



Children and Young People Committee

EU policy issues relevant to Children and Young People

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This briefing has been produced by the Research Service for members of the Children and Young People Committee.

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1. Introduction

Under the new committee structures for the Fourth Assembly agreed by Business Committee in June 2011, Europe and EU related matters are to be mainstreamed across all relevant committees rather than having a dedicated European and External Affairs Committees.

This means that Children and Young People Committee has responsibility for dealing with those European issues that fall within its portfolio.

There are two main ways in which this is likely to occur:

- dedicated sessions focused on priorities/issues on the EU policy agenda in Brussels
- scope to look towards Europe (and the international dimension) in terms of comparing practices in Wales, identifying witnesses and experts to bring an external dimension to the other areas of work undertaken by the Committee

This paper is addressed at the first bullet point, and provides the Committee (in section 3) with information on relevant policy developments that are ongoing or planned for 2012. In terms of the European Commission's Work Programme for 2012 (which was published on 15 November) there is only one specific action on children and young people in this (the Child Poverty Recommendation).

Before going into the detail on these actions, some background information is provided in section 2 on the EU policy-making process, to explain:

- the competences at EU level in the area of children and young people and types of actions coming out of the EU as a result of exercising these competences
- the relevant organisations and structures operating in Brussels (including the formal EU Institutions and some EU networks) with responsibilities for issues affecting children and young people

Actions for the Committee:

Section 4 sets out a number of potential areas of action for the Committee to consider and agree in terms of follow up work on EU-related matters.

2. EU policy-making process

2.1. *Limited EU competences*

Children and young people is a broad category that links into a wide range of issues covered by the EU, including social, sport, education, health, culture, languages, employment, training and many more.

Education, youth, culture and sport remain areas of exclusive national competence, and the role of the EU is limited to carrying out actions to support, coordinate or supplement Member States' actions in these areas. This can include publishing strategies and reports, supporting benchmarking and exchange of best practice, and providing financial support

to encourage actions (through a range of EU funding programmes – covered in section 3.6 below).

In the area of **employment and social policy** there is some degree of “shared competence”, with the EU given a role of “co-ordinating” Member States policies or potentially implementing common policies that supplement actions being taken at national level, and also having responsibility for legislation affecting workers’ rights (including health and safety, working time, equalities and equal opportunities etc.). However, social inclusion policies (which would include tackling poverty and child poverty) are national competences, and as with education policy (described above) the EU’s role is limited to supporting actions, which can include adoption of communications (setting out suggested policy approaches) and “soft law” such as adoption of recommendations.

The Europe 2020 strategy, the EU’s headline economic strategy for growth (adopted in June 2010 – see section 3.1 below) is an example of this “co-ordinating” role, and it incorporates targets agreed at EU level for education, employment and social inclusion, although the actions to deliver these are primarily the responsibility of Member States (supported by EU level actions, e.g. through EU funding programmes). This is described in more detail in section 3.1.

The other area of particular relevance is the **rights of the child**¹. The rights of the child are enshrined in the EU Treaty (Article 3.3) and in the Charter of Fundamental Rights (Article 24), and all EU Member States are also signed up to the UN Convention on the Rights of the Child (UNCRC). This translates into a requirement that all policies and actions with an impact on children must be designed, implemented and monitored in line with the best interests of the child. Wales became the first country in the UK to embed the UNCRC into domestic legislation when on 16 March 2011, Royal Approval was given to the *Rights of Children and Young Persons (Wales) Measure 2011*. It imposes a duty upon Welsh Ministers and the First Minister to have due regard to the rights and obligations in the UNCRC and its Optional Protocols, when making decisions of a strategic nature about how to exercise functions which are exercisable by them.

Finally, action is undertaken in a number of other areas including protection of minors using ICT/internet, health and consumer affairs policy (e.g. toy product safety).

2.2. *European Commission*

There is no dedicated department or Commissioner within the European Commission responsible for children and young people. The bulk of actions related to children and young people would fall under the responsibility of three Directorates-General (DG) in the European Commission:

- DG Employment and Social Affairs (youth unemployment, poverty and social inclusion)
- DG Education and Culture (also responsible for youth policy and sport)
- DG Justice and Home Affairs (rights of the child)

¹ See [DG Justice Rights of the Child web-pages](#)

2.3. *Council of Ministers*

The **Council of the Ministers** is the EU Institution bringing together the representatives (politicians and officials) of the national governments (i.e. the EU Member States). It organises its work into thematic/policy structures. There are three Council formations that will have most interest in children and young people related issues:

- Education, youth, culture and sport
- Employment, Social Policy, Health and Consumer Affairs
- Justice and Home Affairs

Wales is represented in the Council of Ministers by the UK Government, however, an arrangement has been agreed with the devolved administrations that devolved ministers can attend meetings of Council (acting as representative of the UK) on issues where they are of particular interest to the devolved administration (e.g. Education and Culture Council meetings have been attended by Welsh Ministers).

