



EURO-NET

The Youth European Network



EUROPE DIRECT BASILICATA centre
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Bimonthly newsletter:

- to spread European opportunities and initiatives,
- to disseminate the respect of human rights and the awareness about the development of Europe's cultural identity and diversity,
- to fight discrimination against minorities, xenophobia, intolerance and racism,
- to help, with youth activities, the democratic stability and social inclusion in Europe,
- develop active European citizenship and civil society by giving impetus to the training of youth leaders and youth workers working within a European dimension;
- to promote European youth activities, such as exchanges, seminars, conferences, debates and training courses,
- to encourage exchange of ideas, proposals, experiences and good practises at international level.

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1. Enjoy your new digital rights across Europe during summer holidays

This summer, European citizens will enjoy more digital rights than ever before. Following the end of roaming charges across the European Union last year, holidaymakers can now travel with their online TV, film, sports, music or e-book subscriptions at no extra cost. In addition, everyone across Europe can enjoy world-class data protection rules that ensure all Europeans have better control over their personal data.



Andrus **Ansip**, Vice-President for the Digital Single Market said: *"Europeans are already starting to feel the benefits of the Digital Single Market. This summer you will be able to bring your favourite TV programmes and sports matches with you wherever you travel in the EU. By the end of this year, you will also be able*

to buy festival tickets or rent cars online from all over the EU without being geo-blocked or re-routed." Věra **Jourová**, Commissioner for Justice, Consumers and Gender Equality added: *"The digital world offers tremendous opportunities, but also challenges; for example, our personal data is a useful asset for many companies. With the modern data protection rules we have put in place, Europeans have gained control over their data whenever they shop, book their holidays online or just surf the internet."* Mariya **Gabriel**, Commissioner for the Digital Economy and Society said: *"We are improving the daily life of our citizens, be it end of roaming charges or safer online environment. By completing all our digital initiatives we will bring even more positive change to consumers and businesses alike."*

Digital rights already in daily use

- Since June 2017, people have been able use their **mobile phones while travelling** in the EU just like they would at home, without paying extra charges. *Since the EU abolished roaming charges, more than five times the amount of data has been consumed and almost two and a half times more phone calls have been made in the EU and the European Economic Area.*
- Since April 2018, consumers can **access online content services** they have subscribed to in their home country also when travelling across the EU, including among other films, series and sports broadcasts.
- Under the new **data protection rules** which have been in place across the EU since 25 May 2018, Europeans can safely transfer personal data between service providers such as the cloud or email; everyone now has the right to know if their data has been leaked or hacked, or how their personal data is being collected. Furthermore, with the 'right to be forgotten', personal data has to be deleted upon request, if there are no legitimate reasons for a company to keep it.
- Finally, with the **net neutrality rules** applying since spring 2016, every European has access to open internet, guaranteeing their freedom without discrimination when choosing content, applications, services and information of their choice.

Coming soon

With some digital rights already in place, there is more to come in the upcoming months. From September, Europeans will have increasingly the right to use their national electronic identification (eID) across the whole EU to access public services. As of December, everyone will benefit from the **free flow of non-personal data**, as they will have access to better and more competitive data storage and processing services in the EU, thus complementing the free movement of people, goods, services and capital. Entrepreneurs meanwhile will have the right to decide where in the EU they store and process all types of data. As of 3 December, Europeans will be able to **shop online without unjustified discrimination** wherever they are in the EU. They will not have to worry about a website blocking or re-routing them just because they – or their credit card – come from a different country. As of next year, citizens will be able to compare parcel delivery costs more easily and benefit from more **affordable prices for cross-border parcel delivery**. Agreed rules on **value added tax for e-commerce** will allow entrepreneurs to take care of their cross-border VAT needs in one online portal and in their own language. With the recently agreed European Electronic Communications Code, Europeans will have the right to

switch internet services and telecoms providers in a simpler way. They will also have the right to receive public alerts on mobile phones in case of an emergency. The new rules will also guarantee a better and more affordable connectivity across the EU. With the updated rules for audiovisual media, Europeans will have the right to a safe online environment that protects them from incitement to violence, hatred, terrorism, child pornography, racism and xenophobia.

Background

The Digital Single Market strategy was proposed by the Commission in May 2015 to make the EU's single market fit for the digital age – tearing down regulatory walls and moving from 28 national markets to a single one. This has the potential to contribute €415 billion per year to our economy and create hundreds of thousands of new jobs. Three years later, the strategy is well on its way: 17 legislative proposals have been agreed on, while 12 proposals are still on the table. There is a strong need to complete our regulatory framework for creating the Digital Single Market. Thanks to this the value of Europe's data economy has the potential to top €700 billion by 2020, representing 4% of the EU's economy.

2. Employment and Social Developments in Europe: 2018 review

The Commission has published the 2018 edition of its yearly Employment and Social Developments in Europe (ESDE) review.

This year's edition confirms the ongoing positive labour market trends as well as an improving social situation. The numbers of people in employment reached new record levels. With almost 238 million people having a job, employment has never been higher in the EU. In 2017 over three and a half million more people were in employment, compared with 2016. However, while the number of hours worked per person employed has grown in recent years, they are still below the 2008 levels. At the same time we witness rising disposable incomes and lower levels of poverty. Severe material deprivation has receded to an all-time low, with 16.1 million fewer people affected, compared with 2012. But looking at the impact of technological developments, there are uncertainties about the future effects of automation and digitalisation. This is why the 2018 ESDE review is dedicated to the changing world of work. Commissioner for Employment, Social Affairs, Skills and Labour Mobility, Marianne **Thyssen**, said: *"The European economy is growing faster and more evenly than before. This favours employment, props up household incomes, and improves social conditions. Technological change has a high potential to boost growth and jobs, but only if we shape this change. The European Pillar of Social Rights provides a compass for getting everyone ready for this transformation. Our proposals turn the Pillar into practice, by equipping people in Europe with better education and skills throughout their life and by ensuring that all workers are covered by basic rights in this fast changing world of work, with our proposals on transparent and predictable working conditions and access to social protection."* This year's edition of the report aims to analyse opportunities and risks linked to technological innovation, demographic change, and globalisation. The review shows what needs to happen so that everybody can benefit from these developments. As outlined in the review, technological progress is key to increasing overall productivity. But it is also replacing low-skill routine tasks and raising the skill threshold of employability: While there is no definite conclusion regarding the possible extent of technology's impact on jobs, studies show that repetitive routine tasks involved in current jobs are the most prone to full or partial automation; according to a study 37% to 69% of jobs could be partly automated in the near future. Better education and life-long learning as well as ensuring that our labour market and social protection institutions are fit for purpose are key to adapt to this changing world of work. With the Skills Agenda for Europe and EU funding, the Commission has prepared the ground to equip people in Europe with better skills at all levels, and in close cooperation with Member States, training providers and companies. Also social partners have an important role in the up-skilling and re-skilling of the labour force and in managing the increased flexibility in the changing world of work. They contribute to the design of training programs and identify opportunities and downsides of the rapid changes affecting labour markets. New technologies contribute to the increase in the number of non-standard workers



and self-employed. The ESDE review finds that new forms of work bring gains for both workers and business, in terms of increased flexibility, improved work-life balance while they offer new opportunities to people, including people with disabilities and older people, to enter or remain in the labour market. However, the ESDE review also finds a correlation between the growing incidence of non-standard work and a deterioration of working conditions, with higher income volatility, lower job security and insufficient access to social protection, as observed in the case of platform workers. The Commission is addressing this situation with proposals to modernise labour market legislation and social protection systems to respond to the new world of work. With the proposal for a Directive on more transparent and predictable working conditions, new minimum standards are included for all workers, also those in non-standard forms of employment. And with the proposal for a Recommendation on access to social protection, we encourage Member States to provide access to social security coverage to all employees and the self-employed, including transferability of rights between jobs and employment statuses. Finally, the 2018 ESDE review also points to certain remaining structural challenges, for instance in the area of inequality, such as income and gender inequality, as well as skills development and education.

