

# Jean Monnet European Module Newsletter #4

“THE EUROPEAN ECONOMIC CONSTITUTION  
AFTER THE LISBON TREATY: UNDERTAKINGS  
IN THE NEW SOCIAL MARKET ECONOMY”

The latest updates on major developments in the most relevant areas of the European Union integration process.

1. Energy policy
2. Public procurement
3. Human rights
4. Environmental policy



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# ENERGY POLICY



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## STATE AID: COMMISSION APPROVES UK GREEN DEAL FOR ENERGY-EFFICIENCY MEASURES

Brussels, 5th February 2013.

The European Commission has found that the public support of £600 million (approximately €700 million) to be granted by the UK in the context of its "Green Deal" policy is in line with EU state aid rules. The "Green Deal" is the central UK Government policy for improving the energy efficiency of buildings. Different State bodies and the UK Green Investment Bank (GIB) will provide support in various forms. These measures will support energy efficiency, in line with the EU's energy and climate change objectives, while keeping distortions of competition to an acceptable minimum.

Commission Vice President Joaquín Almunia, in charge of competition policy, said: *"The UK Green Deal allows consumers and businesses to improve the energy efficiency of their buildings without making huge upfront investments. This is another example of how our policy of state aid control can support private investment in energy saving and enhance competition at the same time."*

Under the "Green Deal", private companies may offer upfront energy efficiency investments to citizens and then recoup payments through energy bills. Clients would face no upfront costs as they would only pay a monthly charge added to their electricity bill. Thereby, they would only pay for such an investment as long as they remain in the building concerned. When they move out, the new occupant would continue the down-payment. The scheme was designed in compliance with the "Golden Rule" of the Green Deal that specifies that any charge created by an investment must be less than the expected savings. Different State bodies and the UK Green Investment Bank (GIB) would provide financial support via a special financing vehicle.

The Commission has found that the scheme is aimed at an objective of common interest, namely improving energy efficiency, and that it is well-designed, making a significant contribution towards delivering this objective. Moreover, since most of the advantages derived from the scheme are passed on to end-consumers, the potential distortions of competition are limited as compared to the environmental benefits. Finally, the UK authorities have addressed initial concerns raised by the Commission about GIB's involvement in the Green Deal by committing to ensure that GIB will withdraw from this market to the extent that private investors step in, thereby preserving competition.



## GEORGIA WANTS TO BECOME FULL MEMBER OF ENERGY COMMUNITY

On 28 January 2013,

the Republic of Georgia officially applied to join the Energy Community and confirmed to be ready and willing to become a fully-fledged Member of this international organisation. Georgia has been an observer to the Energy Community since 2007.

The Commission is now looking forward to initiating exploratory talks with the Georgian authorities.

The Energy Community is an international organisation based on a Treaty signed between the European Union and the following nine Contracting Parties: Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, the Republic of Moldova, Montenegro, Serbia, Ukraine and Kosovo. To date, Armenia, Georgia, Norway and Turkey have the status of observers.

The Energy Community aims at creating an integrated energy market across the region which allows for cross-border trade, guarantees energy supply and takes into consideration climate and social aspects.

[More information](#)

## 1ST EU - NORWAY ENERGY CONFERENCE

On 5 March 2013, the European Commission and the Norwegian Ministry of Petroleum and Energy will hold a conference on the role of gas in future EU energy systems. The conference "The Role of Natural Gas in Transforming European Energy Systems" will be organised in Brussels on 5 March 2013. Natural gas offers an effective route to a competitive and decarbonized European energy market: but how do we get there? The conference will focus on innovation along the value chain and competitiveness. Deadline for registration is 25 February.

[More information](#)



## RENEWABLE ENERGY

On 24 January 2013, the EC sent Reasoned Opinions to Latvia and the Netherlands for not informing the Commission about the full transposition of the Renewable Directive. The Renewable Energy Directive (2009/28/EC) had to be implemented by Member States by 5/12/2010. However, Latvia and The Netherlands have not informed the Commission of all the necessary transposition measures for fully transposing the Directive into their national legislation. If the two Member States do not comply with their legal obligation within two months, the Commission may decide to refer them to the Court of Justice.

