

DELIVERABLE D2.8

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Title of deliverable	Inputs to relevant EP reports

1. Description of the deliverable

2020 was already set to be an important year for influencing EP reports by way of amendments, as it coincided with the first year of the legislature, where usually the EP sets out its priorities and calls to the Commission.

The COVID-19 pandemic has meant that the urgency of intervening in certain dossiers became higher, as for example the MFF was profoundly modified by a new Commission proposal and the ongoing negotiations, but also as new programmes were adopted in view of the pandemic. However, the ‘emergency’ functioning of the European Parliament made working on dossiers much more challenging, as many dossiers were directly discussed in Plenary sessions, without going through the more transparent committee phase; Committee meetings were postponed or reduced, with constant impacts on deadlines for amendments and discussions on ‘regular’ dossiers. Meetings with rapporteurs of relevant reports, as foreseen in the WP2020, were therefore replaced by regular exchanges of emails.

Meanwhile, AGE has been active in building a coalition of MEPs interested by the question of solidarity between generations. This coalition was instrumental in mobilising support for actions inspired by AGE outside of the formal Parliament framework: a written question on the report on demographic change, supported by 11 MEPs, an open letter on solidarity between generations and COVID recovery to the Commission and Council presidents, signed by 34 MEPs, as well as a supportive declaration for investigation into the long-term care sector in light of COVID, signed by 88 MEPs and inspiring a Plenary debate with the Commission. In September 2020, the [Interest Group on Solidarity between Generations was finally launched](#).



2. Key outcomes

AGE-inspired letters, questions or declarations

- **Written question on the Report on Demographic Change**

AGE inspired this written question in the process of adapting the Commission's work programme to the pandemic and the fear that crisis response will put aside the discussion on demographic change, which in AGE's view became only more urgent during the pandemic. AGE succeeded to motivate 11 MEPs to sign [a written question](#) in an inter-partisan manner and upholding solidarity between generations. The question has been responded to by Commission Vice-President Dubravka Suica.

- **Open letter of MEPs on solidarity between generations** in responding to COVID-19

[AGE inspired this letter](#) highlighting ageism and age discrimination in the current pandemic, the need to support health and long-term care systems and informal carers. AGE collected 34 signatures for the open letter to Commission and Council presidents, which also has received a written answer by the Commission President herself.

- Supportive declaration to AGE's joint call with EPSU and EDF on EU **investigative action on COVID19 and long-term care**

AGE, together with the European Public Service Union and the European Disability Forum, [launched a joint call for investigative action](#) by the European Parliament on COVID-19 and long-term care, given the extremely high rates of infections and fatalities in this sector across Europe, and harming both care receivers, persons with disabilities and long-term care staff. [The letter was supported in a supplementary statement by a large group of 88 MEPs.](#)

Outcome: AGE and the other two signatures of the call received a response from European Parliament President, David Sassoli with a reassurance of the EP's commitment to the respect of the EU Charter of Fundamental Rights, and the implementation of the principles of the European Pillar of Social Rights, and the UN Convention on the Rights of persons with Disabilities. Moreover, our initiative led to a [plenary debate on long-term care](#), which crystallised a call by most political groups to go further in this debate.

AGE amendments to strategic files

- For the **Annual Sustainable Growth Strategy 2020**, AGE presented a list of supported amendments for the vote to the EMPL report on the social and employment aspects

AGE upheld mentions on the life-time impact of gender inequality on older women, the importance of care services, the need to maintain an adult education target and include digital skills for older persons in the ASGS, the need for civil dialogue in the EU Semester, the right to health, maintenance of the EU2020 poverty target, focus on disability and accessibility, specific measures for vulnerable groups, mention of the European Social Charter, better disaggregation of data, employability of older workers, a strong gender dimension in the follow-up to EU2020, the need for an EU anti-poverty strategy, joint EU action on demographic change, collecting good practices on minimum income schemes, deinstitutionalisation, a strong strategy for health and safety at work, the validation of informal and non-formal learning, the importance of performing health systems and adequate pensions, the need to channel EU funds into care services.

Outcome: many supported amendments were accepted in the Committee phase, however, the committee report was not voted in the Plenary due to the postponement of files in the early COVID-19-related lockdown.

- For the report on the **revision of the guidelines for employment policies of the member States**, AGE presented amendments in the form of tracked changes

AGE was contacted by the rapporteur Jose Gusmao and provided amendments to his own draft amendments. The amendments were later shared as well with other rapporteurs.

AGE aimed in particular to create strong support for public health policies, build the links between environmental sustainability and ageing-related diseases, include strong links with the European Pillar of Social Rights, promotion of civil dialogue, life-long learning, disability-inclusive workplaces, quality and well-funded long-term care and universal health care, social inclusion for those who are excluded from the labour market, adequacy of social protection, targets for adult education, sustainable workplaces in light of ageing, fight against poverty and social exclusion, the responsibilities of the EU and member States under the UN CRPD, inclusiveness of complementary pension schemes and adequacy of statutory schemes.

Outcome: The Parliament's position of July 2020 improved the initial Commission draft for the Employment guidelines, however had only a limited impact as the Parliament was only consulted and not involved in co-decision. Still, the Parliament position reached some useful adaptations to the Council's final version of the guidelines adopted in October 2020. The guidelines make ample reference to long-

term care and health care, social protection throughout all stages of life, fighting poverty and social exclusion including by using the active inclusion framework, the need to safeguard adequacy and sustainability of pension systems in light of demographic change. The guidelines aim to reach gender equality in acquiring pension rights all while supporting pension reforms that aim to close the gender pension gap already now. Raising retirement age is recommended to be coupled with active ageing strategies. They also make a strong case for recognising skills acquired informally. Unfortunately, references to sustainable employment and adaptations of workplaces have not been retained by the Council.

- For the report for legislative initiative on the **ethical implications of artificial intelligence**, AGE presented amendments in the form of tracked changes to the JURI (report) and IMCO (opinion) committee

In this file, AGE wanted to contribute its ample experience with artificial intelligence and technology to support active and healthy ageing, and its knowledge of ethical dilemmas relating to it. In particular, AGE stressed the importance of upholding the principles of the GDPR, and the EU's charter of fundamental rights, information to be provided offline as well, need for consumers to be able to manage their data and withdraw their consent for its use, the need for risk assessment as an integral part of development of AI, outlining the limits of available bid data, which excludes data on digitally excluded groups, the need to empower specifically the digital excluded in exercising their digital rights, the need to also think about the disposal of artificial intelligence (e.g. time-limit on data) and the importance of fundamental rights and dignity particularly at the end of life.

Outcome: AGE's extensive comments were warmly received by the rapporteur; however, given capacity constraints linked to the pandemic and concentration on other domains more related to social policy, AGE was not able to follow up on its contribution in the legislative process. Still, AGE felt it was an important contribution coming from a civil society group that is not often consulted on technological policies.

- For the report on the **gender equality strategy**, AGE presented amendments to the FEMM committee

AGE aimed to address the identified shortcomings of the Commission's Gender Equality Strategy (see D2.4 for a list), all while upholding the achievements of the strategy. AGE aimed in particular to include references to the fight against violence against older women, old-age poverty and risk of social isolation of women, the importance of long-term care services, pensions and active ageing, a call for EU action on availability and quality of long-term care to relieve older women, specific action to close the gender pension gap, addressing barriers to older women to access the digital world and to put more focus on health inequalities.

Outcome: the amendments were shared with all rapporteurs of democratic parties in the EMPL and FEMM committees and many were upheld, in particular references to women's health issues, digital skills of older women, violence against older women. The report is currently tabled in Plenary but has not yet been adopted.

- For the report on **'old continent growing older – challenges and opportunities for ageing strategies post-2020'**, AGE presented amendments to the FEMM committee for the opinion and to the EMPL committee for the report, ventilating different amendments for different political groups

This was naturally an important and strategic file for AGE. Currently, the compromise amendments are still under discussion, therefore it is not possible to assess the outcome of AGE's actions on this file. AGE proposed amendments to all rapporteurs from democratic parties, for the first time proposing different amendments per political group in line with each group's priorities, thereby increasing the chances of having AGE's concerns reflected. The information about tabled amendments looks promising for the outcome. The good collaboration with the shadow-rapporteurs further makes AGE optimistic about the outcome to sketch an agenda to pursue with the Green Paper on Ageing and the process following the Green Paper.

AGE aimed to highlight its priorities for the upcoming Green Paper on Ageing and its call for a coherent policy framework on EU level regarding ageing, taking reference at the current momentum in the Council with the Council conclusions on human rights of older persons, adopted in October 2020. AGE highlighted the fact that there is no framework for non-discrimination based on age in all areas yet, that EU policies should support the contributions of older persons in line with international law and the EU's commitments in international processes such as MIPAA. AGE went against language calling for a European definition of 'dependency', rather favouring an EU framework of 'needs for care and support' to be more in line with the right to autonomy and independence. AGE also called for age-friendly environments as an approach for EU policies to support independence, the promotion of age-inclusive workplaces. AGE also encouraged the EU to take an active role in international processes relating to ageing, including in discussing the human rights of older persons, the importance of data gaps relating to older persons, and to engage in the WHO Decade on Healthy Ageing. AGE called for a quality framework and access targets for community-based long-term care and support for informal, to address old-age poverty and social exclusion, including social isolation and age-friendly labour markets.

In its contribution to the FEMM committee, AGE proposed amendments along the same lines, highlighting in particular the challenges faced by older women.

- For the report on **reversing demographic change** in EU regions using cohesion policy instruments, AGE presented amendments to the EMPL committee for the opinion.

Despite the in certain way ageist title of this report, AGE engaged with the co-rapporteurs in EMPL to sketch out. The priorities pursued are similar to above on 'old continent growing older', with particular attention to the issues faced by older persons in rural areas, such as digital exclusion, environments that do not foster autonomy and independence, social isolation, the challenges faced by older persons with disabilities. AGE calls for using EU funds to build quality of life in public spaces for all, and use public procurement rules in this sense. AGE also addresses the disappearance of public and private, especially medical, services in rural areas.

Outcome: many of AGE's amendments have been taken into account in EMPL's final opinion, but the legislative process is still ongoing with the lead committee (REGI).

3. Prints of relevant proofs

List of annexes:

1. Written question of 11 MEPs on the report on demographic change
2. Open letter by 34 MEPs to Commission and Council Presidents on solidarity between generations in responding to COVID19
3. Supportive declaration of 88 MEPs on
4. Email to rapporteurs in EMPL on European Semester 2020: social and employment aspects of the Annual Sustainable Growth Strategy (endorsing amendments)
5. EMPL report on the revised Employment guidelines – tracked changes relative to suggestions for changes already proposed by shadow-rapporteur Jose Gusmao
6. Ethical implications of artificial intelligence – tracked changes relative to the draft IMCO opinion
7. Ethical implications of artificial intelligence – tracked changes relative to the draft JURI report
8. Gender Equality Strategy – AGE suggestions for amendments to FEMM report
9. Old continent growing older – AGE suggestions for FEMM opinion
10. Old continent growing older – AGE suggestions for EMPL report
11. Reversing demographic trends – AGE suggestions for EMPL opinion



Letter addressed to:

**Ursula von der Leyen, President
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium**

and

**Charles Michel, President
European Council
Rue de la Loi / Wetstraat 175
1048 Brussels
Belgium**

Logatec, 28th May 2020

SUBJECT: Solidarity between generations must guide the EU response to and recovery from COVID-19

Dear President von der Leyen,
Dear President Michel,

In this context of the COVID-19 crisis, we welcome and support your efforts to step up a European response and underline the importance of respecting of the EU principle of solidarity between generations, enshrined in article 3 of the Treaty on the European Union.

We reaffirm the intrinsic value of human life at every age, strongly deplore all forms of ageism, and call on the Union and the Member States to protect human rights of all persons, without discrimination on the ground of age. It is important to continue the reflection on demographic change and solidarity between generations in discussions at the level of the EU and in the Member States. Only through such an approach will it be possible to guarantee adequate protection of human rights of all persons, especially those with greater risk factor: older persons, persons with disabilities, children and others. Keeping them at the heart of discussions is also of key importance for strengthening social cohesion.

Even as confinement measures start to be lifted, we are concerned about the reports of reinforced ageism, the still dramatic situation in some Member States' nursing homes and the effects of long-term confinement on older persons, their families and the wider society.

We urgently call for sufficient protective equipment, testing and treatment in residential care facilities and home care settings. Carers are often younger professionals or family members, many of which themselves have children and have already paid a heavy price for their efforts to contain the pandemic. All necessary efforts should be put towards protecting them from infection.

We are warning about the **negative effects of singling out older persons in the rolling back of confinement measures**. This is discriminatory and, reinforces stigmatisation of older persons. Prolonged confinement measures should be limited to what is necessary according to medical advice, be proportional, limited in time and applied in a non-discriminatory way, in line with the principles of EU law.

The crisis has shown **the important – and neglected – role that informal carers play** as a non-recognised first line. Particularly families who are stepping in for reduced schooling, childcare and long-term care services are providing safety nets during the lock-downs, and many of them are heavily challenged to combine care and employment. Supporting them should be integral part of response and recovery strategies.

We call on the Commission to continue the reflection on demographic change and ageing via the Report on the Impact of Demographic Change and the announced Green Paper on Ageing. Your action and initiatives are more urgent than ever in the context of COVID-19 and the publication of the Report should not be postponed any further as this may delay the launch of the Green Paper on Ageing.

In the medium and long-term, **we call for stronger investment in health promotion and disease prevention, to rebuild the resilience of our social and healthcare systems** to crises such as the current one. The emergency and recovery programmes under discussion should lead to coordinated and solidarity-based answers to achieve health and protection for all. An initiative on the quality and financing of long-term care and working conditions in the sector should address the shortcomings laid bare by the crisis.

We stand ready to support the EU Commission and Member States in their efforts to address this emergency and its long-term consequences in the spirit of the European values that unite us.

Milan Brglez, MEP

Jarosław Duda, MEP

Ivars Ijabs, MEP

Irena Joveva, MEP

Dietmar Köster, MEP

Elena Yoncheva, MEP

Alexis Georgoulis, MEP

Manuel Pizarro, MEP

Agnes Jongerius, MEP

Frances Fitzgerald, MEP

Inese Vaidere, MEP

Juozas Olekas, MEP

Carlos Zorrinho, MEP

Isabel Carvalhais, MEP

Bettina Vollath, MEP

Athanasios Konstantinou, MEP

Isabel Santos, MEP

Ljudmila Novak, MEP

Klemen Grošelj, MEP
Tanja Fajon, MEP
Lukas Mandl, MEP
Miriam Lexmann, MEP
Chrysoula Zacharopoulou, MEP
Maria Grapini, MEP
Estrella Dura Ferrandis, MEP
Pernando Barrena, MEP
Carles Puigdemont, MEP
Antoni Comín, MEP
Clara Ponsatí, MEP
Petros Kokkalis, MEP
Álvaro Amaro, MEP
Sylwia Spurek, MEP
Bronis Ropé, MEP
Krzysztof Hetman, MEP
Maria Manuel Leitão Marques, MEP
Niklas Nienä, MEP



AGE Platform Europe contribution to the Draft opinion on Old Continent growing older – possibilities and challenges related to ageing policies post 2020

2020/2008(INI), Report by the Committee on Employment and Social Affairs / Opinion in form of amendments
by the Committee for Women's Rights and Gender Equality

Rapporteur: **Christine Anderson**

Questions to: philippe.seidel@age-platform.eu

09 September 2020

Proposals for amendments to the FEMM opinion

Amendment 1

(X) whereas while life expectancy increased considerably during the last decades, women live longer than men on average by 5.5 years in 2018 in the EU; whereas the difference in healthy life expectancy between women and men remains low, with women having a healthy life expectancy of 64.2 years, 0.5 years higher than men;

Amendment 2

(X) whereas this means that a significant number of older women live alone and face proportionally higher expenses for keeping their household, are more at risk of social isolation and loneliness and the associated mental and physical health hazards;

Amendment 3

(X) whereas the gender gap in pensions is estimated at 37%; whereas this figure hides strong disparities among member states regarding gender gaps; whereas women in the oldest age bracket assessed by Eurostat (75+) face poverty and social exclusion rates of 23.3 % in 2018, above the EU average of all age groups; whereas the risk of poverty and social exclusion is also very high for older women of working age (24.4% for women 55–64 years old in 2018);

Amendment 4

(X) whereas the gender gaps in income are a consequences of inequalities accumulated during the life-course, including linked to wage and care gaps, job segregation and segmentation, and a higher risk of women to work in part-time or non-standard jobs;

Amendment 5

(X) whereas more than one in four women between 50 and 64, and 17 % of women above 65 are performing informal caring responsibilities at least once per week; whereas informal care is associated with higher risks of social isolation, risk of poverty and social exclusion and bad health conditions; whereas this shows the inadequacy of long-term care and assistance services in many member States;

Justification: Cf. Results of the 2016 Eurofound Quality of Life Survey:

https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1733en.pdf

Amendment 6

(X) whereas older women are affected differently than men by a number of diseases and conditions associated with age, such as lung cancer, diabetes, depression or cardio-vascular diseases and



affected more strongly by conditions such as breast cancer, osteoporosis, incontinence or dementia; whereas ageing means that the prevalence of such conditions is likely to increase in the future;

*Justification: please look at AGE's special briefing of 2019 on older women and health:
<https://www.age-platform.eu/special-briefing/healthy-ageing-double-burden-faced-older-women>*

Amendment 7

(X) whereas there is little data about the exposure of older women to violence, neglect and abuse, whereas in a study in 2011 conducted in five EU member States, more than one in four older women had experienced violence and abuse in the preceding 12 months; whereas, in the context of the ageing of the population structure, it becomes even more unacceptable that such abuses are not further researched;

Justification: Luoma, M.-L. et al., Prevalence Study of Violence Against Older Women. Results of a Multi-Cultural Survey Conducted in Austria, Belgium, Finland, Lithuania and Portugal. Finnish National Institute for Health and Welfare THL, April 2011. <https://thl.fi/en/web/thlfi-en/research-and-expertwork/projects-and-programmes/avow-study>

Amendment 8

#. Highlights the important contributions of older women and men to European societies to which they contribute as employees and carers, though volunteering and intergenerational exchanges, culture and education; recalls the importance of taking account of the variety of needs and the rights of women and men in the ageing process in public policies;

Adequate income

Amendment 9

#. Recalls the commitments made by member States in the Council conclusions on equal income opportunities for women and men: closing the gender gap in pensions¹; calls upon the European Commission and member States to thoroughly assess the outcomes of social security, and particularly of pension systems, on men and on women; invites the Commission and member States, as well as responsible EU agencies such as European Insurance and Occupational Pensions Authority, to assess the inherent features of pension systems that lead to unequal pension outcomes for men and for women in all pension pillars; calls in particular for a study assessing coverage and benefit ratios of women by occupational pension schemes in addition to the outcomes of statutory social protection;

Justification: while many causes for the gender pension gap are linked to different employment histories of women and men, pension reforms that encourage the development of occupational pensions may increase gender gaps, if women are less likely to be covered by occupational pensions than men. Some mechanisms in statutory pensions may also lead to gender inequalities.

Amendment 10

#. Calls upon the European Commission and member States to pay more attention to the risk of poverty and social exclusion for older women as part of the European Semester, as well as of social protection and social assistance policies; encourages the Social Protection Committee to fully analyse the gender gap in pensions in all its dimensions in the upcoming and future Pension Adequacy Reports;

Justification: the Pension Adequacy Report of 2018 is due to be updated in 2021. The last report assessed the theoretical impact of pension reforms on women and men with a greater variety of career histories, such as including periods of unemployment, late labour market entry, early labour

market exit, career gaps linked to the care of children and of older persons in need for care and assistance. This avenue should be further pursued in the future,

Amendment 11

#. Calls upon member States to strengthen efforts for reducing the risk of poverty and social exclusion, but also of social isolation and loneliness, in particular when defining the conditions for access to social assistance and social protection such as minimum income or minimum pension schemes;

Long-term care

Amendment 12

#. Encourages the European Commission and member States to develop a EU-level recommendations and plans for quality and access to services providing long-term care and assistance; calls for fully take into account the situation of informal carers in such a strategy; highlights the importance of quality respite care and day care services, as well as of training and exchange with peers for informal carers, most of whom are older women; reminds member States of their discussions on the impact of Long-Term Care on Work-Life Balance² and calls for pursuing this work in the context of the overall reflection on demographic change as an urgency;

Work-Life Balance / Labour market

Amendment 13

#. Calls for a swift and comprehensive implementation of the Directive on Work-Life Balance for Parents and Carers in view of narrowing the gender care gap; underlines that this is crucial for enabling women of all ages to have equal opportunities in the labour market; reminds the Commission and member States that the Directive's implementation needs to be underpinned by the provision of affordable and high-quality long-term care and early childcare and education; calls upon member State to go beyond the minimum standards regarding carer's leave stipulated in the Directive in terms of remuneration and duration of leave;

Justification: the work-life balance directive, while introducing for the first time in EU legislation the principle of carer's leave, allows only for five days of leave per worker and year for taking care of sick or disabled family members – this duration seems hardly sufficient even to organise formal long-term care services that alleviate the burden of informal carers. In terms of remuneration, carer's leave has been left exempt from the rule regarding parental and paternity leave in the directive.

Amendment 14

#. Highlights that the highest employment gap between women and men is in the age group of 54-65 year-olds; calls upon the EU and member States, and in particular on the European Network of Public Employment Services, to assess the best ways to support older female jobseekers back into the labour market and further research on how to create and adapt workplaces for older women and men;

Justification:

The employment gap (gap between employment rates) between women and men is 13 percentage points in 2019 for the age group of 54-65. It is of 11.5 for the group of 25-54 year-olds. The gap in older working age is created in part by different retirement ages, but also by increasing disadvantages for women throughout their careers, which cumulate in older age, and increasing informal duties as carers for sick or disabled family members or grandchildren.

Health

Amendment 15

#. Calls for more research and funding for research on the specific health conditions associated with older women, including awareness-raising campaigns for identifying the differences in disease symptoms related to sex; underlines that the ageing of the EU's population structure increases the urgency to pursue a 'Health in All Policies' approach; calls upon the EU and member States to fully engage with the World Health Organisation's Decade on Healthy Ageing 2020-2030 and underlines that reducing diseases associated with age in general has a beneficial impact especially on women because of women's longer exposure to bad health conditions and women's strong role to provide informal care and assistance;

Justification:

More information about the WHO decade on healthy ageing:

<https://www.who.int/initiatives/decade-of-healthy-ageing>

More information about Health in all Policies:

https://www.who.int/social_determinants/publications/health-policies-manual/key-messages-en.pdf

Violence, abuse and neglect

Amendment 16

Calls for an EU-wide study into the prevalence, drivers and policies to fight violence against older women; calls for not overlooking the risks of violence against women faced by older women in the overall agenda to fight violence against women, including in the ratification and implementation of the Istanbul convention and in the Beijing Platform for Action;

Older LGBTI

Amendment 17

#. Highlights that an increasing number of older persons affirm a non-binary form of sexual orientation; calls upon the EU and member States to include older LGBTI in strategies and action plans to reach gender equality, including by exploring the intersection of disadvantages linked to age and sexual orientation; highlights for instance that long-term care and assistance structures may not be adapted to respecting the rights to privacy and private life of LGBTI and that programmes to prevent and mitigate HIV/AIDS may not be accessible to older persons;

Justification:

Cf. The testimony of a researcher on older LGBTI in social care settings: <https://ageing-equal.org/promoting-inclusive-care-environments/>

For a list of calls specific to ageing LGBTI, please see the manifesto of the „Revolutionsenior“ campaign of the French organisation Grey Pride: <https://www.greypride.fr/page/984657-revolutionsenior>

Statistics

Amendment 18

#. Underlines that many indicators collected by the EU's statistical systems do not sufficiently differentiate between older age groups, such as the age brackets 75-84 and 85+, which inhibits raising awareness for the living conditions of women and men in the highest ages in general and the differences between women and men in very high age in particular; calls upon the Commission and member States to revise the statistical age groups to keep track with the ageing of the population and the increasing share of persons reaching very high ages.