Background

The annual Employment and Social Developments in Europe review provides up-to-date economic analysis of employment and social trends in Europe. In light of these trends, the review points out potential challenges and highlights potential policy responses to face these. It is the main report in the European Commission's hands for analysing evidence and reviewing trends and upcoming challenges on the labour markets. There are many examples in which the Commission focuses on addressing the challenges raised in the yearly ESDE reports. For instance, the Commission's recent proposal for the Multiannual Financial Framework earmarks more funds for investments into people, including through the new European Social Fund Plus (ESF+) and an improved European Globalisation Adjustment Fund (EGF). Initiatives and tools such as the Skills Agenda for Europe, the Youth Guarantee and Youth Employment Initiative, the further strengthening of the Erasmus programme, and the European Solidarity Corps will all contribute to pursuing these goals, as well as the Commission's proposals on access to social protection and transparent and predictable working conditions.

3. Member States' compliance with EU law: the situation improves

Member States' compliance with EU law: the situation improves but still work to be done.

The *Annual Report on monitoring the application of EU law* sets out how the Commission monitored and enforced EU law in 2017. The online *Single Market Scoreboard*, shows that whilst



most barriers to the free movement of persons, services, goods and capital are being eliminated, in some fields the situation is stalling or even worsening. The effective application of the law is essential in order to guarantee that citizens and businesses enjoy the benefits of EU law. Any rule, no matter how carefully drafted and prepared, is only as effective as its implementation. In driving forward its policy priorities, the Commission therefore pays attention not only to proposing new legislation, but also to ensuring that it is properly applied and enforced. For instance,

in 2017, the Commission acted firmly in enforcing rules in the areas of data protection, migration, consumer protection, the fight against money laundering and terrorism financing or air quality. At the same time, the cooperation between the Commission and the Member States in close partnership remains key in implementing EU law and in addressing any problems that may occur. Throughout the year, the Commission assisted Member States in their preparation for the entry into force of the General Data Protection Regulation.

Annual Report on Monitoring the application of EU law in 2017

The *Annual Report* for 2017 shows a slight decrease (by 5.91%) of open infringement cases compared to the previous year. Thus after reaching a five-year peak in 2016, the number of cases started to level off in 2017 (see Chart 1). However, each failure to correctly apply EU law

denies citizens and businesses the rights and the benefits they enjoy under European law. In the area of environment, for example, the full transposition and implementation of the Directive on reducing the use of plastic bags is essential to address citizens' growing concerns about plastics. The Chart 2 (below) provides an overview of the situation for each Member State. For late transposition cases, **Belgium, Cyprus, and Portugal** had the highest amount of open cases, whereas the fewest were open in **Italy, Denmark, and Hungary**. **Spain, Italy and Germany** had the highest number of cases pending for incorrect transposition and/or wrong application of EU law, while **Denmark** had the lowest total number of open cases last year. The policy areas in which most infringement cases were opened in 2017 were mobility and transport, environment as well as financial stability, services and capital markets (see the Chart 3).

Combating late transposition of directives

For citizens and businesses to reap the benefits of EU law, it is crucial that Member States transpose European directives into their national legal order within the deadlines they had committed to. In 2017, the number of new infringement procedures relating to late transposition decreased sharply by 34% (from 847 cases in 2016 to 558 in 2017) and is closer to 2015 level (543 cases). The Commission launched new infringement procedures against a majority of Member States for failure to transpose the Directives on the use of plastic bags, on waste and on the roadworthiness of vehicles. To facilitate timely and correct transposition, the Commission continued to assist Member States by preparing implementation plans, dedicated websites and guidance documents, and by exchanging best practice in expert groups' meetings. For example, ahead of the entry into force of the General Data Protection Regulation (GDPR) on 25 May 2018, the Commission published already in January 2018 detailed guidance to help Member States apply the new rules in time. Last year, the Commission referred five Member States to the Court of Justice of the EU requesting that financial penalties be applied: two cases against Belgium, two cases against Croatia, Slovakia, Slovenia and Spain (one case each).



Single Market Scoreboard 2018

The Single Market Scoreboard gives a detailed and accurate overview of the state of the implementation of the EU Single Market rules in the European Economic Area (EEA) in 2017. It evaluates how the EU and EEA Member States apply these rules and identifies the shortcomings where the countries and the Commission should step up their efforts. Depending on their performance in 2017, Member States were given **152 green, 135 yellow and 49 red cards**. The cards indicate in what areas they performed excellent (green), average (yellow) or below average (red). The overview shows that Member States have improved in the recognition of professional qualification, the transposition of the Single Market-related rules and the development of tools supporting the good functioning of the Single Market on the ground (Your Europe, e-Certis, and EURES). But compared to the previous edition of the Scoreboard, Member States have also received more red cards in the areas of openness to cross-border trade in goods and services, fairness of public procurement systems and the number of infringement proceedings. In general, the best performing countries were **Finland, Denmark and Slovakia**, while the highest number of red cards was given to the **Czech Republic, Ireland and Greece**.

The Commission reacts to citizens' complaints

Citizens, businesses, NGOs and other stakeholders can report suspected breaches of EU law through an online complaint form accessible via the Europa portal *Your rights*. In 2017, the majority of complaints concerned justice and consumer rights, employment, EU Single Market, industry and SMEs matters. As part of the complaint form, SOLVIT can help citizens and businesses solve their problems with a public authority in another EU country.

Background

Since 1984, following a request made by the European Parliament, the Commission presents an Annual Report on monitoring the application of EU law during the preceding year. The European Parliament then adopts a resolution on the Commission's report. As a matter of priority, the Commission targets problems where its enforcement action can make a real difference and provide real added value to individuals and businesses. In the division of responsibilities between the European institutions, the European Commission has general responsibility to initiate the legislative process. The Council and the European Parliament decide on the

Commission's proposals. The Member States are responsible for the timely and correct application, implementation and enforcement of EU law in the national legal order. The Commission closes this circle: once its proposals are adopted as EU law, it monitors whether the Member States are applying this law correctly and takes action if they are not. The Commission should therefore act firmly and quickly when infringements obstruct the achievement of EU policy objectives. In this vein, the Commission recently set out its more strategic approach to enforcement in terms of handling infringements, in line with its commitment to be "*bigger and more ambitious on big things, and smaller and more modest on small things*". The annual *Single Market Scoreboard* evaluates how Member States: implement EU rules; create open and integrated markets (e.g. public procurement, trade in goods and services); handle administrative issues concerning foreign workers (e.g. professional qualifications); cooperate and contribute to a number of EU-wide governance tools (e.g. Your Europe portal, Solvit, and EURES). This year marks 25th anniversary of the EU Single Market. The anniversary edition of the Single Market Scoreboard evaluates performance in four policy areas, two areas regarding market openness and integration, and 13 governance tools.

4. Summer 2018 Interim Economic Forecast

Growth is set to remain strong in 2018 and 2019, at 2.1% this year and 2% next year in both the EU and the euro area.

