the service is being provided to be applied in its entirety. This would amount to depriving the freedom to provide services of any useful effect. However the freedom to provide services can be limited by regulations that are justified by general interest and which are applicable to any person or company exercising in the State where the service is being provided in as much as this interest is not protected by the rules that the service provider is subject to in the Member State where he is established. This balance lies at the very heart of the community judge's jurisprudence[19] that prohibits discriminatory practices against providers established in another Member State due to their nationality; this applies equally to restrictions that might prohibit or impede activities of a provider established in another Member State where he also legally provides similar services.

As justifications of general interest the ECJ accepts the possibility of submitting workers on secondment to the social legislation of the host State. Hence in the decision *Seco and Desquenne & Giral* of 3rd February 1982 the ECJ maintained – using articles 49 and 50 of the EC Treaty and the Convention of Rome of 19th June 1980 on the law applicable to contractual obligations – that "community law is not against Member States extending their legislation or collective labour agreements made with social partners relative to minimum wages to any person undertaking paid work, even if this is temporary, on their territory, whatever the country of establishment of the employer." This statement of principle was progressively extended to cover all social law as highlighted by Jean-Philippe Lhernould in his brilliant study of the law of 2<sup>nd</sup> August 2005 and the cross-border posting of workers.[20].

In addition to this the ECJ also accepted quite explicitly in the affairs *Arblade and Leloup* in 1999[21], that Member States on the one hand could resort to laws of public interest in

accordance with the Rome Convention and the EC Treaty and on the other it believed that the protection of workers was part of the category of public interest law.

All of this jurisprudence inspired directive N° 96/71/CE on the posting of workers which in article 3 presents a “hardcore” of social norms imposed upon services providers: minimum salary, working hours, length of holidays, security, hygiene and safety standards etc... The country of origin principle would not enable the achievement of a comparative advantage at the expense of workers' safety or their dignity. This requirement was recalled by the European Trade Union Confederation in its Union Memorandum addressed to the Austrian Presidency of the European Union on 11<sup>th</sup> January 2006.

In the decision *Wolff & Müller* dated 12<sup>th</sup> October 2004, the ECJ confirmed its previous jurisprudence by applying articles 3 § 1 and 3 § 5 of directive 96/71/CE to this affair. German law says that the company that ordered work from a foreign company is jointly liable, with regard to the employees sent on assignment to German territory, for the payment of salaries. This responsibility considered as a security that guarantees workers a level of payment higher than the one they would receive in their in their home State aims to make the use of foreign sub-contractors employing low paid workers more difficult and thereby protect German SME's. Here the ECJ maintained once again that “there was not necessarily a contradiction between the objective of protecting from disloyal competition on the one hand and that of ensuring the protection of workers on the other.” Hence community law is not therefore against the contentious German regulation “if the main aim of these rules is not to protect the payment of the worker or if that protection is just a secondary aim of those rules.” The Court believes that the protectionist mechanism drawn up by the German legislator led to the addition of a second debt to the first and hence ensured extra social protection for the posted workers.

Hence the ECJ has established a subtle jurisprudence based on three criteria: the existence or not of comparable obligations in the country of origin and the host country, recognition in the host country of a truly additional protection to the worker's benefit providing him with a certain advantage in terms of social protection and the necessary and proportional feature of the application of the social regulations of the host country for service providers established in another Member State.

In this sense it believes that if the provision of services took place in the briefest amount of time the Member State in which the service has been delivered could not impose its minimal social norms including the minimum salary[22]. Article 3 of the directive on the posting of workers has for its part included a series of derogations to the minimal measures linked to the number of hours worked, periods of paid holiday and even the minimum salary due to the short time period of time that the service covered or even its particularly limited importance. The social regime of a posted worker within the context of a service not lasting longer than eight days or a month is the responsibility in part of the country where the service provider is established.

There is therefore a risk of disloyal competition in border areas. However a company that tries to circumvent its own social legislation by moving its place of establishment beyond a border would not be able to exploit this strategy for a long in that the regime that would then be imposed on it would be that where it usually undertakes most of its activities.

Even then controls would have to take place sufficiently often to dissuade this kind of behaviour.

However it is up to the Member States to ensure the application of these controls. As a result of this there was a definite fear that the controls undertaken by some Member States would not be adequate, either out of interest or indulgence, above all if it involved an SME whose service provision did not exceed one week. The country of origin principle would then be encouraging disloyal competition.

However, according to the ECJ, “Member States must show mutual confidence with regard to controls undertaken on their respective territories. A Member State should not undertake unilateral corrective measures or defensive measures designed to counter the possible ignorance of the rules of community law on the part of another Member State.”[23]. This is why Ms Gebhardt and the European Socialist Party defended the idea of distinguishing between access to an activity and the conditions in which the said activity were exercised: mutual recognition would apply in the first case and the labour law of the destination country in the second.

