<table>
<thead>
<tr>
<th>Notice No</th>
<th>Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009/C 120/01</td>
<td>Opinion of the Committee of the Regions on city diplomacy</td>
<td>1</td>
</tr>
<tr>
<td>2009/C 120/02</td>
<td>Opinion of the Committee of the Regions on the Single market, social vision and services of general interest</td>
<td>6</td>
</tr>
<tr>
<td>2009/C 120/03</td>
<td>Own-initiative opinion of the Committee of the Regions on Local and regional authorities at the forefront of integration policies</td>
<td>12</td>
</tr>
<tr>
<td>2009/C 120/04</td>
<td>Opinion of the Committee of the Regions on ‘think small first’ — A ‘Small Business Act’ for Europe</td>
<td>17</td>
</tr>
<tr>
<td>2009/C 120/05</td>
<td>Opinion of the Committee of the Regions on the Green Paper on territorial cohesion</td>
<td>23</td>
</tr>
<tr>
<td>2009/C 120/06</td>
<td>Opinion of the Committee of the Regions on Green Paper on agricultural product quality</td>
<td>29</td>
</tr>
</tbody>
</table>

78th plenary session held on 12 and 13 February 2008
III Preparatory acts

Committee of the Regions

78th plenary session held on 12 and 13 February 2008

2009/C 120/09 Opinion of the Committee of the Regions on Greening the transport sector .......................... 47
2009/C 120/10 Opinion of the Committee of the Regions Single European Sky II ................................. 52
2009/C 120/11 Opinion of the Committee of the Regions on revision of EMAS and the Ecolabel ............... 56
2009/C 120/12 Opinion of the Committee of the Regions on cross-border healthcare ............................. 65
(Resolutions, recommendations and opinions)

OPINIONS

COMMITTEE OF THE REGIONS

78th PLENARY SESSION HELD ON 12 AND 13 FEBRUARY 2008

Opinion of the Committee of the Regions on city diplomacy
(2009/C 120/01)

THE COMMITTEE OF THE REGIONS

— recognises the vital and growing role of city diplomacy — which can be broadly defined as a tool with which local authorities and their bodies can promote social cohesion, environmental sustainability, conflict prevention, conflict resolution and post-conflict reconstruction and rehabilitation, at global level, with the aim of creating a stable environment in which people can live together peacefully in a climate of democracy, progress and prosperity

— recognises that modern diplomacy is not expressed and practised by national governments alone, and that in view of the need for dialogue, cooperation and coordination in order to achieve the objectives of peace, democracy and respect for human rights at all levels, closer cooperation between national governments and local and regional authorities is a natural and necessary route towards more effective procedures and strategies at multiple levels. Towns and cities play a significant role in international cooperation since they work together with other municipalities in international networks

— considers that in the broader context of cross-border cooperation, and that of European Neighbourhood Policy and the European Neighbourhood and Partnership Instrument in particular, there is room for promoting cooperation with the European Commission with a view to considering subjects, policies and, above all, activities that fall within the sphere of city diplomacy

— welcomes the revival of the Euro-Mediterranean Partnership and stresses the importance here of having a strand for dialogue between EU Member State local authorities and European Neighbourhood Policy partners in the Mediterranean, as well as Eastern Europe

— stresses the potentially crucial nature of the EU’s experience of knowledge transfer in all fields where city diplomacy might be deployed, including good governance, promotion of transparency, the fight against corruption, local development, infrastructure, health, education and training, the fight against human trafficking, youth, gender equality and cross-cultural dialogue
POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

as the European institutional body representing the local and regional authorities of the Member States, in accordance with the Treaty on European Union,

1. recognising the vital and growing role of city diplomacy — which can be broadly defined as a tool with which local authorities and their bodies can promote social cohesion, environmental sustainability, conflict prevention, conflict resolution and post-conflict reconstruction and rehabilitation, at global level, with the aim of creating a stable environment in which people can live together peacefully in a climate of democracy, progress and prosperity;

2. bearing in mind that this role is recognised internationally and that many cities, local authorities and, in particular, municipal bodies in the EU Member States have been devoting themselves for many years now to city diplomacy, and that with a thorough knowledge of the sphere they play a central role and contribute effectively in forging alliances to facilitate dialogue and prevent conflicts, in promoting conflict resolution, in post-conflict reconstruction and rehabilitation, and in the development of third countries both on the European continent, especially in the Balkans, and in the Middle East, Latin America, Africa and the rest of the world;

3. recognising that the world is increasingly urbanised and complex and that every day cities and their local authorities are on the front line in a multicultural environment, working to secure citizens’ rights, reduce tensions, resolve conflicts, promote social and economic inclusion and territorial cohesion, promote dialogue between cultures and religions, and states and peoples, and promote peace and stability;

4. recognising that modern diplomacy is not expressed and practised by national governments alone, and that in view of the need for dialogue, cooperation and coordination in order to achieve the objectives of peace, democracy and respect for human rights at all levels, closer cooperation between national governments and local and regional authorities is a natural and necessary route towards more effective procedures and strategies at multiple levels;

5. recognising that towns and cities play a significant role in international cooperation since they work together with other municipalities in international networks. It is important to note, however, that towns and cities carry out such tasks on their own initiative;

6. recognising at the same time that city diplomacy and, more broadly, decentralised cooperation are complementary tools when it comes to promoting peace and understanding between peoples, and that local and regional authorities underpin initiatives for coexistence and reconciliation between states and peoples, always operating in the context of international laws on human rights and the principles and values of the European Union;

7. concerned about the new challenges facing humanity, including climate change, natural catastrophes, access to drinking water and other natural resources, the danger of pandemics, hunger, poverty, the constant increase in migration, which are producing a wave of extremism in our societies, of intolerance and tensions between communities of differing cultures, ethnic origins, religions and traditions, which often become causes of conflict both within and between states, and believing that it is necessary to adopt a common approach and take joint action;

