



EUROPEAN COMMISSION

*Brussels, 22.11.2021
C(2021) 8579 final*

Dear President,

The European Commission would like to thank the Camera Deputaților for its Opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “EU strategy on the rights of the child” {COM(2021) 142 final}.

The protection and promotion of the rights of the child is a core objective of the European Union’s work at home and abroad. It is enshrined in the Charter of Fundamental Rights of the EU, which guarantees the protection of children’s rights in implementing Union law. By adopting this first comprehensive strategy on the rights of the child, the Commission is committing to putting children and their best interests at the heart of EU policies, through its internal and external actions and in line with the principle of subsidiarity. This strategy aims to bring together all new and existing EU legislative, policy and funding instruments within one comprehensive framework.

The Commission welcomes Camera Deputaților’s support for the strategy and its recognition of the need for concentrated efforts to make the rights of the child a reality. Children, as rightly recognised by Camera Deputaților, contributed to the strategy giving the Commission the opportunity to set a good example of child participation in democratic and political life.

The Commission is pleased to have this opportunity to provide a number of clarifications regarding its Communication and trusts that these will allay Camera Deputaților’s recommendations and concerns.

In response to the more technical recommendations in the Opinion, the Commission would like to refer to the attached annex.

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The Commission hopes that the clarifications provided in this reply address the issues raised by Camera Deputaților and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šešćovič
Vice-President*

*Dubravka Šuica
Vice-President*

Annex

The Commission has carefully considered each of the recommendations made by Camera Deputaţilor in its Opinion and is pleased to offer the following clarifications:

Balance between activities online and activities directly involving children, as well as parents and communities: The Commission shares the opinion that children need to have the opportunity to explore the digital environment as well as the chance to participate in decision-making processes in person. The EU Children's Participation Platform will not be an exclusively online initiative. The platform will serve as a hub for existing or to be created child participation mechanisms at different levels to involve children in the decision-making processes at EU level. The online component of the platform will be only one part of its activities. In the strategy, the Commission also invited Member States to invest in new or existing child participation mechanisms, increase awareness and knowledge about the rights of the child among professionals working with children, as well as support schools in inviting children to have a say about the school's everyday life.

Regular consultation with Member States on child participation: The Commission shares the opinion that regular consultations with the EU Member States' authorities, including on child participation, sport and cultural activities are very important. This has been happening over the last years in the form of regular meetings of the Informal Expert Group on the rights of the child. In the 2021 strategy, the Commission announced the setting up of the EU Network for Children's Rights that will strengthen the cooperation with the Member States, including sharing good practices on various topics, such as child participation, combating violence against children or integrated child protection systems.

European Commission's fruit scheme: The Commission recognises the importance to adopt diets with more fruits and vegetables in order to reduce risks of life threatening diseases. As highlighted in the Farm to Fork strategy, the consumption of whole-grain cereals, fruit and vegetable, legumes and nuts is insufficient in the EU. In the framework of the strategy, the ongoing review of the EU school scheme will look at how to enhance its contribution to sustainable food consumption and in particular to strengthen educational messages on the importance of healthy nutrition, sustainable food production and reducing food waste. The Public consultation¹ will be open for 12 weeks in spring 2022 and an impact assessment of different policy options will be carried out.

Roadmap for promoting children rights in difficult or remote areas: The Commission recognises the difficulties that children living at the risk of poverty, in marginalised communities or in remote areas face. This has been exacerbated during the COVID-19 pandemic. Every child should have equal opportunities and access to basic services. Along with the EU Strategy on the Rights of the Child, the European Commission presented a proposal for Council Recommendation establishing a European Child

¹ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12970-Review-of-the-EU-school-fruit-vegetables-and-milk-scheme_en

Guarantee. The European Child Guarantee recommendation², unanimously adopted by the Council on 14 June 2021, calls also on the Member States to address the territorial dimension of social exclusion, taking into account the specific needs of children in rural, remote and disadvantaged areas.