However, after five consecutive quarters of vigorous expansion, the economic momentum moderated in the first half of 2018 and is now set to be 0.2 percentage points lower in both the EU and the euro area than had been projected in the spring. Growth momentum is expected to strengthen somewhat in the second half of this year, as labour market conditions improve, household debt declines, consumer confidence remains high and monetary policy remains



supportive. Valdis **Dombrovskis**, Vice-President for the Euro and Social Dialogue, also in charge of Financial Stability, Financial Services and Capital Markets Union, said: "*European economic activity remains solid with 2.1% GDP growth forecast for the euro area and the EU28 this year. Nevertheless, the downward revision of GDP growth since May shows that an unfavourable external environment, such as growing trade tensions with the US, can dampen confidence and take a toll*

on economic expansion. The growing external risks are yet another reminder of the need to strengthen the resilience of our individual economies and the euro area as a whole." Pierre **Moscovici**, Commissioner for Economic and Financial Affairs, Taxation and Customs, said: "*Growth in Europe is set to remain resilient, as monetary policies stay accommodative and unemployment continues to fall. The slight downward revision compared to the spring reflects the impact on confidence of trade tensions and policy uncertainty, as well as rising energy prices. Our forecast is for a continued expansion in 2018 and 2019, although a further escalation of protectionist measures is a clear downside risk. Trade wars produce no winners, only casualties.*"

Fundamentals remain solid but growth is set to moderate

The fundamental conditions for sustained economic growth in the EU and the euro area remain in place. The moderation in growth rates is partly the result of temporary factors, but rising trade tensions, higher oil prices and political uncertainty in some Member States may also have played a role. Globally, growth remains solid but rates are becoming more differentiated across countries and regions.

Inflation forecast driven higher by energy prices

As a result of the rise in oil prices since the spring, inflation this year is now forecast to average 1.9% in the EU and 1.7% in the euro area. This represents an increase of 0.2 percentage points in both areas since spring. The forecast for 2019 has been raised by 0.1 percentage points for the euro area to 1.7% but remains unchanged at 1.8% for the EU.

There are significant downside risks to this forecast

While the recent strong economic performance has proven to be resilient, the forecast remains susceptible to significant downside risks, which have increased since spring. The forecast

baseline assumes no further escalation of trade tensions. Should tensions rise, however, they would negatively affect trade and investment and reduce welfare in all countries involved. Other risks include the potential for financial market volatility linked to, *inter alia*, geopolitical risks.

For the UK, a purely technical assumption for 2019

Given the ongoing negotiations on the terms of the UK withdrawal from the EU, our projections for 2019 are based on a purely technical assumption of status quo in terms of trading relations between the EU27 and the UK. This is for forecasting purposes only and has no bearing on the talks underway in the context of the Article 50 process.

Background

This forecast is based on a set of technical assumptions concerning exchange rates, interest rates and commodity prices with a cut-off date of 28 June. For all other incoming data, this forecast takes into consideration information up until 3 July. As of this year, the European Commission has reverted to publishing two comprehensive forecasts (spring and autumn) and two interim forecasts (winter and summer) each year, instead of the three comprehensive forecasts in winter, spring and autumn that it has produced each year since 2012. The interim forecasts cover annual and quarterly GDP and inflation for the current and following year for all Member States and the euro area, as well as EU aggregates. This change is a return to the Commission's previous pattern of forecasts and brings the Commission's forecast schedule back into line with those of other institutions (e.g. the European Central Bank, International Monetary Fund, Organisation for Economic Co-operation and Development).

5. CE offers further support to European farmers dealing with droughts

The European Commission is standing by Europe's farmers this summer, as they grapple with the difficulties of extreme droughts. Farmers will be able to receive their direct and rural development payments in advance and will be granted more flexibility to use land that would normally not be used for production, in order to feed their animals.

The ongoing and prolonged drought situation in several EU countries is having a significant impact on the production of arable crops, as well as animal feed which could also have an impact on animal welfare. In addition, the reduction in the level of animal feed is having a particular impact on the income of livestock farmers, as this will increase their input costs if there is a shortage of fodder later in the year.

Commissioner for Agriculture, Phil Hogan, said: *"I am very concerned about these prolonged climatic developments. I have been in contact with a number of ministers from affected countries to discuss the situation and get up-to-date assessments of its impact. The Commission, as always, is ready to support farmers affected by drought using a number of instruments, including higher advance payments, derogations from greening requirements and state aid. The Common Agricultural Policy already provides a safety*



net for farmers who have to deal with unpredictable events. I am encouraging all Member States to look into all possible actions and measures provided for in our legislation." Two specific decisions have been taken to help farmers deal with droughts, in addition to support under the existing Common Agricultural Policy legislation:

- **Higher advanced payments:** farmers will be able to receive up to 70% of their direct payment and 85% of payments under rural development already as of mid-October 2018 instead of waiting until December to improve their cash flow situation;
- **Derogations from specific greening requirements,** namely crop diversification and ecological focus area rules on land lying fallow, to allow such land to be used for the production of animal feed. Consideration is also being given to the adoption of further derogations to greening to allow farmers more flexibility to produce fodder. These measures will be of particular benefit to livestock farmers.

Existing support under the CAP

Under existing **agricultural state aid rules**, aid of up to 80% of the damage caused by drought (or up to 90% in Areas of Natural Constraint) can be provided, subject to certain specific

conditions. **The purchase of fodder can qualify for aid as either material damage or income loss.** Compensation for damage can also be granted without the need to notify the Commission (the so-called "**de minimis aid**"). Member States may grant aid of up to €15 000 per farmer over three years. With regards to **Rural Development**, a range of possibilities is provided for in the current CAP legislation:

- Where a Member State recognises the drought situation as a 'natural disaster', they may provide support of up to 100% for the restoration of agricultural production potential damaged by the drought. The money can be used for investments such as the re-seeding of pastures for example. This measure can be activated retroactively;
- Farmers can notify their respective national authorities about cases of exceptional circumstances, and may be released by their Member State from their commitments under various schemes. For example, farmers will be allowed to use buffer strips for fodder;
- Member States can support farmers through **risk management instruments**. For example, they can financially contribute to mutual funds to pay financial compensation to affected farmers. Also, farmers who experience an income loss beyond 30% of their average annual income will receive a financial compensation.

Member States have the possibility to modify their rural development programme once a year to include one of the measures set out above. In addition to these measures and the continuous monitoring of the drought situation and its impact with European satellites, the **Commission is in contact with all Member States to receive updated information of the impact of the spring and summer drought on their farmers.** The information, which is requested by 31 August, will be used to assess the adequacy and appropriateness of the Commission's response and to inform any decisions about the modification of the measures already taken or in relation to any additional measures which may be considered appropriate.

6. Managing migration

Following the call by EU leaders at the June European Council, the Commission expanding on the concept of controlled centres as well as short-term measures that could be taken to improve the processing of migrants being disembarked in the EU, and giving a first outline of the possible way forward for the establishment of regional disembarkation arrangements with third countries. Regional disembarkation arrangements should be seen as working in concert with the development of controlled centres in the EU: together, both concepts should help ensure a truly shared regional responsibility in responding to complex migration challenges.



Commissioner **Avramopoulos** said: *"Now more than ever we need common, European solutions on migration. We are ready to support Member States and third countries in better cooperating on disembarkation of those rescued at sea. But for this to work immediately on the ground, we need to be united – not just now, but also in the long run. We need to work towards sustainable solutions."*

"Controlled Centres" in the EU

To improve the orderly and effective processing of those disembarked in the European Union, EU leaders have called for the establishment of 'controlled centres' in the EU. The primary aim would be to improve the process of distinguishing between individuals in need of international protection, and irregular migrants with no right to remain in the EU, while speeding up returns.

The centres would be managed by the host Member State with full support from the EU and EU Agencies and could have a temporary or ad-hoc nature depending on the location. The main features of such centres are:

- **full operational support** with disembarkation teams of European border guards, asylum experts, security screeners and return officers, and all costs covered by the EU budget;
- **rapid, secure and effective processing** that reduces the risk of secondary movements and accelerates the process to determine the status of the person concerned;
- **full financial support** to volunteering Member States to cover infrastructure and operational costs; as well as financial support to Member States accepting transfers of those disembarked (€6,000 per person).

To test the concept, a pilot phase applying a flexible approach could be launched as soon as possible. The Commission will also provide a central contact point to coordinate among Member States taking part in solidarity efforts – as an interim measure until a fully-fledged system can be established in the context of the ongoing Common European Asylum System reforms.

