

RIVA DEL GARDA 2018

42ND NATIONAL SELECTION CONFERENCE OF EYP ITALY

ACADEMIC PREPARATION KIT



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WORDS OF WELCOME

Dear delegates,

First of all, I'd like to give you a very warm welcome to the session! I am very happy to have you all with us and I hope you're all looking forward to Riva del Garda 2018 as much as I am. For most of you, this will be your first proper introduction to EYP, and I sincerely hope that you'll find something special that will make you want to come back for more.

In front of you is the Academic Prep Kit, which has been prepared for you by the chairs of the session. In this kit, you will find introductions and explanations to all the different topics we will be discussing during the session. This kit is mainly meant to provide you some background knowledge into your own topic and into the topics of others, so we would encourage you all to read it through. Your chairs will get in touch with you before the session as well, providing you with more information and helping you answer any questions you might have.

EYP is far from being only about academics, but having a decent knowledge about the different topics will allow you to contribute more actively and enjoy the experience to the fullest. I would strongly advise you to do some research before the session, either by yourself or together with other people from your school or committee.

Most of all, however, I hope that you are already feeling excited about coming to beautiful Riva del Garda. In Riva you will be spending 4 days meeting new people, sharing new experiences and developing your ideas on important European issues. Your chairs and the other officials will be guiding you through this journey, and I am 100% certain you'll be in good hands with them.

I hope that you will have a great time and will be able to look back on the experience fondly for a long time afterwards.

See you in Riva!

On behalf of the entire Officials' Team,

Adriaan Van Streun (NL), President of Riva del Garda 2018



COMMITTE TOPICS

COMMITTEE ON FOREIGN AFFAIRS (AFET)

Speaking with a single voice: The handling of past crises in the Middle East and Eastern Europe has shown the difficulties in uniting the 28 EU Member States' foreign policy interests, but also the influence a united Europe can exert abroad. Taking this into account, how should the EU maximise the effectiveness of its foreign policy while also respecting the interests of its Member States?

By Jaša Levstik (SI)

COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY (ENVI)

Towards a low-carbon society: taking into consideration the EU's Roadmap for moving to a competitive low-carbon economy in 2050, which further measures can the EU undertake in order to reach the ambitious target to reduce its CO2 emissions by 80% by 2050?

By Aurora Dell'Agli (IT)

COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUA-LITY (FEMM)

Equality for all: According to the latest statistics from the European Commission, women in the EU are on average paid 16% less per hour than their male counterparts. While many Member States have already tried addressing this issue, should extra measures at the European level be taken to tackle this problem?

By Daniela Cappuccio (IT) & Artemis Giasimakopoulou (EL)



COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS I (LIBE I)

Being a minority in your home country: Out of Europe's close to 90 indigenous ethnic groups, 33 form the majority in at least one country, while the rest, constituting up to 14 percent of the European population, lives as ethnic minorities in their respective home countries. What can the EU do to protect the cultural and linguistic rights of these ethnic minorities, while at the same time ensuring the integration of these minorities into society and political life?

By Alice Leone (IT) & Daša Pogorelec (SI)

COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS II (LIBE II)

Net questions: With the United States Federal Communications Commission recently voting to end net neutrality, the question arises what position should the EU take with regards to this topic. Bearing in mind the existing legal framework and the positions of different EU Member States, should the EU follow the example of the United States and relaxits legislation on net neutrality or push for stricter net neutrality rules?

By Anthony Fedorov (FI)

COMMITTEE ON TOURISM AND TRANSPORT (TRAN)

Sustainable tourism for all: Taking into account the social and economic impact of mass tourism, how can the EU foster the conservation of Mediterranean coastlands while supporting economic growth in such areas?

By Kanan Huseynov (AZ) & Anna Montaruli (IT)



COMMITTEE ON FOREIGN AFFAIRS (AFET)

Speaking with a single voice: The handling of past crises in the Middle East and Eastern Europe has shown the difficulties in uniting the 28 EU Member States' foreign policy interests, but also the influence a united Europe can exert abroad. Taking this into account, how should the EU maximise the effectiveness of its foreign policy while also respecting the interests of its Member States?

By Jaša Levstik (SI)

1. Key Terms

- Common Foreign and Security Policy (CFSP): A policy to which the EU Member States have committed as it strives to achieve influence of the EU and its Member States in the world through resources of foreign policy. It is also known as Foreign Affairs and Security Policy (FASP).
- European External Action Service (EEAS):² This is the EU's diplomatic service. It helps the EU's foreign affairs chief the High Representative for FASP carry out the CFSP.
- European Neighbourhood Policy (ENP):³ The ENP is a policy through which the EU works with its Southern and Eastern Neighbours to foster stabilisation, security and prosperity.

2. Explanation & Relevance

The EU was founded, among others on the principle of respect for human right, according to Article 2 of **The Treaty on the European Union (TEU)**, which ensures these rights both inside and outside of the borders of the EU. The EU is a part of a bigger society and in order to ensure safety and the quality of life for its citizens it has to look beyond its borders. However, the EU is not a single government and it does not have the competence to independently express the views of its Member States, with every Member State having its own fully independent foreign affairs ministry or department.

Yet in order to achieve better results in the foreign and security matters where the interests of Member States overlap, it is important to also be able to present a common voice. For this

¹ Common Foreign and Security Policy (CFSP): https://eeas.europa.eu/topics/common-foreign-security-policy-cfsp en

² European External Action Service (EEAS): https://eeas.europa.eu/headquarters/headquarters-homepage/82/about-the-european-external-action-serviceeeas en

³ European Neighbourhood Policy (ENP): https://eeas.europa.eu/topics/european-neighbourhood-policy-enp_en

⁴ The Treaty on the European Union (TEU): https://www.ecb.europa.eu/ecb/legal/pdf/oj c 2016 202 full en txt.pdf

purpose the CFSP was created through which the Member States collaborate to unify foreign policy in order to have a stronger voice on issues which benefit all Member States. One example of such common action it the European Neighbourhood Policy (ENP), which was set up in order to promote stability and cooperation between the EU and its neighbours. Control over the ENP rests with the EU as a part of its CFSP, and revolves around trying to make various agreements between the EU and its neighbours to the benefit of both. While all Member States would benefit from peace and stability in the EU's neighbours, on different international questions Member States have different and possibly contradictory interests, making a shared foreign policy more difficult in these areas.

3. Stakeholders

The EEAS - The EEAS works under the High Representative for **Foreign Affairs and Security Policy** (FASP) and Vice President of the European Commission Federica Mogherini in order to ensure the better diplomatic work of the EU. With representatives in its immediate and less immediate neighbourhood, it plays important roles in diplomacy, the promotion of human rights, trade, development and humanitarian aid and works with multilateral organisations. It closely cooperates with the European Council as it is the body that sets the EU's SFCP.

The European Council⁵ - The EU's foreign policies are steered by the European Council and defined by the Foreign Affairs Council, which brings together the Foreign Ministers of the EU Member States once a month in Brussels. The Foreign Affairs Council is responsible for the EU's external actions, which includes foreign policy, defense and security, trade, development cooperation, and humanitarian aid.

Member States - the competences on the matters of foreign affairs have not been given to the institutions of the EU completely. As a result, the Member States still have a big say in the matters and shape the foreign policy of the EU together.

Non-EU countries - as the foreign policy of the EU is concerning the non-EU countries, in this regard they are important stakeholders. Non-EU countries should all be considered individually as they have very different influences global diplomacy and international relations.

Multinational Corporations - In the modern world, no problem can be looked at without regarding the corporations. And when it comes to the foreign affairs the Multinational Corporations are of big relevance. They shape the policies of many countries with the power of their investments in changing the economic states of these countries. With the immense amounts of money, they can strongly influence the diplomatic happenings in the world.

4. Key Conflicts

One of the main conflicts in the matter of foreign affairs is the different interests of the Member States within the EU. These interests are strongly connected with the history of the countries themselves. For instance the East of Europe and the Member States located there

⁵ European Council: http://www.consilium.europa.eu/en/european-council/

were a part of Eastern Bloc during the Cold War. Today they have completely different views on the relations with Russia as they are fearful of the repetition of the historical events in the region, rather than Italy, Germany or Slovenia which have strong economic ties with Russia. Similar examples can easily be found in other parts concerned in the ENP.

The other stakeholders that are in conflict with the EU are many of the non-EU countries as they themselves have different interests. These interests vary and can at times align with the interests of the EU or European countries, but can also cause serious conflicts. Examples of this include the conflicts between the EU and Russia over Ukraine and the Middle East, which has led to the EU putting sanctions on Russia and a cooling of relations between the two blocs.

Moreover, it is important to pay attention to the multinational corporations, which, through their wealth, can also exert influence on foreign policy. Powerful corporations can influence political decision-making, and will generally push for a foreign policy that is beneficial for them. One striking example of this was in the early cold war, where companies holding large plantations in South America successfully pressured the U.S. government to overthrow governments threatening the companies' power. Keeping the interests and standpoints of such companies in mind is thus also of vital importance in dealing with any foreign policy topic.