More information:

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AGE Platform Europe contribution to the Draft EMPL opinion on Reversing demographic trends in EU regions using cohesion policy instruments

2020/2039(INI), Report by the Committee on Regional Development / Opinion by the Committee for Employment and Social Affairs

Rapporteur: **Elżbieta Rafalska** ; Deadline for amendments : **16/09/2020**

Questions to: philippe.seidel@age-platform.eu

14 September 2020

AGE proposals for amendments to the EMPL draft opinion

Amendment 1

A.whereas **demographic changes impose considerable economic and social pressure on Member States' governments and on local and regional authorities in terms of the provision of public services, particularly social welfare, social services and infrastructure; whereas these pressures will be exacerbated by a declining active population and a higher dependency ratio; whereas high-quality public and private services, especially childcare, long-term care and day-care facilities, will play a keyrole, and the role of telecare and telemedicine will need to be expanded;**

A.whereas *increased longevity constitutes an important achievement of the EU's societies, social and particularly health systems; whereas public policies at all governance levels have an important role to play in enabling inclusive, healthy and caring communities in which people of all ages can contribute to society;*

Justification:

Split into two (see our amendment 2). It is important to also highlight the participation and opportunities linked to ageing, as it is a civilisatory success. Older persons should not be seen as a burden and strain on society, but as citizens with full rights to participate on their terms.

Amendment 2:

A.whereas **demographic changes impose considerable economic and social pressure on Member States' governments and on local and regional authorities in terms of the provision of public services, particularly social welfare, social services and infrastructure; whereas these pressures will be exacerbated by a declining active population and a higher dependency ratio; whereas high-quality public and private**

(A bis).whereas *ensuring inclusive environments for all ages demand* considerable economic and social **effort by** Member States' governments and local and regional authorities in terms of the provision of public services, particularly **to promote quality of life on local level, and upholding** social **justice**, social services and infrastructure; whereas these **efforts may need to intensify in the future in light of demographic**





services, especially childcare, long-term care and day-care facilities, will play a keyrole, and the role of telecare and telemedicine will need to be expanded;

ageing; whereas high-quality public and private services, especially childcare, long-term care and day-care facilities, will play a keyrole, and the role of telecare and telemedicine will need to be expanded;

Justification:

Welfare often entails a paternalistic approach, whereas social justice focusses on rights. It is important to build environments that are attractive to all ages, rather than only focussing on one age group to avoid segregation of society along age lines.

Amendment 3:

	(A bis) whereas local and regional authorities have a key role to play in supporting quality of life and inclusiveness of the living environment of citizens in line with the concept of age-friendly environments; whereas local and regional authorities should be supported in fulfilling this task;
<p><i>Justification:</i> According to the World Health Organisation, „Age-friendly environments foster health and well-being and the participation of people as they age. They are accessible, equitable , inclusive, safe and secure, and supportive. They promote health and prevent or delay the onset of disease and functional decline. They provide people-centered services and support to enable recovery or to compensate for the loss of function so that people can continue to do the things that are important to them.’ (https://www.who.int/ageing/projects/age-friendly-environments/en/)</p>	

Amendment 4:

<p>B.whereas it is important for the EU to mainstream demographic issues into all its policies, including by incorporating them in its budget lines;</p>	<p>B.whereas it is important for the EU to mainstream demographic issues into all its policies, including by incorporating them in its budget lines, <i>as well as addressing demographic change in its economic and social policies promoted by the European Semester; whereas the EU has a key role to play in supporting exchange of good practices at all governance levels and developing guidance and recommendations on building age-friendly environments;</i></p>
<p><i>Justification:</i> The European Semester is shaping the possibiilities that governments on local and regional level have to address ageing, therefore it is a powerful process in which ageing should be streamlined.</p>	





Amendment 5

<p>C. whereas the fight against unemployment among young people and older workers remains one of the greatest challenges facing the EU's regions;</p>	<p>C. whereas the development of job opportunities especially for younger and older workers remains one of the great challenges facing many of the the EU's regions; underlines that the presence of jobs and opportunities, but also public services, build the quality of life of rural areas and allow to fight their depopulation;</p>
<p><i>Justification:</i> Job opportunities are often linked to quality of life of a region, as employers want to attract highly skilled workers. Therefore, quality of life is a cornerstone, and it comes with the availability of public and private services in rural areas.</p>	

Amendment 6

	<p>D. (new) whereas there are important challenges for social inclusion in rural areas especially for persons with disabilities who might be faced with less opportunities for mobility towards accessible employment, education and training, social, civil or cultural participation opportunities; whereas the European Union and all member States have ratified the UN Convention on the Rights of Persons with Disabilities;</p>
<p><i>Justification:</i></p>	

Amendment 7

	<p>E. (new) whereas there is an increasing problem of social isolation in areas that are losing population due to migration to cities combined with demographic change;</p>
<p><i>Justification:</i></p>	

Amendment 8

	<p>F. (new) whereas rural areas in the EU are faced with barriers to the development of inclusive environments, such as the absence of</p>
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	connectivity to high-speed internet and other forms of infrastructure;
<i>Justification:</i>	

Amendment 9

	G. (new) whereas Solidarity between Generations is one of the key principles on which the EU is founded according to TEU art. 3.; whereas this entails that challenges arising from demographics should be tackled in a spirit of dialogue between generations, gender equality and inclusiveness to all;
<i>Justification:</i> Especially during the COVID-19 crisis, but already before, voices were heard pitching generations against each other, spreading ageism and hate speech against persons of different ages. Public policies and discourses should work towards overcoming ageism and cleaving language towards solidarity between all generations and groups of society.	

Amendment 10

1.Calls on Member States to use Cohesion Fund resources, in particular the ERDF and the ESF, to increase the accessibility of public spaces to people with special needs, including persons with disabilities, children and the elderly ;	1.Calls on Member States to use Cohesion Fund resources, in particular the ERDF and the ESF, to increase quality of life in public spaces for all, especially by enhancing the accessibility of public spaces to people with special needs, including persons with disabilities, children and the older persons; calls on local and regional governments to actively make use of public procurement rules to ensure that all publicly-funded goods and services are fully accessible to all;
<i>Justification:</i> With lack of investment and development of public services in rural and depopulating areas, many public service have not yet been upgraded to meet accessibility requirements and ensure social inclusion for persons with disabilities.	

Amendment 11

2.Calls for the greater involvement of ERDF resources in improving transport and telecommunications infrastructure in areas that	2.Calls for member States to use ERDF resources in improving transport and telecommunications infrastructure in areas that have high ageing
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have high ageing rates, a high proportion of rural areas, and are facing depopulation;	rates, a high proportion of rural areas, and are facing depopulation;
<i>Justification:</i> It is largely member States determining for which the share of ERDF funding they are entitled to are used.	

Amendment 12

	<i>3. (new) calls to use EU funds for enhancing the availability and quality of long-term care services to support autonomy and independence of persons with disabilities and older persons across the territories; furthermore calls for the use of EU funds to encourage the establishment of medical practitioners and the maintenance of hospitals in rural areas and ensuring access to health for all;</i>
<i>Justification:</i> The density of long-term care and medical services is often very low in rural areas, creating little choice between forms of care and lack of adaptation to one's needs for care and assistance. Furthermore, the existence of 'medical deserts' in the EU directly threatens the right to health and integrity of persons living in rural areas.	

Amendment 13

	<i>3 (new). Reminds member States of their commitments in developing Early Childhood Education and Care under the Barcelona targets, calls for providing accessible childcare and early childhood education and care in rural areas to raise the attractiveness of these areas for working parents;</i>
<i>Justification:</i> Demographic change on local level is often rather determined by the fact that younger people move to larger cities with more opportunities for jobs and trainings, but also for reconciling work and family life due to the availability of child care services	

Amendment 14

3.Calls for greater mobilisation of ESF resources to effectively counter the digital gap and digital exclusion, especially among older people;	3.Calls for greater mobilisation of ESF resources, <i>national and local resources</i> to effectively counter the digital gap and digital exclusion,
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	<p>especially among older people; <i>calls therefore for accessible and affordable opportunities to learn digital skills in a way that is adapted to the needs of older persons; points out that these initiatives have greater chances of success when they are linked to opportunities of intergenerational exchange;</i></p>
<p><i>Justification:</i> Recent research work has shown that interventions targeting older learners’ media literacy tend to focus only on their use of devices, rather than on the understanding of online information and content creation. Similar conclusions have been drawn from the DIGITOL study which showed that the development of older people’s digital skills is mainly hindered by the lack of accessible trainings, the absence of adequate training offers, and the fact that older persons are not targeted as potential trainees.</p> <p>(ProArbeit and AGE Platform Europe, Context Analysis Report. A cross-cutting comparison of digital literacy training for generations to combat fake news together’. Digitol project deliverable Forthcoming in Autumn 2020. Ch. 3 and 4).</p>	

Amendment 15

<p>4.Stresses that the regions should make more active use of the European Structural and Investment Funds to address demographic change, particularly by supporting training programmes, entrepreneurship and the silver economy.</p>	<p>4.Stresses that the regions should make more active use of the European Structural and Investment Funds to address demographic change, particularly by supporting <i>quality of life on the local level</i>, training programmes, entrepreneurship and the silver economy, <i>intergenerational exchanges and opportunities for participation, as well as in fighting the growing phenomenon of loneliness and social isolation;</i></p>
<p><i>Justification:</i> There is little attention paid by European Programmes to intergenerational exchanges and addressing loneliness and isolation, despite the huge toll in mental and physical health that loneliness and social isolation entail.</p>	

Amendment 16

	<p><i>5 (new). Calls on the European Commission to open funding for a programme to regularly exchange about local and regional good practices to build environments for all ages on local level;</i></p>
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Justification:

The Horizon 2020 programme supported, via the European Innovation Partnership for Active and Healthy Ageing's Action Area D.4, the creation of a European Innovation network for age-friendly environments. This network is created and counts a couple of hundred local authorities among its members, however it is devoid of any funding. Through the active funding of exchanges of practices, the European Covenant on Demographic Change could help catalise solutions for building age-friendly environments. Cf: www.agefriendlyeurope.org

Amendment 17

	<p>6 (new). Calls upon the EU, member States and local and regional governments to fully engage in the World Health Organisation's Decade of Healthy Ageing 2020-2030 and its four areas of action: change how we think, feel and act towards age and ageing; ensure that communities foster the abilities of older people; deliver person-centred integrated care and primary health services responsive to older people; and provide access to long-term care for older people who need it;</p>
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Justification:

The Decade of Healthy Ageing (2020-2030) is an opportunity to bring together governments, civil society, international agencies, professionals, academia, the media, and the private sector for ten years of concerted, catalytic and collaborative action to improve the lives of older people, their families, and the communities in which they live. Following the 146th WHO Executive Board's recommendation made in February 2020 ([Decision EB146/13](#)), the 73rd World Health Assembly have [endorsed the proposal for a Decade of Healthy Ageing \(2020-2030\)](#)

Amendment 18

	<p>7 (new). Underlines that the implementation of the European Pillar of Social Rights, including especially its principles on the right to equal opportunities, health, inclusion of people with disabilities, long-term care and access to essential services, old-age income and pensions, housing and assistance for the homeless are essential to support quality of life for people of all ages on local level; therefore welcomes the plan of the European Commission to come</p>
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	<p><i>forward with an Action Plan for the implementation of the European Pillar of Social Rights; calls upon national, regional and local authorities to fully implement the Pillar in accordance with the commitments made by all EU member States in adopting it;</i></p>
<p><i>Justification:</i> The implementation of the European Pillar of Social Rights is a unique opportunity to also build quality of life on local level.</p>	

Amendment 19

	<p><i>8 (new). Calls on the Social Protection Committee and the European Commission to include the differences in living costs associated to living in dignity between urban and rural areas when drafting the Pension Adequacy Report, but also in drafting recommendations under the European Semester regarding the adequacy of minimum incomes or pensions;</i></p>
<p><i>Justification:</i> Income needs evolve with age and health status, but also with the type fo the direct living environment. For instance, in rural areas, the budget necessary ti fill the needs for energy and transport is often much higher than in urban areas (which in turn often have higher costs for housing). Therefore, minimum incomes should reflect these differences in needs according to the available services. Cf: AGE Platform Europe: What should old-age income entail to live in dignity? https://www.age-platform.eu/sites/default/files/AGE_EMIN_publication_Dec2014_EN.pdf</p>	





Parliamentary questions

46k 10k

28 April 2020

E-002550/2020

[Question for written answer E-002550/2020 to the Commission](#)

Answer in writing

Rule 138

[Milan Brglez](#), [Jarosław Duda](#), [Brando Benifei](#), [Predrag Fred Matić](#), [Irena Joveva](#), [Klemen Grošelj](#), [Manuel Pizarro](#), [Chrysoula Zacharopoulou](#), [Marisa Matias](#), [José Gusmão](#), [Niklas Nienaa](#)

▶ **Subject: COVID-19, a Report on the Impact of Demographic Change and the Green Paper on Ageing**

In the run-up to the European Day of Solidarity between Generations on 29 April, the emergency response to COVID-19 has rightly taken centre stage on the European agenda. Diverging and often inadequate treatment of vulnerable groups (including older people, persons with disabilities, children, women, etc.) has revealed pre-existing deficiencies in addressing demographic change. Furthermore, the COVID-19 crisis and Member States' responses have underlined the need for better EU coordination and common action on health and social protection.

Demographic change and solidarity between generations must therefore be at the heart of discussions in the EU as we move towards a post-pandemic society and economy which must accommodate our ageing societies, and ensure everyone's human rights are fully upheld.

The Commission included a Report on the Impact of Demographic Change and a Green Paper on Ageing in its 2020 Work Programme, but has delayed publication of the Report due to COVID-19.

1. What actions does the Commission intend to take to initiate the discussion urgently needed in response to EU demographic challenges in the context of the COVID-19 crisis and its aftermath?
2. What will the postponement of the publication of the Report mean for the Green Paper on Ageing?

Last updated: 13 May 2020

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IMPACT OF COVID-19 OUTBREAK ON LONG-TERM CARE FACILITIES

In the context of the health crisis we are experiencing, there is a clear understanding that a further tragedy has occurred almost silently.

The data collected in different countries are often partial and fragmented, but it is clear that most of Covid-19 infections and deaths in Europe occurred in nursing and care homes, residential services for older people and person with disabilities and other social services. We have in mind a range of different facilities, all including the presence of people in vulnerable situation, where half of the deaths related to Covid-19 in Europe have so far occurred.

While on the one hand it is clear that these figures are due to the greater fragility of the residents of these facilities, on the other hand it is pretty evident that there are problems in the emergency management that need to be clarified. These are indeed places where residents and workers have often been exposed to great risks without appropriate safeguards.

With a letter dated July 1st, EPSU, AGE Platform and the European Disability Forum asked the European Parliament to be committed on this issue. We, as Members of the European Parliament, believe that it is absolutely necessary to examine what happened at European level with all the means at our disposal, in order to have comprehensive data in front of us and to identify political and management responsibilities, so that we can change course immediately.

We are committed to ensuring that the European Parliament has the will and strength to discover and reconstruct what has happened, strengthen attention on these facilities, find alternatives of group housing and avoid other mistakes and tragedies.

Pierfrancesco Majorino (S&D), Marc Angel (S&D), Marc Botenga (GUE/NGL), Milan Brglez (S&D), Fabio Massimo Castaldo (n.a.), Petra de Sutter (Greens), Klemen Grošelj (Renew), Agnes Jongerius (S&D), Stelios Kympouropoulos (EPP), Katrin Langensiepen (Greens), Tilly Metz (Greens), Anne-Sophie Pelletier (GUE/NGL), Sirpa Pietikainen (EPP), Ernest Urtasun (Greens), Inese Vaidere (EPP), Alex Agius Saliba (S&D), Manon Aubry (GUE/NGL), Margrete Auken (Greens), Pietro Bartolo (S&D), Brando Benifei (S&D), Simona Bonafè (S&D), Saskia Bricmont (Greens), Udo Bullmann (S&D), Jordi Cañas (Renew), Isabel Carvalhais (S&D), Sara Cerdas (S&D), Leïla Chaïbi (GUE/NGL), Tudor Ciuhodaru (S&D), Antoni Comín I Oliveres (n.a.), Ignazio Corrao (n.a.), Ciaran Cuffe (Greens), Rosa D'Amato (n.a.), Jakop Dalunde (Greens), Estrella Dura Ferrandis (S&D), Eleonora Evi (n.a.), Tanja Fajon (S&D), Alexandra Geese (Greens), Chiara Maria Gemma (n.a.), Giorgos Georgiou (GUE/NGL), Alexis Georgoulis (GUE/NGL), Elisabetta Gualmini (S&D), Francisco Guerreiro (Greens), José Gusmão (GUE/NGL), Pär Holmgren (Greens), Romana Jerkovic (S&D), Radan Kanev (EPP), Łukasz Kohut (S&D), Kateřina Konečná (GUE/NGL), Dietmar Köster (S&D), Alice Kuhnke (Greens), David Lega (EPP), Marisa Matias (GUE/NGL), Radka Maxova (Renew), Liudas Mazylis (EPP), Mairead McGuinness (EPP), Cláudia Monteiro De Aguiar (EPP), Alessandra Moretti (S&D), Niklas Nienäb (Greens), Grace O'Sullivan (Greens), Maite Pagazaurtundua (Renew), Jutta Paulus (Greens), Kira Marie Peter-Hansen (Greens), Pina Picierno (S&D), Manu Pineda (GUE/NGL), Giuliano Pisapia (S&D), Dragos Pislaru (Renew), Manuel Pizarro (S&D), Clara Ponsatí Obiols (n.a.), Carles Puigdemont (n.a.), Sira Rego (GUE/NGL), Terry Reintke (Greens), Franco Roberti (S&D), María Euegnia Rodríguez Palop (GUE/NGL), Daniela Rondinelli (n.a.), Isabel Santos (S&D), Mounir Satouri (Greens), Massimiliano Smeriglio (S&D), Sylwia Spurek (S&D), Patrizia Toia (S&D), Romana Tomc (EPP), Marie Toussaint (Greens), Kim Van Sparrentak (Greens), Monika Vana (Greens), Nikolaj Villumsen (GUE/NGL), Marianne Vind (S&D), Maria Walsh (EPP), Isabel Wiseler-Lima (EPP), Carlos Zorrinho (S&D)

Philippe Seidel

From: Philippe Seidel
Sent: mercredi 12 février 2020 12:05
To: klara.dobrev@europarl.europa.eu; dennis.radtke@europarl.europa.eu; marie-pierre.vedrenne@europarl.europa.eu; kira.peter-hansen@europarl.europa.eu; sandra.pereira@europarl.europa.eu; lina.galvezmunoz@europarl.europa.eu
Cc: milan.brglez@europarl.europa.eu; sylvie.brunet@europarl.europa.eu; alicia.homs@europarl.europa.eu; brando.benifei@europarl.europa.eu; yana.toom@europarl.europa.eu; istvan.ujhelyi@europarl.europa.eu; evelyn.regner@europarl.europa.eu; elisabetta.gualmini@europarl.europa.eu; Maciej Kucharczyk; Anne-Sophie Parent
Subject: Support for amendments: European Semester 2020 - social and employment aspects

Dear Ms Dobrev,

Dear Mr Radtke, Ms Vedrenne, Peter-Hansen, Pereira and Galvez Munoz

Cc: supporters of AGE Ms Brunet, Homs Ginel, Toom, Regner and Gualmini and Mr Brglez, and Benifei and Ujhelyi,

We are AGE Platform Europe, the EU's largest network of organisations of and for older persons. We regularly monitor the European Semester concerning policies that affect older citizens in Europe, most importantly in the field of pensions, employment of older workers, health and long-term care policies; but also on policies strengthening accessibility, non-discrimination on all EU treaty grounds and gender equality in a life-cycle perspective.

Unfortunately, our assessment of the ASGS 2020 was not finalised before the deadline for amendments for your report, therefore we were not able to suggest amendments to the report. However, we did publish an [assessment of the 2019 European Semester recently](#).

We want to congratulate Ms Dobrev for a very good draft report and have noted **many amendments that we can particularly support**. In the process of coming up with compromise amendments, you might want to take note of the amendments that we find particularly helpful from an older citizen's perspective. Below you can find an exhaustive list; we particularly support the amendments introduced on behalf of the FEMM committee. **We also thank the MEPs in Cc, as many good amendments from our view have been drafted and/or signed by them as well.**

For any question or comment, please do not hesitate to come back to us.