Regional Disembarkation Arrangements

In addition to the establishment of controlled centres, EU leaders have called on the Commission to explore the concept of regional disembarkation arrangements in close cooperation with IOM and UNHCR and in partnership with third countries. The objective of regional disembarkation arrangements is to provide quick and safe disembarkation on both sides of the Mediterranean of rescued people in line with international law, including the principle of *non-refoulement*, and a responsible post-disembarkation process. The main features of regional disembarkation arrangements are:

- **Clear rules for all:** To reduce deaths at sea and ensure orderly and predictable disembarkation, all coastal states in the Mediterranean should be encouraged to establish search and rescue zones and Maritime Rescue Coordination Centres (MRCCs);
- Developed by the UNHCR and IOM who will help ensure those disembarked can receive protection if they are in need of it, including through resettlement schemes; or will be returned to their countries of origin if they are not, including through the assisted voluntary return and reintegration programmes run by the IOM;
- **Partnerships on an equal footing:** work with interested third countries will be brought forward on the basis of existing partnerships and offered support tailored to their specific political, security and socio-economic situation;
- **No pull factors:** resettlement possibilities will not be available to all disembarked persons in need of international protection and points of reception should be established as far away as possible from points of irregular departure;
- **No detention, no camps:** Regional disembarkation arrangements mean providing a set of established procedures and rules to ensure safe and orderly disembarkation and post-disembarkation processing in full respect of international law and human rights;
- **EU Financial and logistical support:** The EU is ready to provide financial and operational support for disembarkation and post-disembarkation activities as well as for border management with equipment, training and other forms of support.



Background

The European Council in its conclusions of 28-29 June invited the Council and the Commission to swiftly explore the concept of "regional disembarkation platforms, in close cooperation with relevant third countries, as well as the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM)". The European Council also called for the development of 'controlled centres' on EU territory – a new approach based on shared efforts for the processing of persons who, following their rescue at sea, are disembarked within the EU.

7. CE provides guidance on protection of cross-border EU investments

The Commission has issued guidance to help EU investors to invoke their rights before national administrations and courts and to help Member States to protect the public interest in compliance with EU law.

The Communication aims to strengthen the business environment for EU investors. This is a crucial element in supporting more investment in the EU Single Market. EU law does not solve all problems investors may face in their activities. However, the Communication clarifies that EU law protects EU investors' rights, and investors can enforce these rights before national administrations and courts. EU investors can no longer rely on intra-EU bilateral investment treaties ('intra-EU BITs'). As the Commission has consistently stated, these treaties are illegal as they overlap with the EU single market rules and discriminate between EU investors. In a recent judgment (on the *Achmea* case), the Court of Justice of the European Union confirmed that investor-State arbitration in intra-EU BITs is illegal. Following this judgment, the Commission has intensified its dialogue with all Member States, calling on them to take action to terminate the

intra-EU BITs. **Valdis Dombrovskis**, Vice-President in charge of Financial Stability, Financial Services and Capital Markets Union said: *"Boosting investment is a key priority of the Capital Markets Union. EU law strikes the right balance between protecting the rights of EU investors and enabling governments to regulate in the public interest. There is no place in the Single Market for*



bilateral investment treaties between Member States. The Communication sends a strong signal that EU law already protects investors. They can therefore remain confident when investing within the EU." **Jyrki Katainen**, Vice-President responsible for Jobs, Growth, Investment and Competitiveness said: *"We want to encourage investment within the European Union. Investors need to be able to count on a predictable, stable and clear regulatory environment. By clarifying the rights that EU investors enjoy when they operate within the Single Market, the Communication adopted will help ensure*

those rights are known and respected in all Member States. I trust that this will increase investors' confidence and improve further the investment climate in the European Union".

The Communication clarifies that:

- The **free movement of capital, services, goods and workers in the EU Single Market are fundamental freedoms for EU individuals**. They give companies and citizens the right to establish a business, invest in a company and provide services and goods across European borders. EU investors are also protected by general principles of non-discrimination, proportionality, legal certainty and protection of legitimate expectations. EU law also recognises fundamental rights, such as the right to conduct a business, the right to property and the right to effective judicial protection. EU rules protecting investors can be found in the EU Treaty, in the Charter of Fundamental Rights of the European Union, in the general principles of Union law, and in extensive sector-specific legislation;
- **Investor-State arbitration between a Member State and an investor from another Member State is incompatible with EU law**, including through 'intra-EU BITs', as the European Court of Justice recently held in the recent judgment in the *Achmea* case. In that case the Court considered that investor-State arbitration clauses in EU bilateral investment treaties are not compatible with EU law and that they do not have legal effect. The *Achmea* judgment is also relevant for the application of the Energy Charter Treaty between EU Member States. In the Commission's view that Treaty cannot be used as a basis for dispute settlement between EU investors and EU Member States. EU law already offers a comprehensive and effective legal framework, including remedies, to intra-EU investors when they invest in another Member State;
- At the same time, **EU law allows for markets to be regulated to pursue legitimate public interests such as public security, public health, social rights, consumer protection or the preservation of the environment**, which may have negative consequences for investors. Public authorities of the EU and in the Member States have a duty and a responsibility both to protect investment and to regulate markets. Therefore, the EU and Member States may take legitimate measures to protect those interests. However, they can do so only in certain circumstances and under certain conditions, and in compliance with EU law.

The Communication will help to prevent Member States from adopting measures that infringe EU rules and assist investors in invoking their rights before administrations and national courts. It will also help legal practitioners to apply EU rules.

Background

A key objective in the Investment Plan for Europe is to create a more predictable, stable and clear regulatory environment to promote investments. As part of this work, the Capital Markets Union (CMU) Action Plan and its Mid-term Review emphasised that a stable business environment is crucial for encouraging more investment within the European Union. The Commission is committed to improve and develop further the internal market rules and their functioning. To that end, it has presented a number of legislative proposals, some of which have already been adopted by the EU legislator. The protection of EU investors' rights is guaranteed by national courts and the European Court of Justice as well as by the Commission, in particular through the infringement procedures.

8. Communication on preparing for the UK's withdrawal from the EU

The European Commission has adopted a Communication outlining the ongoing work on the preparation for all outcomes of the United Kingdom's withdrawal from the European Union.

On 30 March 2019, the United Kingdom will leave the EU and become a third country. This will have repercussions for citizens, businesses and administrations in both the United Kingdom and the EU. These repercussions range from new controls at the EU's outer border with the UK, to the validity of UK-issued licences, certificates and authorisations and to different rules for data transfers. The text calls on Member States and private parties to step up preparations and follows a request by the European Council (Article 50) last month to intensify preparedness at all levels and for all outcomes. While the EU is working day and night for a deal ensuring an orderly withdrawal, the UK's withdrawal will undoubtedly cause disruption – for example in business supply chains – whether or not there is a deal. As there is still no certainty that there will be a ratified withdrawal agreement in place on that date, or what it will entail, preparations have



been ongoing to try to ensure that the EU institutions, Member States and private parties are prepared for the UK's withdrawal. And in any event, even if an agreement is reached, the UK will no longer be a Member State after withdrawal and will no longer enjoy the same benefits as a member. Therefore, preparing for the UK becoming a third country is of paramount importance, even in the case of a deal between the EU and the UK. Having said that, preparing for the UK's withdrawal is not only the responsibility of the EU institutions. It is a joint effort at EU, national and regional levels, and also includes in particular economic operators and other private parties – everyone must now step up preparations for all scenarios and take responsibility for their specific situation.

Background

On 29 March 2017, the United Kingdom notified the European Council of its intention to leave the European Union. Unless a ratified withdrawal agreement establishes another date or the European Council, in accordance with Article 50(3) of the Treaty on European Union and in agreement with the United Kingdom, unanimously decides that the Treaties cease to apply at a later date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date'). The United Kingdom will then become a third country. Stakeholders, as well as national and EU authorities, therefore need to prepare for two possible main scenarios:

- If the Withdrawal Agreement is ratified before 30 March 2019, EU law will cease to apply to and in the UK on 1 January 2021, i.e. after a transition period of 21 months.
- If the Withdrawal Agreement is not ratified before 30 March 2019, there will be no transition period and EU law will cease to apply to and in the UK as of 30 March 2019. This is referred to as the "no deal" or "cliff-edge" scenario.

