



Paris, 13 January 2021

POLITICAL OPINION

relating to the European Commission Work Programme for 2021

- ① The Senate European Affairs Committee,
- ② Having regard to Article 12 of the Treaty on European Union,
- ③ Having regard to the speech of Ms Ursula von der Leyen to the European Parliament on 16 July 2019, in which she presented her political priorities,
- ④ Having regard to the Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 27 May 2020 entitled “Adjusted Commission Work Programme 2020”, COM (2020) 440 final,
- ⑤ Having regard to the Commission’s response of 17 June 2020 to its political opinion on the Commission Work Programme 2020, C (2020) 4145 final,
- ⑥ Having regard to the Commission Communication to the European Parliament and the Council of 9 September 2020 presenting the 2020 strategic foresight report entitled “Strategic Foresight – Charting the course towards a more resilient Europe”, COM (2020) 493 final,
- ⑦ Having regard to the State of the Union 2020 address by Ms Ursula von der Leyen, President of the European Commission, to the European Parliament on 16 September 2020,

- ⑧ Having regard to the Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 19 October 2020 setting out the Commission’s work programme for 2021, “A Union of Vitality in a World of Fragility”, COM (2020) 690 final,
- ⑨ Welcomes the European Commission’s work programme for 2021; insists on the need for regular reporting on its progress, with the aim of achieving rapid and tangible results for European citizens;
- ⑩ Considers that this work programme must be implemented in accordance with the principle of subsidiarity, which cannot be presumed solely on the grounds of deepening the internal market, and in accordance with the arrangements set out in the Senate’s European Resolution No. 106 (2016-2017) of 17 March 2017 on the simplification of European law;
- ⑪ Endorses the strategic foresight approach initiated by the Commission, which is intended to inform European Union policy-making; requests that this exercise, including the definition of the resilience dashboards, also involve national parliaments; considers that the results of the strategic foresight must be taken into account in the work of the Conference on the Future of Europe;
- ⑫ *On the Green Pact for Europe*
- ⑬ Supports the setting of an objective for the European Union of carbon neutrality by 2050, which demonstrates a high level of ambition in the fight against climate change consistent with the objectives of the Paris Climate Agreement; emphasises the scale of the investment required to achieve the objective of carbon neutrality by 2050 and the need to support certain regions and sectors facing major conversion challenges; emphasises the need for the European Union not to forego any technology enabling it to achieve this ambitious objective; welcomes the fact that the observations made by the Senate in its reasoned opinion of 22 May 2020 on European climate law have been taken into account;

- ⑭ Notes that the Commission work programme includes an important “Adjustment to the 55% Target” package to bring the relevant climate and energy legislation into line with the Commission’s recently proposed objective of reducing greenhouse gas emissions by at least 55% by 2030 compared with 1990 levels; emphasises in this respect, and in line with the planned introduction of new own resources, the importance of properly revising the European Union Emissions Trading Scheme (EU ETS) and introducing a carbon adjustment mechanism at the borders, which is a necessary condition in order to prevent the risk of carbon leakage, ensure fairness in international trade relations and reconcile the fight against climate change, sustainable development, economic development and social inclusion; encourages the Commission to monitor the quality of the impact assessments that will accompany the various legislative initiatives in this “package”, particularly in view of their consequences on the public policies of Member States;
- ⑮ Calls for the publication of the impact studies carried out to inform the development of the “Biodiversity” and “From Farm to Fork” strategies, especially since these strategies appear to modify the Commission’s assessment of the proposed reform of the Common Agricultural Policy (CAP) 2021/2027, as first suggested by the Commission itself in June 2018; expresses the particular hope that the estimated reduction in agricultural production in the European Union by 2030 caused by these two strategies will be made public;
- ⑯ Expresses hope that the work programme will be supplemented by CAP initiatives to abolish the prohibition of price fixing clauses, laid down in Regulation (EU) No. 1308/2013 establishing a common organisation of the markets in agricultural products, so that European farmers will be able to charge common transfer prices, as has long been the case for American farmers, to give agricultural producers the possibility of agreeing on minimum prices through collective bargaining and of considering the “fair price” not only as the lowest possible price for the consumer, but as a reasonable price, that provides fair remuneration for each link in the food value chain; requests firm support measures for agricultural sectors in difficulty, including the sugar, wine and livestock sectors; calls for the outermost regions (ORs) and overseas countries and territories (OCTs) to be taken into account in the implementation and funding of European policies, in a way

that properly takes into account their specificities and the challenges they have to face; emphasises the need to continue funding the Programme of Options Specifically Relating to Remoteness and Insularity (POSEI), which is essential for supporting agriculture in the ORs;

