



COMMISSION EUROPÉENNE
SECRÉTARIAT GÉNÉRAL

Direction B - Prise de décision & Collégialité
SG.B.3 - Secrétariat du Groupe des Relations Interinstitutionnelles (GRI)

Bruxelles, le 8 avril 2020

SP(2020) 138 final

NOTE A L'ATTENTION DES MEMBRES DU GRI
ET DES COORDONNATEURS DES RELATIONS INTERINSTITUTIONNELLES
DANS LES DIRECTIONS GÉNÉRALES

Objet : Approbation des suites données aux résolutions non législatives du
Parlement européen – session de janvier II 2020

**RESOLUTIONS AUXQUELLES LA COMMISSION S'EST ENGAGEE A DONNER
UNE SUITE SOUS FORME DE FICHE EN APPLICATION DE LA PROCEDURE
CONVENUE AVEC LE PARLEMENT EUROPÉEN**

(SP(2004) 768, SP(2004) 1951)

Chargeur universel pour les équipements radioélectriques mobiles (2019/2983 (RSP))
PE : RC-B9-0047/2020
Date : 30 janvier 2020
Compétence : Thierry BRETON, Margrethe VESTAGER
Direction générale du marché intérieur, de l'industrie, de l'entrepreneuriat et des PME

Écart de rémunération entre les hommes et les femmes (2019/2870 (RSP))
PE : B9-0073/2020
Date : 30 janvier 2020
Compétence : Helena DALLI, Věra JOUROVÁ
Direction générale de la justice et des consommateurs

Follow up to the European Parliament non-legislative resolution on a common charger for mobile radio equipment

- 1. Resolution tabled pursuant to Rule 132(2) and (4) of the European Parliament's Rules of procedure**
- 2. Reference numbers:** 2019/2983 (RSP) / RC-B9-0070/2020 / P9_TA-PROV(2020)0024
- 3. Date of adoption of the resolution:** 30 January 2020
- 4. Competent Parliamentary Committee:** N/A
- 5. Brief analysis/assessment of the resolution and requests made in it:**

The resolution takes stock of the implementation of Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment (hereafter referred to as RED) and, in particular, of article 3(3)(a) that empowers the Commission to take action in this area.

The resolution reminds that fragmentation of the market for chargers for mobile phones and other small and medium-sized electronic devices results into consumers inconvenience and increase in e-waste. The resolution highlights that consumers still have to acquire different chargers for different or new devices and sellers have to include chargers with every purchase resulting in overproduction and waste.

The resolution stresses that a significant amount of e-waste is generated by the existing situation and that, in the framework of the European Green Deal, there is a need for an ambitious new circular economy action plan aiming to reduce the use of resources and the total environmental footprint. It is therefore reminded that the current short life-cycle of some radio equipment, such as smartphones, lead to the production of additional e-waste, including chargers.

The resolution observes that, though voluntary agreements between industry players have significantly decreased the number of charger types available on the market, they have proved unsuccessful in terms of achieving a common charging solution. The resolution reminds that, although this point has been on the table for more than 10 years, the adoption of a delegated act supplementing Directive 2014/53/EU on radio equipment has been repeatedly postponed. Therefore, the resolution concludes by asking the Commission to take regulatory action to implement a common charging solution.

Proposed measures are:

- For the Commission: implement a regulatory action to reduce electronic waste, empower consumers to make sustainable choices, and allow them to fully participate in an efficient and well-functioning internal market;
- For the Commission: to publish the results of the impact assessment study on the introduction of a common charger for mobile telephones and other compatible devices with a view to proposing mandatory provisions;
- For the Commission: to elaborate a standard solution for a common charger for mobile radio equipment by adopting the delegated act supplementing Directive 2014/53/EU

on radio equipment defining a standard for a common charger for mobile phones and other small and medium-sized radio equipment by July 2020, or, if necessary, by adopting a legislative measure by July 2020 at the latest;

- For the Commission: it is reminded that such legislative framework for a common charger will have to be designed without hampering innovation and will have to be scrutinized in order to take into account technical progress, such as wireless charging;
- For the Commission: it is noted that, in line with the Standardisation Regulation, European standardisation organisations must facilitate the participation of relevant stakeholders, which include, in this context, SME organisations, environmental organisations, people with disabilities, the elderly and consumers;
- For the Commission: regarding environmental footprint, legislative initiatives to increase the volume of cables and chargers collected and recycled in the Member States should be considered;
- For the Commission: to consider measures to ensure that consumers are no longer obliged to buy new chargers with each new device, by considering that decoupling strategies would allow for greater environmental benefits. It is however stressed that any measure aiming at decoupling should avoid potentially higher prices for consumers.