Over the past year, the Commission has screened the entire Union *acquis* (body of EU law) to examine whether any changes are needed in light of the UK's withdrawal. To that effect, the Commission has adopted (and will adopt whenever necessary) specific, targeted legislative proposals to ensure that EU rules continue to function smoothly in a Union of 27 after the UK's withdrawal. The Commission has also published over 60 sector-specific preparedness notices to inform the public about the consequences of the UK's withdrawal in the absence of any withdrawal agreement. Finally, by 30 March 2019 the two London-based agencies – the European Medicines Agency and the European Banking Authority – as well as other UK-based bodies, like the Galileo Security Monitoring Centre, will be leaving the UK and a number of tasks performed by UK authorities will also have to be reassigned away from the UK. The Commission's preparedness work is coordinated by the Commission's Secretariat-General.

9. Juncker Plan exceeds original €315 billion investment target

The European Fund for Strategic Investments (EFSI) has mobilised €335 billion in additional investment across the EU since July 2015. The Juncker Plan has made a clear impact on the EU economy and revolutionised the way innovation is financed in Europe.

The European Commission and the European Investment Bank (EIB) Group have delivered on



their pledge to mobilise €315 billion in additional investment under the Investment Plan for Europe, the Juncker Plan. Backed by a budget guarantee from the European Union and own resources from the EIB Group, 898 operations have been approved, which are expected to trigger €335 billion in investment across the 28 EU Member States. This is more than the original goal of €315 billion set in 2015 when EFSI was launched, helping to close the investment gap left as a result of the financial and economic crisis. 700,000 small and medium-sized companies are set to benefit from improved access to finance. Given the EFSI's success, the European Council and the European Parliament agreed last year to extend its duration and capacity to €500 billion by end-2020. President Jean-Claude **Juncker** said: "The Juncker Plan has

proven to be a success. We surpassed the original €315 billion investment target and the European Fund for Strategic Investments is set to create 1.4 million jobs and increase EU GDP by 1.3% by 2020. We have financed projects which without the EFSI would not have been possible, and all without creating new debt: two thirds of the investment comes from the private sector. From financing job-training for refugees in Finland to renewable energy in Greece to farming in Bulgaria - we will continue to use the EU budget for what it does best: to catalyse growth." Commission Vice-President Jyrki **Katainen**, responsible for Jobs, Growth, Investment and Competitiveness, said: "The milestone proves the EU is a front runner in using private money for the public good. By adopting a market-driven approach and making strategic use of the EU budget, we have supported hundreds of innovative investment projects and helped thousands of small businesses to scale up. And as a result, we have improved Europe's competitiveness and already supported at least 750,000 jobs across the EU. Thanks to the Investment Plan and to the efforts Member States have implemented in national structural reforms, the investment outlook in Europe is bright." European Investment Bank Group President Werner **Hoyer** said: "I like to call the EIB the good news institution, but even by our standards the achievement makes me especially proud. We did what many three years ago said was impossible. Triggering €315 billion in new, additional investment - most of it from the private sector - was never going to be an easy task. We demonstrated that it can be done thanks to the excellent cooperation between the EIB and the European Commission; the help and support of Council and European Parliament; and to the EU Bank's experience, versatility, and dedication. The last three years have transformed the way Europe finances its priorities. We now have the key to making scarce public resources achieve more for Europe's economy and for its citizens by crowding in private investment. Many people now consider the Juncker Plan model a winner and there is no going back from it."

Jobs and growth

The EIB's Economics Department and the Commission's Joint Research Centre (JRC) estimate that EFSI operations have already supported more than 750,000 jobs with the figure set to rise to **1.4 million jobs by 2020** compared to the baseline scenario. In addition, calculations show that the Juncker Plan has already increased EU GDP by 0.6% and it is set to increase **EU GDP by 1.3% by 2020**. Two thirds of the €335 billion raised comes from private resources, meaning that the EFSI has also met its objective of mobilising private investment. Measured against the size of the economy the biggest impact is in countries that were hard hit by the crisis, i.e. Cyprus, Greece, Ireland, Italy, Portugal, and Spain. While the direct investment impact is particularly high in those countries, the calculations found that cohesion regions (mostly Eastern European countries) are likely to benefit more from a long-term effect.

What has the Juncker Plan financed?

The Juncker Plan allows the EIB Group to finance operations that are riskier than its average investments. Often, EFSI-backed projects are highly innovative, undertaken by small companies without a credit history, or they pool smaller infrastructure needs by sector and geography. Supporting such projects required the EIB Group to develop new financing products, for example venture debt with equity features or investment platforms. Importantly, the Juncker Plan also enables the EIB to approve a greater number of projects than would be possible without the EU budget guarantee's backing, as well as to reach out to new clients: three out of four receiving EFSI backing are new to the bank. This proves that the Juncker Plan has delivered real additionality. Thanks to EFSI support, the EIB and its subsidiary for financing small businesses, the European Investment Fund (EIF), have invested in 898 operations and provided risk financing for 700,000 SMEs across a wide range of sectors and in all 28 EU countries. The top countries ranked by EFSI-triggered investment relative to GDP are Greece, Estonia, Lithuania, Bulgaria and Finland. Examples range from innovative healthcare solutions in Spain, to the circular economy in Czech Republic, to food production in Greece. Factsheets by country and by sector provide a more detailed overview and further project examples.

How has the Juncker Plan benefited citizens and businesses?

In addition to financing innovative projects and new technologies, the Juncker Plan has supported other EU objectives, such as in digital, social and transport policy. Thanks to the EFSI:

- 15 million additional households can access high-speed broadband
- More than 500,000 social and affordable housing units have been built or renovated
- 30 million Europeans benefit from improved healthcare services
- 95 million passengers per year are enjoying better rail and urban infrastructure
- 7.4 million households supplied with renewable energy

For a complete overview of the benefits, the European Investment Bank's 2017 annual report on its operations inside the EU has more.

Advisory services and online meeting place

Another important goal of the Juncker Plan is to help projects get off the ground. The European Investment Advisory Hub provides technical assistance and advice for fledgling projects. Since its launch in 2015, the Advisory Hub has managed more than 770 requests from project promoters in all EU countries. Over 50 Hub project leads have entered the EFSI pipeline. One of these was the development of a social housing project in the Polish city of Poznań. The project, which also received a €42 million EFSI-backed loan, will enable the construction and retrofitting of apartments for about 3,000 people. In addition, as of July 2018 more than 700 projects have been submitted to the European Investment Project Portal – an online meeting place for project promoters and investors. Almost 400 of these projects have been published so far, spreading over 25 high-economic-potential sectors. According to a survey conducted in 2017 among Project Portal promoters, 80% of projects have been contacted by investors, including Ecoduna in Austria, PLD Space in Spain and Acellere in Germany.

Background

The Investment Plan for Europe, the Juncker Plan, was launched in November 2014 to reverse the downward trend of low-levels of investment and put Europe on the path to economic recovery. Operations approved under the Juncker Plan's European Fund for Strategic Investments are expected to trigger €335 billion in investments as of July 2018. Around 700,000 small and medium-sized businesses are expected to benefit from improved access to finance. On 12 December 2017, the European Parliament and Member States agreed on the Regulation to enhance the EFSI and extend the investment target to €500 billion by end 2020.