Best regards,
Philippe Seidel

AGE supports particularly:

- 24, 25, 28 on the life-time impact of **gender inequality on older women** (Toom, Homs Ginel, Brunet, Galvez Munos)
- Comment on amendment 29 (Szydlo): 'old-age dependency ration' is no longer an accurate measure where young people take time to enter the labour market and older persons stay longer. Better name it as it is: ratio of 65+ vs 25-64 year-olds.
- 31 and 40, 63 **on care services**
- 24 of FEMM (Galvez Munoz) on care services and impact on gender equality
- 35 **on adult education target** (Peter Hansen)
- 37 on digital skills (Vedrenne, Brunet); 82 on opportunities and risk for digitalisation (Szydlo)
- 39 on **fiscal challenges for inclusive growth in ageing and diversifying** (Peter-Hansen)
- 48, 181 **on civil dialogue** in the EU Semester (Peter-Hansen)
- 62, 65, 179 on the **right to health** (Trillet-Lenoir, Brunet), 97 (Ujheli)

- **68 on the EU2020 poverty target** (Dobrev); 70 on material deprivation (Langensiepen); 77 (Peter-Hansen), 89 (Ujhelyi, Dobrev)
- 88: important to highlight the importance of health, but not all are 'living longer and in better health': the healthy life years indicator is stagnating on EU level since several years (Peter-Hansen)
- 90 on disability and accessibility (Dobrev),
- 95 (Regner) on unemployment benefit coverage
- 111 on specific measures for vulnerable groups (Galvez Munoz)
- 118 on mainstreaming gender equality
- 121 on integrating the **European Social Charter** (Peter-Hansen)
- 123 on **disaggregating data on social rights by groups** (however, older persons are not listed) – Canas, Brunet)
- 128 on **follow-up to Europe 2020** (Peter-Hansen)
- 130 on implementation of social CSRs (Vedrenne, Toom, Brunet)
- 133 on employability for younger **and older workers** (Peter-Hansen); similarly 135 (Regner), 136 (Lenaers),
- 148 on support for workers in the green transition (Vedrenne, Toom, Brunet)
- 151, 164, 183; 198: **a gender pillar in the follow-up to EU2020** (Galvez Munoz)
- 167 on investing in life-long learning (Kympouropoulos)
- 188 on **a rights-based anti-poverty strategy** (Peter-Hansen)
- 203 on tackling **demographic challenges through common guidelines based on EU values** (Peter-Hansen)
- 209 on minimum incomes to protect the families of beneficiaries from poverty and social exclusion (Pereira)
- 210 on collecting best practices on **minimum income schemes** (Vedrenne, Toom, Brunet); 212 for minimum income schemes to take account of the economic conditions of member states
- 219, 224, 230 on including energy poverty into a housing strategy (Dobrev, Homs Ginel, Regner, Gualmini, Brglez, Benifei / Vedrenne, Brunet)
- 222/223 on **deinstitutionalisation and lack of accessible housing** (Peter-Hansen)
- 229 on gender perspective in taxation policies (Galvez Munoz)
- 223 on **life-long learning perspective** (Peter-Hansen); also in 237 (Vind); 239 (Vedrenne, Brunet), 240 (Dobrev, Homs Ginel, Regner, Gualmini, Brglez, Benifei), 241 on digital skills (Peter-Hansen), also 247 (al-Sahlani), 248 (Canas, Brunet)
- 243 new **strategy for health and safety at work**, including cancer and directive on psychosocial health risks (Vind)
- 246 on gender indicators in the scoreboard (Galvez Munoz)
- 249 on **validating non-formal learning** (Peter-Hansen), also 251 (Dobrev, Homs Ginel, Regner, Gualmini, Brglez, Benifei)
- 252 on **performing health systems, health outcomes, health inequalities** (Peter-Hansen)
- 256 for the aspects to relating to **work-life balance** and flexibility (Canas)
- 260 on including care for persons with disabilities (although a framing as 'supporting autonomy' would be more appropriate) – Langensiepen, Peter-Hansen); 261 (Szydlo) on pointing out long-term care is not only for older persons
- 263 for the part on care for persons dependent on care and the WLB directive (Homs Ginel), also 292 (Galvez Munoz)
- 264 on an **intersectional approach to gender equality** (Galvez Munoz)
- 265 on **social protection for atypical workers** (Vedrenne, Toom, Brunet), also 269 (Canas)
- **278 on responding to demographic challenges in a spirit of solidarity and social inclusion (Dobrev et al.)**
- 282 on strengthening anti-discrimination (Peter-Hansen)
- **284 on adequate pensions (Dobrev et al)**
- 285 on improving employment conditions (Dobrev et al)
- 286 on inclusive education for **persons with disabilities**, 287 on the disability strategy (Vedrenne, Toom, Brunet), also 288 (legislative review) (Gemma, Rondinelli), 289 **on reasonable accommodation** (Langensiepen)
- 303 on the objectives of cohesion policy (Dobrev); 304 on the articulation of ESF+, EGF, JTF (Vedrenne)
- 305 on alignment of the Semester with the EPSR (Galvez Munoz)
- 307 on automatic stabilisers and performance of social protection systems (Dobrev et al)
- **332 on EU funds for care services (Galvez Munoz)**
- 347 on ratifying the revised European Social Charter; however it is not up for the EU Court of Justice to ratify the ESC, but for the Commission, Parliament and Council (Peter-Hansen)

- 353 on monitoring gender inequalities in the labour market; 355 on gender mainstreaming; 356 on gender equality SDG; 357 on the horizontal anti-discrimination directive; 358 on the Istanbul convention (Galvez Munoz)

Philippe Seidel Leroy

Policy and EP Liaison Officer

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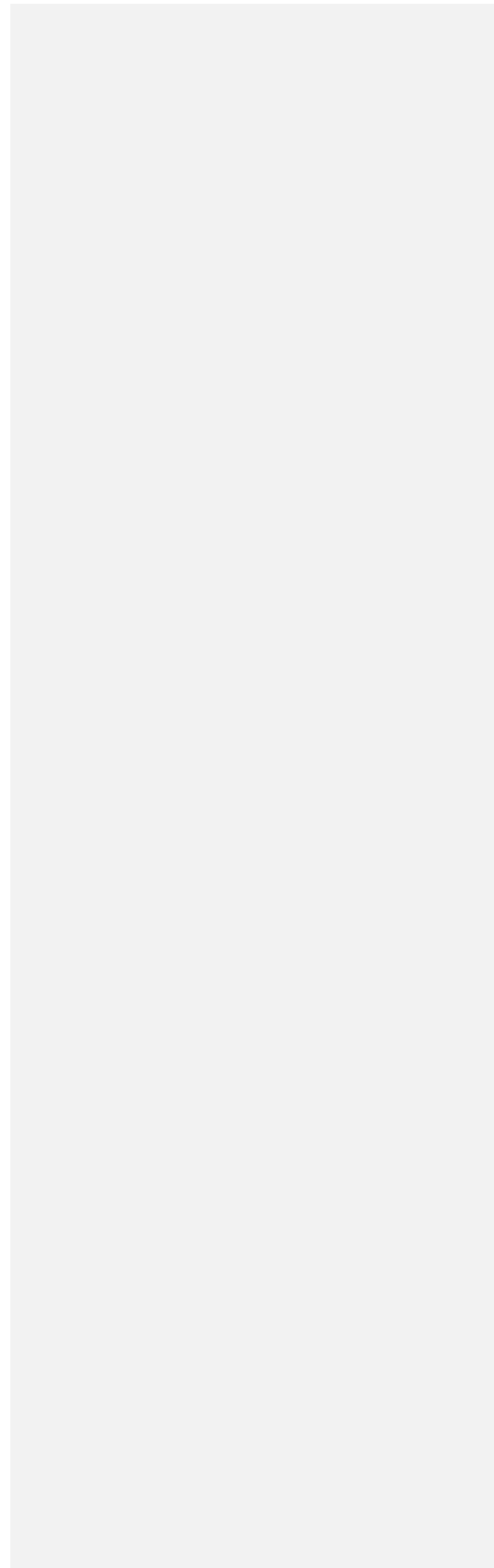
EC Transparency register ID: 16549972091-86

Help us fight ageism. Join our campaign #AgeingEqual: ageing-equal.org



Brussels, 26.2.2020
COM(2020) 70 final
2020/0030 (NLE)

Proposal for a
COUNCIL DECISION
on guidelines for the employment policies of the Member States



2020/0030 (NLE)

Proposal for a

COUNCIL DECISION

on guidelines for the employment policies of the Member States

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 148(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament¹,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Having regard to the opinion of the Employment Committee⁴,

Whereas:

(1) ~~Member States and the Union are to work towards developing a coordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce, as well as labour markets that are responsive to economic change, with a view to achieving the objectives of full employment and social progress, balanced growth and a high level of protection and improvement of the quality of the environment set out in Article 3 of the Treaty on European Union.~~ Member States shall regard promoting employment as a matter of common concern and shall coordinate their action in this respect within the Council, taking into account national practices related to the responsibilities of management and labour. ~~In this context, the current COVID-19 crisis, which will have severe and long-lasting impact on the European labour markets, calls for large-scale and coordinated policy efforts, in order to strengthen public health policies, provide employment and income support and to stimulate the economy and labour demand. These measures not only build resilience, cushion enterprises and workers against immediate employment and income losses, but they also help prevent a chain of supply and demand shocks that could lead to a prolonged economic recession.~~

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(2) ~~The Union is to combat~~ (2) To fully achieve its founding principles - social cohesion and peace -, even more in a moment of deep crisis where those principles will be challenged, the Union must have at the top of its political priorities the fight against poverty, social exclusion and discrimination and promote social justice and protection, as well as equality between women and men, solidarity between generations and the protection of the rights of the child, and other highly disadvantaged groups. In defining and implementing its policies and activities, the Union is to take into account requirements linked to the promotion of a high level of inclusive labour markets and full employment, the existence of accessible and of quality public services, the guarantee of adequate decent salaries and social protection, the fight against poverty and social exclusion and a high level of education and training as set out in Article 9 of the Treaty on the Functioning of the European Union.

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(3) In accordance with the Treaty on the Functioning of the European Union (TFEU), the Union has developed and implemented policy coordination instruments for economic and employment policies. As part of these instruments, the present Guidelines for the

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1 OJ C , , p . .

2 OJ C , , p . .

3 OJ C , , p . .

4 OJ C , , p . .

Employment Policies of the Member States, together with the Broad Guidelines for the Economic Policies of the Member States and of the Union set out in Council Recommendation (EU) 2015/1184 ⁽⁶⁾-(15), form the Integrated Guidelines. They are to guide policy implementation in the Member States and in the Union, reflecting the interdependence between the Member States. The resulting set of coordinated European and national policies and reforms are to constitute an appropriate ~~overall sustainable economic and employment policy mix, which should achieve positive spill-over effects and effective response to the impacts of COVID-19 on Member States' labour markets and economies and to ensure a sustainable, fair and socially just recovery in line with the European Pillar of Social Rights, the revised European Social Charter, the Sustainable Development Goals and the Paris Agreement, while addressing the decline in collective bargaining coverage,~~

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(4) The Guidelines for the Employment Policies are consistent with ~~the Stability and Growth Pact,~~ the existing Union legislation and various Union initiatives, including the Council recommendation of 22 April 2013 on establishing a Youth Guarantee ⁽⁶⁾-(16), the Council Recommendation of 15 February 2016 on the integration of the long-term unemployed into the labour market ⁽⁷⁾-(17), the Council Recommendation of 19 December 2016 on Upskilling Pathways ⁽⁸⁾-(18), the Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships ⁽⁹⁾-(19), the Council Recommendation of 22 May 2018 on Key Competences and Lifelong Learning ⁽¹⁰⁾-(10), the Council Recommendation of 22 May 2019 on High Quality Early Childhood Education and Care Systems ⁽¹¹⁾-(111) and the Council Recommendation of 8 November 2019 on Access to Social Protection ⁽¹²⁾-(121). ~~Following the European Commission communication of 20 March 2020 on the proposal to activate 'The general escape clause', these guidelines depart from the Stability and Growth Pact in order to allow Member States full flexibility to promote and protect quality jobs and working conditions and to finance public health and social services.~~

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(5) The European Semester combines the different instruments in an overarching framework for integrated multilateral coordination and surveillance of economic and employment policies. While pursuing environmental sustainability, productivity, fairness and stability, the European Semester ~~integrates~~ ~~should further integrate~~ the principles of the European Pillar of Social Rights, including ~~stronger~~ ~~stronger~~ engagement with social partners, civil society and other stakeholders. It supports the delivery of the Sustainable Development Goals ⁽¹³⁾-(131). The Union and Member States' employment and economic policies should go hand in hand with Europe's ~~response to the crisis, while ensuring the transition to a climate neutral, environmentally sustainable, inclusive and digital economy, while improving competitiveness, fostering innovation, promoting that promotes social justice and equal opportunities as well as tackling inequalities and regional disparities.-~~

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(6) Climate change and environmental related challenges, globalisation, digitalisation and demographic change ~~will transform~~ ~~are transforming~~ European economies and societies. ~~as shown by the COVID-19 crisis,~~ The Union and its Member States should work together to ~~effectively address these structural factors~~ ~~respond to this new and unprecedented situation,~~ to embed social rights and work to reduce poverty and inequality and adapt existing systems as needed, recognising the close interdependence of the Member States' economies and labour markets, ~~social~~ and ~~related~~ ~~environmental~~ policies. ~~The COVID-19 crisis has further shown the importance of environmental policies for the health of EU residents, as risk factors~~

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Commented [PS2]: Maybe rather list the COVID-19 crisis among the phenomena transforming EU societies, as not all challenges listed are exemplified by the COVID crisis

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5 Council Recommendation (EU) 2015/1184 of 14 July 2015 on broad guidelines for the economic policies of the Member States and of the European Union (OJ L 192, 18.7.2015, p. 27).
6 OJ C 120, 26.4.2013, p. 1.
7 OJ C 67, 20.2.2016, p. 1.
8 OJ C 484, 24.12.2016, p. 1.
9 OJ C 153, 2.5.2018, p. 1.
10 OJ C 189, 4.6.2018, p. 1–13
11 OJ C 189, 5.6.2019, p. 4–14
12 OJ C 387, 15.11.2019, p. 1–8
13 UN Resolution A/RES/70/1

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such as diabetes, asthma or cardiovascular diseases are both associated with high complication and fatality rates of COVID-19 and with exposure to unhealthy lifestyles and environmental factors, such as air pollution. This requires a coordinated, ambitious and effective policy action at both Union and national levels, ~~in accordance with the TFEU and the Union's provisions on economic governance.~~ Such policy action should encompass a boost in ~~sustainable~~ social and environmental investment, ~~enforcement of agreed EU environmental standards,~~ a renewed commitment ~~efficient long-term measures needed to appropriately sequenced structural reforms that improve productivity, economic growth, social and territorial cohesion, upward convergence, resilience~~ mitigate the impact of the crisis, ~~ensure and improve the levels of social and territorial cohesion reached before the COVID-19 crisis,~~ and financial assistance to both companies, and ~~the exercise of fiscal responsibility~~ households. It should combine supply- and demand side measures, while taking into account their environmental, employment and social impact.

(7) The European Parliament, the Council and the Commission signed an inter-institutional proclamation for a European Pillar of Social Rights ⁽¹⁴⁾ ~~(14)~~. The Pillar sets out twenty principles and rights to support well-functioning and fair labour markets and welfare systems, structured around three categories: equal opportunities and access to the labour market, fair working conditions and social protection and inclusion. ~~The principles and rights give direction to our strategy making sure that the transitions to climate neutrality and environmental sustainability, digitalisation and demographic change are socially fair and just. The Pillar constitutes a reference framework to monitor the employment and social performance of Member States, to drive reforms at national, regional and local level and to reconcile the "social" and the "market" in today's modern economy, including by promoting the social economy. Aligned with the principles of the European Pillar of Social Rights, the Employment Guidelines can be an important tool for Member States in developing and implementing policies and measures to not only temporarily mitigate the economic and social impact of the COVID-19 crisis, but also to emerge from the crisis with a stronger economy without undermining labour rights.~~

(8) Reforms to the labour market, including the national wage-setting mechanisms, should ~~follow~~ promote a swift recovery, while following national practices of social dialogue and ~~allowing~~ the necessary opportunity for a broad consideration of socioeconomic issues, including improvements in sustainability, competitiveness, innovation, job creation, lifelong learning and training policies, working conditions, education and skills, public health and inclusion and real incomes. ~~To that end, Member States should strengthen and promote collective bargaining and civil dialogue in order to ensure a democratic, inclusive and socially just recovery.~~

(9) ~~Particularly in a moment when, as consequence of the COVID-19 impact, both at economical and social levels, huge transformations will challenge the Union, Member States and the Union should ensure that those transformations are fair and socially just, strengthening the drive towards a more inclusive and resilient society in which people are protected and empowered to anticipate and manage change, and in which they can actively fully participate in society and the economy. Discrimination in all its forms should be tackled. Access and opportunities for all should be ensured and poverty and social exclusion (including that of children and other highly disadvantaged groups) should be reduced eradicated, in particular by ensuring an effective functioning of inclusive labour markets and of adequate social protection systems and by removing barriers to education, training and labour-market participation, including through investments in early childhood education and care, life-long learning, adaptive workplaces for persons with disabilities, as well as long-term care. Timely and equal access to affordable public universal healthcare services of high quality, including prevention and health promotion are particularly relevant in a context of demographic change and of ageing societies where those services were challenged by underfunding and it was clear that stronger and sustainable investments~~

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Commented [PS4]: I would still keep this, as the inclusion of the EPSR into the semester is a hard-won achievement that we shouldn't torpedo

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Commented [PS5]: i.e. also involve NGOs who are not trade unions

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Commented [PS6]: I have sometimes some issues with the highlight of 'highly disadvantaged groups', as it might include groups which are not considered as disadvantaged, but who are because of stigma (obviously I think of older persons, but also other groups where SES does not necessarily coincide with their (perceived) identification with a group, but who are marginalised otherwise. I would prefer formulations such as 'and all other groups' or 'inclusive for all'

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Commented [PS7]: Health services may be public and still ask for copayments or have other barriers to access. 'Universal' might better underline this

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should have been made. The potential of people with disabilities to contribute to economic growth and social development should be further realised. As new economic and business models take root in Union workplaces, employment relationships are also being changed. Member States should ensure that employment relationships stemming from new forms of work maintain do not raise precariousness nor undermine the sustainability and adequacy of social protection systems, and strengthen that the strengthening of Europe's social model will be pursued.

(10) — The Integrated Guidelines should form the basis for country-specific recommendations that the Council may address to the Member States. Member States should make full use of the European Social Fund Plus and other Union funds, including the Just Transition Fund and InvestEU, to foster quality employment, social investments, as well as fighting poverty and social inclusion/exclusion, accessibility, promote up- and reskilling opportunities of the workforce and people excluded from the workforce, lifelong learning and high quality education and training for all, including digital literacy and skills. Taking in consideration the consequences of the COVID-19 outbreak, the use of those funds must also play a strong role in the reinforcement of public services, particularly in the areas of health and housing. While the Integrated Guidelines are addressed to Member States and the Union, they should be implemented in partnership with all national, regional and local authorities, closely and actively involving, in their implementation, monitoring and evaluation, parliaments, as well as the social partners and representatives of civil society.

(11) The Employment Committee and the Social Protection Committee should monitor how the relevant policies are implemented in light of the guidelines for employment policies, in line with their respective Treaty-based mandates. These committees and other Council preparatory bodies involved in the coordination of economic and social policies should work together closely. Policy dialogue between the European Parliament, the Council and the Commission should be maintained, in particular as regards the guidelines for the employment policies of the Member States. The Commission, EU Council and member States should ensure that at all stages of the European Semester, European and national social partners and broader civil society have been meaningfully consulted.

(12) The Social Protection Committee was consulted,

HAS ADOPTED THIS DECISION:

Article 1

The guidelines for the employment policies of the Member States, as set out in the Annex, are hereby adopted. These guidelines shall form part of the integrated guidelines.

Article 2

The Member States shall take the guidelines set out in the Annex into account in their employment policies and reform programmes, which shall be reported in line with Article 148(3) TFEU.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

The President

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ANNEX

Guideline 5: Boosting the demand for ~~labour and protecting workers, jobs and incomes~~

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~~In the context of the COVID-19 outbreak, Member States should actively promote full employment based on quality jobs in a sustainable social market economy and facilitate and support investment in the Just Transition.~~

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~~Recognizing that state and public investment play a crucial role in job creation of quality jobs. To this end, Member states should therefore lead a major public investment drive and smart and ambitious employment policies to create jobs.~~

~~Member States should adapt their employment policies and coordinate at EU level best practices of temporary measures that protect all workers and labour markets. This should include measures such as wage subsidies and subsidies for full pay, short-time working arrangements; income support and extension of unemployment benefit schemes; extension of paid sick and carers' leave; remote teleworking arrangements; and Tripartite Agreements between state, workers and employers that guarantee jobs, wages and working conditions. Member-states should step-up support to companies that are struggling through the crisis on the condition that those companies sustain all employed personnel, including precarious workers. Member-states should also consider suspending dismissals during the crisis period.~~

~~Member States should ensure the involvement of the Social Partners in the development and implementation of such measures.~~

~~Such measures should be extended to cover self-employed persons and all other non-standard workers, including platform workers.~~

~~These measures should be sustained over time until a full economic recovery has been reached, after which time they should reduce the barriers that businesses face in hiring people, be phased-out.~~

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~~Special attention should be paid to guaranteeing the rights and jobs of mobile workers and frontier workers that are affected by the closing of borders between Member States.~~

~~Additional EU funding should be made available to support Member States in implementing the measures and Member States should make full use of existing funds and financial instruments in the most flexible manner adapted to Member States' needs.~~

~~To ensure adequate social and environmental investments in a true 'Just Transition' and the implementation of the EPSR and SDGs, social spending and investments in sustainable quality jobs should be exempted from the euro area fiscal rules.~~

~~Member States should foster responsible entrepreneurship and genuine self-employment and, in particular, support the creation and growth of micro-, small- and medium-sized enterprises, including through access to finance. Member States should actively promote the development of the social economy, foster social innovation, social enterprises, and encourage those innovative forms of work, creating that create quality job opportunities and generatinggenerate social benefits at local level.~~

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~~In that regard, policies to create new sources of employment should be implemented, in public services of general interest, in particular child and long-term care, healthcare, housing as well as in Just transition sectors.~~

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The tax burden should be shifted away from labour to other sources more supportive to employment, top managerial income, profits and inclusive growth, wealth and at the same time aligned with climate and environmental objectives, taking account of the redistributive effect of the tax system, while protecting revenue for adequate social protection and growth-enhancing expenditure.

Policies to ensure that wages allow an adequate living income remain important to create employment and decrease poverty in the Union. Member States having in place national mechanisms for the setting of statutory minimum wages should ensure an effective involvement of social partners in a transparent and predictable manner allowing for an adequate responsiveness of wages to productivity developments and providing fair wages for a decent standard of living, paying particular attention to lower and middle income groups with a view to upward convergence. These mechanisms should ensure sufficient resources to satisfy basic needs, taking account poverty indicators specific to each Member State, and should take into account economic performance across regions and sectors. Member States should promote social dialogue and collective bargaining with a view to wage setting, and combatting in-work poverty. Respecting national practices, Member States and social partners should ensure that all workers are entitled to adequate and fair wages through collective agreements or adequate statutory minimum wages, taking into account their impact on competitiveness, job creation and in-work poverty.

Guideline 6: Enhancing labour supply and Facing the challenges of an economic and social crisis while improving access to employment, skills and competences

Given the impact of the COVID-19 outbreak, immediate measures will be needed to adapt the labour supply to current needs and demands.

In the past context of the continuous technological and environmental transitions, demographic change as well as demographic change, the present challenges as a consequence of the COVID-19 outbreak impact, Member States should promote social rights, sustainability, productivity, employability and human capital capabilities, fostering relevant knowledge, skills and competences throughout people's lives, responding to current unemployment crisis and preparing present and future labour market needs. Member States' needs of reskilling and upskilling their labour markets workforce in order to respond to the crisis, should also adapt and invest be reinforced by investment in their public education and training systems to provide high quality and inclusive education, including vocational education and training, and formal and informal lifelong learning. Life-long learning should especially be accessible to those who are excluded from the labour market. Member States should work together with the social partners, education and training providers, enterprises, social and cultural NGO's and other stakeholders to address structural and renewed weaknesses in education and training systems and improve their quality and labour market relevance, also with a view to enabling the environmental transition, at the same time. Particular attention should be paid to challenges of the teaching profession. Education and training systems should equip all learners with key competences, including basic and digital skills as well as transversal competences to lay the foundations for adaptability later in life. Member States should seek to ensure the transfer of training entitlements during professional career changes, including, where appropriate, through individual learning accounts. They should enable everyone guarantee at the same time that this approach does not put in jeopardy the humanistic nature of education as well as the aspirations of individuals. It is crucial that Member States undertake early action to anticipate avoid the

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Commented [PS8]: We would recommend keeping demographic change, as this is the most profound change our societies are undergoing within a couple of decades

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~~scarring effect for individuals, and better adapt to societies of being outside the labour market needs notably through continuous reskilling and upskilling, with a view to supporting. To this end, the European Social Fund should support fair and just transitions for all, strengthening with a sufficient coverage and level of unemployment benefits, strengthen social outcomes, addressing address labour market shortages and improvingimprove the overall resilience of the economy to shocks.~~

Member States should foster equal opportunities for all by addressing inequalities in education and training systems, including by providing access to good quality early childhood education. They should raise overall education levels, reduce the number of young people leaving school early, increase access to and completion of tertiary education and increase adult participation in continuing learning, particularly among learners from disadvantaged backgrounds, frequently the least qualified. Member states should follow the objectives of the ET2020 Strategy to raise the proportion of persons participating in adult education and update its targets. Taking into account new requirements in digital, green and ageing societies, Member States should strengthen work-based learning in their vocational education and training systems (VET) (including through quality and effective apprenticeships) and, not underestimating the importance of continuous investment in human sciences, increase the number of Science, Technology, Engineering and Mathematics (STEM) graduates both in medium-level VET and in tertiary education. Furthermore, where appropriate, Member States should enhance the labour-market relevance of tertiary education and research, improve skills monitoring and forecasting, make skills more visible and qualifications comparable in a non-standardized way, including those acquired abroad, and increase opportunities for recognisingrecognizing and validating skills and competences acquired outside formal education and training. They should upgrade and increase the supply and take-up of more flexible and inclusive continuing vocational education and training. Member States should also support, through public services, low skilled adults to maintain or develop their long-term employability by boosting access to and take up of quality learning opportunities, through the implementation of Upskilling Pathways, including a skills assessment, an offer of education and training matching labour market opportunities, and the formal validation and certified recognition of the skills acquired.

