

29 January 2016

Decision of the Bundesrat

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Commission Work Programme 2016 No time for business as usual

COM(2015) 610 final

At its 941st sitting on 29 January 2016 the Bundesrat adopted the following opinion pursuant to Sections 3 and 5 of the Act on Cooperation between the Federation and the Länder in European Union Affairs (EUZBLG):

Regarding the overall proposal

1. The Bundesrat takes note of the Commission Work Programme for 2016, 'No time for business as usual'. It welcomes the fact that the work programme, as announced, follows in the footsteps of last year's programme in focusing on the ten political priorities of the 'Juncker Commission'.
2. It also welcomes the opportunity to give its opinion on the Commission's 2016 work programme. It sees the Communication as a policy programme, rather than a programme of administrative technicalities.
3. It emphatically endorses the programme's focus on 23 key initiatives within the scope of the ten priorities. It welcomes the repeated proposal to consider withdrawing or amending certain legislative proposals and to apply REFIT measures to review the quality of existing EU legislation.
4. In the view of the Bundesrat, the Commission's focus on subjects of strategic significance will make an important contribution to securing or regaining the confidence of EU citizens.
5. The Bundesrat also believes that the early signalling of the Commission's plans also gives all those directly or indirectly involved in the legislative procedure, as well as stakeholders from the multiple levels of the EU system, time to state their positions and concerns in good time.
6. It appreciates the Commission's efforts to ensure transparency and be accountable for its actions. The Commission's efforts to align its priorities with the current challenges and needs of EU citizens merit support. It is also glad that greater emphasis is being placed on enforcing the application of European legislation, in particular in the spheres where there is the greatest need for action.
7. As in its statement of position on the 2015 work programme (Document 628/14 (Decision) of 6 March 2015), the Bundesrat calls on the Commission to underpin its announced packages of measures with concrete initiatives, and make them, along with the timetable for

implementation of its work programme, accessible to the public in order to ensure that the EU legislative process is transparent and close to ordinary Europeans.

8. The Bundesrat will undertake a detailed and conclusive assessment when the Commission presents the concrete details of how it intends to implement its proposals.

REFIT programme should take account of society as a whole

9. It fundamentally endorses the Commission's continuing determination to reduce the administrative burden and associated costs. At the same time, it again calls on the Commission to take account of the impact on authorities and society as a whole, and not only on business, when it investigates 'the burden of red tape'. For instance, the evaluation and follow-up measures planned for 2016 regarding provisions on health and safety at work must also take account of the positive impact of effective social protection on competition and growth.
10. The Bundesrat would stress the importance, proven over time, of the principle of social dialogue with the social partners at European level, and reaffirms its wish to see this principle observed, including in the REFIT programme.
11. It reiterates its view that better regulation measures must not undermine existing or future standards of protection of the environment, nature, animals, consumers, health, workers, social security, nor employment law or citizens' participation. The issue of how standards are set within the EU legislative procedure needs to be clarified.
12. It also refers to its previous statements of position on the Commission's REFIT programme (BR document 272/14 (Decision) of 10 October 2014, BR document 718/13 (Decision) of 19 December 2013 and BR document 771/12 (Decision) of 1 February 2013).

EU Budget

13. Responsible and effective use of budget funds, both in the EU and in Member States, is a precondition for successfully tackling the challenges of our times.
14. The Bundesrat welcomes the Commission's stated intention to gear use of EU funds to results and make use of the scope for simplification and effective use of funds.
15. According to the Commission this will generate a new boost for jobs, growth and investment. However, this review must not result in cuts to European funding programmes such as the one for education and vocational training, youth and sport, 'Erasmus+', or the Horizon 2020 framework programme for research and innovation, nor in their content being too exclusively focused on thematically narrow priorities. It is precisely the variety of the subjects covered by these programmes that is their strength.
16. New challenges should as a rule be tackled by medium to long-term adjustments within the EU budget, or, where urgently necessary, short-term redeployments within the budget. The Bundesrat rejects the idea of an EU tax.