The EFSI 2.0 Regulation entered into force on 30 December 2017. The EIB, the Commission and the Advisory Hub continue to promote the use of Investment Platforms; investment facilities which pool smaller and/or higher-risk projects by geographic location or sector. This helps to better share risk, make it easier to attract private investors and eventually unlock financing for individual projects. As of June 2018, 41 investment platforms have been approved, which are expected to mobilise over €34.8 billion in investments. The independent evaluation of the EFSI published in June 2018 concludes that the EU guarantee is an efficient way of increasing the volume of riskier operations by the EIB and it uses fewer budgetary resources compared to European grant programmes. It underlines that EIB support is key to promoters as it provides a “stamp of approval” to the market, thus helping to facilitate future fund-raising. It also highlights the need to continue improving access to finance for innovation, as well as to strengthen synergies with other



EU funding programmes. On 6 June, the Commission presented its proposal for the successor to the Juncker Plan for the next Multiannual Financial Framework: the InvestEU Programme.

10. Antitrust: Commission fines Google €4.34 billion for illegal practices

The European Commission has fined Google €4.34 billion for breaching EU antitrust rules. Since 2011, Google has imposed illegal restrictions on Android device manufacturers and mobile network operators to cement its dominant position in general internet search.

Google must now bring the conduct effectively to an end within 90 days or face penalty payments of up to 5% of the average daily worldwide turnover of Alphabet, Google's parent company.



Commissioner Margrethe **Vestager**, in charge of competition policy, said: *"Today, mobile internet makes up more than half of global internet traffic. It has changed the lives of millions of Europeans. Our case is about three types of restrictions that Google has imposed on Android device manufacturers and network operators to ensure that traffic on Android devices goes to the Google search engine. In this way, Google has used Android as a vehicle to cement the dominance of its search engine. These practices have denied rivals the chance to innovate and compete on the*

merits. They have denied European consumers the benefits of effective competition in the important mobile sphere. This is illegal under EU antitrust rules." In particular, Google:

- has required manufacturers to pre-install the Google Search app and browser app (Chrome), as a condition for licensing Google's app store (the Play Store);
- made payments to certain large manufacturers and mobile network operators on condition that they exclusively pre-installed the Google Search app on their devices; and
- has prevented manufacturers wishing to pre-install Google apps from selling even a single smart mobile device running on alternative versions of Android that were not approved by Google (so-called "Android forks").

Google's strategy and the scope of the Commission investigation

Google obtains the vast majority of its revenues via its flagship product, the Google search engine. The company understood early on that the shift from desktop PCs to mobile internet, which started in the mid-2000s, would be a fundamental change for Google Search. So, Google developed a strategy to anticipate the effects of this shift, and to make sure that users would continue to use Google Search also on their mobile devices. In 2005, Google bought the original developer of the Android mobile operating system and has continued to develop Android ever since. Today, about 80% of smart mobile devices in Europe, and worldwide, run on Android. When Google develops a new version of Android it publishes the source code online. This in principle allows third parties to download and modify this code to create Android forks. The openly accessible Android source code covers basic features of a smart mobile operating system but not Google's proprietary Android apps and services. Device manufacturers who wish to obtain Google's proprietary Android apps and services need to enter into contracts with Google, as part of which Google imposes a number of restrictions. Google also entered into contracts and applied some of these restrictions to certain large mobile network operators, who can also determine which apps and services are installed on devices sold to end users. The Commission decision concerns three specific types of contractual restrictions that Google has imposed on device manufacturers and mobile network operators. These have enabled Google to use Android as a vehicle to cement the dominance of its search engine. In other words, the Commission decision does not question the open source model or the Android operating system as such.

Google's dominance

The Commission decision concludes that Google is dominant in the markets for **general internet search services, licensable smart mobile operating systems and app stores for the Android mobile operating system.**

General search services

Google is dominant in the national markets for general internet search throughout the European Economic Area (EEA), i.e. in all 31 EEA Member States. Google has shares of more than 90% in

most EEA Member States. There are high barriers to enter these markets. This has also been concluded in the Google Shopping decision of June 2017.

Smart mobile operating systems available for licence

Android is a licensable smart mobile operating system. This means that third party manufacturers of smart mobile devices can license and run Android on their devices. Through its control over Android, Google is dominant in the worldwide market (excluding China) for licensable smart mobile operating systems, with a market share of more than 95%. There are high barriers to entry in part due to network effects: the more users use a smart mobile operating system, the more developers write apps for that system – which in turn attracts more users. Furthermore, significant resources are required to develop a successful licensable smart mobile operating system. As a licensable operating system, Android is different from operating systems exclusively used by vertically integrated developers (like Apple iOS or Blackberry). Those are not part of the same market because they are not available for licence by third party device manufacturers. Nevertheless, the Commission investigated to what extent competition for end users (downstream), in particular between **Apple** and Android devices, could indirectly constrain Google's market power for the licensing of Android to device manufacturers (upstream). The Commission found that this competition does not sufficiently constrain Google upstream for a number of reasons, including:



- end user purchasing decisions are influenced by a variety of factors (such as hardware features or device brand), which are independent from the mobile operating system;
- Apple devices are typically priced higher than Android devices and may therefore not be accessible to a large part of the Android device user base;
- Android device users face switching costs when switching to Apple devices, such as losing their apps, data and contacts, and having to learn how to use a new operating system; and
- even if end users were to switch from Android to Apple devices, this would have limited impact on Google's core business. That's because Google Search is set as the default search engine on Apple devices and Apple users are therefore likely to continue using Google Search for their queries.

App stores for the Android mobile operating system

Google is dominant in the worldwide market (excluding China) for app stores for the Android mobile operating system. Google's app store, the Play Store, accounts for more than 90% of apps downloaded on Android devices. This market is also characterised by high barriers to entry. For similar reasons to those already listed above, Google's app store dominance is not constrained by Apple's App Store, which is only available on iOS devices.

Breach of EU antitrust rules

Market dominance is, as such, not illegal under EU antitrust rules. However, dominant companies have a special responsibility not to abuse their powerful market position by restricting competition, either in the market where they are dominant or in separate markets. Google has engaged in three separate types of practices, which all had the aim of cementing Google's dominant position in general internet search.

1) Illegal tying of Google's search and browser apps

Google offers its mobile apps and services to device manufacturers as a bundle, which includes the Google Play Store, the Google Search app and the Google Chrome browser. Google's licensing conditions make it impossible for manufacturers to pre-install some apps but not others. As part of the Commission investigation, device manufacturers confirmed that the Play Store is a "must-have" app, as users expect to find it pre-installed on their devices (not least because they cannot lawfully download it themselves). The Commission decision has concluded that Google has engaged in two instances of illegal tying:

- First, the **tying of the Google Search app**. As a result, Google has ensured that its Google Search app is pre-installed on practically all Android devices sold in the EEA. Search apps represent an important entry point for search queries on mobile devices. The Commission has found this tying conduct to be illegal as of 2011, which is the date Google became dominant in the market for app stores for the Android mobile operating system.

- Second, the **tying of the Google Chrome browser**. As a result, Google has ensured that its mobile browser is pre-installed on practically all Android devices sold in the EEA. Browsers also represent an important entry point for search queries on mobile devices and Google Search is the default search engine on Google Chrome. The Commission found this tying conduct to be illegal as of 2012, which is the date from which Google has included the Chrome browser in its app bundle.

Pre-installation can create a *status quo* bias. Users who find search and browser apps pre-installed on their devices are likely to stick to these apps. For example, the Commission has found evidence that the Google Search app is consistently used more on Android devices, where it is pre-installed, than on Windows Mobile devices, where users must download it. This also shows that users do not download competing apps in numbers that can offset the significant commercial advantage derived through pre-installation. For example, in 2016:

- on **Android** devices (with Google Search and Chrome pre-installed) more than 95% of all search queries were made via Google Search; and
- on **Windows Mobile** devices (Google Search and Chrome are not pre-installed) less than 25% of all search queries were made via Google Search. More than 75% of search queries happened on Microsoft's Bing search engine, which is pre-installed on Windows Mobile devices.