[More info](#)

## NUCLEAR: NEW COOPERATION MECHANISM ESTABLISHED BETWEEN THE EU AND THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

On 25 January 2013, the first Senior Officials' meeting bringing together officials from the European External Action Service, the European Commission and the International Atomic Energy Agency (IAEA) took place in Brussels. The discussions focused on enhancing cooperation in all areas relating to nuclear technologies, including safety and security of nuclear energy production and research activities.

The cooperation between the IAEA and the EU institutions has grown significantly over the last years, with the EU being a major contributor to the activities of the

IAEA, both in terms of financing and technical expertise. Traditionally the cooperation has focused more on non-proliferation and ensuring that all nuclear material is used only for peaceful purposes. After the Fukushima accident, nuclear safety has gained more momentum. Given the scale of the challenges, close coordination between the EU and the IAEA is essential for further strengthening nuclear safety and security worldwide.

[Joint EU-IAEA Statement](#)

[More information](#)

## INTERNAL ENERGY MARKET: COMMISSION REFERS BULGARIA, ESTONIA AND THE UNITED KINGDOM TO COURT FOR FAILING TO FULLY TRANSPOSE EU RULES

On 24 January 2013,

The European Commission is referring Bulgaria, Estonia and the United Kingdom to the Court of Justice of the European Union for failing to fully transpose the EU internal energy market rules. To date Bulgaria, Estonia and the UK have only partially transposed the Electricity and Gas Directives. The Directives had to be transposed by the Member States by 3 March 2011. For Bulgaria, for each partially transposed Directive, the Commission proposes a daily penalty of € 8 448. For Estonia, the Commission proposes daily penalties of € 5 068.80 for the partially transposed Electricity Directive and of € 4 224 for the partially transposed Gas Directive. For the United Kingdom, the Commission requests the Court to impose a daily penalty payment of € 148 177.92 for each of the partially transposed Directives. The penalties proposed take into account the duration and the gravity of the infringement. In case of an affirmative judgement of the Court, the daily penalty is to be paid from the date of the judgment until the transposition is completed. The final amount of the daily penalties will be decided by the Court.

[More info](#)



## ENERGY EFFICIENCY IN BUILDINGS

ON 24 JANUARY 2013,

the Commission sent Reasoned Opinions to Bulgaria, Greece, Italy and Portugal, requesting them to notify to the Commission their implementation measures for the Energy Performance of Buildings Directive. Directive 2010/31/EU had to be transposed into national law by 9 July 2012. Under this Directive, Member States must establish and apply minimum energy performance requirements for new and existing buildings, ensure the certification of buildings' energy performance and require the regular inspection of heating and air conditioning systems. In addition, the Directive requires Member States to ensure that by 2021 all new buildings are so-called 'nearly zero-energy buildings'. If the four Member States do not comply with their legal obligation within two months, the Commission may decide to refer them to the Court of Justice.

[More info](#)

## COMMISSIONER OETTINGER WELCOMES RATIFICATION OF TANAP GAS PIPELINE AGREEMENT

Brussels, 18 January 2013

EU Energy Commissioner Oettinger welcomes the ratification of TANAP gas pipeline agreement and the agreement completed today between the Shah Deniz 2 consortium and Nabucco consortium.

Commissioner Oettinger said: "I am pleased to see that a crucial step towards realisation of the South Corridor has been taken: both Azerbaijan and Turkey have ratified the TANAP agreement, thus enabling a dedicated infrastructure for the transport of Azeri gas to the EU."

[More info](#)

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# *PUBLIC PROCUREMENT*

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## EUROPEAN COMMISSION PROMPTS AUSTRIA TO RESPECT EUROPEAN PUBLIC PROCUREMENT RULES

Brussels, 24 January 2013

The Commission issued a reasoned opinion under EU infringement procedure that requires Austria to introduce rapid and effective redress instruments and apply non-discrimination and transparency principles in public procurement of goods to Austrian ministries.