5. Measures in Place

As established by the two founding documents of the EU, **TEU** and the **The Treaty on the Functioning of the European Union (TFEU)**⁷, the EU has a **Foreign Affairs Council**, consisting of the relevant ministers of all Member States. This Foreign Affairs Council elaborates on what kind of external action the EU should take and ensures that the EU's external action is consistent.⁸

The CFSP is the only policy of external presentation of the EU that is not in the competence of the European Commission but rather the European Council. This means that the CFSP is a policy that has to be carried out directly by the representatives of states. It is also written that the EU "shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative for [FASP], shall ensure that consistency and shall cooperate to that effect" and that the "[d]ecisions of the European Council on the strategic interests and objectives of the [EU] shall relate to the [CFSP] and to other areas of the external action of the [EU]. Such decisions may concern the relations of the [EU] with a specific country or region or may be thematic in approach. They shall define their duration, and the means to be made available by the [EU] and the Member States"9.

http://www.nytimes.com/2008/06/18/opinion/18koeppel.html

⁶ D. Koeppel, *Yes, we will have no bananas,* June 2008

Available at https://www.ecb.europa.eu/ecb/legal/pdf/oj_c_2016_202_full_en_txt.pdf

⁸ Treaty on the European Union, article 16

 $^{^{9}}$ Treaty on the Functioning of the European Union, articles 21 and 2



6. Summary & Key Questions

Being both a global power on its own and a vehicle to represent its Member States' interests, it is necessary to establish a European foreign policy which is both effective and represents the interests of its Member States. Finding a balance between letting each Member State dictate its own foreign policy and establishing a common European approach might be difficult and opinions differ on where exactly the balance should lie. Existing programmes, such as the ENP and the CFSP might have to be reevaluated or other foreign policy initiatives might have to be looked at. Several key questions arise regarding EU foreign policy, which can be summed up as follows.

- How can the EU tackle the different interests of its Member States and unify them in the foreign policy?
- How can it battle the importance of money in the world politics?
- How can it ensure that measures it is taking will be efficient?

7. Food for Thought

- Brief explanation of the EEAS: https://www.youtube.com/watch?v=PI4iZMFPJOs
- Brief explanation of views on the CFSP: https://www.youtube.com/watch?v=knZKfWmmxCc
- Article about the problems of the EU's foreign policies:
 http://carnegieeurope.eu/2017/12/05/is-there-hope-for-eu-foreign-policy-pub-74909
- Overview of the ENP between 2005 and 2010: https://www.youtube.com/watch?v=ovT2GlYyp0Q
- Short explanation of the ENP's 3 main https://www.youtube.com/watch?v=Ye0mvcW5nIM
- Article about the problems of the ENP: http://carnegieeurope.eu/2014/02/04/time-to-reset-european-neighborhood-policy-pub-54420



COMMITTEE ON THE ENVIRONMENT. PUBLIC HEALTH AND FOOD SAFETY (ENVI)

Towards a low-carbon society: taking into consideration the EU's Roadmap for moving to a competitive low-carbon economy in 2050, which further measures can the EU undertake in order to reach the ambitious target to reduce its CO2 emissions by 80% by 2050?

By Aurora Dell'Agli (IT)

1. Key Terms

- low-carbon economy: an economy based on low carbon power sources that therefore deliver a minimal output of carbon dioxide.¹⁰
- green economy: an economy that aims at reducing environmental risks and ecological scarcities, and that aims for sustainable development without degrading the environment¹¹
- emission allowance: the right to emit one tonne of carbon dioxide (CO2) during a specified period¹²
- **volatility:** rate of fluctuation of price over a given period of time¹³
- biofuel: a fuel (such as wood or ethanol) composed of or produced from biological raw materials¹⁴
- environmental impact: possible adverse effects caused by a development, industrial, or infrastructural project or by the release of a substance in the environment¹⁵

2. Explanation & Relevance

With the President of the United States threatening to leave the Paris Agreement 16, the debate over the need to reduce carbon emissions on a global scale has become ever so urgent. Although the United States is the second most polluting country in the world - with

¹⁰ Polina Baranova, Maureen Meadows: <u>Engaging with environmental stakeholders: Routes to building</u> environmental capabilities in the context of the low carbon economy, 2016

¹¹United Nations Economic Commission for Europe, What does green economy mean? https://www.unece.org/sustainable-development/green-economy/what-does-green-economy-mean.html article 3(a) of the ETS Directive, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32003L0087

¹³ US Energy Information Administration, What is price volatility?

https://www.eia.gov/naturalgas/weekly/archivenew_ngwu/2003/10_23/Volatility%2010-22-03.htm

14 Merriam-Webster dictionary definition, https://www.merriam-webster.com/dictionary/biofuel

¹⁵ Business Dictionary, http://www.businessdictionary.com/definition/environmental-impact.html

¹⁶ Michael Shear, "Trump Will Withdraw U.S. From Paris Climate Agreement", The New York Times, June 2017

carbon emissions adding up to 14% of the total - the EU is second, being responsible for 10% of global emissions¹⁷.

However, the EU has always recognised the importance of progressing, slowly but gradually, towards a low-carbon society and economy. The Treaty on the functioning of the European Union (TFEU) itself codifies the need of "preserving, protecting and improving the quality of the environment, protecting human health, (..) promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change" 18. In this perspective, the EU is planning to invest the equivalent of almost 1.5% of its GDP 19 in research to foster a more effective and rapid transition towards the green economy.

The **EU 2050 Roadmap** is going to impact all the main sectors of its shared economy, namely **power generation, industry, transport, construction and agriculture.**

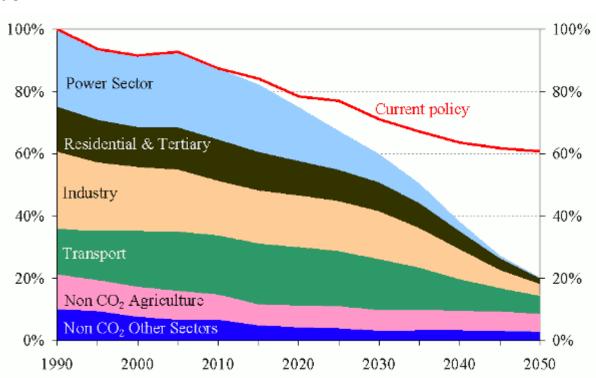


figure 1²⁰

In a social perspective, the roadmap promises to bring about **employment**, better **health** conditions and an increased **economic independence**²¹ for both Member States and the

¹⁷ Jos G.J. Olivier, Greet Janssens-Maenhout, Marilena Muntean, Jeroen A.H.W. Peters: <u>Trends in global CO2</u> <u>emissions 2016 Report</u>, European Commission Joint Research Centre, 2016

TFEU, art. 191 http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012E191

¹⁹ EU 2050 Low- carbon economy, *Benefits* https://ec.europa.eu/clima/policies/strategies/2050_en

²⁰EU 2050 Low- carbon economy, *Benefits* https://ec.europa.eu/clima/policies/strategies/2050_en

More than 50% of EU-28's energy is imported, according to EUROSTAT's report on energy production and imports 2005-2015, http://bit.ly/2Eg1gZB

Union as a whole²². But are the benefits offered by the EU enough to persuade corporations and Member States to invest in clean energy? The Committee on Environment, Public Health and Food Safety will focus on providing the best possible solutions to promote legislative and economic action towards a more sustainable future.

3. Stakeholders

Starting from the decision-making level, the Member States and the EU as a whole have a pivotal role in giving direction and incentives towards a more sustainable economy, holding the primary responsibility to initiate low-carbon development. Clear policies that enable low-carbon options and lifestyles are the first and most important step to ensure the collaboration of other stakeholders. In fact, businesses and corporations can deliver results, but are not likely to do so unless a defined encouragement towards a greener path is given: long-term certainty is needed to create the market conditions for investment in low-carbon solutions.

Ultimately, the success of environmental policies is also enabled by the single consumer. The European Commission, specifically the Directorate General on Climate Action²³, frequently sets out public online consultations, targeted at both European citizens and organisations, aimed at assessing the economic and social impact and efficacy of its policies. A specific consultation²⁴ regarding the EU 2050 Roadmap has been held in 2011, but many others²⁵ were later held regarding definite plans of action, such as CO2 emissions by road vehicles, maritime transport, aviation, carbon leakage. The results of these consultations are later taken into consideration to make detailed and consensus-driven decisions, perfectly in line with consumers' and corporations' needs.

4.Key Conflicts

Achieving long-term decarbonisation while bolstering economic growth requires huge investment in innovation across existing and potential low-carbon technologies. Stakeholders claim that we still do not have the technologies ready to reduce emissions in all sectors and that it is too risky to invest a lot of money in new low-carbon technologies that may not work or pay off in the long run²⁶.

One of the most effective²⁷ EU initiatives to reduce carbon emissions is the implementation of the EU Emissions Trading System (ETS)²⁸, operative since 2005. The system works by creating a market for emission allowances within a certain limit established by the EU.