Within the Active Inclusion framework, Member States should provide unemployed and inactive people and people excluded from the labour market with enabling, effective, timely, coordinated and tailor-made assistance based on support for job-search, training, requalification and access to other enabling services. Comprehensive, namely on health, care and housing areas. Particularly in the present context of the COVID-19 impact, comprehensive strategies that include in-depth individual assessment of unemployment should be pursued as soon as possible with a view to significantly reducing and preventing the risk of rising long-term and structural unemployment. Youth unemployment and the issue of young people not in employment, education or training, should continue to be addressed through prevention of early school leaving and structural improvement in the school-to-work transition, including through the full implementation of thean effective Youth Guarantee (-):.

The current crisis situation and its consequences have exposed the effects caused by a labour market containing non-standard and precarious employment. Precarious workers are being the ones most swiftly affected by the crisis. This also includes self-employed or so-called self-entrepreneurs. The rights of all workers, including self-employed and persons in non-standard forms of employment, must therefore be strengthened and guaranteed. In this sense Member States should aim to remove barriers and disincentives to, and provide incentives for, a fair participation in the labour market, in particular for low income, second earnersprecarious, and those furthest away from the labour market or put at risk due to the consequences of the crisis. Member States should support an adapted work environment for people with disabilities, including through targeted financial support and services that enable them to participate in the labour market and in society. In light of the ageing of the workforce,

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- Commented [PS10]: The Strategy calls for reaching 15% of participation in life-long learning and training by adults (participating in the last 12 months); however this rate has plummeted around 10% for the length of the strategy.
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Member States should also increase the sustainability of workplaces by practices that maintain people's health, motivation and well-being at work, including by addressing by new and emerging as well as psycho-social risks to occupational health and safety.

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Member States should ensure gender equality and increased labour market participation of women, including through ensuring equal opportunities and career progression and eliminating barriers to participation in leadership at all levels of decision-making. The gender pay and pension gap should be tackled. Equal pay for equal work, or work of equal value, and pay-transparency should be ensured. The reconciliation of work, family and private life for both women and men should be promoted, in particular through access to affordable quality long-term care and early childhood education and care services. Member States should ensure that parents and other people with caring responsibilities have access to suitable paid family leave and flexible working arrangements in order to balance work, family and private life, and promote a balanced use of these entitlements between women and men.

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Guideline 7: Enhancing the functioning of labour markets and the effectiveness of social dialogue

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In order to benefit from a dynamic and productive workforce, new work patterns and business models, Member States should work together with the social partners on fair, transparent and predictable working conditions, ~~balancing rights and obligations.~~ They should promote and strengthen social dialogue, including the European Work Councils, and collective bargaining at all levels in order to mitigate the impacts of the crisis and to reduce and prevent segmentation within labour markets, ~~and to fight undeclared work and bogus self-employment and to~~ foster the transition towards open-ended forms of employment. Employment protection rules, labour law and institutions should all provide ~~both a suitable environment for recruitment, and the necessary flexibility for employers to adapt swiftly to changes in the economic context,~~ while preserving appropriate high levels of security and healthy, safe and well-adapted working environments for workers, protecting labour rights and ensuring social protection. Employment relationships that lead to precarious working conditions and social dumping should be prevented, including in the case of platform workers and by fighting the abuse of atypical contracts. To this end, Member States should fully implement ILO convention No. 81 and invest in effective labour inspections with the necessary authority and coordinate within the framework of the European Labour Authority their efforts to combat cross-border abuse. Collective bargaining coverage should be extended to cover platform workers. Access to effective and impartial dispute resolution and a right to redress, including adequate compensation, should be ensured in cases of unfair dismissal.

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Policies should aim to improve and support labour-market participation, matching and transitions. Member States should effectively ~~activate and~~ enable those who can participate in the labour market. Member States should strengthen the effectiveness of active labour-market policies by increasing their targeting, outreach, coverage and ~~better linking them with~~ ensuring decent income support for the unemployed, whilst they are seeking work and based on their rights and responsibilities. Member States should aim for more effective and efficient public employment services by ensuring timely and tailor-made assistance to support jobseekers, supporting labour-market demand and implementing performance-based management.

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Member States should provide the unemployed with ~~adequate~~ decent unemployment benefits of reasonable duration, in line with their contributions and national eligibility rules. Such benefits ~~should not disincentivise a prompt return to employment and~~ should be accompanied by active labour market policies

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The mobility of learners and workers should be adequately supported with the aim of enhancing ~~employability~~, skills and exploiting the full potential of the European labour market, while also ensuring fair conditions for all those pursuing a cross-border activity and stepping up administrative cooperation between national administrations with regard to mobile workers. Barriers to mobility in education and training, in occupational and personal pensions and in the recognition of qualifications should be removed and recognition of qualifications made easier. Member States should take action to ensure that administrative procedures are not an unnecessary obstacle to workers from other Member States taking up employment, including for cross-border workers. Member States should also prevent abuse of the existing rules and address underlying causes of 'brain drain' from certain regions including through appropriate regional development measures.

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Building on existing national practices, and in order to achieve more effective social dialogue, and better socioeconomic outcomes, Member States should ensure the timely and meaningful involvement of the social partners in the design and implementation of employment, social and, where relevant, economic reforms and policies, including by supporting increased capacity of the social partners. Member States should ~~foster~~strengthen and promote social dialogue and collective bargaining. The social partners should be encouraged to negotiate and conclude collective agreements in matters relevant to them, fully respecting their autonomy and the right to collective action.

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Where relevant and building on existing national practices, Member States should take into account the experience on employment and social issues of relevant civil society ~~organisations~~organizations, including the direct voice and participation of people and groups facing barriers to quality work.

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Member States should also promote work-life balance by a clear reduction of the average weekly working time without loss of pay as well as a clear lowering of the weekly statutory maximum working hours and a limitation of overtime hours.

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Guideline 8: Promoting equal opportunities for all, fostering social inclusion and fighting poverty

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Recognising the current social and economic long-term added challenges as a consequence of COVID-19, Member States should promote ~~socials~~ rights and inclusive labour markets, as part of an integrated active inclusion strategy, open to all, by putting in place effective measures to fight all forms of discrimination and promote equal opportunities for ~~the existing and new~~ under-represented groups in the labour market, with due attention to the regional and territorial dimension. They should ensure equal treatment regarding employment, social protection, health and long-term care, housing, education and access to goods and services, regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

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Member States should ~~modernise social protection systems to provide~~improve adequate, effective, efficient, and sustainable social protection throughout all stages of an individual's life, fighting poverty and fostering social inclusion and upward social mobility, incentivising supporting labour market participation and access to quality jobs addressing inequalities, including through the progressive design of their tax and benefit systems. Complementing universal approaches with additional selective ones will improve effectiveness of social protection systems. ~~The modernisation of social protection systems~~

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should lead, leading to better guarantee of rights including access, quality, adequacy, and sustainability.

Member States should develop and integrate the three strands of active inclusion: adequate income support, inclusive labour markets and access to quality enabling services, meeting individual needs. Social protection systems should ensure adequate minimum income benefits across the life-span for everyone lacking sufficient resources and promote social inclusion by encouraging supporting people to actively participate in the labour market and society, including through targeted social services.

~~The availability~~ Taking in consideration the continuing alarming levels of affordable, accessible poverty, far away from the poverty target established in 2010, and quality services such as early childhood education and care, out the expected impact of school care, education, training, housing, health and long-term care is a necessary condition for ensuring equal opportunities. Particular the COVID-19 crisis, particular attention should be given to fighting poverty and social exclusion, including in work with a special focus and horizontal strategies on the working poor, children, the elderly older persons, ethnic minorities, migrants and homelessness. At the same time a special attention should be given to the potential impact of this crisis in other groups, such as precarious workers, and child poverty, the newly unemployed. Member States should ensure that everyone, including children, has the above-mentioned groups, have access to essential services. For those in need or in a vulnerable situation, Member States should ensure access to adequate social housing or housing assistance, and protection against forced evictions, as well as adequate services for the homeless. In light of the obligations of the EU and member states deriving from the UN Convention on the Rights of Persons with Disabilities, the specific needs of people persons with disabilities including accessibility should be taken into account in relation to these services. Homelessness should be tackled specifically.

The current COVID-19 crisis showed the need for more public investment to ensure sufficient levels of well-trained staff and access to healthcare for all. Therefore Member States should ensure guarantee the right to timely access to affordable universal free public preventive and curative health care and long-term care of good and sustainable quality, while safeguarding sustainability over the long run. Member States should reach the commonly agreed environmental targets to achieve healthy living environments and lifestyles, aiming to increase the number of life years spent in good health (healthy life years indicator).

In a context of increasing longevity and demographic change, Member States should secure the adequacy and sustainability of pension systems for workers and self-employed, providing equal opportunities for women and men to acquire pension rights, including through supplementary public schemes to ensure an adequate income. Where supplementary pension schemes play a significant role to ensure pension adequacy, member States should seek and pursue policies to increase the rate of coverage of workers, especially of low-income workers, and ensure that the principles of solidarity between generations and solidarity mechanisms within pension systems to the benefit of persons with disabilities, women or persons with care responsibilities during their career or persons with experience of long-term unemployment as well as low-wage earners are maintained and promoted. Pension reforms should be supported by measures that extend working lives, such as by raising the effective based on active ageing through optimizing opportunities for workers of all ages to work in good quality, productive and healthy conditions according to their professions, until legal retirement age or longer if they so wish, and based on mutual commitment and motivation of employers and workers. Specific measures should be framed within active ageing strategies identified in the field of strategic assessments of workforce demography, health and safety at the workplace, skills and competence management, work organization for healthy and productive working lives, and an inter-generational approach. Member States should establish a constructive dialogue with social partners, civil society organizations and other relevant stakeholders, including direct dialogue with those facing old-age poverty and exclusion, and allow an appropriate phasing in of the reforms.

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- Commented [PS11]: I would keep these references, as the services outlined are indeed enabling preconditions to participate in the labour market in a dignified way, provided they are provided without discrimination or other access barriers
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- Commented [PS12]: Supplementary schemes, in EU language, are occupational or personal pensions (2nd and 3rd pillar), not public ones.
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- Commented [PS13]: Very good addition!
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- Commented [PS14]: Dito, I would have added this as well
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2020/2012(INL)

15.4.2020

DRAFT OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Legal Affairs

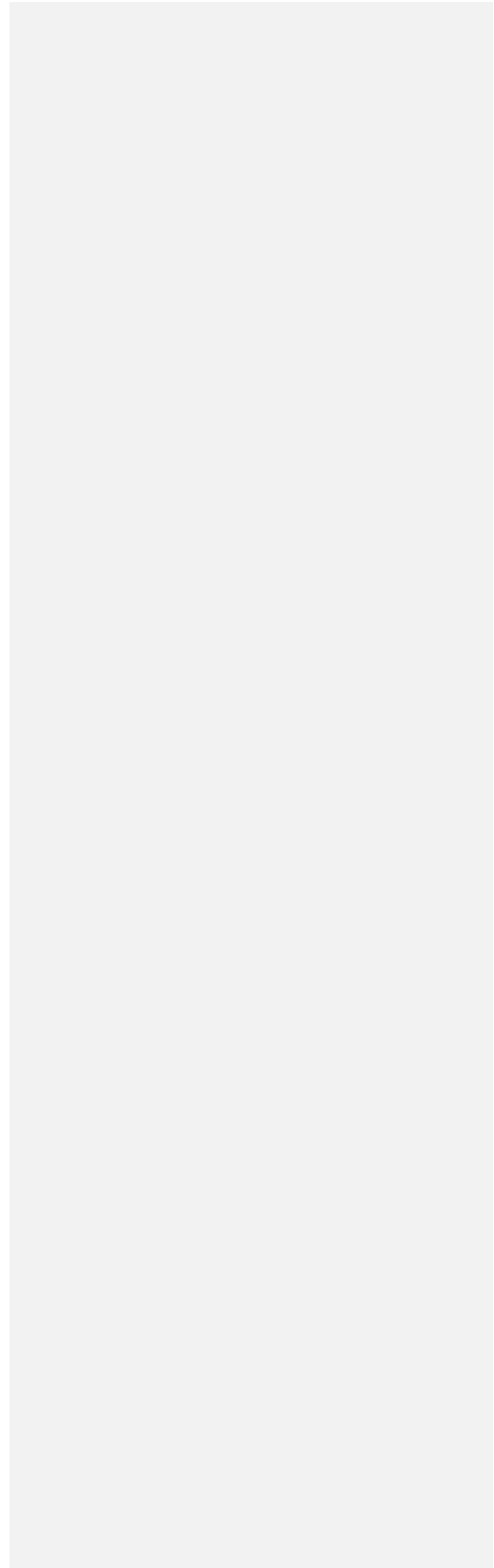
with recommendations to the Commission on the framework of ethical aspects of artificial intelligence, robotics and related technologies
(2020/2012(INL))

Rapporteur for opinion: Alexandra Geese

(Initiative – Rule 47 of the Rules of Procedure)

(*) Associated committee – Rule 57 of the Rules of Procedure

PA_INL



SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Legal Affairs, as the committee responsible:

- to incorporate the following suggestions into its motion for a resolution:

Scope

1. Underlines the importance of an EU regulatory framework being applicable where consumers within the Union are users of or subject to an algorithmic system, irrespective of the place of establishment of the entities that develop, sell or employ the system;
2. Notes that the framework should apply to algorithmic systems, including the fields of artificial intelligence, machine learning, deep learning, automated decision making processes and robotics;
3. Stresses that any future regulation should follow a differentiated risk-based approach, based on the potential harm for the individual as well as for society at large, taking into account the specific use context of the algorithmic system; legal obligations should gradually increase with the identified risk level; in the lowest risk category there should be no additional legal obligations; algorithmic systems that may harm an individual, impact an individual's access to resources, or concern their participation in society shall not be deemed to be in the lowest risk category; this risk-based approach should follow clear and transparent rules;
4. Recalls that EU primary law (the Treaties of the European Union and its Charter of Fundamental Rights), EU secondary law (such as the General Data Protection Regulation, the Product Liability Directive, the Regulation on the Free Flow of Non-Personal Data, anti-discrimination Directives, consumer law and Safety and Health at Work Directives), the UN Human Rights treaties and the Council of Europe conventions (such as the European Convention on Human Rights), and numerous EU Member State laws, among others, apply or are relevant to the development, deployment and use of AI systems;
4. Reiterates the importance of the principles of the European General Data Protection Regulation on the ownership of individuals of their own personal data and explicit, informed consent which is necessary to use this personal data;¹ points out that consent implies that individuals have understood for which purpose their data is to be used and that entities using personal data in algorithms have a responsibility for ensuring this understanding;

Data Management

4. Underlines the importance of an ethical and regulatory framework including in particular provisions on the quality of data sets used in algorithmic systems, especially regarding the representativeness of training data used, on the de-biasing of data sets, as well as on the algorithms themselves, and on data and aggregation standards; points out that common biases include, *inter alia*, age biases, as the median age of technology users tends to be lower than the one of the EU's demography; gender bias, as men or women might be over- or underrepresented among the users of specific data-gathering applications, while

¹ Regulation (EU) 2016/679 of 27 April 2016

Commented [PS1]: This point underpins all the other points that are raised below, it is good to make it explicit.

persons identifying as LGBTI are a minority in most data-gathering contexts; race and ethnic biases; recalls that stereotypes are also sources of biases;

5. Supports a data management approach based on the principle of trustworthy artificial intelligence, robotics and technologies, adhering to ethical principles and the European Charter of Fundamental Rights;

6. Aims at liable and accountable artificial intelligence, robotics and technologies;

Commented [PS2]: It is important to reiterate the basis of the EU Charter of Fundamental Rights in this context.

Commented [PS3]: Link to the dossier on civil liability

Consumer protection: transparency and explainability of algorithms

5. Believes that consumers should be adequately informed in a reliable, timely, impartial, easily-readable, transparent, standardised and accessible manner about the existence, process, rationale, reasoning and possible outcome of algorithmic systems, about how to reach a human with decision-making powers, and about how the system's decisions can be checked, meaningfully contested and corrected; that this information should also be available in an offline format on request;

Commented [PS4]: There are cases where people's data is used without them actually knowing about it, and without necessarily implying use of data by an online service in which they participate – such as data about movements using GSM antenna data. The principles of consent and information should still be upheld in these cases.

6. Recalls the importance of ensuring the availability, efficacy -and affordability of effective remedies for consumers and calls on the Member States to ensure that accessible, affordable, independent and effective procedures are available to guarantee an impartial and rapid review of all claims of violations of consumer rights through the use of algorithmic systems, whether stemming from public or private sector actors; stresses the importance of data protection authorities and independent consumer organisations in assisting consumers in the exercise of their right to remedy;

Commented [PS5]: Data protection authorities, similarly to Equality bodies, have a role to inform and assist consumers in exercising their rights

7. Stresses that where public money contributes to the development or implementation of an algorithmic system, the code, the generated data -as far as it is non-personal- and the trained model should be public by default, to enable transparency and reuse, among other goals, to maximise the achievement of the Single Market, to sustain the social and environmental well-being, and to avoid market fragmentation;

Internal market: consumer information and awareness

8. Underlines the importance of ensuring that the interests of marginalised and vulnerable consumers and groups are adequately taken into account and represented in any future regulatory framework; notes that for the purpose of analysing the impacts of algorithmic systems on consumers, access to data should be extended to appropriate parties notably independent researchers, media and civil society organisations, while fully respecting Union data protection and privacy law; recalls the importance of training and giving basic literacy and skills to consumers to deal with algorithmic systems in order to protect them from potential risks and detriment of their rights; underlines that consumers who want not or cannot participate in the digital world need to have access to information about their data, how it is used and how to manage their consent and that they have a right not to participate;

Commented [PS6]: It cannot and should not be taken for granted that all consumers have access to digital equipment and connectivity to manage their data and participation with their data in algorithms (cf. Digital exclusion)

9. Underlines the importance of training highly skilled professionals in this area and ensuring the mutual recognition of such qualifications across the Union;

Market surveillance

10. Calls for the Union to establish a European market surveillance structure for algorithmic systems issuing guidance, opinions and expertise to Member States' authorities;

11. Notes that it is essential for the software documentation, the algorithms and data sets used to be fully accessible to market surveillance authorities, while respecting Union law; invites the Commission to assess if additional prerogatives should be given to market surveillance authorities in this respect, [in particular in relation to the issue of liability](#);
 12. Calls for the designation by each Member State of a competent national authority for monitoring the application of the provisions;
 13. Calls for the establishment of a European market surveillance board for algorithmic systems, to ensure a level playing field and to avoid fragmentation of the internal market, to decide with a qualified majority and by secret vote in case of different decisions on algorithmic systems used in more than one Member State, as well as at the request of the majority of the national authorities;
- to incorporate the following recommendations into the annex to its motion for a resolution:
14. ...

European Parliament

2019-2024



Committee on Legal Affairs

2020/2012(INL)

21.4.2020

DRAFT REPORT

with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies
(2020/2012(INL))

Committee on Legal Affairs

Rapporteur: Ibán García del Blanco

(Initiative – Rule 47 of the Rules of Procedure)

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United in diversity

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies
(2020/2012(INL))

The European Parliament,

- having regard to Article 225 of the Treaty on the Functioning of the European Union,
- having regard to Article 114 of the Treaty on the Functioning of the European Union,
- [having regard to the European Charter of Fundamental Rights, in particular its articles 7 on the respect for private and family life and 8 on the protection of personal data, 11 on freedom of expression and information and 21 on non-discrimination](#);
- having regard to Council Regulation (EU) 2018/1488 of 28 September 2018 establishing the European High Performance Computing Joint Undertaking¹,
- [having regard to Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 \(EC\) \(General Data Protection Regulation,](#)
- having regard to the proposal for a Regulation of the European Parliament and of the Council of 6 June 2018 establishing the Digital Europe Programme for the period 2021-2027 (COM(2018)0434),
- having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 19 February 2020 on Artificial Intelligence - A European approach to excellence and trust (COM(2020)0065),
- having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 19 February 2020 on A European strategy for data (COM(2020)0066),
- having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 19 February 2020 on Shaping Europe's digital future (COM(2020)0067),
- having regard to its resolution of 16 February 2017 with recommendations to the Commission on Civil Law Rules on Robotics²,
- having regard to its resolution of 1 June 2017 on digitising European industry³,

Commented [PS1]: The respect for private and family life might be endangered by the collection of data on a person based on algorithms. Art. 11 is important to stress the freedom to be informed about how decisions on one's life have been taken and art. 21 because of inherent data biases that can result in discrimination

¹ OJ L 252, 8.10.2018, p. 1.

² OJ C 252, 18.7.2018, p. 239.

³ OJ C 307, 30.8.2018, p. 163.

- having regard to its resolution of 12 September 2018 on autonomous weapon systems⁴,
- having regard to its resolution of 11 September 2018 on language equality in the digital age⁵
- having regard to its resolution of 12 February 2019 on a comprehensive European industrial policy on artificial intelligence and robotics⁶,
- having regard to the report of 8 April 2019 of the High-Level Expert Group on Artificial Intelligence set up by the Commission entitled ‘Ethics Guidelines for Trustworthy AI’,
- having regard to the briefings and studies prepared at the request of the Panel for the Future of Science and Technology (STOA), managed by the Scientific Foresight Unit within the European Parliamentary Research Service, entitled “What if algorithms could abide by ethical principles?”, “Artificial Intelligence *ante portas*: Legal & ethical reflections”, “A governance framework for algorithmic accountability and transparency”, “Should we fear artificial intelligence?” and “The ethics of artificial intelligence: Issues and initiatives”,
- having regard to Rules 47 and 54 of its Rules of Procedure,
- having regard to the opinions of the Committee on Foreign Affairs, the Committee on the Internal Market and Consumer Protection, the Committee on Transport and Tourism, the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety and the Committee on Culture and Education,
- having regard to the report of the Committee on Legal Affairs (A9-0000/2020),

Introduction

- A. whereas artificial intelligence, robotics and related technologies with the potential to directly impact all aspects of our societies, including basic social and economic principles and values, are being developed very quickly;
- B. whereas the Union and its Member States have a particular responsibility to make sure that these technologies contribute to the well-being and general interest of their citizens;
- C. whereas a common framework for the development, deployment and use of artificial intelligence, robotics and related technologies within the Union should both protect citizens from their potential risks and promote the trustworthiness of such technologies in the world;
- D. whereas Parliament has carried out substantial research and adopted several positions on the legal and ethical questions relating to these technologies;
- E. whereas such questions should be addressed through a comprehensive and future-proof

4 OJ C 433, 23.12.2019, p. 86.

5 Texts adopted, P8_TA(2018)0332.

6 Texts adopted, P8_TA(2019)0081.

legal framework reflecting the Union's principles and values as enshrined in the Treaties and the Charter of Fundamental Rights that would bring legal certainty to businesses and citizens alike;

- F. whereas for the scope of that framework to be adequate it should cover a wide range of technologies and their components, including algorithms, software and data used or produced by them;
- G. whereas that framework should encompass all situations requiring due consideration of the Union's principles and values, namely development, deployment and use of the relevant technologies and their components;
- H. whereas a harmonised approach to ethical principles relating to artificial intelligence, robotics and related technologies requires a common understanding in the Union of those concepts and of concepts such as algorithms, software, data or biometric recognition;
- I. whereas action at Union level is justified by the need for a homogenous application of common ethical principles when developing, deploying and using artificial intelligence, robotics and related technologies;
- J. whereas common ethical principles are only efficient where those responsible for ensuring, assessing and monitoring compliance are identified;
- K. whereas each Member State should establish a national supervisory authority responsible for ensuring, assessing and monitoring compliance, and for enabling discussion and exchange of points of view in close cooperation with the concerned stakeholders and the civil society;
- L. whereas Parliament continues to call for the establishment of a European Agency to ensure a harmonised approach across the Union and address the new opportunities and challenges, in particular those of a cross-border nature, arising from ongoing technological developments.