According to the Commission, Austria is in breach of the principle of effective review provided for in Directive 2007/66/EC. In particular, in some cases of public procurement the Member State did not amend the procedure although the national review body declared some of the specifications discriminatory and therefore void.

By the same token, this also violated the principle of transparency enshrined in Directive 2004/18/EC.

Within March, Austria must notify measures aimed at putting an end to the violation of EU law.

Should the Member State not meet the deadline, the Commission may decide to refer Austria to the EU Court of Justice.

[More info](#)

## CONSULTATION ON E-INVOICING IN PUBLIC PROCUREMENT

Period: From 22.10.2012 to 14.01.2013.

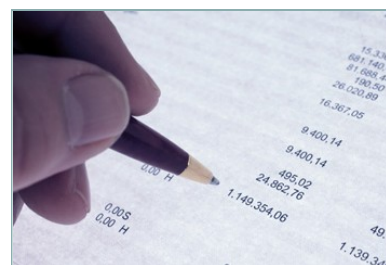
The objective of this consultation is to enforce information on the use of electronic invoicing in public procurement, and on to enhance action at EU level. In the past few years, ICT tools have involved many aspects of business and procurement. In this regard many business processes have been automated. In the last decade, automation has also started to appear in invoicing, by means of structured electronic invoicing (e-invoicing) messages, which eliminate the need for human intervention. A several number of EU Member States have legislated in this field, some of them making electronic invoicing mandatory for public procurement. This has led to the establishment of several different national e-invoicing systems, operating by means of different national standard. The result is a high level of fragmentation within the internal market.

However, despite its recent progress, e-invoicing still represents only a small fraction of all invoicing activities in the EU (between 5 and 15%). This fraction is even lower if we talk about public procurement. In fact manual procedu-

res and papers still prevail, and this implies higher costs, longer payment delays, and a greater environmental impact. These economic and social costs affect all stakeholders, and are especially regrettable in the current economic climate. Fortunately, e-invoicing could immediatly solve in all of these problems.

The European Commission is therefore considering ways to overcome the barriers created by the lack of interoperability and integration between the national e-invoicing systems especially in the field of public procurement and to enforce the take-up of e-invoicing in the EU. In view of the decision of several Member States to make e-invoicing mandatory for their public procurement, one of the options under consideration is to extend of this requirement to all public procurement in the EU. Since public authorities are the largest purchasers in the EU, they could act as a driving force for the broader take-up of e-invoicing in Europe by means of a spill-over effect.

[More info](#)





## THE COURT OF JUSTICE OF THE EUROPEAN UNION HELD ITALIAN LEGISLATION ON PUBLIC PROCUREMENT AS INCOMPATIBLE WITH EU PUBLIC PROCUREMENT LAW.

Luxemburg, 19 December 2012.

Italian legislation authorises public administrative authorities to enter into cooperation agreements among themselves with regard to activities of common interest. In addition, public universities are permitted to supply research and consultancy services to public or private entities provided that that activity does not impair their educational role.

The questions submitted by the Italian Council of State for preliminary reference of the CJEU arose in a 2009 case between the Azienda Sanitaria Locale di Lecce (Local Health Authority of Lecce; 'ASL') and various orders and professional associations and undertakings ( in particular the appeal was brought by the Ordine degli Ingegneri).

In 2009, the ASL directly contracted to the Università del Salento (University of Salento) to carry out a study on the seismic vulnerability of hospital structures in the province of Lecce. In return the ASL was to transfer to the University the sum of €200,000.

A number of appeals were brought against the decision relying on EU public procurement law, as no public tender was issued by the ASL for the procurement of such service.

The Consiglio de Stato (Italian Council of State), before which the case was brought in last instance, referred to the Court of Justice questions on whether EU law precludes national legislation which permits the conclusion, without an invitation to tender, of a contract by which two public entities set up between them a form of cooperation such as that at issue.

The Court's judgement recalls the relevant European law (i.e. Directive 2004/18/EC) and also the case-law on the matter and concludes that research and consultancy services such as those which are the subject-matter of the contract at issue, although capable of falling within academic research, constitute either research and development services or engineering services and related scientific and technical consulting services, that is to say services covered by Directive 2004/18. Furthermore, a contract may not fall outside the concept of public contract merely because the remuneration remains limited to reimbursement of the expenditure incurred to provide the agreed service .