²² EU 2050 Low- carbon economy, *Benefits* https://ec.europa.eu/clima/policies/strategies/2050_en

²³ EU Commission Directorate General on Climate Action (CLIMA), https://ec.europa.eu/clima/about-

EU Commission Evaluation of the online Stakeholder consultation, March 2011 http://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011SC0287&from=EN

EU Commission CLIMA public consultations, https://ec.europa.eu/clima/consultations/0005 en

²⁶ see footnote 24 for reference

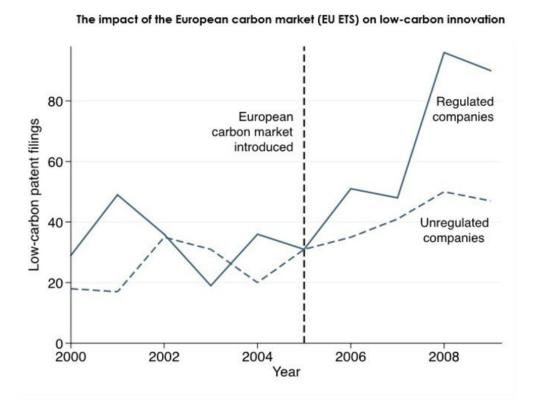
²⁷ Mirabelle Muuls, Jonathan Colmer, Ralf Martin, Ulrich J. Wagner: Evaluating the EU Emissions Trading System: Take it or leave it? An assessment of the data after ten years, Imperial College London, October 2016

EU Commission ETS Fact Sheet, https://ec.europa.eu/clima/sites/clima/files/factsheet ets en.pdf, 2016 12

However, the success of this initiative is hindered by the current volatility of the price per tonne of CO2 emitted (see *figure 2*). In fact, when the ETS was first established, companies were required to pay as much as €30/tonne above the limit, while the current price has dropped to €8/tonne²⁹. Consequently, while in 2005 investing in low-carbon technologies was considered profitable, nowadays the allowance is a price corporations are willing to pay in order to avoid expensive innovation.

Moreover, consumers did not prove being ready for a dramatic transition towards a low-carbon society. In the 2011 EU online consultation³⁰ the vast majority of the respondents claimed to be reducing waste by recycling and reusing, but at the same time 38% of individuals stated that they are **not willing to switch to biofuels** in the near future. This is particularly worrying as a lack of public pressure towards carbon-cut policies could seriously prevent institutions from effectively acting in this regard.

figure 2³¹



²⁹ European Energy Exchange, real-time allowance price https://www.eex.com/en/market-data/environmental-markets/spot-market/european-emission-allowances#!/2018/01/17

³⁰ see footnote 24 for reference

³¹ Antoine Dechezleprêtre, <u>Why aren't we investing enough in low-carbon technologies?</u>, World Economic Forum Agenda (2016)



5. Measures in Place

Environment and climate change legislation is a **shared competence**³². This means that either the EU or the Member States may act, but Member States may be prevented from acting once the EU has done so. Environmental legislation adopted by the EU can only set the **minimum standards** and should not stop any Member State from maintaining or introducing more protective measures, provided these are compatible with the EU treaties. Such measures must be notified to the European Commission³³.

The EU Treaties have granted express powers for the European institutions to take environmental action since the **1987 Single European Act**³⁴, and since the 1999 **Treaty of Amsterdam** they have established the principle that environmental protection requirements must be integrated into the EU's other policies³⁵. Even before that, in 1985, the European Commission had set out the **Environmental Impact Assessment (EIA) directive**³⁶, lastly reviewed and amended in 2011. The directive applies to a range of public and private projects and prescribes a mandatory evaluation of the environmental impact of certain significant infrastructure projects, such as the construction of railways and airports, as well as a power of discretion conferred to Member States in requiring such assessment for minor projects. The EU has already set significant benchmarks within the **2050 Roadmap**, aiming at reducing carbon emissions by 40% below 1990 levels in 2030 and by 60% below in 2040, reaching an 80% emissions cut in 2050³⁷.

Moreover, in 2007, the European Commission implemented a **Strategic Energy Technology** (**SET**) **Plan**³⁸ specifically aimed at supporting research and development in the field of low-carbon technologies on the long run. It is currently put forward with the help of the **European Technology and Innovation Platforms** (pooling funding, skills and research facilities in key areas such as renewable energies, sustainable nuclear energy and biofuels); **the European Energy Research Alliance** (promoting coordination between energy researchers); **SET-Plan Information System** (assessing the impact of EU policies in these fields and estimating implementation costs).

6. Summary & Key Questions

A full transition to a low-carbon society is not impossible, but it will require time, money and public pressure. While national governments and international organisations, with few exceptions, recognise the urgency of the matter and have successfully drafted and enforced

³²FAQ on the EU competences and the EU Commission powers, http://ec.europa.eu/citizens-initiative/public/competences/faq

³³ TFEU, art. 193 http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012E193

³⁴Single European Act, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Axy0027

³⁵ Declaration on Environmental Impact Assessment, p. 133

http://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf

³⁶EIA Directive, http://ec.europa.eu/environment/eia/eia-legalcontext.htm

³⁷ see footnote 19 for reference

³⁸SET Plan, https://ec.europa.eu/energy/en/topics/technology-and-innovation/strategic-energy-technology-plan

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legislation in this regard, corporations still do not believe in the profitability of investing in green technologies and are not always willing to foster innovation in the Research and Development field.

Even legislation, trying to balance the interests of different stakeholders, has not yet delivered a strong political stance in terms of harsh sanctions for Member States and firms not willing to comply with international standards. In light of these considerations,

- What can the EU do to update its current carbon-emission policy so as to encourage corporations towards the path of sustainability?
- Are incentives enough to ensure a consistent, long-term transition process? Should sanctions be more severe? How far can the EU go while remaining within its competences?
- What is the role of the consumer in the low-carbon society? Do their daily actions have the power to influence the market in any way? How can these actions be effectively regulated by the Member States and the EU?

7. Food for Thought

- A complete and interesting report on global CO2 emissions and its trend over the
 past thirty years elaborated by the European Commission's Joint Research Center on
 Environment: http://edgar.jrc.ec.europa.eu/news_docs/jrc-2016-trends-in-global-co2-emissions-2016-report-103425.pdf
- The UK Trade and Investment government department created this useful and short infographic about the state of the art on low-carbon economy in the EU and in the UK: https://www.youtube.com/watch?v=ORFsWIb9H-Q
- The Organisation for Economic Co-operation and Development sums up what institutions must do to switch to a greener economy in less than four minutes: https://www.youtube.com/watch?v=GQ0AwN41Cll
- Policies and practices for a low-carbon society: a global perspective highlighting issues and possible solutions in a reader-friendly way:
 http://www.tandfonline.com/doi/pdf/10.3763/cpol.2008.0487
- An interesting article published in the World Economic Forum agenda pointing out the reasons why sustainability is so difficult to reach: https://www.weforum.org/agenda/2016/10/how-to-reverse-the-dangerous-decline-in-low-carbon-innovation/
- The Guardian helps us understand why low-carbon technologies are so important... https://www.theguardian.com/environment/2017/jan/19/reasons-to-be-cheerful-full-switch-low-carbon-energy-in-sight
- ... And why the world is choosing to ignore them.
 https://www.theguardian.com/environment/2013/apr/17/why-cant-we-give-up-fossil-fuels



COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY (FEMM)

Equality for all: According to the latest statistics from the European Commission, women in the EU are on average paid 16% less per hour than their male counterparts. While many Member States have already tried addressing this issue, should extra measures at the European level be taken to tackle this problem?

By: Daniela Cappuccio (IT) and Artemis Giasimakopoulou (EL)

- 1. Key Terms
- **Gender:** either the male or female division of a species, especially as differentiated by social and cultural roles and behavior.
- **Gender pay gap (GPG):** difference between the gross hourly average pay of all working men and those of all working women.
- Gender bias: Unfair differences in the way men and wo
- men are treated.³⁹
- **Collective bargaining:** the system in which employees conjointly discuss matters such as pay and working conditions with their employer.⁴⁰
- **High-skilled job:** kind of profession which requires completing a college degree or a specialized training, it's the opposite of a low-skilled job.
- **Full time job:** employment in which the employee works a set amount of hours defined by the employer, usually around 40 hours. This has several benefits over part time work, such as the annual leave, health insurance and sick leave.
- **Diversity charter**: document voluntarily signed by a company or a public institution which outlines the measures it will undertake to promote diversity and equal opportunities in the workplace, regardless of race or ethnic origin, sexual orientation, gender, age, disability and religio
 - 2. Explanation & Relevance

The **gender pay gap** reflects an ongoing discrimination that affect our society as a whole, not only in Europe and not only in the labour market. The EU has always been one of the major

³⁹Gender Bias (N/A)

https://dictionary.cambridge.org/dictionary/english/collective-bargaining

⁴⁰ Collective Bargaining (N/A)

forces behind the development towards gender equality, it has always committed itself for equal treatment, legislation, and integration of the gender perspective into all other policies and specific measures for the advancement of women, but still more effort is needed in order to achieve full gender equality across Europe, which is calculated to be reached approximately in sixty-one more years⁴¹.