The UK Government has also agreed a **Memorandum of Understanding** with the devolved administrations – the latest version was signed in June 2011² – which includes within its scope the approach to European affairs. In terms of policy content/issues the UK Government and ministers from the devolved administrations meet through the format of the Joint Ministerial Committee (Europe). The devolved administrations are also consulted in the preparation of explanatory memoranda by the UK Government on EU proposals and policy documents, in all areas of devolved competence and where there is a devolved interest in the respective dossiers.

2.4. *European Parliament*

Wales is represented in the European Parliament by its four Welsh MEPs: John Bufton (UK Independence Party); Jill Evans (Plaid Cymru); Dr Kay Swinburne (Conservatives); and Derek Vaughan (Labour).

Within the European Parliament there is no dedicated committee dealing with children and young people. The three most relevant committees are:

- **Culture and Education Committee**, Chaired by German MEP Doris Pack (there are no Welsh MEPs on this Committee), has within its remit education and youth policy
- **Employment Committee**, Chaired by French MEP Pervenche Beres (there are no Welsh MEPs on this Committee), has responsibility for all employment policy and all aspects of social policy such as working conditions, social security and social protection.
- **Women's Rights and Gender Equality Committee**, Chaired by Swedish MEP Mikael Gustafsson (Welsh MEP Jill Evans is a substitute on this Committee), includes addressing violence against women and children within its remit, and equal opportunities and equal treatment in the workplace

² See [UK Cabinet Office web-site](#)
Enquiry no: 11/2736/Gregg Jones/Siân
Thomas

2.5. *Committee of the Regions*

Wales also has representatives on the two consultative bodies (that are located in Brussels), the **Committee of the Regions** (including Christine Chapman AM and Rhodri Glyn Thomas AM) and the **Economic and Social Affairs Committee**. These two bodies are consulted on all EU policy developments, although they do not have power to force changes in draft EU legislation.

2.6. *EU networks*

Within these policy areas there are a number of EU networks actively engaged in promoting the interests of children and young people, and focusing on addressing poverty and other issues.

These include:

- **Eurochild**: a network of organisations and individuals working in and across Europe to improve the quality of life of children and young people. Eurochild has 109 Full Members and 36 Associate Members in 35 European countries, including Children in Wales. It is based in Brussels. The Eurochild annual conference is being held in Cardiff from 30 November to 2 December 2011.
- **European Anti-Poverty Network**: a network of independent network of non-governmental organisations (NGOs) and groups involved in the fight against poverty and social exclusion in the Member States of the European Union, established in 1990. It is made up of 26 national networks of voluntary organisations and grassroots groups and 23 European organisations. It has a Brussels office.
- **Save the Children**: has an office in Brussels which is dedicated to lobbying on EU-related issues.

3. **Ongoing and planned developments at EU level**

3.1. *Europe 2020 strategy*

Europe 2020, the EU's job and growth strategy which is focused on delivering "smart, sustainable and inclusive growth" and which was adopted in 2010, provides the overarching framework through which all other EU policy developments (as relevant) are being aligned.

The Europe 2020 strategy sets out five headline targets for the EU to be delivered over the coming decade (including employment, climate change and R&D targets), of which there are two main (relevant) targets within Europe 2020 for the Children and Young People's Committee:

- **Share of early school leavers should be under 10%** and at least 40% of 30–34 years old should have completed a tertiary or equivalent education. In the UK Government NRP for 2011 Wales had a rate of 12% of 16–18 year olds that are not in education,

employment or training (NEETs), which is above the EU target. Latest Welsh Government figures show that this has fallen to 11 per cent in 2010.³

- **Reduction of poverty** by aiming to lift at least 20 million people out of the risk of poverty or exclusion. [Note: there is no specific target for addressing child poverty in the Europe 2020 strategy].