Two types of contract fall outside the scope of the EU law:

- contracts concluded by a public entity with a distinct entity where the first entity exercises over the second one a control which is similar to that which it exercises over its own departments and the second entity carries out the essential part of its activities with the entity or entities which control it;
- contracts which establish cooperation between public entities with the aim of ensuring that a public task that they all have to perform is carried out.

However, none of the two exceptions applies to the case.

As a result, the Court held that EU public procurement law precludes national legislation which authorises the conclusion, without an invitation to tender, of a contract by which public entities establish cooperation among each other, where the purpose of such a contract is not to ensure that a public task that those entities all have to perform is carried out, where that contract is not governed solely by considerations and requirements relating to the pursuit of objectives in the public interest or where it is such as to place a private provider of services in a position of advantage vis-à-vis its competitors.



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*“EU public procurement law precludes national legislation which authorises the conclusion, without an invitation to tender, of a contract by which public entities establish cooperation among each other, where the purpose of such a contract is not to ensure that a public task that those entities all have to perform is carried out, where that contract is not governed solely by considerations and requirements relating to the pursuit of objectives in the public interest or where it is such as to place a private provider of services in a position of advantage vis-à-vis its competitors.” CJEU*

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[More info](#)



## RULES FOR DEFENCE PROCUREMENT... ARE STILL NOT FULLY IMPLEMENTED!

Brussels, 21th June 2012

Directive 2009/81/EC concerns the implementation of rules regarding public procurement in defence, security equipment and the related markets. More in details, the directive introduces the following instructions for all Member States:

- rules aiming at reaching a fair and transparent access to the security and defence market
- possibility for the contracting authorities to be more elastic in negotiating the features of complex contracts
- possibility for the contracting authorities to require guaranties from suppliers in order to avoid unauthorised access to reserved information, and to impose suppliers reliability in order to have armed forces receiving their deliveries in time, especially in times of crisis and armed conflict.

The directive covers contracts regarding two main fields: military equipment and related works, and sensitive security equipment as well as works and services involving the access to the reserved information.

In June 2012 the Commission has request Slovenia, in the form of a reasoned opinion, to notify within the next two months the measures it is taking to implement EU rules for defence procurement based on the Directive/81/EC. If Slovenia does not comply with the deadline, the Commission may refer the matter to the Court of Justice of the European Union.

In September 2012, the Commission has brought in front of the Court of Justice of the EU, the case of Poland, The Netherlands, Luxembourg and Slovenia for not fully implement the Directive on procurement of arms munitions and war material for defence purposes, as well as the procurement of sensitive supplies, works and services for security purposes.

The Commission has asked to the Court to impose daily penalty payments on the four Member States until they full implement the Directive, because, in this way, companies and taxpayers cannot benefit of easier access to a more open, transparent, pan-European defence market.

The Directive 2009/81/EC was adopted in August 2009 and had to be implemented in all EU Member State by 20 August 2011. Poland, The Netherlands and Luxembourg have not yet notify any national implementing measures, while Slovenia has only notify a part of the provisions.

The Commission has proposed some financial penalties based on the Lisbon Treaty and considering the size of the State, the gravity and the duration of the infringement, but the final decisions is up to the Court.



## MONITORING THE APPLICATION OF EU PUBLIC PROCUREMENT RULES ACROSS THE EU - ANNUAL PUBLIC PROCUREMENT IMPLEMENTATION REVIEW

On 11/10/2012 the European Commission has published the first edition of the Annual Public Procurement Implementation Review, assessing the implementation of the rules on public procurement in the EU. It clarifies that purchases by public authorities and utility companies, when they are of a cross-border nature, fall within the scope of EU law and account for nearly 20% of EU GDP. In this regard the new Review should help to achieve the objective of having a correct implementation and efficient application of the rules by Member States. In order to better understand problems it is fundamental to collect, to analyse and to report on the data regarding the application of procurement rules by Member States. In future the Commission also intends to use the Review as a knowledge-sharing tool, the findings of which will feed into and drive new policy initiatives.