Three types of disadvantages women face can be drawn:

- lower hourly earnings;
- working fewer hours in paid jobs;
- lower employment rates

One aspect of the problem is that women across the EU earn 16% less per hour than men for the same work.⁴² This means that for doing the same activities, both qualitatively and quantitatively, a woman will earn 84 cents to every euro a man earns. Women are also often confined to lower power positions (vertical segregation) and some fields of jobs (horizontal segregation). 43 In addition to that, women have more frequent career breaks due to motherhood and often do not go back to a full time job. This could be a result of the traditional non-equal share of family responsibilities. As result, there is the idea of "men's work" and "women's work", where the first is most of the time high skilled and the second more unpaid, like caregiving and household chores. 44

However it is incorrect to think that this is due to women being less educated, because studies show that in the last years more women than men graduated⁴⁵, but from education choices the gender sectorization can already be seen. Examining post-secondary education, 30% of all male students had degrees in STEM⁴⁶ subjects, while only 16% of women are do.⁴⁷ Another factor that has been taken into consideration is the age range, since the data⁴⁸ show that the gap increases together with seniority. The combined effect of lower hourly wages for women with women working fewer hours than men over their lifetime, results in lower pensions. This leads to more women than men experiencing poverty in old age. 49

⁴¹ World Economic Forum in its Global Gender Gap Index 2016

⁴² Eurostat study entitled "Gender pay gap in unadjusted form":

http://ec.europa.eu/eurostat/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=tsdsc340&language=en 43 UN's progress on the world's women 2015-2016, Chapter 2, page 89 -

⁹⁴ http://progress.unwomen.org/en/2015/pdf/ch2.pdf

⁴⁴World Economic Forum in its <u>Global Gender Gap Index</u> 2016

⁴⁵ European Parliament report on education:

http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/551301/EPRS ATA(2015)551301 EN.pdf

⁴⁶ stays for Science, Technology, Engineering and Mathematics

⁴⁷ World Economic Forum in its <u>Global Gender Gap Index</u> 2016

⁴⁸ European Commission report on gender equality

⁴⁹ Article by M. Vothknecht , who works as a policy officer in the unit dealing with Social Protection Systems at DG EMPL. (published online by the Euroepan Commission:



3. Stakeholders

One stakeholder is the **EU**, which has different institutions involved in this topic. The **European Parliament** is the directly- elected body, with legislative, supervisory and budgetary responsibilities. It passes EU laws, together with the European Commission and Council of EU. The first one, **European Commission**, is the EU's politically independent executive arm, it promotes the general interests of the EU and its citizens, by proposing and ensuring legislation. Amongst its supervisory tasks lies the examination of citizen's petitions and the consequent set up of inquiries. Both the EU and the **Member States** can initiate laws on this matter.

The European Parliament and the Council of the European Union defined the grounds for the European Institute for gender equality (EIGE). The Institute is an autonomous body, which operates within the framework of European Union policies and initiatives. Its objectives and tasks are defined by the European Parliament and the CEU, as well as its Founding Regulation. Its central role is addressing the challenges of and promoting equality between women and men across the European Union. To support better-informed policy-making EIGE contributes to the promotion of gender equality in Europe through delivering high-level expertise to the European Commission, the European Parliament, the Member States and Enlargement countries.

Another important stakeholder is the **European Court of Justice (ECJ).** Established in 1952 and divided into two Courts (the Court of Justice and the General Court), the ECJ is responsible for the application and interpretation of EU law in all the EU Member States. The ECJ also has the power to annul EU legal acts, if these are held to be in violation of EU treaties or fundamental rights.

National organisations fighting for equal rights are also important actors in this topic. One example of such an actor is the Dutch Equal Treatment Commission, which helps victims of discrimination in the Netherlands and raises awareness about inequality. The European Women's lobby (EWL) is an umbrella network of women's organisations and is an example of an organisation fighting for women's rights at the European level. Similar organisations exist in all Member States or at an international level and exercise an important role in ensuring women are treated equally to men.

The International Labor Organisation (ILO)⁵⁰ is a UN organisation dealing with labour rights and labour disputes, including discrimination of women on the workfloor. The ILO brings together governments, employers and workers of 187 member States (EU Member States included), to set labour standards, develop policies and devise programmes promoting decent work for all women and men.

⁵⁰ International Labor Organisation (ILO) (2018) http://www.ilo.org/global/lang--en/index.htm



4. Key Conflicts

The gender pay gap is a complex issue caused by a number of interrelated factors⁵¹. The principle that men and women should receive equal pay for equal work has been enshrined in the European Treaties since 1957. Nevertheless, in 2018 the gender pay gap still stands at an average of 16.4% across the EU⁵². The rate varies from one Member State to the other⁵³, with the lowest gender disparity currently being noted in Italy and Belgium; even so, the overall progress has been extremely slow.

While the European Commission has not yet proposed a specific legislative initiative on equal pay for equal work, it should be noted that transposition of EU law into national law has not led to full application and effective enforcement of the measures in place. The wages within every Member State are set on the basis of national practices, and the main variable in wage setting is the mechanisms established for decision making. Collective bargaining in the public service is therefore excluded from the fields in which the European Union complements Member State activities and therefore, the practices differ widely from one country to another.

Thus, it is being questioned whether the matter truly lies in the hands of single governments and the **public opinion** in the EU Member States or **social partners**⁵⁴. But, guestions also arise as to what other factors cause and affect the issue. One of them may be the 'direct or indirect discrimination and bias' within companies and other workplaces. While some people argue that pay inequalities result from different career patterns and individual choices of women related to family and children care. As a matter of fact, though, the socalled individual choices are embedded in institutional structures such as the welfare system and its gender regime.

In the EU, only 65.8% of women with young children are working, compared with 89.1% of men⁵⁵. This, together with an often lack of affordable childcare facilities, could mean that women are often forced to leave the labor market. Indeed, as women have narrowed the educational and work experience gaps with men, the gender pay gap has not closed as much as anticipated such that in some countries the adjusted gender pay gap exceeds the raw gender pay gap.

5. Measures in place

The principle of non-discrimination and equal pay has been taken into consideration at

⁵¹ What is the gender pay gap? Video: https://www.wgea.gov.au/addressing-pay-equity/what-gender-pay-gap ⁵² Eurostat data on Gender Pay Gap (2017) http://ec.europa.eu/eurostat/statistics-

explained/index.php/Gender pay gap statistics

Sample of the state of

New resolutions for an old problem (2014)

http://www.genderpaygap.eu/

⁵⁴ Closing the Gender Pay Gap (ILO) (2016) - Table 4

http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_540889.pdf

⁵⁵ Causes of Unequal Pay Between Men and Women https://ec.europa.eu/info/strategy/justice-andfundamental-rights/discrimination/gender-equality/equal-pay/causes-unequal-pay-between-men-andwomen en

treaty level and this explains why the EU worked so hard on the topic through the years, collaborating and giving guidelines both with Member States(with Directives⁵⁶ and Recommendations⁵⁷) and social realities.

The most recent measures are those of the *Strategy for equality between women and men* in which the European Commission sets a program on gender equality, including as priority "Equal pay for equal work and work of equal value" to be reached by 2020.

This objective has to be read under the light of the previous acts, e.g. the *European employment strategy (EES)* which dates back to 1997, when the EU Member States undertook to establish a set of common objectives and targets for employment policy, but it is still important today since to have more and better jobs throughout the EU is an aim that is still being pursued.

Not only the legislature, but also judicial decisions are important. Case law⁵⁸ of the European Court of Justice and national courts has an important role in filling the gaps in legislation and eliminating any loopholes that the legislature might not have foreseen. At the same time, the judiciary offers remedies to everyone who has been discriminated against.

The topic has been tackled not only by the central European institutions but also independently by the Member States between them, with agreements and pacts, such as the European pact for gender equality⁵⁹ which emphasises the importance of using women's untapped potential in the labour market. Measures to achieve this include promoting women's empowerment in economic and political life and taking steps to close gender gaps, combat gender stereotypes and promote better work–life balance for both women and men. Originally adopted in 2006, it was reviewed in 2011, fixing as main points:

- To eliminate gender stereotypes, ensure equal pay for equal work and promote the equal participation of women in decision-making;
- To improve the supply of affordable and high-quality childcare services, and promote flexible working arrangements;
- To strengthen the prevention of violence against women and the protection of victims, and focus on the role of men and boys in order to eradicate violence.

Very similar points are the reasons behind the *Diversity Charter platforms for exchange* The European Commission would like the exchanges between the diversity charters to continue, so it launched a call for tenders. The objective is to find a body that would be in charge of

⁵⁷ Commission Recommendation C(2014) 1405 final on strengthening the principle of equal pay between men and women through transparency.

⁵⁹ Full text: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52011XG0525%2801%29

⁵⁶ Gender Equality Recast Directive (2006/54/EC)#: on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

⁵⁷ Commission Recommendation C(2014) 1405 final on strengthening the principle of equal pay between mentation of the pay

⁵⁸ Case law is binding law that is established through court decisions, as opposed to a legislature



facilitating the diversity charter exchange, create European awards in diversity and set up a database of good practices.

Taking into account also that the problem starts from a mentality rooted from the early years and is manifested precisely in the educational field, from the earliest stages, another choice the EU is taking is to start the sensitization on this problem from the very young age of its citizens, in schools. This is strongly underlined in the *Strategic framework about education and trainings of the EU (2016-2019)*.

To conclude: the people themselves have also moved a lot in defending rights and fighting injustice at workplaces. This commitment takes shape in hundreds of voluntary associations around Europe and the world which everyday oppose the barriers based on gender and help others to do so; and is expressed with meaningful manifestations as the European Equal Pay Day, a recurrence that falls every year in a different date, given due to calculation, to symbolically mark the moment when women effectively stop getting paid compared to their with almost months male colleagues, two of the year remaining.

6. Summary & Key Questions

At this point it is rather clear that women still, even in 2018, are considered to be a social group which for unjustified reasons tends to be construed as prone to live through discrimination. Women's skills and competences are often undervalued in the workplace as well, resulting to women being paid less than their male co-workers. The reasoning behind this phenomenon perhaps lies in deeply rooted **stereotypes** that want the woman solely in the role of the housekeeper. Today, this conviction seems rather **dated**. Therefore, serious attempts to understand the gender pay gap should not be stained by discriminatory beliefs. In light of the aforementioned, many measures have already been in place, targeting to the elimination of the **social and economic injustice**.