A third target, that at least **75 % of the population aged 20–64 should be employed**, although falling outside the age range of this committee, has relevance as the issue of addressing “youth” unemployment – and combatting fears of a “lost generation” – is one of the top priorities within employment and social affairs policy. In some EU countries the youth unemployment rate is now over 40%, whilst the EU average is 21% and UK figure is 20.4% (latest data is for 2nd quarter of 2011)⁴. The latest figures available for Wales show a rate of 24% (but these are for 2010, where the UK average was 19.6% and EU average was 20.9%).

The Europe 2020 Strategy is implemented through a combination of EU level action and actions undertaken at Member State level (national, regional and local).

EU level action includes publication of a series of themed “flagship initiatives” to provide a framework for actions by Member States on the ground, and support through the various EU funding programmes. For children and young people the following are most relevant:

- **European Platform Against Poverty and Social Exclusion** “flagship initiative”, which includes proposed action addressing child poverty, early school learning and care, and early school leaving (see following sections for more on these). Christine Chapman in her role as Committee of the Regions (CoR) representative prepared a report on this flagship initiative, which was adopted at CoR plenary in March 2011.
- **Youth on the Move** “flagship initiative”, which includes measures aimed at encouraging youth mobility, reducing early school leaving, tackling youth unemployment, and promoting greater participation in higher education
- **Support through EU funding programmes**: including the current programmes for 2007–2013 (in particular the Lifelong Learning Programme, Youth in Action and the EU Structural Funds) and in future programmes 2014–2020 (Erasmus for All and EU Structural Funds) (see section 3.6 for further details)

At the national level (UK level) there is a requirement on Member States to prepare each year a **National Reform Programmes** setting out the actions planned and underway to deliver the Europe 2020 targets. In the UK this is prepared by the UK Government in consultation with the devolved administrations (including the Welsh Government), and it should include priority actions addressing the poverty and education targets.

³ Welsh Government

[Participation of young people in education and the labour market \(year end 2009 and 2010\(provisional\)\)](#) SDR 125/2011, 27 July 2011

⁴ Figures for Quarter 2 of 2011 taken from [Eurostat](#)

3.2. *Tackling early school leaving*

The Commission published a strategy on tackling early school leaving in January 2011, and the EU Education Ministers in the Council of Ministers adopted a **Recommendation⁵ on Early School Leaving** in June 2011, which includes an action for all Member States to have comprehensive strategies to address this issue by the end of 2012⁶.

3.3. *Recommendation on child poverty*

The European Commission Work Programme for 2012 identifies this as a priority and envisages the Council of Ministers adopting this by June 2012. It will outline common principles for effective monitoring tools to combat and prevent poverty in early age.

3.4. *Early childhood education and care*

The European Commission published a communication in February 2011 setting out the key issues for future European co-operation in early childhood education and care with the aim of improving access to and the quality of services from birth to the start of compulsory schooling. EU Education Ministers adopted Council Conclusions on early childhood education and care in May 2011. The compulsory school starting age in European countries ranges from age four in Northern Ireland to age seven in Bulgaria, Estonia, Finland, Sweden, Latvia, Lithuania and Sweden.⁷ In Wales, England and Scotland the compulsory school starting age is five although there is provision for younger children through and entitlement to part-time nursery provision at age three and also ongoing developments in all the three countries in the provision of early years education and childcare for 0–3 year olds.

3.5. *Rights of the Child*

In February 2011 the Commission published a strategy on the rights of the child: **An EU Agenda for the Rights of the Child⁸**. This sets out a number of “concrete” actions towards children, grouped into a number of main categories:

- Child-friendly justice
- Targeting EU action to protect children when they are vulnerable (including promotion and full implementation of the missing child hotline 116000 and other child alert mechanisms)
- Children in the EU's external action (including actions to address and combat child labour, children in wars, child sex tourism)
- Raising child awareness and participation

The Commission established a [European Forum on the Rights of the Child](#) in 2006, which is an annual conference bringing together a range of key stakeholders in this area

⁵ Recommendations are “soft” EU law. They are non-binding, therefore, carry no legal weight. However, they are viewed as having political significance.

⁶ For more information see [DG Education and Culture web-site](#)

⁷ National Foundation for Educational Research, [Compulsory age of starting school in European countries, 2010](#)

⁸ [COM\(2011\)60](#)

including Member State governments, ombudspersons for children, Committee of the Regions, Council of Europe and NGOs to exchange views and best practice in this field. The 6th Forum was held on 23 November in Brussels, and focused on the two themes: (i) developing evidence-based child friendly policies; and (ii) communicating children's rights.