8. committed to promoting sustainable development in our cities and territories, to make them more just, more cohesive and respectful of fundamental human rights and equality between men and women of every race, culture and religion, while respecting the need for access to education and the labour market, with a view to strengthening democratic procedures and local self government, which are vital in building a more unified and peaceful world;

9. aware that the changing nature of conflicts places a constant burden on local authorities to secure the well-being of their citizens and that dialogue and closer cooperation between local and regional authorities at international level could make a contribution to mutual understanding, to the promotion of common goals and to the solution of conflicts regardless of their cause;
10. recognising that it is people and local communities that suffer as a result of the failure of central governments to initiate dialogue in order to resolve problems constructively so as to restore order and stability;

11. also accepting that local authorities, as the tier of government closest to the general public, are aware of people's needs and are best placed to determine and respond to those needs at times of crisis or conflict, and also to anticipate them;

12. believing that it is the duty of local authorities to work for freedom, democracy and progress and thus to contribute to international development and the achievement of peace;

13. recognising that the EU, and EU policies such as the European Neighbourhood Policy, will face enormous difficulties in developing their full potential if there is failure to resolve the conflicts that make regional cooperation extremely difficult if not impossible;

14. bearing in mind that the increasing profile and influence of city diplomacy was demonstrated recently with the organisation of the First World Conference on City Diplomacy, which discussed the role of local authorities in conflict prevention, peace building and post conflict reconstruction and restructuring, held in the Hague on 11-13 June 2008, at which the Committee of the Regions was represented;

15. recognising the pioneering and responsible work that has been done and is still being done in the field of city diplomacy by the Congress of Local and Regional Authorities of the Council of Europe, the Congress of European Municipalities and Regions, the Committee on City Diplomacy, Peace Building and Human Rights of 'United Cities and Local Governments', the Association of Local Democracy Agencies, the worldwide movement Mayors for Peace, relevant United Nations agencies, the Glocal Forum and other international institutions and NGOs;

16. invites all local governments to weigh up their responsibilities in terms of maintaining peace and justice and to promote human rights for all, building cohesive cities for a cohesive world;

17. reiterates the need for more effective and transparent aid mechanisms at international level, simplified procedures and, above all, involvement of local authorities in both the development and implementation of the relevant tools;

18. welcomes the European Commission's communication published on 8 October 2008 on the need for local and regional authorities to play a greater role in planning and implementing development measures in the EU and on the need for a structured dialogue between local and regional authorities and the Commission under the aegis of the Committee of the Regions;

19. also welcomes the reference made in the above-mentioned communication to the creation of a platform for the exchange of information between the local and regional authorities of the EU as suggested by the Committee of the Regions;

20. would stress that the EU has a direct interest in seeking to resolve regional conflicts and problems that undermine Europe's security, and to prevent unchecked migratory flows and interruption of energy supplies and promote world peace in general;

21. reiterates its belief that a prosperous and safe neighbourhood can be achieved only through effective cooperation at local and regional level;

22. believes that local and regional authorities are best placed to determine and address the citizens' needs both preventively and in post conflict situations;

23. considers that in the broader context of cross-border cooperation, and that of European Neighbourhood Policy and the European Neighbourhood and Partnership Instrument in particular, there is room for promoting cooperation with the European Commission with a view to considering subjects, policies and, above all, activities that fall within the sphere of city diplomacy;

24. welcomes the revival of the Euro-Mediterranean Partnership and stresses the importance here of having a strand for dialogue between EU Member State local authorities and European Neighbourhood Policy partners in the Mediterranean, as well as Eastern Europe and the Caucasus where, it should be pointed out, the EU has been playing an important role in promoting the peace process and providing humanitarian aid since hostilities broke out in August 2008;

25. repeats its intention to promote the creation of a Euro-Mediterranean Regional and Local Assembly, in order to flesh out the Barcelona Process and the Union for the Mediterranean, agreed to on 13 July by the European Council in Paris, with a view to this furthering the objectives of city diplomacy;
26. welcomes the final declaration of the Barcelona Process: Union for the Mediterranean ministerial conference, held on 3-4 November 2008 in Marseilles, which essentially accepts the proposal made by the Forum of Local and Regional Authorities held on 22-23 June in Marseilles and reiterated in its opinion of 8 October, and undertakes to involve the Euro-Mediterranean Regional and Local Assembly (EMRLA) in the Union for the Mediterranean once it has been set up;

27. recognises that despite the past experience of all the parties involved and their constructive and practical role, there are no set rules of procedure for city diplomacy;

28. notes that it remains difficult to identify precisely the main factors determining the success or failure of city diplomacy; for this reason, procedures must be tailor-made and flexible in order to function in a rapidly changing environment;

29. is convinced that the players involved in city diplomacy must be aware that it is a complex process that must go hand in hand with other efforts, and that it is important to have a good understanding of the specific circumstances of a conflict zone and the historical context of the conflict, and to secure the consent of the local authorities concerned for any initiative or action;

30. believes that the experience and cooperation of the EU's institutions in this area is critical and reiterates the need for greater political and technical support in order to secure constant cross-border cooperation of the States neighbouring the EU at the level of local government; invites the Member States and the countries involved to make full use of TAIEX and other existing twinning instruments and programmes, such as the Europe for Citizens Programme 2007-2013, in order to lay the foundations for an approach based on city diplomacy;

31. notes that it is possible to organise local government employee exchanges between EU Member States in order to promote the city diplomacy dimension and also closer cooperation and coordination between them for pooling experience and creating of networks of activities;

32. would stress the potentially crucial nature of the EU's experience of knowledge transfer in all fields where city diplomacy might be deployed, including good governance, promotion of transparency, the fight against corruption, local development, infrastructure, health, education and training, the fight against human trafficking, youth, gender equality and cross-cultural dialogue;

