

Official Journal

of the European Communities

ISSN 0378-6986

C 198

Volume 42

14 July 1999

English edition

Information and Notices

Notice No	Contents	Page
	I Information	
		
	II Preparatory Acts	
	Committee of the Regions	
	Session of March 1999	
1999/C 198/01	Resolution of the Committee of the Regions on the 'Reform of the Structural Funds and the Cohesion Fund in the context of the political debate on the Agenda 2000 package'.....	1
1999/C 198/02	Opinion of the Committee of the Regions on 'Transport and CO ₂ — Developing a Community approach'	3
1999/C 198/03	Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council, the European Parliament, the Committee of the Regions and the Economic and Social Committee "Developing the Citizens' Network — Why good local and regional passenger transport is important, and how the European Commission is helping to bring it about"'	8
1999/C 198/04	Opinion of the Committee of the Regions on the 'White Paper — Fair payment for infrastructure use — A phased approach to a common transport infrastructure charging framework in the EU'	16
1999/C 198/05	Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — Intermodality and intermodal freight transport in the European Union — A systems approach to freight transport. Strategies and actions to enhance efficiency, services and sustainability'	21

Price: 19,50 EUR



(Continued overleaf)

<u>Notice No</u>	Contents (Continued)	Page
1999/C 198/06	Opinion of the Committee of the Regions on the 'Proposal for a Council Directive on port reception facilities for ship-generated waste and cargo residues'	27
1999/C 198/07	Opinion of the Committee of the Regions on 'Further development of Community environmental policy and the creation of an ecological union'	30
1999/C 198/08	Opinion of the Committee of the Regions on the 'Commission proposal for a Council Directive on the incineration of waste'	37
1999/C 198/09	Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — Reinforcing cohesion and competitiveness through research, technological development and innovation'	41
1999/C 198/10	Opinion of the Committee of the Regions on the 'European Action Plan Against Racism'	48
1999/C 198/11	Opinion of the Committee of the Regions on the 'Communication from the Commission on the out-of-court settlement of consumer disputes and the Commission recommendation on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes'	56
1999/C 198/12	Opinion of the Committee of the Regions on: — the 'Communication from the Commission on violence against children, young persons and women', and — the 'Amended Proposal for a European Parliament and Council Decision adopting a programme of Community action (the Daphne Programme) (2000-2004) on measures aimed to prevent violence against children, young persons and women'	61
1999/C 198/13	Opinion of the Committee of the Regions on 'Eurotraining for Local and Regional Authorities in Europe'	68
1999/C 198/14	Opinion of the Committee of the Regions on the 'Principle of subsidiarity "Developing a genuine culture of subsidiarity. An appeal by the Committee of the Regions"'	73
1999/C 198/15	Resolution of the Committee of the Regions on 'The arrest of Mr Öcalan and the need to find a political solution to the Kurdish problem'	82

II

(Preparatory Acts)

COMMITTEE OF THE REGIONS

Resolution of the Committee of the Regions on the 'Reform of the Structural Funds and the Cohesion Fund in the context of the political debate on the Agenda 2000 package'

(1999/C 198/01)

THE COMMITTEE OF THE REGIONS,

having regard to its Bureau decision of 18 November 1998 instructing Commission 1 to draw up a resolution on the reform of the Structural Funds;

having regard to the draft resolution adopted by Commission 1 at its meeting of 3 February 1999 (CdR 1/99 rev. 1; rapporteur: Mr Zaplana);

whereas at its September 1998 plenary session it adopted an opinion on the Proposal for a Council Regulation (EC) laying down general provisions on the Structural Funds (CdR 167/98 fin)⁽¹⁾; at its November 1998 plenary session it adopted opinions on the Proposal for a Council Regulation (EC) amending Regulation (EC) No 1164/98 establishing a Cohesion Fund (CdR 235/98 fin)⁽²⁾, the Proposal for a Council Regulation (EC) on the European Regional Development Fund (CdR 240/98 fin)⁽³⁾, the Proposal for a Council Regulation (EC) on the European Social Fund (CdR 155/98 fin)⁽⁴⁾ and the Proposal for a Council Regulation (EC) establishing an Instrument for Structural Policies for Pre-Accession (ISPA) (CdR 241/98 fin)⁽⁵⁾; and at its January 1999 plenary session it adopted opinions on the Proposal for a Council Regulation (EC) on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (CdR 308/98 fin)⁽⁶⁾ and the Proposal for a Council Regulation (EC) on structural measures in the fisheries sector (CdR 309/98 fin)⁽⁷⁾;

whereas as it stated in point 1.1 of its opinion on the general regulation, the regulations proposed by the European Commission fall within the general ambit of the Agenda 2000 legislative proposals and there is a close link between the various aspects of Agenda 2000, its legislative proposals and the political decisions to be taken;

whereas as it stated in points 1.2 and 1.3 of the abovementioned opinion, reform of structural policy will play a key role in the decisions on Agenda 2000 because balanced economic and social development of the Community — a basic objective of the Union — can only be achieved if regional imbalances are corrected, pursuant to the solidarity principle;

whereas the discussions at the Vienna European Council in December 1998 regarding the Agenda 2000 proposals require a COR statement on the subject,

⁽¹⁾ OJ C 373, 2.12.1998, p. 1.

⁽²⁾ OJ C 51, 22.2.1999, p. 10.

⁽³⁾ OJ C 51, 22.2.1999, p. 1.

⁽⁴⁾ OJ C 51, 22.2.1999, p. 48.

⁽⁵⁾ OJ C 51, 22.2.1999, p. 7.

⁽⁶⁾ OJ C 93, 6.4.1999, p. 1.

⁽⁷⁾ OJ C 93, 6.4.1999, p. 16.

adopted the following resolution at its 28th plenary session of 10 and 11 March 1999 (meeting of 10 March).

The Committee of the Regions

1. reiterates its support for the promotion of balanced, sustainable economic and social development, founded on the principle of solidarity, as a basic objective of the European Union which can only be achieved by strengthening economic and social cohesion, implementing and developing the principle of subsidiarity and extending partnership arrangements to the economic and social players involved in local development;

2. declares that the citizens of Europe desire a Union based on mutually supportive cooperation between Member States and regions, with a view to the fair redistribution of wealth; and that an effective EU structural policy is the principal Community instrument of European solidarity, as it seeks to reduce disparities between the levels of development of the various regions and the backwardness of the least favoured regions, and thus to improve the living conditions of the EU population;

3. supports the Vienna European Council conclusions regarding the commitment to reach political agreement on the Agenda 2000 package in March 1999 in order to achieve its final adoption before the European Parliament elections in June 1999, and points out that sufficient resources — without any reduction — for the Structural Funds and the Cohesion Fund are essential in order to achieve the economic growth and employment objectives, as it is precisely this investment which generates growth and employment;

4. calls on Member States' political representatives, in their public discussions on Agenda 2000 and in the related revision of the Community financing system, to take account *inter alia* of the principle of solidarity among Member States and regions;

5. notes the Commission proposal to continue with Cohesion Fund assistance, and thinks that the Fund can also play a useful role in future in reducing the infrastructure deficit in the beneficiary countries;

6. stresses that, following the advent of the single currency, EU political debate must cover all the objectives enshrined in the EU Treaty, such as those geared to the construction of a social Europe, the promotion of balanced and sustainable development and greater cohesion; and that EMU should be viewed as an instrument for pursuing these objectives;

7. affirms its conviction that the policies contained in Agenda 2000 and, in particular, those regarding the Structural Funds and the Cohesion Fund, are fully consistent with other EU policies such as those for promoting employment, competitiveness, research and development and the attainment of a single currency, all of which are designed to further integrate and strengthen the Union;

8. emphasizes the need to strengthen the partnership principle, to ensure local and regional authorities are actively involved in all phases of intervention under Structural Funds and rural policy, especially where this is designed to promote the principle of integrated, pluri-annual global regional programmes, which are framed and administered at local level;

9. calls on the representatives of the Member States who are to attend the Berlin extraordinary summit in March to take account, in their discussions, of the proposals set out in this resolution and in the other COR opinions on Agenda 2000 because, in a field such as structural and cohesion policy which is so vitally important for the future of the regions, it is essential that the Member States and the EU institutions heed the voice of the legitimate representatives of the citizens of the EU's regions;

10. Lastly, stresses the importance of the entire Agenda 2000 package. Enlargement to encompass the new applicant countries is vital on security policy and democratic grounds and will ultimately also benefit economic development in Europe as a whole. The COR considers that the enlargement process must reconcile the pursuit of an ongoing dynamic structural policy in the existing Member States with a guarantee of resources for future Member States.

Brussels, 10 March 1999.

The President
of the Committee of the Regions
Manfred DAMMEYER

Opinion of the Committee of the Regions on 'Transport and CO₂ — Developing a Community approach'

(1999/C 198/02)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on Transport and CO₂ — Developing a Community approach (COM (1998) 204 final);

having regard to the decision taken by the Commission on 3 April 1998, under the first paragraph of Article 198c of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision taken by its Bureau on 15 July 1998, to direct Commission 3 for Trans-European networks, Transport and Information Society to prepare the work;

having regard to the draft opinion (CdR 230/98 rev. 1) adopted by Commission 3 on 27 November 1998 (rapporteurs: Mr Panettoni and Ms Warhurst);

considering the Opinion of the Committee of the Regions of 18 September 1997 on Climate change and energy (CdR 104/97 fin)⁽¹⁾;

considering the resolution of the Committee of the Regions of 14 May 1998 on a European Charter of regional and local authorities for a progressive and sustainable transport policy (CdR 347/97 fin)⁽²⁾;

considering the White Paper on A strategy for revitalising the Community's railways (COM(96) 421 final) and the relevant Opinion of the Committee of the Regions (CdR 143/97 fin)⁽³⁾;

considering the Opinion of the Committee of the Regions on A sustainable transport strategy for local and regional authorities and the European Union (CdR 255/97 fin)⁽⁴⁾;

considering the Commission communication on Trans-European rail freight freeways (COM(97) 242 final) and the Opinion (CdR 346/97 fin)⁽⁵⁾ delivered by the Committee of the Regions following a referral from the Commission;

considering the European Commission Green Paper on the citizens' network: Fulfilling the potential of public passenger transport in Europe (COM(95) 601 final);

considering the Communication on The development of short sea shipping in Europe: Prospects and challenges (COM(95) 317 final);

considering the Green Paper on Sea ports and maritime infrastructure (COM(97) 678 final);

considering the Communication entitled Towards fair and efficient pricing in transport: policy options for internalising the external costs of transport in the European Union (COM(95) 691 final);

considering the fifth Community programme of policy and action in relation to the environment and sustainable development⁽⁶⁾ which affirms the need to pursue a strategy aimed at reducing the overall impact of transport on the environment;

⁽¹⁾ OJ C 379, 15.12.1997, p. 11.

⁽²⁾ OJ C 251, 10.8.1998, p. 7.

⁽³⁾ OJ C 379, 15.12.1997, p. 4.

⁽⁴⁾ OJ C 180, 11.6.1998, p. 1.

⁽⁵⁾ OJ C 180, 11.6.1998, p. 17.

⁽⁶⁾ OJ C 138, 17.5.1993, p. 1.

considering the Community proposal for a Protocol to the UN Framework Convention on climate change (UNFCCC) which has the ultimate aim of 'stabilisation of greenhouse-gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system';

whereas the protocol adopted in Kyoto on 10 December 1997 by the third conference of the parties to the Convention on climate change commits the industrialised countries to reduce greenhouse-gas emissions by an overall 5,3 % from 1990 levels by 2008-2012;

whereas the Kyoto protocol stipulated that emissions of the six main greenhouse gases not covered by the Montreal protocol on substances that deplete the ozone layer, and identified as carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFC), perfluorocarbons (PFC) and sulphur hexafluoride (SF₆), should be reduced,

adopted the following opinion at its 28th plenary session on 10 and 11 March 1999 (meeting of 11 March).

1. Introduction

1.1. The Kyoto protocol, signed by the countries attending the third conference of the parties in December 1997, set targets for reducing man-made greenhouse-gas emissions and introduced instruments for achieving this reduction. These instruments, and in particular the acquisition and sale of emission permits between countries which are party to the convention, will be the subject of the fourth conference of the parties, to be held in Buenos Aires in November 1998.

1.2. The Committee of the Regions recognises that the EU has played an important part in the establishment of the Kyoto protocol and has helped advance policies for stabilising the global climate, with a view to sustainable growth.

1.3. Attention must now focus on how to implement the Kyoto targets and to assess and monitor the impact of the policies and measures adopted. The Committee intends to play a significant part in framing strategies while regional and local authorities will see to their practical implementation, backed by moves to ensure a level playing field, consistent action at all levels of authority and active partnership between all the parties involved in fostering sustainable growth.

2. General comments

2.1. Transport is a key sector in action to contain the growth in CO₂ emissions, because of its special nature and the growing demand in all the signatory countries of the Kyoto protocol. The Committee broadly endorses the Commission communication on transport and CO₂ and feels that the proposed measures provide a sound basis for achieving the abatement targets.

2.2. In the EU, transport's share of total CO₂ emissions rose from 19 % in 1985 to 26 % in 1995. The rise in emissions has outstripped economic growth. For obvious reasons the road transport sector — a large-scale consumer of energy — has been favoured by both producers and consumers. But it must not be forgotten that private cars alone produce about 50 % of emissions, and that urban traffic causes about half the emissions produced by road transport. Air traffic accounts for only 12 % of transport-related CO₂ emissions, but this sector's emissions are increasing at a constant rate. The breakdown of abatement targets between economic sectors has not been decided, and the communication does not address this question. However, the Committee is concerned to note that unless new policies are adopted, emissions from transport are likely to rise by 40 %, while the package of measures being proposed would reduce emissions growth by 20-25 % over the next 15 years. Although this reduction means halving the current trend and entails major innovations in transport policy and in user behaviour, the potential reduction still falls far short of the EU's target of an overall 8 % reduction on 1990 levels.

2.3. The Committee therefore endorses the Commission's wish to see the proposed measures adopted swiftly and decisively. However, the Committee feels that further measures will have to be devised in the near future; such measures should focus on local and urban transport, as these are the sectors with the highest growth rate, contain the most obvious critical points in operational and environmental terms, and involve the largest number of persons and activities.

3. Specific comments

3.1. The Committee endorses the perspective outlined in the communication, and agrees that the Kyoto targets cannot be reached without radical changes in policies, in instruments and in the breakdown of responsibilities between the implementing parties. In particular, the Committee thinks that the expansion of the transport sector relative to GDP

(U*km/GDP) must be reversed or at least radically stemmed. GDP rose by 26 % over the period 1985-1995, while CO₂ emissions from transport rose by 37 %.

3.2. In these circumstances, the Committee considers it vitally important that traditional policies for managing the provision of infrastructure and services be backed by new and effective policies for managing the demand for mobility. The Committee believes that local and regional transport is primarily a matter for local, regional and national authorities, working in co-operation with transport operators and transport user groups. Local and regional government therefore has an important role to play in achieving changes to these policies. They can help to achieve improvements in the quality of life for people who live and work in their areas and regions. Working in co-operation and partnership, local and regional government can perform this by:

- Managing the demand for mobility
- Co-operating with other local authorities and regions to ensure that measures are practical, efficient and politically viable.
- Assuring the business sector that there is a market for green transport goods.

3.3. The most effective contribution that regional and local government can make to reduce CO₂ is to manage the demand for mobility and to help people reduce the demand to travel. The majority of the European Union's regional and local authorities are responsible for land-use planning and can therefore determine the location of residential areas and areas of economic activity in relation to transport infrastructure. By adopting a co-ordinated approach to integrated land-use planning, local and regional authorities can help people reduce the need to travel; this means locating amenities and services near people and locating the activities which attract the heaviest traffic near public transport stops and stations. Local and regional authorities should, however, be given increased decision-making powers regarding the extent to which their areas are opened up to traffic and guarantees as to mobility and accessibility for all their citizens.

3.4. The Committee is pleased to note that the Commission recognises that land-use policies plus complementary measures could reduce emissions per capita per day 'to about one third' by 2010. The Committee thinks that greater attention — and hence more research resources — should be devoted to what the communication terms 'complementary' measures, such as town-planning policies specifically designed to reduce transport demand, encouraging a new mobility culture, education and information policies on the environmental impact of transport, the promotion of organised car sharing and non-motorised mobility (walking and cycling), organising practical training designed to encourage an environmentally-friendly and fuel-saving driving style (Eco-driving training programme),

and innovative ways of improving urban mobility (traffic calming, use of information technology to improve traffic flow, rationalisation of routes and speeds). Regulatory adjustments by national government and by the Commission itself would help to generalise such measures.

3.5. Although the abovementioned measures are left almost entirely to regional and local authorities, the Committee attaches great importance to explicit Community and national recognition of their role in meeting the Kyoto targets. It follows that it would be appropriate to launch and monitor large-scale pilot programmes, to implement existing networks for disseminating experience and assisting with planning and organisation, and to set aside adequate resources for the promotion and development of the most effective abatement measures and the Committee calls upon the Commission to assist. The Committee urges the Commission to encourage local and regional authorities to take account of managing the demand for mobility when developing their local and regional strategies. The Committee welcomes the broad thrust of measures proposed for local and regional and passenger transport outlined in the Commission's Communication on Developing the Citizens' Network.

3.6. In addition to the main long-term aim of managing the demand for mobility, other co-ordinated measures will need to be adopted to achieve the reduction in CO₂: firstly, the revamped pricing system proposed in the 1996 green paper, under which users cover more of the costs generated by transport, including social and environmental costs; and secondly, a radical overhaul of the present system of incentives, which have often had the perverse effect of stimulating a demand which is not needed for the development of economic activities and the well-being of the community.

Other additional technical measures for reducing CO₂ emissions are: to enhance vehicles' energy efficiency and the use of alternative fuels, to reduce congestion and, more generally, reduce the impact of negative externalities. Regional and local authorities are already actively pursuing transport policies that are geared to these objectives, and are ready to make a further contribution to meeting the Kyoto targets by pursuing specific policies for horizontal integration between different transport modes and areas. Such policies can best be devised and applied at the local and regional level.

3.7. The Committee agrees on the need to focus intervention on the transport modes which emit the largest amounts of CO₂. This principally means road transport but also air transport, which produces the most CO₂ per

passenger/km and per ton/km of freight. The Committee therefore calls on the Commission to encourage the price structures of transport to reflect the true costs of travel⁽¹⁾, by altering price structures so that sustainable transport becomes cheaper and more attractive at the point of use and vice-versa. Tolls should be a disincentive to transport by road where railways are an alternative. The Committee looks forward to receiving the Commission's report on Air Transport and the Environment, and to commenting on the White Paper on Fair payment for infrastructure use. The Committee advocates that more emphasis should be put on promoting environmentally friendly alternative forms of transport such as walking and cycling.

3.8. The Committee considers that new competition and market rules are vital for a more efficient transport system. The rationale for this innovation varies from country to country. The Committee asks the Commission to encourage the sharing of experience of competition to take place. In particular, the Committee asks the Commission to note that in the light of UK experience, deregulation and the advent of open market competition has not been universally advantageous. Open competition may lead to a cheap network but it will not necessarily lead to a transport system which fits consumer needs, provides customer services and is cognisant of the environmental impact. There must be caveats in the system and it cannot be assumed that the market will directly provide the best and most efficient system. Moreover, the experience of many EU countries which have not implemented deregulation programmes shows that state-owned transport companies do not necessarily pursue public goals. Consequently, the Committee considers that efforts must focus principally on regulatory issues by public institutions. It is essential that quality standards are provided within the service contract which include user benefits such as customer care. There must also be compliance with social requirements such as wage levels and working conditions. The Committee urges the Commission to consider competition within the context of environmental, customer, local and regional authorities' concerns as well as operators' concerns.

3.9. Provisions must be aligned internationally and must ensure high levels of safety and environmental compatibility. To this end, the Committee approves the proposed instruments such as fuel taxation (with exceptions for public transport), the realignment of taxes on kerosene for air transport and, above all, the development of efficient pricing that more faithfully reflects the costs borne by society, and particularly social and environmental costs. The Green Paper on fair and efficient pricing provides a useful starting point which should be taken further and translated into practical measures.

3.10. The Committee particularly appreciates the emphasis placed on logistics as an instrument for reducing both transport costs and the distances travelled by individual vehicles, the aim being to reduce empty running and overall traffic. If properly enshrined in public policies, development of third-party logistics offers good potential for demand-side management of freight transport, as it reduces the impact of external-cost internalisation on prices.

3.11. The communication devotes insufficient attention to urban freight transport. The Committee feels that this is a highly promising intervention area in which regional and local authorities could offer innovative solutions. The potential for rationalising the use of road space could do much to help achieve the Kyoto targets.

3.12. Technological innovation policies, backed by tax instruments and voluntary agreements with vehicle manufacturers, can play a key role in reducing emissions, especially from cars. However, experience has shown that replacing the vehicle fleet is a slow process if special measures are not taken to encourage scrapping. This means that technological innovations only produce significant results over the medium to long term. Moreover, technological advances relating to environmental factors can be neutralised by the increasing power and performance of new vehicles. Consequently, all measures implemented by the Member States or the Commission in this field should be accompanied by policies on fleet development and use. Regional and local authorities have made a major effort to speed up the introduction of innovations, offering manufacturers a prime market in the form of public vehicle fleets, including the official cars used by the authorities. Regional and local authorities can further assist by communicating with the business sector to assure them of the demand for green transport goods.

3.13. Regional and local policies have given effective support for wider use of electric vehicles, vehicles with a very low fuel consumption and vehicles that use 'green' fuels. Such support should continue, not least because it provides a direct demonstration of the practical value of these innovative forms of vehicle.

3.14. Rail transport is undergoing major innovations, with the introduction of competition rules and the opening-up to new operators. The picture is changing rapidly, as local railways are being entrusted to regional operators, national networks radically changed, and transnational networks developing with the introduction of rail-freight freeways. Regional and local authorities will be called on to play a much

⁽¹⁾ As previously discussed in the Committee's opinions, such as Opinion CdR 406/95 fin (OJ C 337, 11.11.1996, p. 13) on the Common Transport Policy Action Programme 1995-2000.

more effective role than hitherto, and to assume responsibility for managing demand and for planning and controlling supply at local level. Here the Committee considers that integration between the various functions of the network and the various regions is vital.

3.15. In the context of urban mobility, the Committee endorses the importance accorded to the development of public transport networks as an instrument for reducing CO₂ emissions. The challenge for the future is for local and regional authorities to assist in the shift away from dependence on private cars and make transport systems more sustainable to achieve a new mobility culture. The communication's suggestions regarding key parameters such as the energy efficiency of vehicle occupancy rates pave the way for more sophisticated public transport policies. Collective forms of transport such as car and van pooling, collective taxis and car sharing are interesting ideas and should also be taken into account in the public transport system. These important innovations could form the subject of a pilot-studies programme at European level. Co-operation between regional/local authorities and businesses and other transport users will contribute greatly to the success of efforts to encourage wider use of public transport and a socially more efficient use of private cars.

3.16. The Committee agrees that the development of short-distance sea shipping within the EU can help to improve intermodal balance and reduce road traffic, while improving energy consumption and reducing CO₂ emissions. The Committee wishes the Commission to note the importance of inland waterways in this aim also. However, the Committee stresses that such action will only be possible if it is part of a total transport system reorganised according to new logistical criteria and policies which encourage intermodality.

3.17. Integrated, coherent organisation of the various constituents of the transport system is essential for meeting the targets set in the communication. This applies to intermodality and the development of combined transport, the development of short sea shipping and inland waterways, the creation of a network of international rail-freight corridors (freeways), rational organisation of road transport along terminal sections and over short to medium distances at least, and an effective interface with regional and urban transport.

3.18. The key role of planning instruments, and of instruments for assessing the economic (and other) effects of action taken, has not yet been fully addressed. The Committee advocates the introduction of an Environmental Impact Assessment (EIA) as part of the transport plan. The subnational nature of regional and local authorities, and their detailed knowledge of local conditions, make them potentially an ideal forum for integrated planning that embraces the transport

system and the regional economy, including *ex post* monitoring of emission reductions.

4. Conclusions

4.1. The Committee of the Regions welcomes the communication on transport and CO₂. It endorses the analysis and the proposed sectoral abatement measures. However, thought must be given to further measures for curbing the increase in emissions, as although the increase is to be halved it will still be inconsistent with the Kyoto targets.

4.2. The Committee attaches particular importance to the development of integrated regional transport planning, specifically designed to reduce transport demand. The Committee encourages the Commission to further develop ways in which this can be implemented as part of a co-ordinated approach to achieving a new mobility culture.

4.3. The Committee particularly supports the chosen sectoral categories of action. It agrees that CO₂ abatement measures will also benefit the economy and the environment, and that swift action is needed in six areas:

- economising passenger-car fuel by, for example, continuing the development and production of vehicles with low fuel consumption ;
- securing the adoption of fairer and more efficient pricing;
- encouraging public transport, especially in urban centres, and completion of the single market in rail transport;
- improving the environmental performance of air transport;
- promoting short sea shipping;
- encouraging modal integration and the development of intermodality.

4.4. The Committee endorses the measures proposed for the various segments of the transport system, but notes the priority given to long-distance and to national and international transport and the underestimation of the role which urban and local transport policy can play in reducing emissions and improving quality of life. However, measures taken in this policy sector make for lasting improvements in public health and the quality of life. The role of local government in encouraging environmentally and climate friendly transport management and reductions in greenhouse gas emissions must be recognised.

4.5. The Committee agrees that action plans at the various levels of government (national, regional, local) should

consistently involve public and private players and should be backed by effective systems for monitoring trends in CO₂

emissions and compliance with commitments at national and local level.

Brussels, 11 March 1999.

*The President
of the Committee of the Regions*
Manfred DAMMEYER

Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council, the European Parliament, the Committee of the Regions and the Economic and Social Committee "Developing the Citizens' Network — Why good local and regional passenger transport is important, and how the European Commission is helping to bring it about"'

(1999/C 198/03)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council, the European Parliament, the Committee of the Regions and the Economic and Social Committee 'Developing the Citizens' Network — Why good local and regional passenger transport is important, and how the European Commission is helping to bring it about' (COM(1998) 431 final);

having regard to the decision of the Commission of 13 July 1998, in accordance with the first paragraph of Article 198c of the Treaty establishing the European Community, to consult the Committee on the subject;

having regard to the bureau decision of 15 July 1998 to instruct Commission 3 for Trans-European Networks, Transport and Information Society to draw up the relevant opinion;

having regard to the draft opinion (CdR 436/98 rev. 1) adopted by Commission 3 on 22 January 1999 (rapporteur: Mr Panettoni),

adopted the following opinion at its 28th plenary session of 10 and 11 March 1999 (meeting of 11 March).

1. Introduction

1.1. The influence of local and regional passenger transport

1.1.1. The Committee of the Regions recognises that transport unquestionably plays a key role in the sustainable development which the Amsterdam Treaty singles out as one of the objectives of the European Union.

1.1.2. The Committee believes that a local and regional transport network meeting the highest standards of quality and sustainability must be created if territorial economic development plans are to be successfully implemented. A good local and regional transport network is crucial for a properly functioning national and European transport system. A system of this kind has multiple effects, all of considerable economic,

environmental and social value. An efficient transport system is a key structural component in economic development plans, and hence in job-creation programmes. At the same time, it is a vital element for sustainable development processes since it helps to relieve traffic congestion, restore the environment, cut energy consumption and reduce pollution, particularly CO₂. Efficient local and regional transport is also an effective instrument for containing and reducing the social exclusion of the economically disadvantaged, the unemployed, the disabled and the populations of peripheral and rural areas. In addition, it reinforces the territorial cohesion of vulnerable areas.

1.1.3. The Committee would highlight the basic fact that although demand for mobility has been on the rise for several

years, actual mobility is increasingly fragmented and patchy. The answer is an ever more flexible system which banishes the rigidity of present systems and creates integrated, highly intermodal systems offering multiple alternatives.

1.1.4. The Committee welcomes the Commission's decision to present an action plan for sustainable urban development, but it must take care not to isolate sparsely-populated rural areas, whose infrastructure is very often out of date. It stresses that this approach to developing the citizens' network offers ways of meeting requirements which may ensure better air quality, and calls for effective measures to support initiatives of still broader scope such as more vigorous promotion of alternative, environment-friendly forms of transport, including effective support for transport technology innovation policies, wider use of low-pollution vehicles with innovative power systems, such as electricity or natural gas, or vehicles based on fuel cell technology (hydrogen), the promotion and development of transport systems separated from other traffic, and support and development of urban freight transport systems.

Moreover, in line with opinion CdR 230/98, consideration should be given to a coordinated approach to land-use planning and price alterations so that sustainable transport becomes cheaper and more attractive to users.

1.2. *Opportunities for change*

1.2.1. The Committee would emphasise that local and regional transport has gained in importance over the years: local transport accounts for more than 75 % of journeys. The Committee, however, urges the regional and local authorities (a) to coordinate their activities and (b) to involve economic operators and user associations in organising transport networks.

The Committee of the Regions would, however, emphasise the need to step up efforts to make private cars more environment friendly. Within the foreseeable future, this will become essential for many people in sparsely populated areas of the EU where public transport is not viable.

1.2.2. The Committee hopes that each of the parties concerned will launch initiatives to make public transport systems more sustainable, so as to reduce dependence on individual transport. Local administrations must focus more closely on how urban areas are arranged, halting the trend towards the dispersal of residential areas, schools, businesses, medical facilities, centres of production and leisure facilities.

This would reduce the need for travel and the current strong demand for mobility. Well-thought out action also needs to be taken on the organisation and staggering of working hours, in order to achieve greater flexibility and break down demand, which is currently over-concentrated and rigid. Moreover, strategies governing spatial planning should treat transport as an essential component which can help generate social cohesion as well as economic development. Spatial planning strategies should seek to optimise mobility management systems in highly congested areas by establishing restricted traffic areas and introducing parking restrictions and payments, controlled access and, in some cases, road pricing schemes. To offset these restrictions, the authorities should see that public transport providers ensure high quality, easily accessible and in particular highly flexible services to match changing public demand. The final aim should be to create a door-to-door transport system which is a real integrated citizens' network.

1.2.3. The Committee fully endorses the Commission's approach to the principle of integrated transport services, which is the key factor for successful public transport, basing integration on efficient intermodal connections to prevent breakdowns in the transport chain. There are two preconditions for this: firstly, infrastructures must be designed with intermodal development in mind, ensuring smooth interconnection; and secondly, services must be organised with coordinated timetables and with built-in flexibility able to cope with the natural disruptions which frequently occur in transport systems. Making the different modes of transport easy to use by introducing integrated fares, and using innovative technologies to simplify and improve ticketing arrangements, is a further condition. Lastly, great care must be taken in devising an information system which helps people to plan their journeys in accordance with their needs, so that they can justifiably see the public transport system as their own network.

1.3. *The role of the European Union*

1.3.1. The Committee believes that the European Union can add significant value to local, regional and national action by carrying out active monitoring, fostering the exchange of best practice and benchmarking of service performance in order to encourage emulation and an improvement in quality. The Committee is also convinced that the European Union can lend positive support to the achievement of key common transport policy objectives, namely quality, efficiency and sustainable mobility. These objectives can be achieved by creating a policy and legal framework aimed at promoting

better use of local and regional passenger transport systems, and winning public support for policies encouraging alternatives to travel by private car. Here, the Committee hopes that EU financial instruments will be used effectively to support investment in transport infrastructure, operational activity and equipment in the local and regional transport sector, geared to attaining key objectives such as growth, employment, economic and social cohesion, competitiveness, energy savings, improved environmental standards, equal opportunities and access for people with reduced mobility.

The four areas of intervention proposed under the Directive (exchange of information, comparison of performance, creation of a political and legal framework, financial instruments) would appear to be relevant. The COR nevertheless believes that steps must be taken to ensure that the proposed action does not lead to inflexibility or to constraints prejudicial to the development of transport.

The subsidiarity principle should be observed in this context. Above all, regional and local authorities must continue to have a say in the supply of local passenger transport services so that account can be taken of the structures and underlying conditions in local areas.

2. The work programme

2.1. *Stimulating information exchange*

In the Committee's view, there is a strong case for setting up an easily-accessible database covering all experiences in the local and regional transport sector, bringing in data from both public authorities and transport operators. The database could also include the results of projects funded by national governments and the EU, as well as accessibility data already available in 1998.

2.1.1. The European Local Transport Information Service

The Committee welcomes and supports the European Commission's move to set up ELTIS (European Local Transport Information Service), with the help of the POLIS network of cities and regions and the UITP (International Union of Public Transport). The database will contain information on service design and organisation, land-use planning, accessibility and pricing systems. The Committee is particularly pleased to note that the public will have electronic access to the service through the World Wide Web.

2.1.2. *Bringing key actors together*

The Commission intends to work with national governments to organise round tables bringing together leading organisations and key experts, in order to identify the obstacles to the development of integrated passenger transport and formulate practical solutions. This ambitious programme will be facilitated by the holding of an international conference to familiarise local authorities and transport operators and users with all those instruments currently at the development stage.

2.1.3. The Committee proposes that networks of existing European organisations, regional and local authority services and business associations be set up to disseminate and exchange technical and economic information on specific national and local activities and on Community policies and programmes. The Committee agrees that these networks could be made accessible to the countries of central and eastern Europe and to the Baltic states, which have experienced great changes in travel patterns in recent years and are undertaking substantial programmes to promote sustainable mobility and improve public transport. The needs of the EU countries could prove useful in terms of optimising the research programmes involving these countries.