Gender equality and making better use of women's talents and skills are central to closing the gender pay gap and to achieving the objectives of the Europe 2020 Strategy, the EU's growth strategy. The provision of the legal right of any individual employee to request information on the company's fixed basic gross salary, as well as the obligation of employers to provide regular updates on the status of measures to promote general and wage equality between men and women, are also considered crucial. The European Court of Justice, the EU Parliament and EU Commission are bodies that through legislative actions, and the assurance of their even interpretation and application in the National Governments of Member-States, aim to reduce the remaining percentage of 16,3% to the point of zero. The overall number of factors aforementioned should be taken into account while aiming to the full establishment of gender equality in the labor market. Therefore, one needs to ask themselves:

 How can the EU impose and ensure the full application of measures from the Member-States?



- How can current social norms and stereotypes be influenced so as to eliminate direct and indirect gender discrimination in the workplaces of the EU?
- What actions can EU Member States and social partners take on a national level in order to expedite the reduction of the percentage the pay gap currently holds within the EU?

7. Food for Thought

- http://ec.europa.eu/justice/gender-equality/index_en.htm : here you will find different informations, statistics, graphs, videos and more related links
- http://ec.europa.eu/justice/gender-equality/document/files/strategic_engagement_en.pdf : the Strategic Engagement for Gender Eugality 2016-19 by the European Commission
- http://www.europarl.europa.eu/legislative-train/theme-deeper-and-fairer-internal-market-with-a-strengthened-industrial-base-labour/file-equal-pay-for-equal-work-legislation: here you will find legislation acts reffering to equal pay for equal work and the Directive 2006/54/EC40 (2016-2017)
- https://www.eurofound.europa.eu/: here you will find more datas on the working sphere.
- http://reports.weforum.org/global-gender-gap-report-2014/part-1/the-case-for-gender-equality/: here you can find a global analysis of GPG
- http://ec.europa.eu/justice/gender-equality/files/opinions advisory committee/151125 opinion occ segregation en.p df: here more on "segregation"
- https://www.youtube.com/watch?v=hoAWOIL2RIo
- https://www.youtube.com/watch?v=cPBt9-T9rQU
- http://genderpaygap.eu/
- http://ec.europa.eu/justice/gender-equality/gender-pay-gap/files/quiz gpg uk.ppt
 an informative quiz on the gender pay gap



COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS I (LIBE I)

Being a minority in your home country: Out of Europe's close to 90 indigenous ethnic groups, 33 form the majority in at least one country, while the rest, constituting up to 14 percent of the European population, lives as ethnic minorities in their respective home countries. What can the EU do to protect the cultural and linguistic rights of these ethnic minorities, while at the same time ensuring the integration of these minorities into society and political life?

By: Alice Leone (IT), Daša Pogorelec (SI)

1. Key Terms

- **Ethnic minority:** a group within a community who differs in national, religious or cultural origin from the majority population
- Indigenous people: ethnic group having historical ties to a group which existed in a territory before the formation of a nation state, and thus preserving a degree of cultural and political separation from the mainstream culture and political system of that nation state
- **Cultural rights:** human rights which guarantee people and communities the freedom to access and participate in the culture of their choice
- **Linguistic rights:** the individual and collective rights to choose the language or languages for communication in a private or public sphere
- **Principle of non-discrimination:** fundamental right according to International Human Rights Law establishing a principle of fair and equal treatment of all individuals⁶⁰
- **Integration:** the incorporation of individuals of different ethnic, political and religious groups as equals into a society
- **Social cohesion:** set of shared characteristics and elements which contribute to unify and link members of a social group to each other and to the group as a whole

2. Explanation & Relevance

The movements of European populations, influx of migrants, changes of borders and other historical events have rendered some indigenous people minorities and created **societies that**

⁶⁰ EUR - Lex: definition of "Non-discrimination" http://eur-lex.europa.eu/summary/glossary/nondiscrimination principle.html

are rich in ethnic, linguistic and cultural diversity. ⁶¹ There are more than **400 minorities** and 90 languages in Europe. **Fifty-three** of these languages **are regarded as "languages without a state"** meaning that they are not recognised as official languages of any country. ⁶²

In some states, the relationships between minorities and the majority is excellent and the rights of minorities are respected. However, there are also states that **deny the existence of their autochthonous minorities**⁶³ or make little to no effort to tackle **the issue of discrimination towards their minorities**. The European commission has no general power over minorities. Thus, the Member States are expected to use all legal means to guarantee that **fundamental rights of all their citizens** are effectively protected in accordance with their constitutions and international law. Nonetheless, different states implement the latter in various ways.⁶⁴

Indigenous groups have been tormented and discriminated against for centuries, yet this is not a historical matter. Today such groups generally have the same interests in cultural preservation, language rights, political representation, access to justice and, often land rights. ⁶⁵ If the minorities are satisfied and feel they are equal members of society, this will lead to stability. If not, tensions can arise which can result in conflict of different proportions. ⁶⁶

3. Stakeholders

In the efforts to promote the integration of indigenous ethnic groups into society a wide range of stakeholders, including the European Institutions, Member States, International Organisations, regional and local authorities, as well as the civil society is involved.

The **European Union Institutions** act in order to provide a common European structure and support the work of the Member States on the field in order to allow the ethnic minorities to have the same access to the fundamental human rights as every citizen of the EU. More specifically, the European Commission supports equal treatment of all EU citizens and fights discrimination by proposing Frameworks, Directives and Guidelines to the Council of the European Union and the European Parliament for implementation. **Member States** should then adopt the recommendations provided by the EU Institutions, while also implementing their national strategies at a national and regional level. Therefore, an essential part of the

 $^{^{\}rm 61}$ World Directory of Minorities and Indigenous Peoples - $\it Overview$ of Europe.

http://minorityrights.org/minorities/overview-of-europe/

FUEN: Self-conception and language diversity of European minorities. https://www.fuen.org/european-minorities/general/

⁶³ Indigenous peoples.

⁶⁴ Fundamental rights of minorities

World Directory of Minorities and Indigenous Peoples - *Overview of Europe*. http://minorityrights.org/minorities/overview-of-europe/

⁶⁶ FUEN: *Minority Safepack Initiative*. https://www.fuen.org/fileadmin/user-upload/main-activities/MSPI/MSPI-Safepack-EN-mit-aufkleber-260215.pdf, July 2013

work is also done by regional and local authorities, which ensure the implementation of the national strategy of each Member State.

While considering other relevant actors on a European level, the European Court of Human **Rights**⁶⁷ emerges as an international court ruling on individual or state applications concerning violations of the civil and political rights set out in the European Convention on Human Rights. Also the Council of Europe plays a relevant role as an intergovernmental organisation aimed at protecting human rights, pluralist democracy and the rule of law.

Special remarks go then to the European Center for Minority Issues (ECMI)⁶⁸, conducting research and providing information on minority-majority relations in Europe, and to the High **Commissioner on National Minorities** ⁶⁹, which acts to prevent ethnic tensions and hostilities over national minority issues as part of the system of cooperation and consultation of the OSCE (Organisation for Security and Cooperation in Europe).

Last but not least, a very important role is played by Non-governmental organisations (NGOs) and the civil society: minority groups cannot be integrated into society without being accepted as equal and legitimate members from the other citizens, establishing individual bonds and sharing a common sense of belonging.

4. Key Conflicts

While the European Commission ensures that EU countries respect the principle of nondiscrimination provided in *Article 21 of the European Charter of Fundamental Rights*⁷⁰ when implementing EU law, it has no general power in regards to minorities. In particular it has no power over issues relating to:

- the recognition of the status of minorities;
- their self-determination and autonomy;
- the regime governing the use of regional or minority languages. ⁷¹

This results in countries implementing minority protection measurements and antidiscrimination laws with varying degrees and success. Indigenous groups often spread through more than one country and are subjected to differing policies. For example, the language of the Sami people is an official language in Norway, broadly recognised in Sweden, but regarded as a regional minority language in Finland. On the other hand, governments do not necessarily treat different minorities equally. Ireland has made great progress in protecting the Irish language, but still discriminates against the traditional nomadic culture of Travelers.

⁶⁷ Council of Europe: *The European Court of Justice in brief*. http://echr.coe.int/Documents/Court_in_brief_ENG.pdf

⁶⁸The European Centre for Minority Issues. http://www.ecmi.de/home/

⁶⁹ OSCE High Commissioner on National Minorities. http://www.osce.org/hcnm/

Furopean Charter of Fundamental Rights. http://eur-lex.europa.eu/legal- content/EN/TXT/?uri=CELEX:12012P/TXT, 2012.

Fundamental rights of minorities

Indigenous and non-indigenous minorities can be confronted **by discrimination and even denial of citizenship**. The Roma people remain the most vulnerable group, often **excluded from employment**, **housing**, **education**, **access to health services and frequently targeted for violence**. With **vast under-representation** in European governments and institutions, it has been difficult for them to find political retribution to violations of their rights. ⁷²

Minorities in one country who **form a majority in another country** have frequently become **political targets**. This has been the case in parts of Europe where there have been significant **border changes** such as in the Balkan states following the breakup of Yugoslavia and in states of the former Soviet Union. The most recent case is the annexation of Crimea, which Russia defended as complying with the principle of self-determination of peoples and having happened to protect the rights of the Russian minority living there.⁷³

The 1998 Framework Convention for the Protection of National Minorities⁷⁴ is another key treaty which is in use in most European countries and **points the way forward towards minority rights protection**. France, Turkey, Andorra and Monaco refused to sign up to it because they officially **cling to the notion of a homogeneous state**. They do not recognise any minorities in their countries, yet France and Turkey are known for being the home of many different ethnic groups.⁷⁵

Minorities that are oppressed or disrespected by their country of residence can feel as they have been left unjustly stateless and deserve a state of their own. This **feeling of** "statelessness" can lead to separatist and secessionist movements. Separatist programs have the goal of achieving a greater independence within existing country. Secessionist movements go a step further as they aim for completely separating from their initial country and forming a new independent state or joining a different one (usually the country where their nation is a majority). ⁷⁶

5. Measures in Place

By recognising the "rights of persons belonging to minorities" as one of its fundamental values

⁷² World Directory of Minorities and Indigenous Peoples - *Overview of Europe*.

http://minorityrights.org/minorities/overview-of-europe/

FOX news: Crimea referendum: Wide condemnation after region votes to split from Ukraine. http://www.foxnews.com/world/2014/03/16/polls-open-in-crimea-referendum-amid-high-tensions.html, March 2014.