[More info](#)

## VICE-PRESIDENT N. KROES WARNS INDUSTRY TO SPEED UP DO NOT TRACK STANDARD DEVELOPMENT OR FACE ENFORCEMENT MEASURES

On 11/10/2012 Vice President Neelie Kroes gave warning that time is running out to create a Do Not Track (DNT) standard for internet users. Many industry players are undermining this effort to make it easier for the industry to comply with the EU's ePrivacy rules, hurting themselves and users, and putting themselves at risk of enforcement measures. Kroes said: "Let me be frank: standardisation work is not going according to plan ...I know that my colleagues across the Atlantic, at the Federal Trade Commission, feel the same. What is the problem? Top of my list comes the watering down of the standard. It must be designed to let people choose to not be tracked. The clue is in the name: do NOT track. Online privacy and online business need to go hand in hand. People won't use what they don't trust. And they will stop using what they learn to distrust."

[More info](#)



## THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE ENDORSED TWO OPINIONS ON E-PROCUREMENT AND THE MODERNISATION OF STATE AID PROMOTING ACCESS TO FUNDING FOR EU COMPANIES.

Brussels, 14 November 2012

The EESC during November plenary session stressed how important is to carefully use taxpayers' money during this time of economic downturn.

Regarding e-procurement the EESC noted that some member states are unwilling to open up their public procurement market to competition. For instance, Italy e-procurement represents only 4% of overall procurement

Administrations which have already switched to e-procurement made savings of 5-20%.. The European Com-

mission aims to complete the transition to e-procurement within 4 years, and savings would amount to more than EUR 100 billion if all Member States were to participate in the achievement of this ambitious goal.

The EESC supports the Commission target although it underlined that the maintenance of thresholds for European-type procedures would hinder the internal market and is detrimental for SMEs.

[More info](#)

## E- PROCUREMENT: CHALLENGES AND OPPORTUNITIES!

During the first Annual Conference of e-Procurement of the year 2012, took place a Seminar with the objectives to present the non-legislative work carried-out by DG MARKT in the area of e-procurement and discuss the results of the work with participants, with the aim to receive their feedback.

After the initial presentation of Erik Nooteboom, the Director of Public Procurement (DG Internal Market and Services) of the European Commission, Gabriella Cattaneo, the Vice President of the IDC European Government Consulting, has presented a work on a mapping of the e-Procurement in Europe and a study on e-procurement measurement, which designs a comparable set of indicators in order to monitor e-procurement take-up and performance in the EU. Then it was shown a case-book of good e-procurement practice in EU, the so called Golden Book, which illustra-

tes good practices in the area of e-Procurement and practices that should be avoided.

Moreover the Expert group on e-tendering, presented recommendations target, which the objective to simplify the way e-procurement is conducted, especially for SMEs and cross-border suppliers.

The participants discussed about all the main issues linked with e-Procurement, the global opportunities and the challenges from e-procurement and the experiences in other countries.

The Seminar was closed by the speech of Michel Barnier, a Commissioner for the Internal Market and Service of the European Commission, concerned the ways to make the best of e-procurement.

[More info](#)

## PUBLIC PROCUREMENT: COMMISSION REQUESTS GREECE TO ENSURE FAIR ACCESS TO PUBLIC CONTRACTS FOR THE PROVISION OF SOFTWARE SERVICES

Brussels, 21st November 2012

EU rules are intended to ensure level playing field and transparent competition for public contracts within European Internal Market. The main aim is to create opportunities for European companies and to ensure the best value allocation for public money. If rules regarding European public procurement are not respected, there will be less competition but and inefficient expenditure of public money.

In this regard the European Commission has decided to refer Greece to the Court of Justice because it has failed to ensure full compliance with EU rules on public procurement as regards the purchase of an information system for the Social Security Foundation (IKA). In particular, Greece has failed to fulfil its commitment, made under Directive 2004/18/EC in February 2012, to launch a new tendering procedure for the award of the above contract, without the illegal clauses included in the original call for tender.