2.2. *Benchmarking to improve transport systems*

2.2.1. In the Committee's view, service quality improvements can be effectively driven by a process of benchmarking carried out both by public bodies who contract services and by service operators. The Committee considers that a healthy injection of competition could help significantly improve technical and economic results. Service contracts could include incentives for meeting clearly defined performance standards, which would trigger a series of beneficial effects on service quality. Benchmarking would draw in users and the broader community, with the positive side-effect of drawing attention to local public transport even among non-user sectors of the population.

2.2.2. The Committee also supports the Commission's plan to develop a 'self-assessment' system. In particular, this would enable operators to analyse the reasons for poor performance using the quality-control techniques of manufacturing industry, thereby helping to improve service production cycles.

2.2.3. The Committee would suggest that the QUATTRO (Quality Approach in Tendering/Contracting Urban Public Transport Operations) project mentioned in the preceding paragraph should be made as widely known as possible. The basic aim of the project is to compile an inventory of quality criteria and methodologies for quality management.

2.2.4. The Committee would however emphasise that in order to provide a full picture, methods will have to be devised for assessing local transport systems from all aspects. Here, the Committee has in mind land-use planning projects and traffic management schemes which are clearly not the responsibility of operators, but of the public authorities. The Committee thus views with great interest the pilot benchmarking project which the Commission plans to carry out during 1998-1999 with a group of public authorities and transport operators. The project will cover a number of key indicators such as the degree of user satisfaction with the various types of transport, the level of service efficiency, and the impact of transport services on other sectors, especially the environment.

2.2.5. The Committee particularly appreciates the Commission's initiative in implementing a standardisation process, involving the adoption of standardised definitions. This will help to establish uniform, comparable quality criteria, ending the situation whereby varying parameters always stood in the way of reliable comparison. The COR also approves the move to publish a handbook on benchmarking local public transport. The Committee recommends the introduction of quality marks and prizes acknowledging the sector's real importance to quality of life in general.

2.3. *Establishing the right policy framework*

The communication underlines the close link between improving passenger transport and establishing the right policy framework. This framework unquestionably influences the level of demand for transport, decisions on where to live, whether to use public or private transport, transport operator behaviour and the level of quality they invest their services with. The EU must clearly play a well-defined part in this. However, an assessment must be made of the repercussions in regard to territorial and social cohesion, and of the definition of a new political framework for the most rural areas.

2.3.1. Land-use planning and environmental assessment

The Committee supports the guidelines for an integrated and common approach to spatial planning at European Union level established in the first official draft of the European Spatial Development Perspective, which was endorsed at the Noordwijk Ministers' meeting in June 1997. The Committee attaches great importance to the effects of land-use planning, currently marked by a high level of dispersal resulting in weaker public transport, at the expense of the less well-off. The relevant EU instruments — such as the trans-European transport network, regional and cohesion policy, and environmental and tourism programmes — must be used synergically, so that optimum transport-related land-use planning criteria can be adopted.

2.3.2. The Committee views the Commission's programme to extend environmental impact assessment criteria as significant. Present land-use planning assessment is restricted in scope, and the Committee supports the draft directive requiring environmental assessment of many transport and land-use plans and programmes. It therefore welcomes the Commission's initiative to offer public authorities guidance on including transport aspects in the land-use planning strand of environmental assessment studies. This guidance should be disseminated through handbooks and training workshops.

2.3.3. The Committee is pleased to note that more and more authorities and businesses are adopting mobility management schemes as part of their green housekeeping plans, thereby encouraging sustainable transport patterns. These processes herald a major cultural shift in which environmental improvements and easier access are conditions for new building or development. This in turn saves money on parking facilities, reduces car commuting, and so on. The post of 'mobility manager' has recently been recognised in Italian law, bringing to the fore the issue of energy saving and environmental improvement in the transport sector, which is of clear relevance to the regional and local level.

2.3.4. The Committee warmly welcomes the Commission's intention to establish a European Platform on Mobility Management, seeking partnerships with industry and users. The purpose is to pool experience of mobility management and introduce benchmarking in this area so as to identify the most effective solutions for all the varying circumstances across the EU. The COR would stress that, as spatial planners and in many cases organising authorities, local authorities must have their place alongside transport users and operators on the European Platform on Mobility Management.

2.3.5. Encouraging the use of new energies (VNG-LPG etc.)

The Committee proposes encouraging feasibility studies and the development of prototype rail equipment using new non-pollutant energy forms.

2.4. *Fair and efficient transport pricing*

The Committee fully shares the Commission's views on the inconsistency of transport pricing, which is certainly prejudicial to more sustainable transport. The charges made for individual journeys are totally out of keeping with the real costs, ranging from road infrastructure to the external costs of, for example, pollution, congestion and accidents. The anomaly

whereby car owners pay relatively high fixed costs and low variable costs per kilometre — so there is no deterrent to using private cars — must be put right. The Committee therefore refers to the criteria set out in the Commission's Green Paper on fair and efficient pricing in transport, and recognises the vital need for a new pricing framework which internalises external costs. This should introduce the principle of differentiated costs which accurately reflect, for each type of journey, the costs in terms of the environment, congestion, accidents, etc. The result should be to increase use of public transport as an alternative to private cars, which would also benefit those on lower incomes. However, account must also be taken of sparsely populated areas where there is little public transport and the individual is seriously affected if the variable cost component is increased.

The Committee urges the Commission, when considering the pricing system, to examine the effects of different internalisation strategies on the economy, society and the environment, including adequate examination of the effects of cost-appropriate transport pricing on the freight haulage and transport-based sector of the economy and the current state of play in the EU.

2.4.1. The Committee takes on board the Commission's view that road pricing may be one way of dealing with urban congestion; however, it remains sceptical as to the practicability of such a measure as there are still a large number of long outstanding legal, administrative and organisational problems. The subsidiarity principle must also continue to be observed in this case. How acceptable such a measure would prove depends largely on how the revenue it generates is used. Clear, consensual reinvestment in improvements to public transport, and the creation of facilities for pedestrians and cyclists, would be well received by the general public who would see such schemes as steps towards a citizens' network which they could feel belonged to them. The Committee stresses the far-reaching nature of the Commission's plans to cooperate with cross-national groups of urban or regional authorities on road infrastructure pricing, as part of a coordinated strategy to take full advantage of current research. The Committee looks with great interest upon CAPRI (Concerted Action for transport Pricing Research Integration), which sets out to consolidate transport pricing research results and build consensus on the transport policy implications. Awareness and analysis of the factors influencing public acceptance of such a policy will of course be extremely important.

The Committee would stress that the problem of charging for the use of infrastructure by different modes of transport is a particularly complex one necessitating difficult political choices that will have to leave a certain amount of freedom to local authorities and not jeopardise the equilibrium achieved locally in the field of public transport.

2.5. *Transport telematics*

2.5.1. The Committee believes that telematics applications in the transport sector should be seen in the context of the overall development of information processes, which are now a basic prerequisite for business competitiveness and public service quality. The Committee endorses the Commission's strategic plan, which harnesses the information and telecommunications technology mix to the aim of improving the efficiency and quality of services, as well as facilitating their integration. Consequently, the Committee attaches great importance to telematics applications providing real-time information which is available at work, at home, on the road, at transport stops and in stations. This information should cover every element of the mobility system, including timetables, routes, the level of road and motorway congestion and parking availability. The public must be fully informed on all aspects of the network they are using or intend to use, so they can make the right choices.

The Committee recognises the danger that major investment in telematics applications will make private car transport all the more attractive; the EU's funding instruments should therefore regard public transport and connections to other forms of environmentally-friendly transport as the key task of telematics programmes.

2.5.2. The Committee considers that it would be particularly helpful to simplify and automate payment systems, by introducing electronic ticketing arrangements and promoting multi-use cards for the various services making up the overall mobility system, ranging from all types of public transport to parking spaces, entry to restricted-access areas and road pricing.

2.5.3. In achieving higher service quality, the Committee believes it crucial to develop telematics applications for management purposes, such as vehicle fleet monitoring, electrical and mechanical vehicle checks, traffic control, traffic-light priorities, and centrally guided vehicles in call-systems for the elderly or disabled. For these reasons, the Committee feels that the ITS City Pioneers and CARISMA projects, designed by the Commission to support the deployment of telematics applications in cities and manage links with systems on the trans-European transport network, deserve close attention and should be properly implemented. These initiatives flow from the view that policy objectives vary from city to city: they will allow each city to adopt the most appropriate telematics solution.

2.6. *Vehicle and environmental standards*

2.6.1. The Committee hopes that technical standards for vehicles will be harmonised, and is pleased to note that

the Commission has proposed a directive concerning the manufacture of new buses. The directive sets common standards, for accessibility in particular, and should come into force on 1 October 1999. The Committee is keen to see the conclusions of the work carried out by CEN (European Committee for Standardisation) and CENELEC (European Committee for Electrotechnical Standards) on the setting of reference standards in the framework of the public procurement utilities directive.

2.6.2. Similarly, the Committee would urge UITP and UNIFE (the European association of railway rolling stock manufacturers) to press ahead with establishing technical specifications for light railways and unmanned shuttles. The Committee notes that the environmental standards applicable to road transport vehicles, which date back to the 1970s, are now obsolete and urgently need updating. The Committee also hopes that directives will be adopted as soon as possible to incorporate standards for vehicle emissions, fuel quality and the control and maintenance programmes previously submitted by the Commission on the basis of the results of the Auto/Oil programme, run in cooperation with the car and oil industries. The progress of the Auto/Oil II programme should be closely monitored as, alongside vehicle and fuel issues, it is assessing how coherent public transport and pricing policies can improve the environment.

2.7. *Public services and competition in local and regional passenger transport*

2.7.1. The Committee highlights the entirely beneficial function of public transport for the environment, economic growth and social cohesion. It follows that the social demand for public transport services is certainly greater than would be provided on the basis of purely commercial criteria. This means that transport services are a public service.

2.7.2. The Committee must stress that it is for the public authorities to issue authorisations for the provision of public services and, where necessary, to help pay for them, regardless of whether operators belong to the public or private sectors.

2.7.3. The Committee draws attention to the requirement for integrated services, which has already been identified as a basic need. Since the presence of several operators with competing services cannot always guarantee this, the best way of achieving integration is probably, by a periodic public tender procedure, to grant a single operator exclusive rights to operate a given mode of transport service within a given geographical area, prompting the operator to invest in infrastructure, vehicles and technologies, and setting rules which create incentives.

2.7.4. The Committee points out that although Community law requires transport services financed by the public authorities to be defined through service contracts, it exempts regional and local passenger transport from these obligations. This is a field which needs to be brought up to date. The COR advocates legislative measures which clearly establish service requirements and financial compensation in service contracts between the authorities and service providers.

2.7.5. The Committee is convinced that tendering procedures, introducing an element of competition, would make it possible to improve services and to achieve or maintain a suitable cost/benefit ratio. A number of countries have achieved encouraging results through such procedures, with cost reductions of between 10 and 35 %, together with enhanced operating efficiency, particularly in urban transport. The Committee notes with satisfaction that the ISOTOPE study (Improved Structure and Organisation for urban Transport Operations of Passengers in Europe) has concluded that arrangements involving competition and tendering have improved services and reduced costs. The Committee notes, however, that services need to be regulated and networks integrated. Similarly positive results have been achieved in the rail sector, although incentives proved necessary in order to promote the sizeable investments required. This has all-round beneficial effects: service quality improves; use increases; the cost/benefit ratio improves; investment resources are generated; and public transport services expand and improve.

2.7.6. The Committee fully backs the Commission's aim, declared in its Green Paper on the Citizens' Network, of updating the regulatory framework for local and regional transport, but would point out that it is very important to maintain the subsidiarity idea in this context.

The Committee considers that new competition and market rules are vital for a more efficient transport system. The rationale for this innovation varies from country to country. The Committee asks the Commission to encourage the sharing of experience of competition to take place. In particular, the Committee asks the Commission to note that in the light of UK experience, deregulation and the advent of open market competition has not been universally advantageous. Open competition may lead to a cheap network but it will not necessarily lead to a transport system which fits consumer needs, provides customer services and is cognisant of the environmental impact. There must be caveats in the system and it cannot be assumed that the market will directly provide the best and most efficient system. Moreover, the experience of many EU countries which have not implemented deregulation programmes shows that state-owned transport companies do not necessarily pursue public goals. Consequently, the Committee considers that efforts must focus principally on regulatory issues by public institutions. It is essential that quality standards are provided within the service contract which include user benefits such as customer care. There must

also be compliance with social requirements such as wage levels and working conditions. The Committee urges the Commission to consider competition within the context of environmental, customer, local and regional authorities' concerns as well as operators' concerns.

2.7.7. The Committee points out that in framing contracts for exclusive rights, proper account should be taken of local and regional responsibilities, the nature of the exclusive right, the duration of contracts, their financial structure and, especially, the nature and scale of risk. The Committee also emphasises that the public authorities must retain the right to implement their own strategies and rely on free market procedures.

2.8. *Transport for people with reduced mobility*

2.8.1. In the Committee's view, it should be made clearer that the category of 'people with reduced mobility' in relation to public transport use extends not only to the disabled, but also to those carrying luggage, pushing a pram or travelling with children. Accessibility is clearly the key factor for all these people. The Committee stresses that vehicle accessibility requirements, equipment such as self-opening doors, targeted information, low-floor buses with street-level access, and bus stops redesigned to be more accessible, while aimed at facilitating travel within the EU for the disabled or people with reduced mobility, will also greatly improve the quality and attractiveness of the service for other users.

2.8.2. *Modernising public transport modes and operating systems*

The Committee proposes modernising public transport modes and operating systems, inter alia in rural areas, in order to minimise the operating costs of such networks.

2.9. *Car sharing*

The Committee of the Regions sees car sharing as an important complement to conventional public transport services. In particular, the combination of public transport and car-sharing would go a considerable way towards solving urban traffic problems in an ecologically, socially and economically acceptable way. The Committee therefore recommends incorporating organised car sharing into Citizens' Networks.

3. **Using the European Union's financial instruments effectively**

3.1. The Committee agrees with the principle that local and regional authorities should be responsible for administering public financial support for local and regional transport where such support is needed. However, it also agrees with the Commission that in cases where sustainable local and regional passenger transport has a decisive part to play in delivering the objectives embodied in EU programmes — for example, proper links between a trans-European network with local transport networks in order to make optimal use of development programmes financed by the Structural Funds — it may receive financial support. The Committee would point out in this connection that the meagre resources available for promoting the trans-European networks should be focused on transport projects and infrastructure projects which give priority to improving long-distance links. For this reason, the Committee cannot endorse the Commission proposal to include the interfaces between the trans-European networks and local/regional transport infrastructures in the TEN guidelines, thereby making general support possible. Similarly, the Committee supports the principle that the Commission should consider support measures for the countries of central and eastern Europe and the more peripheral areas of the EU, where the role of sustainable local transport is to complement improvements in long distance transport and regional development policy.

The COR also urges the Commission to give special consideration to those ultra-peripheral EU regions whose intrinsic features (particularly difficult terrain or extreme dispersion of their population) pose extra problems for local and regional transport networks in addition to those arising from their geographical position.

3.2. *The trans-European transport network*

3.2.1. It is the Committee's view that particular attention should be focused on the development of the trans-European transport network (TEN-T) and on its connection to regional and local transport networks. The trans-European network, which is to provide interconnections and interoperability between national transport networks and ensure access to them, will require at least ECU 400 billion up to 2010.

3.2.2. The Committee consequently advocates investment in the trans-European network and supports the priorities for action identified by the European Parliament and the Council concerning infrastructure for network access, the establishment and improvement of interchanges, traffic management systems, positioning and navigation systems and the deployment of applied telematics services. In this regard, the COR urges the Commission to decide in favour of including intermodal passenger terminals in the TEN-T guidelines, and to examine the case for including local and regional infrastructure links in the network.

3.3. *The research, technological development and demonstration programmes*

3.3.1. The Committee highlights the need to continue research activity, especially that geared to devising technological innovations and organisational insights; at the same time, large scale demonstration projects are needed. It therefore recommends the broadest possible dissemination among the EU Member States of the Fifth Framework Programme, to be launched in 1999 or 2000, and supports the actions proposed by the Commission, four of which are of specific relevance to the Citizens' Network: 'Sustainable mobility and intermodality', 'Land transport and marine technologies', 'The city of tomorrow and cultural heritage' and 'Systems and services for the citizen'.

3.4. *Regional development and the Structural Funds*

3.4.1. The Committee also supports measures within the sector to help reduce social exclusion, believing that targeted improvements in public transport, particularly in densely populated areas, or conversely in sparsely populated areas, are vital for the success of training schemes, job creation initiatives and the regeneration of run-down inner cities and suburbs.

The need for investment in urban transport, with sustainability paramount, flows from this.

3.4.2. The Committee further recommends that special attention be given to rural areas, devising development strategies which help rural economies diversify — although this can also bring in more traffic — and counter the almost total reliance on cars in such areas.

The Committee considers that new lines of funding must be created to enable public transport to operate in those regions that are depressed or where the population is so scattered that such services are not viable when run on a strictly commercial basis.

The Committee also proposes setting up a programme to study the problems of transport in areas of low traffic levels, analysing both supply and demand.

3.5. *Providing information about European Union funding*

The Committee calls for the publication and wide distribution of a guide explaining all the funding programmes and the procedures determining eligibility for financial support.

Brussels, 11 March 1999.

*The President
of the Committee of the Regions*
Manfred DAMMEYER

Opinion of the Committee of the Regions on the 'White Paper — Fair payment for infrastructure use — A phased approach to a common transport infrastructure charging framework in the EU'

(1999/C 198/04)

THE COMMITTEE OF THE REGIONS,

having regard to the Commission White Paper — Fair payment for infrastructure use — A phased approach to a common transport infrastructure charging framework in the EU (COM(1998) 466 final);

having regard to the decision of its bureau of 15 July 1998 in accordance with the fourth paragraph of Article 198c of the Treaty establishing the European Community, to draw up an opinion on the subject and to instruct Commission 3 for Trans-European Networks, Transport, and Information Society to carry out the preparatory work;

having regard to the draft opinion (CdR 408/98 rev. 1) adopted by Commission 3 on 22 January 1999 (rapporteurs: Mr Weingartner and Mrs Bennett);

on the basis of the Green Paper — Towards fair and efficient pricing in transport — Policy options for internalizing the external costs of transport in the European Union (COM(95) 691 final);

on the basis of the Resolution of the Committee of the Regions on the European Charter of regional and local authorities for a progressive and sustainable transport policy (CdR 347/97 fin)⁽¹⁾; and bearing in mind the Commission's proposals for directives for the further development of the railways:

- amendment of Directive 91/440/EEC on the development of the Community's railways;
- amendment of Directive 95/18/EC on the licensing of railway undertakings;
- proposal for a Council Directive relating to the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification and the development of combined transport;
- amendment of Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States;

on the basis of the Opinion of the Committee of the Regions of 16 January 1997 on the Green Paper — Towards fair and efficient pricing in transport — Policy options for internalizing the external costs of transport in the European Union and the Proposal for a Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures (CdR 364/96 fin)⁽²⁾;

on the basis of the Opinion of the Committee of the Regions of 12 March 1998 on a sustainable transport strategy for local and regional authorities and the European Union (CdR 255/97 fin)⁽³⁾,

at its 28th plenary session of 10 and 11 March 1999 (meeting of 11 March) unanimously adopted the following opinion.

1. Introduction

1.1. The European Commission's White Paper entitled Fair payment for infrastructure use is the logical continuation of the proposals first mentioned in the Green Paper entitled Towards fair and efficient pricing in transport⁽⁴⁾. This white

paper is therefore, like the green paper before it, an important part of the European Commission's strategy for the promotion of more efficient transport systems by the creation of a market in which fair prices are to help underpin transport systems and flows in a way which is sustainable in the long term.

1.2. In addition to other work initiated by the Commission, e.g. the report of the high-level groups on public-private partnerships (1997) and transport infrastructure — charges (1998), the joint Transport-Environment Council has also met and discussed the optimum use of existing infrastructure and

⁽¹⁾ OJ C 251, 10.8.1998, p. 7.

⁽²⁾ OJ C 116, 14.4.1997, p. 58.

⁽³⁾ OJ C 180, 11.6.1998, p. 1.

⁽⁴⁾ COM(95) 691 final.

the move to more environmentally benign forms of transport, as well as calling for reduction of fuel consumption and of noise and toxic substance emissions.

1.3. The white paper reiterates the high importance of Europe's transport infrastructure for economic growth, worker mobility, competitiveness and the quality of life. At the same time, it notes that providing this infrastructure and making the most efficient use of it is becoming increasingly difficult. The Committee notes that current trends in transport use and volume, in conjunction with growing over-use of infrastructure and environmental pollution, give rise to doubts as to the sustainability of transport. The Commission's acknowledgement of this in the white paper is welcomed by the Committee.

2. Important themes and guidelines

The Committee endorses the following guidelines set out in the white paper.

2.1. The exposition of the cost components of transport infrastructure is helpful and useful, because it reveals — independently of the mode of transport in question — the composition of infrastructure costs. An important point is that both fixed costs, which are independent of traffic volume, and variable costs, which depend on volume, have internal and external cost components. A full social cost-benefit analysis for the provision of infrastructure should be carried out by including all these cost components.

Furthermore, as the High Level Group on Transport Infrastructure Charging pointed out in their final report, all potential elements of cost should first be identified and then the elements which should form the basis for user charges should be decided.

2.2. Current taxes and levies on transport are in general not based on a true calculation of costs. This is part of the reason for the present transport problems:

- distortions of competition between Member States;
- distortions of competition between modes of transport;
- neglect of social and ecological aspects;
- difficulties with the financing of infrastructure investment.

Moreover, all other things being equal, the different charging systems currently used in the Member States further distort the cost-benefit situation. (For example: different levels of consumer taxes on fuel mean that consumers try to buy their fuel where it is cheapest rather than where it is to be used.)

The effect of new charging structures should be to promote both the efficient use of existing infrastructure and the efficient provision of new infrastructure.

2.3. In developing a Community approach to the allocation of infrastructure costs, account should be taken of the subsidiarity principle. Although the same basic charging principles should be applied to all the major modes of transport in each Member State, it is inevitable that the resulting structures and levels of charges will differ by mode and location for different economic and social reasons in different regions. Here, local and regional authorities should be involved in the decision-making process regarding the application of charges, balancing the need to avoid distortions of competition in the EU and local/regional economic, environmental and social interests.

2.4. Similarly, a future Community approach to the allocation of infrastructure costs must be implemented in all the Member States on the basis of the same principles and under comparable conditions, with due regard to the polluter pays and territorial principles (payment of costs where they arise). Although account must be taken of local circumstances and so a degree of flexibility must also be an element of the Community approach.

2.5. The proposed approach to costs is based on the assumption that a charging structure geared to marginal costs is a good solution. Marginal costs are defined as the variable costs incurred as a result of one additional vehicle or transport unit using the infrastructure. Without analysing this approach to cost allocation in detail here, the Committee notes with approval that it lays the foundation for the financing of infrastructure by user charges, and even for revenue from one mode of transport being used to finance infrastructure measures for another mode. Cross-financing will enable the construction of transport infrastructure to provide both conditions for intermodality and intra-modal competition. However the Committee also recognizes the validity of considering other forms of pricing to marginal social cost pricing, i.e. scarcity pricing.

2.6. It is correctly intended that the decision on the use of revenue from the proposed charging system should lie with the Member States. This is particularly necessary from the point of view of inclusion of external social costs, as only in this way can the available revenue be used to tackle problems where they occur; for reasons of subsidiarity the regions should also be involved however.

2.7. The Commission's proposal of using a charging approach based on marginal costs for the entire transport infrastructure, all modes of transport, terminals, information and communications systems is in line with the call made in

the COR's Opinion on the Green Paper entitled Towards fair and efficient pricing in transport (CdR 364/96 fin). The Commission's Green Paper (COM(95) 691) focused mainly on the issue of road pricing and traffic problems. The Committee welcomes the broadening of the discussion to the entire transport infrastructure.

2.8. The step-by-step implementation of the new Community approach to charging also corresponds with the views of the regions — see the call made in the Opinion on the Green Paper entitled Towards fair and efficient pricing in transport. A particularly important issue is obtaining agreement on the method to be used to calculate marginal costs. This too was referred to in the above opinion. The proposed preparatory Phase I (three years, 1998-2000) should be sufficient for this.

2.9. The restructuring of existing taxes and levies proposed in Phase II will also be necessary for the implementation of the approach. But as this restructuring is directly linked with the development of general tax policy, the implementation of the charging approach. But as this restructuring is directly linked with the development of general tax policy, the timing of the implementation of the charging approach is secondary to governments developing a general tax policy. This might mean Phase II not being implemented at all, for example if not all the preconditions relating to general taxation had been met.

2.10. Without commenting in detail on the implementation measures provided for individual modes of transport, the Committee would nonetheless like to point out that the white paper concentrates on the priority measures for Phases I and II.

2.11. Where no data or analyses exist for estimating costs, these must be obtained as a matter of priority. It is appropriate for this work to be monitored by a committee of government experts and the Committee of the Regions would expect to be suitably represented on this body.

2.12. The methods used for calculating the costs of the various modes of transport should be as uniform as possible. The proposed introduction of transparency of accounts, 'transport accounts' and improved transport statistics suggest however that it will not be possible to complete the work quickly and that these methods are therefore unlikely to be available in time.

2.13. In relation to the necessary changes to transport tax policy, reference is made once again to the related timing problem (see point 2.9).

2.14. The rules on state aid are highly relevant to any Community cost system which sets out to establish fair prices for the use of infrastructure, as competition is directly affected. It will therefore be necessary to revise the existing regulations when developing the new system of costs. However flexibility

in the State Aid rules will clearly be necessary to allow for the provision of infrastructure in peripheral regions and regions with low population density.

3. Proposals and Requests

3.1. With reference to the Opinion of the Committee of the Regions on the Green Paper entitled Towards fair and efficient pricing in transport (CdR 364/96 fin) of 16 January 1997, doubts are once more expressed as to whether changes in the use of the various modes of transport can be achieved via costs and prices alone. Behaviour is determined by numerous other factors (e.g. psychological, historical, sociological, geographical), so that the demand for forms of transport can be guided by prices only to a limited extent, and the desired changes in behaviour brought about only to an insufficient degree. The Committee suggests other means of changing user behaviour such as ending corporate perks (bonuses) which encourage car use, i.e. tax incentives and free parking. Local and Regional authorities, according to the subsidiarity principle, should be given greater powers to implement measures which may change user patterns as conditions dictate in their area or region.

3.2. It should also be pointed out once again that costs and prices can bring about changes in behaviour vis à vis transport choices only if useable and equally efficient and competitive alternatives are available. New, alternative transport infrastructure must therefore be created, where needed (e.g. TEN). The white paper at least foreshadows this, in that the approach to the allocation of costs makes provision for the financing of infrastructure from user charges via exceptional charges in excess of marginal costs.

3.3. The Committee is particularly critical of the failure to achieve almost any progress at all on improving the accuracy of costing. The Commission has issued a multitude of proposals for directives and regulations, and green and white papers in an attempt to establish a transport policy geared to present-day needs, naturally including measures relating to transport costs and prices. Implementation of these proposals has however failed miserably, partly because the modes of transport affected have developed counter-strategies and, so far at least, with success, and partly because relevant Council decisions have been blocked by national interests.

3.4. The Committee of the Regions now expects the decision-makers finally to conduct a complete rethink. The Committee of the Regions would therefore make the following comments and proposals:

3.4.1. The Committee welcomes the presentation of the white paper as an important basis for continuing the substantive discussion on infrastructure costs and expects the issues

discussed and the measures/proposals put forward in it to contribute to the implementation of a transport policy based on sustainability.

3.4.2. The white paper's measures aimed at individual modes of transport require a greatly changed structure of transport taxes and levies. The European Union's regions and local authorities expect to be appropriately consulted on the framing of these tax measures and involved in the decision-making process.

3.4.3. The Committee shares the Commission's view that a new system for the allocation of transport costs can only be introduced step-by-step (especially as it must make allowance for the legal position of the various modes at the start and for the complicated issues raised by the introduction of new changes). The Committee considers however that it should be possible to take the first steps towards the allocation of external costs during the first phase, particularly where environmental pollution and transport volumes make this a matter of urgency.

3.4.4. The Committee urges that the new cost allocation system be so designed that payment for transport infrastructure is made at point of use. This means applying the territorial principle; only if this principle is applied can the inclusion of external costs be made transparent. It should be made possible for the directly affected regions to be involved in shaping the new system.

3.4.5. The Committee calls for the new system of costs to provide financial incentives for clean technologies in the interests of greater concern for nature and the environment, as such technologies can reduce the negative external cost components.

3.4.6. The Committee agrees with the Commission that the decision on the use of revenue from transport taxes and charges should remain the preserve of the Member States. The Committee also considers that wherever possible, revenue should be used at the level of the regions and local authorities.

3.4.7. The Committee also assumes that the new cost system will be based on the polluter pays principle. The system chosen should be as simple and transparent as possible and it should be properly publicized to ensure that it is understood by the public.

3.4.8. The Committee shares the Commission's view that, in allocating the costs of road transport, the accent should be on usage-related charges for heavy goods vehicles. It should also be ensured that regional charges are compatible with the charging systems used for conurbations. Charging systems should be established ensuring that disadvantages to HGVs in peripheral areas are not exacerbated.

3.4.9. In relation to rail transport, the Committee calls for consideration to be given to the special needs of local and regional transport, particularly with regard to the allocation of capacity and routes.

3.4.10. Similarly, with regard to regional air transport, which is of particular importance for the local authorities and regions, the Committee calls for close consideration to be given to the allocation of slots and airport charges.

3.4.11. Due to the energy efficiency of shipping relative to other modes of transport such as air and road, both the charging framework and tax policy should aim to encourage a modal shift to short sea shipping and inland waterway transport. This would allow for a significant reduction in CO₂ emissions from transport according to the Communication from the Commission on transport and CO₂ (COM(1998) 204 final).

Furthermore, a careful charging framework and tax policy in the maritime transport sector is necessary to minimise the negative effects of peripherality on regions dependant on shipping.

3.4.12. The Committee asks to be appropriately represented on the proposed Committee of government experts on charging for the use of infrastructure in order to be able to represent the interests of the EU's regions and local authorities there.

3.4.13. The Committee agrees with the Commission that the impact of a changed allocation of transport costs on remote areas or areas whose development is lagging behind requires special study. It should be made possible to keep charges lower in areas with underdeveloped infrastructure and low traffic loads and allow flexibility in any measures implemented as local and regional needs dictate. The participation of local and regional authorities under the subsidiarity principle is essential where decisions regarding local conditions are being made.

3.4.14. The Committee suggests that, in addition to the studies and research already referred to, basic research should be initiated to establish whether, or to what extent, user behaviour can be influenced by costs and prices and also what are the other major influences on user behaviour. The Committee fears that it would be necessary to set individual costs or costs for each use of the infrastructure so high that it would be economically and/or socially unacceptable and therefore impossible to implement.

3.4.15. The Committee of the Regions also suggests that marginal social costs be continuously monitored, as a variety of measures (such as changes in staff and management structures on the railways) can be expected to bring lower costs and thus changed marginal social costs.

4. Conclusion

4.1. The Committee of the Regions welcomes the Commission's White Paper and the inclusion of the principles of sustainability, efficiency, and the aims to reduce greenhouse gas emissions from transport such as CO₂. Good transport infrastructure is essential for the economic and social development of Europe if guided by these key principles.

4.2. The proposed action in the Commission's document aim to bring about a modal shift from less environmentally efficient modes of transport such as road and air and encourages intermodality with more environmentally efficient transport modes such as rail, sea and inland waterways which will reduce congestion on roads and greenhouse gas emissions. However in order to make rail transport more efficient and a real alternative to road transport, a liberalisation in the market is necessary. A single market in rail transport would open access between networks and the Committee encourages the development of the TENS and the Trans-European Rail Freight Freeways which will greatly increase efficiency.

4.3. It is clear that the current taxation and charging systems in Europe are significant factors in the distortions in the transport sector and the consequent inefficiencies, congestion and pollution. The Committee welcomes the proposals of a charging system based on the principles of marginal social cost, polluter pays, territoriality and the principle of internalisation of external costs. The Committee emphasises the importance of a full social cost-benefit analysis for the provision of infrastructure as well as data and studies in order to calculate the marginal costing framework.

4.4. The measures which will be put in place after the establishment of a charging framework will mean significant changes for transport users. Local and regional authorities have a large role to play in promoting more efficient use of transport. A simple and fair charging system which promotes the polluter pays principle and is well communicated to the public will help ensure the support of public opinion and change in attitudes and behaviour.

4.5. The intended result of the action proposed by the Commission is greater use of transport infrastructure which will be more efficient and will provide patterns of use that are socially and environmentally desirable. The Committee of the Regions endorses this view.

Brussels, 11 March 1999.

The President
of the Committee of the Regions
Manfred DAMMEYER

Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — Intermodality and intermodal freight transport in the European Union — A systems approach to freight transport. Strategies and actions to enhance efficiency, services and sustainability'

(1999/C 198/05)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on Intermodality and intermodal freight transport in the European Union — A systems approach to freight transport. Strategies and actions to enhance efficiency, services and sustainability (COM(97) 243 final);

having regard to the decision taken by the Commission on 5 June 1997, under the first paragraph of Article 198c of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision of its bureau on 15 July 1998 to direct Commission 3 for Trans-European Networks, Transport and Information Society to draw up the relevant opinion;

having regard to the draft opinion (CdR 398/98 rev. 1) adopted by Commission 3 on 22 January 1999 (rapporteur: Mr Lanzuela Marina),

unanimously adopted the following opinion at its 28th plenary session on 10 and 11 March 1999 (meeting of 11 March).