A New Boost for Jobs, Growth and Investment

Education

17. The Bundesrat approves the Commission's intention to continue supporting Member States' efforts to get people back to work and to speed up implementation of the Youth Employment Initiative. Good vocational training is the best insurance against unemployment for young people. In this respect, the advantages of the dual training system have been

clearly demonstrated in recent years. The Bundesrat therefore opposes any plans the Commission may have that would undermine this system.

18. In its work programme, the Commission refers to plans for a New Skills Agenda for Europe, which would include the promotion of skills development, vocational training and higher education, as well as the 'life skills' needed for citizens' active engagement. In view of the Commission's announcement that this Agenda will also involve legislation, the Bundesrat would draw attention to the narrowly defined limits on powers laid down in Articles 165 and 166 TFEU. Competence for setting and developing educational and training content lies exclusively with the Member States and, in the case of Germany, its *Länder*. The EU is allowed only a supporting role, with due regard for the responsibility of the Member States and the voluntary nature of European cooperation on education and training, and any harmonisation is ruled out.
19. According to the Commission's plans, the New Skills Agenda is also intended to promote the mutual recognition of qualifications. The Bundesrat would point out that the Directive on the recognition of professional qualifications already constitutes an instrument for recognition issues, and is being implemented in the Member States. Moreover, Member States successfully apply other instruments to determine the equivalence of qualifications not covered by the Directive. This being the case, the Bundesrat considers the creation of further instruments in this field neither necessary nor useful, and would again warn against mixing recognition and transparency instruments. The European Qualifications Framework (EQF) is purely a translation instrument with no legislative force, based on voluntary implementation and in no way binding on the Member States.
20. The Bundesrat welcomes the declaration of the EU education ministers of 17 March 2015 on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education. The events of recent months - Islamist terror attacks and threats on EU territory - make the transmission of common European values even more important. Education initiatives for 2016 should therefore include more measures to support education that furthers integration.
21. It also welcomes the stronger focus at European level on issues other than just growth and employment, such as the transmission of values. However, it would point out that education is no mere means to these ends, and narrowly focusing on education as an economic factor fails to do justice to the much more comprehensive educational ambitions in the *Länder*, which include the personal, cognitive and social education of individuals. At the level of European cooperation, the value of education in itself must not be lost sight of, nor be superseded by an approach that measures education by the added value it can generate for European priorities.
22. The terrorist threat we are now experiencing in Europe has once more highlighted the importance of the transmission of values and the fight against intolerance, discrimination and radicalisation. European cooperation in the sphere of education can provide real added value in this respect, by bringing together young people from different countries to give them a direct experience of mutual understanding that transcends national divides. However, the Bundesrat very much regrets that implementation of the Erasmus+ programme increasingly supports large-scale projects with supposedly systemic impact, while personal encounters under smaller projects, particularly for schools, are put on the back burner. The effects of these smaller projects down the line is perhaps not easy to measure, but they are

of inestimable importance for the development of individuals. The Bundestag therefore calls on the Commission once again to take steps to reverse the structural disadvantages affecting smaller projects, in particular for schools, in the Erasmus+ programme; and points out that the approval rate for exclusively school partnerships must not fall, but be increased.

Gender equality

23. The Bundesrat approves the prioritisation of gender equality in the Commission's 2016 work programme and supports the focus on work-life balance for working families and increased women's participation in the labour market.
24. Accepting the proposed Women on Boards Directive will significantly boost job creation, growth and investment. The targets set in the proposed Directive will help to realise the full potential of a changing society. The Bundesrat therefore strongly advocates that the Federal Government abandon its obstructive stance.
25. The Bundesrat believes that the Commission should continue its practical work to promote gender equality, and regrets that from 2016 there will be no European gender equality strategy. It believes that it is important to develop sustained action in the following spheres:
 - increasing women's participation in the labour market and equal economic independence for men and women,
 - reducing the income and pension gap, thereby combating poverty among women,
 - promoting equality between women and men in decision making,
 - combating gender-specific violence and protecting and supporting its victims and
 - promoting gender equality and women's rights worldwide,as set out in the Commission Staff Working Document 'Strategic engagement for gender equality 2016-2019', SWD(2015) 278 final of 3 December 2015.
26. In particular, the Bundesrat believes that legislative action on gender equality is necessary, and there is an urgent need for codification of ECJ case law on equal pay for men and women to provide legal certainty and promote uniform application.