Following the infringement proceeding, the Commission sent a reasoned opinion to Greece in October 2011 asking it to comply with EU law.

In their initial reply to the Commission's October 2011 reasoned opinion, the Greek authorities undertook a commitment to launch a new tender. However, the new call for tender was not actually launched; instead, the Greek authorities informed the Commission that they had decided to extend the current contract.

Afterwards the reply of the Greek authorities was considered not satisfactory. For that reason the Commission has decided to refer the case to the EU Court of Justice

[More info](#)



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# HUMAN RIGHTS

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## AN OPEN, SAFE AND SECURE CYBER SPACE

Brussels, 7th February 2013

High representative Catherine Ashton at the press conference on the launch of the EU's Cyber Security Strategy

At the press conference on 7th February 2013 the High Representative Catherine Ashton presented the EU's Cyber Security Strategy, developed together with the European Commission alongside a Commission proposed directive on network and information security (NIS).

In her speech she stressed the strong relevance Internet had in our everyday life and the essential role that Internet could play in social events, as the Arab Spring has witnessed.

Nonetheless, the web is a double face coin: every day there are 150000 viruses in circulation, children face the risk to be threatened or abused, cyber attacks on major international organisations and governments have become a daily reality: the cost of cybercrime is

hundreds of billions of Euros everyday.

The High Representative strongly affirmed at the heart of this policy there is the necessity to protect the fundamental rights in the virtual world of web: "The EU international cyberspace policy promotes the respect of EU core values, defines norms for responsible behaviour, advocates the application of existing international laws in cyberspace, while assisting countries outside the EU with cyber-security capacity-building, and promoting international cooperation in cyber issues."

[More info](#)



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## THE SITUATION IN PAKISTAN, LAOS AND ZIMBABWE

Brussels, 7 February 2013

European Parliament voted three resolutions on Thursday 7th February about the condemnation of multiple killings of medical aid workers in Pakistan, the disappearance of Sombath Somphone in Laos and the detention of human rights activists in Zimbabwe:

In Pakistan, the European Parliament strongly condemns multiple deadly attacks on medical aid workers made by militant Islamic groups, during campaigns to vaccinate children against polio, that led to the suspension of the vaccination campaigns.

The European Parliament convey its condolences to victims' families and call on the Pakistani government to bring those responsible to justice.

In Laos, the Sombath Somphone, a prominent NGO worker in this country, was disappeared since December 15th.

The European Union and the United Nations are investigating in order to safeguard MR. Sombath, whose whereabouts still remains unknown. His kidnapping might be linked to his work in field of sustainable and fair development. Probably it creates a conflict in business with the local authorities.

In Zimbabwe, European Parliament condemned the arrests of Human Rights Association workers and called for actions by the competent authorities. The Zimbabwe's police is illegally detaining three human rights defenders. The three men are senior staff members of the Counselling Services Unit (CSU), a registered medical clinic, which provides medical and counselling services to victims of organized violence and torture.

Moreover the European Parliament deplore the lack of human rights clause in the EU's recently-concluded interim Economic Partnership agreement with four African States, including Zimbabwe and ask the EU to include such clauses in future economic partnership negotiations with the country.

[More info](#)

## GENERAL HEALTH AND HUMAN RIGHTS : CASE C-51\11

Luxembourg, 25/01/2013  
(Removal)

The SSI represents the Austrian authority for matters of alcoholic beverage production and sale. It is mainly concerned with issues of general health and consumer protection. Sonnthurn is a private company active in the field of alcoholic beverages, thus under the jurisdiction of SSI. Sonnthurn was marketing a product containing a small amount of alcohol as “beneficial” for general health. According to SSI, this was not possible according to European legislation. Object of the case is hence Regulation 1924/2006 on nutrition and claims made on foods, recently modified by Regulation 116/2010; as well as art 6 TEU and art 10 ECHR.