It is now however accepted that although with regard to the terms of establishment it was the responsibility of the instances in the country of origin to launch controls in terms of the provision of services, the administration of the host country might expedite as many controls as it thinks fit. In order not to penalise companies by the number of controls made a

system of electronic co-operation will be established as well as single points of contact and payment. The European legislator therefore took into account the ECJ's jurisprudence and the interests of the Member States to put forward an original mechanism of inspection that evidently finds inspiration in the co-operation system established by the Schengen Treaty. The modalities of the inspection of activities are to be the subject of a relative consensus within the Council of Ministers of the Union.

The heart of the debate at the Council of Ministers might then focus on appraising the ECJ's jurisprudence on the country of origin principle with regard to the respect of measures of a social kind. This jurisprudence which prevents the host country from imposing restrictions on the free provision of services except for reasons of public order, security, health, as well as for "imperious reasons of general interest" might appear satisfactory. However it does leave the judge with ample room to manoeuvre. The advantage of this is to offer the answerable person with a tailor-made solution the disadvantage lies in the rare complexity of jurisprudence.

Hence J-P Lhernould[24] stresses, "the hardcore proposed by the community judge is substantially deformed and is unstable. Potentially it is more developed than the directive 96/71 and is therefore more protective of posted workers but the hardcore can also be reduced under pressure from the free provision of services. In any case we may question the powers of the ECJ on questions as fundamental as this with regard to the construction of Europe."

The factor of complexity emanates from the almost total lack of any limits on time in the application of the country of origin principle within the community texts. The provision of services is clearly defined but the length of time the country of origin principle is applicable is left to the opinion of the judge. A clarification of this would undoubtedly be welcome to meet the legal security requirements of the various economic players. It would herald the return of policy to a context of exacerbated sensitivity where the debate over the "Bolkestein directive" revealed an unprecedented crisis of confidence with regard to the new Member States.

Clarification must go hand in hand with an enhancement of Member States' social legislation. As highlighted by Ms E Gebhardt in an interview in the magazine *Liaisons sociales*[25], the country of origin principle is unacceptable for those countries which do not

have strong labour laws. "In Sweden, for example," she points out, "when a call for tender is won by a company it has to sign an agreement with the unions on salaries, on social rights, but this is not written down in the law. Likewise in Germany there is no legal minimum wage. In this country labour law does not protect (workers) from the country of origin principle." She concluded with a total rejection of the country of origin principle in view of the lack of community harmonisation with regard to social norms, whereas legislative strengthening of the labour laws in European countries with conventional cultures would be adequate to counter the danger of a weakening in social law.

IV- The roadmap put forward by the European Social and Economic Committee integrates the "services directive" in a dynamic measure that repositions the country of origin principle as a prerequisite and not as a substitute for the harmonisation of community law.

On 10<sup>th</sup> February 2005, after welcoming the objective aimed for by the draft directive relative to services in the internal market the European Economic and Social Committee delivered an opinion[26] that deserves particular attention since it suggests a roadmap to integrate the "services directive" in a dynamic measure for the construction of Europe. Some of the proposals have already been adopted. "The Finnish presidency will be inspired when it takes the entire measure on as its own."

The Committee's opinion focuses on the following points:

1) The harmonisation of measures relative to certain services for a two-stage transition period. The first comprises the checking of the country of origin principle in the various sectors, the second to consider harmonisation and the country of origin principle on an equal footing.

2) The permanent nature of the social dimension: the draft directive cannot give rise to a watering down in the present standards with regard to wages or social matters and in the domain of safety standards in the place of work, notably for those subject to the directive on the posting of workers.

3) The definition of the scope of application and rules with regard to conflicting laws are set by the definition and delimitation of the field of application, of derogations and conflicts in laws relative to the application of the country of origin principle. This is the case for example with regard to the draft directive on the recognition of professional qualifications and with regard to clarifying whether and how it is

possible to avoid incompatibilities between the laws governing the legislation of the country of origin (which always has precedence, in accordance with the draft directive) and the social, fiscal and penal measures of the host States.

4) The recording of cross-border activities in a central register that would contain the requirements and infringements observed within the context of controls.

5) The improvement in empirical data enabling an assessment of the internal market.

6) Quality assurance and transparency of prices: Lists relative to prices and taxes might comprise a solution if they are compatible with community legislation.

7) The alignment of tax regulations. The Member States do in fact hold the key to the main impediment to the achievement of the internal market.

Hence in an enlarged Europe the country of origin principle must not comprise an alternative but a prerequisite to harmonisation.