33. notes the need for the European Commission and Member States to continue working together with local authorities and civil society to promote human rights and the rights of all disadvantaged groups in municipalities, inviting particularly the countries involved in Euro-Mediterranean cooperation to be more open to supporting civil society, local government and, by extension, city diplomacy;

34. considers that although on the one hand there is a need for international players to strengthen and facilitate the work of city diplomacy, while realising that no new structures should be set up unless entirely necessary and then only to serve specific needs;

35. recommends that the Commission for External Relations and Decentralised Cooperation closely monitor developments in this field, encourage communication between the bodies involved and European and international networks and NGOs, and where feasible specify those regions where it might be possible for city diplomacy to be applied and where the Committee of the Regions might act as a catalyst;

36. recommends that the Committee of the Regions inform the EU of the needs of local and regional authorities in regions where there is conflict, and invites it to play a more active part in resolving conflicts by supporting city diplomacy and related measures;

37. also invites the EU to put city diplomacy on the agenda of meetings with the relevant international bodies;

38. would encourage the European Commission to promote regional programmes with the aim of involving local and regional authorities and their collective bodies in city diplomacy in order to promote common goals and principles;

39. welcomes the initiative taken by the Congress of Local and Regional Authorities of the Council of Europe to draw up a European Charter on City Diplomacy and the prospect of setting up a fund to support city diplomacy, and calls on the EU to look into setting up a funding instrument for supporting measures and promoting city diplomacy more generally;
40. in view of the major response to the annual Open Days of the European Week of Regions and Cities, recommends that a specialised information seminar be prepared on city diplomacy, for inclusion in the programme of the 2009 event;

41. will draw Member States’ attention to city diplomacy, underlining its dedication to the values of democracy, the rule of law and human rights, inviting Member States to support city diplomacy initiatives, both bilaterally and multilaterally, as a highly promising tool for supporting dialogue between local and regional bodies at international level and in the general framework of Member States’ foreign policies, thus underpinning civil society initiatives for long-term peace;

42. will inform the President of the European Commission, the EU’s High Representative for the Common Foreign and Security Policy, the Commissioner for External Relations, the Commissioner for Development and Humanitarian Aid and the President of the European Parliament of the content of this opinion, stressing the role that it proposes should be developed for city diplomacy and the benefit for the EU in terms of strengthening its foreign policy and achieving the objectives of peace, security and stability.

Brussels, 12 February 2009.

The President of the Committee of the Regions
Luc VAN DEN BRANDE
Opinion of the Committee of the Regions on the Single market, social vision and services of general interest

(2009/C 120/02)

THE COMMITTEE OF THE REGIONS

— shares the Commission's view that the single market must strengthen the position of consumers and SMEs, turn globalisation into a concept which Europe can put to good effect, remove barriers to the promotion of knowledge and innovation, facilitate economic growth to generate jobs and make Europe competitive in line with the Lisbon objectives, and incorporate a strong social and environmental dimension

— expresses regret at the fact that the views set out in the communication are of a general nature. At some time in the future, the Commission will therefore have to present for detailed scrutiny — above all with regard to the subsidiarity principle — concrete proposals designed to achieve the goals set out in the communication under review

— is convinced that the single market can only operate effectively if businesses are competitive and if it produces real social benefits for Europe's citizens; therefore considers it essential to go further along the path opened up by the services directive — which seeks to further develop the freedom of establishment and freedom to provide services — and thereby increase real competition and improve the functioning of the single market
General observations

The Committee of the Regions would draw attention to its outlook opinion of 23 March 2007 on this issue entitled The future of the single market and stocktaking of European society, which contains key recommendations for the further development of the single market.

Background

The European single market plays a key role in the globalised economy and in the context of the Lisbon strategy, since it promotes the competitiveness of the EU economy, thereby stimulating growth and employment. At the same time, the single market enhances the quality of life and increases the prosperity of EU citizens. The single market consequently represents one of the EU’s greatest achievements to date.

Against this background, the CoR welcomes the package of measures submitted by the European Commission setting out its views on the further development and future shape of the European single market with a view to triggering a debate on these ideas. This represents an important step towards ensuring that, in the future, too, we will be in a position to meet the growing challenges posed by globalisation.

Communication on a single market for 21st century Europe

THE COMMITTEE OF THE REGIONS

1. shares the Commission’s view that the single market must strengthen the position of consumers and SMEs, turn globalisation into a concept which Europe can put to good effect, remove barriers to the promotion of knowledge and innovation, facilitate economic growth to generate jobs and make Europe competitive in line with the Lisbon objectives, and incorporate a strong social and environmental dimension;

2. expresses regret at the fact that the views set out in the communication are of a general nature. At some time in the future, the Commission will therefore have to present for detailed scrutiny — above all with regard to the subsidiarity principle — concrete proposals designed to achieve the goals set out in the communication under review;

3. underlines, that the principle of subsidiarity is an essential element of the European Union’s political and legal order, stresses also, however that many of the challenges facing the EU today are of a global nature (globalisation, the need for social protection, the influence of global financial markets, climate change etc.) therefore in areas where it is not possible to deal with problems at local, regional or national level, common solutions based on common principles are required;

4. is convinced that the single market can only operate effectively if businesses are competitive and if it produces real social benefits for Europe’s citizens; therefore considers it essential to go further along the path opened up by the services directive — which seeks to further develop the freedom of establishment and freedom to provide services — and thereby increase real competition and improve the functioning of the single market;

5. shares the Commission’s view that there is a need to convince many consumers in the European single market that the benefits which the single market provides work to their advantage in their daily lives. Support for the EU will increase only when people personally experience the benefits which it offers them;

6. urges the Member States to communicate, in a more focused way, the links between the single market, on the one hand, and consumer protection, the expansion of employment, economic growth and price stability, on the other hand. Local and regional authorities can play a more prominent role in this context;
7. would therefore repeat its recommendation, made in its opinion on *The future of the single market and stocktaking of European society*, that the European Commission, the Member States and local and regional authorities should, in order to allay the concerns of citizens and businesses, better communicate how to manage economic and social adjustment that results from globalisation and increased competition;