6. Response to requests and overview of action taken, or intended to be taken, by the Commission

The Commission shares overall the concerns presented in the resolution.

The Commission reminds that since the expiration of the original Memorandum of Understanding (MoU) regarding Harmonisation of a Charging Capability for Mobile Phones in 2012, the Commission has facilitated a dialogue with industry that resulted in two Letters of Intent signed by the industry and therefore extending the MoU on common chargers until 2014.

After 2014, great effort has been made from the Commission's side to find a consensus on a new Memorandum of Understanding. Eventually, the Commission received a new MoU from mobile phone manufacturers published by DigitalEurope in March 2018. The new MoU did not, however, fulfil the desired policy objectives of consumer convenience, safety and interoperability of chargers and reduction of electronic waste. Industry proposed to continue allowing for proprietary solutions, instead of implementing one common charger. As a result, the Commission launched a study to assess impacts of possible regulatory options, including a standard solution for a common charger.

The study was published in January 2020 under <https://op.europa.eu/en/web/eu-law-and-publications/publication-detail/-/publication/c6fadfea-4641-11ea-b81b-01aa75ed71a1>.

According to the study, imposing a common interface on the side of the electronic device (smartphone, but possibly also tablets, cameras, e-readers, etc.) in combination with incentivising/ imposing decoupling (i.e. selling the smartphone without chargers) would benefit consumers and reduce electronic waste the most.

Building on this study, the Commission is currently working on an impact assessment in support of a regulatory proposal for a common charging interface for certain classes of radio equipment. This measure has been included in the Commission's Work programme for planned adoption in the third quarter of 2020.

Measures on decoupling would however need to be supported by complementary studies. Innovations such as fast charging, which are increasingly being adopted by major manufacturers, will have to be assessed to guarantee minimum performance and safety levels when a different charger than the one originally designed for the device is used. Possible measures for a wider range of products, wireless charging, quality of the cord would also need additional assessment.

The Commission agrees that the preparation of a measure on the common charging interface would need to take into account its impact on innovation and would need to be regularly updated to consider technological progress.

In this respect, standardisation of the charging solutions, both wired and wireless, will continue to be a crucial aspect. With respect to the request of the European Parliament, the participation of relevant stakeholders in the standardisation work will be further facilitated. To this end, and according to Regulation 1025/2012, the Commission will continue to support the active participation of representatives of European stakeholder associations, and in particular, the representatives of consumers, in the standardisation work at European level.

In this context, it is crucial to note that the information and communications technology (ICT) and electronics sector is one of the priority sectors in the recently adopted Circular Economy Action Plan for a cleaner and more competitive Europe¹. The plan proposes a ‘Circular Electronics Initiative’, which will promote longer product lifetimes and include, among others, the following actions:

- regulatory measures for electronics and ICT including mobile phones, tablets and laptops under the Ecodesign Directive so that devices are designed for energy efficiency and durability, reparability, upgradability, maintenance, reuse and recycling;
- focus on electronics and ICT as a priority sector for implementing the ‘right to repair’, including a right to update obsolete software;
- regulatory measures on chargers for mobile phones and similar devices and introduction of a common charger, improving the durability of charging cables, and incentives to decouple the purchase of chargers from the purchase of new devices.

Concerning the request of the European Parliament that the Commission should implement regulatory actions to reduce electronic waste and increase the volume of cables and chargers collected and recycled in the Member States, the Commission will explore options for an EU-wide return scheme of mobile phones, tablets and other small electrical and electronic equipment.

In that respect, the Commission is launching a study to analyse implementing such options under the umbrella of the WEEE (waste electrical and electronic equipment) Directive, which already requires the Member States to set up systems that allows for WEEE to be returned free of charge.

Finally, any regulatory measure needs to provide a reasonable transition period to give the industry sufficient time to adapt to the new requirements. This would also allow a natural phasing-out of older devices.

¹ https://ec.europa.eu/environment/circular-economy/pdf/new_circular_economy_action_plan.pdf

Follow up to the European Parliament non-legislative resolution on the gender pay gap

- 1. Resolution tabled pursuant to Rule 132(2) of the European Parliament's Rules of procedure**
- 2. Reference numbers:** 2019/2870 (RSP) / B9-0073/2020 / P9_TA-PROV(2020)0025
- 3. Date of adoption of the resolution:** 30 January 2020
- 4. Competent Parliamentary Committee:** Committee on Women's Rights and Gender Equality (FEMM)
- 5. Brief analysis/assessment of the resolution and requests made in it:**

The non-legislative resolution, adopted on 30 January 2020 calls on the Commission to come forward with an ambitious new EU Strategy for Gender Equality that includes binding measures on the gender pay gap and pay transparency. It should also include clear targets and monitoring processes to promote gender equality and measure progress towards achieving it, particularly as regards the related gender earnings and pension gaps and the promotion of women and men as equal earners and carers.