Common Agricultural Policy

27. The Bundesrat welcomes the Commission's intention of introducing administrative simplifications in the sphere of agriculture. However, it stresses the urgent need to cut red tape for farmers and administrations, and would point out that this can be done without undermining the basic orientation of the reform adopted at political level. It notes with regret that the Commission has so far taken only very limited initiatives to simplify the CAP, although Member State proposals for simplification have been available since spring 2015.
28. The review of the 2014 to 2020 multiannual financial framework should include consideration of the Common Agricultural Policy. The Bundesrat particularly calls upon the Federal Government to involve the *Länder* fully, particularly when it comes to drawing up the evaluation report.

Animal welfare strategy

29. The Bundesrat regrets the absence from the Commission's work programme of any continuation of the 2012-2015 animal welfare strategy. It would point out that this strategy has not yet been fully implemented. In particular, it believes that an ambitious EU animal welfare legal framework is needed, based on scientific findings and with uniform standards

applicable throughout the Union. The animal welfare strategy published in 2012 announced that an EU legal framework with comprehensive provisions would be introduced. Scattered individual acts (e.g. the directives on laying hens, sows, pig castration, etc.) would be incorporated into this EU legal framework.

30. The Bundesrat agrees with the Commission that a sustainable future also means foreseeing and mitigating threats to a healthy environment. In this connection, it welcomes the Commission's announcement that it will continue its work to help Member States address the challenge of anti-microbial resistance and contribute to global efforts to tackle this threat. It asks the Federal Government to work to ensure that the review of EU law on veterinary medicine and medicated feed takes proper account of this issue.

Milk market

31. The Bundesrat welcomes the Commission's plan to present its report on the functioning of the milk market by the end of this year. In view of the fraught situation on the milk market, there is still an urgent need for further action, since many milk producers are in danger of going under. It calls on the Federal Government to work at EU level to ensure that the best possible use is made of all existing milk market crisis instruments for supporting producer prices, and that new instruments are developed. Consideration should be given to further market clearance instruments at all levels, including insurance solutions, short-term buy-out measures, or flexible supply regulation instruments. In particular, further development of the EU's Market Observatory to provide an efficient early warning system for price slumps is needed sooner rather than later.

Genetic engineering

32. The Bundesrat regrets that the Commission has not so far presented a proposal for improving the European procedure for authorisation of genetically modified organisms (GMOs). The Commission can still authorise applications for the cultivation, importation and processing of new GMOs even when a substantial majority of Member States oppose it. The Bundesrat believes that GMO risk analysis should not be performed exclusively by the European Food Safety Authority and the Commission should not be allowed to issue GMO authorisations without the consent of the Member States. It also believes that the authorisation procedure should be modified to take greater account of environmental concerns.
33. It regrets that many of the improvements planned under the 2009 review of the EU authorisation procedure for plant protection products have not yet been implemented at all, or not sufficiently. There has been no progress on reinforcing the precautionary approach, nor has the harmonisation between Member States of the availability of plant protection products been noticeably improved. In practice, the authorisation procedure still lacks benchmarks for the newly included criteria 'biodiversity' and 'endocrine disruptors' and there is no sign of application of the substitution procedure. The improved availability of plant protection products, particularly for small-scale fruit and vegetable crops, which it was hoped would result from zonal authorisation, has yet to materialise. The Bundesrat calls on the Commission to step up its efforts to implement existing provisions and to exert its influence on Member State authorising authorities to the same end.

A Connected Digital Single Market

34. The Bundesrat agrees with the Commission that a thriving digital economy can have a positive impact on markets and employment.
35. It therefore appreciates the Commission's efforts to create a fully functioning digital single market during the term of office of the 'Juncker Commission'. The Bundesrat believes that digital barriers and obstacles to the free movement of data must be removed wherever it is reasonable and possible in order to better exploit European potential for growth and innovation, and to secure the future of Europe. However, this must not entail lowering or undermining tried and tested data and consumer protection standards such as already exist in the German *Länder*, for instance. Developing modern, interoperable infrastructure and promoting innovation and an entrepreneurial spirit should be central concerns, along with the protection of intellectual property and the benefits for citizens. In this connection, the Bundesrat refers to its opinion of 10 July 2015 (Document 212/15 (Decision)).
36. However, it is critical of the Commission's failure to go beyond mentioning the benefits of a digital single market. There is no explicit reference to the dangers and disadvantage for consumers. The Bundesrat therefore calls on the Commission to set high consumer protection standards in its work on new initiatives and developments.