1. Introduction

1.1. An efficient transport system is an essential prerequisite for the European Union's competitiveness.

1.2. European freight transport, which has grown by 70 % since 1970, is set to continue growing according to projections of increases in international trade, the possible extension of the Union to the central and eastern European countries and enhanced cooperation with the Mediterranean countries.

1.3. This increase cannot and must not be borne by road transport alone. In order to achieve socio-economically and environmentally sustainable growth, the efficient and balanced use of existing capacities throughout the European transport system, boosting use of all modes, is essential.

1.4. Intermodality is a basic strategic tool for the optimum use of the different modes of transport, enabling a systems approach to transport and offering transport services as a mode-independent door-to-door connection.

1.5. In order to bring intermodality into general use, the main obstacles have been identified and basic strategies and key elements for its development have been laid down. These are analysed below.

2. General comments

2.1. The Committee of the Regions agrees with the Commission that freight transport by road increasingly appears as a source of environmental and social costs to citizens; but at the same time the Committee would stress that transport in general, and freight transport in particular, is a factor which is essential to quality of life, employment and company competitiveness and, consequently, a source of regional development.

2.2. Transport infrastructures are a prerequisite for economic development as they can generate major structural savings, depending on the territorial and economic characteristics of each area. The European Commission must therefore strive to remove restrictions on interchange in order to ensure more effective integration of the Member States and, more specifically, of cross-border regions. By facilitating movement of goods and persons, these regions can become focal points for European-level competitiveness, and a step will have been taken towards the goal of a regional balance, encouraging the creation of robust urban systems.

2.3. European territorial strategy is based on complementarity of infrastructure, regional and sectoral policies. The COR believes that forging efficient links between European regions and localities is one of the keys to improving the European economy's competitiveness.

2.4. The Committee of the Regions agrees with the Commission on the need to alter the present structure of freight transport. The current system, which is in practice road-based, is unsustainable from the energy and environmental points of view, and in terms of quality of life.

2.5. An economic development model, which is sustainable in the long-term and is based on more competitive local production systems and improved access to and connections between urban and other areas, needs to be introduced. A package of coordinated priority investment, based on a system of transport and communications axes connecting different areas, is a prerequisite for this.

2.6. The Committee of the Regions looks with favour upon a system using different modes of transport in accordance with the definition of intermodality given by the Commission⁽¹⁾, but at the same time would emphasize, in the interests of economic rationality, that within the intermodal chain, priority use of the most environment-friendly modes — rail, inland waterways or sea — must be encouraged and road use specifically limited, in keeping with Directive 92/106/EEC.

2.7. It is a matter of concern that while 50 % of tonnage/km effected in the European Union involves journeys of more than 150 km, rail's market share continues to decline, falling from 32 to 15 % between 1979 and 1995.

2.8. In the Committee's view, it is most important not only that integration of different modes takes place in terms of infrastructure and other physical components, but that special attention is also given to integrating operations and services, as well as regulatory provisions, at national and local as well as Community level.

2.9. Against a backdrop of economic globalization and EU consolidation, spatial structuring is more than ever one of the most urgent challenges facing European territorial strategy. For this reason, the major structural networks across Europe's regions have become a benchmark of development.

2.10. This major strategic objective must, however, be tied in with others which support it in spatial terms. Firstly, territorial integration and filling the gaps left by the rather loose fabric of major infrastructures both demand public action to plug local and regional units into major networks. Moreover, infrastructure efficacy and effectiveness require integrating all the modes existing in localities and regions. By the same token, improved competitiveness depends on complementarity of transport and communications networks.

2.11. The Committee of the Regions would also emphasize the huge effort which the various public authorities will need to make if transport users themselves are to decide the optimal use of the different transport modes, as urged by point 17 of the communication. In the fiercely competitive environment in which freight transport operates, users will choose the economically cheapest mode of transport: in most cases this continues to be road transport. As pointed out at the meeting of spatial planning ministers in Glasgow on 8 June 1998, under market conditions only natural barriers such as the North Sea, the Baltic or the Alps can make combined transport competitive in comparison with road transport.

3. Specific comments

3.1. *Logistics: the complexity of demand*

3.1.1. The Committee of the Regions agrees with the Commission that freight transport is a derived demand and has to meet increasing quality requirements in terms of flexibility, speed and reliability by adjusting to the complexity of demand. Despite this, freight transport's impact on society⁽²⁾ is so great that rules are needed to ensure that not only the market costs, but also the social costs, of the mode of transport used are taken into consideration.

3.1.2. The Committee is aware of the complexity of the logistical chains involved in freight distribution, driven by the changes in industrial processes over the last ten years and the large number of operators involved in the overall process, together with the growing importance of transport services. Nevertheless, the Committee believes it is essential to increase the ratio of loaded road journeys and reduce the number of empty journeys⁽³⁾.

3.2. *Obstacles to the use of Intermodal Freight Transport*

3.2.1. The Committee of the Regions agrees with the Commission that currently any change of transport mode involves substantial costs, and that these must be identified, quantified and reduced, and it would draw attention to the major investment effort that will be needed to achieve this.

3.2.2. Concerning infrastructures and means of transport, the Committee wishes to highlight the need to encourage the creation of the best possible rail and inland waterway freight

⁽¹⁾ Point 15 of the communication.

⁽²⁾ According to the Green Paper on fair and efficient pricing in transport, the annual cost of congestion in the European Union reaches ECU 250 000 million, with road users accounting for some 90 % of this amount.

⁽³⁾ According to freight transport sector calculations in the United Kingdom, approximately 62 % of available capacity is utilized. If empty journeys are added, this figure falls to 44 %.

networks, as well as appropriate access to transfer points between different modes. This is the only possible solution if intermodality is to foster the 'cleaner' modes: rail and waterways. It is necessary to develop alternative routes to ease the pressure on major centres by encouraging their modernization. The latter must be included in the European combined transport blueprint at the next meeting of spatial planning ministers.

3.2.3. The Committee points out that it must be clearly defined who is responsible for guaranteeing and providing finance for intermodal links. It is also necessary to standardize:

- the currently differing forms of infrastructure and terminal ownership and usage charging;
- technical specifications for transport means, which are regulated differently by country and mode; and
- increasingly specialized loading units, leading to frequent empty returns.

3.2.4. Turning to infrastructure operation and use, the Committee of the Regions notes in particular the importance of strengthening the weakest elements in the current intermodal transport system: transfer points. For this reason, the policy of interchange centres must define who is responsible for funding and managing them.

3.2.5. Transport nodes must be fully integrated into the areas immediately surrounding them, so that the local community can benefit from the economic development, while efforts are made to reduce adverse environmental effects. They must be centres for employment and investment, so that the surrounding population can enjoy the advantages, and not only suffer the disadvantages, of living close by. In view of the environmental damage caused by transport special consideration should be given to the population living in the immediate vicinity of the interchange centres.

3.2.6. The Committee of the Regions believes that road haulage, which the communication describes as the benchmark for freight transport in Europe, is a competitive mode because its costs do not include such important parameters as atmospheric pollution, noise pollution, land use and others. It is therefore essential that all these social costs be directly charged to the mode of transport that causes them. Internalization of costs cannot be achieved evenly throughout the Union on the basis of a linear charge on all transport operators, but must be adjusted in line with two factors:

- a) actual congestion existing in designated areas or zones of the EU;

- b) the existence of alternative efficient modes of public transport.

This internalization of costs must be adjusted so as to reconcile territorial cohesion with intermodal development of the European area as noted in points 2.2, 3.3.1.2 and 3.3.1.6 of this opinion. Similarly, a problem specific to road transport is the working conditions of drivers, as a result of the fierce competition in the sector, and which is reflected in their frequent protests, sometimes at European level. Driving and rest periods must consequently be adequately monitored and legal sanctions imposed in the event of infringement, as the Commission has already stipulated in other documents⁽¹⁾.

3.2.7. The Committee shares the Commission's view that operators who own their own fleets or infrastructure keep to a single mode of transport in order to maximize profitability. The Committee considers that the public authorities should commit themselves to promoting intermodality.

3.2.8. Regarding the difficulties caused at transfer points by the complexity of aligning the different modes with one another, the Committee feels that the various management and funding options for these centres should be examined, so that they can comply with working and efficiency conditions favouring intermodality.

3.2.9. The Committee of the Regions would point to modal-based services and regulations as perhaps the most important element in achieving intermodal transport, on account of their administrative complexity. It therefore considers the following to be essential:

- establishment of the necessary networks for the exchange of information along the entire intermodal chain, and
- alignment of the currently different liability conventions for each mode, establishment of an intermodal convention, and definition of the role of transfer centres within such a convention.

3.3. *Europe's Intermodal Freight Transport System: Steps towards realization*

3.3.1. *Integrated infrastructure and transport means*

3.3.1.1. With regard to the integration of infrastructures and transport means, the Committee of the Regions believes

⁽¹⁾ Commission Working Paper: Towards a framework for the solution of the environmental problems caused by traffic of heavy goods vehicles (COM(1998) 444 final).

that the European Union and the Member States, in cooperation with regional and local authorities, should work together across a broad spectrum on a transmodal basis, in order to establish:

- a network of freight transport infrastructures which favours intermodal transport, particularly in terms of constructing new transport routes capable of absorbing the forecast traffic flow increase over the coming years;
- a European network of transshipment centres meeting the requirements of interoperability and interconnectivity between modes. This is a particularly sensitive point, since it must be borne in mind that the trans-European transport network does not embody specific criteria for the development and location of the main transport nodes or interconnection points, and that although it is designed as a multimodal network facilitating switching from one mode to another, it is still based in outline on sections or routes.

3.3.1.2. Improving transport infrastructures will facilitate interregional connections and, at the same time, accelerate economic development, avoiding excessive concentration of activities in currently over-populated regions where the costs of pollution and excessively intensive land use are high and often poorly evaluated, because external costs are not internalized in decision-making processes.

3.3.1.3. Concerning value adding interconnections and nodes, the Committee would stress the importance of network nodes serving as real centres of economic activity and not simply exchange centres. These nodes must become employment generators, stimulating business initiatives of regional scope. The COR advocates carrying out studies and demonstration projects on the potential opportunities created in intermodal exchange centres and on the definition of their operating requirements, evaluating their economic efficacy.

3.3.1.4. The spread of high speed trains will strengthen multi-centred urban systems by reinforcing intermodal connection points. The creation of new commercial nodes and services will, however, require supplementary transport infrastructures if the urban development process is to be sustained. In other words, the positive effects of new infrastructures will generate new demand for public investment.

3.3.1.5. In this regard, the Committee of the Regions is strongly in favour of planning for the various interchange points, so that the economic conditions required to maximize the benefits of using this kind of infrastructure can be built up at regional level.

3.3.1.6. The principle of cohesion, the creation of an area without internal frontiers and the promotion of economic and

social progress which is balanced and sustainable (Title I, Article B of the Treaty on European Union), together with the reduction of disparities between the levels of development of the various regions (Title XIV, Article 130a), means avoiding excessive polarization and, consequently, seeking an urban model which is relatively balanced and based on multiple focal points across EU territory, supporting growth in metropolitan areas and revitalizing and strengthening the weaker urban centres, especially those in low population density areas. In this respect, strengthening intermediate-size towns is crucial.

3.3.1.7. Economic internationalization and employment creation demand territorial solutions, since when a given area adopts economic development instruments such as access to communications and telecommunications networks, human resource upgrading and company research and services centres, it is in a position to attract both independent businesses and companies linked to multinationals who will tailor their production to world market needs. All sector policies must therefore be examined in terms of their impact on territorial development, in accordance with the principle of integrated development and territorial cohesion, and must foster interregional, cross-border and transnational cooperation between regional and local bodies. This is crucial to the development of transport and communications corridors. The aim is to strengthen links between peripheral regions and the centre, since transport and telecommunications infrastructures should be connected with secondary networks and contribute to local economies.

3.3.1.8. The Committee views the harmonization of standards for loading units as vital to the success of intermodality, and supports granting economic assistance to help operators take the necessary steps.

3.3.2. Interoperable and interconnected operations

3.3.2.1. The Committee of the Regions believes that the Commission should specify how operators are to be encouraged to use intermodal freight transport. Market studies are essential here, as is extension and intensification of the PACT programme.

3.3.2.2. Regarding free access to infrastructures, the Committee considers that all Member States should apply the rail transport directives (Directives 91/440/EEC, 95/19/EC and 95/18/EC) strictly, in order to ensure genuinely free movement or cooperation. Similarly, the appropriate steps should be taken for the technical standardization of rail networks, enabling the various operators to move across the entire European network.

3.3.2.3. The Committee of the Regions emphasizes that infrastructure charging and transport pricing are the key elements in achieving intermodal transport and, consequently, the growth of sustainable transport in the EU. It therefore believes that each mode of transport must internalize the costs it generates for society as a whole: this is the only way of ensuring that rail transport can compete with road transport.

3.3.2.4. The Committee agrees with the Commission on the need to regulate state aids to transport by means of guidelines for intermodal cooperation agreements, in order to clarify the application of competition rules.

3.3.2.5. The Committee backs the Commission's plan to promote an electronic forum to align timetables, highlighting the need to set up the information networks required at European level.

3.3.2.6. Smart systems can secure improved use of existing infrastructure and prevent excessive pressure on the environment. The Committee of the Regions therefore backs the growing use of telematics and other leading-edge technologies, such as new methods which can facilitate cross-border operability between national transport networks.

3.3.3. Mode-independent services and regulations

3.3.3.1. The Committee of the Regions shares the Commission's view that the formulation of a common architecture for intermodal real-time electronic information systems, which are fundamental to viable and competitive intermodal transport, is a priority. To this end, clients must have access to continuous data on each stage of the progress of their consignment, as well as information on prices, invoices, rail traffic and availability.

3.3.3.2. The Committee would draw attention to the opportunity which paperless transport operations offer for creating a uniform system for electronic transport documents and procedures, introducing real transparency to the transport market and supporting intermodal transport. It must, however, also point to the lack of regulation in this field.

3.3.3.3. Turning to the question of liability to third parties, the Committee is concerned at the fact that cover for the entire operation, regardless of where damage occurs, does not affect the cost of insurance or, consequently, of transport. It feels that it would be advisable to limit the liability of the various parties concerned for delay or damage to goods, particularly with regard to transport centres.

3.3.4. Horizontal activities

3.3.4.1. The Committee of the Regions supports the Commission's efforts to encourage research projects under the various framework programmes and demonstration projects showcasing the opportunities and benefits of intermodal transport.

3.3.4.2. The Committee also supports the establishment of a European Intermodal Reference Centre for Freight Transport. It also believes it would be useful to build upon the experience of existing regional and local transport groups and help organize, where necessary, national round tables within the Member States, with the aim of facilitating the formation of regional or local intermodal communities.

3.4. Intermodality and other policy areas

3.4.1. The Committee of the Regions is convinced that interchange nodes must be set up in such a way that they can lead to greater cohesion and regional development, by giving them the means to generate employment and economic activity, and to be active participants in spatial planning policy.

3.4.2. If intermodal transport is to develop successfully, SMEs must be integrated and make a contribution. The various administrations must put in place the necessary machinery to ensure that changes in the transport system do not worsen the economic position of these firms, as they are often vulnerable to small variations in cost as a result of a highly competitive market.

3.4.3. As mentioned earlier, the Committee believes that institutional support is needed in order for the transport market to move towards environment-friendly modes of transport and reverse the trend of recent years towards increasing road transport.

4. Conclusions

4.1. In conclusion, the Commission's decision to promote intermodal transport is welcomed. This will allow transport not to be a factor for regional deterioration, but rather for preservation by creating interchange nodes and developing telecommunications. The Committee of the Regions would, however, make the following points.

4.2. The EU and the Member States, in cooperation with regional and local authorities, must be involved in improving the conditions under which intermodal transport operates: in many cases problems are on a local scale.

4.3. The measures adopted to foster intermodality should aim for the greatest possible use of those transport modes which are least harmful to the environment and to quality of life: in particular rail, inland waterways and sea.

4.4. Intermodal integration should not be restricted to infrastructures. A major effort needs to be made on operations and services and, crucially, in the area of regulatory provisions, with uniformization making transfer between modes easier and cheaper.

4.5. The Committee of the Regions would place particular emphasis on the economic and management efforts which will have to be made by the various public authorities at Community, national and regional level, if the logistical support is to be provided without which, the Communication claims, intermodal transfer cannot be effected except by compulsion. It must be borne in mind that the trend is towards continuing growth in the use of road transport⁽¹⁾. As the White Paper on a strategy for revitalizing the Community's railways⁽²⁾ noted '... while unease is growing about the negative effects of transport, rail's market share still declines. The main reason is dissatisfaction with the price and quality of rail transport ...'.

4.6. The Committee of the Regions considers that in view of the impact of transport on the quality of life, measures should be taken with regard to freight transport which lead to the use of rational, balanced transport.

However, transport should not be entirely subordinate to industrial and commercial demand.

4.7. As indicated in the Communication from the Commission on transport and CO₂⁽³⁾, research into the relations between transport and the production/consumption cycle should provide pointers on how to dissociate increasing road traffic from economic growth.

4.8. Intermodal freight transport today fails to meet the increasing logistics requirements of an economy which operates in a competitive and global market. At the same time it is essential to achieve sustainable growth. The Committee of the Regions therefore believes that:

- It is essential to push ahead with developing a strong rail freight network and to upgrade inland waterway transport.
- Arrangements for all modes of transport to pay for their effects are crucial. The road transport sector is currently competitive firstly because it does not pay for all the negative environmental effects it generates, and, in some cases, because of the poor conditions under which its employees work. Each mode of transport should reflect its real costs. The economic effects must, however, be taken into consideration in the process.
- Transfer points must be made far more numerous, while clearly defining who is responsible for funding and management, and which style of management will best help them to adjust to the specific features of each mode.
- An information network servicing all the operators involved in the logistics chain and enabling the various parameters to be optimized must be mapped out. It must also be ensured that this network is accessible to users.
- Standardization of technical characteristics, administrative procedures and sharing of risks between different countries and administrative levels is vital.

4.9. The Committee would focus attention on the following necessary steps in creating an efficient European intermodal transport system:

- The need to reinforce the rail and inland waterway transport networks.
- The need to clarify the conditions under which interchange centres would operate.
- Support for research and development work, accompanied by widespread application of technological and telematics solutions which could facilitate transport intermodality. The COR lends complete support to initiatives such as the Pilot Actions for Combined Transport (PACT programme). As the Committee has pointed out in previous opinions⁽⁴⁾, it would welcome a greater financial commitment to the PACT programme, and would like to see support for other combined transport projects, that are more local in focus and do not belong to international routes of European interest, but do have relevance for cities and regions Europe-wide.
- Development of technological tools operating detailed and precise price differentiation systems. These systems are an important tool in achieving the target of internalization of external transport costs.

⁽¹⁾ Road haulage accounts for 70 % of the transport market, compared with only 50 % in 1950.

⁽²⁾ White Paper: A strategy for revitalizing the Community's railways. EC Commission (COM(96) 421 final).

⁽³⁾ Transport and CO₂ — Developing a Community Approach (COM(1998) 204 final).

⁽⁴⁾ Opinion on a sustainable transport strategy for local and regional authorities and the European Union.

4.10. Transport should no longer be viewed as subsidiary to industrial and commercial activity, and initiatives must

be taken in support of rational and environment-friendly transport.

Brussels, 11 March 1999.

*The President
of the Committee of the Regions*
Manfred DAMMEYER

Opinion of the Committee of the Regions on the 'Proposal for a Council Directive on port reception facilities for ship-generated waste and cargo residues'

(1999/C 198/06)

THE COMMITTEE OF THE REGIONS,

having regard to the Proposal for a Council Directive on port reception facilities for ship-generated waste and cargo residues [COM(1998) 452 final — 98/0249 (SYN)]⁽¹⁾;

having regard to the decision taken by the Council on 6 August 1998 requesting it to draw up an opinion in accordance with the first paragraph of Article 198c of the Treaty establishing the European Community;

having regard to the decision taken by its Bureau on 15 July 1998 instructing Commission 3 on Trans-European Networks, Transport and Information Society to prepare the opinion;

having regard to the draft opinion (CdR 362/98 rev. 1), adopted by Commission 3 on 22 January 1999 (rapporteurs: Mr Niederbremer and Mr Ervelä);

considering the Council Resolution on a 'common policy on safe seas' of 8 June 1993⁽²⁾, which took the view that improvements in the availability and use of port reception facilities within the Community were among the Community's priority tasks;

considering Council Directive 95/21/EC on the enforcement — in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States — of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)⁽³⁾, which took the line that such ships should not be allowed to put to sea if they pose an 'unreasonable threat of harm to the marine environment';

considering the International Convention of 1973 on the prevention of marine pollution from ships, as modified by the 1978 Protocol (MARPOL 73/78), which laid down, inter alia, standards and conditions for the discharge of waste and residues at sea, as well as requiring the parties to the Convention to ensure the provision of port facilities;

mindful of the Convention on the protection of the Baltic marine environment (Helsinki Conventions 1974/1992), which will impose stringent discharge requirements on all ships using Baltic ports when it comes into force on 1 January 2000;

taking into account Helsinki Commission Recommendation No 17/11 (HELCOM, Commission on the protection of the Baltic's marine environment) of 13 March 1996, introducing a uniform system of fees for the handling and disposal of ship-generated waste;

⁽¹⁾ OJ C 271, 31.8.1998, p. 79.

⁽²⁾ OJ C 271, 7.10.1993, p. 1.

⁽³⁾ OJ L 157, 7.7.1995, p. 1.

considering the Declaration of the Fourth International Conference on the Protection of the North Sea, held in Esbjerg on 8/9 June 1995, which sought to secure appropriate improvements in the use of port reception facilities, as well as a uniform system of fees for the use of North Sea port reception facilities, so that there is no distortion of competition;

aware of the 1995 Report of the European Environment Agency entitled 'Europe's Environment — The Dobbris Assessment', which stated that discharges from ships were a principal source of oil pollution, particularly in sea lanes and ports,

unanimously adopted the following opinion at its 28th plenary session of 10 and 11 March 1999 (meeting of 11 March).

1. Introduction

1.1. Industrial development and the increasing globalization of world trade mean that the seas and oceans are now being used more intensively as a source of raw materials and food, a means of transport, and a place of recreation. The level of marine pollution has accordingly shown a marked increase in the last few years. Sea transport accounts for approximately one third of intra-Community trade, which makes it the second most important mode of transport in Europe after road haulage. A report carried out for the European Commission concludes that nearly 700 commercial ports in the Community receive at least 750 000 visits a year by ships loading or unloading cargo. In addition, ports in the Community receive about 900 000 car and passenger ferry visits annually. According to estimates, these ships together produce between five and seven million tonnes of oil residues and one million tonnes of solid waste annually and only a small proportion of this is at present discharged in the ports visited by the ships. Much of the waste and residues not discharged ashore is dumped at sea. Quantitatively speaking, marine pollution from ships is thus more important than pollution caused by oil spills.

1.2. International conventions have been concluded in the interests of reducing persistent marine pollution. Ships' captains and crews nevertheless pay too little attention to existing rules and regulations and some ports do not even have proper reception facilities.

1.3. The Committee of the Regions therefore considers that there is a considerable gap between international Conventions and their actual implementation.

1.4. The Commission proposal aims to reduce the dumping of ship-generated waste and cargo residues at sea, thereby protecting the marine environment.

2. Gist of the Directive

2.1. The harmonized implementation of internationally agreed rules — complemented in some areas by specific Community requirements — is a basic pillar of Community maritime safety policy. Community efforts are therefore geared to effective implementation of the MARPOL agreement and achievement of its objectives.

2.2. The Commission's proposal for a Directive on port reception facilities for ship-generated waste and cargo residues aims to ensure that appropriate steps are taken to protect the seas by consistently applying the provisions of international law. This objective is to be achieved through the provision and use of port reception facilities.

2.3. Unlike MARPOL 73/78, the proposed Directive focuses on the operations of ships in Community ports and does not regulate discharges from ships at sea.

2.4. The laws in place have not so far been effective enough to prevent illegal discharges from ships. Thus, for example, MARPOL 73/78 does not impose a legal obligation on ships to dispose of oil waste before leaving port. Waste disposal costs in European ports have not been put on a standardized footing and this is liable to distort competition. Expecting the community at large to bear such costs is at odds with the polluter-pays principle.

2.5. By bringing out a draft Directive on European ports the Commission's intention is to remedy these shortcomings. The main points of the new draft Directive are as follows:

2.5.1. Every ship is in principle required to deliver all ship-generated waste and cargo residues in ports.

2.5.2. Every ship pays a standard fee for waste disposal, irrespective of whether the facilities have actually been used. The fee is either collected together with the harbour fees or else charged separately. There is no 'special fee' system. The Directive nevertheless permits hybrid systems comprising a standard fee combined with a direct fee charged on the basis of the polluter-pays principle. The waste disposal fee may be reduced in the case of environmentally-friendly ships generating less waste.

2.5.3. Ports must provide adequate reception facilities for ship-generated waste and cargo residues.

2.5.4. The submission of 'waste reception and handling plans' by ports is seen to be a key instrument in improving the provision of port facilities. Such plans would be tailored to the needs of regular users of the ports in question. The plans would be monitored and evaluated by the Member States. A re-assessment would take place at least every three years and whenever there were major changes in the level of port activities.

2.5.5. Inspection systems and arrangements for the transmission of information from one port to another are to be further developed. Ships which fail to deliver waste in one port are to be the subject of a more detailed inspection at the next port of call.

3. Conclusions

3.1. The Committee of the Regions comes to the conclusion that,

despite the existence of many international Conventions, there is still a great deal to be done to implement their provisions and so protect the seas; this has not so far been the case.

3.2. The Committee of the Regions is therefore pleased:

3.2.1. that, under the new proposed Directive, ports will be obliged to provide adequate reception facilities for ship-generated waste and cargo residues, whilst ships will be required to use these facilities. This is expected to lead to a substantial reduction in marine pollution.

3.2.2. that ports will be required to draw up waste reception and handling plans.

3.2.3. that a Community-level regime will be introduced which will place more specific demands on ports and port States in respect of the provision of adequate reception facilities linked to a waste delivery requirement and an efficient monitoring system.

3.3. The Committee of the Regions supports the port-oriented approach of the Commission with its pragmatic, political and legal arguments since the dumping of ship-generated waste, and of operating and cargo residues, at sea is closely linked to the availability and accessibility of reception facilities in ports. A substantial improvement in this state of affairs would facilitate the effective reduction of waste discharges at sea. The Commission's approach is thus complementary to that of MARPOL.

3.4. The Committee of the Regions urges

3.4.1. that, in respect of fees for delivering ship-generated waste, standard cost-recovery systems become the rule and combined systems involving the simultaneous collection of additional fees remain the exception;

3.4.2. that varying fee-collecting systems in Member States and Community ports must not be allowed to have an adverse effect on competition which means that the key features of each port must be respected, such as their size, geographical and strategic location, as well as the volume of cargo loaded or unloaded;

3.4.3. that the Directive allow scope for inter-port cooperation in order to protect the competitiveness of smaller or specialized ports, in particular providing the possibility of drawing up a single plan for groups of ports that are geographically close to each other;

3.4.4. that waste reception and handling plans not be re-assessed at rigorously fixed intervals, but flexibly and whenever new circumstances prevail;

3.4.5. that duly proven waste delivery agreements with third countries be accepted by the Member States, provided that such arrangements are satisfactory and reliable. Steps must be taken to ensure that the quality of such arrangements — taking proper account of ecological bans and waste management planning — is proved to be satisfactory. Proof would be in the form of a Community certificate attesting the satisfactory nature of the waste delivery agreement concluded with the third country;

3.4.6. that the Commission continually update Member States on changes in Community quality-guarantee certificates and on duly proven delivery agreements concluded with third countries;

3.4.7. that the existing IMO notification procedure be used for informing the Commission in order to minimize bureaucracy;

3.4.8. that the proposed Directive be based on the rules of the Helsinki Convention and contain a specific reference to this Convention;

3.4.9. that as many states as possible from outside the Community be allowed to take part in the new scheme since marine pollution has cross-border implications.

Brussels, 11 March 1999.

*The President
of the Committee of the Regions*
Manfred DAMMEYER

Opinion of the Committee of the Regions on 'Further development of Community environmental policy and the creation of an ecological union'

(1999/C 198/07)

THE COMMITTEE OF THE REGIONS,

having regard to the decision of its bureau of 16 September 1998 to draw up, in accordance with the fourth paragraph of Article 198c of the Treaty establishing the European Community, an Opinion on the Further Development of Community Environmental Policy and the Creation of an Ecological Union, and to instruct Commission 4 for Spatial Planning, Urban Issues, Energy, the Environment to prepare the Committee's work on the subject;

having regard to the draft opinion (CdR 310/98 rev. 2) adopted by Commission 4 on 11 December 1998 (rapporteur: Mr Erwin Teufel);

A. WHEREAS:

1. the drawing up of a strategy for incorporating environmental considerations into European Union policies is at present a particularly important task for the EU bodies,
2. the Amsterdam Treaty provides a suitable legal basis for further development and progress in the field of EU environmental policy,
3. a suitable division of responsibilities in areas relating to the environment is needed between the national, regional and local levels in accordance with the principle of subsidiarity,
4. forward-looking and far-reaching approaches to integrating environment protection requirements into all Community policies and to gradually eliminating the ecologically counter-productive aspects of European law can only be drawn up on a scientific basis, taking account of feasibility aspects and on the basis of the precautionary principle,
5. the environmental rules of the EU Member States currently differ, as does the stringency with which European rules are applied,
6. significant disparities exist in the individual Member States, and their regions and local authorities, with regard to the frequency of official checks and to the action taken in the event of abuse, which could lead to serious environmental damage and distort competition in the internal market,
7. the regional and local authorities and the courts have a special responsibility for the implementation and monitoring of Community environmental law,
8. the third follow-up conference to the Rio de Janeiro climate framework convention, held in Kyoto in December 1997, adopted specific, if somewhat unambitious, requirements for the reduction of greenhouse gas emissions. The reductions agreed (at least 5 % for the industrialized countries) are less than those called for by the EU,
9. the endeavours to preserve biological diversity, particularly those across regional and national borders, must be continued,
10. the man-made environment reflects the economic, ecological and cultural development of Europe's regions, and is the basis for agriculture and forestry, forms of cultivation which are as sustainable as possible and biological diversity, as well as being of great importance for the people of the region and for tourism,
11. soil, alongside air, water and sunlight, are among the natural and essential foundations of life for mankind, animals and plants,
12. the consumption of soil, erosion and compaction, as well as introduction of toxic substances, are endangering to an ever greater extent the usability of soil for mankind and the fulfilment of its functions in nature and in the agricultural cycle,

13. there is still scope for developing the promotion of agricultural production procedures which do not pollute water and for reducing diffuse pollution,
14. these deficits cannot be made good, nor can the objectives of sustainable water policy be achieved, by means of EU water protection directives, which to some extent overlap and which are no longer mutually consistent,
15. Europe's citizens have a growing need for access to education, employment, health services, etc. which has to be met in a sustainable way, not necessarily by providing more transport facilities,
16. road haulage will increase sharply in the internal market in the medium term as a result of the growing together of the European economy, and trans-national long-distance road haulage will account for a significant part of this growth,
17. vehicle and fuel emissions from road traffic are already a significant source of noise and air pollution which is damaging to human health and the climate,
18. shortcomings have arisen in rail transport, and major potential for innovation, particularly in long-distance freight transport, has so far not been exploited,
19. competition between the individual modes of transport is distorted, and fair competition should be established, e.g. by the consideration of external costs,
20. the polluter pays principle must be the underlying principle of all Community programmes and environmental legislation,

adopted the following opinion at its 28th plenary session held on 10 and 11 March 1999 (meeting of 10 March) by a majority vote.

B. INTRODUCTION

On the basis of the Amsterdam Treaty the European Union also has to regard itself as an ecological union. And this requirement affects the Community itself, the Member States and the regional and local authorities. A Europe which is growing together, in which political problems particularly in the fields of employment, social affairs and finance are to the fore, requires a new solidarity.

Among other things, this solidarity means not neglecting the environment and nature protection. In practice, however, environmental policy, which requires a particularly long view, has often been isolated from measures in other policy areas. In formulating and implementing all policies and measures, the new magic sustainability triangle of balanced development in the ecological, social and economic areas must be considered.

This applies not only at Community level, but also to the Member States and regional and local authorities.

The Committee of the Regions welcomes the initiatives taken by the European Commission to promote within its institutional structures the integration of protection of nature and the environment into Community policies.

With this opinion the Committee of the Regions intends to:

- make a contribution to the implementation of the requirement for sustainable development now enshrined in the EU Treaty;

- put forward proposals for reducing distortions of competition;
- ensure a sustainable pan-European environmental policy designed to preserve the natural world.

C. REQUIREMENTS

1. *Improvement of existing procedures and institutions*

1.1. The Committee of the Regions is glad that, with the strong support of the European Parliament, the principle of sustainability has been written into Article 6 of the EC Treaty. This requirement now has to be fleshed out.

The Committee feels that the drawing up of a sustainability protocol, to be incorporated into the EC Treaty at the appropriate time, could make an important contribution here. A protocol of this kind could, like the subsidiarity protocol, lay down procedures and steps which would ensure that the principle of sustainability was observed at European level in measures, programmes and legal acts. Maximum administrative efficiency should be aimed for here.

The Committee of the Regions will, within the limitations of its powers, draw up a proposal for a sustainability protocol based on the discussions which have taken place in the European institutions and in some Member States. The protocol could also act as a guideline for action in the Member States.

1.2. The Committee of the Regions believes that an implementing programme is needed covering all measures aimed at the further development of Community environmental policy and the establishment of an ecological union. The implementing programme should contain a timetable and deadlines for the main areas of action as well as measures, and should also form a basis for the relevant green and white papers. The Committee of the Regions calls on the Commission, instead of revising the fifth action programme for the environment, to embark on a sixth programme which takes as starting point the goal of sustainable development, which embraces all areas of the Commission's activity and is based primarily on the Rio document.