Google's practice has therefore reduced the incentives of manufacturers to pre-install competing search and browser apps, as well as the incentives of users to download such apps. This reduced the ability of rivals to compete effectively with Google. The Commission also assessed in detail Google's arguments that the tying of the Google Search app and Chrome browser were necessary, in particular to allow Google to monetise its investment in Android, and concluded that these arguments were not well founded. Google achieves billions of dollars in annual revenues with the Google Play Store alone, it collects a lot of data that is valuable to Google's search and advertising business from Android devices, and it would still have benefitted from a significant stream of revenue from search advertising without the restrictions.

2) Illegal payments conditional on exclusive pre-installation of Google Search

Google granted significant financial incentives to some of the largest device manufacturers as well as mobile network operators on condition that they **exclusively** pre-installed Google Search across their entire portfolio of Android devices. This harmed competition by significantly reducing



their incentives to pre-install competing search apps. The Commission's investigation showed that a rival search engine would have been unable to compensate a device manufacturer or mobile network operator for the loss of the revenue share payments from Google and still make profits. That is because, even if the rival search engine was pre-installed on only some devices, they would have to compensate the device manufacturer or mobile network operator

for a loss of revenue share from Google across all devices. In line with the recent EU court ruling in Intel, the Commission has considered, amongst other factors, the conditions under which the incentives were granted, their amount, the share of the market covered by these agreements and their duration. On this basis, the Commission found Google's conduct to be illegal between 2011 and 2014. In 2013 (after the Commission started to look into this issue), Google started to gradually lift the requirement. The illegal practice effectively ceased as of 2014. The Commission also assessed in detail Google's arguments that the granting of financial incentives for exclusive pre-installation of Google Search across the entire portfolio of Android devices was necessary. In this regard, the Commission dismissed Google's claim that payments based on exclusivity were necessary to convince device manufacturers and mobile network operators to produce devices for the Android ecosystem.

3) Illegal obstruction of development and distribution of competing Android operating systems

Google has prevented device manufacturers from using any alternative version of Android that was not approved by Google (Android forks). In order to be able to pre-install on their devices Google's proprietary apps, including the Play Store and Google Search, manufacturers had to commit not to develop or sell even a single device running on an Android fork. The Commission found that this conduct was abusive as of 2011, which is the date Google became dominant in the market for app stores for the Android mobile operating system. This practice reduced the opportunity for devices running on Android forks to be developed and sold. For example, the

Commission has found evidence that Google's conduct prevented a number of large manufacturers from developing and selling devices based on Amazon's Android fork called "Fire OS". In doing so, Google has also closed off an important channel for competitors to introduce apps and services, in particular general search services, which could be pre-installed on Android forks. Therefore, Google's conduct has had a direct impact on users, denying them access to further innovation and smart mobile devices based on alternative versions of the Android operating system. In other words, as a result of this practice, it was Google – and not users, app developers and the market – that effectively determined which operating systems could prosper. The Commission also assessed in detail Google's arguments that these restrictions were necessary to prevent a "fragmentation" of the Android ecosystem, and concluded that these were not well founded. First, Google could have ensured that Android devices using Google proprietary apps and services were compliant with Google's technical requirements, without preventing the emergence of Android forks. Second, Google did not provide any credible evidence that Android forks would be affected by technical failures or fail to support apps.

The effects of Google's illegal practices

The Commission decision concludes that these three types of abuse form part of an overall strategy by Google to cement its dominance in general internet search, at a time when the importance of mobile internet was growing significantly. First, Google's practices have denied rival search engines the possibility to compete on the merits. The tying practices ensured the pre-installation of Google's search engine and browser on practically all Google Android devices and the exclusivity payments strongly reduced the incentive to pre-install competing search engines. Google also obstructed the development of Android forks, which could have provided a platform for rival search engines to gain traffic. Google's strategy has also prevented rival search engines from collecting more data from smart mobile devices, including search and mobile location data, which helped Google to cement its dominance as a search engine. Furthermore, Google's practices also harmed competition and further innovation in the wider mobile space, beyond just internet search. That's because they prevented other mobile browsers from competing effectively with the pre-installed Google Chrome browser. Finally, Google obstructed the development of Android forks, which could have provided a platform also for other app developers to thrive.



Consequences of the decision

The Commission's fine of **€4 342 865 000** takes account of the duration and gravity of the infringement. In accordance with the Commission's 2006 Guidelines on fines, the fine has been calculated on the basis of the value of Google's revenue from search advertising services on Android devices in the EEA. The Commission decision requires Google to bring its illegal conduct to an end in an effective manner within 90 days of the decision. At a minimum, Google has to stop and to not re-engage in any of the three types of practices. The decision also requires Google to refrain from any measure that has the same or an equivalent object or effect as these practices. The decision does not prevent Google from putting in place a reasonable, fair and objective system to ensure the correct functioning of Android devices using Google proprietary apps and services, without however affecting device manufacturers' freedom to produce devices based on Android forks. It is Google's sole responsibility to ensure compliance with the Commission decision. The Commission will monitor Google's compliance closely and Google is under an obligation to keep the Commission informed of how it will comply with its obligations. If Google fails to ensure compliance with the Commission decision, it would be liable for non-compliance payments of up to 5% of the average daily worldwide turnover of Alphabet, Google's parent company. The Commission would have to determine such non-compliance in a separate decision, with any payment backdated to when the non-compliance started. Finally, Google is also liable to face civil actions for damages that can be brought before the courts of the Member States by any person or business affected by its anti-competitive behaviour. The new EU Antitrust Damages Directive makes it easier for victims of anti-competitive practices to obtain damages.

Other Google cases

In June 2017, the Commission fined Google €2.42 billion for abusing its dominance as a search engine by giving an illegal advantage to Google's own comparison shopping service. The

Commission is currently actively monitoring Google's compliance with that decision. The Commission also continues to investigate restrictions that Google has placed on the ability of certain third party websites to display search advertisements from Google's competitors (the AdSense case). In July 2016, the Commission came to the preliminary conclusion that Google has abused its dominant position in a case concerning AdSense.

Background

This decision is addressed to Google LLC (previously Google Inc.) and Alphabet Inc., Google's parent company. The Commission opened proceedings concerning Google's conduct as regards the Android operating system and applications in April 2015 and sent a Statement of Objections to Google in April 2016. Article 102 of the Treaty on the Functioning of the European Union (TFEU) and Article 54 of the EEA Agreement prohibit abuse of a dominant position.

11. #NoCultureNoFuture

Are you into music festivals, visiting cultural heritage spots or connecting with different cultures this summer? Share your experiences with us and win a GoPro 6.

The Photo Competition ("The Competition") is organised within the social media campaign #NoCultureNoFuture and invites people worldwide to share pictures illustrating how celebrating our cultural heritage contributes to happy and peaceful societies. The Competition is hosted on



EuropeAid's Instagram account and candidates are invited to share the pictures on their own profiles in the same platform. The competition is open for free to individuals who are at least sixteen (16) years old. Trustees, employees or partners of the EU institutions, as well as immediate family (spouse, parents, siblings and children) and household members of those employees are not eligible to participate. Submitted photos that are not related to the theme or do not comply the present rules will not be eligible.

The Competition takes place between 12 July 12:00 pm CET and 3 September 2018 11:59 pm CET. The participants are asked to provide a photo illustrating how our cultural heritage contributes to happy and peaceful societies, as well as a

description of their activity to achieve this. The participants have to tag EuropeAid's Instagram account (@europaid) in their pictures and use the hashtag #NoCultureNoFuture. Photos which are not tagged and are not making use of the campaign hashtag will not be eligible. The participants' Instagram profiles need to be public in order to make sure the Organiser can see the submissions received. **Tag [EuropeAid](#) in your photo and use the hashtag #NoCultureNoFuture.** Make sure your profile is public so we can see your submissions - yes, you can share as many pictures as you want! Check out the [competition rules](#) to make sure you don't miss any step.