8. welcomes the Commission's intention to pay particular attention to the needs of SMEs, which create economic growth and new and varied employment, in the context of the further development of the single market. For this reason, more should be done to facilitate access for SMEs to the single market to enable them to grow more effectively and to exploit their entrepreneurial potential to a greater degree. In particular, clusters and hubs are an excellent method for SMEs, at local, regional, national, and increasingly even trans-national, levels, to expand their base, contacts, market opportunities, profits and consequent job creation;

9. would therefore again point out that the European Commission and the Member States should consult local and regional authorities, business associations and the social partners to discuss which bureaucratic barriers can be dismantled in the interests of businesses, and SMEs in particular, which suffer the most from bureaucratic inhibitors still existent in the Single Market. In doing so, the correlation between cutting red tape for SMEs and imposing additional burdens on local and regional authorities should be taken into account;

10. thus supports the European Commission in both its initiatives to back SMEs. Various measures are to be introduced to support SMEs as part of dedicated provisions under the 'think small first' principle. The CoR also welcomes the Commission's proposal for a European Private Company statute to facilitate cross-border SME activities. The simplified company law structures that are in the pipeline are a good way of boosting the competitiveness of European businesses. Simple, unbureaucratic and effective rules provide a direct conduit to a balanced competitive environment and to economic stability. Successful measures in this field have a direct and positive economic impact. The costs of legal and business start-up advice could be cut. In all these considerations, however, it is essential to ensure that European-level measures are also consistent with the structures in place under national company law and, that existing social standards are preserved;

11. welcomes the Commission's observations on the benefits of globalisation but points out that these benefits will only be felt to the degree to which the Commission refers if European standards are really accepted by the other players on the world market. Otherwise the different standards laid down in the EU may even reduce the competitiveness of the European economy;

12. would stress in this context that the EU needs a new strategy on globalisation based not only on competitiveness but also on the pillars of sustainable economic development, full employment, social cohesion and sustainable use of natural resources. These aspects must feature in the impact assessments that are to be drawn up;

13. notes that, as a result of increased globalisation and the heightened competition from knowledge-based economies that goes with it, European businesses need to be even more innovative and creative if they are to stay competitive;

14. recognises in this connection that the European Council objective of raising research expenditure in the European Union to 3% of GDP is a key element in the competitiveness and future sustainability of European industry;

15. would stress that education and training — and thus lifelong skills development — represent the major challenge facing the European Union, the Member States and the regions. Alongside competition, entrepreneurship, innovation and investment, these factors are a driving force of enhanced productivity. Thus, the capacity of the Member States, regions and local authorities to invest in human capital needs to be improved so that the concept of lifelong learning does in fact become a reality;

16. particularly recommends focusing more on cross-border cooperation on research, development and innovation as this area still offers considerable untapped potential;

17. recalls, therefore that it is important for management in both the private and public sector to create a climate which encourages workers to develop their skills further, the need to aim for the creation of high quality jobs;

18. shares the Commission's view that the protection of intellectual property is a key component of an effective single market. Effective protection of intellectual property not only promotes innovation and creativity, but also enhances competitiveness and creates jobs;

19. highlights, as does the Commission, the importance of the environmental and social dimension of the single market; believes that it is essential, in the light of climate change, to step up efforts to protect the environment. It would, however, draw attention to the need to find appropriate solutions to the cost attendant upon the sustainability strategy to avoid placing an undue burden on EU citizens and to enable companies which have already invested in very high environmental standards from Europe to compete in Europe. Relocation of European companies with high environmental standards from Europe to other parts of the world without such high standards would also make it more difficult to achieve global climate goals;
20. agrees with the Commission that workers’ mobility is a key element in shaping the single market. The Member States draw up their labour market rules independently to suit their own requirements, but it is important to eliminate or dismantle obstacles to free movement which are not justified in terms of respect for fundamental rights and freedoms;

21. shares the Commission view that attitudes to mobility in the EU have changed as a result of the single market. Some workers find the necessary adjustments difficult and thus view the developing situation with concern. The Committee of the Regions therefore agrees with the Commission on the need to safeguard workers’ rights and uphold them, particularly through the proper application of European labour law;

22. notes that economic, social and territorial cohesion in the European Union is a key pillar of integration. The future shape of cohesion policy is closely linked to EU growth and employment policy. Resources from the European Social Fund in particular have been and remain an important factor in helping workers and businesses undertake the modernisation needed in the working world, and in improving opportunities for integration into the labour market. In this way, the requirements of a globalised economic area can better be met;

23. welcomes the fact that, in its communication, the Commission repeatedly draws attention to the following elements: ‘Better Regulation’, impact assessment, evaluation and simplification in respect of legal provisions; and the need to reduce bureaucracy. Not just the Commission, the Council and the European Parliament, but also the Member States and the regions must make progress in these fields since better regulation benefits both people and businesses. This is the way to secure a higher level of satisfaction with European cooperation.