⁷⁴ Framework Convention for the Protection of National Minorities.

 $http://www.ohchr\underline{.org/Documents/Publications/GuideMinorities8en.pdf.\\$

⁷⁵ World Directory of Minorities and Indigenous Peoples - Overview of Europe.

http://minorityrights.org/minorities/overview-of-europe/

The Emmanuel Dalle Mulle: Secessionism and Separatism Monthly Series: "Secession and Secessionism" by Alexandar Pavković. https://networks.h-net.org/node/3911/discussions/90459/secessionism-and-separatism-monthly-series-secession-and/# ednref3, October 2015.

⁷⁷, the EU has acted as guarantor of equality and protector of human rights, especially through the adoption of several programmes and legislative measures which address the discrimination often affecting people belonging to minority groups. For instance, the **Charter Of Fundamental Rights Of The European Union** ⁷⁸, which entrenches all the rights and freedoms enshrined in the **European Convention of Human Rights**, reaffirms the non-discrimination policy on every aspect of life and on every person despite the race, sex etc. Other fundamental measures such as the **Universal Declaration of Human Rights**⁷⁹ or the **European Constitutional Treaty (Lisbon Treaty)** ⁸⁰ also condemn discrimination, underlining the principles the European society should be based on.

In the fight against injustice and disparity, **Directive 2000/43/EC** on **"Equal treatment irrespective of racial or ethnic origin"** ⁸¹ lays down minimum requirements for implementing the principle of equal treatment between people in the EU, while aiming to reduce social exclusion and increase participation in economic and social life. Furthermore, the Council of Europe's **Framework Convention for the Protection of National Minorities** ⁸² plays an important role depriving any action of inequality, segregation and insult towards racial, religious or ethnic minorities.

In order to protect equality and the rights of persons, as consecrated in the Charter, the Treaty and International human rights conventions, the European Commission also launched programmes such as the "Rights, Equality and Citizenship Programme 2014-2020" ⁸³, which promotes non-discrimination across the EU by providing training activities, awareness-raising activities and surveys or even supporting specific European NGOs or Members States' authorities implementing Union law.

6. Summary & Key Questions

Europe is a very diverse continent. Despite ongoing problems, there is still a strong overall trend in Europe toward the improvement of minority rights. EU expansion has been explicitly linked to minority rights protections. In order to join, aspirant countries **must reach certain criteria on their treatment of minorities**. Often, these **surpass the standards of longestablished EU members**. Because of this and the lack of power that the European

⁷⁷ The Treaty of the European Union: Article 2. http://eur-

lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:en:PDF, May 2008.

⁷⁸ Charter of Fundamental Rights of the European Union

⁷⁹ United Nations: *The Universal Declaration of Human Rights*. http://www.un.org/en/universal-declaration-human-rights/index.html

⁸⁰ The Treaty of Lisbon. http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:ai0033

⁸¹ Directive 2000/43/EC: *Equal treatment irrespective of racial or ethnic origin*. http://eur-lex.europa.eu/legal-content/LVN/TXT/?uri=LEGISSUM:133114

⁸² OHCHR: *The Framework convention for the protection of National minorities*. http://www.ohchr.org/Documents/Publications/GuideMinorities8en.pdf

⁸³EU Commission: *Rights, Equality and Citizenship Programme 2014-2020.* <u>"Rights, Equality and Citizenship Programme 2014-2020"</u> by EU Commission

Commission has over the issue, a huge gap remains when it comes to treatment of minority groups in Member States. Many ethnic groups in Europe still feel underprivileged and certain cultures are losing their significance while many minority languages are in danger of extinction. Lately the problem of integration has been in focus mostly for incoming migrants. However, fact is that many countries have failed to successfully integrate and treat even their own citizens, who are members of minorities, as equal citizens that have lived on their land for generations.

Further questions:

- How can the European Union tighten the gap between its Member States and assist them in successfully protecting the rights of minorities?
- How can Member States encourage integration of their minorities and make them equal citizens with respect to their native cultures and languages?
- What approach should the European Union adopt when dealing with different separatist and secessionist movements of minorities?
- In what way can the European Union encourage states that cling to the notion of homogenous states to give their minorities more rights?

7. Food for Thought

- World Directory of Minorities and Indigenous Peoples Overview of Europe: http://minorityrights.org/minorities/overview-of-europe/
- Building a European Area of Justice Minorities:
 http://ec.europa.eu/justice/fundamental-rights/minorities/index_en.htm
- Video about "Minorities in Europe: minority rights as human rights": https://www.youtube.com/watch?v=j2Gk044QGil
- Report on "Political Tolerance for Native Minorities":
 http://cadmus.eui.eu/bitstream/handle/1814/26138/2013-19-
 Native Minorities Indicators.pdf?sequence=1
- State of the World's Minorities and Indigenous Peoples 2015:
 http://cadmus.eui.eu/bitstream/handle/1814/26138/2013-19-
 Native Minorities Indicators.pdf?sequence=1

⁸⁴ FUEN: *Self-conception and language diversity of European minorities*. https://www.fuen.org/european-minorities/general/



COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS II (LIBE II)

Net questions: With the United States Federal Communications Commission recently voting to end net neutrality, the question arises what position should the EU take with regards to this topic. Bearing in mind the existing legal framework and the positions of different EU Member States, should the EU follow the example of the United States and relax its legislation on net neutrality or push for stricter net neutrality rules?

By Anthony Fedorov (FI)

1. Key Terms

- Net Neutrality: The concept that internet providers must treat all users and data equally and without bias⁸⁵. It is also referred to as 'open internet' in some EU sources.
- Internet Service Provider (ISP): Corporations that supply internet access to companies and individuals.
- End-User: The person at the end of the chain of supply that uses the good or the service. An internet user in this case.
- Body of European Regulators for Electronic Communication (BEREC): a specially designated advisory body for the European Commission that creates the guidelines for future legislations in regards to electronic communication⁸⁶.
- National Regulatory Authority: A regulatory body that oversees the communications market at a national level. It surveys the quality of communication, ensures competition within the market and implements rules set forth by the national parliament and EU among other tasks.

2. Explanation & Relevance

The key point of the debate on **Net Neutrality** is whether legislation should oblige the **Internet** Service Providers (ISPs) to treat all data equally or give the ISPs freedom to influence data. Should an ISP be able to control the speed at which Youtube videos load, or charge extra money for faster access to Netflix? Should user A have slower access than user B because they are using Yahoo and not Google? Or should smaller (for example 5GB) phone internet data

⁸⁵ European Commission, net neutrality policy: https://ec.europa.eu/digital-single-market/en/policies/openinternet-net-neutrality
86 Berec, net neutrality: http://berec.europa.eu/eng/netneutrality/

plans have slower internet for bigger (for example 20GB) plans to be able to watch videos at a higher quality?

In the case of the United States, some ISPs have taken such actions despite net neutrality laws forbidding to do so. In actuality, net neutrality was introduced under the Obama administration after the scandal of Verizon slowing Netflix speed while trying to promote their own GO90 service⁸⁷. Netflix had to pay additional fees for Verizon to keep the speed equal to other websites.

This debate has already affected the European Union (EU), since an ISP in Portugal - MEO offers a plan which allows faster internet access to certain categories of apps for an extra price⁸⁸.

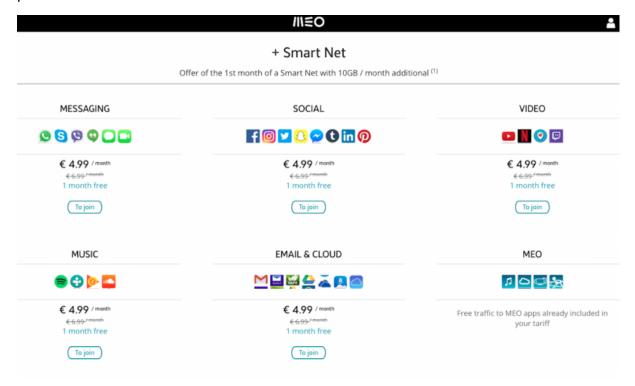


figure 1.89

It is important to keep in mind that the internet has existed for less than 30 years and only in the past 15 years has it gained universal momentum and usage to emphasise the need for legislation regulating it. The internet has not existed long enough to have had enough legislation applied to it but it has had a monumental impact on the society. So should the EU

⁸⁷ The Verge, verizon throttling against net neutrality title II rules:

https://www.theverge.com/2017/7/21/16010766/verizon-netflix-throttling-statement-net-neutrality-title-ii

Economy News, If Portugal is an EU member, isn't it bound to open internet rules?:

https://econews.pt/2017/11/24/if-portugal-is-a-eu-member-isnt-it-bound-to-open-internet-rules/

⁸⁹ Screenshot showing the different packages MEO offered at one point, retrieved via:

https://www.businessinsider.nl/net-neutrality-portugal-how-american-internet-could-look-fcc-2017-11/?international=true&r=US



continue pushing for net neutrality or should the ISPs have the right to determine data usage themselves?