#### Conclusion

The draft directive on services is part of the Lisbon Strategy and comprises, from this point of view, a necessary element for the competitiveness of the European economy. However it has been the source of violent reaction notably in France, drawing to it a spotlight with regard to "social dumping" in the wake of the enlargement of the European Union by ten new members on 1st May 2004. The draft "services directive" has been the subject of a number of discussions at the European Parliament over the last few months – these discussions must now lead to a consensus on a modified text. This is what is at play during the next session of the European Parliament to be held in Strasbourg on 14<sup>th</sup> February next.

<sup>[1]</sup> COM (2003) 747

<sup>[2]</sup> In its amended version the text won a clear majority of 25 votes in favour, 10 against and 5 abstentions including that of the rapporteur.

<sup>[3]</sup> On this subject consult the Bulletin Quotidien, Tuesday 15th March 2005, Evénements et perspectives, p. 5.

<sup>[4]</sup> www.TF1 LCI (22nd March 2005).

<sup>[5]</sup> Valérie Gras, Controverse sur la libération des services (RFI, 03/02/05).

<sup>[6]</sup> "the launch of an action plan for the financial services: Action Plan" COM(1999) 232 of 11.5.1999.

<sup>[7]</sup> European Parliament and Council Directives 2002/19/CE, 2002/20/CE, 2002/21/CE, 2002/22/CE et 2002/58/CE.

<sup>[8]</sup> Instruments based on articles 71 or 80, paragraph 2, of the EC Treaty.

<sup>[9]</sup> Fiscalité is the subject of a different legal basis: articles 43 and 49 TCE.

<sup>[10]</sup> These activities are based on article 45 TCE.

<sup>[11]</sup> Directive on the posting of workers (96/71/CE).

<sup>[12]</sup> Directive 2005/36/CE by the European Parliament and the Council of 7th September 2005 relative to the recognition of professional qualifications (JOCE L.255 of 30.9.2005 p.22).

<sup>[13]</sup> ECJ 20th February 1979, Rewe-Zentral AG versus Bundesmonopolverwaltung für Branntwein. "Cassis de Dijon", aff. 120/78.

<sup>[14]</sup> Article 3 of the Treaty establishing the European Community signed in Rome on 23rd March 1957 sets out "1. the activities of the Community shall include, as provided in this Treaty and in accordance with the timetable set out therein: (...) c) an internal market characterised by the abolition, as between Member States, of obstacles to the free movement of goods, persons, services and capital, (...)"

<sup>[15]</sup> COM(2005) 603 final.

<sup>[16]</sup> Directive 96/71/CE by the European Parliament and the Council of 16.12.1996 on the posting of workers for the provision of services.

<sup>[17]</sup> This analysis finds expression notably in the Union Memorandum addressed to the Austrian Presidency of the EU by the European Trade Union Confederation on 11th January 2006.

<sup>[18]</sup> The context of the provision of services is defined in articles 49 and 50 of the ECT. Article 49, 1<sup>st</sup> paragraph: "Within the framework of the provisions set out below, restrictions on freedom to provide services within the Community shall be prohibited in respect of nationals of Member States who are established in a State of the Community other than that of the person for whom the services are intended."

<sup>[19]</sup> ECJ 17th December 1981, Webb. This formula was copied in other decisions: CJCE 26<sup>th</sup> February 1991, aff. C-180/89, Commission/Italy; Rec. I-709; ECJ 26th February 1991, aff. C-198/89, Commission/Greece; Rec. I-727; ECJ 9th August 1994, Vander Elst; ECJ 28th March 1996, aff. C-272/94, Guiot; Rec. I-1905; CJCE 15th March 2001, aff. C-165/98, Mazzoleni.

<sup>[20]</sup> J-P Lhernould, La loi du 2 août 2005 et le détachement transnational de travailleurs. Le plombier polonais est-il mort ? in Droit social, n° 12<sup>th</sup> December 2005.

[<sup>21</sup>] ECJ, 23rd November 1999, Jean-Claude Arblade and Serge Leloup (joint affairs C-369/96 et C-376/96), notably point 36 of the decision.

[<sup>22</sup>] ECJ, aff. C-165/98, Mazzoleni, 15<sup>th</sup> March 2001.

[<sup>23</sup>] ECJ, aff C-5/94, Hedley Lomas, 23<sup>rd</sup> May 1996, Rec. p. I-2553, points 19 and 20.

[<sup>24</sup>] J-P Lhernould, La loi du 2 août 2005 et le détachement transnational de travailleurs. Le plombier polonais est-il mort ? in Droit social, n° 12<sup>th</sup> December 2005

[<sup>25</sup>] Liaisons sociales magazine, N°68, January 2006.

[<sup>26</sup>] Opinion of the European Economic and Social Committee on the draft directive by the European Parliament and the Council relative to services in the internal market (réf. (COM(2004) 2 final – 2004/0001 (COD) – 10 February 2005 – INT/228 internal market department).