1.3. The Committee of the Regions believes that, particularly in the environmental field, the discussion of a proper allocation of tasks, starting at local level and proceeding via the regions and Member States to European level, must be conducted with a view to the use of synergy effects and with due regard to the principle of subsidiarity.

The Committee of the Regions also believes that there should be a periodic appraisal of EU environmental law. The extent to which 'soft law', i.e. voluntary undertakings by target groups based on agreements, can deliver better environmental protection results should be assessed at the same time.

The principles of voluntary environmental protection management by firms, introduced by the eco-audit, should be anchored yet more firmly in practice. This will entail participation by employees, development of their skills and a management strategy to be coordinated with the staff side in each firm.

The Committee also considers that a prior strategic assessment of the environmental impact of sectoral plans and programmes can help to mainstream the environment in the various policies.

1.4. The Committee of the Regions calls for an environmental stability pact between the EU, the Member States, regions and local authorities. This pact would develop further the Valencia Environment Charter in the run-up to EU enlargement and should make reference to the Aalborg Charter. The Committee of the Regions will as soon as possible be submitting a first draft of such a pact. Future EU members should endeavour to accede to this stability pact.

1.5. The Committee of the Regions calls for the establishment of an EU council of ecological experts. The council should submit a report to the European Commission every two years in which it would propose specific Community measures for the gradual elimination of the ecologically counter-productive aspects of European law and Community financing instruments and for developing the consideration given to environmental protection requirements in all Community policies. It could also give an expert opinion on individual questions and regularly monitor compliance with the principle of sustainability.

1.6. The EC Treaty should be amended to allow NGO representatives from the environmental field to be appointed to the Economic and Social Committee.

1.7. An environmental dialogue should be reinforced between the European Parliament, the Committee of the Regions and the European Commission, with the participation of the Consultative Forum on the Environment and Sustainable Development.

1.8. The regions and local authorities should develop programmes to promote citizen participation. As a first step in this direction, each region and local authority should establish a contact point, and where possible also an Internet website, to provide citizens with information on initiatives in their area, e.g. Agenda 21 or Habitat.

1.9. Every region should, in coordination with the local authorities, establish a longer-term framework of guidelines, for example in the form of an environmental plan for the achievement of sustainability, laying down specific objectives, with intermediate stages, measures and deadlines for implementation. The EU should also give suitable support to the exchange of experience and the coordination processes, in particular in border regions.

2. *Environmental law and its application*

2.1. The Committee of the Regions would like to lend its support to the Commission's efforts to develop Community environmental law further, with due regard to the principle of subsidiarity, partly in view of its important contribution to the achievement of fair competition, particularly by the setting of emission limit values and environmental quality standards. The Committee of the Regions urges the Commission to keep the required reporting in this connection within reasonable limits so that the results achieved, in the form of feedback, outweigh the effort involved in compiling such reports.

2.2. The Committee of the Regions welcomes the European Commission's proposal on minimum requirements for the nature and extent of official environmental protection inspection. It calls on the Council to take up this proposal and to adopt requirements as soon as possible which take account of practical needs, and, whilst keeping the work involved and cost within reasonable bounds, to put implementation throughout Europe on a comparable basis in the short term, in the medium term to bring about uniformity.

2.3. The Committee of the Regions welcomes the adoption of the Directive (96/61/EC) on integrated pollution prevention and control, which for the first time establishes a uniform European framework for the authorization and monitoring of industrial installations of particular relevance to the environment.

2.4. The Committee calls on the Commission to draw up without delay technical documents (BREF) for the individual types of industrial installation listed in directive 96/61/EC, which set out in detail the European environmental standard in the form of an emission limit value.

Only in this way can harmonization of the material requirements be achieved. Otherwise, directive 96/61/EC would go no further than harmonization of authorization and monitoring procedures, thus perpetuating distortions of competition.

2.5. The Committee of the Regions calls on the Commission to come forward as soon as possible with proposals for measures based on the concept of Integrated Product Policy, which covers the entire lifecycle of a product.

3. *Raising awareness of sustainability through education and training*

3.1. More emphasis should be placed on the use of social instruments (information, education, dialogue, interactive political decision-making, cooperation etc.) in parallel with legal and financial means in order to foster environmentally conscious behaviour aimed at quality of life and sustainability.

3.2. The Committee calls on the European Commission and the Council to reshape existing support programmes to encourage innovative ways of improving environmental knowledge and promoting environment-friendly behaviour, with the help of the social instruments referred to above.

3.3. Use of the international database should be made possible for the exchange of information on local initiatives relating to the quality of life and sustainability, making use of social instruments (e.g. development of a local Agenda 21 or Habitat Agenda on housing development).

4. *Cross-border cooperation*

4.1. The Committee of the Regions highlights the importance of more intensive cooperation between regions both within and outside the European Union. It calls on the European Commission to continue to promote the exchange of experience and the search for solutions to cross-border environmental problems, particularly with a view to enlargement of the European Union.

4.2. New Community environmental legal procedures should concentrate on the settlement of cross-border disputes between Member States.

5. *Climate protection*

5.1. The Committee of the Regions believes that the potential of renewable energy sources and technologies for the more efficient use of energy should be exploited to the full and that, in assessing their promotion in terms of competition policy, government should consider sustainability. Incentives should also be created and access to the relevant programmes facilitated.

5.2. The Committee of the Regions calls on the Council to establish as soon as possible a Community framework for the taxation of non-renewable energy and the internalization of all external costs. Account should be taken here of the impact on low-income groups, upland and rural areas and economic sectors with heavy energy costs.

5.3. The Committee of the Regions calls on the European Commission to consider the extent to which laws governing the organization of the economy, and other instruments, especially support programmes, actually impede the reduction of emissions. The Commission should also work for emission reductions in the context of reform of the Common Agricultural Policy and the Structural Funds. The Committee of the Regions stresses in this context the importance of forest eco-systems as air filters and carbon dioxide sinks.

5.4. The Committee of the Regions considers it right that legal objectives for the reduction of emissions of toxic substances laid down in Community law should, within an appropriate timescale, be adjusted to take account of new knowledge of the toxins in question and technological advances.

5.5. The Committee of the Regions would also like to see greater use made, in relation to climate protection policy, of market incentives (environmental levies, tradable environmental rights and balancing strategies). These should be used to increase the cost effectiveness of environmental policy and thus to defuse the conflict between growth and employment policy.

5.6. The Committee of the Regions considers that the European Union and its Member States should continue to be leading advocates of the reduction of greenhouse gas emissions.

6. *Protection of nature*

6.1. The Committee of the Regions welcomes the European Commission's efforts to maintain biodiversity. It expects the Community to fight for the protection of species and nature in international trade policy.

6.2. The Committee of the Regions calls on the European Commission, the Council and the European Parliament to take greater account of the interests of nature protection in the context of reform of the Common Agricultural Policy. Only sustainable forms of agriculture should be regarded as compatible with environmental protection; this is not generally the case for typically industrial farming methods. In the interests of sustainable agriculture support should be given to environmentally benign farming methods and cycles, and the marketing of products in the region in which they were grown and processed.

6.3. The Committee of the Regions welcomes the European Commission's efforts to promote sustainable land use, such as the labelling of organic products and the work being done on eco-labelling. Specific action plans and programmes should be

adapted to the land-use situation so that the needs of the local population, land users and the environment can be taken into account. The Committee also welcomes the European Commission's efforts to promote sustainable land use via the arrangements for common market organizations and Regulation (EEC) N° 2078/92, thereby encouraging greater economic and statutory development.

6.4. The Committee of the Regions calls for environmental impact assessments to be carried out in relation to major projects carried out in the framework of the Structural Funds. Documents submitted, including cost-benefit analyses, should be made public.

6.5. The Committee of the Regions supports the establishment and safeguarding of the Natura 2000 network of special areas of conservation. The Committee calls on the Commission to keep the resulting reporting requirements within reasonable bounds.

6.6. Proper long-term financing of landscape conservation, soil protection and forest conservation and rehabilitation is needed.

7. Soil

7.1. The Committee of the Regions calls for soil use to comply with the principle of sustainability. Thus, in addition to using land economically, care should also be taken of the soil as a natural resource and the carrier of ecological functions. The Committee of the Regions regards sustainable agriculture and forestry as an essential, determining feature of soil use and a guarantee for the maintenance of the man-made landscape.

7.2. The Committee of the Regions therefore calls for measures by the Community, the Member States and the regional and local authorities to be guided by the following objectives:

- more economical and careful use of soil;
- protection of particularly valuable soil from degradation and sealing, and suitable handling of unavoidable excavation residues;
- priority for redevelopment of brownfield sites;
- recycling of unpolluted soil and suitable handling of polluted soil;
- reduction of erosion and prevention of landslides and similar geological phenomena;
- reduction of toxic inputs.

8. Water and waste

8.1. The Committee of the Regions supports the European Commission in its efforts to achieve an efficient water protection policy with a high level of protection. Only in this way can the objective of sustainable development be achieved throughout Europe.

8.2. The Committee of the Regions welcomes the Commission's objectives for future water policy and calls on the Commission to flesh out the precautionary, polluter pays, cooperation and subsidiarity principles, as well as the principle of taking ecological factors into account, in water policy, in order to reduce or prevent significant damage to man's environment.

In this context, the Committee of the Regions points out that measures for the creation of forests or for maintaining the health of existing forests are particularly relevant to water protection.

8.3. The Committee of the Regions considers waste prevention to be the main plank of European policy on waste. It therefore calls on the Community and its Member States to pay close attention to this objective.

The prevention of waste of any kind using state-of-the-art science and technology must become an important criterion for eligibility for Community industrial support programmes, or be given greater weight than at present.

The introduction throughout Europe of market incentives for the prevention of waste damaging to health and the environment, already tried in some regions, is to be encouraged.

8.4. The Committee of the Regions points out that the principle of free movement of goods applies only to a limited extent to waste disposal. Existing regional and local authority powers are to be maintained within the framework of Europe-wide harmonization.

The Committee calls on the Commission to bear in mind the objectives of re-using material and energy contained in waste, and of disposing of toxic substances contained in waste as close as possible to their place of origin.

8.5. The Committee of the Regions therefore calls on the Commission not to impede the efforts of the Member States to establish an environmentally benign structure for waste disposal. The point here is that high environmental standards must be guaranteed and must not be watered down by EU Commission competition policy initiatives. It also asks the Commission to submit as soon as possible proposals spelling out the necessary Community law demarcation between waste disposal and recycling. The Committee of the Regions expects the Commission to recognize the right of the Member States to draw up their own demarcation criteria, until such time as a Europe-wide demarcation is established.

9. Transport

9.1. The Committee of the Regions welcomes the submission by the Commission of a number of basic proposals and discussion papers on the improved integration of environmental and transport policy. The Committee of the Regions expects the European Commission to give priority to solving existing and worsening transport problems with due regard to environmentally sound forms of transport (e.g. rail, local public transport, inland waterways and coastal transport). In this context, the Committee particularly welcomes the efforts to promote combined transport further, thus helping to relieve the pressure on roads.

The Committee of the Regions expects the European Parliament and the Council to adopt as soon as possible the necessary legislation for the further development of rail transport, with priority being assigned to this as an environmentally benign mode of transport.

The Committee of the Regions also considers that agreement is needed at European level on the outline of an approach, covering all modes of transport, to the allocation of transport costs, including external costs, to their source.

In this context, the Committee of the Regions also asks the Commission to examine the impact of various internalization strategies on business, society and the environment. Here adequate consideration should be given to the effects of real-cost transport prices on the shipping and transport industries and on the European Union's place as a centre for business and enterprise.

9.2. The Committee of the Regions calls on the Commission, the Council and the European Parliament to do everything possible to ensure that further significant progress is made in the field of transport in the framework of enlargement of the Community. This would include increasing the maximum rates for road user charges for lorries where applicable, and varying them according to environmental criteria. Progress should also be made on the use of the railway networks.

9.3. The Committee of the Regions calls for measures to limit the fuel consumption, and thus the CO₂ emissions, of passenger vehicles, including measures empowering the regions and Member States to provide tax incentives for the early introduction onto the market of ultra low-emission vehicles, having regard to the effects on different income groups and people living in rural and urban areas.

9.4. The Committee of the Regions calls for rapid adoption of the goods vehicle emissions directive; more ambitious target values should be set than those so far laid down under the EURO IV standard (from 2005). At the same time the Member States should be empowered to provide tax incentives from 2000 onwards for vehicles which meet stricter exhaust standards at an early date. This should also apply to buses and delivery vehicles with gaseous fuel engines of the kind used in conurbations.

9.5. The Committee of the Regions sees the rapid introduction of less environmentally damaging petrols and diesel fuels

as a decisive measure for the reduction of the environmental damage caused by road traffic. Moreover, clean fuels are a vital precondition for the introduction of new types of engine with lower fuel consumption and toxic emissions.

The Committee of the Regions sees the fuel directive published in late December 1998 as a significant step forward, but considers a further reduction necessary, particularly for sulphur content.

The Committee of the Regions calls on all the Member States to promote the rapid introduction and preferential use of less environmentally damaging fuels by means of effective tax incentives.

Account should be taken here of the impact on low-income groups and rural areas.

9.6. The Committee of the Regions welcomes the directive on future emission standards for passenger vehicles and light commercial vehicles published at the end of December 1998 and the decision to allow the Member States to provide tax incentives for the early introduction onto the market from 2000 of passenger vehicles meeting the EURO IV standard.

The Committee of the Regions would like to see all the Member States offering effective tax incentives for the rapid introduction and preferential use of ultra low-emission vehicles.

9.7. In view of the high importance which citizens attach to a quiet living environment both in and outside cities, the Committee of the Regions urges the Commission to submit, as a follow-up to the new vehicle emissions directive, a directive for the further reduction of the noise caused by passenger and commercial vehicles (engine noise at speeds up to 60 km/h and tyre noise at higher speeds).

10. Economy, trade and employment

10.1. The Committee of the Regions points out that environmental improvements contribute to the quality of the business location and thus to the safeguarding of employment.

10.2. Minimum ecological standards must be introduced in trade policy, particularly in the WTO. Within the same framework, the basic legal provisions should be established for integrated and organic farming, particularly in the common market organizations.

10.3. The Committee of the Regions points out however, that with a view to the economics of business location, environmental policy instruments should increasingly be chosen on the basis of their cost effectiveness and efficiency, and their capacity to promote progress on environmental technologies. The Committee believes that an ecologically effective and economically efficient environmental policy is best suited for the integration of environmental policy with economic and employment policy.

11. Radiological protection

11.1. The Committee of the Regions calls for radiological protection issues which are outside the scope of the work of EURATOM, such as uranium extraction waste and its final storage, to be made the subject of more detailed debate in the framework of the EU. In particular, the information available to regional authorities responsible for radiation protection needs to be improved, as does cooperation with these authorities; more support is also needed for joint research and development projects on problems related to natural radioactivity. In the light of previous accessions, these are important questions.

11.2. The Committee of the Regions would like to see common European provisions on the handling of materials contaminated by natural radionuclides (e.g. waste, mud from oil extraction, slag etc.).

D. REASONS

The Committee of the Regions' views on basic environmental policy issues should be consolidated and further developed in the light of the Amsterdam Treaty.

Economic and monetary union will further intensify competition in the internal market. Concrete implementation and further development of Community environmental law will therefore gain in importance in the future.

The Committee of the Regions has a major responsibility here, as it is the regional and local authorities which are in charge of effective application.

Proper economic development of the European Union is possible only in conjunction with an ambitious environmental policy. Environmental protection drives innovation and growth in the whole economy. Modern environmental protection will also safeguard jobs with a future. The export from the EU of environmental protection technology will, in view of the intensive preparation strategy for the candidate Central and Eastern European Countries, take on particular importance in the coming decade.

The Committee of the Regions recognizes that the existence of numerous interdependent factors is making the further development of environmental law increasingly complicated. Additional expert advice is therefore considered necessary.

Classic environmental problems have been replaced by new challenges. The global threats posed by climate change as a result of rising emissions of greenhouse gases, the depletion of the ozone layer and the consumption of resources cannot be visualized to the same extent as the majority of classic environmental problems, such as water pollution or the uncontrolled dumping of waste. A comprehensive approach is therefore needed in all areas of environmental education. The accent should be not exclusively on scientific data, but also on the link between environment protection and economic and social issues.

The European Union has a global responsibility for climate protection and energy and raw material conservation. It must set a good example if the call for sustainable development is to be answered throughout the world.

It will not be possible to achieve sustainable development in the European Union without a change of priorities in the various sectoral policies. This is particularly clear in the transport field.

Soil damage is a major environmental problem. The main causes of this are erosion and a deterioration in the chemical makeup and physical properties of the soil. There is as yet no Community policy on soil protection. The Committee of the Regions is aware that the inter-sectoral nature of any modern soil protection policy makes the development of such a policy at Community level particularly difficult, especially in view of the need for compliance with the subsidiarity principle.

Because of the horizontal nature of the problem, institutional and procedural issues play a special role in the implementation of the principle of sustainable development.

Brussels, 10 March 1999.

*The President
of the Committee of the Regions*
Manfred DAMMEYER

Opinion of the Committee of the Regions on the 'Commission proposal for a Council Directive on the incineration of waste'

(1999/C 198/08)

THE COMMITTEE OF THE REGIONS,

having regard to the proposal for a Council directive on the incineration of waste (COM(1998) 558 — 98/0289 SYN)⁽¹⁾;

having regard to the decision taken by the Commission on 7 October 1998, under the first paragraph of Article 198c of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision taken by its bureau on 15 July 1998 to instruct Commission 4 for Spatial Planning, Urban Issues, Energy and Environment to draw up the relevant opinion;

having regard to the draft opinion (CdR 447/98 rev. 1) adopted by Commission 4 on 4 February 1999 (rapporteur: Mr Mikkelsen),

adopted the following opinion unanimously at its 28th plenary session on 10 and 11 March 1999 (meeting of 10 March).

Introduction

1. The Commission's final proposal for a Council directive on the incineration of waste, presented on 7 October 1998, has been referred to the Committee of the Regions.

2. The above Commission proposal covers both waste incinerated in conventional waste incineration plants and installations for the co-incineration of waste, such as cement kilns or combustion plants.

General comments

3. The COR welcomes the Commission's proposal for a Council directive on the incineration of waste. This directive meets a major need and the proposal seems well thought-out.

4. The purpose of the proposed Council directive is to help ensure that waste incineration takes due account of environmental and health considerations. However, it does not solve problems arising out of the strong resistance in many areas of Europe to the use of incineration plants as an element in waste disposal policy which means that landfilling large quantities of waste is the preferred option in such areas. Here the risks include pollution of groundwater, the sea, lakes and watercourses; further, the disposal of biodegradable waste generates methane emissions, which are a major contributor to the greenhouse effect.

5. In the COR's view, energy-generating waste incineration can be one component of a modern waste processing system with the proviso that it must form part of a coherent waste disposal programme and that waste incineration does not hold back recycling or waste reduction schemes. In addition, far-reaching rules on air, water and other forms of pollution must be respected in such operations.

6. The Council's resolution on a Community strategy for waste management⁽²⁾ stresses the need to promote utilization of waste, e.g. for energy purposes. The Commission's proposal for a Council directive on the landfill of waste⁽³⁾ also lays down requirements for a reduction in the volume of biodegradable waste going to landfills. In its opinion of 11 June 1997⁽⁴⁾ on the above directive on the landfill of waste, the Committee of the Regions endorsed these requirements. In this connection, the COR would point out that an increase in waste incineration must be expected during the years ahead.

7. The COR feels that a high level of environment protection should be the guiding principle for the operation of incineration plants and that the level of transparency in the planning, setting up and management of such plants should also be high. This would help alleviate problems connected with suitable location and establishment of future plants — the 'NIMBY' (Not in My Back Yard) syndrome. The COR would stress that local and regional authorities are often the main organizers and paymasters for waste management and play a decisive role in communicating with the general public; close involvement of these authorities is therefore a prerequisite for the framing of a sound waste management system.

⁽²⁾ OJ C 76, 11.3.1997, p. 1.

⁽³⁾ COM(97) 105 final — OJ C 156, 24.5.1997, p. 10.

⁽⁴⁾ CdR 112/97 fin — OJ C 244, 11.8.1997, p. 15.

⁽¹⁾ OJ C 372, 2.12.1998, p. 11.

8. Here it is most important that the setting up of waste incineration plants should form part of a consistent waste/energy programme to ensure optimum environmental impact and credibility as an environmentally friendly option.

9. The COR considers that the draft directive on incineration of waste needs to be backed by provisions requiring the sorting of waste prior to incineration so as to remove any unwanted waste components. In this connection, it would stress the importance of effective sorting at source before waste is transported to the incineration plant.

10. Uniform waste incineration guidelines are needed in the Member States, e.g. to avoid unnecessary transport of waste from country to country. The COR feels that it is vital to limit this problem.

11. However, the COR considers that realistic transitional arrangements will be necessary to cover the time-gap between the draft directive's entry into force and its transposition by the individual Member States into national legislation. Concurrently steps must be taken to prevent waste being transported from countries which have implemented the directive to other countries which do not yet comply fully with its guidelines.

12. The COR regards the draft directive as particularly important for local and regional authorities since they are largely responsible for the setting up and operation of incineration plants and, in many cases, also for monitoring of the environmental impact of such plants.

13. The COR is pleased to observe that the sixth paragraph of the preamble refers to the Council's Resolution⁽¹⁾ on a Community strategy for waste management which, among other things, stresses the need to prevent the transport of waste for incineration. The COR agrees that transport of waste should be avoided wherever possible.

14. The COR notes with satisfaction that this directive is framed as a minimum set of provisions (see fifth paragraph of the preamble), thereby allowing the individual Member States to fix more stringent requirements for the regulation of waste incineration plants.

15. The COR welcomes the directive's guidelines on co-incineration of waste. Hitherto regulation in this area has been sadly lacking. In the Committee's view there is, however, an urgent need to make a distinction between the co-incineration of waste as a waste-recovery process (see R1; Annex IIB of

Directive 75/442/EEC) and the incineration of waste as a waste-disposal process (see D10, Annex IIA, Directive 75/442/EEC).

16. The COR disagrees with the proposed provisions allowing certain types of industrial plants to use waste incineration processes which result in pollutant waste components being incorporated into products in view of the potential harm to the environment and/or human health.

17. The cement industry is one case in point: heavy metal components of waste are incorporated into cement and hence into building materials. This dissemination of noxious substances via cement industry products can ultimately cause problems when the building materials are used and especially when they are processed as waste in an uncontrolled way. In the COR's view, such processes amount to dilution of waste.

18. The COR is opposed to waste incineration processes which dilute waste and incorporate pollutants (e.g. heavy metals) into products which are subsequently disseminated in the environment in the shape of building materials. That would seem incompatible with the draft directive's aim (see fifteenth paragraph of the preamble) of achieving a high level of environmental protection.

19. The COR feels that co-incineration of waste should be permitted only in the case of homogeneous and well-defined waste components of carefully determined origin and on condition that it is consistent with an approved waste management programme.

20. The COR would point out that local and regional authorities are largely responsible for the establishment of a sufficient number of efficient waste treatment and disposal facilities. These facilities should be designed to support sustainable solid waste management, and to reduce amounts of waste generated and to improve recycling and recovery. In this connection it should be underlined that the removal of highly combustible, non-recyclable waste components, will make it technically, economically and environmentally extremely difficult to run dedicated waste incineration plants in a sustainable way.

21. Annex II of the draft directive contains a 'co-incineration formula' for purposes of determining limit values for air pollution caused by waste co-incineration. A corresponding formula is used in directive 94/67/EC on the incineration of hazardous waste.

22. The formula is used to calculate limit values for air emissions and is based on the percentage of exhaust gases produced from waste incineration and the percentage produced from fossil fuels.

⁽¹⁾ OJ C 76, 11.3.1997, p. 1.

23. The COR feels that, in some cases, use of the co-incineration formula can mean that the limit values for air emissions of pollutants produced by co-incineration of waste are not as stringent as those applicable to conventional incineration plants.

24. Differing rules for co-incineration and dedicated incineration plants would also seem incompatible with the Commission's Communication to the Council and the European Parliament on the review of the Community's waste management strategy, which states: 'The environmental impact of a given emission has the same potential irrespective of the emitting process. Consequently, there is no reason to set up different standards for different sectors (industry and waste treatment facilities) as long as the input material and process is comparable. The same strict standards should, in principle, apply for waste whether it is treated in industrial installations or in waste treatment installation (recovery of disposal).' The practical arguments for such an alignment of standards can be found in the 'Blokland' report drawn up for the European Parliament by MEP Blokland.

25. Earlier, in its opinion of 16 January 1997 on the above strategy, the COR expressed its satisfaction over the Commission's drive to ensure that the same standards applied to waste, regardless of whether treatment was undertaken in industrial or waste processing plants.

26. Given the implications described above, the COR underlines that the Annex II co-incineration formula must be written in such a way that uniform limit values for incineration and co-incineration plant will be set, and uniform conditions for incineration and co-incineration thereby achieved. If this can not be achieved by the use of the co-incineration formula, the COR are of the opinion, that the formula should be rewritten or replaced by limit values for total air emissions of pollutants so that the same requirements apply to both waste incineration and co-incineration plants.

27. However, the COR would stress that care must be taken, in setting limit values for co-incineration of waste, to heed the best available technology principle (see also Directive on Integrated Prevention and Control of Pollution — IPPC Directive 96/61/EC). Unnecessary emissions must therefore be avoided.

28. In the COR's view, future work must ensure that co-incineration and dedicated waste incineration plants are subject to uniform requirements.

29. The Committee recommends that Council Directive No 94/67/EC on the incineration of hazardous waste and the present draft directive on the incineration of waste be integrated into a common Directive in order to make the EU rules more readily understandable and easier to implement.

Specific comments on individual articles of the draft directive

30. The COR is pleased to note that the definition given in Article 3 of an incineration plant applies to the entire process, covering waste reception, storage and sorting prior to incineration, exhaust gas, waste water, storage of residues at the plant, etc. In the Committee's view, there is also a need to stipulate that the combustion heat generated in the course of the operation of waste-incineration plants should be recovered, using state-of-the-art technology, with the aim of cutting greenhouse gas emissions in line with the commitments entered into by the EU (Kyoto Protocol).

31. The COR also observes with satisfaction that the same definition underpins the definition of waste co-incineration activities covered by this directive.

32. The COR agrees with Article 4's requirement that energy generated during the incineration process be recovered as far as possible and that residues be prevented, reduced or recycled wherever possible.

33. Here it should be stressed that the development of methods to reduce and recycle waste incineration residues needs to be speeded up to curb residue disposal problems. It is the opinion of the COR that more research is needed in this area.

34. In addition, the COR supports the minimum requirements indicated in Article 4 regarding the investigations to be undertaken by the competent authority in connection with the preparation of waste incineration permits.

35. With regard to Article 5 of the draft directive, the Committee of the Regions feels it must emphasize the absolute need to implement appropriate monitoring systems to avoid accidental incorporation of harmful waste.

36. In the COR's view, with Article 5 needs to be amplified by an obligation to sort waste prior to incineration, preferably at source, so as to improve the incineration process and thereby reduce the volume of unwanted substances in residues and exhaust gas emissions.

37. Article 6 provides that the volume of total organic carbon (TOC) of the slag must be less than 3 %. In its view, modern incineration plants can now meet this 3 % TOC ceiling without difficulty, and indeed by a comfortable margin. It therefore endorses this requirement.

38. Article 6 also requires that incineration plants be built and operated in such a way as to ensure that exhaust gases remain at a level of at least 850°C for no less than 2 seconds. This requirement has the COR's support.

39. In the COR's view, a mandatory temperature of 850°C for operation of the incineration plant helps to prevent dioxin formation. Since Article 11 also requires continuous measurement of the furnace temperature, the temperature can be monitored constantly, thereby preventing dioxin formation.

40. Article 6 would therefore seem conducive to achieving a high quality of incineration.

41. Article 6 also provides that all incineration plants must be equipped with auxiliary burners so that the temperature can quickly be raised to the desired level when waste is burned. The compulsory installation of auxiliary burners is necessary to ensure that the incineration plant starts up rapidly and that the temperature inside it does not fall below the minimum as long as some waste still remains which is not incinerated.

42. Article 7 specifies that incineration plants must be built and operated in such a way that the air emission limit values set out in Annex V are not exceeded.

43. In the COR's view, the limit values specified in Annex 5 are readily attainable, by a comfortable margin, using technology. If the existing proposal for a directive is to be merged with Directive 94/67/EC on the incineration of hazardous waste, unified emission limit values should apply to all types of waste incineration plants.

44. The COR recommends a limit value for ammonia (NH₃) since the nitrogen filter cleaning process normally involves the addition of ammonia to the exhaust gases. Excessive concentrations of ammonia can cause foul smells and nitrogen residues in the soil.

45. Article 7 of the draft directive refers to Annex II as regards limit values for air pollution caused by co-incineration of waste. Annex II specifies the 'co-incineration formula' to be used to determine limit values for air emissions of pollutants. The limit value for such emissions in the case of co-incineration of waste (e.g. in industrial plants) is calculated as an average of the limit value specified in the directive on incineration of waste and the limit value applicable to incineration of fossil fuels, which is usually higher. This results in different conditions applying to co-incineration and waste incineration in

dedicated incineration plants. As already mentioned, the COR considers that the same guidelines should hold good for both types of plant and feels that, whatever happens, the level of emissions should not be higher than those from traditional fuels or raw materials. In the course of the proposed merging with Directive 94/67/EC the co-incineration of non-hazardous waste should be limited to no more than 40 % waste, with reference to the heat released.

46. Further, the COR advocates the fixing of a limit value for nitrogen discharges since waste water from incineration plants typically contains nitrogen, which can cause increased eutrophy in the recipient.

47. Article 8 also requires that steps be taken to avoid dilution of waste water by mixing different waste water streams from the plant. The COR agrees with the principle that dilution must be avoided. One option could be joint treatment of slag cooling water and waste water from exhaust gas cleaning at the plant but other waste water streams (e.g. rainwater) should not be used for purposes of dilution to meet limit values. The best technologies available for the case in question must be used to deal with this problem.

48. Article 10 specifies that the measurement equipment shall be tested once a year. The COR considers that the wording of this requirement is too broad since there are many different measurement methods, not to mention different manufacturers of such equipment. In its view, the third paragraph should require that measurement equipment is tested in accordance with the supplier's instructions, but at least once a year.

49. Annex III also specifies that sampling and analysis of all pollutants shall be carried out in compliance with CEN standards. In those areas where CEN standards do not yet exist, national standards are to be observed.

50. The COR would stress the need to frame CEN standards in these remaining areas as speedily as possible so that no doubts can arise as to whether the draft directive's limit values for incineration of waste are respected. Hence references to national standards are not a sustainable solution in the long term since these do not necessarily exist yet in all relevant areas.

51. Article 11 refers to the measuring requirements set out in Annex III. The current wording of the Annex III rules would seem too vague. The COR would stress the need for clear and specific rules on this matter so as to ensure the introduction, at national, regional and local level, of uniform guidelines in the respective Member States.

52. The requirement that heavy metals, dioxins and furans in exhaust gases must be measured at least twice a year (see Article 11) seems undemanding compared with the strict requirements governing measurement of waste water. Given the wide differences in waste incineration operating conditions, the COR feels that the measurement requirements for exhaust air and waste water should be clarified further by an expert group.

53. Lastly, the COR would highlight the positive aspects of the Commission's proposal and would point out that a generally applicable directive on the incineration of hazardous and non-hazardous waste should be adopted as quickly as possible. It would point out that the draft directive's more stringent environmental requirements imply higher financial costs for local and regional authorities, insofar as they bear responsibility for both setting up and operating incineration plants, as well as monitoring the environmental impact of such plants.

Brussels, 10 March 1999.

The President

of the Committee of the Regions

Manfred DAMMEYER

Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — Reinforcing cohesion and competitiveness through research, technological development and innovation'

(1999/C 198/09)

THE COMMITTEE OF THE REGIONS,

having regard to 'Reinforcing cohesion and competitiveness through research, technological development and innovation' (COM(1998) 275 final);

having regard to the Commission decision of 8 June 1998 to consult the Committee of the Regions on the matter;

having regard to the COR Bureau decisions of 15 July 1998 and 18 November 1998, in accordance with Article 198c(3) of the Treaty establishing the European Community, to instruct Commission 5 — Social Policy, Public Health, Consumer Protection, Research and Tourism — to draw up the relevant opinion;

having regard to the 1998 Annual Report: Research and technological development activities of the European Union (COM(1998) 439 final);

having regard to the Proposal for a Council Decision concerning the specific programmes implementing the fifth framework programme of the European Community for research, technical development and demonstration activities (1998-2002) (COM(1998) 305 final);

having regard to the COR Opinion on the First action plan for innovation in Europe — Innovation for growth and employment (CdR 68/97 fin)⁽¹⁾;

⁽¹⁾ OJ C 244, 11.8.1997, p. 9.

having regard to the COR Opinion on the First Cohesion Report (CdR 76/97 fin);

having regard to the COR Opinion on the Proposal for a European Parliament and Council Decision concerning the Fifth framework programme of the European Community for research, technological development and demonstration activities (1998-2002) (CdR 158/97 fin)⁽¹⁾;

having regard to the draft opinion (CdR 278/98 rev. 2) adopted by Commission 5 on 9 November 1998 [rapporteurs: Ms Olander, Ms Morichaud (COM 6) and Mr Tindemans (COM 1)],

adopted the following opinion at its 28th plenary session on 10 and 11 March 1999 (meeting of 11 March).