24. deplores the fact that the Commission has dedicated nothing more than an accompanying document to the fundamental issue of services of general interest, which in no way meets the expectations that have emerged from consultations held by the Committee of the Regions (1) and the European Parliament (2) on the SGI White Paper;

25. supports the Commission’s view as regards the autonomous right of the Member States or regional and local authorities to decide for themselves as to the nature, scope, organisation and funding of these services;

26. agrees with the Commission that services of general interest are of considerable importance to public wellbeing, social integration, the safeguarding of social cohesion and higher employment;

27. highlights the fact that services of general economic interest, which are not subject to EU sectoral rules, are usually moulded by regional and local culture or practice and therefore require appropriate action at regional and local levels;

28. welcomes the new Article 14 of the Lisbon Treaty which creates a new legal basis for services of general economic interest (SGEI). This legal basis will make it possible for the Council and the European Parliament to establish, by means of regulations adopted under the ordinary legislative procedure, the principles and conditions that are needed — especially those of an economic and financial nature — to ensure the SGEI objectives are properly accomplished and to put an end to the legal insecurity which has been created by the case by case legislative (sector-based directives) and litigious approach adopted hitherto by the Commission. Therefore regrets that the Communication on SGI only makes a reference to Article 14 without illustrating the impact it will have;

29. is also pleased that the Lisbon Treaty includes a Protocol on services of general interest, which stresses the important of services of this kind. This protocol recognises the diversity of general interest services and the primary competence of Member States to provide them. The Committee of the Regions highlights the protocol’s express recognition of the wide discretion of regional and local authorities in commissioning and organising services and tailoring them to the needs of users;

30. despite differences between social services of general interest in Member States, feels that they constitute a key component of the European social model, and that in view of this a stable and transparent legal framework for the development of SSGIs is needed at Community level; such a framework must be wholly compatible with the subsidiarity principle, and in particular with the competences of local and regional authorities in defining the tasks of such services, and in managing and financing them;

31. notes that, in spite of requests from the Committee of the Regions (3) and the European Parliament (4) for a Commission legislative proposal to ensure genuine legal certainty for the provision of services of general interest, the proposals set out in the Communication on SGI are confined to a series of answers to ‘frequently asked questions’; helpful though these may be, they do not carry any legal force;

---

(4) Resolution of the European Parliament of 14 March 2007 on social services of general interest in the European Union (2006/2134(INI)).
32. recognises that, in its accompanying document, the Commission endeavours to draw a clearer distinction between services of general economic interest and services of general non-economic interest. The Commission’s observations are, however, expressed in such general terms that they do not always help to provide a definition, in line with the need for legal certainty in individual cases;

33. points out that there is no uniform ‘European social model’ and that it is therefore essential to respect and take account of the variety and differences with regard to the organisation of social services in the individual Member States. The discretion enjoyed by Member States when determining what they deem to be ‘services of general economic interest’ must not be curtailed by new binding EU legal instruments or by additional coordination processes. Likewise, the new Article 14 of the Lisbon Treaty must not be interpreted in such a way as to curtail Member States’ decision-making power;

34. stresses that an extension of reporting obligations and additional bureaucracy and statistical requirements must be avoided;

35. notes that Community law has a wide and varied repercussions for national social benefit systems. In the past, Community law in areas of public procurement, competition and State aid also impacted strongly on the shape of local general interest service provision, without ensuring any real legal certainty for the providers or recipients of such services;

36. would in this regard cite one example drawn from European public procurement law, namely inter-municipal co-operation. Such cooperation offers tremendous potential to boost efficiency and thus benefit the public. It involves instruments of administrative cooperation, which are not, generally speaking, subject to public procurement rules. Instead, decisions in this area should be seen as domestic, organisational matters not covered by public procurement law and should be respected as such by the Commission;

37. would stress that European public procurement law is of key importance, particularly for regional and local authorities. In its interpretative communication on public procurement contracts below the set thresholds, however, the Commission demonstrates a regrettable lack of sensitivity to local and regional authority needs. In future discussions on this topic, it

is therefore necessary to find political solutions which guarantee legal certainty in the interests of regions and local authorities;

38. would ask the Commission, irrespective of the outcome of this process, to consider whether the requirements laid down in the interpretive communication might not be toned down or withdrawn completely.

**Communication entitled ‘Opportunities, access and solidarity: towards a new social vision for 21st century Europe’**

THE COMMITTEE OF THE REGIONS

39. feels the growing importance of European social policy is reflected not least in the provisions of the Lisbon Reform Treaty, Article 2 of which defines new social objectives for the EU: ‘It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. The Charter of Fundamental Rights, the obligation imposed by the ‘cross-cutting social clause’, and the protocol on services of general interest likewise create opportunities for a more social Europe. The Treaty also provides for ‘enhanced cooperation’, an option which Member States can encourage and use in the field of social policy (');

40. shares the Commission’s view that, in the light of the changing challenges facing us, prosperity in Europe can be promoted by improving opportunities, access and solidarity. The Commission rightly draws attention in this context to the following aspects: young people, careers, longer and healthier lives, gender equality, active inclusion and non-discrimination, mobility and successful integration, participation, culture and dialogue;

41. endorses the Commission’s assessment that there is no suitable EU-wide uniform blueprint for securing equal opportunities — a key element of the vision for the 21st century — and that in many areas of social policy the plethora of political instruments and practices and the heterogeneous nature of national bodies are obstacles to harmonisation. Therefore takes issue with the view that the same or similar challenges automatically also represent common challenges leading to a common need to take action, particularly at EU level;

(*) Articles 6, 5 (a) and 27 respectively.
42. agrees with the Commission that the requisite innovative economic and social policy solutions will have to be found primarily at local, regional and national levels; highlights the important role to be played in this context by (a) local and regional authorities, and (b) the social partners;

43. is adamant that action by the Commission must remain strictly within the confines of the powers vested in the Commission by the Treaties; these are limited essentially to back-up powers to enable the Commission to take action in support of the Member States;

44. recognises the key importance of education and skills acquisition for young people as a *sine qua non* of job creation, social integration and thus the success of the single market;

45. takes explicit exception to the view expressed in the Commission communication on the presumed existence of ‘a European education and training system’ (*) and stresses that the EU is obliged to strictly respect the responsibility of the Member States for determining the educational curricula, teaching content and organisation of their respective systems;

46. recognises — subject to the observance of the remits defined in the Treaties — that the EU can play a key role in the exchange of experience and best practice, in backing up the work carried out at local, regional and national levels and in promoting awareness;

47. welcomes, in the light of the objectives being pursued in this context, the exchange of experience and examples of best practice at European level, involving participation by local and regional authorities;

48. expresses its appreciation of the fact that, in view of the implementation problems experienced in many Member States, in the face of challenges, the Commission proposes that the existing legal framework relating to gender equality and combating discrimination be reviewed and adapted; does however, reject an extension of the relevant provisions to embrace additional fields.