A Resilient Energy Union with a Forward-Looking Climate Change Policy

Protecting the environment, nature and the climate

37. The Bundesrat welcomes the Commission's recognition in its 2016 work programme that climate change and dwindling resources are among the biggest challenges our society faces. It emphatically approves the Commission's announcement that it will incorporate a high level of environmental protection among its ambitious policy goals. It strongly recommends that EU policy should make protection of the environment, nature and the climate central concerns, reflected in the implementation of the Commission's 2016 work programme.
38. The Bundesrat notes that the Commission does not focus sufficiently on protection of the environment, nature and the climate as policy objectives in their own right, but treats them only as subordinate aspects of its economic priorities, with a particular focus on achieving synergies between environmental protection and economic development. It believes that high environmental quality is a stand-alone objective and needs its own agenda. It does not think that this view conflicts with the achievement of synergies.
39. It notes in this connection that the 2016 work programme contains no reference to implementation of the General Union Environment Action Programme to 2020 (7th Environment Action Programme). It points out that the 7th Environment Action Programme adopted for the period 2013 to 2020 remains the framework for sustainable growth and prosperity in the EU. This programme sets the conservation and enhancement of the EU's natural capital, as well as safeguarding EU citizens from environment-related pressures as priority objectives of the Union.
40. The Bundesrat considers that the work programme should include a separate heading for comprehensive and fast implementation of the 7th Environment Action Programme. One area in which action is urgently called for is comprehensive compliance with the EU's air quality provisions and measures to combat air pollution at source. In particular, a new procedure for type testing motor vehicles with reference to real driving conditions needs to be introduced quickly.

41. Another reason why this seems appropriate is that, as the Commission itself notes, climate change and shrinking natural resources are among the greatest challenges facing our society and a high level of environmental protection is one of the 'ambitious policy goals' set in the work programme. This must also be reflected in the planned legislative acts.

Sustainability strategy for Europe

42. The Bundesrat fundamentally welcomes the Commission's intention to start work 'to secure Europe's future sustainability' and the inclusion of this aim in the work programme.
43. It suggests that a new strategic framework for sustainable development could be created through a new EU sustainability strategy or by anchoring the guiding principle of sustainable development and the 17 international sustainability goals in a credible way in a further-developed 'Europe 2030' strategy. This would lay a sound foundation for Member States' and regions' work on sustainability. Appropriate resources need to be made available for the coordination and implementation of this new strategic framework, which has not been done for the EU sustainability strategy hitherto.

Natura 2000

44. The Commission plans measures for 2016 to follow up on the evaluation of the Nature Directives. In this connection the Bundesrat refers again to its opinion of 10 October 2014 (BR document 272/14 (Decision)), in which it opposed the removal or lowering of existing standards for the protection of the environment, nature, consumers, health and social welfare. It notes the results, presented on 20 November 2015, of the evaluation study, carried out as part of the review process, for the fitness check on the bird protection and habitat Directives, which showed that there was no need to amend the Directives. Against this background, and given the existing shortfalls in preserving biological diversity, the Bundesrat advocates preserving the existing legal framework of the EU nature protection directives. It sees no need to alter the legal framework.

Protecting water, air and soil

45. The Bundesrat notes that many legislative acts have an impact on how well other legislative acts can achieve their objectives. For instance, excessively generous limits on mercury emissions from industrial plant in the IE Directive make it significantly harder to achieve the objectives of the Water Framework Directive regarding heavy metal pollution of surface waters. The Bundesrat therefore asks the Commission to give greater consideration in future to possible interference between different legislative projects, and to refer to this consideration in the recitals.
46. As regards the EU's air quality targets, the Bundesrat particularly welcomes the fact that the Commission is now giving priority to a proposal for amendment of the NEC Directive, further to a review process that has been going on since 2013. It emphatically requests that consideration be given to the possible negative impact of agricultural factors, for instance as regards ammonia emissions, on achieving the objectives of the NEC Directive, and calls for solutions to be proposed, but without calling into question the objectives of the Directive itself.
47. Apart from the NEC Directive, proposals for regulations on pollutant emissions from road vehicles and from non-road mobile machinery should also be completed in 2016. As regards both proposals, and the comitology procedure on test methods for vehicle emissions, the