Looking back, in the debate against net neutrality in the U.S., ISPs claimed that net neutrality is governmental intervention in the free market, meaning it impedes the potential growth and investment. It is argued that if the companies were allowed to have more diverse pricing, it would lead to companies trying to outcompete each other. Consequently, new business models will be implemented, which would be cheaper to use. This would also subsequently lead to more investment in the ISP sector.

2. Stakeholders

The two main parties affected by net neutrality are ISPs and **End-users**. In addition to these, the European Commission enacts the **Digital Single Market** strategy⁹⁰, the **Body of European Regulators for Electronic Communications** (BEREC)⁹¹ functions as an advisory body for the European Commission and the **National Regulatory Authorities** (NRAs)⁹² monitor and regulate the local markets. **Content providers** such as Google, Facebook, Netflix, Youtube, and of the like, are also major stakeholders.

As of 30 of April 2016 the EU-wide net neutrality rules have come into effect and protect the citizens from unfair practices by ISPs. With the help of BEREC the EU has adopted guidelines for NRAs to ensure that companies and governments implement adequate net neutrality laws nationally. The BEREC has an obligation to ensure that they promote competition, investment, the internal market and **protect the end-users**. An externality occurs by protecting the endusers which is that content providers are protected from being specifically targeted and slowed down or fully blocked by ISPs.

3. Key Conflicts

A conflict that arises from the debate on net neutrality is lack of diversity of ISPs. This is something that can be observed in Portugal and in the United States. It is often argued that if the quality or pricing of the service provided by the specific ISP is not desirable for the endusers, they can switch to another one. The problem with this statement is that it is often impossible to switch due to the lack of ISP coverage in certain, most often rural, areas.

⁹⁰ European Commission, *Digital Single Market Strategy*: https://ec.europa.eu/commission/priorities/digital-single-market en

⁹¹ BEREC, what is berec?: http://berec.europa.eu/eng/netneutrality/

⁹² European Commission, List of NRA's for each MS: https://ec.europa.eu/digital-single-market/en/national-regulatory-authorities

Right now, in regards to the Portuguese case, BEREC awaits results from the survey of Autoridade Nacional de Comunicações (ANACOM), the Portuguese NRA, which will determine whether such a practice can be deemed illegal under **EU regulation (EU) 2015/2120**⁹³. From there BEREC will hand over the information to the European Commission, which will then, if deemed illegal, move to conduct an in-depth investigation. MEO claims that their practice is a reflection of the Portuguese consumer preference and that there is no disruption in the market. However, this conduct creates a barrier for entry into the market for small companies. This type of packaging is said to prevent users from freely choosing their services.

A third prominent point of contention was the Verizon slow down of Netflix between January 2013 and 2014. This was later a part of a court case referred to as the Verizon Communication Inc. v. FCC⁹⁴. Unregulated ISPs can create *'fast lanes'* for certain websites and content providers and intentionally slow down others. The problem here is that there can be intentional slow down of competitor services.

5. Measures in Place

The EU regulation 2015/2120 was implemented on the 30th of April 2016 after being adopted on the 25th of November 2015. Its goal is to ensure that ISPs do not throttle or block websites and treat all data the same. The key points of this legislation are **articles 3**, **4 and 5**. Article 3 safeguards open internet access for the end-users, specifically clause one which states "Endusers shall have the right to access and distribute information and content... irrespective of the end-user's or provider's location or the location, origin or destination of the information, content, application or service, via their internet access service." This theoretically disallows ISPs from creating packages such as the ones offered by MEO. These packages also contradict the clause 3 of article 3 "Providers of internet access services shall treat all traffic equally..." since they are promoting certain apps and websites over others. Article 4 ensures that internet providers remain transparent in their contracts with end-users as well as allows, if necessary or requested, "maintaining or introducing additional monitoring, information and transparency requirements". Article 5 then subsequently works to allow for supervision and enforcement of said regulation.

The Digital Single Market strategy is part of the **European Single Market**⁹⁵ policy which strives to unify the various markets that exist within the EU into a big EU wide single market as the name suggests. Notably the digital single market policies have seen the cancellation of roaming fees, EU internet and net neutrality. As the EU strives to create this single market, in

⁹³ Euro Lexicon, regulation 2015/2120: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.310.01.0001.01.ENG&toc=OJ:L:2015:310:TOC

⁹⁴ US Supreme Court, *Verizon Communication Inc. v. FCC court case*: https://supreme.justia.com/cases/federal/us/535/467/

⁹⁵ European Commission, European Single Market: https://ec.europa.eu/growth/single-market en

which the internet plays a humongous role, net neutrality naturally becomes a spearhead topic of the digital single market strategy.

The problem is that EU laws are not equal to national laws and Member States do not have to abide by them unless they choose to adopt them. Countries can reject recommendations and the laws, to which the EU has a limited set of tools it can use to punish with as it is not a federal union like the United States.

4. Summary & Key Questions

To conclude, the net neutrality has its pros and cons, however, the end-user is the leading figure in the debate: to which extent should the EU protect its citizens with net neutrality? Are the current laws good enough, or should they be improved to be more strict towards the ISPs? With regards to the situation in Portugal, is the "faster package" plan legal under the regulation (EU) 2015/2120 which establishes the open internet directive that is known as net neutrality? Since the EU does not have power over the sovereign nations, how could they, if they deem what MEO is doing in Portugal illegal, act? If not to challenge this business practice but prevent other corporations in other nations from adopting such models?

4. Food for Thought

- BBC's explanation what neutrality on net is. https://www.youtube.com/watch?v=zq-2Yk5OgKc
- Berec's brief explanation what net neutrality is. https://www.youtube.com/watch?v=VRII4HAyxOQ
- The Guardians coverage of the 2015 net neutrality vote which was repealed by FCC in Decembers 2017. Interesting quotes and points made. https://www.theguardian.com/technology/live/2015/feb/26/net-neutrality-fccvotes-internet
- ANACOM fighting against the European Commission disallowing the expansion of service providers in Portuguese rural areas. https://www.reuters.com/article/eu-competition-portugal/portugal-rejects-eurecommendation-to-open-up-fibre-network-idUSL5N1H852A
- Additional source for the ANACOM/European Commission negotiations. https://ec.europa.eu/digital-single-market/en/news/european-commission-opensdepth-investigation-regulatory-forbearance-proposed-portuguese
- Arguments present for the repealing of net neutrality in the United States https://qz.com/1140466/all-the-best-arguments-for-repealing-the-federalcommunication-commissions-net-neutrality-rules-proposed-by-ajit-pai/



- Euronews article on Portugal and net neutrality http://www.euronews.com/2017/11/29/the-truth-about-portugal-s-net-neutrality-told-by-an-expert
- A visualisation of stakeholders in net neutrality https://www.mindmeister.com/415632723/net-neutrality-debate-stakeholders



COMMITTEE ON TOURISM AND TRANSPORT (TRAN)

Sustainable tourism for all: Taking into account the social and economic impact of mass tourism, how can the EU foster the conservation of Mediterranean coastlands while supporting economic growth in such areas?

By: Kanan Huseynov(AZ), Anna Montaruli (IT)

- 1. Key Terms
- Mass-tourism: a form of tourism that involves tens of thousands of people going to the same resort often at the same time of year.
- Marine Biodiversity: refers to the species richness and abundance in the world's oceans and seas.
- **Coastal areas:** commonly defined as the interface or transition areas between land and sea, including large inland lakes.
- Soil erosion: the wearing away of topsoil.
- Endangered Species: a species of animal or plant that are seriously at risk of extinction.
- Water resources: sources of water that are useful or potentially useful to humans.
- Integrated Coastal Zone Management (ICZM): a process for the management of the coast using an integrated approach, regarding all aspects of the coastal zone, including geographical and political boundaries, in an attempt to achieve sustainability.
- 2. Explanation & Relevance

The Mediterranean is considered as one of the most biodiverse regions in the world by **World Wildlife Fund (WWF)**. Its endemic biosphere and rich cultural heritage attract millions of tourists every year, and in 2015 international tourist arrivals (excluding domestic arrivals) added up to 320 million. The direct contribution of Travel & Tourism industry to GDP was \$402.1 bn (4.4% of total GDP) in 2014 and is forecast to rise to \$556.6 bn (4.8% of total GDP) in 2025. Around 84% of the tourists in the Mediterranean come from Europe, mostly from northern and western countries. Germany is the largest market followed by the United Kingdom, France, and Italy. At the same time, Spain, France, Italy, and Greece receive almost 80% of Mediterranean tourism. In addition, the Mediterranean is currently the leading tourist destination in the world and receives 1/3 of the income of the international tourism. ⁹⁶

⁹⁶ Travel & Tourism Economic Impact 2015 Mediterranean: https://zh.wttc.org/-/media/files/reports/economic-impact-research/regional-2015/mediterranean2015.pdf

Although the tourism sector is socially and economically beneficial for the local countries, because of the inappropriate practice and development of the urban activities the environment and cultural heritage of the region are affected negatively. The rapid growth in the tourism sector in the area damages landscapes, causes soil erosion, puts pressure on endangered species, further strains available water resources, and increases waste and pollution discharges into the sea.