Brussels, 12 February 2009.

The President
of the Committee of the Regions
Luc VAN DEN BRANDE

(*) Translator’s note.
In Chapter 2 of the communication, the German version refers to the quality and effectiveness of the European education and training system, whilst the English version refers to the quality and effectiveness of Europe’s education and training systems.
Own-initiative opinion of the Committee of the Regions on Local and regional authorities at the forefront of integration policies

(2009/C 120/03)

THE COMMITTEE OF THE REGIONS

— believes that migrant integration strategies are bound up with European migration policy, which, in order to be effective, will also have to be accompanied by suitable support for the development of migrants’ countries of origin and transit;

— stresses that policies for integrating migrants must include full consensual acceptance of the values that underpin European culture, such as respect for human rights and diversity, combating discrimination and promotion of equal opportunities and tolerance;

— stresses the need for a holistic approach, to take into account not only the economic and social aspects of integration but also issues relating to historical, cultural and religious diversity, citizenship, political rights and the civic engagement of legal migrants; and believes that to achieve results, a collective approach is required, including local, regional, national and European stakeholders;

— recommends the implementation of multi-level governance for successful integration of migrants, compatible with the subsidiarity principle governing cooperation between the EU, Member States and local and regional authorities; and agrees with the position taken by the Third European Ministerial Conference on Integration, held on 3 and 4 November 2008 in Vichy, with regard to the need for regional and local authorities to be involved in planning, implementing and evaluating integration policies and also regarding the essential role they play in helping migrants integrate into local society;

— points out that local and regional authorities play a crucial role in implementing integration policy, in keeping with their — sometimes exclusive — competences. This responsibility entails considerable expenditure by these regions and towns, whose budgets bear the costs of integration; and calls for an increase in European Integration Fund appropriations and greater support for integration initiatives at local and regional level;

— asks to be fully involved in the European Forum on Integration planned for 2009 and any other event of the same nature held in the framework of European cooperation; and recommends establishing integration awards for third-country nationals.
Policymakers may find this helpful: 

**Rapporteur:** Dimitrios Kalogeropoulos (EL/PPE), Mayor of Egaleo (Athens)  
**Reference document:** 
European Commission staff working document on Strengthening actions and tools to meet integration challenges — Report to the 2008 Ministerial Conference on Integration  
SEC(2008) 2626

**Policy Recommendations**  
**The Committee of the Regions**

1. **believes** that the European Commission staff working document on 'Strengthening actions and tools to meet integration challenges' ties in with the conclusions adopted by the JHA Council in June 2007 on strengthening of integration policies in the European Union;

2. **considers** that the increase in migration movements over the last ten years lends urgency to the need to implement effective policies for the social, economic and cultural integration of migrants from third countries;

3. **notes** that the increase in the numbers of migrants has gone hand-in-hand with increasing diversity in types of migrant, the structure of migration flows and the relationship between countries of origin and host countries;

4. **points out** that integration of migrants is primarily a matter for the Member States, at national or regional level, who can apply policies in the fields of education, health, housing and the labour market. The Lisbon Treaty provides for a beefed-up role for the European Union in policy governing migration and the integration of third-country nationals, but does not seek to harmonise the legislative and regulatory provisions of the Member States;

5. **notes** that over recent years, many Member States have made enormous efforts to develop national policies to integrate migrants (this applies both to newcomers and to first and second-generation immigrants). The policies so far implemented have not, however, produced the desired results in many Member States because of continuing obstacles to social integration, such as unemployment, low educational/vocational achievement, the lack of willingness to integrate and the lack of cooperation between stakeholders;

6. **considers** that economic and demographic developments require that a common European strategy be forged to ensure balanced handling of migration flows and to promote integration and combat illegal migration and human trafficking;

7. **stresses** the need to develop a cohesive European migration policy and therefore welcomes the adoption on 15 October 2008 of the European Pact on Immigration and Asylum;

8. **believes** that migrant integration strategies are bound up with European migration policy, which, in order to be effective, will also have to be accompanied by suitable support for the development of migrants' countries of origin and transit; such support should mainly focus on basic education, healthcare and economic infrastructure;

**Core principles**

9. **considers** that integration should be seen as the outcome of a process allowing third-country nationals who are legal residents in a Member State to function independently of any external intervention and to have a comparable social status to that of nationals and European citizens;

10. **notes** that integration is a two-way process that requires mutual commitment and comprises rights and duties for both the host society and migrants. This entails a willingness on the part of migrants to assume their responsibility to fit into their host society (by learning the language and accepting the legal system and values of the host society), and a willingness on the part of host societies to accept and integrate migrants;

11. **stresses** that policies for integrating migrants must include full consensual acceptance of the values that underpin European culture, such as respect for human rights and diversity, combating discrimination and promotion of equal opportunities and tolerance. They must also be consistent with basic EU policies on cohesion, employment, development, external relations and freedom, security and justice;
12. believes that the way the principle of equal treatment is applied has a decisive influence on the quality of democratic systems. That all people are of equal value and should therefore be treated equally is an integral part of the culture of the European Union;

Ways and means

13. holds the view that the EU will have to make integration of migrants a basic priority;

14. stresses the need for a holistic approach, to take into account not only the economic and social aspects of integration but also issues relating to historical, cultural and religious diversity, citizenship, political rights and the civic engagement of legal migrants;

15. recommends the implementation of multi-level governance for successful integration of migrants. An approach of this kind must be compatible with the subsidiarity principle governing cooperation between the EU, Member States and local and regional authorities;