- ⑰ *On a Europe fit for the digital age*
- ⑱ Welcomes the European Union's awareness of the importance of the challenges of digital sovereignty and the urgent need for action;
- ⑲ Welcomes the confirmation of the publication, in 2021, of the second act of the legislative corpus aimed at creating a European space for non-personal data; emphasises that this legislative framework must effectively ensure compliance with European data protection standards by all actors, European or otherwise, likely to host and/or process such data, irrespective of their location; requests that providers of IT services to both individuals and businesses be required to ensure full transparency as to where the data entrusted to them are stored and processed, the purposes of such processing and the legislation to which they are subject; calls for a differentiated approach based on the degree of sensitivity of the data in question, taking into account the nature of the data and the risks involved; calls in this respect for increased vigilance with regard to the establishment of a European health data space and with regard to the data, whether personal or not, required by the Member States and the European institutions to exercise their sovereign powers; emphasises the need to take a coordinated approach at European level to consideration of the scope of strategic data;
- ⑳ Emphasises the need, while maintaining the greatest possible openness towards non-European actors, to protect users of the European cloud from any exposure to legislation or practices that allow abusive access to their data; calls for particular attention to be paid to data interoperability and portability to avoid lock-in effects in the cloud, drive innovation, strengthen competition and create opportunities for new actors to emerge;
- ㉑ Calls for the setting up an important project of common European interest (IPCEI) in the field of cloud computing;

- ② Recommends, notably within the framework of the revision of the e-Commerce Directive, that the analysis of market power consider network effects and that the relationship between platforms – particularly those that are in a position to foreclose the market – and their users or competitors be rebalanced by an ex ante framework for the collection and use of data, so that corrective measures can be taken rapidly in the event of a breach of competition rules; considers that there is an urgent need to define the key concept of gatekeeping platforms on the basis of precise criteria and to identify the systemic nature of certain digital operators so that they can be closely monitored, including for monitoring acquisitions of small innovative companies with low turnover that do not meet the current notification thresholds, in order to ensure that the proposed transaction is not likely to reduce or even eliminate competition (killer acquisitions);
- ③ Calls for a strengthening of the European digital ecosystem and the introduction of a proactive industrial policy in this area; welcomes the fact that 20% of the funds provided under the European Recovery Plan currently being adopted are earmarked for the digitalisation of the economy; calls however for the utmost vigilance in selecting the beneficiaries of these funds so that priority can be given to supporting the development and growth of European companies that fully comply with European data protection regulations;
- ④ Calls for a rapid conclusion to the negotiations on establishing a European Cybersecurity Industrial, Technology and Research Competence Centre to help promote the development of a cybersecurity industry in Europe;
- ⑤ *On an economy that works for people*
- ⑥ Calls for the rapid implementation of the agreement reached on the multi-annual financial framework 2021-2027 and the NextGenerationEU recovery instrument to ensure that the measures needed to address the economic and social consequences of the health crisis are deployed as swiftly as possible and to increase the resilience of the European Union;

- ②7 Reiterates the need for national parliaments to ratify the Council decision on the own resources system; requests therefore that they be more involved in future discussions on the introduction of new own resources;
- ②8 Approves the extension in 2021 of the suspension of the Stability and Growth Pact and the easing of the rules on State aid, adopted to deal with the consequences of the Covid-19 pandemic;
- ②9 Calls for concrete measures to be taken, in conjunction with social partners and citizens, to implement the European Pillar of Social Rights, which is intended to address the social consequences of the health crisis; considers that such measures must focus in particular on employment, professional qualifications and wage levels, as well as on the protection of vulnerable groups more affected by the crisis;
- ③0 Takes note of the announcement of a fair economy package; requests that this package include measures to strengthen the fight against cross-border social fraud and to improve European cooperation in the fight against social benefit fraud; recommends in particular that the judicial authority of the host country of a posted worker be authorised to disregard an A1 certificate obtained in a manifestly irregular manner, that an assessment be made of the costs and benefits of a European social security number which, without replacing the national social security number, would allow faster interconnection of European social security systems, and real-time identification and verification of coverage, that a cooperation agreement be drawn up to organise the relationship between the European Labour Authority and the Administrative Commission for the Coordination of Social Security Systems, and that an annual quantitative assessment be made of cross-border social fraud at European level;
- ③1 Calls for the significant reinforcement in the work programme of the measures to modernise European competition policy in such a way as to safeguard Europe's economic and industrial sovereignty; recommends that the Commission carry out systematic sectoral analyses of the state of competition; calls for the concept of "consumer welfare", on which European competition policy is based, to be clarified and for new aspects such as competitiveness, safeguarding employment, environmental protection, protection of personal data and strategic autonomy, particularly in health matters, to be incorporated into it;