Human-centric and human-made artificial intelligence

- 1. Declares that the development, deployment and use of artificial intelligence, robotics and related technologies, including but not exclusively by human beings, should always respect human agency and oversight, as well as allow the retrieval of human control at any time;

Risk assessment

- 2. Considers that the determination of whether artificial intelligence, robotics and related technologies are to be considered high-risk as regards compliance with ethical principles should always follow from an impartial, regulated and external assessment; that nevertheless the developers need to assess the risk posed by the technology they are developing as an integral part of development;

Safety features, transparency and accountability

Commented [IG2]: We would delete the reference to "human-made" AI, as AI is also the fruit of autonomous machine-learning, which is hard to control by humans. Restricting this chapter on "human-made" AI would entail that HR principles would apply only to a very limited portion of AI

Commented [PS3]: Risk assessment should be performed also upfront, by the technologists that design and deliver AI. The idea of a Hippocratic Oath for technologists has been proposed and could help deal with the risk assessment at the earlier stages, adding a relevant layer of protection of ethical tenets.

3. Maintains that artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies should be developed in a secure, technically rigorous manner and in good faith; final users of these technologies should also be indicated who the accountable actors are in the development process.

Commented [IG4]: Reference to the accountability of designers and developers should be mentioned here

4. Underlines that explainability and accountability are essential to ensuring that citizens trust these technologies, even if the degree of explainability is relative to the complexity of the technologies, and that it should be complemented by auditability and traceability;

4 (bis) (new article) Upholds the principles posed by the EU Charter of Fundamental Rights and the General Data Protection Regulation on the ownership of natural persons of their personal data, which can be used in the context of artificial intelligence, and underlines the importance of the principle of informed consent;

Non-bias and non-discrimination

5. Recalls that the development, deployment and use of artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, should respect human dignity and ensure equal treatment for all;

6. Affirms that possible bias in and discrimination by software, algorithms and data should be addressed by setting rules for the processes through which they are designed and used, as this approach would have the potential to turn software, algorithms and data into a considerable counterbalance to bias and discrimination, and a positive force for social change; highlights that currently available data used for machine learning reflect the availability of such data, privileging therefore certain age groups, genders and ethnicities above others;

Social responsibility and gender balance

7. Emphasises that socially responsible artificial intelligence, robotics and related technologies should safeguard and promote fundamental values of our society such as democracy and rule of law, diverse and independent media and objective and freely available information, health and economic prosperity, equality of opportunity, workers' and social rights, quality education, quality of care, dignity in end of life and dying, cultural and linguistic diversity, gender balance, digital literacy, innovation and creativity;

Commented [IG5]: It is important to make reference to the end of life and death, particularly relevant in COVID times, as AI may be used to assess the chances of survival of a patient and therefore make medical recommendations with an impact on life or death

8. Proposes that the potential of artificial intelligence, robotics and related technologies in this regard should be maximized and explored through responsible research and innovation that requires the mobilisation of resources by the Union and its Member States;

9. Insists that the development, deployment and use of these technologies should not cause injury or harm of any kind to individuals, ~~or~~ society or the environment;

Commented [IG6]: While the environment part is covered right after, this is a very powerful statement and it would be a pity that the environment is not part of it. Alternatively, it is possible to turn the "states" of art 10. Into "insists" or "requires"

Environment and sustainability

10. States that it is essential that artificial intelligence, robotics and related technologies

support the achievement of sustainable development, climate neutrality and circular economy goals; the development, deployment and use of these technologies should be environmentally friendly, and contribute to minimising any harm caused to the environment during their lifecycle and across their entire supply chain;

11. Proposes that the potential of artificial intelligence, robotics and related technologies in this regard should be maximized and explored through responsible research and innovation that requires the mobilisation of resources by the Union and its Member States;
12. Highlights that the development, deployment and use of these technologies provide numerous opportunities for the achievement of the Sustainable Development Goals outlined by the United Nations;

Privacy and biometric recognition

13. Observes that data production and use, including personal data such as biometric data, resulting from the development, deployment and use of artificial intelligence, robotics and related technologies are rapidly increasing, thereby underlining the need to respect the rights of citizens to privacy and protection of personal data in line with Union law;
14. Points out that the possibility provided by these technologies of using personal data and non-personal data to categorise and micro-target people, identify the vulnerabilities of individuals, or exploit accurate predictive knowledge, has to be used only after having gathered the consent of the data owners and has to be counterweighted by the principles of data minimisation, the right to obtain an explanation of a decision based on automated processing and privacy by design, as well as those of proportionality, necessity and limitation based on purpose of general interest;
15. Emphasises that when remote recognition technologies are used by public authorities during times of national emergency, such as during a national health crisis, their use should always be proportionate, limited in time and respectful of human dignity and fundamental rights;

Commented [IG7]: While this is hard to track, but it is essential that data owners keep on consenting on the use of the data. E.g. micro-targeting people to counteract COVID could be acceptable, but not micro-targeting people for political repression.

Commented [IG8]: This for avoiding that those limitation could apply for corporative and individual purposes

Governance

16. Stresses that appropriate governance of the development, deployment, ~~and~~ use and disposal of artificial intelligence, robotics and related technologies, including by having measures in place focusing on accountability and sustainability and addressing potential risks of bias and discrimination, increases citizens' safety and trust in those technologies;
17. Observes that data are used in large volumes in the development of artificial intelligence, robotics and related technologies and that the processing, sharing of and access to such data must be governed in accordance with the requirements of quality, proportionality, integrity, security, privacy and control;
18. Underlines the need to adequately inform to ensure that data belonging to vulnerable groups, such as people with disabilities, patients, children, minorities and migrants, people experiencing digital gaps and illiteracy about the collection and use, of their

Commented [IG9]: Data should be gathered and used proportionally, based on the precise need for it

data, as well as to protect their data with the same standards as for everyone ~~are~~
protected adequately;

National supervisory authorities

19. Notes the added value of having national supervisory authorities in each Member State responsible for ensuring, assessing and monitoring compliance with ethical principles and human rights for the development, deployment, ~~and~~ use and disposal of artificial intelligence, robotics and related technologies;
20. Indicates that such authorities should liaise not only among themselves but also with the European Commission and other relevant institutions, bodies, offices and agencies of the Union in order to guarantee coherent cross-border and transnational action;
21. Calls for such authorities to be tasked with promoting regular exchanges with civil society, in particular consumer organisations and equality bodies, and innovation within the Union by providing assistance to concerned stakeholders, in particular small and medium-sized enterprises or start-ups;

A European Agency for Artificial Intelligence

22. Recalls that Parliament's resolution of 16 February 2017 with recommendations to the Commission on Civil Law Rules on Robotics asked the Commission to consider the designation of a European Agency for Artificial Intelligence;
23. Calls on the Commission to follow-up on that request, especially in view of the added-value of having a body at Union level coordinating the mandates and actions of each national supervisory authority as referred to in the previous sub-section;
24. Believes that such a body, as well as the certification referred to in the following paragraph, would not only benefit the development of Union industry and innovation in that context but also increase the awareness of our citizens regarding the opportunities and risks inherent to these technologies;

European certification of ethical compliance

25. Suggests that the European Agency for Artificial Intelligence develops common criteria and an application process relating to the granting of a European certificate of ethical compliance following a request by any developer, deployer or user seeking to certify the positive assessment of compliance carried out by the respective national supervisory authority;

International cooperation

26. Stresses that the Union's ethical principles for the development, deployment and use of these technologies should be promoted worldwide by cooperating with international partners and liaising with third countries with different development and deployment models.
27. Recalls that the opportunities and risks inherent to these technologies have a global dimension that requires a consistent approach at international level and thus calls on the

Commented [IG10]: It is not the data of vulnerable groups that should be protected differently (everyone's data should be protected in the same way, regardless of who the owner is), as this art 18 states, but an extra effort should be made to inform them.

Among vulnerable groups, it is equally important to add those experiencing digital illiteracy and digital divide.

Commented [IG11]: The disposal part is always neglected, but essential in the overall chain. Cloud services are not carbon-neutral and data don't simply disappear when no longer of use: leaving aside the hardware's disposal, which is not part of this proposal, still software disposal is important. This also is more in line with the GDPR which calls for time limits for the storage of personal data

Commission to work in bilateral and multilateral settings to advocate and ensure ethical compliance

28. Points out the added-value of a European Agency as referred to above in this context as well.

Final aspects

29. Concludes, following the above reflections on aspects related to the ethical dimension of artificial intelligence, robotics and related technologies, that the ethical dimension should be framed as a series of principles resulting in a legal framework at Union level supervised by national competent authorities, coordinated and enhanced by a European Agency for Artificial Intelligence and duly respected and certified within the internal market;
30. Following the procedure of Article 225 of the Treaty on the Functioning of the European Union, requests the Commission to submit a proposal for a Regulation on ethical principles for the development, deployment and use of artificial intelligence, robotics and related technologies on the basis of Article 114 of the Treaty on the Functioning of the European Union and following the detailed recommendations set out in the annex hereto;
31. Recommends that the European Commission review existing Union law applicable to artificial intelligence, robotics and related technologies in order to address the rapidity of their development in line with the recommendations set out in the annex hereto;
32. Considers that the requested proposal would have financial implications if a new European Agency for Artificial Intelligence is set up;
33. Instructs its President to forward this resolution and the accompanying detailed recommendations to the Commission and the Council.

**ANNEX TO THE MOTION FOR A RESOLUTION:
DETAILED RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL
REQUESTED**

A. PRINCIPLES AND AIMS OF THE PROPOSAL REQUESTED

I. The main principles and aims of the proposal are:

- to build trust in artificial intelligence, robotics and related technologies by ensuring that these technologies will be developed, deployed and used in an ethical manner and respecting fundamental rights;
- to support the development of artificial intelligence, robotics and related technologies in the Union, including by helping businesses and start-ups to assess and address regulatory requirements and risks during the development process;
- to support deployment of artificial intelligence, robotics and related technologies in the Union by providing the appropriate regulatory framework;
- to support use of artificial intelligence, robotics and related technologies in the Union by ensuring that they are developed, deployed and used in an ethical manner along the overall supply chain, including the disposal of technology;
- to require better information flows among citizens and within organisations developing, deploying, ~~or~~ using and disposing artificial intelligence, robotics and related technologies as a means of ensuring that these technologies are compliant with the ethical principles of the proposed Regulation.

II. This proposal consists of the following parts:

- a “Regulation on ethical principles for the development, deployment and use of artificial intelligence, robotics and related technologies”;
- a European Agency for Artificial Intelligence and a European certification of ethical compliance;
- the support role of the European Commission;
- the work carried out by the “Supervisory Authority” in each Member State to ensure that ethical principles are applied to artificial intelligence, robotics and related technologies;
- the involvement and consultation of, as well as provision of support to, stakeholders, including start-ups, businesses, social partners, and other representatives of the civic society.

III. The “Regulation on ethical principles for the development, deployment and use of artificial intelligence, robotics and related technologies” builds on the following principles:

- human-centric and human-made artificial intelligence, robotics and related

technologies;

- risk assessment of artificial intelligence, robotics and related technologies;
- safety features, transparency and accountability;
- safeguards against bias and discrimination;
- social responsibility and gender balance in artificial intelligence, robotics and related technologies;
- environmentally friendly and sustainable artificial intelligence, robotics and related technologies;
- respect for privacy and limitations to the use of biometric recognition;
- governance relating to artificial intelligence, robotics and related technologies, including the data used or produced by such technologies.

IV. The key elements of the Commission's task as regards compliance with ethical principles for the development, deployment, ~~and~~ use and disposal of artificial intelligence, robotics and related technologies are:

- monitoring the implementation of the proposed Regulation;
- * [monitoring of the basic principles of the EU General Data Protection Regulation in the context of AI;](#)
- raising awareness, providing information and engaging in exchanges with developers, deployers and users throughout the Union.

V. The European Agency for Artificial Intelligence should be established following a detailed proposal from the Commission, which should include the following main tasks:

- to supervise the application of the proposed Regulation;
- to issue guidance as regards the application of the proposed Regulation;
- to liaise with the "Supervisory Authority" in each Member State and coordinate their mandate and tasks;
- to develop a European certificate of compliance with ethical principles;
- to support regular exchanges with concerned stakeholders and the civil society.

VI. The key tasks of the "Supervisory Authority" in each Member State should be:

- to assess whether artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, developed, deployed and used in the Union are high-risk technologies;
- to monitor their compliance with the ethical principles set out in the proposed

Regulation;

- to contribute to the consistent application of the proposed Regulation in cooperation with other Supervisory Authorities, the European Commission and other relevant institutions, bodies, offices and agencies of the Union; and
- to be responsible for establishing standards for the governance of artificial intelligence, robotics and related technologies, including by liaising with the maximum possible number of stakeholders and civil society representatives.

VII. The key role of stakeholders should be to engage with the Commission, the European Agency for Artificial Intelligence and the “Supervisory Authority” in each Member State.

B. TEXT OF THE LEGISLATIVE PROPOSAL REQUESTED

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on ethical principles for the development, deployment and use of artificial intelligence, robotics and related technologies

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The development, deployment and use of artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, are based on a desire to serve society. They can entail opportunities and risks, which should be addressed and regulated by a comprehensive legal framework of ethical principles and fundamental rights to be complied with from the moment of the development and deployment of such technologies to their use and disposal.
- (2) The level of compliance with the ethical principles and fundamental rights regarding the development, deployment, ~~and~~ use and disposal of artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies in the Union should be equivalent in all Member States, in order to efficiently seize the opportunities and consistently address the risks of such technologies. It should be ensured that the application of the rules set out in this Regulation throughout the Union is homogenous.
- (3) In this context, the current diversity of the rules and practices to be followed across the Union poses a significant risk to the protection of the well-being and prosperity of individuals and society alike, alongside with environmental protection, as well as to the coherent exploration of the full potential that artificial intelligence, robotics and related technologies have in promoting and preserving that well-being, sustainability and prosperity. Differences in the degree of consideration of the ethical dimension and fundamental rights inherent to these technologies can prevent them from being freely

developed, deployed or used within the Union and such differences can constitute an obstacle to the pursuit of economic activities at Union level, distort competition, increase the digital gaps across the Union, jeopardise environmental protection and impede authorities in the fulfilment of their obligations under Union law. In addition, the absence of a common framework of ethical principles and fundamental rights for the development, deployment, ~~and use~~ and disposal of artificial intelligence, robotics and related technologies results in legal uncertainty for all those involved, namely developers, deployers and users.

- (4) Nevertheless, this Regulation should provide a margin of manoeuvre for Member States, including with regard to how the mandate of their respective national supervisory authority is to be carried out in view of the objectives it is to pursue as laid down herein.
- (5) The geographical scope of application of such a framework should cover all the components of artificial intelligence, robotics and related technologies developed, deployed or used in the Union, including in cases where part of the technologies might be located outside the Union or not have a specific location, such as in the case of cloud computing services.
- (6) A common understanding in the Union of notions such as artificial intelligence, robotics, related technologies, algorithms and biometric recognition is required in order to allow for a harmonized regulatory approach. However, the specific legal definitions need to be developed in the context of this Regulation without prejudice to other definitions used in other legal acts and international jurisdictions.
- (7) The development, deployment, ~~and use~~ and disposal of artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, should be such as to ensure that the best interests of citizens are considered, and should respect fundamental rights as set out in the Charter of Fundamental Rights of the European Union ('the Charter'), settled case-law of the Court of Justice of the European Union, and other European and international instruments which apply in the Union, in particular the General Data Protection Regulation.
- (8) Artificial intelligence, robotics and related technologies have been provided with the ability to learn from data and experience, as well as to take founded decisions. Such capacities need to remain subject to meaningful human review, judgment, intervention and control. The technical and operational complexity of such technologies should never prevent their deployer or user from being able to, at the very least, alter or halt them in cases where the compliance with the principles set out in this Regulation is at risk.
- (9) Any artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, which entails a high risk

of breaching [fundamental rights](#) and the principles of safety, transparency, accountability, non-bias or non-discrimination, social responsibility and gender balance, environmental friendliness and sustainability, privacy and governance, should be considered high-risk from a compliance with ethical principles perspective [and human rights](#) where that is the conclusion of an impartial, regulated and external risk assessment by the national supervisory authority.

- (10) Notwithstanding the risk assessment carried out in relation to compliance with ethical principles [and fundamental rights](#), artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, should always be assessed as to their risk on the basis of objective criteria and in line with relevant sector-specific legislation applicable in different fields such as those of health, [care](#), transport, employment, justice and home affairs, media, education and culture.
- (11) Trustworthy artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies should be developed, deployed and used in a safe, transparent and accountable manner based on the features of robustness, resilience, security, accuracy and error identification, explainability, ~~and~~ identifiability [and sustainability](#), and in a manner that makes it possible to be temporarily disabled and to revert to historical functionalities in cases of non-compliance with those ~~safety~~ features.
- (12) Developers, deployers and users are responsible for compliance with safety, transparency, and accountability principles to the extent of their involvement with the artificial intelligence, robotics and related technologies concerned, including the software, algorithms and data used or produced by such technologies. Developers should ensure that the technologies concerned are designed, ~~and~~ built [and disposed](#) in line with [ethical and legal safety](#) features, whereas deployers and users should deploy ~~and~~ use [and dispose](#) the concerned technologies in full observance of those features.
- (13) Developers and deployers should make available to users any subsequent updates of the technologies concerned, namely in terms of software.
- (14) To the extent that their involvement with those technologies influences the compliance with the safety, transparency and accountability requirements set out in this Regulation, users should use artificial intelligence, robotics and related technologies in good faith. This means, in particular, that they should not use those technologies in a way that contravenes the ethical principles laid down in this legal framework and the requirements listed therein. Beyond such use in good faith, users should be exempt from any responsibility that otherwise falls upon developers and deployers as established in this Regulation.
- (15) The citizens' trust in artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, depends on

Commented [IG12]: All features above, not only safety

the understanding and comprehension of the [regulatory, legal and](#) technical processes, [as well as on citizens' digital literacy](#). The degree of explainability of such processes should depend on the context and the severity of the consequences of an erroneous or inaccurate output of those technical processes, and needs to be sufficient for challenging them and seeking redress. Auditability and traceability should remedy the possible unintelligibility of such technologies.

- (16) Society's trust in artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, depends on the degree to which their assessment, auditability and traceability are enabled in the technologies concerned, [alongside with their environmental sustainability](#). Where the extent of their involvement so requires, developers should ensure that such technologies are designed, ~~and~~ [built and disposed of](#) in a manner that enables such an assessment, auditing and traceability. Deployers and users should ensure that artificial intelligence, robotics and related technologies are deployed and used in full respect of transparency [and environmental](#) requirements, and allowing auditing and traceability.
- (17) Bias in and discrimination by software, algorithms and data is unlawful [and unethical](#) and should be addressed by regulating the processes through which they are designed and used; [in particular, developers and deployers are responsible for identifying any data biases in the data used to train AI and take corrective action](#).
- (18) Software, algorithms and data used or produced by artificial intelligence, robotics and related technologies should be considered biased where [based on discriminations, stereotypes and prejudices](#); for example, they display suboptimal results in relation to any person or group of persons, on the basis of a prejudiced personal, social or partial perception and subsequent processing of data relating to their traits.
- (19) In line with Union law, software, algorithms and data used or produced by artificial intelligence, robotics and related technologies should be considered discriminatory where they treat a person or group of persons differently, including by putting them at a disadvantage when compared to others, based on grounds such as their personal traits, without objective or reasonable justification.
- (20) In line with Union law, legitimate aims that might objectively justify any differential treatment between persons or group of persons are the protection of public safety, security and health, the prevention of criminal offences, the protection of individual rights and freedoms, fair representation and objective professional requirements; [nevertheless, differential treatment in these cases shall be justified by law, be limited to what is strictly necessary and are subject to proportionality](#).
- (21) Artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, should perform on the basis of sustainable progress. Such technologies should contribute comprehensively to the achievement of the Sustainable Development Goals outlined by the United Nations

with a view to enabling future generations and the environment to flourish. Such technologies can support the monitoring of adequate progress on the basis of sustainability and social cohesion indicators, and by using responsible research and innovation tools requiring the mobilisation of resources by the Union and its Member States to support and invest in projects addressing those goals.

- (22) The development, deployment and use of artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, should in no way cause injury or harm of any kind to individuals or society or the environment. Accordingly, such technologies should be developed, deployed, ~~and~~ used and disposed of in a socially responsible an environmental-friendly manner.
- (23) For the purposes of this Regulation, developers, deployers and users should be held responsible, to the extent of their involvement in the artificial intelligence, robotics and related technologies concerned, for any injury or harm inflicted upon individuals and society.
- (24) In particular, the developers who take decisions that determine and control the course or manner of the development of artificial intelligence, robotics and related technologies, as well as the deployers who are involved in their deployment with an operating or managing function, should be generally considered responsible for avoiding the occurrence of any such injury or harm-, by putting adequate measures in place during the development process and thoroughly respecting such measures during the deployment phase, respectively.
- (25) Socially responsible artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, can be defined as technologies which both safeguard and promote a number of different aspects of society, most notably democracy, health and economic prosperity, equality of opportunity, dignity and respect of human rights in care, end of life and death, workers' and social rights, diverse and independent media and objective and freely available information, allowing for public debate, quality education, cultural and linguistic diversity, gender balance, digital literacy, innovation and creativity. They are also those that are developed, deployed and used having due regard for their ultimate impact on the physical and mental well-being of citizens.
- (26) These technologies should also be developed, deployed, ~~and~~ used and dismissed with a view to supporting social inclusion, plurality, solidarity, fairness, sustainability, equality and cooperation and their potential in that context should be maximized and explored through research and innovation projects. The Union and its Member States should therefore mobilise their resources for the purpose of supporting and investing in such projects.
- (27) Projects relating to the potential of artificial intelligence, robotics and related

technologies to deal with the question of social well-being should be carried out on the basis of responsible research and innovation tools so as to guarantee the compliance with ethical principles of those projects from the outset.

- (28) The development, deployment, ~~and~~ use and disposal of artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, should take into consideration their environmental footprint and should not cause harm to the environment during their lifecycle and across their entire supply chain. Accordingly, such technologies should be developed, deployed, ~~and~~ used and dismissed in an environmentally friendly manner that supports the achievement of climate neutrality and circular economy goals.
- (29) For the purposes of this Regulation, developers, deployers and users should be held responsible, to the extent of their involvement in the development, deployment, ~~or~~ use and disposal of the artificial intelligence, robotics and related technologies concerned, for any harm caused to the environment.
- (30) In particular, the developers who take decisions that determine and control the course or manner of the development of artificial intelligence, robotics and related technologies, as well as the deployers who are involved in their deployment with an operating or managing function, should be generally considered responsible for avoiding the occurrence of such harm, namely by respectively putting adequate measures in place during the development process and thoroughly respecting such measures during the deployment phase.
- (31) These technologies should also be developed, deployed, ~~and~~ used and disposed of with a view to supporting the achievement of environmental goals such as reducing waste production, diminishing the carbon footprint, preventing climate change and avoiding environmental degradation, and their potential in that context should be maximized and explored through research and innovation projects. The Union and the Member States should therefore mobilise their resources for the purpose of supporting and investing in such projects.
- (32) Projects relating to the potential of artificial intelligence, robotics and related technologies in addressing environmental concerns should be carried out on the basis of responsible research and innovation tools so as to guarantee from the outset the compliance of those projects with ethical principles.
- (33) Any artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, developed, deployed and used in the Union should fully respect Union citizens' rights to privacy and protection of personal data. In particular, their development, deployment and use should be in accordance with Regulation (EU) 2016/679 of the European Parliament and of the

Council¹ and Directive 2002/58/EC of the European Parliament and of the Council².