16. believes that to achieve results, a collective approach is required, including local, regional, national and European stakeholders. Involvement of the relevant EU authorities, national, regional and local authorities, NGOs, the social partners, representatives of civil society, including migrants themselves, whether newcomers or first and second generation migrants who are already established, together with all reliable actors involved in sport, culture and social cohesion, is essential;

17. is in favour of encouraging measures to facilitate migrant access to the labour market and to vocational training. For migrants, finding a job is a fundamental step in the process of integrating fully into host communities;

18. draws attention to the role played by education in integration, especially learning the official state language or languages of the host country;

19. supports instruction of the mother tongue as this helps migrants with both learning the official state language or languages of the host country and also acquiring knowledge in other areas;

20. supports the promotion of measures and actions that aim to transform the educational process into a cultural bridge between society and third-country nationals;

21. believes that the education of migrants’ children should be a priority and applauds the encouragement of diversity in national education systems;

22. believes that very particular attention should be paid to migrant women, not just because they play a decisive part in the education of children and in passing on cultural models, but also because they are the most vulnerable to acts of exclusion, violence and discrimination;

23. considers intercultural dialogue to be of vital importance to integration and that local and regional authorities play an essential role in promoting this dialogue and, thus, in combating racism and xenophobia;

24. believes that the media play a key role in raising public awareness about immigration and in curbing marginalisation, racism and xenophobia;

25. would point out that promoting equal opportunities for migrants in the fields of education, training and employment is the right way to prevent their social exclusion. The prospect of claiming an equal place in the host society is the best way to avoid the risk of violence from marginalised groups;

26. believes that integration policies should be evaluated, which means designing common European indicators and integration models;

27. deems the setting-up of the European Fund for the integration of third-country nationals to be especially important and believes that the fund will have a decisive impact on integration policy planning;

Contribution of local and regional authorities

28. points out that local and regional authorities play a crucial role in implementing integration policy, in keeping with their — sometimes exclusive competences. The Committee also notes that local and regional authorities often work as service providers and as partners with other levels of governance, including interest groups. This responsibility entails considerable expenditure by these regions and towns, whose budgets bear the costs of integration;

29. recalls that some European regions play a vital role in integrating unaccompanied migrant children in their territory. The relevant regional authorities act as the guardians of these children, entailing extra costs for many of them, as they must provide for their effective integration, living costs, education and everything else necessary to their welfare until they reach adult age. It therefore calls upon the regional, national and European authorities to assume their responsibility for the management of this phenomenon and to ensure that the financial burden is shared appropriately;
30. furthermore stresses that local and regional authorities should be given the opportunity to become actively involved in developing integration strategies at a very early stage and throughout their implementation;

31. agrees with the position taken by the Third European Ministerial Conference on Integration, held on 3 and 4 November 2008 in Vichy, with regard to the need for regional and local authorities to be involved in planning, implementing and evaluating integration policies and also regarding the essential role they play in helping migrants integrate into host society;

32. notes the important part played by local and regional authorities in harnessing European experience through exchange of best practice and publicising in particular the results of their part in implementing Community programmes (e.g. CLIP, ERLAIM, ROUTES, City2City, INTI-EUROCITIES), and running transnational regional networks;

33. believes that local and regional authorities play a decisive role in creating the right conditions for third-country nationals to have access to information and services relating to employment, education, healthcare, housing, culture and other public goods, giving them the opportunity to build a strong link with their host society;

34. notes that local and regional authorities pay special attention to cooperation, communication and exchanging information with the public, migrant organisations and NGOs. In this way, they make a real contribution to developing a climate of trust, to maintaining cohesion in host communities and thus to demonstrating that migration is a factor in development and progress;

Achieving the objectives

35. supports the initiatives taken by the European Union since 1999 to implement the decisions of the Tampere European Council on making proposals and implementing effective policies aimed at integrating third country migrants;

36. welcomes the creation by the European Commission of an integration website, which will facilitate access to and exchange of information;

37. calls also on the Member States and the European Commission to take measures with a view to harnessing the opportunities offered by new technologies (e-Democracy, e-Government, e-services, etc.) so as to make it easier for the general public and migrants to state opinions and make proposals on integration policies and measures;

38. stresses the need to take joint action and to promote cooperation and dialogue between all those involved in integration at local, regional, national and European level;

39. recommends encouraging comparative evaluation of the results of integration strategies at local and regional level, and highlighting successful integration experiences and best practices at regional and local level that could provide an example for other regions;

40. sees a need to promote initiatives and measures designed to establish a stable climate and conditions of trust between migrants and host communities;

41. considers that it is crucial to take account of education, housing and health when drawing up and implementing effective and appropriate integration policies;

42. considers that the European Union should develop a relationship of real support for migrants’ countries of origin, which should be provided in a differentiated way according to needs;

43. believes that there is a need to evaluate and possibly redefine existing training programmes and vocational education and training for third-country nationals, particularly for occupations where training is ‘on the job’;

44. recommends supporting existing structures in the EU Member States in the task of identifying migrants’ skills and experience;

45. sees the need to make arrangements within the Member States for accreditation, certification and validation of migrants’ skills and learning acquired in their countries of origin to give immigrants more opportunities to access further education and jobs and thereby enable them to earn their living by working, as well as boosting the human capital of the host country;

46. urges the European Commission to support the exchange of best practice between local and regional authorities, since they make a decisive contribution to smooth and successful integration;

47. calls for an increase in European Integration Fund appropriations and greater support for integration initiatives at local and regional level;

48. calls on the Commission to encourage twinning between European local and regional authorities and their counterparts in migrants’ countries of origin;
49. calls on the Commission and the Member States to look into the possibility of matching national contact points for integration with corresponding points or replacing them at local and regional level;

50. would like to contribute by presenting the best practice of local and regional authorities in the latest update of the Commission’s handbook on integration;

51. asks to be fully involved in the European Forum on Integration planned for 2009 and any other event of the same nature held in the framework of European cooperation;

52. recommends establishing ‘integration awards’ for third-country nationals, possibly in the context of the regional awards established by the Committee of the Regions, to be granted to migrants and or actors who get involved in the migrant integration process (local or regional authorities, companies, organisations, associations, institutes, private individuals, civil servants, etc.).