Bundesrat advocates ambitious limits and calls for a realistic testing procedure to be introduced as quickly as possible. Unless pollutant emissions are effectively minimised at source, the targets of the Directive on 'ambient air quality and cleaner air for Europe' cannot be achieved.

48. In view of the objective of achieving good aquatic conditions in all waters by 2020, the Bundesrat calls on the Commission to propose a strategy for tackling this issue, with special reference to increasing water pollution by pharmaceutical products. Under the Directive on priority substances in the field of water policy, such a strategy should already have been presented in 2015. It calls on the Commission to include in the strategy an account of how measures could be financed, for example through assumption of responsibility by the distributors of the problematic substances.
49. The Bundesrat notes that the issue of microplastic pollution in inland waters is becoming increasingly important, alongside that of microplastic pollution of the seas. At a global level, around 80 % of the pollution comes from land sources, much of which is transported by inland waters into the sea. This issue is regrettably missing from the work programme. A pan-European solution should be developed to minimise the entry of microplastics into inland and sea waters.
50. The Bundesrat welcomes the termination of the unsuccessful efforts to adopt a soil directive, which clears the arena for new solutions. It calls on the Commission to take appropriate measures and draw up proposals for the protection of this environmental medium, the last to remain, so far, unregulated.

Circular economy strategy

51. The Bundesrat welcomes the Commission's presentation, on 2 December 2015, of a package of proposals on the circular economy. In the further consultation on the proposals, it will examine them to establish whether they provide an adequate basis for creating a real European single market for the re-use of valuable materials and resources and for moving away from the linear economy.

Energy Union

52. The Bundesrat welcomes the Commission's efforts to establish a European energy union.

The Commission has announced further initiatives in this respect to achieve a resilient energy union with a forward-looking climate change policy. The Bundesrat also welcomes the fact that the Commission has made implementation of the 2030 energy and climate package a key priority.
53. It also welcomes the Commission's desire to secure Europe's energy supply and reduce its dependence on imports. It would point out that consumers alone should not have to bear all the costs and side-effects of speeding up the energy transition and increasing energy efficiency. The Commission's activities should also take account of the effects on data protection and price levels. The effects should be transparent to all consumers.
54. The Bundesrat attaches particular importance to the Commission's announcement that it will be producing an effort-sharing proposal for sectors outside the Emission Trading Scheme (ETS), such as buildings, agriculture, and the de-carbonisation of transport. This could make an important contribution to de-carbonisation and combating climate change.