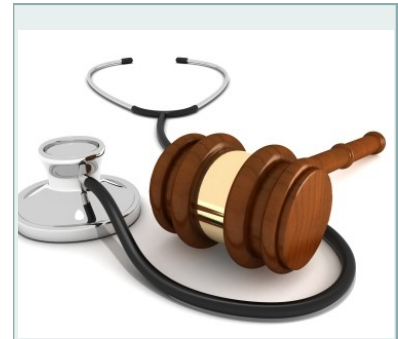
This is a borderline human rights case, since the object of the preliminary ruling – referred to the European Court of Justice – is whether the regulation also covers general well-being, not only health. The second question, provided the first answer is negative, regards the advertising of foods and beverages to the final consumer: does the regula-

tion only cover mere health-related well being or general well being?

The final question, provided the Regulation covers at least health-related well being, is about both art 6 TEU and art 10 of the ECHR. Can a beverage containing over 1.2% of alcohol be considered to adversely affect the human body or its functions according to the aforementioned legislation?

The case was recently cancelled from the archives of the ECJ, since the Court pronounced itself on a similar case (Weintor) regarding roughly the same issue, in Germany. The Austrian SSI declared itself satisfied with the conclusion of the aforementioned case. The conclusion is that it is incompatible with European legislation that a wine/alcohol producer advertises for its products to be healthy and to have a positive influence on general well-being. Misleading and potentially dangerous information submitted to customer’s attention is hence considered incompatible with the the TEU and the ECHR as well.

[More info](#)







## GENERAL HEALTH AND HUMAN RIGHTS : CASE C-199/11

JUDGMENT OF THE COURT (Grand Chamber)

6 November 2012

Commission, after receiving a number of complaints in 2004, began an investigation into the possible existence of a cartel among the four major European manufacturers of elevators and escalators, namely the Otis, Kone, Schindler and ThyssenKrupp groups. The investigation culminated in Commission Decision C(2007) 512 final of 21 February 2007 relating to a proceeding under Article 81 EC. In that decision the Commission found that the undertakings to which it was addressed, including the defendants in the main proceedings, had infringed Article 81 EC by allocating tenders and other contracts in Belgium, Germany, Luxembourg and the Netherlands in order to share markets and fix prices, by agreeing on a compensation scheme in certain cases, by exchanging information on sales volumes and prices and by participating in regular meetings and by establishing other contacts in order to decide on the abovementioned restrictions and implement them. The Commission imposed fines totalling more than EUR 990 million in respect of those infringements.

Several companies, including the defendants in the main proceedings, brought actions for annulment of that decision before the General Court of the European Union.

In fact European Union law must be interpreted as meaning that, in circumstances such as those at issue in the main proceedings, the European Commission is not precluded from representing the European Union before a national court hearing a civil action for damages in respect of loss caused to the European Union by an agreement or practice prohibited by Articles 81 EC and 101 TFEU which may have affected certain public contracts awarded by various institutions and bodies of the European Union, there being no need for the Commission to have authorisation for that purpose from those institutions and bodies.

Furthermore the article 47 of the Charter of Fundamental Rights of the European Union does not preclude the European Commission from bringing an action before a national court, on behalf of the European Union, for damages in respect of loss sustained by the Union as a result of an agreement or practice which has been found by a decision of the Commission to infringe Article 81 EC or Article 101 TFEU.

[More info](#)

# ENVIRONMENTAL POLICY



## WATER IS LIFE!

The Blueprint to Safeguard Europe's Water Resources is the EU policy response to old and emerging challenges on our water resources. It aims at ensuring good quality water in sufficient quantities for all legitimate uses. Its three pillars are:

The Blueprint Communication

The 3rd Implementation Report on the Water Framework Directive - River Basin Management Plans

A review of the Strategy on Water Scarcity and Droughts

The pressure on freshwater due to over-abstraction is indicated by the water exploitation index (WEI). The overuse of water has

the real threat on the water sustainability. In other hand, by reducing the use of water, it is not a direct indicator of resource efficiency.