1. Background

1.1. This Communication reflects the Commission's wish to boost competitiveness in the least-favoured regions by making it easier for business to apply R&D and innovation. If the goal of stimulating firms to make a greater commitment to R&D and innovation is to be realized, an in-depth appraisal must be made of the difficulties they encounter when they seek to do so.

1.2. Since most jobs are created in small and medium-sized firms, efforts must therefore focus on enabling them, at a local and regional level, to assimilate existing technology and incorporate innovations.

1.3. Measures to foster an innovation culture encompass, among other things, the creation of networks to facilitate contacts between SMEs and the relevant RTD environment. The COR endorses the Commission's starting point that 'knowledge policies' should be adjusted to the economic development of the regions concerned and at the same time be integrated into a broader European perspective via national RTD systems (in line with Article 130h of the EU Treaty).

1.4. The COR Opinion on the first Cohesion Report⁽²⁾ called for closer coordination between Structural Policy and other areas of policy embracing the entire Community so that integrated action can be taken to frame coordinated measures to assist the LFRs.

1.5. The purpose of cohesion policy is to alleviate discrepancies in development levels between regions and to promote development in the LFRs and rural areas. The most important financial instruments deployed for this purpose are the Structural Funds, the Cohesion Fund and, increasingly, the EIB.

1.6. Since RTD and innovation potential are heavily concentrated on the prosperous regions, these will benefit most from the EU's RTD and innovation policy. That can generate higher economic growth in regions which are already thriving while there is a risk that the LFRs' economic and technical development may fall even further behind. The Commission's Communication is a challenge which seeks to alter this pattern to the LFRs' advantage.

1.7. The COR therefore welcomes the Commission's proposal to bring together cohesion, competitiveness and RTD and innovation in a single, coherent framework to underpin the framing of guidelines for the EU Structural Funds and to provide a point of reference when evaluating how RTD and innovation activities can be integrated into the Structural Funds.

1.8. The COR appreciates the Commission's intention of encouraging a high level of participation in the work of putting forward proposals for Structural Fund guidelines for the period 2000-2006. RTD and innovation activities are to contribute towards solving existing social problems. The guidelines for the new Structural Fund programmes should be shaped so that the programmes give greater support than at present to both local and regional social needs and Community policy. Ongoing dialogue between the Commission and the COR is a vital factor in realizing the opportunities which will be offered by future Structural Fund programmes.

2. General comments

2.1. The COR endorses the thrust of the Commission proposal viz. that there should be a shift in cohesion policy so as to boost economic activity in LFRs.

2.2. The COR would highlight the interaction between RTD and innovation at local and regional level and point out already at this stage that the positions of greatest relevance to the municipalities and regions are those which relate to the details of new Structural Fund programmes and to the changes to be made in them.

⁽¹⁾ OJ C 379, 15.12.1997, p. 26.

⁽²⁾ CdR 76/97 fin — OJ C 379, 15.12.1997, p. 34.

2.3. All studies show that RTD and innovation are vital to meet international competition in an increasingly competitive world. Concurrently relations between research circles and small and medium-sized firms and industries are extremely complex; attempts must be made to simplify such contacts in order to achieve significant results through the introduction of help systems. In particular it is necessary to enhance the quality of both the product and the production process, and one way of doing this is to integrate Community programmes and national initiatives, giving priority to establishments in less-favoured areas.

2.4. Stepping up the regional dimension of research policy is consistent with EU policy efficiency criteria, whilst the increased emphasis on the competitiveness of LFRs respects EU policy fairness principles. Nevertheless, the Commission communication gives the impression that the aim of the proposed strategic frameworks to promote cohesion and competitiveness through RTD and innovation is to streamline Structural Funds regional programmes rather than to promote regional RTD and innovation as such. Moreover, it is still unclear whether opportunities exist to improve LFR access to fifth framework programme RTD funds.

Earlier framework programme participation procedures were so complicated and time-consuming that they scared LFR players away from RTD and innovation, rather than improving access. Whether their applications were granted or not was often a matter of luck. The same applies to partnership projects with CEEC regions. The new Community programmes must improve on this state of affairs.

2.5. The COR would stress that several of the analyses made and conclusions drawn also have implications for regions which are admittedly not 'growth regions' but do not qualify for the LFR category in the strict sense of the term. Future development in Europe could well create a 'two tier' Europe, with a handful of strong growth regions, spread throughout the continent and normally concentrated around large conurbations, and the rest of Europe. This split is already clearly noticeable in several highly developed Member States.

2.6. RTD and innovation provide the foundation on which industrial competitiveness can be built. Small and medium-sized firms and industry can lead the way in several ways:

- modernising production
- adapting to new demands, e.g. pressures for environmentally-friendly production
- technological improvements to protect market share, etc.

2.7. Despite the fact that firms are the main target group for intervention, RTD and innovation are just as important in such areas as environment, health, infrastructure, energy and spatial planning. European, national and regional/local programmes must therefore be coordinated in line with the EU's subsidiarity principles. Regional and local authorities are the decisionmaking authorities closest to economic players and the ordinary citizen. RTD and innovation also usually come within the scope of these authorities' decisionmaking powers. Innovation processes are multifunctional in emphasis and therefore interlinked with all areas of policy in which regional and local authorities are authorized to take decisions (education, vocational training, environment, spatial planning, local development activities and support for small businesses).

2.8. The COR observes that EU RTD programme intervention has been effective in promoting cooperation between, for instance, regions in the Nordic countries and regions in Ireland, Portugal, Spain and Greece. In 1997 Objective 1 regions participated in 47 % of the projects funded under the fourth framework programme. Again in 1997, 13 463 partnerships (out of a total 56 478) were established between regions in Ireland, Portugal, Spain and Greece and regions in other Member States.

2.9. The COR considers that RTD and innovation must be integrated into the regions' productive fabric and agrees with the Commission's conclusion (point 13) that regions which are less adept at attracting high added value activities can gain particularly by synchronizing their RTD and innovation strategies with their economic plans.

2.10. The COR would also stress that efforts to integrate RTD and innovation aid into the regions' productive fabric should not be seen purely in terms of 'technical' implementation. It is a question of implementing rather than disseminating knowhow and technology. In particular, it is important at regional level to influence local and regional mentalities and attitudes which, in the regions concerned, can often be highly resistant to new ideas and change. When the climate is hostile to change, forceful intervention may not achieve the intended results.

2.11. Further, local and regional authorities in LFRs, in tandem with practical business promotion measures, should take incisive action to modernize the region's infrastructure — not just in the narrow sense (i.e. road, IT and other communications) but also in terms of building up 'cultural' infrastructure to provide the 'lifestyle' that a well-educated and relatively young workforce expects of the region.

2.12. The COR would highlight the opportunities for active and purposeful involvement of Europe's research parks in Community RTD and Structural Fund programmes. Compared with the United States and Japan, Europe still does not seem to take sufficient interest in its research parks despite the fact that these have grown in number by over 30 % during the past three to four years.

2.13. International cooperation with US or Japanese research parks can be highly profitable. The setting-up of multinational consortia [or European economic interest groupings (EEIGs)] has been helpful in giving small- and medium-sized firms greater access to the EU's RTD and innovation programmes.

The Communication's objectives

3. Specific comments

3.1. Since coordination policy is of a structural nature, it is by definition a long-term policy. All regions now have access to a European database to disseminate knowhow about the best ways of coordinating RTD and innovation with regional industry.

3.2. The COR applauds the Commission's drive to boost the LFRs' competitive capacity, integrate RTD and innovation into the regions' productive fabric and show that the different Community instruments can contribute to cohesion and competitiveness, provided that they are mutually complementary. The COR also agrees with the Commission's emphasis on the many benefits that the new candidate countries can derive from local and regional experiences of EU support for RTD and innovation in LFRs.

3.3. The fact that the fifth framework programme covers 1998-2002 whilst the new structural policy covers 2000-2006 could be a disadvantage, despite the fact that, under the Structural Funds general regulations, plans can be revised during the programme period. Moreover, the regulations require a formal assessment at the half-way mark. However, this should not be seen as giving carte blanche to amend the guidelines needed for RTD and innovation, or the regulations for revising the plans.

3.4. The Commission claims that the opportunities under the current Objective 4 and Adapt are included under the new Objective 3. It should therefore be pointed out that, under the current proposals, Objective 3 will not apply in Objective 1 or Objective 2 regions. The Commission proposes that the new Objective 3 should only be applicable in the regions covered by the transitional regulations, outside the regions where Objective 1 and Objective 2 are applicable. The regional authorities in the latter two groups of regions will thus find it difficult to coordinate national Objective 3 plans and the regional needs for a regional RTD and innovation strategy.

4. Taking stock of past and present initiatives

4.1. The Structural Funds — past and present activities

4.1.1. The Commission shows that, in the least developed regions of the richest Member States, RTD systems are more demand-oriented than in the poorest Member States. If research is to bear fruit, there must be joint input from both the firm and the research worker, with measures targeting

both parties; what is offered must be tailored to the needs of SMEs, and should include an awareness campaign. There is no point helping small and medium-sized firms if we ignore what is going on in laboratories or research parks etc. The reverse is also true.

4.1.2. There are many signs that the IT gap between north and south is widening. Small firms must participate more actively in RTD and innovation; the authorities can help, for instance, by encouraging electronic commerce. The COR would stress the importance of framing specific projects so as to give SMEs an opportunity to take part. The more expensive and ambitious the project, the more difficult it is for small businesses to participate because of practical obstacles and the necessary financial arrangements.

4.1.3. Any measures the Commission decides to take must, first and foremost, address the need for easier access to clear information, centralized at regional level, available in a catalogue which meets the requirements of users in SMEs and industries. The catalogue should also list the organizations which serve as a go-between for RTD and SMEs; funding options; existing networks which companies can sign up to; research training options and opportunities for researchers to find a placement with a company. Many areas and regions have experience of the growth opportunities generated by RIS and RITTS projects. The network of RIS and RITTS regions has a wealth of experience which can be harnessed in LFRs to encourage SME participation in EU programmes.

4.1.4. During the first phase of Structural Fund action, the EU confined aid to investment in RTD centres and projects. During the second phase the EU stepped up its support for dissemination of technology and other innovation measures, and for centres which could potentially serve as a network for contacts between universities/institutes of technology and industry, with a view to putting industrial firms in touch with the latter's RTD resources. In the third phase of the EU's RTD and innovation policy for Structural Fund intervention (2000-2006), the aim is to extend the RTD-innovation link to areas such as funding mechanisms, human resource training and high tech firms.

4.1.5. The Committee of the Regions would therefore stress that small businesses cannot be treated as structurally distinct from the large firms which often contract out to them. There is thus every reason to involve large firms in projects to facilitate and support the implementation of new technology in SMEs.

4.2. *The Community framework programme for RTD*

4.2.1. In its review of the fourth EU RTD framework programme, the Commission shows that Spain and Greece have made substantial advances in IT, biomedicine and health but that progress remains to be made in industrial and material technologies and biotechnology. The components of the fourth framework programme which have proved most helpful to LFRs have been demand-oriented CRAFT technology stimulation measures for SMEs. Other effective measures include the training and mobility of researchers, promotion of innovation, dissemination of research results and networking of researchers.

4.2.2. The COR is also pleased to note that the Commission has opted to develop the fifth framework programme in consultation with the COR, among others. This dialogue has shown that the challenges and opportunities which underpin the framework programme are the same at local and regional level. The interaction between large and small towns and rural areas and the prerequisites for SMEs to be able to exploit research results are two major aspects which should be explored. The COR welcomes the setting up of the Seville IPTS, whose main task will be to develop prospective technological studies and carry out research into the interaction between technology, employment and competitiveness.

4.2.3. In 1997 Community research policy underwent far-reaching changes since the Amsterdam Treaty altered the legal base for research and Agenda 2000 reinforced the key role now played by research, innovation, education and vocational training in the EU. Progress in implementing the EU Innovation Action Plan has mobilized local and regional players in a drive to boost the climate for entrepreneurship and innovation in Europe. The December 1997 report on RTD indicators also provided data and comparative analyses of EU and Member States' research in an overall perspective, as a basis for ranking local and regional RTD and innovation priorities.

5. **Developing competitiveness and cohesion at national and regional levels**

5.1. The COR welcomes the Commission's finding that Objective 2 regions have been able to exploit the economic advantages of large cities and that rural and coastal areas have profited from other assets in which environmental technology and tourism have played a major part. In LFRs, research parks focusing on the strong expansion of a number of IT and biotechnology firms have boosted local and regional development by making commercial use of research carried out by universities and RTD-based firms. The COR considers that

such examples bear out the importance of encouraging local and regional groups which develop complementary activities within major RTD and innovation clusters with a view to stimulating local and regional players and exploring ways of integrating RTD and innovation support into their region's productive fabric.

6. **Integrating RTD and innovation into regional economic development**

6.1. *RTD and innovation — a shared responsibility*

6.1.1. The COR agrees with the Commission's analysis that local and regional bodies must integrate RTD and innovation into their region's development strategy so as to alleviate the increasing gaps between the EU regions. The Green Paper on innovation and accompanying action plan and the European Spatial Development Perspective (ESDP) are of considerable relevance for the guidelines on RTD and innovation structural aid. The integration of various policy areas forms part of Structural Fund strategy. Different policy areas also need to be coordinated at local and regional level.

6.1.2. The ESDP document (June 1997) proposes that structural aid be allocated (a) to improve access to IT experts and increase awareness of the challenges and potential benefits that the information society can bring to regions which still lag behind in this respect, (b) to build up technology centres, strengthen contacts between higher education, applied RTD, innovation centres and business in less developed regions, (c) to achieve a minimum level of access to higher education and research and innovation centres in remote or sparsely populated areas, and lastly (d) to raise schooling and vocational training standards as part of an integrated development strategy in regions where such standards are low.

6.1.3. Negotiations on the new Structural Funds are now proceeding at a fast pace. Hence the COR would stress the need to involve areas and regions closely in integrating RTD and innovation activities into the Structural Funds' intervention for the period 2000-2006.

7. **Three priorities**

7.1. *Promoting innovation*

7.1.1. The COR agrees that cohesion policy should shift towards narrowing the technology and IT gap between the EU regions, that EU intervention should focus on demand for new technologies and IT solutions through various information programmes, and that development of total quality management at local and regional level should be prioritized. Cooper-

ation between research institutes and SMEs should be encouraged and efforts made to achieve more effective coordination of aid channelled to firms for purposes of starting up new businesses, consolidating and developing businesses and expanding key firms in RTD clusters which the region prioritizes. The use of IT methods for the benefit of local community groups (e.g. information of the general public, educational purposes, electronic commerce) should be promoted. The COR would point out that almost 8 000 SMEs will have participated in the fourth framework programme for research, technical development and demonstration activities by the end of its lifespan, in 1998. Over 60 % of these firms have never previously taken part in either Community or their own Member State's RTD programmes at national, regional or local level.

7.2. *Improving networking and industrial cooperation*

7.2.1. The COR would point to the Swedish legislation governing universities, which indicates cooperation with business as a university's 'third task'. Such partnership between universities and regional groups of firms in research parks plays a highly important role in a region's productive fabric. These research parks bring researchers, entrepreneurs, financiers and consultants into close quarters on a day to day basis, which is a major prerequisite for creating new jobs in technology- and research-based firms. One of the main functions of RTD and innovation activities during the lifespan of the new Structural Funds should be to disseminate best practice in such research park cooperation.

7.2.2. As a result of the Amsterdam and Luxembourg European Councils' strong support for funding of innovation activities, EIB, EIF and Community resources have been made available for high tech innovation enterprises in 1998-1999. The COR would stress that this is an essential complement to the intervention provided for in the fourth RTD framework programme. In the COR's view, regional and local authorities promote socio-economic cohesion by supporting the dissemination of knowhow or RTD and innovation results in the policy spheres for which they have decisionmaking powers (education, vocational training, environment, spatial planning, local development work and SME aid). The Structural Funds should encourage the establishment of inter-regional and cross-border channels of communication between RTD and business so as to exchange information and disseminate knowhow in these fields (cf. the 'key measures' in the fifth RTD framework programme). The 'Innovation Relay Centres' network also needs to cover a sufficiently wide geographical area to ensure that these centres' activities have a more effective impact on SMEs. Community networks such as technology agencies, Euro-info centres, and Business and Innovation Centres (BIC) can also provide support for small business in LFRs.

7.3. *Strengthening human resources potential*

7.3.1. The COR would draw attention to the need to provide opportunities for students, research students and established researchers to carry out coursework and traineeships in SMEs. Here Community initiative structural support to promote exchanges between RTD and universities in developed regions and LFRs could contribute. The EC Joint Research Centre (JRC) should be able to help in providing resources for such activities with the help of direct measures to assist SMEs in LFRs. Multinational consortia (EEIGs) provide a framework within which SMEs can carry out research and invest in refresher training and skills development.

7.3.2. During the lifespan of the fourth framework programme, some 6 500 researchers have received financial assistance to pursue their research and a further 5 600 or so, through the Marie Curie fellowship scheme, have had access to Community RTD facilities with funding from the framework programme. In the COR's view, it is most important for the new Structural Fund programmes to make such facilities available to firms, research students and researchers in LFRs, thereby helping to promote IT development and more effective integration of vocational colleges and research parks into the innovation process in the RTD clusters of greatest priority for each region.

8. **The Commission's conclusions**

8.1. The COR endorses the four aims stated in Point 25 of the Commission's Communication; in particular, it would stress the subsidiarity principle, viz. that it is important, since the majority of the proposed activities are to be implemented in the municipalities and regions, to provide these authorities with the time and opportunities they need in order to participate in framing new Structural Fund programmes for their respective regions before the start of the next programming period, on 1 January 2000.

8.2. In the COR's view, international cooperation between research parks should be eligible for Structural Fund support. Facilities in the context of CORDIS for setting up regional web sites on RTD clusters of research parks, universities and firms should also be reinforced and expanded. CORDIS should also indicate established networks for distance learning at university and researcher training level. However, it must be realized that distance learning will in future mainly take place on-line; computers will ensure direct contact between the course organizer and the 'end-user' at times convenient to the user. Course organizers can be anywhere in the world without diminishing interactivity.

9. **Conclusions of the Committee of the Regions**

9.1. The Committee of the Regions is happy to note that the Commission intends to consult it when drawing up

guidelines for reinforcing cohesion and competitiveness through RTD and innovation in the new Structural Fund programmes for 2000-2006. This dialogue shows that the challenges and opportunities behind the creation of a common coordinated framework for cohesion, competitiveness, RTD and innovation are the same as those found at local and regional level.

9.2. The COR has studied carefully the widening technology and IT gap between the EU regions and agrees with the Commission's conclusion on the need to boost the capacity of the authorities and economic players to develop strategic frameworks for integrating RTD and innovation into economic activity. Research has shown consistently that in an ever-more competitive world, RTD and innovation are essential to keep abreast of international competition. The COR therefore welcomes the thrust of the Commission's proposal, namely that a shift in cohesion policy is required.

9.3. The Committee of the Regions endorses a real strengthening of the regional dimension of RTD and innovation policy as such. To optimize the RTD and innovation learning process for regional players, the COR considers that advantage should be taken of the opportunities for involving Europe's research parks in the Community's RTD and Structural Fund programmes. These research parks should also receive encouragement to cooperate with the United States and Japan. In many countries too little contact between state-financed research institutes and university education, combined with a lack of cooperation with entrepreneurs, produces a bottleneck which closer liaison between research parks can help to remove. Relations between research circles and SMEs are extremely complex, and must be simplified if significant results are to be achieved via the introduction of aid systems.

9.4. In the light of its keen commitment to IT development and lifelong learning, e.g. in the context of the EU's Green Paper on organization of work and the Member States' national employment plans, the COR wishes to highlight the need for structural intervention to help firms and institutions to overcome the difficulties that arise when adjusting to new types of working structures.

9.5. The COR would stress the need to frame guidelines for the promotion of innovative vocational training programmes for SMEs and institutions; the task of assessing innovation processes and bringing them to the attention of the public must, in its view, be linked with regional education and vocational training programmes.

9.6. To narrow the technology and IT gap between developed regions and LFRs, RTD and innovation policy must be integrated into the regions' most important RTD clusters and production structures. The COR therefore feels that the guidelines for integration of RTD and innovation in future structural programmes should be framed so as to achieve a consolidated 'bottom-up method' which pays particular attention to SME requirements in the production structures of a number of sectors. The scope for interaction between Structural Fund instruments and the fifth RTD framework programme's key measures should be clarified in the guidelines and the scope for including local/regional representatives on the groups which are to manage the key measures should be explored.

Some EU regions are making considerable efforts to develop extremely useful, effective systems easing access to RTD and innovation information for the various players concerned (researchers, businesses, local authorities, etc.). The COR believes that these efforts should be rewarded by the Community institutions, and that support measures should be introduced in those regions taking such action and producing tangible and effective results.

9.7. The Committee of the Regions would like to be involved in framing the guidelines for the inclusion of RTD and innovation in cohesion policy and the new Structural Funds' programmes. The COR feels that arrangements must be made at local and regional level to give researchers and firms the opportunity to gain a better understanding of their common interests and common ground. Instruments must also be introduced to enable firms to harness the fruits of research to their needs. This is the key to a form of development which will make it possible to step up cohesion across the EU's regions and boost the EU's competitiveness worldwide.

Brussels, 11 March 1999.

The President
of the Committee of the Regions
Manfred DAMMEYER

Opinion of the Committee of the Regions on the 'European Action Plan Against Racism'

(1999/C 198/10)

THE COMMITTEE OF THE REGIONS,

having regard to the communication from the European Commission on 'An Action Plan Against Racism' COM(98) 183 of 25 March 1998;

having regard to the 'Copenhagen criteria' concerning future enlargement, adopted by the Council in 1993;

having regard to its Opinion of 13 June 1996 (CdR 156/96 fin)⁽¹⁾ on the proposal for a Council Decision proclaiming 1997 European Year against racism;

having regard to the establishment of the European Monitoring Centre for Racism & Xenophobia in Vienna (Council Decision of 15 July 1996);

having regard to its own-initiative Opinion of 12 June 1997 (CdR 80/97 fin)⁽²⁾ on racism, xenophobia and anti-semitism;

having regard to its resolution of 18 September 1997 (CdR 237/97 fin)⁽³⁾ on future COR appointments in terms of equal opportunities;

having regard to its report of 19 November 1997 (CdR 343/97) on equal opportunities in the Committee of the Regions — outcomes and recommendations for future actions;

having regard to the 'Charter of European political parties for a non-racist society' adopted on 5 December 1997;

having regard to the Opinion of the Economic and Social Committee (SOC/361) of 10 September 1998;

having regard to the Graz declaration of 9 November 1998 adopted during the European Conference on Racism and Xenophobia in Graz, 9 November 1998 (annex);

having regard to the EP report (Oostlander) of 3 December 1998 on the Action Plan Against Racism;

having regard to the decision by its Bureau on 15 July 1998, in accordance with Article 198c(4) of the EC Treaty, to issue an Opinion on the Action Plan against racism;

having regard to the draft Opinion (CdR 369/98 rev. 1) adopted by Commission 5 on 26 January 1999 (rapporteur: Mr Moore),

adopted the following opinion at its 28th plenary session on 10 and 11 March 1999 (meeting of 11 March).

1. Introduction: the need for action at the European level

1.1. Definition: Racism is a collective term for various forms of intolerance and discrimination. It covers xenophobia, anti-semitism, anti-islam and other forms of racist and religious discrimination.

1.1.1. Although the European Union was created to promote peaceful co-existence in Europe and between its citizens, violence and harassment, discrimination and exclusion continue to affect the lives of millions of people resident in the Member States.

1.1.2. Racism is alive and flourishing in the European Union: a recent survey conducted by the European Commission found that 33 % of Europeans declare themselves to be either 'racist' or 'quite racist', although in some Member States this figure exceeds 50 %. Racism can take many forms, from violent assault and murder, through verbal abuse and stereotyping, to more subtle forms of harassment, exclusion and discrimination.

⁽¹⁾ OJ C 337, 11.11.1996, p. 63.

⁽²⁾ OJ C 244, 11.8.1997, p. 58.

⁽³⁾ OJ C 379, 15.12.1997, p. 65.

1.1.3. It is important to recognize that this is a Europe-wide issue that demands action at European, national, regional and local level, as well as internationally. In a single market with freedom of movement for goods and people, anti-discrimination legislation applied in one Member State can be circumvented by simply moving to an adjacent state and broadcasting or distributing from there. Free movement of workers and the freedom of establishment have also generated internal migrations that have brought diversity to our communities, but have also created ready scapegoats in periods of economic decline. Lastly, racist organizations such as the neo-nazi movement have themselves created Europe-wide networks for the dissemination of racist material and co-ordinated action.

1.1.4. In this respect, the Internet merits a special mention insofar as it has become a highly influential instrument in social, educational and cultural terms, enabling the public and educationalists to overcome existing barriers to the design and distribution of entirely legitimate material. However, in other cases, the Internet may also become the ideal vehicle for conveying potentially harmful or illegal material, as is already the case as regards its role in distributing racist material and information.

Discrimination, including racial discrimination, is one of the most harmful purposes for which the Internet is increasingly being used. That is why there is a growing need for coordinated action by the Member States and the EU as a whole to identify these uses and develop strategies allowing users to continue enjoying the enormous benefits of the Internet, while being protected at the same time.

1.1.5. It is clear therefore, that in an internal market there is a need for co-ordinated anti-racist action and legislation at the European level. Ethnic and cultural diversity is one of the defining characteristics of 'European' civilization, and must be cherished as a positive and enriching factor.

1.1.6. Until now, efforts to combat racism, xenophobia, anti-semitism, islamophobia and other forms of racial and religious intolerance or discrimination have been constrained at the European level by the absence of a clear legal competence. The Treaty of Amsterdam will provide this competence and the Commission has undertaken to produce draft legislation in 1999. In the interim, the Commission has already published an Action Plan Against Racism in order to pave the way for future legislation.

1.1.7. It is recalled that legislation combating discrimination on the basis of gender is well-established if not necessarily well-developed or highly-effective. The need for European action against other forms of discrimination naturally follows and is given greater force by inclusion of the comprehensive anti-discrimination clause in the Amsterdam Treaty (new Art. 13).

2. Development of a European anti-racism policy

2.1. General developments

2.1.1. The institutions of the European Union have frequently called for action against racism, xenophobia, anti-semitism and islamophobia. Successive resolutions of the Parliament and Council identified the need for action and legislation based on a new Treaty provision. This has now been achieved as the result of the Amsterdam Treaty which inserts into the EC Treaty at Art. 13: 'Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred on it, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.'

2.1.2. At Art. 29 the Treaty also calls for 'common action among the Member States in the fields of police and judicial co-operation...by preventing and combating racism and xenophobia.'

It is recalled that the COR's 1996 opinion underlined the 'crucial' role of the police and judicial system in reducing racism and prejudice. It called for equal opportunities in the recruitment of police forces and for appropriate training to ensure that police officers are sensitive to the needs of minority communities and religious groups.

2.1.3. In parallel with the Treaty amendments there have been a number of significant developments. The Commission established the European Monitoring Centre on Racism and Xenophobia in Vienna in June 1997. Its main remit is to study the extent and trends of racism, xenophobia and anti-semitism in the European Union, and to analyze causes, and effects/consequences. The Centre's findings will be published in an annual report. The Council designated 1997 as European Year against Racism, which was important in raising the profile of the fight against racism, in building pan-European networks and coalitions against racism (including the recently established European Anti-racism Network of ngos), and putting pressure on the Amsterdam IGC to act. Finally, building on the achievements of the foregoing, the Commission published an Action Plan Against Racism on 25 March 1998.

2.1.4. In its 1996 opinion, the COR welcomed the proposal for designating 1997 as European Year Against Racism and declared that it 'fully supports the intentions of the Commission to curb racism, xenophobia and anti-semitism'. The 1996 opinion and the subsequent own-initiative opinion of 1997 put particular emphasis on the need for exchange of experience and best practice at the local and regional level.

2.1.5. The COR published a Statement of Intent in 1998 in which it asserts that it 'will resist discrimination whatever its form — for example, on the grounds of gender, ethnic origin, disability, age, sexuality or religion'. It is therefore important that the COR applies to these categories of discrimination, the same high-level activities that it undertook with regard to gender, notably in terms of its own employment policy (recruitment, training, promotion, terms and conditions of employment, harassment — to be achieved through its Equal Opportunities Joint Committee [COPEC]); the scope of the senior member of staff assigned to promote equality issues within the COR; the scope of the annual equal opportunities report; developing an audit process for opinions and documents into a comprehensive mainstreaming policy; developing an equality monitoring and evaluation strategy; regular monitoring of the composition of COR members and a research project to survey the experiences of black and ethnic minority members or members whose national or cultural background differs from the indigenous one; workshops for members and officers to raise awareness of equality issues.

2.1.6. The European Commission refers to the importance of mainstreaming the fight against racism into its pre-accession strategy and in progress reports. The COR has a contribution to make through its Contact Group with Cyprus and Central & Eastern Europe. This group has the opportunity to publicize best practice at the local and regional level, existing national legislation and, ultimately, the Community acquis that the applicant countries must accept. The fight against racism must be an integral element of all contacts through this Group.

2.1.7. Equal opportunities, in its broadest definition, is incorporated into the COR political priorities.

3. The role of local and regional authorities

3.1. Introduction

3.1.1. Local and regional authorities have a pivotal role to play. This level, which is closest to the citizen, can marshal social, cultural, economic and political instruments both to promote the integration of minorities with the resident communities, and can actively combat discrimination and the causes of discrimination in employment and at the workplace, in schools and colleges, and throughout the community.

3.2. Key activities

3.2.1. Local authorities can and should be catalytic in combating racism in seven key spheres:

3.2.1.1. Equality policies and practices for the region

Local or regional authority policies can be assessed for equality impact on the basis of mainstreaming equality across all aspects of the authority's work within the context of an overall equality strategy.

3.2.1.2. The Authority as an employer

Most local or regional authorities are among the largest employers in their areas and therefore can have an important demonstration-effect in terms of recruitment and selection guidelines; monitoring and appraisal; training.

3.2.1.3. Catalyst and active agent in legislative and social awareness

Local and regional authorities can improve employer-awareness of their obligations and the benefits of an open recruitment policy through various media. The local authority as a large-scale purchaser of goods and services may be a catalyst for this. In terms of social awareness, local and regional authorities should strive constantly in various ways to alter the general public's attitudes and create a climate of disapproval and rejection of racism.

3.2.1.4. Social partnerships

Racism does not exist in a vacuum — issues in the community cannot be tackled unless there are inter-agency and trans-service collaborations between social services, police, housing, schools, probation services, community development organizations, voluntary organizations, ngos, and employment services.

3.2.1.5. Education and training

Education is a key area in which local and regional authorities can contribute to the fight against racism. In its 1996 opinion, the COR called for networks to exchange educational material, in-service training of teachers, support for disadvantaged pupils to enter the teaching profession, support for the teaching of Community languages, and the development within the overall curriculum of anti-racist education. The EU assists education authorities through its various education programmes, notably through promoting trans-national school exchanges, which prepare an awareness of other cultures and societies, and a capacity to live in a multi-cultural and multi-racial environment.

3.2.1.6. Political activism and the mainstreaming of 'voice and ownership'

It is important to engage minority groups in the political process, both as voters and as candidates. It is only by involving minorities in this process can policies and legislation be developed that address the needs and aspirations of all sectors of the community, and overcome a culture of exclusion and alienation.

3.2.1.7. Urban regeneration and development

The European Commission puts an emphasis on linking urban policy with the fight against racism. This is vital as it is in cities that the concentration of long-term and youth unemployment and economic and environmental deprivation fosters racial and other social tensions. Local authorities have a key role to play in addressing these and other causes of racism that manifest themselves at the local level.

3.2.1.8. Structural Fund Policy

Action to tackle social exclusion and discrimination in all its forms is an active part of the Commission's attitude towards the European Social Fund and the Community Initiative Integra. It is important that this receives even greater prominence in the revised guidelines for the Structural Funds after 1999, with explicit reference to the need for coordinated action at local, regional, national and EU level to tackle the problem of racism in all its forms.

4. European Action Plan Against Racism

4.1. Outline of the Action Plan

4.1.1. The European Commission's Action Plan Against Racism aims to establish a coherent framework for measures to combat racism at the European level, and practical and procedural measures to prepare the ground for legislation and future and more ambitious action. There are four strands:

4.1.2. Paving the way for legislative initiatives — the European Commission will propose new legislation to combat various categories of discrimination in 1999;

4.1.3. Mainstreaming the fight against racism — the Commission will mainstream its effort across policy areas, and will take account of the principle of non-discrimination in its recruitment policy;

4.1.4. Developing and exchanging new models — the active involvement of minority groups is seen as key in planning, developing and implementing all aspects of project work, highlighting contributions, and promoting positive

messages about the benefits of diversity. Areas for specific focus could include racism in the workplace and in sport, in everyday life, the role of the media, and legal measures for combating racism and specific actions of publicly funded bodies like regional councils and local authorities;

4.1.5. Strengthening information and communication action — the European Commission intends to raise the visibility of the campaign against racism.

4.1.6. The Commission will publish a report setting out the progress made by the end of 1999. The report will focus on legislative and mainstreaming developments, taking account of the results of two conferences on these subjects in 1998 and 1999 respectively.

4.2. The local and regional dimension in the Action Plan

4.2.1. The Action Plan stresses the need for partnerships and co-operation between local authorities and Member States, ngos, the social partners, media and sports bodies. In particular, the Commission recognizes that local authorities have a key role to play in developing strategies to prevent and combat racism at the level closest to the citizen.