The tourism industry also disturbs the local way of life as well as social structures, and can adversely affect traditional practices of the conservation and sustainable use of biodiversity. It utilises the physical environment for profit that is mainly directed out of the country, meaning that local people do not fully receive economic benefit from tourism inflow. Furthermore, tourists and local populations compete for limited resources of water, sanitation, energy and land uses. If the current rate of growth in the sector continues, the amount of damage may increase to the irrevocable levels.

3. Stakeholders

Countries which receive high amounts of tourists benefit from great profit from the tourism, while the fragile ecosystem has been destroying. Of the total 46,000 km of coastline, 25,000 km is urbanised. Moreover, these countries receive the 30% of international arrivals which further complicate the management of resource.

Local businesses benefit from the offering of many working opportunities. When tourist spend their wages on goods and services, it leads to the "multiplier effect" by providing new opportunities for small-scale business enterprises.

Local people are complaining about the stable presence of tourists which is affecting the lives and creating contrasts. In addition, the pollution caused by the waste of water supplies and solid waste from tourists in that areas provokes human health implications. However, tourist industry generates extra tax revenues, such as airport and hotel taxes, which can be used for schools, housing, and hospitals.

Many (non)-governmental organisations⁹⁷ such as World Wildlife Fund (WWF) and World Tourism Organization (UNWTO), started to work on a sustainable development of tourism sector aiming to improve the quality of the services and local infrastructures while preserving the natural environment. Moreover, organisations such as **Arocha** create programmes which involve research, education and conservation around the Mediterranean. With the collaboration of local institutions and infrastructures, NGOs want to reduce waste and

⁹⁷Document with a list of NGOs that deal with tourism in the Mediterranean: https://cor.europa.eu/en/documentation/studies/Documents/sustainable-tourism-mediterranean/sustainable-tourism-mediterranean.pdf



pollution, improve sustainable and efficient transport and use technological progress to reduce greenhouse gas emissions.

4. Key Conflicts

The Mediterranean coastlands have tested during the centuries an economic growth and became a point of development. Besides fisheries the main economic sector on Mediterranean coastlands is tourism. However, one of the worst disadvantages of mass tourism is the destruction of biodiversity. In fact, over 500 plant species in the Mediterranean are threatened with extinction. However put forward that the 'blue gold rush' caused a dramatic decrease of the marine species' populations, with 41% less marine mammal and 34% less fish than 50 years ago. In addition, one study cited by the EEA (European Environment Agency) claims that three-quarters of the sand dunes between Spain and Sicily have disappeared as a result of urbanisation linked to tourism development.

The increase in tourist flow is rising many negative effects besides the benefits provided by the investors which are new working places, the improvement of infrastructures and bringing money to the local economy. However, it has been claimed that there is negative social impact which consists of losing traditional values and destroying local culture. In addition, this consumerism generates **social problems** such as traffic congestions and the increase of crime level.

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2914016/

⁹⁸Report on sustainable tourism in the Mediterranean, ARLEM, 2013:

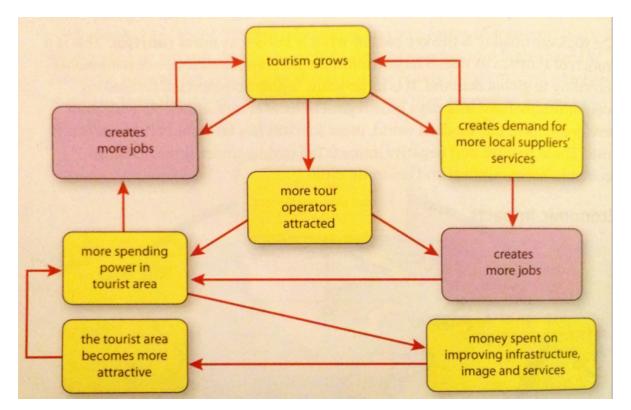
https://cor.europa.eu/en/activities/arlem/activities/meetings/Documents/sudev-report2012-tourism-en.pdf ⁹⁹ Article on the biodiversity of the Mediterranean Sea, PLOS, 2010:

Article on the explanation of blue gold rush in the Mediterranean, WWF, 2016: https://www.wwf.gr/crisis-watch/economy-development/economy/wwf-maps-blue-gold-rush-in-the-mediterranean

¹⁰¹Report on sustainable tourism in the Mediterranean, ARLEM, 2013:

https://cor.europa.eu/en/activities/arlem/activities/meetings/Documents/sudev-report2012-tourism-en.pdf

Document on Sustainable Tourism in the Mediterranean, MIO-ECSDE:



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The European Union does **not** have any **exclusive competence** in the tourism sector. ¹⁰⁴ It can only produce "soft laws" such as recommendations and guidelines but possesses a significant influence on tourism law through its role in promoting consumer protection. Moreover, EU institutions have been focused on the development of the economic side of tourism, while the adoption of more sustainable forms of tourism has become a recent issue.

5. Measures in Place

The European Charter for Sustainable Tourism in Protected Areas¹⁰⁵ is a practical management tool that enables Protected Areas to develop tourism sustainably. The core element of the Charter is working in partnership with all relevant stakeholders to develop a common sustainable tourism strategy and an action plan on the basis of a thorough situation analysis.

¹⁰³ Report on the impact of mass tourism, EDEXCEL IGCSE GEOGRAPHY: https://maxwatsongeography.wordpress.com/section-d/globalisation-and-migration/the-impact-of-mass-tourism/

tourism/
104 Overview of EU Tourism Policy, IAAPA, 2013: http://www.iaapa.org/safety-and-advocacy/europe/en/government-relations/european-union-tourism-policy

advocacy/europe/en/government-relations/european-union-tourism-policy

The European Charter for Sustainable Tourism: http://www.europarc.org/library/europarc-events-and-programmes/european-charter-for-sustainable-tourism/

The Mediterranean Strategy for Sustainable Development (MSSD)2016-2025¹⁰⁶ provides a strategic policy framework for securing a sustainable future for the Mediterranean region consistent with Sustainable Development Goals. Adopted by Barcelona Convention COP 19, it aims to harmonize the interactions between socio-economic and environmental goals, adapt international commitments to regional conditions, guide national strategies for sustainable development, and stimulate regional cooperation between stakeholders in the implementation of sustainable development.

Mare Nostrum¹⁰⁷ is an EU-funded cross-border project exploring new ways of protecting the Mediterranean coastline. The project's primary goal is to contribute to bridging the policy-implementation gap between the ideals of Integrated Coastal Zone Management (ICZM) and its effects on the ground. The project will develop new tools for realistic implementation of ICZM and is expected to lead to improved dialogue and cooperation across national borders.

EU Tourism Policy¹⁰⁸ aims to maintain Europe's standing as a leading destination while maximising the industry's contribution to growth and employment. It promotes cooperation between EU countries through the exchange of good practice while putting emphasises on four main challenges which are (1) security and safety, (2) economic competitiveness, (3) technological advancement and (4) market and competition.

Interreg Mediterranean(MED): ¹⁰⁹ The overall objective of the MED Programme is to promote sustainable growth in the Mediterranean area by fostering innovative concepts and practices and a reasonable use of resources and by supporting social integration through an integrated and territorially based cooperation approach. The program is co-financed by European Regional Development Fund.

6. Summary & Key Questions

Mass-tourism is one of the most challenging issues which negatively affects our society while offering many benefits. In tourist countries, it is a leading sector which improves the economy and brings advantages for stakeholders such as investors, who are providing many working places while gaining profit. However, it is clear that countries which receive a huge amount of tourists suffer from the pollution and the destruction of the Mediterranean's marine biodiversity. Moreover, locals frequently face disadvantages of the mass-tourism since it is changing social structures by undermining the traditions of those places.

¹⁰⁶ The Mediterranean Strategy for Sustainable Development and Barcelona Convention: http://planbleu.org/en/publications/mediterranean-strategy-sustainable-development-2016-2025-investing-environmental

[&]quot;Mare Nostrum" official website: http://marenostrumproject.eu/

¹⁰⁸ Overview of EU Tourism Policy: https://ec.europa.eu/growth/sectors/tourism/policy-overview_en

Manual of Interreg Mediterreanan program: https://interreg-med.eu/toolbox/reference-documents/programme-manual/

The rising harmfulness of the mass-tourism has caused the interest of NGOs and institutions, which want to provide an adequate knowledge of the society regarding this problem while preserving the natural ecosystem and protecting the social environment on Mediterranean coastlands.

- What further steps should the EU take in order to pursue the protection of the most fragile ecosystems in the Mediterranean Sea? In what ways can it enforce already existing measures and legislation?
- How can the public be provided for a conscious knowledge with the consequences of mass-tourism?
- Do the benefits of tourism sector outweigh its negative impacts on ecosystem? How can local institutions ensure improvement of sustainable tourism while incentivizing the businesses?

7. Food for Thought

- An explanation of the severe health implications risen by the pollution caused by mass-tourism: https://www.eea.europa.eu/soer-2015/europe/tourism
- An article with general references to the social impact of the mass-tourism: http://steconomiceuoradea.ro/anale/volume/2012/n1/072.pdf
- A report on the role of EU and organisations in sustainable tourism: https://cor.europa.eu/en/activities/arlem/activities/meetings/Documents/sudev-report2012-tourism-en.pdf
- A general introduction to the topic: http://www.monachus-guardian.org/library/wwftou01.pdf
- A video of the public dissatisfaction about the consequences of mass-tourism: https://www.youtube.com/watch?v=VTAe_e722tc
- A video with short references to the consequence of mass tourism: https://www.youtube.com/watch?v=h4OqH2mhTbk