The European Parliament calls for the immediate revision and an ambitious update of the Gender Pay Gap Action Plan by the end of 2020, with an intersectional perspective and setting clear targets for the Member States to reduce the gender pay gap over the next five years and ensure that such targets are taken account of in the European Semester country specific recommendations.

The European Parliament considers that the forthcoming directive on pay transparency measures should include strong enforcement policies, and should apply to both the private and public sector, with due account taken of the specificities of small and medium-sized enterprises (SMEs), and to the entire remuneration package, including any components thereof, and have a broad scope.

The European Parliament calls on the Commission to introduce guidelines for gender-neutral job evaluation and classification systems and the definition of clear criteria for assessing the value of work, making it possible to compare the value of work in different jobs and sectors with the aim of obtaining fairer remuneration for work in female-dominated sectors.

The European Parliament calls on the Commission to take the review of the EU's equal pay laws and the equal pay principle as the basis for its action. It also asks the Commission to present a timely revision of Directive 2006/54/EC in order to update and improve existing legislation on the equal pay principle in practice, to improve enforcement in line with the case law of the Court of Justice of the European Union (CJEU) and to include the prohibition of any discrimination based on sexual orientation, gender identity or gender reassignment.

The European Parliament calls on the Commission to closely monitor the progress of the Member States adoption and implementation of the Work-Life Balance Directive with a view to the eventual report and accompanying studies on its implementation.

- 6. Response to the requests and overview of the action taken, or intended to be taken, by the Commission:**

Paragraph 2, 14, 19 and 20: On 5 March 2020, the Commission launched a strong and

ambitious Gender Equality Strategy for the five years to come, as announced by the President von der Leyen in her political guidelines. The Strategy follows a dual approach of mainstreaming and specific actions. It continues tackling current priorities, including addressing the gender pay, pension and care gaps.

By the end of the implementation period of the Action plan 2017-2019 tackling the gender pay gap¹, all of the 24 actions have been or continue being implemented. Certain actions have led to very tangible results in terms of new legislation or policies, and nearly all actions will continue under various Commission policies. The report on the implementation of the action plan, published on 5 March 2020², takes stock of the implemented actions and paves the way for further initiatives on enforcing the principle of equal pay for equal work or work of equal value.

In an effort to address the root causes of the pay gap, the Commission will continue its dialogue with social partners to develop new policies to improve gender equality in the world of work and to encourage them to strengthen efforts in addressing the gender employment and the pay gap.

The Structural Reform Support Programme, based on requests from the Member States, will support them in mainstreaming gender in public administration and will contribute to their national structural reforms to close the gender employment gap and to address the higher proportion of women in poverty, particularly in older age. The forthcoming EU strategic frameworks on disability, LGBTI, migrant integration and Roma inclusion will be linked to the Gender Equality Strategy and to one another.

Paragraph 4: The majority of the actions of the Action Plan will continue being implemented either as general actions against the pay gap or as part of sectoral actions. The gender pay gap in unadjusted form is one of the three indicators for gender equality included in the social scoreboard³ that the Commission uses to monitor the implementation of the European Pillar of Social Rights⁴. Gender equality is a prominent topic within the European Semester⁵ with the gender pay gap addressed in the country reports for a number of countries and as specific recommendation in Estonia. The Commission has initiated preparatory work for an initiative on pay transparency to be presented by the end of the year.

Paragraph 6 and 8: For a proposal on binding pay transparency measures to have a tangible impact, the Commission will assess a variety of transparency modalities and table binding measures on pay transparency by the end of 2020. The assessment will build on the 2014 Recommendation with regard to both the private and public sector. While such an initiative will strengthen the rights of employees to get more information about pay levels, it may add an administrative burden for employers. To find the right balance for EU action and for the initiative to be ambitious and proportionate, it is paramount to consult employers, employees, national administrations and citizens. Therefore, together with the Gender Equality Strategy 2020-2025, the Commission launched on 5 March a far-reaching and inclusive consultation process with the public⁶, the Member States and the social partners. Meanwhile, the

¹ COM/2017/0678 final

² COM(2020)101

³ See <https://composite-indicators.jrc.ec.europa.eu/social-scoreboard/>

⁴ Proclaimed by the European Parliament, the Council and the Commission on 17 November 2017. See https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en

⁵ The European semester is the framework for the coordination of economic policies across the EU. See https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester_en

⁶ <https://ec.europa.eu/eusurvey/runner/PAYTRANSPARENCYSurvey2020?surveylanguage=en>

Commission published the evaluation of the relevant provisions of Directive 2006/54/EC implementing the Treaty principle on ‘equal pay for equal work or work of equal value’ in a Commission Staff Working Document⁷ and an implementation report on the Action Plan 2017-2019 on tackling the gender pay gap.