- (34) The ethical boundaries of the use of artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, should be duly considered when using remote recognition technologies, such as biometric recognition, to automatically identify individuals. When these technologies are used by public authorities during times of national emergency, such as during a national health crisis, the use should be proportionate and criteria for that use defined in order to be able to determine whether, when and how it should take place, and such use should be mindful of its psychological and sociocultural impact with due regard for human dignity and the fundamental rights set out in the Charter.
- (35) Governance that is based on relevant standards enhances safety and promotes the increase of citizens' trust in the development, deployment and use of artificial intelligence, robotics and related technologies including software, algorithms and data used or produced by such technologies.
- (36) Among the existing relevant governance standards are, for example, the 'Ethics Guidelines for Trustworthy AI' drafted by the High-Level Expert Group on Artificial Intelligence set up by the European Commission, and other technical standards adopted by the European Committee for Standardization (CEN), the European Committee for Electrotechnical Standardization (CENELEC), and the European Telecommunications Standards Institute (ETSI), at European level, the International Organization for Standardization (ISO) and the Institute of Electrical and Electronics Engineers (IEEE), at international level.
- (37) Sharing and use of data by multiple participants is sensitive and therefore the development, deployment and use of artificial intelligence, robotics and related technologies should be governed by relevant standards and protocols reflecting the requirements of quality, integrity, security, privacy and control. The data governance strategy should focus on the processing, sharing of and access to such data, including its proper management and traceability, and guarantee the adequate protection of all data- belonging to [citizens, including](#) vulnerable groups, [includingsuch as](#) people with disabilities, patients, children, minorities and migrants.
- (38) The effective application of the ethical principles laid down in this Regulation will largely depend on Member States' appointment of an independent public authority to act as a supervisory authority. In particular, each national supervisory authority should be responsible for assessing and monitoring the compliance of artificial intelligence,

1 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

2 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

robotics and related technologies considered a high-risk in light of the obligations set out in this Regulation.

- (39) Each national supervisory authority shall also carry the responsibility of regulating the governance of these technologies. They therefore have an important role to play in promoting the trust and safety of Union citizens, as well as in enabling a democratic, pluralistic and equitable society.
- (40) National supervisory authorities should engage in substantial and regular cooperation with each other, as well as with the European Commission and other relevant institutions, bodies, offices and agencies of the Union, in order to guarantee a coherent cross-border action, and allow for consistent development, deployment and use of these technologies within the Union in compliance with the ethical principles laid down in this Regulation.
- (41) National supervisory authorities should ensure the gathering of a maximum number of stakeholders such as industry, businesses, social partners, researchers, consumers and civil society organisations, and provide a pluralistic forum for reflection and exchange of views so as to achieve comprehensible and accurate conclusions for the purpose of guiding how governance is regulated.
- (42) Additionally, these national supervisory authorities should provide professional administrative guidance and support to developers, deployers and users, particularly small and medium-sized enterprises or start-ups, encountering challenges as regards complying with the principles laid down in this Regulation.
- (43) Whistle-blowing brings potential and actual breaches of Union law to the attention of authorities with a view to preventing injury, harm or damage that would otherwise occur. In addition, reporting procedures ameliorate the information flow within companies and organisations, thus mitigating the risk of flawed or erroneous products or services being developed. Companies and organisations developing, deploying or using artificial intelligence, robotics and related technologies, including data used or produced by those technologies, should set up reporting channels and persons reporting breaches should be protected from retaliation.
- (44) The rapid development of artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, as well as of the technical machine learning, reasoning processes and other technologies underlying that development are unpredictable. As such, it is both appropriate and necessary to establish a review mechanism in accordance with which, in addition to its reporting on the application of the Regulation, the Commission is to regularly submit a report concerning the possible modification of the scope of application of this Regulation.
- (45) Since the objective of this Regulation, namely to establish a legal framework of ethical principles for the development, deployment and use of artificial intelligence, robotics

and related technologies in the Union, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

- (46) Action at Union level as set out in this Regulation would be best achieved through the establishment of a European Agency for Artificial Intelligence. Such a body would be essential in coordinating the mandates and actions of the national supervisory authorities in each Member State, outlining objective criteria for the risk assessment of artificial intelligence, robotics and related technologies, developing and issuing a certification of compliance with the ethical principles laid down in this Regulation, supporting regular exchanges with concerned stakeholders and civil society, promoting the Union's approach through international cooperation and ensuring a consistent reply worldwide to the opportunities and risks inherent in these technologies.

HAVE ADOPTED THIS REGULATION:

Article 1

Purpose

The purpose of this Regulation is to establish a regulatory framework of ethical principles for the development, deployment, ~~and use~~ and disposal of artificial intelligence, robotics and related technologies in the Union.

Article 2

Scope of application

This Regulation applies to artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, developed, deployed or used in the Union.

Article 3

Geographical scope

This Regulation applies to artificial intelligence, robotics and related technologies where any part thereof is developed, deployed or used in the Union, regardless of whether the software, algorithms or data used or produced by such technologies are located outside of the Union or do not have a specific geographical location.

Article 4

Definitions

For the purposes of this Regulation, the following definitions apply:

- (a) ‘artificial intelligence’ means software systems that, inter alia, collect, process and interpret structured or unstructured data, identify patterns and establish models in order to reach conclusions or take actions in the physical or virtual dimension based on such conclusions;
- (b) ‘robotics’ means technologies that enable machines to perform tasks traditionally performed by human beings including by way of artificial intelligence or related technologies;
- (c) ‘related technologies’ means technologies that enable software to control with a partial or full degree of autonomy a physical or virtual process, technologies capable of detecting the identity of persons or specific features of persons by way of their biometric data, and technologies that copy or otherwise make use of human traits;

(d) 'software' means a set of instructions that are expressed in code and necessary for a computer to operate and to execute tasks;

(e) 'algorithms' means a model for calculations or other problem-solving operations carried out by software when executing a task;

(f) 'data' means information defined as and stored in code;

(g) 'development' means the construction and design of algorithms, the writing and design of software or the collection, storing and management of data for the purpose of creating or training artificial intelligence, robotics and related technologies or for the purpose of creating a new application for existing artificial intelligence, robotics and related technologies;

(h) 'developer' means any natural or legal person who takes decisions that determine and control the course or manner of the development of artificial intelligence, robotics and related technologies;

(i) 'deployment' means the operation and management of artificial intelligence, robotics and related technologies, as well as their placement on the market or otherwise making them available to users;

(j) 'deployer' means any natural or legal person who is involved in the deployment of artificial intelligence, robotics and related technologies, and has an operating or managing function;

(k) 'use' means any action relating to artificial intelligence, robotics and related technologies other than development or deployment;

(l) 'user' means any natural or legal person who uses artificial intelligence, robotics and related technologies other than for the purposes of development or deployment;

(m) 'bias' means any prejudiced or partial personal or social perception of a person or group of persons on the basis of their personal traits, [including when these are resulting from lack of access to data relating to persons belonging to digitally excluded groups](#);

(n) 'discrimination' means any differential treatment of a person or group of persons based on a ground which has no objective or reasonable justification and is therefore prohibited by Union law;

(o) 'injury or harm' means physical, emotional or mental injury, bias, discrimination or stigmatization, suffering caused by a lack of inclusivity and diversity, financial or economic loss, loss of employment or educational opportunity, undue restriction of freedom of choice, wrongful conviction, environmental harm and any infringement of Union law that is detrimental to a person;

(p) ‘governance’ means the manner of ensuring that the highest standards and the appropriate protocols of behaviour are adopted and observed by developers, deployers and users, based on a formal set of rules, procedures and values, and which allows them to deal appropriately with ethical matters as or before they arise.

Article 5

Ethical principles of artificial intelligence, robotics and related technologies

1. Any artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, shall be developed, deployed and used in the Union in accordance with the ethical principles laid down in this Regulation.
2. The development, deployment and use of artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, shall be carried out in a manner that ensures that human dignity and the fundamental rights set out in the Charter are fully respected.
3. The development, deployment and use of development, deployment and use of artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, shall be carried out in the best interest of citizens. In particular, the potential of such technologies and the opportunities that they provide shall be taken into consideration having regard at all times to the need to protect and foster the social, environmental and economic well-being of society.

Article 6

Human-centric and human-made artificial intelligence

1. Any artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, shall be developed, deployed and used in a human-centric manner with the aim of contributing to the existence of a democratic, pluralistic and equitable society by safeguarding human autonomy and decision-making and ensuring human [autonomy](#) and agency.
2. The technologies listed in paragraph 1 shall be developed, deployed and used in a manner that guarantees full human oversight at any time, in particular where that development, deployment or use entails a risk of breaching the ethical principles set out in this Regulation.
3. The technologies listed in paragraph 1 shall be developed, deployed and used in a manner that allows human control to be regained at any time, including through the altering or halting of those technologies, when that development, deployment or use entails a risk of breaching the ethical principles set out in this Regulation.

Commented [IG13]: Cf. above

Commented [PS14]: Autonomy in the sense of autonomous decision-making.

Article 7

Risk assessment

1. For the purposes of this Regulation, artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, which entail a significant risk of breaching the ethical principles set out in this Regulation shall be considered high-risk technologies.

2. Where artificial intelligence, robotics and related technologies are considered high-risk technologies, an assessment of compliance of those technologies with the obligations set out in this Regulation shall be carried out and monitored by the national supervisory authorities referred to in Article 14.

3. Without prejudice to paragraph 1, the risk assessment of artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, shall be carried out on the basis of objective criteria harmonised at Union level and in accordance with applicable sectorial legislation.

Article 8

Safety features, transparency and accountability

1. Any artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, developed, deployed, ~~or used~~ or disposed of in the Union shall be developed, deployed, ~~and used~~ and disposed of in a manner that ensures they do not breach the ethical principles set out in this Regulation. In particular, they shall be:

(a) developed, deployed, ~~and used~~ and disposed of in a consistent manner so that they do not pursue aims or do not carry out activities other than those for which they have been conceived and for which the providers of data have consented;

(b) developed, deployed ~~and used~~ and disposed of in a resilient manner so that they ensure an adequate level of security, and one that prevents any technical vulnerabilities from being exploited for unfair or unlawful purposes; that disposes of personal data in an adequate and defined period of time in accordance with the General Data Protection Regulation;

(c) developed, deployed and used in a secure manner that ensures there are safeguards that include a fall-back plan and action in case of a risk of a breach of the ethical principles set out in this Regulation;

(d) developed, deployed, ~~and used~~ and disposed of in a manner that ensures that there is trust that the performance is reliable as regards reaching the aims and carrying out only the activities they have been conceived for, including by ensuring that all operations are reproducible;

(e) developed, deployed and used in a manner that ensures that the performance of the aims and activities of the particular technologies is accurate; if occasional inaccuracies cannot be

avoided, the system shall indicate the likeliness of errors and inaccuracies to deployers and users through an appropriate disclaimer message;

(f) developed, deployed and used in an easily explainable manner so as to ensure that there can be a review of the technical processes of the technologies;

(g) developed, deployed and used in a manner such that they are capable of warning users that they are interacting with artificial intelligence systems, duly disclosing their capabilities, accuracy and limitations to artificial intelligence developers, deployers and users;

(h) in accordance with Article 6(3), developed, deployed and used in a manner that makes it possible, in the event of non-compliance with the safety features set out in subparagraphs (a) to (g), for the technologies concerned to be temporarily disabled and to revert to historical functionalities.

2. In accordance with Article 6(2), the technologies mentioned in paragraph 1 shall be developed, deployed and used in transparent and traceable manner so that their elements, processes and phases are documented to the highest standards, and that it is possible for the national supervisory authorities referred to in Article 14 to assess the compliance of such technologies with the obligations set out in this Regulation. In particular, the developer, deployer or user of those technologies shall be responsible for, and be able to demonstrate, compliance with the safety features set out in paragraph 1.

3. The developer, deployer or user of the technologies mentioned in paragraph 1 shall ensure that the measures taken to ensure compliance with the safety features set out in paragraph 1 can be audited by the national supervisory authorities referred to in Article 14.

4. Users shall be presumed to have complied with the obligations set out in this Article where their use of artificial, robotics and related technologies, including software, algorithms and data used or produced by such technologies, is carried out in good faith and in no way contravenes the ethical principles laid down in this Regulation.

Article 9

Non-bias and non-discrimination

1. Any software, algorithm or data used or produced by artificial intelligence, robotics and related technologies developed, deployed or used in the Union shall be such as to ensure respect for human dignity and equal treatment for all.

2. Any software, algorithm or data used or produced by artificial intelligence, robotics and related technologies developed, deployed or used in the Union shall be unbiased and, without prejudice to paragraph 3, shall not discriminate on grounds such as race, gender, sexual orientation, pregnancy, disability, physical or genetic features, age, national minority, ethnic or social origin, language, religion or belief, political views or civic participation, citizenship,

civil or economic status, education, or criminal record. [Particular care shall be taken to ensure that data used for training algorithms is unbiased or that compensatory action has been taken to reduce bias.](#)

3. By way of derogation from paragraphs 1 and 2, and without prejudice to Union law governing unlawful discrimination, any differential treatment between persons or groups of persons may be justified only where there is an objective, reasonable and legitimate aim, [justified by law](#), that is both proportionate and necessary insofar as no alternative exists which would cause less interference with the principle of equal treatment.

Article 10

Social responsibility and gender balance

1. Any artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, shall be developed, deployed, ~~and~~ used [and disposed of](#) in the Union in compliance with the relevant Union law, principles and values, in a manner that ensures optimal social, environmental and economic outcomes and that does not result in injury or harm of any kind to being caused to individuals or society.

2. Any artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, developed, deployed or used in the Union shall be developed, deployed, ~~and~~ used [and disposed of](#) in a socially responsible manner. In particular, such a manner shall mean that such technologies are:

(a) developed, deployed, ~~and~~ used [and disposed of](#) in a manner that contributes to improving individual development, collective well-being and the healthy functioning of democracy, without interfering in political processes, decision-making and elections or contributing to the dissemination of disinformation;

(b) developed, deployed, ~~and~~ used [and disposed of](#) in a manner that contributes to the achievement of a fair society by helping to increase citizens' health and well-being, fostering equality in the creation and availability of economic, social and political opportunity and respecting workers' rights;

(c) developed, deployed, ~~and~~ used [and disposed of](#) in a manner that contributes to public debate, complements and empowers human cognitive skills, encourages quality education and promotes multilingualism while reflecting the cultural diversity of the Union;

(d) developed, deployed and used in a gender-balanced manner that narrows the gender gap by providing equal opportunities for all;

(e) developed, deployed and used in a manner that contributes to the narrowing of the digital divide among regions, age groups and social classes, the promotion of digital literacy and skills, innovation and creativity, while respecting intellectual property rights;

3. The Union and its Member States shall encourage research projects intended to provide solutions, based on artificial intelligence, robotics and related technologies, that seek to promote social inclusion, plurality, solidarity, fairness, equality and cooperation.

4. The social effects of the ubiquitous presence of artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, developed, deployed or used in the Union shall be monitored by the national supervisory authorities referred to in Article 14, in order to avoid disruptive effects on social agency and social relationships, as well as the deterioration of social skills.

Article 11

Environmental friendliness and sustainability

1. Any artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, shall be developed, deployed, ~~or~~ used or disposed of in the Union in compliance with Union law, principles and values, in a manner that ensures optimal environmentally friendly outcomes and minimises their environmental footprint during their lifecycle and through their entire supply chain, in order to support the achievement of climate neutrality and circular economy goals.

2. The Union and its Member States shall encourage and promote research projects intended to provide solutions, based on artificial intelligence, robotics and related technologies, seeking to address environmental issues such as waste production, the carbon footprint, climate change and environmental degradation.

3. Any artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, shall be assessed as to their environmental friendliness and sustainability by the national supervisory authorities, referred to in Article 14, ensuring that measures are put in place to mitigate their general impact as regards natural resources, energy consumption, waste production, the carbon footprint, climate change and environmental degradation.

Article 12

Privacy and biometric recognition

1. Any processing of personal data carried out in the context of this Regulation, including personal data derived from non-personal data and biometric data, shall be carried out in accordance with Regulation (EU) 2016/679 and Directive 2002/58/EC.

2. In accordance with Article 5(2), where remote recognition technologies, such as biometric recognition, are deployed or used by Member States' public authorities for the purpose of responding to a national emergency, those authorities shall ensure that such deployment or use is limited to specific objectives, restricted in time and carried out with due regard for human dignity and the fundamental rights set out in the Charter.

Article 13

Governance

1. Artificial intelligence, robotics and related technologies developed, deployed, ~~or~~ used [or disposed of](#) in the Union shall comply with relevant governance standards established by the national supervisory authorities referred to in Article 14 in accordance with Union law, principles and values.

2. Data used or produced by artificial intelligence, robotics and related technologies developed, deployed, ~~or~~ used [or disposed of](#) in the Union shall be managed by developers, deployers and users in accordance with relevant standards referred to in paragraph 1, as well as with relevant industry and business protocols. In particular, developers and deployers shall carry out, where feasible, quality checks of the external sources of data used by artificial intelligence, robotics and related technologies, and shall put oversight mechanisms in place regarding their collection, storage, processing and use.

3. Without prejudice to portability rights and rights of persons whose usage of artificial intelligence, robotics and related technologies has generated data, the collection, storage, processing, sharing of and access to data used or produced by artificial intelligence, robotics and related technologies developed, deployed or used in the Union shall comply with the relevant standards referred to in paragraph 1, as well as with relevant industry and business protocols. In particular, developers and deployers shall ensure those protocols are applied during the development and deployment of artificial intelligence, robotics and related technologies, by clearly defining the requirements for processing and granting access to data used or produced by these technologies, as well as the purpose, scope and addressees of the processing and the granting of access to such data, [as well as the procedures and timeframes to delete the data](#), all of which shall at all times be auditable and traceable.

Article 14

Supervisory authorities

1. Each Member State shall designate an independent public authority to be responsible for monitoring the application of this Regulation ('supervisory authority'). In accordance with Article 7(1) and (2), each national supervisory authority shall be responsible for assessing whether artificial intelligence, robotics and related technologies, including software, algorithms and data used or produced by such technologies, developed, deployed, ~~and~~ used [and disposed of](#) in the Union are high-risk technologies and, if so, for assessing and monitoring their compliance with the ethical principles set out in this Regulation.

2. Each national supervisory authority shall contribute to the consistent application of this Regulation throughout the Union. For that purpose, the supervisory authorities in each Member State shall cooperate with each other, the Commission and other relevant institutions,

bodies, offices and agencies of the Union, in particular as regards establishing the governance standards referred to in Article 13(1).

3. Each national supervisory authority shall be responsible for supervising the application of governance standards to artificial intelligence, robotics and related technologies, including by liaising with the maximum possible number of stakeholders. For that purpose, the supervisory authorities in each Member State shall provide a forum for regular exchange with stakeholders.

4. Each national supervisory authority shall provide professional and administrative guidance and support on the general implementation of the ethical principles set out in this Regulation, including to small and medium-sized enterprises or start-ups.

5. Each Member State shall notify to the European Commission the legal provisions which it adopts pursuant to this Article by [OJ: please enter the date one year after entry into force] and, without delay, any subsequent amendment affecting them.

6. Member States shall take all measures necessary to ensure the implementation of the ethical principles set out in this Regulation. Member States shall support relevant stakeholders and civil society, at both Union and national level, in their efforts to ensure a timely, ethical and well-informed response to the new opportunities and challenges, in particular those of a cross-border nature, arising from technological developments relating to artificial intelligence, robotics and related technologies.

Article 15

Reporting of breaches and protection of reporting persons

Directive (EU) 2019/1937 of the European Parliament and of the Council³ shall apply to the reporting of breaches of this Regulation and the protection of persons reporting such breaches.

Article 16

Amendment to Directive (EU) No 2019/1937

Directive (EU) No 2019/1937 is amended as follows:

(1) In Article 2(1), the following point is added:

‘(xi) development, deployment, ~~and~~ use and disposal of artificial intelligence, robotics and related technologies.’

(2) In Part I of the Annex, the following point is added:

‘K. Point (a)(xi) of Article 2(1) - development, deployment ~~and~~ use and disposal of artificial

³ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

intelligence, robotics and related technologies.

“(xxi) Regulation [XXX] of the European Parliament and of the Council on ethical principles for the development, deployment and use artificial intelligence, robotics and related technologies”.’

Article 17

Review

The Commission shall keep under regular review the development of artificial intelligence, robotics and related technologies, including the software, algorithms and data used or produced by such technologies, and shall by [OJ: please enter the date three years after entry into force], and every three years thereafter, submit to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Regulation, including an assessment of the possible modification of the scope of application of this Regulation.

Article 18

Entry into force

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the Union. It shall apply from XX.
2. This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Union.

EXPLANATORY STATEMENT

In 1982 film ‘Blade Runner’, Rachael, a ‘replicant’ who works for a company that manufactures other ‘replicants’ – sentient humanoid robots – says to Deckard, a bounty hunter who makes his living eliminating rogue replicants:

- *‘It seems you feel our work is not a benefit to the public.’*

Deckard replies:

- *‘Replicants are like any other machine - they’re either a benefit or a hazard. If they’re a benefit, it’s not my problem.’*

Benefits and hazards

The mass installation of artificial intelligence in all the machines we interact with in public, the workplace and society will mean – already does mean – a technological sea change comparable only with the transformation heralded by the Industrial Revolution in bygone days. Life will never be the same again, and there will be profound changes in the labour market, in people’s relationship with public authorities, in personal relationships and even in our home environment – think about what the ‘internet of things’ in all the devices in our homes actually means. A technological sea change of such a magnitude places us in the dilemma evoked by *Blade Runner*: any technology has benefits and hazards. And when we broach the issue of artificial intelligence we are talking about benefits and/or risks on a scale previously unimagined, given its intrinsic power.

The EU’s role in establishing a legal framework

When public administrations address this phenomenon we cannot, however, adopt Deckard’s professional cynicism. For the European Parliament it is just as important to harness these technologies’ potential benefits for Europe’s well-being and competitiveness as it is to monitor their inherent risks, or to pre-empt the consequences of the any of those risks actually manifesting itself. We therefore wish to be pioneers in legally establishing an ethical threshold which both protects European citizens from possible drawbacks of this technological shift and provides added value in terms of trust in European artificial intelligence in the world at large. An ethical threshold that is consistent with our European principles and values enshrined in the Charter of Fundamental Rights of the European Union and fully in line with the civilising mission of our project. Our Regulation must be inspired by a humanistic and human-centred approach to technological development. A set of rules that applies not only to artificial intelligence developed in Europe, but that also constitutes a demanding regulatory imperative for anyone intending to operate in the EU.

It is crucial that the set of rights and duties thus established is shared across all the Member States of the European Union. A series of national regulations without a common benchmark could mean the breakdown of the single market and undermine our collective effort to achieve technological leadership in the world. Establishing a European agency responsible for supervising the development of this regulation will lead to the harmonisation of the legal and technical frameworks developed in each Member State.