Other related EEA indicators and reports include (see Annex):

- Indicators and indicator sets: water (including CSI 18 to CSI 24)
- Towards efficient use of water resources in Europe (EEA, 2012)
- A series of reports on the state of water in Europe published in 2012

[More info](#)

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## ENVIRONMENT ISSUES: MORE STEPS AHEAD

The global concern on environmental issues is rising dramatically over this decade signed by the global impact of climate change, the widespread air pollution, the scarcity of natural resource, the vulnerable water capacity, and any other crucial issues.

In European level, there are some indicators and fact sheets about environment provided by European Environmental Agency. They delivered any assessment on transport emission of air pollutants (published Feb 2013), urban waste water treatment (published January 2013), energy efficiency and specific CO<sub>2</sub> emission (published Jan 2013), transport final energy consumption by mode 2013 and more. In terms of resource efficient, EU designed a roadmap in which its vision by 2050 highly considers the sustainable resource management (from raw materials to energy, water, air, land and soil), the respect on environmental impacts and the concern on climate change. It surely

provides challenges and opportunities for Europe.

In order to communicate a resource-efficient Europe, EU makes a Flagship initiative under the Europe 2020 Strategy. It is about communication from the commission to the European parliament, the council, the European Economic and Social Committee and the Committee of the regions. It stresses why resource efficient is important because continuing the current patterns of resource use is not an option. By communicating a vision of where Europe should be in 2050 and a long-term policy framework can provide a clear path for businesses and investors. It is important to sharpen the focus on the action that has to be taken in the next ten years to put Europe on the right track and to speed up the transition.

[More info](#)

## EUROPEAN WATER RESOURCE: CURRENT STATUS AND FUTURE CHALLENGES

The priceless value of water is undeniable for all human being and a whole ecosystem. Unfortunately, the human activities put a deep pressure on the water cycle. The decrease of water both quality and quantity take a crucial concern how people can protect and manage water sustainably.

2012 was declared as the European year of water. Any water assessment was conducted in order to support the Water Framework Directive such as the water scarcity review and drought policy and the climate change adaptation and vulnerability policy review with respect to water. All assessment led to the publication of the Blueprint to Safeguard Europe's Water Resources by the Commission in November 2012.

In order to get the comprehensive view on water situation in Europe, several thematic assessments was conducted:

- European waters - assessment of status and pressures
- Towards efficient use of water resources in Europe
- European waters in the context of vulnerability
- European waters current status and future challenges - a synthesis

In addition, some publication have been published by ETC/ICM and ETC/CCA on the Water Framework Directive (WFD):

- Ecological and chemical status and pressures in European waters - ETC/ICM Technical Report 1/2012
- Hydro morphological alterations and pressures in European rivers, lakes, transitional and coastal waters - ETC/ICM Technical Report 2/2012
- Vulnerability to Water Scarcity and Drought in Europe - ETC/ICM Technical Report 3/2012
- Floods – vulnerability, risks and management - ETC CCA/ICM Joint Technical Paper 2/2012

EU has established a Community framework for water protection and management. The Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 are establishing a framework for Community action in the field of water policy. The ultimate objective is to achieve “good ecological and chemical status” for all Community waters by 2015.

[More info](#)



## THE NEWSLETTER

Students are divided into working groups, according to their interests. Each working group is assigned a topic and it is in charge of following the latest news in relation to it. The news are collected by each working group in short memoranda to be published in the website and disseminated by the newsletter.

## JEAN MONNET MODULE

The European Module is part of the Jean Monnet Action under the Lifelong Learning Programme by the Education, Audiovisual and Culture Executive Agency of the European Commission. The purpose of the course is to analyse the impact of the Lisbon Treaty on the European Economic Constitution; the interplay between market integration and the European Social Model, as well as duties, rights and remedies for undertakings in the legal framework of the new social market economy will be thoroughly examined. Teaching activities will be carried on by the professors involved but also through lectures and seminars held by other invited guests, highly specialised in the field. The guest lectures/seminars will give students the chance to have a view different from the one of the ordinary professor of their course.

Guest speakers will intervene on the following topics:

- the Charter of Fundamental Rights of the European Union and its the enforcement
- the social dimension of European integration after Lisbon
- the European energy policy
- services of general economic interest
- the European environmental policy

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