55. The Bundesrat also welcomes the Commission's efforts in connection with the 2015 UNFCCC climate conference in Paris, and stresses in this connection the importance of binding, comparable and verifiable greenhouse gas emission reduction pledges from all countries within the framework of the UNFCCC. The agreement concluded at the world climate conference in Paris gave out a clear signal, with its target of limiting global warming to less than two degrees, and if possible, less than 1.5 degrees above pre-industrial levels.
56. One of the key features of an effective CO₂ reduction strategy must be effective and fast-acting reform of emission trading. The reform should bind all sectors to enhanced measures to combat climate change and prevent imbalances within the single market. The Bundesrat welcomes, as a next step, the plan to introduce a market stability reserve before the end of this trading period; however, it should be introduced before 2019.
57. In connection with the review of energy and climate targets following the results of the Paris conference, the Bundesrat also asks the Commission to examine whether the current Guidelines on State aid for environmental protection and energy provide suitable incentives for the investment in the relevant sectors needed to achieve the targets. It therefore calls on the Commission to use the planned amendment of the Renewable Energies Directive to further adapt the Guidelines. In the Bundesrat's view, this should involve questioning the insistence on invitations to tender and increasing the scope for applying feed-in tariffs with feed-in priorities. To this end, binding and harmonised *de minimis* rules should be introduced along with the energy supply initiative announced for summer 2016. These rules should allow citizens' cooperatives and municipal authorities to remove new small-scale wind farms and the replacement of older plants with new-generation wind-power plants (retrofitting or repowering), for example, from the scope of the public tender requirements.
58. The Bundesrat notes that despite many Commission proposals, particularly in respect of increasing energy efficiency, there are still substantial shortfalls. It therefore emphatically approves the inclusion of raising energy efficiency as one of the five focal points of the Commission's work. It will make an active contribution to work on the pending amendment of important acts such as the Energy Efficiency Directive, the Energy Performance of Buildings Directive, the Energy Label Directive and the Ecodesign Directive.
59. The Bundesrat also strongly opposes promoting oil and gas from non-conventional sources, among other things in view of the climate target agreed at the Paris conference, which is not compatible with the planned promotion of fuel from such sources.
60. Nor, in the Bundesrat's view, is it compatible with the promotion of CCS technologies where these are intended to store CO₂ from energy industry combustion processes.
61. The Bundesrat would also stress that real energy transition means de-carbonisation without nuclear power. The climate policy objectives of the energy union must not serve to legitimise a return to nuclear power, with all the associated risks. The EU bears a particular responsibility in this respect, since radiation recognises no borders.

Nor is nuclear power economical. It could not survive for long without massive State aid and (often concealed) subsidies. The Bundesrat therefore criticises the subsidies for nuclear power and calls on the Commission to review the previous Commission's decision on Hinkley Point III, and take steps to ensure that the State aid Guidelines preclude State aid for nuclear energy. The promise made by the Commission back in 2003 to oblige the operators of nuclear power stations to pay for risk and legacy costs in full should be kept.

Horizon 2020

62. The Bundesrat emphatically criticises the fact that funding for the development of renewable energies and research on energy efficiency is, so far, significantly lower than for nuclear energy research. A clear change in this trend is called for. In addition, the funding for nuclear research under the framework research programme Horizon 2020, which, under the EURATOM programmes, amounts to over two billion euros for the period 2014 to 2020, must be reallocated to forward-looking technologies such as renewable energies and energy efficiency. The only exceptions are research on phasing out nuclear energy, on nuclear safety and on radiation protection.

A deeper and fairer internal market with a strengthened industrial base

63. Like the Commission, the Bundesrat considers the internal market a unique asset for European integration, although it does need to be further developed and adjusted to shifting requirements. In this context, the Bundesrat welcomes the Commission's intention to present a package on labour mobility to put an end to its abuse.

64. It also agrees with the Commission that the internal market is the bedrock of the European economy, and that all its potential should be unleashed. However, it considers that a fair internal market must also involve a fair balance between consumers and businesses.

65. It welcomes the facilitation of cross-border supplies of services. However, the measures taken to achieve this must eliminate real obstacles to trade. Sensible regulation, above all that introduced for reasons of market transparency, quality assurance and market protection, must be maintained. This applies above all to the growth area of free services in Germany.

66. As regards the Commission's wish for 'further progress towards fair, efficient and growth-friendly corporate taxation', the Bundesrat would refer it to the Bundesrat opinion of 25 September 2015 (BR document 296/15 (Decision)).

A Deeper and Fairer Economic and Monetary Union

67. The Bundesrat welcomes the Commission's plan to launch broad consultation and debate across the EU on completion of economic and monetary union.

68. It is essential to keep the administrative burden and red tape to a minimum, and not to establish new, costly administrative structures.

In this connection, the Bundesrat rejects in particular the Commission's proposal to introduce national Competitiveness Boards. The Bundesrat sees nothing in the tasks of such boards, as discussed to date, that is useful for the purposes of better coordinating European economic and financial policy.

69. The Bundesrat also opposes the introduction of an EU-level European deposit insurance scheme. It considers it primarily the task of the Member States to implement the bank recovery and resolution Directive and the deposit guarantee schemes Directive fully and in good time.

70. All proposals must take account of the need to avoid undermining the no-bail-out rule and to maintain a correlation between supervision, i.e. economic and fiscal policy powers, on the one hand, and liability on the other.