A flexible and future-oriented Regulation

In response to those who advocate abandoning this sector to self-regulation, the initial dialogue can also serve to illustrate the need for public involvement, with a view to achieving aims that go beyond mere economic profitability: Europe's public institutions must strive to avoid discrimination (regardless of its basis) in the decision-making process and harness these technologies' potential for change so as to advance towards a fairer, more environmentally sustainable society – with special emphasis in eliminating gender-based discrimination – among other objectives. The text provides Europe's public authorities with express mandates to tackle these issues.

This Regulation also aspires to combine a highly ambitious set of requirements with regulatory simplicity, avoiding imposing complicated regulatory systems and/or heavy bureaucratic burdens on the agents involved. It also seeks to establish a sufficiently flexible framework to accommodate progress within an ever-changing reality, while allowing for the development rules in the sector that will shape ever more concrete realities.

A comprehensive approach, including the establishment of national supervisory bodies

This Regulation aims to extend supervision to all areas of a highly complex technology. It includes provisions on development, implementation and the evolution of technology through machine-learning or deep-learning. Special emphasis is placed on prevention when dealing with technologies defined as 'high risk', i.e. those highly likely to cause negative externalities and/or those requiring the use of sensitive materials that warrant special protection (which are also defined in the Regulation). It also regulates the highly sensitive issues of individual rights and remote recognition techniques, establishing many safeguards for their use. A very strict temporary material framework for exceptional circumstances is also laid down for possible use by public authorities in the event of major emergencies.

Another of the Regulation's objectives is to encourage all citizens, especially the persons and groups most involved in or affected by these technologies, to participate in the design, development, control and supervision of this regulatory framework. The text sets out a mandate – which it expressly states is mandatory – for all national supervisory bodies, ensuring that the necessary, constant support of civil society. Similarly, it establishes ambitious requirements in terms of transparency and accountability for the designers, operators and users of artificial intelligence. It also includes obligations for users to behave with due civility and the necessary to ensure they use the technologies in good faith.

Comprehensibility, transparency, accountability, responsibility and governance

We are still a long way from developing an algorithm able to give rise to 'psychohistory', the fictional science in Isaac Asimov's *'Foundation'* series. The concept of free will, an inalienable feature of humanity, does not appear to be in danger at the moment. This remains the case, even though what is at stake is essentially anticipating the emergence of the great currents of history. Our democratic authorities will have to ensure that all decisions, large and small, taken with the assistance of artificial intelligence technologies are not the result of obscure and inaccessible mathematical formulas. Comprehensibility, transparency, accountability and responsibility will be indispensable features of the artificial intelligence that is developed and operated in the European Union.

In a nutshell, the European Union must be an area which maintains the necessary balance between safeguarding the rights of citizens and fostering technological development. Our Regulation and the form it takes as it is developed by the supervisory body or bodies must constitute an example for the rest of the world and the first step towards ensuring adequate governance of this phenomenon at global level.



AGE Platform Europe contribution to the Draft report on the EU Strategy for Gender Equality

2019/2169 (INI), Committee on Women's Rights and Gender Equality / associated: Committee on Employment and Social Affairs

Rapporteurs: Maria Noichl (FEMM); associated: Eugenia Rodríguez Palop (EMPL); opinion: Incir Evin (LIBE)

Deadline for amendments: FEMM: n/a; EMPL: 04/05/2020¹; LIBE: 25 May (consideration of draft opinion 18 May)

Questions to: philippe.seidel@age-platform.eu

15 May 2020

Introduction

AGE welcomes the draft report on the EU Strategy for Gender Equality 2020-2025. AGE would like to take this occasion to highlight a couple of challenges faced by older women and which are missing from the Commission's Gender Equality Strategy. In particular, AGE highlights the following points:

- The gender pension gap of 40% is a sign that discrimination experienced in younger year accumulates throughout the life-span. While addressing gender equality in today's labour markets is crucial, this comes to late for today's female pensioners and even for older women of working age. The EU can take a role in improving and introducing care credits in pensions, gender segregation in occupations and in the coverage by social security to fight the gender pensions gap and old-age poverty of women
- Women have unequal health outcomes than men, as the differences in healthy life years and life expectancy show. The EU Strategy on Gender Equality does not take into account these differences, an omission that should be pointed out by the Parliament.
- Violence against older women is a shocking but largely unknown phenomenon. While it is positive that the Commission wants to step up actions to fight violence against women, there are no signs that violence against women in older age are part of this.

AGE has participated in the consultation on the EU Gender Equality Strategy in 2019 and has already raised these points with the European Commission. AGE also participated in the consultation on the principle of equal pay, pointing out the challenges to women's income opportunities at all stages of life and accumulating in older age. Both contributions are available online:

- [Europe needs a gender equality strategy, AGE responds to EU Commission](#)
- [AGE: Closing the gender pay gap in a life-cycle perspective](#)

In annex, AGE has listed a number of amendments to the proposal by the rapporteur that would enhance the report and its objectives.

Proposals for amendments to the FEMM draft report

Amendment 1 – violence against older women (for FEMM; LIBE)

¹Tbc. Information based on EMPL ITER Listing of 04/05, but likely extension because of COVID-19-related delays



Draft report	AGE amendment
<p>D. whereas violence against women in all its forms is a violation of human rights and one of the biggest obstacles to achieving gender equality; whereas a life free from violence is a prerequisite for equality; whereas disinformation campaigns on gender equality also focus on the issue of violence against women, as has been seen in relation to the Istanbul Convention;</p>	<p>D. whereas violence against women in all its forms is a violation of human rights and one of the biggest obstacles to achieving gender equality; whereas a life free from violence is a prerequisite for equality; whereas disinformation campaigns on gender equality also focus on the issue of violence against women, as has been seen in relation to the Istanbul Convention; whereas violence against older women is a largely unrecognised and under-researched phenomenon;</p>
Justification	
<p>Few studies have looked at the prevalence of violence against women in older age; research from 6 European countries in 2011 reveals that almost one in three 60+ women have experienced violence or abuse in the 12 months preceding the survey (cf: Luoma, M.-L <i>et al.</i>, Prevalence Study of Abuse and Violence against Older Women. Results of a Multi-cultural Survey Conducted in Austria, Belgium, Finland, Lithuania and Portugal, April 2011). More recent data is unfortunately not available.</p>	

Amendment 2 – gender pension gap (for FEMM; EMPL)

Draft report	AGE amendment
<p>E. whereas traditional gender roles and stereotypes still influence the division of labour at home, in education, at the workplace and in society; whereas unpaid care work, mostly carried out by women, contributes to the gender pay and pension gap; whereas work-life balance measures, such as the Work-life Balance Directive, are important first steps, but need to be complemented by further measures in order to involve more men in unpaid work and to foster the equal earner – equal carer model;</p>	<p>E. whereas traditional gender roles and stereotypes still influence the division of labour at home, in education, at the workplace and in society; whereas unpaid care work, mostly carried out by women, contributes to the gender pay gap of 16% and pension gap of 40% in EU average; whereas work-life balance measures, such as the Work-life Balance Directive, are important first steps, but need to be complemented by further measures in order to involve more men in unpaid work and to foster the equal earner – equal carer model;</p>
Justification	
<p>Highlighting the extent of the gender pension gap is necessary to underline the profound impact of the gaps on women's income opportunities and lives</p>	

Amendment 3 – old-age poverty and women (for FEMM; EMPL)

Draft report	AGE amendment
<p>G. whereas poverty in Europe disproportionately affects women, in particular single mothers, women with disabilities, and elderly, migrant and ethnic minority women;</p>	<p>G. whereas poverty in Europe disproportionately affects women, in particular single mothers, women with disabilities, and older women, especially older women living alone, migrant and ethnic minority women;</p>
Justification	
<p>The difference in poverty rates between women and men in old age is not very perceptible looking only at gender differences, as the AROPE rate is determined on household level. However, for the large number of older women living alone, survivors' pensions and own pension rights are often not sufficient to cover the costs for a life in dignity, particularly as they might find themselves in too large and badly insulated housing or have to finance their needs for care and assistance on their own.</p>	

Amendment 4 – digital exclusion in older age (for FEMM; EMPL)

Draft report	AGE amendment
J. whereas the Gender Equality Index for 2019 reveals persistent inequalities between men and women in the digital sector; whereas closing the digital gender gap and guaranteeing women’s digital rights is of paramount importance, given the occurrence of discrimination resulting from biased data sets, models and algorithms in artificial intelligence (AI); whereas programmers in AI need to be aware of unconscious biases and stereotypes in order to avoid reproducing and reinforcing them; whereas the transformation and digitalisation of the labour market and the economy can deepen existing economic gaps and labour market segregation;	J. whereas the Gender Equality Index for 2019 reveals persistent inequalities between men and women in the digital sector; whereas closing the digital gender gap and guaranteeing women’s digital rights is of paramount importance, given the occurrence of discrimination resulting from biased data sets, models and algorithms in artificial intelligence (AI); whereas programmers in AI need to be aware of unconscious biases and stereotypes in order to avoid reproducing and reinforcing them; whereas the transformation and digitalisation of society and the labour market and the economy can deepen existing economic gaps and labour market segregation as well as the risk of social isolation ;
Justification	
Older women face the double disadvantage of lower incomes and therefore less access to digital equipment and connectivity, as well as lower levels of educational achievement and employment in sectors that were less digitalised. Therefore, many older women have not access to equipment, connectivity and skills, hindering their participation in an ever-more digitalised society.	

Amendment 5 – long-term care (for FEMM; EMPL)

Draft report	AGE amendment
2. Welcomes the announcement of several complementary strategies and calls for a strategic framework to connect them, and for an intersectional approach to be adopted in all of them;	2. Welcomes the announcement of several complementary strategies, in particular on on long-term care, pensions and active ageing and calls for a strategic framework to connect them, and for an intersectional approach to be adopted in all of them;
Justification	
[Other relevant strategies to be added]. The report should reflect the importance given by the Parliament to each single strategy announced or in the pipeline.	

Amendment 6 – violence against older women (for FEMM; LIBE)

Draft report	AGE amendment
9. Welcomes the announcement of a new EU-wide survey on the prevalence and dynamics of violence against women;	9. Welcomes the announcement of a new EU-wide survey on the prevalence and dynamics of violence against women; calls in particular for more research into the prevalence, drivers and ways to prevent violence against older women ;
Justification	
Few studies have looked at the prevalence of violence against women in older age; research from 6 European countries in 2011 reveals that almost one in three 60+ women have experienced violence or abuse in the 12 months preceding the survey (cf: Luoma, M.-L <i>et al.</i> , Prevalence Study of Abuse and Violence against Older Women . Results of a Multi-cultural Survey Conducted in Austria, Belgium, Finland, Lithuania and Portugal, April 2011). More recent data is unfortunately not available.	

Amendment 7 – long-term care (for FEMM; EMPL)

Draft report	AGE amendment
	<p>10 (bis) (new article). <i>Calls for an EU initiative to increase availability and quality of long-term care, as women are the vast majority of informal carers in the absence of affordable, quality long-term care, leaving in particular older women of working age with lower chances to access the labour market and to build own pension rights; highlights that older women are also more affected by the high costs of long-term care as women’s life expectancy is higher while their health outcomes at the end of life are lower, increasing the need for long-term care and assistance by older women;</i></p>
<p>Justification</p>	
<p>While the European Pillar of Social Rights has introduced principle 18 on the right to long-term care, little EU-level action has been undertaken to implement this right. Older women are affected in the two ways outlined above: they are the main providers of informal care and the main recipients of formal care, both affecting access to income and living expenses. An EU initiative is needed to address these challenges in light of demographic change.</p>	

Amendment 8 – gender pension gap and old-age poverty (for FEMM; EMPL)

Draft report	AGE amendment
	<p>11 (bis) (new article). <i>Calls on the Commission and member States to reinforce their actions on combating the gender pension gap, particularly in the light of demographic change and the expected increase of the share of older women; calls in particular for EU guidance to member states on good practices, such as care credits in pensions, and research on the extent and drivers of gender differences in the access to pensions of all pension pillars, as women are more affected by non-standard work, employment relationships which do not provide occupational pensions, and income levels that do not allow to save privately for a pension; calls for an assessment in particular of minimum pensions and their ability to protect from poverty and social exclusion as part of the implementation of the European Pillar of Social Rights’ principles on minimum income and old-age incomes;</i></p>
<p>Justification</p>	
<p>Member states have committed to closing the gender gap in pensions in the Council conclusions of the Latvian presidency² on the matter, but this has not been followed by any notable action. While the Commission’s Pension Adequacy Report has become more inclusive of non-standard labour-market</p>	

² [Council of the European Union, Equal income opportunities for women and men : Closing the gender gap in pensions – Council conclusions ; 4 June 2015](#)



trajectory, better outlining the particular pension adequacy challenge of women, it only covers the first pillar. Given the push to reinforce the second and third pillars of pension systems (cf. The IORP II directive and the creation of the Pan-European Personal Pensions Product), it is necessary to also analyse the impact of these pension pillar on gender equality and the gender pension gap. Minimum pensions are particularly relevant to avoiding old-age poverty and social exclusion for women and in reducing the gender gap in pensions, as many women are not able to build up sufficient pension rights on their own, relying often on survivor's or minimum pensions (or both). Therefore, an assessment of pension adequacy of these can increase the sense of urgency to address the challenge of income adequacy for an increasing population of older women.

Amendment 9 – digital exclusion in old age (for FEMM; EMPL)

Draft report	AGE amendment
	15 (bis) (new article) Calls for policies that address barriers for women to participate in the digital world and society, in particular older women who might not have access to equipment and connectivity for financial reasons as well as access to digital skills to continue participating in economic and social life;
Justification	
Older women face the double disadvantage of lower incomes and therefore less access to digital equipment and connectivity, as well as lower levels of educational achievement and employment in sectors that were less digitalised. Therefore, many older women have not access to equipment, connectivity and skills, hindering their participation in an ever-more digitalised society.	

Amendment 10 – health (for FEMM; EMPL)

Draft report	AGE amendment
	17 (bis) (new article) Regrets that the proposed EU Gender Equality Strategy does not address health inequalities; points out that while women have a higher life expectancy than men, their healthy life expectancy is about the same, meaning that women spend a larger share of their lives in bad health; highlights that out-of-pocket payments for health services and underperformance of health systems particularly affect women; calls for a health dimension in the Gender Equality Strategy which should focus on access to preventive health at all stages of life, health and safety of women in the workplace, stepping up health prevention in all policies and health literacy;
Justification	
At age 65, older women can expect to live without a major disability or disease for further 9.4 years, 0.2 years less than men, while their remaining life expectancy is 21.4 years (vs. 18.1 for men; 2017). Consequently, women spend a larger proportion of their lives in ill-health. Put into perspective with the reduced amount of available income for older women, it becomes evident that inequalities in access to health and long-term care are heavily reducing women's quality of life at the end of their life-cycles.	





AGE Platform Europe contribution to the Draft report on ageing of the Old continent – possibilities and challenges related to ageing policy post-2020

2020/2008(INI) Committee of Employment and Social Affairs

Rapporteur: **Ms Beata Szydlo**

Deadline for amendments: 08/10/2020

Questions to: philippe.seidel@age-platform.eu

7 October 2020

Introduction

We highly welcome the fact that the EMPL committee decided to draft a report solely dedicated to ageing. The demographic change induced by higher life expectancy in EU countries indeed merits more attention by policymakers. The report is extremely timely in view of the plans for a Green Paper on Ageing, announced by the Commission, and the Council Conclusions on the Human Rights, Participation and Wellbeing of Older Persons, prepared by the German Council presidency and due to be adopted at the October EPSCO. This is a unique opportunity of having the three EU colegislators pulling into the same direction on this defining topic of our time.

AGE Platform Europe, as the EU's largest network of and for older persons, sees this as an opportunity to further emphasise an approach to ageing that is based on the EU treaty principles of non-discrimination, gender equality and solidarity between generations. Indeed, since about 10 years the discussions on United Nations level reveal that a protection gap exists in the framework of the human rights of older persons. The EU enshrines their rights to dignity and independence explicitly in its Charter of Fundamental Rights and bans discrimination on the basis of age in its treaty base, but for now only some aspects related to employment and occupation are protected, with exemptions, in Directive 2000/78/EC, which has its 20th anniversary this year. Efforts on a horizontal equal treatment directive, which would include age discrimination and intersecting discriminations in the access to goods and services, remain stalled by the Council.

The COVID-19 pandemic has revealed that older persons are still seen as second-class citizens, as they have been denied access to medical treatment, testing and protective equipment during the pandemic. Physical distancing measures, while meant to address their vulnerabilities, have often led to social isolation, loneliness, and severe mental and physical health problems. Therefore, it is important to further move towards non-paternalistic approaches such as deinstitutionalisation, community-based and/or home long-term care services and universal access to health care.

In our contribution, we would like to underline these aspects: the diversity of ageing experiences, the need to combat ageism and the need for institutionalised dialogue and solidarity between generations. Furthermore, we feel that an important concern of older persons, the access to social protection, pensions, protection from poverty and social exclusion and social isolation and loneliness could be better reflected in the report.

In annex, AGE has listed a number of amendments to the proposal by the rapporteur that would enhance the report and its objectives in our view.



Proposals for amendments to the EMPL draft report

Amendment 1

Draft report	AGE amendment
– having regard to the Convention on the Rights of Persons with Disabilities, which raises issues of personal autonomy, non-discrimination, full and effective participation in society and equal opportunities and accessibility,	– having regard to the United Nations Convention on the Rights of Persons with Disabilities, ratified by the EU and all EU member States , which is based on the principles of individual autonomy, non-discrimination, full and effective participation in society and equal opportunities and accessibility,
Justification	
Important to highlight this is actual Union law	

Amendment 2

Draft report	AGE amendment
	- having regard to the Council conclusions of XX/XX/2020 on Human Rights, Participation and Well-Being of Older Persons in the Era of Digitalisation¹
Justification	
The Council conclusions contain important commitments by member States on ageing policies. Earlier versions contained the call for a 5-year action plan on ageing – despite the weakening of the conclusions, they are an important tool to highlight that there is momentum for better addressing ageing in EU policies.	

Amendment 3

Draft report	AGE amendment
	- having regard to the outcome of the Second World Assembly on Ageing of 8-12 April 2002, the ‘Political Declaration and Madrid International Plan of Action on Ageing’²,
Justification	
The MIPAA presents issues and objectives to address these issues by UN member States to prepare for ageing societies	

Amendment 4

Draft report	AGE amendment
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1 <https://data.consilium.europa.eu/doc/document/ST-11087-2020-INIT/en/pdf> – to be updated with the correct reference as soon as the EPSCO Council endorses the SQWP draft agreement

2 <https://www.un.org/esa/socdev/documents/ageing/MIPAA/political-declaration-en.pdf>



	- <i>having regard to the Ministerial Declaration of 22nd September 2017 at the 4th UNECE Ministerial Conference on Ageing in Lisbon 'A Sustainable Society for all Ages: Realising the potential of living longer'³,</i>
Justification	
The UNECE implements the MIPAA in the European region and convenes review meetings every five years. The 2017 meeting was held with active participation by all EU member States and the EU itself, and concluded with an ambitious declaration for commitments by the European UNECE member States	

Amendment 5

Draft report	AGE amendment
	- <i>having regard to the report of the United Nations Independent Expert on the enjoyment of all human rights by older persons to the 72nd session of the United Nations General Assembly on the Impact of Coronavirus Disease (COVID-19) on the enjoyment of all human rights by older persons⁴,</i>
Justification	
The independent expert outlines important impacts of the pandemic on the rights of older persons world-wide	

Amendment 6

Draft report	AGE amendment
- having regard to Council Directive 2000/78/EC laying down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation,	- having regard to Council Directive 2000/78/EC laying down a general framework for equal treatment in the field of employment and occupation, establishing the principle of non-discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation,
Justification	
Important to highlight that this directive is only partially addressing age discrimination	

Amendment 7

Draft report	AGE amendment
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3

https://www.unece.org/fileadmin/DAM/pau/age/Ministerial_Conference_Lisbon/Declaration/2017_Lisbon_Ministerial_Declaration.pdf

4 <https://undocs.org/A/75/205>





	- <i>having regard to the Commission Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation COM(2008) 426 and the European Parliament resolution 2008/0140(CNS) on the proposed directive;</i>
Justification	
This directive would close important protection gaps for discrimination on the basis of age, and is stalled in the Council since 2008	

Amendment 8

Draft report	AGE amendment
	- <i>having regard to the World Health Organisation's Decade on Healthy Ageing⁵ adopted by the 73rd World Health Assembly,</i>
Justification	
The decade on Healthy Ageing is an opportunity for bringing together governments, civil society, researchers, industry and international organisations to enable healthy ageing by holistic policies, looking not only at health policies, but also social determinants of health and discrimination	

Amendment 9

Draft report	AGE amendment
Justification	
This is to portray older persons not solely as dependent, protection-needing parts of society but as full citizens with rights and active contributors	

Amendment 10

Draft report	AGE amendment
D. whereas the total number of people of working age (15-64) will fall by 20.8 million between 2005 and 2030 as the baby boomer generation retires;	D. whereas the total number of people between 15-64 will fall by 20.8 million between 2005 and 2030 as the post-World War II generation retires;
Justification	
In light of pension reforms raising pension age and increased participation in education by younger persons, 15-64 is no longer a sufficiently pertinent age bracket to determine 'working age'.	

⁵https://www.who.int/docs/default-source/decade-of-healthy-ageing/final-decade-proposal/decade-proposal-final-apr2020-en.pdf?sfvrsn=b4b75ebc_5





With expression such as 'ok boomer', the term babyboomer might increasingly be seen as negative

Amendment 11

Draft report	AGE amendment
M. whereas the incidence of dependence increases with age;	M. whereas the incidence of <i>needs for care and support</i> increases with age; <i>the needs for care and support are diverse and the appropriate means to ensure autonomy and independence differ;</i>
Justification	
'Dependency' is often used to introduce paternalizing or patronising approaches, while the legally recognised concept is the upholding of autonomy and independence	

Amendment 12

Draft report	AGE amendment
N. whereas there is no uniform definition of dependence in the EU;	<i>(delete)</i>
Justification	
The term 'dependency' risks disenfranchising persons in need for care and assistance and place them under paternalistic approaches. It is preferable to talk about 'needs for care and support', which points at the aim of supporting independence and autonomy, as mentioned in the CRPD and the EUCFR. A definition of needs would be clearer than a definition of dependency.	

Amendment 13

Draft report	AGE amendment
O. whereas older people prefer passive activities , in part due to the state of their health, the lack of habits of regular physical activity and recreation, difficulty in accessing sports and physical rehabilitation centres, and the inadequacy of activities aimed at older people;	O. whereas <i>many</i> older people <i>may not have access to active ageing policies</i> due to the state of their health, the lack of <i>encouragement to have a</i> regular physical, <i>mental or social</i> activity and recreation, difficulty in accessing sports and physical rehabilitation centres, and the inadequacy of activities aimed at older people;
Justification	
The European Parliament should not decide on people's personal preferences. Often, it is a problem of access and lack of encouragement.	