3.6. *Children and health*

Health is a national rather than EU competence. However, as with education and social policy the EU has a supporting role in this area, and this can cross over into health matters affecting children and young people.

An example of this will be the adoption of Council Conclusions at the meeting of EU Health Ministers on scheduled for 2 December on two health problems affecting children:

- **chronic respiratory diseases in children:** EU Ministers will call for continued and strengthened action for the prevention, early diagnosis and treatment of these diseases, in particular through promotion of best practices, support for research, smoking prevention, improvement of air quality and stronger cooperation.
- **communication disorders (hearing, vision and speech impairments) in children:** EU Ministers will stress the need for early detection and treatment of these disorders and pointing to the importance of raising public awareness, exchanging information, knowledge and experiences, and using e-Health tools and innovative technologies in order to improve healthcare in this field.

3.7. *EU funding programmes*

As already noted one way in which the Commission seeks to encourage and support action is through funding programmes which provide financial support to a range of projects and initiatives targeted at children and young people.

Depending on the types of actions being supported organisations from Wales, including public bodies, schools, voluntary organisations and private sector bodies can apply under these EU funding programmes to run project/initiatives or benefit directly as participants in projects run by other bodies.

There are a range of EU funding programmes currently in place which will run until the end of 2013, and these will then be replaced a new series of programmes for the period 2014–2020.

The current programmes most relevant to children and young people are:

- **Lifelong Learning Programme (2007–2013):** in particular the Comenius (school exchange) programme, which supports mobility of teachers and students and curriculum development
- **Youth in Action Programme (2007–2013):** dedicated programme to supporting youth mobility and exchanges, as well as supporting EU level NGOs active in this area.
- **EU Structural Funds programmes:** regional development programmes managed within Wales focused on economic regeneration and economic competitiveness. There is limited scope to fund activities aimed directly at children, however, a number of the

potential measures (e.g. support for childcare) are aimed at supporting broader policy goals aimed at achieving work–family life balance, and targeting more vulnerable and socially excluded groups.

The European and External Affairs Committee (during the Third Assembly) undertook an inquiry into Welsh participation in EU Research and Education Programmes, which included information on engagement in the Lifelong Learning Programme and the Youth in Action Programme⁹.

The Commission is in the process of preparing the successor programmes for 2014–2020, and these will be closely aligned to delivering the headline Europe 2020 objectives/targets. There will be some changes compared to the current programmes:

- **Erasmus for All (2014–2020):** proposals published on 23 November 2011. This will replace the Lifelong Learning Programme, and will integrate the current Youth Programme and include the possibility of actions in the field of sport (which are not currently part of a core EU–programme). These proposals will go through “ordinary legislative procedure” which requires agreement between the European Parliament and the Council of Ministers (i.e. Member State governments) before the proposals become EU law. This process could take anything from 12–24 months (or potentially longer).
- **EU Structural Funds (2014–2020):** proposals published on 6 October 2011, and these are subject to an ongoing inquiry (likely to last duration of EU negotiations) by the Enterprise and Business Committee. These proposals include specific actions aimed at addressing the Europe 2020 objectives relevant to children and young people:
 - a requirement for at least 20% of European Social Fund (ESF) allocations to support reducing poverty and social exclusion
 - scope to support actions that reduce early school–leaving and promote equal access to good quality early –childhood education¹⁰
 - scope to invest in education, skills and lifelong learning by developing education and training infrastructure¹¹

⁹ See [European and External Affairs Committee web–pages](#)

¹⁰ Article 3.1(b)(i) of the European Social Fund (ESF) draft regulation COM(2011)607

¹¹ Article 5(10) of the European Regional Development Fund (ERDF) draft regulation COM(2011)614

4. Potential follow up actions for Committee to consider

Potential Action 1:

Committee to consider holding a dedicated session on some of the issues highlighted above (in particular early childhood education and care, child poverty, early school leaving, rights of the child) with the Eurochild, the European Anti-Poverty Network, Save the Children, relevant European Commission officials and Welsh MEPs to explore how these developments potentially impact in Wales.

Potential Action 2:

Committee to hold a session with relevant Welsh Ministers looking at how they are responding to Recommendations adopted at EU level in the areas outlined, and to explain how they contribute to the preparation of the UK National Reform Programme in terms of addressing the priorities and needs of children and young people.

Potential Action 3:

Committee to consider holding an inquiry looking at the opportunities under future EU Programmes to support actions focused on children and young people, providing a forum for Welsh stakeholders to participate in the EU-level discussions.