71. The Bundesrat notes that the Commission wishes to develop a European pillar of social rights. It would point out that the Commission has only a coordinating role in employment and social policy in the context of the European employment initiative, and reserves the right to issue firm opinions on any specific proposals the Commission may present.
72. The Bundesrat notes the absence from the work programme of specific measures to implement the announced 'social pillar', and hopes that they will follow. In this context, and in the light of the Five Presidents' Report and the mid-term review and consultation on the Europe 2020 strategy, there needs to be a definition of what constitutes the European social model, and the ways to achieve it should be indicated. The Bundesrat expects the *Länder* to be involved at an early stage in the upcoming consultation on the development of the 'social pillar'.
73. In the Bundesrat's view, the Commission should bear in mind the following points in particular when drafting legislation in this field: a single Europe-wide reference value for determining the minimum living wage in each Member State; common minimum standards for a 'social protection floor' to ensure a decent standard of living while improving access to the labour market, particularly for people facing obstacles to employment; common recommendations for social and education expenditure measured against GDP and taking account of the total populations of the individual Member States; equal pay for equal or equivalent work in the same place, with equal rights and fair working conditions. The Bundesrat agrees in principle with the recommendations made by the European Parliament in its Resolution of 20 November 2012 on the objectives of a social pact for Europe.
74. At the same time, it stresses the importance of the subsidiarity principle: European minimum standards must not undermine national standards. The distribution of powers between the EU and the Member States laid down in the Lisbon Treaty must be preserved. Specific national features must be taken into account, as must the right of the Member States to establish the fundamental principles of their social security systems themselves. Social systems in Europe that have proved their value must be retained, but Europe-wide common standards are nevertheless needed to protect the national systems and develop them in such a way that, in so far as is possible, they benefit everyone in the spirit of social convergence.

A Reasonable and Balanced Free Trade Agreement with the U.S.

75. The Bundesrat notes the particular prioritisation of the transatlantic free trade agreement (TTIP) in the 2016 work programme.
76. In this connection, it refers to the arrangements to preserve the EU's high standards and right to regulate, already called for by the Member States in the negotiating mandate. The Bundesrat also notes the explanations the Commission has given to the public and the safeguards sought by both the Commission and the Federal Government in such fields as services of public interest, protection of the environment and consumers, cultural and media diversity and education. It expects the safeguard mechanisms announced by the Commission to be incorporated in the agreement accordingly.
77. The Bundesrat also welcomes the new EU trade strategy presented by the Commission in its document of 15 October 2015. In this connection it refers to its opinions on trade strategy, BR document 500/15 (Decision) and, especially, the resolutions in BR document 464/13 (Decision) and BR document 295/14 (Decision) on the subject of the TTIP.

An Area of Justice and Fundamental Rights Based on Mutual Trust

78. The Bundesrat calls for optimisation of internal security policy in the EU, in particular following the recent Paris attacks. To this end, the important measures in the internal security strategy must be implemented. This applies in particular to the measures to combat terrorism and dismantle international criminal networks.
79. It welcomes the EU's progress in the field of data protection.
80. The Bundesrat points out the need to complete important legislative procedures as soon as possible so as to facilitate cross-border investigation and prosecution. This includes in particular the EU passenger name record (EU-PNR) and the EU data protection Directive. Neither objective - safety or data protection - must be weakened in the interests of the other, but at the same time a disproportionate burden on the police and the courts must be avoided.
81. The Bundesrat attaches great importance to the right to determine how one's personal information is used. It advocates strict implementation of the basic Data Protection Regulation, including in its application to businesses and consumers.