4.2.2. Many of the activities identified in the Action Plan, such as schools-based and youth activities, measures under the new Community Initiative for equality (EQUAL), cultural actions and the inclusion of social objectives into public procurement, have implications for local and regional authorities as service providers, facilitators and purchasers. Unfortunately, the local/regional dimension is not clearly articulated in the Action Plan.

4.3. Assessment of the Action Plan

4.3.1. There is much to be welcomed in the Action Plan. The concept of mainstreaming is important although it is vital that this must not lead to a loss of focus and visibility for anti-discriminatory policies and activities — as appears to be the trend in the sphere of gender-mainstreaming. The Action Plan is surely right in giving attention to identifying the causes of racism, and in this respect the references to schools-based and youth activities is relevant and of considerable interest to local authorities; the rapporteur calls on the Vienna Centre to research and identify the underlying factors that feed racism, xenophobia, anti-semitism and islamophobia in order that an appropriate strategy can be constructed at local, regional, national and European levels. It is already clear, however, that conditions of high or long-term unemployment both feed racial tension and impact disproportionately on immigrants and ethnic minorities — here again, local and regional authorities have a role both as very significant employers and in developing sub-national strategies for job creation and tackling youth unemployment.

4.3.2. It is regretted however, that the Action Plan is restricted essentially to regrouping and rebranding existing policies. Whilst incorporating many diverse and progressive actions, the Action Plan as a whole includes little that is new or innovative. Given that most of the actions identified were devised within the context and objectives of other Community programmes and initiatives, it cannot be guaranteed that they will deliver an optimal anti-racism strategy: there is a clear need for the internal inter-service co-ordination group that is proposed by the Action Plan. One could go further and recommend that there should be an inter-institutional working group, linking with the Vienna Centre and the newly established European Anti-Racist Network of ngos, including the Migrants Forum. Finally, there is no guarantee that those aspects of Community policy identified as supporting the Action Plan Against Racism will be adequately funded: no budgetary assessment is given in the Commission paper.

5. Towards a legislative framework

5.1. In its 1996 opinion, the COR welcomed the intention to apply non-discrimination clauses in community instruments and gave support to the IGC proposals to strengthen Treaty provisions in this respect.

5.2. The experience of existing anti-discrimination legislation in the field of gender-equality provides useful lessons: the scope of gender-equality legislation has largely been limited to employment issues by the restrictiveness of the existing legal base; it has not always transposed well into national legislation; it is rarely implemented effectively. Few would deny that a gender-gap exists in terms of pay and employment, even though the Equal Treatment Directive has been in force for well over 20 years.

5.3. It is therefore essential that any future legislation has a comprehensive scope (now provided for by the Amsterdam Treaty) and procedures for monitoring and enforcement, including the right of individuals to be represented by intermediaries to avoid the fear of identification and reprisal. Equally, whereas the anti-discrimination clause refers to a wide range of types of discrimination, each has a different cause and manifestation: the European Commission should consider a series of individual directives addressing specific forms of discrimination, to complement a general framework directive.

5.4. For example, specific action may be considered to favour the 10 million third-country nationals who legally reside and work within the European Union. Many third country nationals benefit currently from preferential treatment within their country of residence by virtue of bilateral agreements with their country of origin, e.g. Commonwealth

citizens within the UK. However, these benefits cease once they move to another EU Member State. The issue of family members is also of concern, as legally resident third country nationals also have a basic human right to family life. The concept of European citizenship, introduced by the Maastricht Treaty, confers on all European citizens the right to stand and vote in local and regional elections in their country of residence; this right could be conferred on third country nationals subject to a qualifying period of residence.

5.5. It must be recognized that although the Member States included the anti-discrimination clause in the Treaty, this is no guarantee that they will agree new legislation nor that it will be applied effectively. Pressure must be put on national governments to use the new provisions urgently and comprehensively.

6. Concluding remarks

6.1. The need to combat racism and various forms of harassment and discrimination is manifest. Efforts are needed at local and regional level — and at national and European level — supported by voluntary organizations, to provide co-ordination and collaboration across borders, and to combat the increasing mobility and co-ordination of racist groups within the single market.

6.1.1. Racism and discrimination must be tackled in a wide range of policy fields: education, vocational training and youth policy; employment; social security; health and welfare benefits; urban policy; housing; provision of facilities and services; the exercise of its functions by any public body, including public procurement; etc.

6.2. Well-targeted European legislation would add force to anti-racist activities and would provide the assurance of a common high level of assurance throughout the EU and, in the context of enlargement, across the wider Europe. The activities identified in the Action Plan will also contribute to a generalized effort to combat racism, but they must be well co-ordinated and must fully reflect the role and capacities of local and regional authorities.

7. Conclusions

7.1. The Committee of the Regions:

7.1.1. Recognizes that racism, xenophobia, anti-Semitism and islamophobia are Europe-wide phenomena requiring a Europe-wide response.

7.1.2. Considers that local and regional authorities, because of their proximity to the citizen and because of the cultural and racial diversity of their constituencies, bear a special responsibility to combat discrimination and exclusion, and to promote participation in the political process.

7.1.3. Calls upon local and regional authorities to treat the fight against racism as a constant priority in policy-making.

7.1.4. Recognizes that the Action Plan against racism is closely bound to the ratification of the Amsterdam Treaty and the competences and legislation that will flow from it, which will together create an environment for positive action by the Committee of the Regions.

7.2. As regards EU competences after ratification of the Amsterdam Treaty:

7.2.1. Recognizes that the Amsterdam Treaty specifically states that one of the EU's objectives is to prevent and combat racism and xenophobia (new Treaty Art. 29) and that the Council may take appropriate action to combat discrimination based on race or ethnic origin, religion or belief (new Treaty Art. 13).

7.2.2. Welcomes Commissioner Flynn's undertaking to propose, in 1999, a framework directive on anti-discrimination, to be supplemented with a series of individual directives addressing specific issues pertaining to different forms of discrimination.

7.2.3. Requests that the COR be directly consulted on all legislative proposals consequent upon ratification of the Amsterdam Treaty in the field on anti-discrimination and equal opportunities, having local or regional considerations.

7.3. As regards the Action Plan Against Racism:

7.3.1. Welcomes the publication of the Action Plan Against Racism as an interim measure to prepare the ground for future action following ratification of the Amsterdam Treaty.

7.3.2. Welcomes the application of the mainstreaming principle, but wants this to go beyond the cosmetic rebranding of existing actions and therefore calls for an integrated strategy to combat racism and for regionally and locally based measures taken under the Plan to be clearly and viably structured.

7.3.3. Calls for greater resources to be allocated to European anti-racist activities and organizations or networks.

7.3.4. Calls for the provision of reliable data and an assessment of the causes of racism and other forms of intolerance and discrimination.

7.3.5. Recognizes the pivotal role of education and employment policies in tackling the causes of racial tension, and the role of educational authorities and schools in devising school curricula which promote the values of solidarity, pluralism, tolerance and the celebration of diversity, and to improve the education of migrant workers.

7.3.6. Calls on the Commission to produce, in conjunction with the COR, a vademecum of best practice in the field of local and regional actions against racism.

7.3.7. Calls for the establishment of an inter-institutional contact group to co-ordinate and promote activities at a European level, in conjunction with the European Monitoring Centre on Racism and Xenophobia and the European Network Against Racism.

7.4. As regards the Committee of the Regions itself:

7.4.1. Considers that the COR, as the EU body representing local and regional authorities, has a key role to play in promoting European citizenship and in promoting social cohesion and equal access to public services.

7.4.2. Recalls that equal opportunities, in its broadest definition, represents a horizontal political priority of the COR, as established at the extraordinary Bureau of 10.6.1998.

7.4.3. Recalls its resolution and reports of September-November 1997 and the 1998 Statement of intent on equal opportunities in the COR, specifically as regards the work of the commissions and staffing policy of the COR, confirms that the resolution applies to all forms of discrimination including on grounds of race or religious beliefs, and instructs the Secretary-general to expedite action in this regard.

7.4.4. Emphatically endorses the 'Charter of European political parties for a non-racist society'.

7.4.5. Firmly rejects any form of alliance or political co-operation with or between individual members or political groups which advocate racist or discriminatory policies, or who hold office with the support of avowedly racist or xenophobic parties in their local or regional councils.

7.4.6. Undertakes to participate in EU-wide activities, fora and campaigns involving the EU institutions in the fight against racism.

7.4.7. Undertakes, as part of its ongoing contacts with the applicant countries of Central, Eastern and Southern Europe, to inform local and regional authorities of the existing

Community acquis and best practice in the EU Member States, and to make best endeavour to engage in dialogue with

community groups working with minorities or migrants within the applicant countries.

Brussels, 11 March 1999.

*The President
of the Committee of the Regions*
Manfred DAMMEYER

APPENDIX

to the opinion on the Committee of the Regions

Graz Declaration

At the European conference held in Graz (Austria) on racism and xenophobia, which coincides with the 60th anniversary of 'Kristallnacht', the Conference:

Considering that respect for human rights constitutes a fundamental principle shared by all Member States, and which is guaranteed by the democratic and pluralist political systems within the European Union, based on parliamentary institutions and independent judicial machinery;

Having regard to both its opinion of 13 June 1996⁽¹⁾ on the 'Proposal for a Council Decision proclaiming 1997 European Year against Racism' and its own-initiative opinion of 12 June 1997⁽²⁾ on 'Racism, xenophobia and anti-semitism';

Whereas the Amsterdam Treaty specifically states that one of the European Union's objectives is to prevent and combat racism and xenophobia (new Treaty Article 29);

Whereas the Treaty on European Union provides that the Council may, acting unanimously, take appropriate action to combat discrimination based on race or ethnic origin, religion or belief (new Treaty Article 13);

Whereas the Treaty also states that the European Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States (new Treaty Article 6);

Whereas the Committee of the Regions, as the European Union body representing the local and regional authorities, has a key role to play in promoting European citizenship and must therefore be particularly energetic in combating racism and xenophobia;

Whereas these local and regional authorities, being the level of government closest to the citizen, have a concrete and irreplaceable role to play in this fight, especially in ensuring equal access to public services;

Whereas a code of conduct is set out in the Charter of European Political Parties for a non-racist society, adopted in Utrecht on 28 February 1998;

1. Firmly rejects any form of alliance or political cooperation with parties which make racist or xenophobic statements at local, regional, national or European level and asks all democratic parties and all authorities at all levels to oppose the activities of such groups and racist movements with all democratic means placed at their disposal;

⁽¹⁾ CdR 156/96 fin — OJ C 337, 11.11.1996, p. 63.

⁽²⁾ CdR 80/97 fin — OJ C 244, 11.8.1997, p. 58.

2. Supports all types of venture and partnership between local, regional, national and European levels, especially in giving equal access in areas such as education, training, housing and employment (bearing in mind the major role played by local and regional authorities in their capacity as employer), and enabling a successful integration of the various communities and a mutual cultural enrichment;
3. Feels that the local and regional authorities, because of their closeness to the grassroots level, bear a special responsibility in the face of the scourge of increasing indifference to the discrimination and exclusion of persons of a different racial, ethnic and cultural origin;
4. Requests the Member States and/or local and regional authorities, within their competences in this field, to devise and encourage school curricula which promote the values of solidarity, pluralism, tolerance and acceptance of differences and aim to foster equal opportunities; and equally to improve the education of migrant workers, based on best practice in several local and regional authorities;
5. Welcomes the recent publication by the European Commission of the Action Plan — against Racism, which must be regarded as a transitional measure, paving the way for legislative proposals and future action once the Amsterdam Treaty has been ratified;
6. Welcomes the recent setting-up of the European Racism and Xenophobia Network and the adoption of a programme of actions focusing mainly on launching campaigns to boost awareness of anti-racist policies and on helping to link local, regional and national problems with European problems;
7. Calls for an increase in the capacity for action of the European Monitoring Centre for Racism and Xenophobia and the European Racism and Xenophobia Network, and equally a new cooperation between the community institutions and the Committee of the Regions;
8. Calls the Member States to facilitate a speedy political integration of non-EU migrant workers being in line with the law and to eliminate all aspects leading to racism in certain national policies and/or practices in respect of immigration and asylum; in this connection, the participation in local elections of third country nationals having established residence is an important part of integration;
9. Calls upon the local and regional authorities to treat the fight against racism as a constant priority in policy making.

Graz, 9 November 1998.

Opinion of the Committee of the Regions on the 'Communication from the Commission on the out-of-court settlement of consumer disputes and the Commission recommendation on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes'

(1999/C 198/11)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission on the out-of-court settlement of consumer disputes and the Commission recommendation on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes COM(1998) 198 final of 30 March 1998;

having regard to the decision of its Bureau of 15 July 1998, in accordance with the fourth paragraph of Article 198c of the EC Treaty, to draw up an opinion on the subject and to instruct Commission 5 for Social Policy, Public Health, Consumer Protection, Research, Tourism to carry out the preparatory work;

having regard to the opinion (CdR 441/98 rev. 1) (rapporteur: Mr von Plottnitz) adopted by Commission 5 on 26 January 1999,

at its 28th plenary session on 10 and 11 March 1999 (meeting of 10 March) adopted the following opinion.

1. Introduction

On the basis of the consultations on the Green Paper on Consumer access to justice and the settlement of consumer disputes in the single market⁽¹⁾ and the action plan which followed⁽²⁾ it, the Commission has now issued a Communication on the out-of-court settlement of consumer disputes and a Recommendation on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes.

1.1. The Commission notes that the body of Community consumer law has increased substantially with the adoption of corresponding legal measures. Moreover, the Member States have also adopted a broad range of laws — in both harmonized and not yet approximated areas — granting consumers specific rights.

1.2. However, it also notes shortcomings throughout the Community with regard to the effective exercise of legal rights. A consumer seeking justice in the courts faces the following obstacles:

- the cost of legal consultation and representation, court fees and the cost of expert opinions,
- the duration of the legal proceedings,
- psychological barriers arising from the complexity and formalism associated with court procedures and unfamiliarity with legal language.

1.3. The Committee also points out that, if things are complex enough in national disputes, they are even more complicated when more than one country is involved. In general the proceedings are too long drawn-out and their cost excessive when compared with the limited value of the dispute. The consequence is that many consumers do not try to assert their rights.

2. Possible solutions

Three complementary approaches to a solution are proposed:

- the simplification and improvement of court procedures
- the improvement of communication between consumers and professionals
- the creation of out-of-court procedures for the settlement of consumer disputes.

2.1. Having established that the simplified court procedures for minor disputes introduced in most Member States differ greatly, the Commission turns in its proposal to the out-of-court settlement of consumer disputes. This is to be welcomed, as improved access for consumers to the law and improved communication between professionals and consumers is discussed, without however interfering with existing national court procedures.

⁽¹⁾ COM(93/ 576 final of 16 November 1993.

⁽²⁾ COM(96) 13 final of 14 February 1996.

2.2. With a view to the possibility of the introduction of out-of-court procedures, the Commission notes that there exist at present in Europe a variety of out-of-court mechanisms specifically intended for the settlement of consumer disputes. In some cases these procedures are complementary or preliminary to court procedures, such as mediation. In some cases other, alternative arrangements exist, e.g. arbitration.

2.2.1. The Commission also points out that out-of-court procedures also need to offer certain minimum guarantees of 'good justice' and to reinforce consumers' confidence in these systems.

2.3. In its Communication the Commission therefore proposes two initiatives aimed at improving existing consumer access to the law, which is at present unclear to citizens.

2.3.1. First, a European claim form for consumers is presented, aimed at improving communication between consumers and professionals with a view to settling disputes swiftly and amicably.

If the problem cannot be solved in this way, the possibility is considered of establishing a procedure whereby out-of-court proceedings could be initiated by simple lodgement of the form. The form, which has been drawn up following prior consultations with the Member States, is intended to guide and orientate consumers in formulating their claims. It will initially be a two-year pilot project.

2.3.2. Secondly, the principles for the operation of out-of-court bodies dealing with the settlement of consumer disputes, put forward in the Commission recommendation, are to be established.

The recommendation is concerned exclusively with procedures which, no matter what they are called, lead to the settling of a dispute through the active intervention of a third party, who proposes or imposes a solution.

The Commission lays down the following principles:

2.3.2.1. Principle of independence of the mediating body (to be guaranteed, inter alia, by qualifications, a mandate of sufficient duration and lack of any personal connection with the parties).

2.3.2.2. Principle of transparency of the procedure (to be guaranteed, inter alia, by information requirements with regard to the remit and territorial jurisdiction of the out-of-court disputes settlement body, the procedural rules to be observed, costs, the legal status of the decision, and by the publication of periodic reports on decisions).

2.3.2.3. Adversarial principle.

2.3.2.4. Principle of effectiveness (to be guaranteed, inter alia, through the right but not the obligation to use a legal representative, a free or low-cost procedure, rapidity, and an active role for the mediating body in guiding the procedure).

2.3.2.5. Principle of legality (to be guaranteed, inter alia, by compliance with the mandatory provisions of the law of the state in which the body is established and the requirement to give reasons for the decision).

The COR considers it necessary to specify that the decisions of the out-of-court disputes settlement body are not only fully in accordance with the law, but also with equity, insofar as this is desired by the parties involved.

2.3.2.6. Principle of liberty (to be guaranteed, inter alia, by ensuring that the consumer is not deprived of his/her right to take legal action notwithstanding any commitment entered into prior to the materialization of the dispute).

2.3.2.7. Principle of representation — the right to be represented by a third party at all stages of the procedure.

3. General comments

3.1. *The importance of consumer protection for citizens in the internal market*

3.1.1. In its Opinion of 17 May 1994 on the Green Paper on access of consumers to justice and the settlement of consumer disputes in the Single Market⁽¹⁾ the COR, agreeing with the Commission's assertion that the credibility of European construction is at stake in the question of consumer protection, stated that the internal market would function properly only if European citizens had sufficient confidence in it, knowing that any disputes could be resolved swiftly and effectively.

The Committee also expressed the view that in the internal market consumer protection had taken on a new 'Community' dimension. Against this background and in the light of uncertainty as to the effectiveness of the protection of consumer rights, the Committee of the Regions called on the Commission to treat consumer redress and consumer disputes settlement as a matter of priority, and in so doing to make full use of the opportunities created by Article 129a of the EC Treaty.

⁽¹⁾ Cdr 47/94 — OJ C 217, 6.8.1994, p. 29.

3.1.2. In this context it should be pointed out that the Maastricht Treaty and the Amsterdam Treaty (via the new Article 153) have progressively strengthened consumer protection and brought progress towards the achievement of a high level of protection.

3.1.3. The internal market has brought advantages for consumers, but particularly also for business people, and this is to be welcomed. The Committee of the Regions believes that, within the European internal market, consumers need to be able to rely upon an essentially uniform out-of-court settlement procedure. Consumers and the associations and organizations representing them also need to be more familiar with the options available for both litigation and out-of-court settlements. It would also be useful for businesses to endorse out-of-court settlement arrangements as an indication of the quality of their services.

3.2. *Examination in the light of the second and third paragraphs of Article 3b of the EC Treaty*

With a view to preserving the powers of the regional and local authorities, both the European consumer claim form and the principles governing the out-of-court dispute settlement bodies should be examined in the light of the second and third paragraphs of Article 3b of the EC Treaty (subsidiarity and proportionality principles).

3.2.1. The Committee approves the Commission's approach of making the proposed measures voluntary, and in particular that of establishing a two-year pilot project.

3.2.2. The Committee feels that, despite the efforts made at Community level over the last few years — examples being the Directive of 19 May 1998 on Injunctions for the protection of consumers' interests or the Proposal for a Directive on the sale of consumer goods and associated guarantees⁽¹⁾ — the body of Community law is not yet sufficiently developed to make it possible to speak of an equal level of protection for consumers in the Member States. On the other hand, the Committee reiterates the view it expressed in relation to the green paper that disparities in national consumer protection legislation are an expression of the rich cultural diversity of Europe's national and regional traditions, which should in principle be respected.

3.2.3. Against this background, the Commission's basic intention in submitting the Communication, to stress and promote the opportunities for out-of-court settlement of disputes, is unreservedly welcomed. All the more so as, in the COR's view, the costs incurred and court time spent on a significant proportion of national and above all cross-border legal disputes are now out of proportion to the value of the

dispute. Moreover, out-of-court disputes settlement mechanisms tend to be better able to adapt flexibly to individual cases and thus to boost the confidence of those involved, as has been impressively demonstrated by the success of the international trade arbitration court. Moreover, specific regional and local conditions can also be taken into account, such as the structure of supply and demand for goods and services of various kinds.

3.2.4. The strengthening of out-of-court disputes settlement proposed by the Commission is in line with procedures being discussed, or actually implemented, in the Member States.

Thus in Denmark, Sweden and Finland most consumer disputes are dealt with by consumer complaints committees with official status; decisions are taken in accordance with a written procedures the details of which are laid down by law.

Belgium and the Netherlands have disputes commissions, which also mainly operate a written procedure, and the decisions of which are binding on parties which have submitted to the procedure.

In the United Kingdom and Ireland, on the other hand, there are private ombudsmen, working in the banking and insurance sectors for example as mediators and subject to certain minimum requirements.

In Spain a special arbitration procedure ('sistema arbitral del consumo') has existed for consumer matters since 1993; arbitration centres are chaired by an official and represent both parties to the dispute; the centres' rulings are binding.

In France there is a simplified complaints procedure via the 'tribunal d'instance' for disputes valued at up to FF 13 000, using a standardized form.

In Germany commercial mediation and arbitration bodies have been set up on the initiative of the corresponding economic associations, in some cases in cooperation with consumer association bodies. Bodies of various kinds exist, such as those with a legal mandate to mediate (e.g. craft chambers), guild-based bodies operating within a given sector (e.g. motor vehicle trade arbitration bodies), consumer bodies offering mediation and advice (e.g. consumer counselling on faulty goods), and partnership-based bodies involving associations from both sides (e.g. rent mediation bodies).

⁽¹⁾ COM(95) 520 final.

4. Specific comments

4.1. *The European consumer complaint form*

4.1.1. Given that the single form proposed by the Commission is intended to enable the consumer to formulate his/her complaint more precisely and thus, via constructive dialogue, to contribute to an amicable settlement of the dispute, it is therefore, the COR feels, a welcome development that the Commission, in contrast to the intention expressed in its action plan, is no longer proposing the use of a standardized form for the initiation of necessary legal proceedings in the absence of any response from the other party to the dispute. The approach of restricting use of the form to the initiation of out-of-court proceedings and leaving it to the parties concerned to decide whether the form can be used to settle the dispute is to be welcomed.

4.1.2. It should however be borne in mind that consumer disputes are a complex field, and that in individual cases the value of a standardized, schematic presentation of the circumstances or of the consumer's claim may be doubtful.

Closer examination of the form reveals that the consumer is required to tick a number of boxes, e.g. boxes 5, 6, 7, 26 and 27 in part I (problems encountered) relating to proper performance of the contract and boxes 36, 39 and 45 in part III (request by the consumer) relating to redress, which might be a source of uncertainty to the claimant, particularly if he/she is not well versed in economic or legal matters. This is all the more true, when one considers that attention is drawn in the instructions for completing the form to the time limit for the submission of claims. This is a necessary warning and is to be welcomed, but it might mean — particularly in view of the need to determine the system of national law applicable to a cross-border dispute — the claimant needing competent legal advice even at this stage. Advice might be needed on meeting the time limit for the claim, which for example in Germany is six months from the date of delivery of the goods in accordance with paragraph 477 of the civil legal code (BGB), or on the appropriateness of any solution or compromise proposed by the other side, in the light of the law. The aim should be for national or regional consumer bodies which supply the claim forms also to provide the legal advice required to complete these.

4.1.3. Against this background, the COR strongly supports the proposed two-year trial period, to provide an opportunity to assess the operation and effectiveness of the form on the basis of the experience gained. Account will also need to be taken of progress towards approximation of the law, as

referred to in the Directive on the sale of consumer goods and associated guarantees mentioned above. However, these arrangements do not permit the consumer to propose, to the professional, an out-of-court solution to the conflict, separately from an amicable settlement.

4.2. *The principles governing bodies responsible for the out-of-court settlement of consumer disputes*

4.2.1. Given that an out-of-court disputes settlement system operating throughout the internal market must at least have the beginnings of a homogeneous structure, if it is to perform its function, the COR wholeheartedly supports the Commission's proposal to simplify and approximate out-of-court procedures by drawing up certain minimum criteria at European level. The application of common principles to out-of-court disputes settlement and to the bodies operating these procedures is in principle to be welcomed as a useful contribution to the creation of an environment conducive to the settlement of intra-Community consumer disputes, all the more so as these options will neither bar the consumer's way to the courts nor make access more difficult.

4.2.2. The COR agrees that it is essential that out-of-court disputes settlement bodies be independent. From this point of view, these should be assessed in line with the principle of participation, and 'sectoral' mediation bodies which fail to comply with this principle should be rejected. The COR considers it essential, not least in order to ensure that decisions are accepted, that the membership of mediation and arbitration bodies include representatives of the three main players on the market: consumer associations, associations representing business, and the government; furthermore the bodies should be chaired by an independent and legally qualified person. Moreover, to ensure that the principle of liberty is adequately guaranteed, particularly for the consumer, it should be ensured in implementing the recommendations that sufficient time is allowed for study of the result of mediation.

4.2.3. The COR considers that the objective should on no account be to remove the dispute settlement mechanisms already in place in the Member States and to replace them with new, standardized institutions. Rather, the recommended minimum standards should be used to improve where necessary the quality of the out-of-court dispute settlement bodies existing in the regions and local areas in line with the Commission's proposals. The Committee feels that this is the best way to ensure that local and regional conditions continue to be appropriately taken into account in future and that existing resources are used as efficiently as possible in the interests of consumers.

In particular, existing, successfully operating national or local legal advice bodies, like the 'Öffentliche Rechtsauskunfts- und Vergleichsstelle' in Hamburg and Bremen, should not be affected.

4.2.4. The Commission's efforts to establish a central database in the interests of greater transparency and of the widest possible dissemination of out-of-court dispute settlement mechanisms are to be welcomed.

In line with one of the measures for implementing the principle of transparency established by the Commission, and in order to standardize these procedures within the EU, they (the data banks) must permit the dissemination of and provision of information about the procedural rules governing bodies responsible for out-of-court settlements of disputes, and about the decisions taken by such bodies, by making such information available to the Member States with financial support from the Community; the privacy of the parties involved must be preserved.

4.2.5. Moreover, the Committee recommends that in future, consumer associations at all levels, dedicated to defend collective interests, under procedures for out-of-court settlements, should be involved; this covers not only those who represent the consumer, but also those who defend the individual interests of the vast number of consumers affected by identical consumer relations within the European internal market.

Brussels, 10 March 1999.

5. Conclusions

5.1. The COR welcomes the Commission proposal but stresses that this initiative should initially — as proposed by the Commission — be implemented as a two-year pilot project.

5.2. The creation of an out-of-court consumer dispute settlement procedure in the internal market will increase the transparency of the citizens' rights arising from the internal market and help boost public support for European integration.

5.3. The COR also considers that the objective of further measures to promote consumer access to justice should not be to replace the dispute settlement mechanisms already in place in the Member States with new European bodies. Rather, the aim should be to bring existing bodies into line with the European minimum standards already drawn up or to be drawn up.

5.4. Finally, the COR considers that the proposals for the out-of-court settlement of disputes contained in the Commission communication should receive suitable support, including financial support. To this extent, the COR is glad that the Proposal for a European Parliament and Council Decision establishing a general framework for Community activities in favour of consumers, which, inter alia, provides financial support for the consumer policies of the Member States was adopted in December 1998. It would be a good thing if the corresponding consumer policies were to be rapidly implemented.

*The President
of the Committee of the Regions*
Manfred DAMMEYER

Opinion of the Committee of the Regions on:

- the ‘Communication from the Commission on violence against children, young persons and women’, and
- the ‘Amended Proposal for a European Parliament and Council Decision adopting a programme of Community action (the Daphne Programme) (2000-2004) on measures aimed to prevent violence against children, young persons and women’

(1999/C 198/12)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission on violence against children, young persons and women and the Amended Proposal for a European Parliament and Council Decision adopting a programme of Community action (the Daphne Programme) (2000-2004) on measures aimed to prevent violence against children, young persons and women [COM(1998) 335 final — 98/0192 (CNS)] and [COM(1999) 82 final — 98/0192 (COD)]⁽¹⁾;

having regard to the European Commission's decision of 18 February 1999 to consult the Committee of the Regions on the subject, under Article 129 of the Treaty establishing the European Community;

having regard to its Bureau's decision of 16 September 1998 instructing Commission 7 (Education, Vocational Training, Culture, Youth, Sport and Citizens' Rights) to draw up an opinion on the subject;

having regard to the Draft Opinion (CdR 300/98 rev. 1) adopted by Commission 7 on 10 March 1999 (rapporteurs: Mrs Onkelinx and Mrs Van Den Brink),

having regard to the recommendations for actions for local and regional authorities across the EU to combat child abuse, put forward at the seminar on ‘local and regional cooperation to protect children from abuse’ in Brussels, on 4 December 1998, organised by Commission 7 in cooperation with the National Society for the Prevention of Cruelty to Children (UK) and the Irish Society for Prevention of Cruelty to Children (supported by the Daphne initiative),

unanimously adopted the following opinion at its 28th plenary session of 10 and 11 March 1999 (meeting of 11 March).

1. Introduction

1.1. Violence against children and young persons

1.1.1. Violence against children and young people is a real social problem which is unfortunately widespread in all social classes, regardless of their level of socio-economic and cultural development.

1.1.2. Mistreatment of children means any deeds or negligence by an individual, an institution or by society as a whole, and all situations arising from such deeds or negligence, which deprive children of their freedom or corresponding rights and/or hinder their optimum development.

1.1.3. It must, however, be noted that poor socio-economic conditions and social status, the break-up of families and the absence of social integration, and problems linked with alcohol

and drug abuse, are factors which considerably increase the risks of violence and hence the vulnerability of children. A single case of such violence may involve physical, sexual or psychological mistreatment, forms of exploitation of children, or abandonment of children and new-born babies. These phenomena are found worldwide and hence also in Europe. Moreover, the COR underlines in particular the importance of developing research on the impact of drugs and alcohol abuse on the family environment.

1.1.4. When discussing violence against children, one cannot ignore the serious problems posed by networks using Internet for child pornography. It is clear that Internet, through its decentralized structure and worldwide extent, can facilitate the establishment and development of such networks.

1.1.5. On the other hand, the open nature of Internet can also help towards the identification and arrest of people involved in such networks, as shown recently by the vast international operation which led to the dismantling of the

⁽¹⁾ OJ C 259, 18.8.1998, p. 2; OJ C 89, 30.4.1998, p. 42.

'Wonderland' network. At all events, while one is aware of the seriousness of the acts placed on the Internet by paedophile networks, one should not concentrate on this problem alone, since it is only one of the many aspects of violence against children, and illegal behaviour on the network is only a small part of the Internet traffic.

1.1.6. Even if the public's attention tends to focus more on sexual exploitation of children and urban violence — particularly in schools — let us remember that most acts of violence, abandonment and mistreatment take place in the family context. Some regional and local authorities, acting within the powers conferred upon them, may take specific measures to protect children: placement in foster families or specialized institutions, monitoring of families in difficulties, provision of financial aid, etc.

1.1.7. It is also accepted that children who have been abused or mistreated are at risk of becoming violent or committing abuse themselves.

1.1.8. Any act of violence has an effect not only on the victim, but also on his or her family and the whole of society. Acts of violence directed against children, experienced within the family or represented in the media are likely to affect their physical, emotional or mental health; the children concerned will require medical, psychological and social care.

1.1.9. All these points call for special attention or a reorientation of the action and measures to be taken by the European Union.

1.1.10. It is impossible to assess the real social costs of the effects of violence. However, it is clear that the Member States of the European Union spend a considerable amount on medical treatment, psychological and social support and judicial matters arising from this social scourge.

1.1.11. Although the financial aspect is hardly negligible, the human aspect must remain the priority for all, and to this end any action designed to reduce the risks and prevent acts of violence, abandonment and mistreatment of children must be supported. We would underline here the importance of the role played by some regional and local authorities in mother and child welfare and in providing child support services. Such authorities have specific medical and social responsibilities — particularly in the context of preventing the mistreatment of children.

1.1.12. In this respect, the COR underlines the value of educational campaigns for the safety of children not only in schools but also in out-of-school activities.

1.2. *International and European context*

1.2.1. The need for concerted acknowledged at various levels and in different ways.

1.2.2. action on a world scale to defend human rights and to put an end to violence has long been. At global level, the 1948 Universal Declaration of Human Rights, the 1989 United Nations Convention on the Rights of the Child, Article 19 of which lays down the right of everyone under 18 to protection 'from all forms of physical and mental violence, injury and abuse', the 1990 World Summit for Children, the 1996 Stockholm Declaration and the Agenda for Action adopted by the first World Congress against the Commercial Sexual Exploitation of Children, represent a considerable achievement and form the basis for national and international measures in the field from now on.

1.2.3. At European level, the Convention for the Protection of Human Rights and Fundamental Freedoms recognizes the right of all people, including women and children, not to be subjected 'to inhuman or degrading treatment'.

1.2.4. Moreover, the summit meeting of Baltic Sea States held in Riga in 1998 encouraged the Member States to associate themselves with the European Union's joint measures to combat trafficking in human beings and exploitation of children of any kind.

1.3. *The European Union's response*

1.3.1. The Union, its Member States and its institutions all have an essential role to play in combating violence.

1.3.2. It is essential to strengthen and develop Community action in this field, while taking care to respect the principles of subsidiarity and complementarity.

1.3.3. At the invitation of the European Parliament, the Council and Commission have already taken a series of measures, particularly in the fields of education, audiovisual media and new technologies. Thus, in May 1998 the European Council adopted a recommendation on the protection of minors and human dignity in audiovisual and information services, and an action plan intended to promote safe use of the Internet is currently in the process of being adopted.