recommends extending the time horizon to at least five years to take account of potential future competition; requests that the Commission update without delay its guidelines on the definition of the relevant market to take account of changes in economic reality; deems it necessary to increase flexibility in the application of European competition law; calls for a transparent ex post assessment of the Commission's competition decisions so that the appropriateness of the corrective measures can be analysed in relation to the objectives set for such measures and so that the Commission can gradually adapt its future decisions to the rapid changes in the markets; proposes to this end the creation of a European Observatory for the Evaluation of Competition Policy, an independent body responsible for collecting information on the state and development of competition in the various economic sectors;

③② Supports the proposals set out in the European Commission White Paper of 17 June 2020, which would permit it to prohibit acquisitions of European companies by companies receiving unfair advantage from foreign public subsidies, to impose remedies on companies such as remedial payments or structural or behavioural corrective measures where it has identified distortions of competition in a market linked to such subsidies, and to exclude from public procurement procedures any bidders benefiting from foreign subsidies that distort the competitive nature of the invitation to tender;

③③ Expresses hope that the review of the common commercial policy initiated by the Commission, focused on the concept of "open strategic autonomy", will strengthen the asset that commercial policy represents for the European Union, which must be consistent with the Union's values and political priorities, by ensuring better protection of European interests against unfair practices and better monitoring of the implementation of international trade agreements; urges greater involvement in the process of international trade negotiations of national parliaments, which are called upon to ratify the provisions of "new-generation" agreements falling within the scope of shared competences between the Union and its Member States, as pointed out by the Court of Justice of the European Union in its "Singapore" opinion of 16 May 2017;

③④ *On a stronger Europe in the world*

③⑤ Reiterates, in the interest of strengthening the European Union's contribution to rules-based multilateralism, that no provision of international law entitles a third country to intervene in determining the energy supply of one or more Member States; insists therefore on the need for the US authorities to refrain from imposing or threatening sanctions on any company involved in the construction or operation of any economic infrastructure on the territory of the European Union that complies with European Union law and the law of the Member States concerned; calls upon any third country to give priority to a negotiated solution if it considers that a project undertaken on the territory of the European Union could be detrimental to its interests and if necessary to refer the matter to an international court of law in the event of persistent disagreement; formally opposes the adoption, by any third country, of sanctions against a Member State or a company operating in the territory of a Member State in the absence of a prior decision by an international judicial body; expresses hope therefore that the European Commission will step up the action it has taken to date to put an end to any interference by a third country in any aspect of the policies pursued by the European Union or its Member States on their territory and thus ensure that the law is upheld, without ruling out adopting and implementing retaliatory sanctions if necessary;

③⑥ Welcomes the effective establishment of the Permanent Structured Cooperation (PESCO) aimed at strengthening security and defence cooperation between Member States; recommends that, for this European defence dynamic to produce effective results, the performance of the European Union's planning process and the consistency of the actions of the various structures involved in this process be strengthened; supports the European Defence Fund's overall objective of strengthening the competitiveness, efficiency and innovative capacity of the European defence technological and industrial base throughout the Union, as these aspects contribute significantly to the Union's strategic autonomy and freedom of action, reducing its dependence on sources located in third countries and improving its security of supply; asserts the importance of European preference, which is the only way to promote genuine autonomy for the European defence technological and industrial base; considers it essential that the action plan on synergies between the civil, space and defence industries, announced by the Commission for the first quarter of 2021, further

strengthen the European defence technological and industrial base and reinforce European strategic autonomy;

③⑦ Requests that the Commission's neighbourhood policy initiatives include measures relating to the fight against fraud, the protection of the European Union's financial interests and better control of funding allocated to third countries covered by the European Neighbourhood Policy; considers that the European Anti-Fraud Office, the European Public Prosecutor's Office and the European Court of Auditors have a major role to play in this respect;