Towards a New Policy on Migration

82. The Bundesrat agrees with the Commission's view that the greatest challenge currently facing the EU is how to handle the continuing influx of refugees and migrants. It welcomes the Commission's intention to use a multi-faceted range of policies and instruments. It recommends establishing permanent structures at EU level, taking account of all levels of decision-making, to provide better coordination of the policy fields concerned.
83. The Bundesrat firmly believes that more consideration must be given to the causes of migration and that those concerned must be given better long-term prospects in their countries of origin. This gives due recognition to the need for protection of those driven to make their way to Europe by threats to their very survival, and is also a clear sign of commitment to essential human rights. In this connection, the new Sustainable Development Goals (SDGs) adopted by the General Assembly of the United Nations are very important. Here, greater efforts in fighting poverty, building up sustainable economic and administrative structures and promoting democratic change and stability are particularly important. To create a long-term, secure outlook, there must be targeted coordination of the activities of international, national and interregional organisations.
84. The Bundesrat welcomes the Commission's announced review of the Dublin Regulation and believes that this should include the introduction of a long-term, binding distribution key to ensure balanced distribution of the refugees among all Member States. It considers that fair distribution of the burden among the Member States, which can be achieved by a quota system, taking account of family and humanitarian concerns, must be at the heart of an approach based on pan-European solidarity. Such cooperation includes the matter of all Member States contributing, in a spirit of solidarity, to the costs of receiving and integrating refugees and asylum seekers and taking in refugees from international war and crisis zones; such contributions could, for instance, be calculated on the basis of each Member State's GDP and population.
85. This will also entail a broader system of European solidarity, under which all Member States would fulfil their responsibilities. The aim of such a system must be to create real possibilities of relieving excessive burdens on capacity, including for the main countries of destination for

refugees. This would avoid lop-sided distribution at the expense of a few Member States and show European citizens that solidarity in Europe is more than just a word.

86. The Bundesrat points out the need to ensure that there is no unmanaged wave of secondary migration immediately after relocation, as this system will only work if refugees do not subsequently travel on to other Member States. The Bundesrat therefore calls on the EU institutions to identify and implement appropriate and feasible solutions.
87. It supports the Commission intention to establish a structured resettlement system binding on the Member States. However, such a system should take greater account of the personal situations of those concerned, such as the languages they know, their professional skills and family ties, and the possibility of family reunification.
88. The Bundesrat considers effective control over the EU's external borders to be of paramount importance, and sees the Schengen *acquis* as one of the great successes of the EU. It is now essential for the Member States to take joint action to avoid a direct threat to the Schengen system. Entry checks, which are allowed by the Schengen *acquis* under certain circumstances at internal borders under particular pressure, could be an appropriate means of regulating temporary overloading. In this context, the Bundesrat welcomes the Commission's proposal for a European Border and Coast Guard.
89. It also welcomes the Commission's announcement that it will be presenting a new approach on legal migration. Europe can benefit from qualified individuals who come to the EU as refugees. It also continues to need highly qualified individuals other than refugees to move here. In this connection, EU migration options other than the 'Blue Card' system should also be developed. The ever more urgent need for specialised professionals arising from Europe's changing demography is a clear illustration of the opportunities migration brings with it. Any proposals in this respect should, however, be carefully examined to ensure that they match the needs of the labour markets and Member States' capacity to take in and integrate migrants in their societies.
90. The Bundesrat considers it important to focus existing support instruments on broad participation in the life of society and integration in work, education and training, and advocates an expansion of the relevant instruments.
91. It recommends maintaining action and support programmes that contribute to successful integration policy in terms of employment, education and training and the recognition of professional and academic qualifications. Such programmes should be guided by the stark differences in economic capacity and performance that still exist between individual European regions and Member States.

A Union of Democratic Change

92. The Bundesrat rejects the extension of the EU transparency register to the regions, which would include the German *Länder*. It refers to its resolution of 7 November 2014 (BR document 456/14 (Decision)) and calls for retention of the current derogation for authorities below the national level, as well as complete removal of the German *Länder* from the scope of the transparency register when the system is reviewed in future. Moreover, in the Bundesrat's view, the planned inter-institutional transparency register, to apply uniformly across the Council, the Commission and the European Parliament, should not apply to the governments of the *Länder* or their Representations, in view of their statehood and the possibilities they have to contribute to European decision-making and legislation.

93. The Bundesrat welcomes the Commission's efforts to step up dialogue with the national parliaments.

In addition, dialogue must also be conducted about future cooperation and development in the EU.

94. As a matter of principle, the Bundesrat thoroughly endorses the Commission's proposal to further expand dialogue with citizens. Specific measures have yet to be seen.

Direct transmission of the opinion

95. The Bundesrat hereby resolves to submit this opinion directly to the European Parliament.