1.4. *Violence against women*

1.4.1. On the eve of the millennium, violence against women is still a worldwide phenomenon. One woman in two encounters sex-specific violence at least once in her lifetime. As we shall demonstrate below, sex-specific violence takes many forms. It is disappointing that programmes against sex-specific violence remain necessary despite all the attention and activity which has been devoted to this question. Such programmes are of undoubted importance.

1.4.2. Violence against women is defined as all violence inflicted on them on the basis of sex differences.

1.4.3. This includes sexual violence, defined as follows⁽¹⁾: any interaction in which someone is forced to tolerate a sexual approach or to perform or submit to sexual acts. This also includes enforced prostitution and trafficking in women with the aim of sexual exploitation.

1.4.4. Sex-specific violence also includes violence in the home, defined as follows: threatening behaviour with actual use of physical and psychological violence within the home, by the male against the female (ex)-partner⁽²⁾.

1.4.5. We share the view that within the category of women, vulnerable groups such as the handicapped, minorities, migrants and prisoners run a greater risk of violence.

1.4.6. Sex-specific violence against women leads to personal distress and injury. Moreover, violence against women is costly for society. According to a Dutch survey, the costs of serious to very serious domestic violence affecting about 50 000 women came to 332,6 million Dutch guilders per year. This would include legal and police costs, medical costs, psychosocial help and social security costs⁽³⁾. Prevention and reporting of violence against women and children is necessary and possible at an early stage. An important precondition is to establish an approachable reporting point. Accessibility to this reporting point for women must be guaranteed regardless of their ethnic background, culture or nationality, Community or otherwise.

1.4.7. Another requirement is that officials who frequently have dealings with residents, such as the basic social services, should be expert in the early detection of signs of violence in and around the home.

1.4.8. Comparative research has recently been carried out in England, the Netherlands and elsewhere into the form and extent of violence against women. One of the conclusions of this research is that hidden violence forms a large part of the total percentage⁽⁴⁾. Violence against women is mostly domestic and thus escapes observation. The perpetrators are often known to the victims. This affects the victim's willingness to make a statement. Surveys of victims show that violence against women and children is proportionally the most common form of crime. These offences are not reflected in the crime statistics.

1.5. *International and European context*

1.5.1. Apart from the declarations mentioned above, and agreements specified as background to the Daphne Programme, we would draw attention to two international conventions which explicitly deal with equality between men and women. The international (UN) convention against sex discrimination deals extensively with sex-specific violence. It includes recommendations for adequate legislative measures, policy, and countering customs which encourage violence against women. There must also be provision for victims. The measures must not be directed solely at governments but must also relate to individuals, organizations and firms⁽⁵⁾.

1.5.2. The Treaty of Amsterdam includes the definitive statement that 'gender equality is a fundamental principle of the European Community'⁽⁶⁾.

1.5.3. Thus the Treaty implicitly comes out against the effects of discrimination such as violence against women as a consequence of sex differences. The intention is that the Treaty should be implemented both through legislation and through action programmes. The Daphne Programme is an elaboration of an action programme on violence against children, young people and women. The contents of the programme are based on the definitions in the UN convention, and the 'gender equality' starting point is taken from the Treaty of Amsterdam.

1.6. *The European Union's response*

1.6.1. In the past the European Parliament has repeatedly given its views on subjects related to sexual violence. When it is a question of influencing national legislation and setting priorities in the policy for bringing offenders to justice, the Committee of the Regions feels that the Council and the Commission could follow an active, transparent policy combining the elimination of sex-specific violence with concern for increasing women's safety. Following on from this, the proposed Daphne Programme is an effective instrument to combat sex-specific violence. In support of regional and local policy on violence against women, our comments should be taken into account in the objectives and implementation of the programme.

⁽¹⁾ Cf. Bolan, 1988.

⁽²⁾ J. Korf et. al., Economic costs of domestic violence against women, Stichting Vrouwenopvang, Utrecht, 1997.

⁽³⁾ J. Korf et. al., op. cit., pp. 71 ff.

⁽⁴⁾ T. Van Dijk et. al., Huiselijk Geweld, aard, omvang en hulpverlening, Ministry of Justice, 1997.

⁽⁵⁾ Het Vrouwenverdrag in Nederland anno 1997, Report by the Groenman committee, VUGA, The Hague, 1997, p. 125.

⁽⁶⁾ R. Keith, EU equality policies post-Amsterdam, European Information Service Issue 191, July 1998.

2. Specific comments

Creation of the Daphne Programme

2.1. *The programme's objectives*

2.1.1. The Daphne initiative has been included in the European Parliament's 1997 budget, with a view to funding actions to combat violence inflicted *inter alia* on children, young people and women.

2.1.2. The Committee of the Regions takes the view that what is required to combat violence against children, young people and women is above all working closely with the people involved and finding responses which match the socio-cultural diversity found in the various countries of the European Union. Because of their familiarity with the local scene, regional and local authorities are actively involved in this task both in rural and urban areas.

2.1.3. In this connection it is clear that the actions must be carried out at local and regional level; the added value which the European Union can provide here is in terms of coordination, cooperation and exchange of information between the different projects so that those working in the field and the public authorities can take advantage of the differing experience acquired while still pursuing the joint objective of the programme. Regional and local authorities, which are concerned with child protection on a daily basis, should also be involved in actions carried out under the Daphne programme.

2.1.4. The Committee also stresses the need for the actions under the Daphne Programme to be promoted and implemented in cooperation with regional and local bodies and authorities, which are the institutions closest to the citizen and which already provide a wide range of community measures and services to prevent weaker families and individuals suffering hardship.

2.1.5. This programme is in line with the above since its primary objective is to assist and encourage NGOs and charitable organizations which are active in combating violence. Indeed, the Committee of the Regions feels that the experience acquired by these organizations in this field makes them fundamental and indispensable links.

2.1.6. The Committee of the Regions would therefore favour inclusion in the programme of a range of actions designed to promote the establishment of networks, the exchange of information, coordination and cooperation at Community level. Some authorities for example have already installed telephone help lines to ensure that victims of mistreatment receive more rapid assistance. Since each individual case necessitates a specific response, the Committee of the Regions considers that the daily work of the counsellors concerned might be made easier if they had access to a network recording all the different practices in the Member States.

2.1.7. Organizations composed of professionals and volunteers which play a part in preventing and combating violence against women often work at local and regional level. In many cases these organizations have sought to cooperate with local and regional authorities. This can give good results and the COR, therefore, calls for projects involving such cooperation to be encouraged and supported in this field. Such cooperation can be of a policy and/or financial nature and the organizations are often entrusted with services and activities promoted by the local authorities. In this context it is essential that local government have permanent departments for women and minors providing the basic social services.

2.1.8. The Daphne Programme's aim to stimulate data exchange and cooperation, as well as dissemination and exchange of successful approaches, is supported by the Committee of the Regions. The Committee notes that a direct approach to the violence problem should be applied on the spot.

2.1.9. It seems from experience that the local and regional level inclines towards a preventive, pro-active approach to combating violence against women. Shelter for victims is also increasingly provided in a local and regional context. Information exchange should also be focused on local and regional cooperative associations and local and regional activities.

2.1.10. In our view the emphasis in the Daphne Programme should be placed mainly on the exchange of successful projects and activities to combat violence against women, and on initiating and supporting networks for those affected.

2.1.11. Up-to-date information on research into the form, frequency and consequences of sex-specific violence is important for an effective approach to the problem. However, too much emphasis on research could detract from support for a practical, purposeful approach to sex-specific violence.

2.1.12. Publicity campaigns work best on a national or European scale. The main function of such campaigns is to set the agenda of a subject. In view of earlier experience with a publicity campaign on sexual violence, such an approach should not arouse excessive expectations in terms of information and raising awareness.

2.1.13. We think it important for the programme also to devote attention to specialist training of intermediaries and counsellors, e.g. those working with housing associations and social services, doctors and police in the field of violence against women. The presence of experts in this field can provide a timely warning.

2.1.14. Violence against women is among other things a consequence of the unequal balance of power between women and men. It is therefore important to develop preventive and remedial programmes which investigate the motives of (potential) perpetrators of violence against women.

2.2. *The programme's budget (Article 3)*

2.2.1. The COR stresses that the budgetary arrangements of the programme should be more clearly defined. It calls for a budgetary breakdown giving a more detailed account of the funding requirements of the actions involved.

2.2.2. Reading the communication, the Committee of the Regions noted that the programme is a response to very high expectations on the part of the NGOs active in combating violence and mistreatment. Thus, 428 projects involving requests for subsidies amounting to ECU 35 million were submitted in 1997 under the *ad hoc* budgetary heading.

2.2.3. The Committee therefore regrets that funding for the programme amounts to only ECU 25 million over five years, particularly since the programme will be open to the 11 applicant countries as well as the 15 current Member States.

Structure of the programme

2.3. *Implementation (Article 2)*

2.3.1. The Committee of the Regions is pleased to note that the actions envisaged in the programme will be implemented in close cooperation with Member States, with the institutions and with organizations which are active in the field. This is completely consistent with the philosophy behind the actions envisaged in Article 1 of the programme.

2.3.2. In this context the Committee would stress the important role which the local and regional authorities can have in this field, given that some of them have institutional powers in the matter, and that they are closer to the real on-the-spot conditions, thanks to their prevention and guidance activities and their assistance to children and families at risk. The regions could enjoy important responsibilities for cooperating with the Commission through the advisory Committee outlined in §2.5 of this present Opinion, during the various stages of implementation:

- Requesting, for example, accreditation for bodies with a public, proven track record of commitment to safeguarding the human rights of minors and women;
- Assessing applications, contacting the programmes that best correspond to the social reality of the area in which they are to be implemented;

- Following up the implementation of the projects approved;
- Evaluating the projects implemented.

2.3.3. The COR welcomes the reference made to the need to promote cooperation between NGOs and local and regional authorities in this area in the ninth recital of the European Commission's amended proposal (17 February 1999), as put forward by the European Parliament in its draft report on the subject. However, it regrets that this emphasis is not reiterated in Article 2 of the draft decision.

2.4. *Consistency and complementarity (Article 4)*

2.4.1. The Committee of the Regions would like to stress the concern for coordination and complementarity, both in the implementation of the various actions under the programmes and with the actions under other relevant Community programmes and measures. This applies in particular to actions which could be taken under the action plan to promote the safe use of the Internet, and more particularly the action to set up a European network of 'hot-lines'.

2.5. *Advisory Committee (Articles 4 and 6)*

2.5.1. The Committee of the Regions considers that Member States' participation in the process of selection, funding, follow-up and evaluation of the programme is a logical consequence of the philosophy of Article 2(1) of the draft decision.

2.5.2. Although there are other mechanisms which ensure greater involvement of the Member States in the process of implementing the programme, the Committee can endorse the use of a purely advisory committee to the extent that the programme aims above all to provide support for actions already in progress in the Member States.

2.6. *International cooperation (Article 7)*

2.6.1. The COR welcomes the Commission's intention to strengthen cooperation with third countries and with international organizations competent in the field of public health. It also welcomes the opening of the programme to the associated countries of central and eastern Europe, Cyprus and the EFTA countries, though it reiterates its concern over the necessary budgetary provision to accommodate this opening, as indicated in point 2.2.

2.6.2. The COR in particular stresses that an international approach should be adopted with regard to trafficking in women.

2.7. Follow-up and evaluation (Article 8)

2.7.1. The COR underlines the importance of effective monitoring and implementation of the programme and stresses the need to involve all relevant actors in the evaluation process, including local and regional authorities whose competent services will be involved in implementing the action lines.

3. General comments

3.1. Measures specific to children, intended to strengthen protection of children against violence

3.1.1. The Committee of the Regions supports the proposal to instruct Eurostat to collect and analyse all the non-confidential statistics relating to sexual abuse, abandonment and exploitation of children and sexual violence against them in the Member States, and in the eleven applicant countries which are also beneficiaries of the Daphne programme, and the proposal to recommend to Member States that they make the best possible use of Europol resources, both to search for missing children and for legal action to be taken against the offenders or networks of offenders concerned.

3.1.2. These proposals are in line with increased judicial and police cooperation as envisaged under the 'third pillar'.

3.1.3. These measures, which mainly concern missing children or sexually exploited children, must not be allowed to disguise the fact that most mistreatment occurs in the family context.

3.1.4. It is true that less media attention is devoted to this phenomenon, but it is far more common in our society.

3.1.5. It is only quite recently that the whole of civil and political society has become aware of these problems.

3.1.6. The Committee of the Regions suggests that practical actions to prevent mistreatment within the family should also be supported, taking account of the experience of many charitable organizations working in the field without publicity for many years.

3.2. Specific measures regarding women

Recommendations

3.2.1. Given the nature of violence against women (often in domestic situations and perpetrated by someone they know), notification, prevention and shelter is needed at district and municipal level. We therefore make the following recommendations. The police should give more priority in their investigation policy to identifying those who use violence against women and children. The prosecution service should issue instructions on this policy.

There should also be separate projects to assist those accused of violent crimes against women.

1. intensify research into the effectiveness of measures above all at local and regional levels;
2. investigate the possibilities in areas of policy and existing institutions which are best suited to deal with the problem of violence against women, involving a mass media awareness campaign;
3. shift the emphasis in the programme to concentrate less on research and more on innovative and successful projects;
4. devote attention not only to victims but also to perpetrators of violence against women. In this respect, it is worth highlighting the contents of the report from the European Parliament Committee on Women's Rights on the need for an EU-wide campaign on zero tolerance of violence against women. It is also necessary to consider that the Commission propose the organization of information campaigns and training and education programmes for children on the effects of violence;
5. obtain more information on the costs linked with violence against women in the various European countries.

3.2.2. Some examples⁽¹⁾ of regional and local initiatives to illustrate these recommendations:

Local policy on safety provides a starting point for a preventive, notifying policy towards sex-specific violence. Violence against women is not just a question of social assistance. In one locality the local authority has set up a project group on violence in the family. Participants include the local authority's safety office, a foundation providing shelter for women and the relevant national ministry. The workgroup has drawn up an implementation plan with four objectives: improving registration, assistance, notification and criminal proceedings. The plans are currently being implemented.

3.2.3. In one region, eight municipalities have decided to set up local networks to deal with violence against women. These networks operate as a multi-disciplinary team. Action can be taken quickly and professionally on cases of sex-specific violence against women.

3.2.4. In one local police force, staff members have set up — on their own initiative — a network for those affected by domestic violence. Both police officers and social workers belong to it. The network's aims are to exchange experience, increase specialized knowledge in this field and improve practical police care.

⁽¹⁾ Because of time constraints we have only Dutch examples at the moment.

4 Conclusions

4.1. The Committee of the Regions is pleased at the political response provided by the Commission Communication and the draft Council decision aimed at setting up a Community action programme in the field of violence against children, young persons and women, since this is an extremely widespread and important problem which constitutes a gross violation of fundamental human rights.

4.2. Since combating violence against children, young persons and women requires above all work on the spot and local and regional responses, the Committee takes the view that the programme will contribute a European added value by establishing and strengthening cooperation and coordination measures and exchanges of information between the various experiments in the field.

4.3. It notes that the programme is a response to very high expectations on the part of the NGOs which are active in combating abuse. For this reason, it regrets that the funding for the programme is only ECU 25 million spread over five years.

4.4. It welcomes the Commission's concern to implement the actions of the programme in close cooperation both with the Member States and candidate countries and with the institutions and the organizations who are active in this field. In this context, it stresses the importance of the institutional role which the regional and local authorities can play.

4.5. It supports the proposal to instruct Eurostat to collect and analyse all the non-confidential statistics relating to sexual exploitation of children and sexual violence against them in the Member States, and the proposal to recommend to Member States that they make the most of Europol resources.

4.6. It also suggests that attention should continue to focus on the whole aspect of mistreatment within the family — a phenomenon which has remained too long a taboo, to the detriment of children's welfare. To this end, the Committee of the Regions also thinks it necessary to support all assistance and prevention actions related to mistreatment of children within the family.

4.7. The COR notes the recent decision of the European Commission to change the legal base of the draft decision of the Daphne programme from Article 235 to Article 129 (public health). It calls on the European Commission, in this respect, to explicitly mention in the recitals to the draft decision that the definition of public health is given a wide interpretation, in the light of the new provisions under the Amsterdam Treaty, so that actions to prevent all forms of violence against women, young persons and children affecting their physical, emotional or mental health are covered under the programme.

4.8. In the COR's view it must be clearly set out therefore that the Daphne programme aims to cover the prevention of violence including physical, sexual and psychological violence and that actions concerning the prevention of sexual harassment, sexual exploitation, sexual trafficking and abandonment of children are not in any way excluded from the scope of the programme.

Brussels, 11 March 1999.

*The President
of the Committee of the Regions*
Manfred DAMMEYER

Opinion of the Committee of the Regions on 'Eurotraining for Local and Regional Authorities in Europe'

(1999/C 198/13)

THE COMMITTEE OF THE REGIONS,

having regard to the decision of its Bureau of 15 July 1998, under the fourth paragraph of Article 198c of the Treaty establishing the European Community, to draw up an Opinion on 'Eurotraining for local and regional authorities in Europe' and to direct Commission 7 — Education, Vocational Training, Culture, Youth, Sport and Citizens' Rights to draw up an Opinion on this subject;

having regard to the conclusions of the conference on 'Eurotraining for local and regional authorities in the EU' which took place in Barcelona on 5-6 June 1998 organized by the COR, the European Centre for the Regions, the European Institute of Public Administration, the College of Europe and the European Commission;

having regard to the Draft Opinion (CdR 404/98 rev. 1) adopted by Commission 7 on 4 December 1998 (Rapporteurs: Ms Lund and Mr Pujol I Soley),

adopted the following opinion at its 28th plenary session of 10 and 11 March 1999 (meeting of 11 March).

1. Introduction

1.1. The development of the Interregional Conference on Eurotraining for local and Regional Authorities in the European Union, which took place in Barcelona on 5 and 6 June 1998 — organised by the European Centre for the Regions (ECR), Barcelona, in cooperation with the European Institute of Public Administration (EIPA), Maastricht, and the College of Europe (COE), Bruges, supported by the European Commission, the Committee of the Regions and the Government of Catalonia — was a milestone for regions and municipalities in Europe since it was an opportunity to have in-depth discussions about the training needs related to European issues affecting these authorities.

1.2. On the basis of a questionnaire sent to practically all the regions and most cities in the EU and the candidate countries for accession to the EU the Conference identified the needs for European training in certain priority areas and provided information about the administrative structures dealing with European affairs, the human resources component and information concerning the elected representatives and civil servants of local and regional authorities involved in these issues.

1.3. The conclusions of the conference focused on the need for administrations at local and regional level, and of associations of local and regional authorities to prioritise attention on strengthening the capacity of their human resources to be informed on the topics that are of Community interest and to develop activities which are imperative in the field of Eurotraining. The conference also identified training needs in certain priority areas.

1.4. Based on the results of the Conference, the COR proposes that action is taken to improve the professionalism of the human resources of subnational administrations with respect to Community issues.

2. General comments

2.1. The purpose of Eurotraining

2.1.1. The COR proposes to launch a programme on Eurotraining as a necessary instrument for strengthening the European integration process and improving the functioning of local and regional authorities in Europe.

2.1.2. The project aims to improve the knowledge which elected representatives and officials of local and regional authorities in Europe must have on Community issues.

2.1.3. The COR aims to create awareness, within the EU institutions, of its firm belief in the importance of Eurotraining for strengthening the European integration process and promoting the involvement of the citizens in this process. It also intends to transmit this belief to the citizens.

2.1.4. The COR calls upon the public authorities — at Community, national, local and regional level — and the associations of local and regional authorities to pay priority attention to the acquisition of adequate Eurotraining.

2.2. *Local and regional authorities in the European Integration Process*

2.2.1. The European integration process requires the contribution and involvement of all public authorities as well as all EU citizens. One of the tasks that public administrations can perform in this context is to make public opinion and citizens aware of the different implications of European integration and promote awareness of the EU locally.

2.2.2. From the beginning of the European integration process, there have always been many diverse internal territorial realities in the Member States, resulting from historical evolution, culture and traditions. Local and regional authorities being concerned about the democratic respect of this diversity, which is actually an enriching factor, have participated to various degrees in the European integration process.

2.2.3. However, as a result of the Single European Act, adopted in 1985 — introducing the internal market and economic and social cohesion — the involvement of local and regional governments in European integration has gained in importance.

2.2.4. The Treaty on European Union (TEU) of 1992 provides local and regional authorities, through the creation of the Committee of the Regions, with an important forum for institutional participation in the EU integration process. Local and regional authorities are no longer only responsible for putting the decisions affecting them into practice, but can now also make themselves heard in the Council and the European Commission, in the decision-making process, in the formulation of Community law, in policy-making and in European issues which they believe concern the local and regional authorities of Europe.

2.2.5. The subsidiarity principle should be effectively applied in the Eurotraining programme in the relations between the different government structures of the Member States (central, local and regional) and in accordance with the national constitutional system in force. These administrations will have to ensure that their human resources are properly trained in these fields.

2.2.6. The development of the decentralisation processes in EU Member States, which has led to an increase in competences for these authorities, implies a larger involvement of local and regional authorities in Community affairs.

2.2.7. In this context, local and regional authorities are mainly involved in three different areas: i) the implementation process: given that the majority of EU legislation is actually implemented at local and regional level in many Member States (this includes activities concerning structural policies, public procurement, transposition of rules, participation in programmes, etc.), ii) the EU decision-making process in

particular through the role of the COR (in the development of the *acquis communautaire*, Community standards, European policies, etc.), and iii) the communication of their respective views with regard to issues that concern citizens in order to involve them more closely in the EU's development process as well as relaying citizens' views back to the EU.

2.2.8. All these technical efforts to reinforce the local and regional presence in the Community decision making process and raise awareness among European citizens of EU issues require adequate and continuing training at the level of local and regional authorities.

2.2.9. It is obvious that the increasing responsibility of local and regional authorities is proceeding along the lines of i) strengthening economic and social cohesion, ii) developing cooperation and exchanges between the local and regional authorities and, consequently iii) deepening the European integration process. The ultimate objective being to bring the potential benefit of the EU for the citizens closer to them and to improve their quality of life.

3. *Specific comments*

Strategic Programme on Eurotraining Activities for local and regional authorities in Europe (2000-2002):

3.1. *Content*

3.1.1. The Strategic Programme on Eurotraining involves a range of activities in the field of training, transfer of knowledge, consultancy and applied research on European affairs and on issues with a Community dimension which are of interest to elected representatives, public officials, technicians and experts from local and regional authorities in the EU and the candidate countries for accession.

3.2. *Objectives and Needs*

3.2.1. The Project on Eurotraining will benefit local and regional authorities in the 15 Member States of the EU and the candidate countries for accession to the Union as well as representatives of the European institutions in their understanding of the EU's contribution in meeting citizens' concerns and needs. The following two objectives, for the benefit of the citizens of the EU, should be attained:

3.2.2. To contribute to improving public administration and its service towards the citizen in local and regional authorities and guarantee its creative and effective functioning;

3.2.3. To contribute to promoting regional cohesion, European integration and interregional cooperation.

3.2.4. In order to achieve these objectives, the following training needs of local and regional public administrations with respect to Community issues have to be met:

3.2.5. The need for more professionalism at all human resources levels of administrations of local and regional authorities in the EU with respect to information on European issues including reference to access to Community programmes and their operational procedures;

3.2.6. The need for more effectiveness and efficiency;

3.2.7. The need to improve performance.

3.2.8. Public representatives, elected representatives and public servants should therefore be knowledgeable in these matters and have the opportunity to follow training on Community issues, that is an adequate and continuous Euro-training.

3.2.9. Vocational training of human resources of local and regional administrations must be considered as a key factor in local and regional development and should therefore be given priority attention, both from the viewpoint of economic resources allocated to this field and from the angle of the support which public authorities should lend to training activities for public servants.

3.3. *Characteristic Features of the Programme*

The COR proposes the following framework for a such a programme:

3.3.1. It will last at least three years (2000-2002), to be renewable on a multi-annual basis with appropriate modifications.

3.3.2. It is pan-European, considering that these activities will aim at the local and regional authorities of the 15 EU Member States and the CEEC.

3.3.3. It is strategic, as it indicates the path to be followed by training actions on Community issues in order to improve efficiency in the administrations concerned, to deepen the integration process and enable citizens to fully benefit from this.

3.3.4. It is integral as a whole, but has a differentiated modular structure (see 3.4.1) in each of the six priority areas of Eurotraining (see 3.5).

3.3.5. It has an open character in that other complementary projects could be incorporated.

3.3.6. The content and methodologies of training should be reviewed and updated every year to ensure that the programme is responsive to the diverse requirements of local and regional authorities, their particular political and administrative capacities and their socio-economic context.

3.3.7. Its activities are promoted in partnership and in cooperation between institutions responsible for training and representative associations of local and regional government.

3.3.8. It is open to all elected representatives of governments and officials from local and regional authorities, as well as to professionals, experts, trainers and institutions involved in training in this field.

3.4. *Actions*

3.4.1. This Strategic Programme involves four initial actions, the following which are to be developed:

- training and transfer of knowledge in the priority areas described below, which will guarantee that local and regional authorities can acquire adequate skills in dealing with European issues in order to i) improve the efficiency of their administrations by means of having better knowledge of EU rules, policies and procedures, ii) ensure their involvement in the process of change taking place across Europe, and iii) promote greater economic and social cohesion;
- carrying out consultancy tasks relating to European issues, for local and regional governments and administrations in the Member States and the CEEC where a defined gap in existing knowledge or in training facilities has been firmly established;
- carrying out studies and applied research for local and regional authorities;
- carrying out activities relating to institutional development through the promotion of an informal forum for exchange of ideas and experiences between various local and regional governments and administrations and training centres in Europe.

3.5. *Priority Areas*

The COR identifies the following as priority areas regarding training for local and regional authorities in Europe:

3.5.1. The institutional and legal field of the EU / Community policies / Comparative data of the Member States

3.5.1.1. Examining the present situation, analysing adaptations that will have to be implemented by the Community institutions, their structures, relations between various levels of administration as well as the way in which subnational levels are involved with the national level over their respective policy positions and decision-making on European issues; the examination of administrative procedures, the *acquis communautaire*, Community rules. Training in these areas will enable governments and administrations concerned to develop a sound way of managing their human resources.

3.5.2. Economic and social cohesion and cooperation

3.5.2.1. For the local and regional authorities in the EU — but also for the candidate countries — the orientation and new package of financial measures for 2000-2006 presented by the European Commission in Agenda 2000, the new guidelines of the Structural Funds, the new regulations, the improvement and simplification of their management, the drafting of local and regional programmes, general EU policy initiatives and proposals, comparative studies on the politico-administrative structures of the Member States and the candidate countries, etc.; these pose a challenge with respect to the adaptation to new procedures and eligibility and programming criteria. These factors will also determine the capacity of subnational governments to make effective use of the Structural Funds as well as other EU programmes and initiatives. For these governments, well-tailored training and practical training in these fields are essential.

3.5.3. Exchanges, partnerships and twinning

3.5.3.1. Local and regional authorities and their national and international associations also contribute actively and in a practical way to the European integration process through exchange of experiences which depending on the case have positive as well as negative results. Knowing and analysing the strong and weak points of these experiences will be very useful in defining the best approach to be followed in the coming years. Special focus should be given to the preparatory phase which can determine the success of a cooperation project. Local and regional authorities have to play a very important role in this framework, considering their proximity to and their knowledge of the actual grassroots situation and considering their flexibility in implementing actions. Cooperation and exchanges at European level between different subnational administrations and their national and international associations can bring considerable added value, particularly in

the case of administrations that have similar needs. Their contribution to creating and developing a partnership framework between different training centres could therefore prove important. Special attention should be paid to the effectiveness of twinning as a way of developing and strengthening public administrations. Twinning can indeed serve as a useful means of comparing the different ways in which all the various services to citizens are organized, enabling the most efficient to be singled out and put into use.

3.5.4. Economic and financial fields

3.5.4.1. The economic and financial fields will be of paramount importance in the period 2000-2006. This explains why programmes with an economic content and measures aimed at financing policies and programmes for this period need to be analysed in depth. Knowing how regions and cities — being centres of investment, innovation and research — can use the new opportunities for growth and employment, how they can manage scarce resources, improve their output and better apply Community policies, in the European framework of Economic and Monetary Union and globalisation, will contribute towards promoting local and regional development.

3.5.5. Candidate countries for accession to the EU

3.5.5.1. The recently launched actions that will have to be developed in the coming years with the candidate countries during the pre-accession and accession periods are really necessary if the next stages in the development of the EU are to be successful. These should be undertaken in full recognition of the diverse specificities in training needs that exist across the candidate countries. Knowledge in these countries of the political and administrative structures of the various EU Member States and comparative experiences, at national as well as at local or regional level, may be useful in the development of their own management structures and in managing and coordinating matters related to the EU. A better management as well as increased awareness of EU programmes and initiatives, a strengthening of their capacity to make effective use of these, the application of the *acquis communautaire* in local and regional matters and the inclusion of these countries in a network formed by the Member States are all aspects that have taken on great importance.

3.5.6. Management skills and practical knowledge

3.5.6.1. This is a horizontal field that concerns the skills, communications and inter-cultural skills, required to manage European dossiers and the methodology for acquiring skills which are indispensable in this framework. Organisational capacity, management skills, the ability to promote project development and negotiation skills are the key issues in this field which are mainly of a practical nature. Account should also be taken — but not separately — of these practical aspects of management during the implementation of training activities in each of the above-mentioned priority areas.

3.6. Target Group

3.6.1. As regards the target group, the project should be open everyone and consequently the participants may be politicians, public servants, academics, experts and trainers responsible for local and regional authority training programmes from the EU Member States and from the candidate countries for accession to the EU.

3.6.2. Special training actions should be developed for the younger generations of civil servants and elected representatives, since they will be the future public authority managers in the local and regional authorities of Europe.

3.7. Countries Involved

3.7.1. The Eurotraining project is intended for the 15 EU Member States and the candidate countries for accession; training centres that wish to partake in the project may be involved in its organisation and development through the bodies that are created for that specific purpose.

3.8. Implementation

3.8.1. For the implementation of the Eurotraining Programme, the European Commission could benefit from the work that has already been initiated by some European training institutions and from the networks of public administrations operating in this field. Courses must take place as close to the local and regional authorities as possible to facilitate the participation of administrators and officials from local authorities, the smallest of which in particular possess limited economic resources.

3.8.2. Associations of regional and local authorities may play a special role since they are able to further disseminate information and since they also generally embody the political level, which is particularly important to opinion-forming. The Eurotraining project should take account of existing networks.

4. Conclusions

4.1. Considering that it is imperative that all public authorities, at all levels, must become involved — in accordance with the Treaties — in the European integration process so as to give it greater momentum and to ensure that citizens are provided with better and more accurate information in order to bring them closer to the opportunities offered by the institutions and policies of the EU, the Committee of the Regions calls on the Council and the European Commission to take the following conclusions and recommendations into consideration:

4.2. The Committee of the Regions maintains that the Community institutions, the national administrations and the local and regional authorities and their associations must give priority attention to the continuous training in European affairs of local and regional authorities in the EU Member States and in the CEEC, in order to strengthen their participation in the future development of the EU and to contribute towards a greater transparency of the EU and towards greater proximity of citizens to the EU. The COR believes that this will ensure the effective inclusion of a European civil society into the new Europe.

4.3. The Committee of the Regions recommends that economic and human resources matching the required needs be allocated to this project, particularly by the Community institutions, in view of the obvious Community interest of this type of action for subnational administrations.

4.4. The Committee of the Regions believes that, moreover, the staff of these administrations and the leaders of local and regional governments should be encouraged to participate in these training activities.

4.5. The Committee of the Regions considers that, the updating of the knowledge within local and regional authorities and administrations in Europe will strengthen their Community identity. This objective can only be achieved if the role of these administrations, their associations and existing networks is supported and if a strategic programme of Eurotraining activities for local and regional authorities in Europe — as an ongoing and long lasting process — is adopted and financed.

Brussels, 11 March 1999.

*The President
of the Committee of the Regions*
Manfred DAMMEYER

Opinion of the Committee of the Regions on the 'Principle of subsidiarity "Developing a genuine culture of subsidiarity. An appeal by the Committee of the Regions"'

(1999/C 198/14)

THE COMMITTEE OF THE REGIONS,

having regard to the conclusions of the Vienna European Council of 11 and 12 December 1998 whereby future 'Better law-making' reports of the Commission should be presented in good time to allow for thorough discussion in the various institutions, including the Committee of the Regions;

having regard to the European Parliament's resolution of 22 October 1998 for the meeting of Heads of State and of Government in October 1998, whereby the European Parliament undertakes to engage in political dialogue and close cooperation with the relevant regional bodies (depending on the specific constitutional position of each Member State) to discuss implementation of the principle of subsidiarity;

having regard to the decision taken by the COR's Bureau of 15 July 1998 to draw up an opinion on this subject, in accordance with the fourth paragraph of Article 198c of the Treaty establishing the European Community, and to ask the Commission for Institutional Affairs to carry out the preparatory work;

having regard to its previous comments on the subsidiarity principle, particularly the COR resolution of 20 November 1997 (CdR 305/97 fin)⁽¹⁾;

having regard to the draft opinion adopted by the Commission for Institutional Affairs on 1 February 1999 (CdR 302/98 rev. 2) (Rapporteurs: Mr Delebarre and Mr Stoiber);

whereas the comprehensive application of the principle of subsidiarity in an expanding European Union will have an even more important role than that assigned to it under the Amsterdam Treaty,

has adopted at its 28th plenary session on 10 and 11 March 1999 (meeting of 11 March) the following opinion.