Amendment 14

Draft report	AGE amendment
P. whereas the idea of ageing in place is of key importance for spatial planning	P. whereas the <i>possibilities of maintaining autonomy and</i>





and the deinstitutionalisation of care ;	independence are framed by spatial planning for age-friendly environments , and the accessibility, affordability and availability of quality home or community-based care ;
Justification	
Age-friendly environments are environments that support autonomy and independence. They are accessible, equitable, inclusive, safe and secure, and supportive. They promote health and prevent or delay the onset of disease and functional decline. cf. https://www.who.int/ageing/projects/age-friendly-environments/en/	

Amendment 15

Draft report	AGE amendment
Q. whereas the elderly are more likely to be at risk of illness and to suffer more severely from diseases, including COVID-19 ;	Q. whereas older persons have been and still are heavily hit by complications and fatalities linked to COVID-19; whereas it is urgent to address the situation regarding access to diagnosis, medical treatment and personal protective equipment to beneficiaries and staff in long-term care facilities; whereas many older persons have been hindered in accessing medical treatment unrelated to COVID-19 and care services in general have been reduced or halted altogether during the pandemic ;
Justification	
Cf. the report of the UN Independent expert on the rights of older persons on COVID-19 and its impact on the human rights of older persons (see above)	

Amendment 16

Draft report	AGE amendment
R. whereas during the coronavirus pandemic, many citizens experienced age discrimination in accessing medical and care services;	R. whereas during the coronavirus pandemic, many citizens experienced age discrimination in accessing medical and care services; whereas protocols excluding patients from treatment solely on the basis of age constitute discrimination on the basis of age ;
Justification	
Yet, this is what we have seen across the EU	

Amendment 17





Draft report	AGE amendment
T. whereas combating age discrimination on the labour market is essential for active ageing;	T. whereas combating age discrimination, <i>ageist stereotypes and ageist hate speech in society</i> is essential <i>to fully realise fundamental rights of all persons as they age, as guaranteed by the EU Charter; whereas strengthening equal treatment in the labour market, but also in the access to goods and services, is essential in this regard;</i>
Justification	
This should go beyond only the labour market (cf. horizontal non-discrimination directive)	

Amendment 18

Draft report	AGE amendment
U. whereas ageism is a phenomenon that occurs throughout the European Union and is reflected in institutional systems, individual approaches and intergenerational relations;	U. whereas ageism is a phenomenon that occurs throughout the European Union and is reflected in institutional systems, individual approaches and intergenerational relations; <i>whereas it is shown that ageism reduces health and life expectancy, hinders full participation in economic, social, cultural and civil life and is correlated to paternalistic approaches towards older persons that deny their rights to autonomy and independence;</i>
Justification	
For more information about the impact of ageism: https://www.mdpi.com/1660-4601/17/9/3159	

Amendment 19

Draft report	AGE amendment
	<i>W (new). Whereas the international human rights framework currently does not protect against discrimination on the ground of age; whereas the EU and several member States actively participate in the reflection on binding legal instruments on international level to protect the rights of older persons; whereas this international reflection should be actively supported and encouraged;</i>
Justification	
Cf. report of the Independent Expert on the rights of older persons and positions by EU equality bodies such as the Deutsches Institut für Menschenrechte or more recently the Belgian UNIA. The Fundamental Rights Agency has also dedicated a chapter in one of its recent annual reports on age discrimination: https://fra.europa.eu/en/news/2018/fundamental-rights-older-people-need-be-better-protected	



Amendment 20

Draft report	AGE amendment
<p>W. whereas older people are falling victim to a growing number of crimes and other worrying activities against older people, such as fraud and unfair business practices;</p>	<p>W. whereas older people are falling victim to a number of crimes, such as violence, abuse and neglect, and other worrying activities against older people, such as fraud and unfair business practices, deprivation of legal capacity or the means to manage their own affairs; while the phenomenon of elder abuse, albeit widespread, is not sufficiently covered by research on its incidence, drivers and ways to prevent it;</p>
<p>Justification</p>	
<p>'growing' sounds alarmist, but it is true that many crimes against older persons remain underresearched</p>	

Amendment 21

Draft report	AGE amendment
<p>X. whereas according to a 2012 Eurobarometer survey, 60 % of Europeans were against raising the retirement age;</p>	<p>X. whereas employment rates of older persons have been increasing significantly in recent years; whereas still one in two persons between 55 and 64 are not in employment, with a large gender gap; whereas working longer is associated with workplace policies supporting employability and workers staying longer on the job; whereas however the hiring rates of older persons who are not in employment are extremely low and older persons are at high risk of becoming long-term unemployed; whereas poverty and social exclusion rates of persons between 55 and 64 are higher than EU average;</p>
<p>Justification</p>	
<p>This is not about questioning pension ages but about building labour market conditions that are conducive to work longer. Age discrimination limits hiring after a certain age, as well as some hard factors such as disability and health problems, as well as motivational problems. If these were lifted, many people would voluntarily work beyond retirement age for reasons of social status, income and fulfilment. The employability approach points to what would be necessary in this regard</p>	

Amendment 22

Draft report	AGE amendment
<p>Y. whereas creating the conditions for women and men to work longer may encourage many older people to stay in the labour market;</p>	<p>Y. whereas creating the conditions for women and men to work longer may encourage many older people to stay in the labour market; whereas this can be promoted by health promotion and prevention in the workplace, policies</p>



	<p><i>supporting the reconciliation between employment and private lives, the access to and take-up of education and training opportunities inside and outside of workplaces, support for intergenerational exchanges in workplaces and possibilities to retire progressively;</i></p>
Justification	
Those are the aspects of the employability approach	

Amendment 23

Draft report	AGE amendment
Z. whereas ensuring the health and safety of workers throughout their careers is a prerequisite for a sustainable working life and active and healthy ageing after retirement;	Z. whereas ensuring the health and safety of workers throughout their careers is a prerequisite for a sustainable working life and active and healthy ageing after retirement; <i>whereas this entails not only reducing the incidence of occupational risks, but also promoting and supporting workers' healthy habits and addressing risks such as psycho-social risks, musculo-skeletal disorders;</i>
Justification	
The EU has some competence in health and safety at work that could be better used in to prepare for an ageing workforce	

Amendment 24

Draft report	AGE amendment
	AA (new). <i>Whereas age-friendly environments are an opportunity for older persons to remain included and participate in their communities; whereas municipalities and regions can benefit from exchanges of practices on age-friendly environments;</i>
Justification	
Cf. explanations on age friendly environments above	

Amendment 25





Draft report	AGE amendment
	BB. (new) Whereas mobility is key to foster independent living and autonomy, ensuring achieving a fully accessible transport chain from door to door is critical and can be support through the Connecting Europe Facility funding programme;
Justification	

Amendment 26

Draft report	AGE amendment
CC. whereas in many Member States, housing for older people is inadequate for their needs and capabilities due to high cost of living, living alone and barriers to accessibility	CC. whereas in many Member States, housing for older people is inadequate for their needs and capabilities due to high cost of living, living alone and barriers to accessibility; whereas many older persons are prevented from renovating their homes if they are not homeowners or have no access to credits and mortgages because of their age;
Justification	
Financial exclusion in older age is a topic that should be further addressed in EU level policies	

Amendment 27

Draft report	AGE amendment
1. Calls on the Commission and the Member States to combat discrimination against older people, especially in the area of employment, and to shape a positive perception of old age in society;	1. Calls on the Commission and the Member States to combat discrimination against older people, especially in the area of employment, and to shape a positive perception of old age in society; invites the European Commission to take advantage of the implementation report of Directive 2000/78/EC after 20 years to envisage strengthening the framework regarding age discrimination in employment and occupation; calls upon the Commission and member States to swiftly address the remaining obstacles to agree on the horizontal equal treatment directive on the access to goods and services;



Justification

Important to keep the horizontal non-discrimination directive on the agenda

Amendment 28

Draft report	AGE amendment
<p>2. Calls on the Commission and the Council to establish a Year of Dignified Ageing, in order to strengthen the links between the generations and to counteract loneliness in old age; stresses the importance of this initiative not only in the context of demographic change, but also of the coronavirus pandemic, which has hit older people hardest;</p>	<p>2. Calls on the Commission and the Council to swiftly implement the Council conclusions on Human Rights, Participation and Well-Being of Older Persons in the Era of Digitalisation, including the creation of a ‘platform for participation and volunteering after working life’, the promotion of intergenerational exchanges, including a chapter on the rights of older persons in the upcoming Green Paper on Ageing and a chapter on autonomy and independence of older persons in the upcoming Action Plan on the Implementation of the European Pillar of Social Rights, in order to strengthen the links between the generations and to counteract loneliness in old age; stresses the importance of this initiative not only in the context of demographic change, but also of the coronavirus pandemic, which has hit older people particularly hard;</p>

Justification

We are not against a European Year, but given the lack of budget, EU years have lost a lot of their traction. A longer-term strategy based on the Council conclusions to be adopted on 13 September seems more worthwhile. If there was a year, it should however portray the issues common to Europeans of all generations as they age

Amendment 29

Draft report	AGE amendment
<p>3. Calls on the Commission to prepare an action strategy for the elderly, taking into account the diversity and complexity of the situation of older people;</p>	<p>3. Calls on the Commission to prepare a European action plan on ageing as a possible outcome for the Green Paper on Ageing, taking into account the diversity and complexity of the situation of older people, the principles of gender equality, non-discrimination and solidarity between generations;</p>

Justification

A ‘strategy for the elderly’ would be seen as a privilege to older persons, while the emphasis should be to improve the ageing experience of all persons, as they age

Amendment 30

Draft report	AGE amendment
	<p>3. (new)Calls on the Commission and Member State to take an active part in the international efforts to promote and protect the rights of older persons and active and healthy ageing, including the United Nations Open-Ended Working Group on Ageing and the UNECE efforts to meet the commitments of the Madrid International Plan of Action on Ageing and its Regional Implementation Plan for Europe as set out in the 2017 Lisbon Ministerial Declaration; calls on the Commission and Member States to pay full attention to older persons in the implementation of the Sustainable Development Goals, although many goals are not explicitly directed towards older persons;</p>
<p>Justification</p>	
<p>Emphasise the role of international initiatives and the EU's responsibility in them</p>	

Amendment 31

Draft report	AGE amendment
	<p>3. (new)Calls on the Commission and Member States to revise the age groups used in official statistics in light of demographic ageing, so as to collect more data about the living conditions of the growing share of older and very old persons in society ;</p>
<p>Justification</p>	
<p>Many statistics are divided by age and either stop at 65 years, which still is considered the exit age from the labour market or 75 years. Given the number of over 85 year-olds will triple in the next decades, it is increasingly inadequate not to include and disaggregate older persons in official data collection on income, health outcomes, living conditions, activity and others</p>	

Amendment 32

Draft report	AGE amendment
	<p>3. (new)Calls on the Commission to continue supporting and refining data collection via the Active Ageing Index, including by further developing its domains</p>



Justification

The Active Ageing Index was an important project supported by the EU and the UNECE to assess how well member States implement active ageing policies. While some of the indicators used were debatable, it was a useful tool to steer attention at different areas of ageing policies in member States. More information: <https://statswiki.unece.org/display/AAI/Active+Ageing+Index+Home>

Amendment 33

Draft report	AGE amendment
<u>Health security and care for the elderly</u>	<u>Health and long-term care for older people</u>
Justification	
Health security sounds like only basic access to treatment while health policies should be preventive and holistic to be effective	

Amendment 34

Draft report	AGE amendment
4. Calls on the Commission and the Member States to draw up and adopt a uniform definition of dependence , which will make it possible to individualise support and maintain the existence of a dependent person in socially acceptable conditions ;	4. Calls on the Commission and the Member States to draw up and adopt a shared definition of long-term care and support , which will make it possible to individualise support and ensure the rights to autonomy and independence of persons as they develop health conditions, care and support needs or disabilities ;
Justification	
Cf. comment on dependency. As needs are diverse, a uniform definition seems unlikely and not necessarily desirable. Rather, an outcome-based approach would emphasise the care needs with the aim to participate in society	

Amendment 35

Draft report	AGE amendment
	4 (new). Calls on the Commission and the Member States to agree on a set of indicators of access and sustainability of long-term care systems, as well as a common quality framework for long-term care services, and to put in place a monitoring framework and targets, in particular in access to services, as part of an ambitious implementation of principle 18 of the European Pillar of Social Rights.
Justification	



Explaining what levers there are for EU level action, corresponding also to the reflection currently taking place in DG Employment and social affairs

Amendment 36

Draft report	AGE amendment
5. Calls on the Member States to ensure equal access to medical and care services, healthcare and care facilities without discrimination on grounds of age;	5. Urges Member States to respect the right to health enshrined in CFREU art. 35 by maintaining universal and equal access to health and care services, including residential or community-based long-term care and palliative care , without discrimination on the basis of age or any other grounds ;
Justification	
All dimensions of care	

Amendment 37

Draft report	AGE amendment
	6 (new). Calls upon the Commission and Member States to actively engage in the WHO Decade of Healthy Ageing by drawing up healthy ageing plans in the EU that contain access to health and care services, but also the development of health promotion and prevention; calls upon the European Commission to set up an ambitious research agenda on physical and mental health as part of the Horizon Europe programme; encourages Member States to use the funds provided by the MFF and NextGenerationEU in this regard;
Justification	
Cf. above for information about the WHO Decade on Healthy Ageing	

Amendment 38

Draft report	AGE amendment
	6 (new). Calls upon the European Commission and member States to pursue a Health in All Policies approach, assessing the health impact of policy choices in all relevant areas;



Justification
Cf. above for the Health in All Policies approach

Amendment 39

Draft report	AGE amendment
6. Calls on the Member States to strengthen the sense of security of older people by, among other things, developing digital technologies, telecare and telemedicine, and setting up day-care centres close to schools and kindergartens, which will foster intergenerational ties;	7 (new). Encourages member States to set up community care centres, volunteering and life-long learning opportunities targeted to older persons close to schools and kindergartens, and encourage the fostering of intergenerational ties by encouraging exchanges between these services;
Justification	
Nice idea by the rapporteur, but only physical proximity does not build interaction yet	

Amendment 40

Draft report	AGE amendment
7. Encourages Member States to de-institutionalise care for the elderly , as this is more conducive to social inclusion and autonomy for the elderly;	7. Encourages Member States to move towards de-institutionalisation of care for older people, through the development of home and community-based care, as to promote social inclusion, independence and autonomy for older persons; encourages member States in particular to develop community-based solutions for older persons with dementia; the evolution of the long-term care model should go hand in hand with the development of home and community-based services which are person-centred and accessible for all
Justification	
Further explaining what is meant by deinstitutionalisation and where the main challenges are	

Amendment 41

Draft report	AGE amendment
8. Calls on the Member States to provide professional support for carers and assistants of dependent older people and to introduce various forms of periodic relief for family members caring for dependent older people;	8. Calls on the Member States to provide professional support such as training and peer counselling for informal carers of older people in need for care and support and to introduce various forms of periodic relief for family members caring for older people in need of care and support, such as respite care and day care services; calls upon





	<i>member States to implement the Directive on Work-Life Balance for Parents and Carers so as to provide income security to informal carers who need to reduce their employment for their responsibilities; emphasises that providing informal care should be a voluntary choice and that formal care services should be developed to relieve the burden of informal carers;</i>
Justification	
Holistic policy on informal carers	

Amendment 42

Draft report	AGE amendment
	<u>(new) Social protection and social inclusion</u>
Justification	
This chapter is missing from the draft report	

Amendment 43

Draft report	AGE amendment
	<i>10 (new). Welcomes the plans to adopt an Action Plan on the Implementation of the European Pillar of Social Rights; underlines that the Pillar contains the principles of social protection, old-age income to live in dignity and minimum income; welcomes the work of the Social Protection Committee on the next Pension Adequacy Report; calls for the Action Plan to include targets on the reduction of poverty and social exclusion, including among older persons;</i>
Justification	
<p>The Europe 2020 Strategy contained a target to reduce poverty and social exclusion by 20 million, however, with a diverse set of indicators from which member States could pick and chose, according to their priorities (at-risk of poverty, material deprivation, persons in jobless households). National targets did not add up to the European 20 million target, and efforts to introduce policies on EU level to reduce poverty and social exclusion lacked coordination: While the EU has adopted a very useful recommendation on Active Inclusion, its principles still need to be applied: A new EU Strategy such as the Recovery plan, or indeed the implementation of the European Pillar of Social Rights, should have a strong component to reduce poverty and social exclusion, and contain action areas for all vulnerable groups, of which older persons are part: This also is in coherence with the EU's and member States' commitment on SDG1 on eradicating poverty by 2030</p>	

Amendment 44

Draft report	AGE amendment
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	<p>10 (new). Calls on the Commission and member States to develop recommendations on reducing the risk of poverty and social exclusion in older age, focussing especially on the gender pension gap, older persons with disabilities, older migrants, older Roma, and other groups that are disproportionately affected by poverty and social exclusion; encourages the Social Protection Committee to dedicate more analysis to these groups facing high rates of poverty and social exclusion;</p>
<p>Justification</p>	
<p>Those are the specific groups among older persons who are most at risk of poverty and social exclusion and have been identified in the 2018 Pension Adequacy Report</p>	

Amendment 45

Draft report	AGE amendment
	<p>10 (new). Alerts about the risk of social isolation and loneliness that has intensified due to the COVID-19-related physical distancing measures; calls on the Commission and Member States to reflect on and address this risk by research, exchange of practices and the use of EU Structural and Investment Funds to combat this phenomenon;</p>
<p>Justification</p>	
<p>For the time being, no EU policy is addressing social isolation and loneliness, a phenomenon which is harmful to peoples' social inclusion and health, with consequences for the economic situation of member States, and which has been amplified by physical distancing measures: While combating social isolation and loneliness is mainly a policy area for local authorities, who could support voluntary initiatives of intergenerational exchanges or other policies targeted towards isolated persons, there is scope for EU-level exchanges of practices, guidelines, and the promotion of the (possible) use of EU funding for such programmes (such as ESF+, for instance)</p>	

Amendment 46

Draft report	AGE amendment
<p><u>Active ageing</u></p>	<p><u>Active ageing in the labour market and beyond</u></p> <p>11 (new). Calls on Member States to develop employability and career management strategies to prepare for an ageing workforce and more volatile labour markets in light of frequent and profound transformations in labour markets; underlines that such strategies should contain the promotion of education, training and life-long learning for persons of all ages, healthy workplaces that provide reasonable accommodation to employees with health needs or disabilities, means to reconcile professional and private lives and the promotion of intergenerational exchanges in the workplace;</p>





Justification	
Creating labour market conditions for longer working lives, cf. above	

Amendment 47

Draft report	AGE amendment
	11 (new). Calls on the European Network of Diversity Charters to put more focus on the promotion of age and (dis)ability diversity in workplaces; calls on the European Commission to emphasise psycho-social and physical, age-related risks for both women and men in the new Framework Strategy for Health and Safety in the Workplace;
Justification	
This EU network of voluntary employers' initiatives is more preoccupied with gender and race than with disability and age, unfortunately	

Amendment 48

Draft report	AGE amendment
	11 (new). calls on Member States and the European Network of Public Employment Services to develop exchanges of practices about integrating older jobseekers into the labour market; calls on Member States
Justification	
Concrete capacity-building for job search services	

Amendment 49

Draft report	AGE amendment
11. Calls on Member States to develop educational and integration opportunities for older people, including online education;	11. Calls on Member States to develop educational and integration opportunities for older people whether they are still part of the labour market or already retired , including online education or the development of training entitlements for workers; calls on the European Commission to include specific actions targeting older persons in the update of the Digital Education Action Plan;
Justification	



Older persons are often left out of comments on life-long learning policies of member states, while it would mostly benefit them

Amendment 50

Draft report	AGE amendment
<p>12. Encourages Member States to develop volunteering and mentoring among older people, which will counteract social exclusion, encourage the upgrading of the skills of young workers and preserve traditional crafts as part of European heritage;</p>	<p>12. Encourages Member States to develop volunteering and mentoring among older people, which to counteract social exclusion and allow them to contribute their skills and experience; encourages the upgrading of the skills of younger and older workers and preserve traditional crafts as part of European heritage;</p>
<p>Justification The aim is not only charity, but allowing older persons to fully contribute and participate</p>	

Amendment 51

Draft report	AGE amendment
<p>13. Calls on the Commission and the Member States to promote the social inclusion of older people by using the Internet and other ICT for cultural, entertainment, education, communication, telecare and telemedicine purposes;</p>	<p>13. Calls on the Commission and the Member States to promote the social inclusion of older people by using the Internet and other ICT for cultural, entertainment, education, communication, telecare and telemedicine purposes, all while maintaining offline avenues to access these services; calls in particular for strategies to develop access to skills, connectivity and devices in long-term care settings;</p>
<p>Justification While ICT is a tremendous opportunity for inclusion of persons with mobility problems, it also excludes many older and younger persons who cannot participate in the digital society</p>	

Amendment 52

Draft report	AGE amendment
<p>15. Calls on the Commission to take into account the potential of the silver economy in EU strategies and to promote it more vigorously in the Member States;</p>	<p>15. Calls on the Commission to take into account the potential of the silver economy in EU strategies and to promote it more vigorously in the Member States; emphasises that the Silver Economy should be understood as an economy implementing the principles of accessibility for persons with disabilities, affordability and adequacy of goods and services to the needs of older persons; underlines that participation of older persons in the development and testing of goods and services in the Silver</p>



	<i>Economy is crucial for their success and uptake;</i>
<p>Justification</p> <p>The silver economy is often seen as a premium economy for wealthy older persons; in order to fully harness the opportunity of the silver economy, it needs to be inclusive of persons with disabilities and persons with more modest financial means</p>	

Amendment 53

Draft report	AGE amendment
16. Calls on the Member States to adapt buildings and housing to the needs of older people, persons with disabilities and people with reduced mobility and perception ; stresses that safe housing is housing where the possibility of dangers has been reduced and where the response in the case of danger is made easier;	16. Calls on the Member States to adapt buildings and housing to the needs of older people and persons with disabilities; stresses that safe housing is housing where the possibility of dangers has been reduced and where the response in the case of danger is made easier;
<p>Justification</p> <p>There might be redundancies here. It is sufficient to stick to older people and persons with disabilities, it already covers quite a large number of physical/sensory issues and corresponds to the legal concepts used.</p>	

Amendment 54

Draft report	AGE amendment
17. Calls on the Member States to promote programmes and actions to encourage families to live close to each other, respecting the choice of each family member, to develop other forms of intergenerational housing, strengthen intergenerational bonds , and to enable elderly people who, for health or financial reasons, have to leave their homes to find housing that meets their needs without having to leave the community in which they have lived for years;	17. Calls on the Member States to promote programmes and actions to encourage families to live close to each other, respecting the choice of each family member, to develop other forms of intergenerational housing , strengthen intergenerational exchanges , and to enable older people who, for health or financial reasons, have to leave their homes to find housing that meets their needs without having to leave the community in which they have lived for years;
<p>Justification</p> <p>The building of bonds cannot be prescribed by policy and it should always remain one's choice with whom to live; however, intergenerational housing can be encouraged by social housing projects and other initiatives.</p>	



Amendment 55

Draft report	AGE amendment
<p>18. Emphasises that sheltered housing and supported housing are tools of housing and social policy which are characterised by high effectiveness of support for, among other things, the deinstitutionalisation of care; calls on the Member States to take action to expand the availability of to sheltered and supported housing;</p>	<p>18. calls on the Member States to take action to expand the availability of <i>community-based care, including by adopting highly effective alternatives to institutionalisation such as supported housing, intergenerational housing and housing adaptations to enable older persons to age in place;</i></p>
<p>Justification</p>	
<p>'sheltered housing' is misleading, as there are sheltered workshops to provide employment to persons with disabilities</p>	

Amendment 56

Draft report	AGE amendment
	<p>20 (new). Calls on the European Commission and Member States to support and develop the concept of age-friendly environments by supporting exchange of practices between municipalities, regions, academics, industry and civil society;</p>
<p>Justification</p>	
<p>Cf. above for the concept of age-friendly environments</p>	