Situation of children with disabilities in a single-parent family: The European Child Guarantee recommendation, proposes that the Member States guarantee for children in need: (a) effective and free access to high quality early childhood education and care, education and school-based activities, at least one healthy meal each school day and healthcare; (b) effective access to healthy nutrition and adequate housing. Within the target group of the European Child Guarantee, children with disabilities and children in precarious family situations (among them children living in single-earner households), should be given particular attention, so that their specific disadvantages are addressed.

In the 2021-2027 financing period, Member States, with a rate of children at risk of poverty or social exclusion above the Union average (2017 – 2019), will have to allocate at least 5% of their ESF+ resources under shared management to support targeted actions and structural reforms to tackle child poverty, including in the context of implementing the European Child Guarantee.

Prohibition of on-line marketing of products with high sugar content: The revised Audiovisual Media Services Directive (AVMSD³) brings a number of changes that will allow the EU Member States to better protect children from unhealthy food: 1) public health is now a ground that Member States can use to exceptionally derogate from the free reception and retransmission of TV broadcasts from other Member States; 2) there are reinforced provisions as regards the development of self-and co-regulation to protect children from fatty foods advertising.

In particular, the revised Audiovisual and Media Services Directive strengthens the provisions to protect children from inappropriate audio-visual commercial communications for foods high in fat, salt and sodium and sugars, including by encouraging the use of co-regulation and the fostering of self-regulation through codes of conduct at national and/or EU level. These rules have been extended also to video-sharing platforms. The Commission will monitor closely the effective implementation of the Directive, including the above mentioned provisions.

The revised AVMSD entered into force in 2018 and is still being transposed by several Member States. The Commission will in due course report on the application of the Directive, its impact and, where appropriate, proposals for its review, as required under the Directive.

Furthermore, in 2019, the Joint Research Centre published a toolkit⁴ to support Member States in reducing the exposure of children to the marketing of unhealthy food and beverages in the context of the revised Audiovisual Media Services Directive.

² https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2021.223.01.0014.01.ENG

³ [EUR-Lex - 32018L1808 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2018.32018L1808.01.0001.01.ENG)

⁴ https://publications.jrc.ec.europa.eu/repository/bitstream/JRC118874/jrc_marketing_toolkit_%28online%29.pdf

In addition to the above, according to Article 168 of the Treaty on the Functioning of the European Union, Union action shall respect the responsibilities of the Member States for the definition of their health policy.

In this respect, the Commission will continue supporting Member States in their efforts to reach UN Sustainable Development Goals, in particular Goal 3.4, which is to reduce mortality caused by non-communicable diseases by one third by 2030, through appropriate instruments set up to promote healthy diets and reduce the environmental impacts of food systems.

Regulatory framework for young people with disabilities on the job market: The Strategy for the Rights of Persons with Disabilities 2021-2030⁵ aims at increasing and supporting labour market participation of persons with disabilities and decreasing the employment gaps between those with and without disabilities by supporting inclusive and non-discriminatory employment. Social enterprises provide opportunities to advance in labour market inclusion for persons with disabilities. Such schemes are diverse and should provide adequate working conditions and labour related rights for persons with disabilities supporting a promoting pathway to the open labour market.

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) to which the EU and all its Member States are party, states the right of persons with disabilities to work, on an equal basis with others; this includes the right to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. The UNCRPD requires taking steps to ensure access for persons with disabilities to many forms of work to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training.

EU law already protects persons with disabilities in employment and vocational training while requiring the provision of reasonable accommodation. In 2014, a revised Commission Regulation was adopted on declaring certain categories of State aid compatible with the internal market and providing for exemption of aid schemes for the recruitment of disadvantaged workers. In addition, the EU public procurement directive from 2014 provides for reserved contracts if at least 30% of the employees of sheltered workshops, economic operators or programmes are disadvantaged workers or persons with disabilities. Their main aim has to be the social and professional integration of disadvantaged persons or persons with disabilities, and sheltered employment programmes. Member States are encouraged to use these arrangements in support of open inclusive employment.

⁵ <https://ec.europa.eu/social/main.jsp?catId=1484&langId=en>