1. Introduction

1.1. *Subsidiarity and closeness to the citizen: the key to the Europe of the future*

1.1.1. Europe has achieved major intellectual, cultural and economic successes, building on the experiences of past centuries. Diversity is the essence of what is European. It manifests itself in towns and local districts, regions, nations and states. While working closely together, the European Union must recognize and build upon the diversity of cultures and traditions so that innovative solutions to the rapidly changing world can be developed. This can be achieved by a clear definition of the subsidiarity principle which involves regional and local government. This will develop a dynamism in Europe that will help equip it for the challenges of the next century and meet the rigours of global competition.

This diversity has led to a dynamism which has enriched Europe not only culturally but also economically. Such dynamism must be kept alive and productive in the interests

of Europe and must not be dampened down any more than is necessary. Europe will only survive in the global competition between cultures if its regions preserve their individual characteristics and cultural identity. Distinct cultures have to be preserved and understanding between them has to be promoted to ensure that all cultures can express themselves freely.

1.1.2. There is a growing recognition that effective government is created not by levels of government competing with each other. These levels of government must work closely together to ensure that effective decisions are taken at each level to ensure a coordinated approach to solving today's problems. Subsidiarity needs to be closely linked to concepts such as multi-layer democracy. Fruitful competition derives from diversity.

1.1.3. There is no doubt that European integration has been the outstanding achievement of the nations and peoples of Europe in the latter part of the 20th century. On the eve of the 21st century the EU is still faced with a number of major tasks of historic importance: enlargement of the Union; the establishment of political, social, economic and monetary union; consolidation of the EU's position as a global player; and furtherance of European economic growth, which constitutes the basis for job creation.

⁽¹⁾ OJ C 64, of 27.2.1998, p. 98.

The structures put in place forty years ago to govern the Union are no longer adequate for the size and tasks of the present Union. A review of the Union's functioning as well as institutional reforms are therefore necessary. Democratic authorities at different levels — local, regional, national and European — must respond to this fast-changing world. Technological change, the information and communications revolution, globalization and the integration of markets, and the introduction of a European single currency, are all elements of an increasingly interdependent world. This means that there is a growing range of issues and matters which cannot be dealt with solely within the boundaries of individual nation states. Nor can many of these issues just be left to the market. There are a wide range of issues that have a European dimension, e.g. employment, innovation, environment, public health etc. as well as others where the European Union must act more effectively on the international stage. The principle of subsidiarity (in the sense of proximity, with decisions taken as close to grassroots level as possible, thereby ensuring that tasks can be performed to optimum effect) serves as a political guideline in this reform process.

1.1.4. Ever since its foundation in 1994, the youngest of the Community institutions, the Committee of the Regions, has unfailingly committed itself to a Europe supported by ordinary citizens, local districts, regions and Member States. The Committee of the Regions welcomes the initiative of the European Council taken at the Cardiff Summit in June 1998 'to bring the Union closer to people.' As custodian of the subsidiarity principle the COR strongly supports efforts to create strong but lean and efficient European institutions that focus on the tasks that cannot be carried out by other tiers of government directly accountable to the public. The principle of subsidiarity, as defined in Article 5 (consolidated version — ex Article 3b) of the EC Treaty, applies exclusively to relations between the Community and the Member States, and not to relations between sub-national bodies and the Member States. The latter relations are regulated by the constitutional systems of the Member States. Article B of the EU Treaty refers to this limited application in stating that the objectives of the Union shall be achieved while respecting the principle of subsidiarity as defined in Article 5 of the EC Treaty.

The EU Treaty however also stresses, in Article A, the need to take decisions as close as possible to the citizen. The principle of proximity is thus enshrined. This principle is intended to be applied to EU, national and sub-national relations. It is thus a basic principle and one that is affirmed even before the principle of subsidiarity, the latter being a component of the former.

Thus, the principle of subsidiarity, as specifically envisaged by the Treaties, cannot conceal the need for Member States to guarantee local and regional authorities the right to act to ensure that decisions are taken as closely as possible to the citizen, in accordance with the principle of proximity.

The subsidiarity principle represents a general legal principle enshrined in national laws, whereby decisions are taken at the institutional and operational level closest to the citizen. It commits the Union, the Member States and all institutional levels to pursuing actively the aims assigned to them in the respective laws, thereby ensuring the recognition, enhancement and involvement of private individuals and their social groupings. Subsidiarity should therefore be a key political guideline in the building of the European Union.

1.1.5. Subsidiarity is a dynamic principle which in one area may lead to 'more Europe' and in another to 'less Europe'. It was introduced in 1992 under the Maastricht Treaty, whereby decisions were to be taken as close as possible to the citizen, in other words at the level of government closest and directly accountable to the citizen, and at a higher level only when necessary. The choice of the level of government best equipped to carry out tasks in individual cases should be dictated solely by the general interest, the requirements of citizens, and the need to avoid jeopardizing economic and social cohesion. In effect this means that the Community can only act if the proposed action cannot be sufficiently achieved by the Member States and can be better achieved by the Community. The application of this principle must be reviewed regularly and improved where necessary. This also means that Member States must allow lower levels of government to take decisions if they are in a better position to do so.

1.1.6. The Committee of the Regions is firmly convinced that strict adherence to the principle of subsidiarity is now of importance whilst, at the same time, a broader sense of European citizenship must be established and nurtured:

- The rich tapestry of cultures that constitute Europe's diverse heritage includes many regional and national identities. A number of factors in today's world threaten to erode these identities. At the same time these cultures and identities are being made and remade by patterns of migration and settlement. All democratic authorities have the responsibility to ensure that the values of humanism and toleration remain the hallmark of Europe's relations between its own citizens and diverse communities and nationalities.

- On the other hand, the sheer scale of the challenges facing the European Union in the future makes it necessary for Europe to set clear priorities whilst limiting its action to what is essentially supra-national.

1.1.7. Within this overall process, European solidarity is central to Europe's social model and complementary to the principle of subsidiarity. Solidarity with and support for the weakest and most disadvantaged citizens in Europe is a *sine qua non* for a Europe based on the principle of subsidiarity. Subsidiarity should therefore not be allowed to work to the disadvantage of the weakest elements of society but should lead to everyone being involved in European integration on equal terms.

1.1.8. The European Union should therefore concentrate on problems which can only be solved in common and which citizens accordingly expect it to solve. The greater the number of Member States there are in the EU, the more important the subsidiarity principle becomes. Clear priorities should therefore be set in order to advance integration in a large number of fields. This is why the Committee of the Regions is in favour of a 'strategic Europe'.

1.1.9. To carry out this strategy inevitably means that the EU must be able to act effectively on the international stage.

1.2. *Improvements resulting from the subsidiarity principle*

References to the principle of subsidiarity have resulted in considerable improvements in the functioning of the European institutions.

1.2.1. Since the entry into force of the Maastricht Treaty on 1 November 1993, the principle of subsidiarity has gained ground to become a powerful element in the political reality of the European Union; it has also been accepted as a basic formal principle for effectively guiding Union activities.

1.2.2. European institutions have made considerable efforts to adhere to this principle, particularly in the exercise of their legislative and regulatory powers: as a result the European Commission has not only withdrawn a large number of legislative proposals, it has also considerably reduced the number of new proposals. In addition to this the Commission is now tending to propose more and more framework legislation.

1.2.3. It is also worth noting that, before proposing legislative or regulatory acts, the Commission now prepares the ground and opens up debates with Green Papers, Action Plans and Communications, thereby ensuring that subsidiarity aspects are discussed in detail before decisions are taken.

1.2.4. Article 5 of the EC Treaty may now already have legal consequences of its own. The important issue here is to make a distinction between the substantive and the procedural implications of applying the subsidiarity principle. As a procedural criterion and as a concrete yardstick for gauging measures, the subsidiarity principle implies the need to consider whether EU-level action is deemed necessary and if so to state the reasons why. As a substantive criterion, the subsidiarity principle implies the wish that decisions be taken as close to the European citizen as possible.

1.2.5. The protocol appended to the Treaty of Amsterdam defines this principle of subsidiarity more precisely, particularly with regard to the two pre-requisites for EU action, i.e. action taken at levels closest to the citizen must not have produced satisfactory results and the European Union must be better placed to find solutions.

1.2.6. According to the protocol on the application of the principles of subsidiarity, the following conditions must be fulfilled before the Community can act:

- the issue under consideration must have transnational aspects which cannot be satisfactorily regulated by Member State action;
- action by Member States alone, or lack of Community action, would conflict with the requirements of the Treaty or would otherwise significantly damage Member States' interests;
- action at Community level would produce clear benefits by reason of its scale or effects, compared with action at Member State level.

It was also stated in the protocol on the application of the principle of subsidiarity that scope for the adoption of decisions at national and regional level should remain as wide as possible when drawing up legal provisions.

1.3. *Contribution of the Committee of the Regions to the application of the subsidiarity principle*

1.3.1. Since it first came into existence, the COR has made defense of the application of the subsidiarity principle one of its primary objectives. Hence this is not its first contribution to the debate on the application of the subsidiarity principle in the EU, as it had already expressed its views during the preparation and adoption of the new Treaty of Amsterdam. The COR would therefore reiterate its earlier statements and especially its additional opinion of April 1995⁽¹⁾ and its resolution of 20 November 1997⁽²⁾. In these statements the COR calls for the framing of procedures enabling it to bring proceedings against infringements of the subsidiarity principle which affect regional and local authority powers before the Court of Justice. It also advocates inclusion of a direct reference to regional and local authorities in Article 5 of the EC Treaty.

1.3.2. The COR welcomes the protocol appended to the Amsterdam Treaty on the application of the principles of subsidiarity and proportionality. It underlines the importance of the Declaration of the Belgian, German and Austrian governments whereby 'action by the European Community in accordance with the principle of subsidiarity not only concerns the Member States but also their entities to the extent that they have their own law-making powers conferred on them under national constitutional law'. The Committee also feels that, taking due account of the internal government workings of the Member States, the general thrust of this declaration must apply mutatis mutandis to regional and local authorities in non-federal Member States. The COR likewise urges all Member States, starting with those which have regional entities possessing their own constitutionally recognized law-making powers, to subscribe to this declaration.

⁽¹⁾ CdR 136/95 Appendix.

⁽²⁾ CdR 305/97 fin.

2. Developing a greater culture of subsidiarity and a clearer delimitation of areas of responsibility

2.1. *Subsidiarity, diversity and solidarity*

2.1.1. The campaign in favour of the principle of subsidiarity and closeness to the citizen serves to strengthen the cause of European integration. Europe has much to gain from diversity and competition, whilst preserving its economic and social cohesion. What is now needed is a rational assessment of the work done by Europe, and to improve it where necessary, so that we can emerge in a stronger position to meet the challenges of the future.

2.1.2. No level of government should seek to regulate the life of European citizens in all areas, and this likewise applies to the Community level. Although many areas of responsibility today have cross-border implications, this does not mean that we should inevitably draw the conclusion that radical harmonization of each individual sectoral policy is essential. It is therefore necessary to achieve a reasonable harmonization of individual sectoral policies, whilst protecting economic and social cohesion throughout Europe. However, harmonization is not always the only solution. In addition, many problems can be solved without government interference, for instance by agreements between the interested parties, and by the organizations of civil society (like the social partners, for instance) at European level. This approach has proven its worth many times.

The Committee of the Regions acknowledges that legislation enacted in Member States on the basis of Community directives has been of great benefit to the citizens of Europe. Prior to Community action, great disparities existed between Member States, and this distorted competition. Although legislation aiming at a high level of protection for citizens sometimes imposes a cost on the economy, the benefits in terms of quality of life far outweigh the costs.

Some of the important challenges facing citizens can only be successfully met by the Community. Taking the interests of citizens into consideration was the overriding aim of the Amsterdam Treaty negotiations. The result was a 'people'-based Treaty enabling the EU to make a contribution to such topics as employment, non-discrimination, citizens' rights, consumer protection and measures to tackle transnational crime and drug trafficking.

2.1.3. The Council, Commission, Parliament and Member States are called upon to take a resolute stand in reshaping European policy, promoting a Europe of subsidiarity and closeness to the citizen and developing a genuine culture of subsidiarity.

If the European Union is to be effective, it must concentrate exclusively on questions that are of real concern to Europe.

Existing legislation on questions which would obviously be tackled more effectively by a level of authority closer to the citizen should be amended.

2.1.4. This does not mean renationalization, i.e. an abandonment of the European idea, but a genuine reform which would inevitably require some redistribution of powers between the European Union, Member States and regions. The goal of closeness to the people will therefore be achieved by allocating responsibility for action to the level of government where it can most effectively be carried out. Change is a natural process whereby institutions are able to evolve and prepare for future challenges. The EU needs to be democratic, open and transparent.

2.1.5. Two passages from the correspondence between Chancellor Kohl and President Chirac on 5 June 1998 have recently shed light on the goals we might seek to achieve under such a policy:

- 'All our efforts must be geared to creating a strong European Union capable of action, whilst preserving the diversity of political, cultural and regional traditions.'
- 'It is therefore very important to keep in mind local, regional or national particularities when taking decisions.'

2.2. *Further implications of the principle of subsidiarity*

2.2.1. *Subsidiarity as a regulating principle*

2.2.1.1. The principle of subsidiarity must play its role as a regulator of relations between the European Union, the Member States and the regional and local authorities, whilst respecting the way Member States' powers are organized internally.

The subsidiarity principle has to be applied by means of a co-decision process which, on a case-by-case basis, establishes the level to which powers should be assigned (European Union, Member States, regions or local authorities). The principle should not be used as an alibi for failure to take action at different levels of government, nor should it be allowed to eventually cripple the European Union's capacity for action.

2.2.1.2. What is needed now is a rational assessment of the work done by the EU so that we can emerge in a stronger position to meet the challenges of the future:

- A. It is a fact that, in its efforts to apply subsidiarity, the Union has cut down on its legislative activities, particularly in social and environmental protection policy areas. In these areas the Commission has launched fewer and fewer new initiatives despite the urgency of some of the problems and their cross-border or trans-national characteristics.
- B. In seeking to verify whether texts adhere to the principle of subsidiarity, European Commission proposals are now subject to a complex internal evaluation, as well as to political scrutiny by the other institutions. All authorities (including the various specialist councils and the General Affairs Council) must monitor compliance with the subsidiarity principle in Council decisions. In the first instance this is of course a task for the Committee of the Regions.

2.2.1.3. We nevertheless need to keep in mind the principal political objective of the subsidiarity principle: to take decisions at the levels which are most effective and closest to citizens so that the latter can play an active part in the European venture and have access to all the information they need in order to do so. The European venture will only gain support from the population if the results are good and visible. At regional and local level, and within local and regional authorities, arrangements - coordinated and spearheaded by the Committee of the Regions working in partnership with the European Parliament - should be made for grassroots consultation on the goals of the European Union.

2.2.1.4. Through their own experiences on the ground, regions and towns are fully aware of the crucial importance played by the transposition of European law into national law — and by the application of national law — for the image citizens have of Europe. In many Member States, regions and towns have a role to play in applying transposed European law to ordinary citizens.

2.2.2. Subsidiarity as an innovative principle

2.2.2.1. The subsidiarity principle also has a role to play in breathing fresh life into relations between the Member States and regions or local authorities when European policies are being implemented.

Whilst the main objectives of the future development of the European Union are to strengthen the Community's capacity to act, to ensure that the peoples of Europe are more aware of what the Community is doing, and to give citizens a greater sense of responsibility, it is in the interests of the European Union itself to concentrate its efforts more on areas where action by levels of authority closest to the citizen, and directly accountable to the citizen, is insufficient.

2.2.2.2. Implementation of European policy requires the European Union to give levels of authority close to citizens as much room for manoeuvre and as much scope for flexibility as possible. At the same time the European Union must be put in a position where it can act effectively in areas for which it has prime responsibility and which are important to everyone. Member States on the other hand must be honourable in their dealings with the Community and must apply and implement Community law correctly and transparently whilst observing the subsidiarity principle.

2.2.2.3. Institutional reforms are not an end in themselves but must be a means to achieving, in the most effective way possible, political objectives that have been democratically approved and are recognized as being of importance. From the point of view of public opinion and the principle of closeness to the citizen, political objectives and institutional legislation are closely interwoven even though political objectives necessarily come first.

2.3. Subsidiarity and closeness to the citizen in reality

The Committee of the Regions recognizes the progress made since the subsidiarity principle was first incorporated into the EC Treaty under Maastricht and would refer here to the

Communication from the European Commission entitled 'Legislate less to act better: the facts' of 27 May 1998⁽¹⁾ The Commission states in its Communication that it has now withdrawn a large number of initiatives and cut down on its legislative proposals. The subsidiarity principle is also a general principle affecting general EU policy so that it should be adhered to generally by all parties. It is applicable not only to the Commission and the other Community institutions but also to the Member States, which regularly call upon the Commission to come up with new proposals.

3. Conclusions

3.1. What would a new culture of subsidiarity look like?

3.1.1. The Committee of the Regions calls upon all Community institutions to rigorously apply the principle of subsidiarity in accordance with the new Article 5 of the EC Treaty and the protocol on the application of the principles of subsidiarity and proportionality appended to the Amsterdam Treaty. All EU initiatives must be preceded by a critical, uncompromising and coordinated scrutiny by the various tiers of institution of whether action needs to be taken at European level. Subsidiarity must not be an academic point to be ticked off as a matter of pure routine.

3.1.2. European integration requires both harmonization and also the preservation of traditional diversity, diversity being a characteristic feature of European identity. Properly applied, subsidiarity protects this diversity.

The added value of a European policy must give equal weight to the principles of harmonization and economic and social cohesion, as well as to competition and diversity.

In adopting such an approach, attention should be concentrated not only on economic matters but social and cultural aspects should be given equal weight.

3.1.3. European decisions must be drawn up in such a way as to leave as much scope as possible for national, regional and local decision-taking. This, however, does not mean that there should not be scrupulous monitoring to ensure the full and accurate implementation of acts in order to prevent distortions. The volume of legislation should be kept to a bare minimum and the administrative costs involved in implementing provisions should be kept as low as possible. The Community should aim, when enacting legislation, to give priority wherever possible to directives in order to facilitate the implementation process in Member States. However, the Committee of the Regions recognizes the need to use regulations in those cases where it is essential for legislation to be adopted in full in order to avoid misinterpretations. It would therefore be helpful to specify those areas where there is a need for regulations, e.g. health and safety.

⁽¹⁾ COM (1998) 345 final.

3.1.4. Responsibility for putting EU legislation into effect should continue to remain in the hands of Member States and regional and local authorities. The principle of closeness to citizens can only be observed if European laws are implemented in a decentralized way.

3.1.5. The EU currently supports hundreds of different schemes. These require an overhaul since, taken together, they substantially restrict the political freedom of regions and local authorities applying for such funds. EU support must therefore help strengthen the political freedom of regions and local authorities which have applied for such funds. It is necessary to concentrate EU aid schemes on really essential objectives, to simplify administrative procedures and to drop excessively detailed requirements.

EU structural policy should continue to remain a central pillar of European solidarity in the future and should increasingly take the form of one-off payments to achieve EU objectives.

The Committee of the Regions has already expressed its view in a large number of opinions that European structural policy should continue to operate within the limits laid down by the Treaty. Whilst adhering to the programmes planned in this field, as well as to the principle of subsidiarity, the Committee of the Regions has put forward a large number of proposals on ways of streamlining and simplifying procedures, which continue to remain valid. There is little sense in trying to show effective solidarity by turning out a never-ending stream of new and separate programmes that have to be run from the centre. The actual implementation of structural policy programmes should essentially remain the preserve of Member States as well as regions endowed with democratic legitimacy and should be monitored effectively to ensure that targets are achieved.

3.2. *The principle of subsidiarity as a 'regulating principle'*

3.2.1. Whenever Community action extends to areas covered by shared responsibilities between the European Union and the Member States, the subsidiarity principle must be triggered both to safeguard national, regional and local powers and, implicitly, to demonstrate whether or not Community action is justified.

3.2.2. For the purpose of applying the principle of subsidiarity, it is useful to distinguish between the two aspects set out in Article 5 of the EC Treaty:

- the need for action (second paragraph)
- the extent to which action is taken (third paragraph).

In this Article the areas where the Community has exclusive powers are not subject to the subsidiarity test. The exclusive powers of the EU must therefore be defined in a limited, precise fashion, taking into account the principle of subsidiarity, and this principle must become a flexible point of reference for shared competences.

3.2.3. European-level action should only be taken when there is a clear added value in such action and where Member States acting independently could not achieve the same results,

as defined in the Treaty, the protocol on subsidiarity and the principle set out in this opinion. The Member States themselves, meeting in the Council, have to agree that the action in question is needed to achieve one of the Community objectives.

3.2.4. Assessing the need for action on the basis of exclusive, authorized or shared competence on the part of the Community and/or the Member States was what largely fuelled debates between 1992 and 1997 and showed how difficult it was to distinguish clearly between the powers of all parties.

3.2.5. As a regulator of the extent to which it is used, the principle of subsidiarity is reinforced by the principle of proportionality, which is now also incorporated in the Protocol appended to the Treaty of Amsterdam.

3.2.6. Regular monitoring of the application of the principle of subsidiarity is essential in order to a) refine the successive interpretations of the Court of Justice that have further developed the position taken by the European Council in Edinburgh in 1992, and b) to increase the transparency of, and democratic control over, legislative acts.

3.3. *The clear delimitation of powers*

3.3.1. Despite all the progress made and all the continuing efforts to give concrete expression to the principle of subsidiarity, it is becoming more and more clear that, in terms of the exercise of powers, the principle of subsidiarity cannot by itself guarantee that European legislation is restricted to essentials and cannot prevent powers from being exceeded. What is therefore needed is a lively debate and active monitoring — not least by the COR — to check compliance with the subsidiarity principle. Such checks should be carried out on a regular basis, perhaps in the form of an annual report on subsidiarity.

3.3.2. As regards the actual distribution of powers, the substantive Treaty Articles should list criteria in order to permit an assessment of the need for EU-level action, thereby clarifying non-legal terms such as 'better' and 'not sufficiently' as used in the definition of the general subsidiarity principle in new EC Treaty Article 5. The current distribution of powers is also vague since the EC Treaty sets out only very general objectives and does not fix the precise scope of the relevant measures.

3.3.3. It is necessary, in particular, to keep internal market questions (Article 100a of the EC Treaty) separate from other policy areas such as culture and broadcasting, land-use planning and health, etc. Individual economic issues do not stand independent of all other policy areas and as such a holistic approach should be taken. The body of competition policy case law to date illustrates that culture, for example, can be a justifiable reason to restrict the free movement of goods. Similarly, protection of local minorities calls for specific measures which cannot be dictated by internal market criteria, and under no circumstances by strictly economic principles. One key criterion might conceivably be whether economic aspects or else other policy considerations are central to the particular area in question.

3.3.4. In view of the level of integration now reached by Europe, and after a new and comprehensive demarcation of powers has been agreed, it should be possible to turn attention to ways of simplifying the procedure for amending the Treaties. The COR must therefore launch a debate on the demarcation of powers between the EU, the Member States and their regional and local entities and come up with a new system for apportioning powers.

3.3.5. The objectives and tasks listed in Article 3 of the EC Treaty must be spelt out in more detail and brought into line with existing powers.

3.4. *Guaranteeing regional prerogatives and local autonomy*

3.4.1. It is becoming apparent that the internal structures of Member States are also changing rapidly. There is a strong tendency towards decentralization and in some Member States the regions have acquired a large degree of autonomy.

The Union is no longer just a Union of fifteen capitals but is also a network of regions and towns. Institutional reforms can no longer be escaped in view of the enlargement of the Union.

As a voice for local and regional authorities in Europe, the Committee of the Regions would like to be involved in 'designing' the structure of the European Union in the 21st century.

The Committee of the Regions stresses the need for the close involvement of the candidate countries in this process, as they too will one day be partners in the Union.

3.4.2. European regulations sometimes limit the political freedom of regions, towns and local districts. Whilst new Article 6 of the EC Treaty specifies that the Union must respect the national identity of its Member States, there are no corresponding provisions applicable either to regions or local authorities.

The Committee of the Regions has already requested on several occasions that such guarantees be enshrined in the Treaty (cf. Appendix).

3.4.3. Protecting regional prerogatives and local autonomy involves both giving guarantees to local and regional authorities, and making it possible to verify the proper application of these guarantees, as well as the use of sanctions in the case of failure to respect them.

The Committee of the Regions has already requested on several occasions that such guarantees be included in the Treaty, particularly under Article 3b (Article 5 in consolidated version) of the EC Treaty (see Appendix, chapter 2).

In addition, the guarantee of local self-government should be included in Article F of the Treaty on European Union, according to which 'the Union shall respect the national identities of its Member States, whose systems of government are founded on the principles of democracy'.

Paragraph 2 of this Article, which addresses fundamental rights, should include a reference to the Council of Europe's Charter on Local Self-Government.

3.4.4. Pending adoption of the institutional reforms which failed to see the light of day in Amsterdam, the Committee calls upon the Heads of State and of Government to draw up a political declaration confirming that they are prepared to provide the regions and local authorities with guarantees concerning full implementation of the principle of subsidiarity. Such guarantees should encapsulate the essence of the arrangements to be worked out between Member States, regions and local authorities.

The Committee of the Regions, whilst reiterating the demands which were not met in the Amsterdam Treaty, takes the view that the necessary institutional discussions should focus, among other things, on ways and means of ensuring compliance with the subsidiarity principle.

Thus, the Heads of State and of Government might commit themselves to ensuring that local and regional authorities are automatically consulted on any Community policy or regulation which would have a significant impact on them, be it of a financial, economic or environmental nature, or involving social cohesion or human rights, both during the process of drawing up a political strategy and when implementing it.

3.5. *Inter-regional and inter-district cross-border cooperation*

3.5.1. If the principle of subsidiarity is to develop its full dynamic potential, it is essential for regional and local authorities to be able to effectively solve-on-the-spot problems within the powers conferred on them, if need be in cooperation with neighbouring regions and local districts.

3.5.2. Inter-regional cross-border cooperation to date has invariably come up against legal and administrative obstacles arising out of Member States' foreign policy prerogatives. In most of the Member States such cooperation can only be organized by the central authority. Diplomatic agreements are generally required if legally binding commitments are to be entered into, even if such commitments do not transcend that particular region or district.

3.5.3. As a consequence, we must inevitably accept that a large number of daily problems faced by citizens of frontier regions — e.g. in terms of the labour market, transport and accommodation — cannot be solved promptly and satisfactorily.

3.5.4. The Committee of the Regions therefore considers it absolutely essential to remove obstacles to effective inter-regional cooperation. It takes the view that such a request clearly flows from the scrupulous application of the principle of subsidiarity, as enshrined in the Treaty. The Committee of the Regions calls upon the Member States to do what is necessary to ensure that inter-regional cooperation is recognized as an area of common interest endowed with a European legal framework.

3.6. Result

3.6.1. From the point of view of policing the subsidiarity principle before the European Union takes any action, it is important for the Committee of the Regions to be able to say, when examining preparatory acts and proposals for Community action, whether the Commission has adhered to the principle. The Committee calls upon the European Commission to present its annual report on subsidiarity to the Committee of the Regions. The latter is prepared to deliver an annual opinion on this report. The Committee of the Regions also reiterates its plea that there be a genuine 'preventive' scrutiny of texts before legislative decisions are taken by European bodies to ensure that such texts are justified and meet subsidiarity criteria.

3.6.2. The Committee of the Regions unequivocally urges the European Council to promote a Europe rooted in the

principle of subsidiarity, in which the particularities and identities of the peoples of Europe — which represent its greatest wealth — are strengthened, thereby fostering competition but without prejudice to solidarity and cohesion. The Committee of the Regions calls on the Member States to endeavour in their domestic legislation to use the principle of subsidiarity as a guideline for the allocation of powers, not only in defining their own areas of responsibility, but also as an incentive to involve the regional and local authorities in the definition of the conditions for the application of the powers of the latter bodies.

3.6.3. Application of the principle of subsidiarity concerns not only the Union's legislative and regulatory activities, and hence relations between the Union and its Member States. It is also relevant to the national decision-making process and to the transposition of European law in the Member States and the application of that law at national level. At the European level, insufficient attention has so far been paid to this particular aspect of the subsidiarity principle.

Brussels, 11 March 1999.

The President

of the Committee of the Regions

Manfred DAMMEYER

APPENDIX

to the opinion on the Committee of the Regions

1. The principle of subsidiarity and European legal texts

1.1. The idea of subsidiarity was dealt with implicitly in Article 95 of the ECSC Treaty of Paris, signed on 18 April 1951, as well as in Article 235 of the Treaty of Rome, signed on 25 March 1957. It was also dealt with explicitly in the 1975 Spinelli report of the European Commission on European Union which stated that: 'The European Union must not, any more than the present Communities, lead to the creation of a centralizing super-State. The Union will accordingly, and in accordance with the principle of subsidiarity, only carry out tasks which the Member States can no longer perform effectively themselves.'

1.2. The first European legal text to have expressly defined the principle of subsidiarity was the Council of Europe's European Charter of Local Self-Government signed in Strasbourg on 15 October 1985. Ratified by 30 Member States of the Council of Europe, including 12 of the 15 Member States of the European Union, it has now become a Convention of the Council of Europe and must be incorporated in the national legislation of the States which have ratified it.

1.3. Worth noting in particular are Articles 3 and 4, and especially Article 4(3), which illustrates neatly the principle of subsidiarity by stating that: 'Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.'

1.4. The principle of subsidiarity was introduced reasonably clearly into the European Treaties via the Single European Act of 1987 where the chapter on the environment (fourth paragraph of Article 130r) states that: 'The Community shall take action relating to the environment to the extent to which the objectives referred to in paragraph 1 can be attained better at Community level than at the level of the individual Member States'.

1.5. Introduced in Article 5 of the EC Treaty by the Maastricht Treaty, this principle of subsidiarity has led to many comments since then, particularly during preparations for the Intergovernmental Conference of 1997, before being spelt out in more detail in a Protocol appended to the Treaty of Amsterdam of 2 October 1997.

1.6. The Declaration on subsidiarity by the governments of Germany, Austria and Belgium calls for recognition and application of the principle of subsidiarity within the Member States.

2. Developments between the Treaties of Maastricht and Amsterdam

2.1. During the period of preparation for the Intergovernmental Conference and the Treaty of Amsterdam, the Committee of the Regions expressed its views in a COR Opinion⁽¹⁾ on improvements to the drafting of several Articles in the Maastricht Treaty on mechanisms for ensuring the participation of regions and local authorities in the administration of Europe, and on ways of implementing the principle of subsidiarity. It also called for changes in its own status, organization, scope and fields of intervention.

2.2. It is worth noting in particular that the Committee of the Regions called for a rewording of Article 5 of the EC Treaty by explicitly mentioning the role of local and regional authorities endowed with decision-making powers under the domestic legislation of the Member State in question; it likewise called for a clear definition of the respective powers of the European Union and the Member States, and the right of regions to institute proceedings to have decisions declared null and void if they infringe the principle of subsidiarity.

2.3. The suggestions of the Committee of the Regions were similar to many others, and particularly those of the Assembly of European Regions and the Council of European Municipalities and Regions calling for amendments to provisions of the Treaties on topics such as local self-government, transparency, partnership, the representativeness of the Committee of the Regions, non-discrimination between the sexes, and equal opportunities.

3. Progress under the Amsterdam Treaty

3.1. Several amendments called for by the representatives of regions and local authorities were introduced into the Treaty of Amsterdam and a Protocol on subsidiarity was appended.

Progress was made on the status and organizational capacity of the Committee of the Regions as well as on partnership, equal opportunities, and transparency.

On the other hand a number of proposed amendments on local self-government were not included in the Treaty.

3.2. It is self-evident that regions and local authorities therefore still want to see their place defined more precisely and their role given more consideration in a large number of Treaty Articles. They also believe that there should be a fuller dialogue between all regional and local levels, thereby widening the dialogue which has for so long been confined to European and Member State levels.

4. The European Council meeting in Cardiff of 15 and 16 June 1998 decided that the problems of the practical implementation of subsidiarity would be examined.

⁽¹⁾ CdR 136/95 and Appendix.

Resolution of the Committee of the Regions on 'The arrest of Mr Öcalan and the need to find a political solution to the Kurdish problem'

(1999/C 198/15)

THE COMMITTEE OF THE REGIONS,

encourages the Turkish Government to work for a political solution to the Kurdish problem and calls on the PKK and the other Kurdish organizations to show respect for law and order;

trusts that the Turkish Government will draw a distinction between cultural autonomy, to which the representatives of the local and regional authorities of the European Union are particularly attached, and separatism, which jeopardizes the unity of the Turkish State;

calls on Turkey to implement the requisite socio-economic reforms to allow the Kurdish minority to express its cultural identity within the context of the Turkish State;

reminds the Turkish authorities that all applicants for membership of the European Union must fulfil the criteria laid down by the Copenhagen Summit calling for stable institutions

which guarantee democracy, the primacy of the law, human rights, respect for and the protection of minorities;

expects the Turkish authorities to provide the requisite guarantees that Mr Öcalan will be treated humanely and will be given a fair trial in open court, in keeping with the international obligations to which Turkey has subscribed, inter alia, by virtue of its membership of the Council of Europe;

in this context, invites the Turkish authorities to make the appropriate arrangements to allow international observers to attend the trial and insists that Mr Öcalan be judged in open court, with the assistance of defence counsel of his own choice;

absolutely condemns all acts of violence, hostage-taking and attacks on the embassies of EU Member States;

endorses the Council Declaration of 22 February 1999 and the European Parliament Resolution of 25 February 1999.

Brussels, 11 March 1999.

The President
of the Committee of the Regions
Manfred DAMMEYER