③⑧ Reaffirms its strong commitment to maintaining the financial balances achieved for the allocation of the appropriations for the European Neighbourhood Policy, two thirds of which are earmarked for the southern shore of the Mediterranean and one third for the east of the continent; calls for increased vigilance with regard to persistent conflicts in Eastern Partnership States;

③⑨ Takes note of the announcement that the European Union's Arctic strategy will be reviewed; expresses hope that this review will lead to a significant re-evaluation of this policy with a view to adapting it to the challenges of global warming, which in the Arctic is more than double that of the rest of the world, and to the growing geopolitical tensions in this region;

④⑩ *On promoting our European way of life*

④⑪ Insists that the work programme be supplemented by measures relating to health technology assessment; considers that this assessment mechanism must satisfy several conditions: practices guaranteeing the quality of assessments, the use by Member States of the common clinical assessments necessary for the assessment of a health technology, the opportunity for Member States to carry out an additional clinical assessment if they consider that certain objective and reliable studies have not been taken into account or that the studies taken into account have not been carried out under the conditions of transparency and independence prescribed, the fact that the results of the joint clinical assessments do not prejudice the outcome of the overall assessment made by a Member State, the definition in a regulation and not by means of implementing acts or delegated acts, of the guarantees relating to the quality,

transparency and independence of joint clinical assessments, conditions of transparency and independence to ensure the objectivity and interest in greater health security of joint scientific consultations for technologies under development, voluntary cooperation between Member States, and the identification of emerging health technologies at an early stage of their development where such technologies may have a major impact on patients' health, in particular in the event of a pandemic;

④② Calls for the establishment, as part of the monitoring of the European Education Area and the updated skills strategy set out in the work programme, of continuous, public, independent and transparent monitoring of compliance with the minimum training standards laid down in Directive 2005/36/EC on the recognition of professional qualifications for the training institutions listed in Annex V to that Directive; calls for the development of continuing training and re-certification programmes for all health professionals; requests that mastery of the language of the host country be a prerequisite for any recognition of qualifications; calls for greater harmonisation of the authorisations of the professional acts whose practice is allowed for each profession, and greater alignment between national specialities and those mentioned in Annex V to the Directive; requests that the application of the proportionality check before adopting new professional regulations should not undermine patient safety or the quality of care; expresses hope that the European Professional Card will be able to provide clear information on the qualifications of the health professional applying to practise in another Member State, explicitly stating whether those qualifications have been recognised in the host Member State;

④③ Welcomes the measures announced regarding the European Security Strategy; strongly supports in particular the fight against terrorism and the strengthening of police and judicial cooperation within the European Union; considers that these objectives require ambitious initiatives regarding the handling of cybercrime within the framework of judicial cooperation in criminal matters, the adoption of a European data retention regime to meet the operational needs of law enforcement and judicial authorities, the strengthening of Europol in the fight against cybercrime, enhanced operational cooperation between the European Union Agency for Cybersecurity (ENISA) and national law enforcement and judicial authorities with a view to a European certification framework for

cybersecurity, the prompt conclusion of negotiations on the second additional protocol to the Council of Europe Convention on Cybercrime, known as the Budapest Convention, and in-depth discussions on ways and means of extending the jurisdiction of the European Public Prosecutor's Office to include the fight against cybercrime;

- ④④ *On a new push for European democracy*
- ④⑤ Expresses its concern at the undermining of the rule of law observed in the European Union; considers that membership of the European Union implies respect for European values by all Member States; takes note of the Commission's first annual report on the state of the rule of law in the European Union, which provides a source of reliable information; considers that the shortcomings in terms of respect for the rule of law identified in that report must be regularly monitored with a view to achieving tangible improvements in the situation;
- ④⑥ Supports the Commission's proposal to combat hate crimes and hate speech; considers that this fight must also be waged on the Internet and social networks;
- ④⑦ Recalls that the European Union has a wealth of diversity, including linguistic diversity; demands therefore once again with force that the European institutions permit the use of French in the immediate, systematic and high-quality drafting and translation of important official and informal documents, on the websites of the European institutions, bodies and agencies and for the internal work of the institutions;
- ④⑧ Insists that a right of initiative of national parliaments be established to enable them to make a positive contribution to the preparation of the Commission's work programme;
- ④⑨ Requests that national parliaments, which are essential stakeholders in the construction of Europe, be fully involved in the work of the Conference on the Future of Europe;
- ④⑩ Emphasises that the seat of the European Parliament is in Strasbourg; calls therefore for the resumption of its work in Strasbourg as soon as possible.