The Commission’s evaluation focused on the application and enforcement of the Recast Directive after the adoption of the pay transparency Recommendation in 2014. It considered how the existing legal provisions on equal pay have worked in practice, Member States’ approaches for the national implementation of these provisions, the extent to which their initial goals have been reached, how effectively they have been enforced, and the impact these provisions have had on closing the gender pay gap. The evaluation was carried out in accordance with the criteria set out in the Better Regulation Guidelines that covers the effectiveness, efficiency, relevance, coherence and the added value of the provisions. The results confirm that the existing legal framework has triggered important change at national level across the Union while Member States continue to face challenges in the effective implementation of the principle of equal pay. Key legal concepts such as ‘pay’ and ‘equal work for equal value’ are not uniformly understood in national legislations and pay discrimination often goes undetected due to the lack of transparency about pay levels. The findings also point to difficulties experienced by individual victims of pay discrimination to make claims without legal representation or support. In addition, levels of fines and compensation are generally insufficiently dissuasive.

Discrimination based on sexual orientation is already prohibited under Directive 2000/78/EC. Discrimination based on gender reassignment is prohibited according to the case law of the Court of Justice of the European Union⁸ and as explicitly mentioned in recital 3 of Directive 2006/54/EC. There is not yet any case law of the CJEU concerning discrimination in employment based on gender identity more generally speaking.

Paragraph 7: In December 2013, the Commission has published guidelines on how to use and apply gender-neutral job evaluation and classification systems to improve human resources management and work organisation practices in companies. The guidelines were annexed to the Commission Report to the Council and the European Parliament on the application of Directive 2006/54/EC.⁹ The Commission will consider an update of those guidelines during its mandate in the framework of the consideration of other priorities related to tackling the gender pay gap.

Paragraph 15: During the 3-years transposition period of the Work-Life-Balance Directive, the Commission will assist the Member States to properly implement it into national systems. The Commission organised an implementation workshop with the Member States on 10 and 11 December 2019, which may be followed by extra meetings in 2020 and 2021. At the end of the transposition period, the Commission will conduct implementation, transposition and compliance assessments to verify that the Member States actions are in line with the requirements of the directive.

Paragraph 17: The Commission acknowledges the need to further improve the understanding

⁷ Evaluation of the relevant provision in Directive 2006/54/EC implementing the Treaty principle on ‘equal pay for equal work or work of equal value’, SWD(2020)50, see https://ec.europa.eu/info/sites/info/files/swd-2020-50_en.pdf

⁸ See for example, cases C-13/94 P v S and Cornwall County Council, of 30 April 1996 and C-423/04, Richards v Secretary for Work and Pensions, of 27 April 2006

⁹ Report from the Commission to the Council and the European Parliament on the application of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (SWD(2013) 512 final)

of the gender pay gap. To this aim, Eurostat is working on possible improvements in the data collection and analysis.

Paragraph 23: The basic salary of staff of the EU Institutions is defined in salary grids, which are set by the Staff Regulations and are as such publicly available. The basic salary is irrespective of gender. It varies depending only on two objective elements, which are (i) the staff category (official, temporary agent, contract agent) and (ii) the grade and step, which translate the level of responsibilities exercised. The mechanisms for career progression (such as the promotion exercise) are also entirely merit based.

The selection of the European Institutions' workforce is equally merit-based. EPSO, the European Personnel Selection Office, consistently applies an equal opportunities policy and takes all reasonable measures to ensure equal treatment of all candidates. The most selective phase for the selection of officials (computer-based tests) is fully anonymous and cannot as such, lead to discrimination. Furthermore, the results of the selection procedures are monitored in order to avoid abnormal failure rates of some groups during the procedures and corrective measures are taken, if necessary. In the entry grades, i.e. for the most recently recruited, the percentage of women exceeds men. This confirms the success of all measures taken so far to attract a more diverse workforce.

There are numerous measures available at the Commission aimed at allowing flexible way of working and ultimately at reaching a proper balance between working life and private/ family life. Those measures include flexitime, part-time, telework, parental leave and family leave. The Commission is currently carrying out an analysis of working formulae in the context of the further analysis into work-life balance, including its use by gender.

As regards women in management, the von der Leyen Commission aims to reach gender parity (50%) at all levels of Commission's management by the end of 2024. The Juncker Commission reached 41% women in management at the end of its mandate, thus exceeding its initial objective of 40% female managers. This is thanks to a coherent set of measures, such as targets for first female appointments to middle management functions, development programmes and procedural provisions.