12. World New Music Days 2019

ISCM WMD in Estonia aims to introduce contemporary music and the extremely forms of its manifestation. The festival mainly focuses on choral music in its various expressions of genre and style. On the other hand, the festival concentrates on experiments between music and other artistic disciplines, including the intersections between music and architecture, theatre, audiovisual art, and literature. Therefore, we are inviting composers and sections to propose musical works dealing with the abovementioned themes while reflecting contemporary music in as rich and extensive spectrum as possible. We would like to encourage young composers to apply, because of the ISCM Young Composer's Award, supported by Music on Main, which in 2019 will award 5000€ to a composer aged 35 or younger whose work is performed at the festival. The 5000€ prize includes a commission for a new piece that will be performed during a future edition of the ISCM World Music Days. **Deadline, 30 September 2018.** For more information see the following [link](#).



13. YICCA International Contest of Contemporary Art

The competition's aim is to promote the enrolled artist, giving them chance to join the international market of contemporary art. This aim will be pursued by taking advantage of the opportunities that the contest offers: Euro **3000,00** (three thousand/00) money prize to the first selected; Euro **1000,00** (one thousand/00) money prize to the second selected; Art residence award for 1



artist. Residence location: Italy. Art residence value Euro **1800,00**; Art residence award for 1 artist. Residence location: Chile. Art residence value Euro **1800,00**; Exhibit the selected artworks in a exhibition space, determined by competition. Improvement of the relationship between finalists and critics, curators, gallery owners, public and private art institutions that will have access to this important exhibition. Maximum visibility through the advertising campaign that will follow the competition and all its stages The works of selected artists will be published on "YICCA" catalogue which will be distributed free of charge to the

finalists and will be available for professionals and institutions invited during the inauguration of the event. There are no special qualifications required for entry. The contest is open to all artists or groups of artists and professionals from any country. All kinds of art works are accepted, including video, installations and performances. All works will be presented by a picture or a video that must be followed by a description of the work. All works must be available for the final exhibition and have to be artist's property. **The deadline for submitting applications is 25 September 2018.** For the contest rules and the application form, please click [here](#).

14. Traineeships at the European Court of Justice

Every year, the Court of Justice of the European Union offers a limited number of paid traineeships of a duration of five months. Traineeships are generally undertaken in the Directorate for Legal Translation, the Research and Documentation Directorate, the Communication Directorate, the Protocol and Visits Directorate, the office of the Legal Adviser for administrative cases, the Registry of the General Court or the Interpretation Directorate (for detailed rules regarding interpreting traineeships, see below). **There are two traineeship periods:** from **1 March to 31 July** (applications to be made between **1 July and 15 September** of each year); from **1 October to 28 February** (applications to be made between **1 February and 15 April** of each year). Applicants, who must hold a degree in law or in political sciences (majority content, law) or, for traineeships in the Interpretation Directorate, a diploma in conference interpreting, must apply using the [EU CV Online](#) application within the above time limits. The grant paid is EUR 1 120.00 net per month. In view of the nature of the working environment, a good knowledge of French is desirable. For more information see the following [link](#).



15. Concluded the 2° training course of Strate.Gees in Turkey



From 28th July to 01st August 2018, the second training course of the "Strategies for refuGees (STRATE.GEES)" project was realised in Kirsehir, Turkey, aimed at verifying the situation of refugees in Turkey and learning good practices applied in those territories to apply them in the other partners' countries. Two members of our staff participated in the training course. More information on the project and its activities can be obtained on the official website of the Erasmus Plus initiative: <http://www.strategiesforrefugees.com/>.

16. The "Safer places hopeful refugees" project is shortly concluded

From 9th to 12th July took place in Athens (Greece), the final meeting of the project "Safer Places Hopeful Refugees" intended to show good practices in welcoming refugees. The project, approved in the Erasmus Plus program KA2 actions for adult education, had as its main objective to exchange good practices on the reception of refugees and migrants trying to provide support actions to them. The initiative aimed to promote positive actions for refugees at local and international level. The project objectives were: Strengthen the capacity of organizations working for refugees and also the skills of their staff; Strengthen sustainable development and solidarity at the global level; Promote international cooperation and intercultural communication; Improving social inclusion and equal opportunities for refugees; Develop networks and connections at local, national and international levels. During the last meeting the partners illustrated the other project activities carried out in recent years and the objectives achieved. The project will formally end at the of August. More information on the developed initiative can be found on the official project website: <http://www.saphor.org/>.



17. EURBANITIES: project is going to end

On 7th and 8th August p.v. the last meeting of the "EURbanities - empowering civil participation through game based learning" project took place in Cracow (whose official website is www.motw.eu). The project was approved by the Erasmus Plus National Agency of Germany under the Erasmus Plus Program KA2 Strategic Partnerships for Adult Education (Action 2015-1-DE02-KA204-002434). Throughout Europe, citizen participation is often hampered by the lack of information but also by the lack of communication and cooperation between the involved parties, as well as by limited access to knowledge of the options available to express local interests. Citizens and stakeholders therefore require tools that can help overcome obstacles to participation. During the course of the project a learning tool was created aimed at empowering citizens through the simulation of neighbourhood participation. The developed tool is based on the game by stimulating interactive learning through practice in different forms of active and direct participation. During the final meeting the steps for presenting the final report were defined.



18. NEWAVE in learning: excellent course in Bulgaria



From July 9th to 22nd (including travel days), the training course foreseen in the "NEWave in learning" project took place in Sofia, Bulgaria, attended by 10 people (all trainers or teachers) from our region. This innovative training, developed on the Black Sea coast, was coordinated by the organization Narodno chitalishte "Badeshte sega 2006" (Bulgaria). The project, approved under the Erasmus Plus KA2 European program, aims to develop and improve the skills of trainers and teachers in the field of adult education through the implementation in their educational practice of an innovative methodology for development, planning, teaching and evaluation of training results.

19. Access Angels: training course in Murcia

From 8th to 14th July, took place in Murcia (Spain) the training course provided for the "Guardian Angels of Accessible Travelers in Rural Areas" project (acronym "Access Angels"), approved in the Erasmus Plus KA2 program. The project is developing a package of personal assistance services (PAS) offered by young volunteers, similar to those services offered to disabled tourists in large cities, but adapted to the needs of visitors with disabilities who want to experience rural tourism. The project aims to contribute to employability, economic growth and social cohesion through vocational training; offer adults and young people career opportunities through education and vocational training; promote the inclusion of disadvantaged groups in the labour market; ensure the sustainability and excellence of vocational education and training; use the VET to support sustainable development and the provision of social education to young people; contribute to the development of rural economies; increase awareness of the needs of people with disabilities in rural areas; fostering active citizenship and volunteering among young people. Further information on the project, of which the Youth Europe Service association is an Italian partner, is available on the following [website](#) or on the initiative's [facebook page](#).



20. Third meeting of SURVIVE in Spain. In September the new course

From 10th to 11th July 2018, took place in Puerto de Sagunto (Spain) the third meeting of "SURVIVE" (which is coordinated by the company GoDesk). This is a project developed under the Erasmus Plus KA2 Strategic Partnership for VET program approved by the National Agency Erasmus Plus INAPP. Its goal is to investigate the techniques and methodologies that in a period of crisis allow companies to overcome difficulties and survive them, using the moment of crisis to increase their markets and turnover. During the third meeting the point was made on the state of development of the initiative and other project activities to be developed in the next training course to be implemented in Spain at the beginning of next month. Follow the project on www.surviving.eu.



21. The project "Storylines - The Lucanian Ways" continues its realisation



The project "STORYLINES - THE LUCANIAN WAYS" is realising its activities also during this summer. The project approved in the the call for proposals launched by Matera 2019 Foundation to allow Lucanian organizations operating in the creative industries to apply for events of interest for the development of cultural activities of various kinds for the promotion of the European Capital of Culture for the year 2019. In this period the project team is working on the realisation of the video-documentary that is one of the most important outputs of the project. More details on the initiative will be provided in our next newsletter.