Brussels, 12 February 2009.

The President
of the Committee of the Regions
Luc VAN DEN BRANDE
Opinion of the Committee of the Regions on ‘think small first’ — A ‘Small Business Act’ for Europe
(2009/C 120/04)

THE COMMITTEE OF THE REGIONS

— welcomes the Commission’s communication on a ‘Small Business Act (SBA) for Europe’ and endorses the policy agenda being pursued which strives to provide a breakthrough for EU SME policy by delivering a framework to facilitate the promotion of entrepreneurship and SME-friendly legislation while enabling the growth of small and medium sized enterprises across Europe through the application of the ‘Think Small First’ principle.

— acknowledges that the SBA is not legally binding but considers that, in order to deliver on its objectives and to ensure full implementation, the SBA needs to be politically binding and provide a roadmap for SME policy and a stable governance structure for this policy and therefore calls on the European Council to meet its responsibilities in this regard and for the European Commission and the Member States to work in co-operation with local and regional authorities and other stakeholders.

— draws attention to the fact that the current economic downturn and crisis in international banking impacts disproportionately on SMEs’ ability to access finance and calls on the Commission and Member States to ensure that the banking sector takes due consideration of these challenging operating conditions for SMEs and that the recommendations agreed at the Fifth Roundtable (1) between banks and SMEs which attempted to ensure greater access to finance to small business are fully implemented.

— recognises that embedding the Small Business Act in the Lisbon Strategy and the National Reform Programmes is the correct approach and should help with monitoring and calls for a thorough annual evaluation in this context to measure progress of SME policy in each Member State against agreed targets and deadlines, with recommendations for future concerted actions, in order to ensure full implementation of the SBA and its objectives.

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. welcomes the Commission’s communication on a ‘Small Business Act (SBA) for Europe’ and endorses the policy agenda being pursued which strives to provide a breakthrough for EU SME policy by delivering a framework to facilitate the promotion of entrepreneurship and SME-friendly legislation while enabling the growth of small and medium sized enterprises across Europe through the application of the ‘Think Small First’ principle;

2. acknowledges that the SBA is not legally binding but considers that, in order to deliver on its objectives and to ensure full implementation, the SBA needs to be politically binding and provide a roadmap for SME policy and a stable governance structure for this policy and therefore calls on the European Council to meet its responsibilities in this regard and for the European Commission and the Member States to work in co-operation with local and regional authorities and other stakeholders;

3. believes that in the current economic climate the SBA and its objectives are now more important than ever, as SMEs offer untapped potential for economic growth and for creating and sustaining jobs; further considers that the SBA provides an opportunity for political leadership and to underpin confidence in Europe’s enterprise sector;

4. recommends that in formulating and implementing EU policy the diversity of SMEs, in terms of size and form, the regulatory frameworks and the business cultures within which they operate, should be taken into account, as well as, the varied micro/small/medium enterprise profile and varied business performance between regions and would therefore suggests that the SBA should provide for a more explicit recognition of the local and regional dimension to fully take all these factors suitably into account;

5. highlights the importance of providing supports that ensure the long-term sustainability of enterprises and urges caution on placing too much emphasis on start-ups and new SMEs to the detriment of established businesses and those undergoing development and re-structuring;

6. acknowledges the importance of promoting and developing a culture of entrepreneurship; welcomes the proposed European SME Week and ‘Erasmus for Young Entrepreneurs’ but considers that if the value of entrepreneurship is to seep into national and European consciousness it needs to start with schools and developing meaningful dialogue between small business people, pupils and teachers and therefore, calls on Member States to place greater emphasis on promoting entrepreneurial education and engendering entrepreneurial mindsets for students and in teacher training and to revise the Education and Training 2010 Work Programme accordingly;

7. welcomes the recognition in the SBA of the particular needs of female entrepreneurs but draws attention to the needs of immigrant entrepreneurs, who by circumstance are generally more entrepreneurial and less risk averse and recommends that consideration should also be given to the requirements of young people, minorities and older entrepreneurs as well as creating a distinction between the different challenges and requirements of EU and Third-Country migrant entrepreneurs;

8. stresses the particular relevance of flexicurity for both employers and workers in SMEs and calls for greater incorporation of flexicurity within the SBA;

Ensure a High Degree of Implementation and Establish Evaluation Procedures

9. recognises that embedding the Small Business Act in the Lisbon Strategy and the National Reform Programmes is the correct approach and should help with monitoring and calls for a thorough annual evaluation in this context to measure progress of SME policy in each Member State against agreed targets and deadlines, with recommendations for future concerted actions, in order to ensure full implementation of the SBA and its objectives;
10. **demands** that the Committee of the Regions be fully informed of the annual assessments and highlights that it will be monitoring progress on the local and regional levels, through its well established Lisbon Monitoring Platform;

11. **considers** that with over 90 proposed measures there should be a prioritisation of actions, in the SBA in order to assist implementation, achieve concrete results for SMEs and inject a sense of urgency for action. In this regard, **would suggest**: (a) access to finance; (b) towards full implementation of the 'think small first' principle, for a better regulatory and administrative environment; and (c) improving access to markets, including public procurement; as priority action areas;

12. **welcomes** the intention to strengthen the application of the principles of subsidiarity and proportionality and underlines that these principles apply from the EU to national but also to the regional and local levels;

13. **calls** on the Commission to provide more detail on how the 'SME test' will be treated as part of the Impact Assessment, in terms of the scope and nature of the impacts to be assessed and the level and periods of consultation that will be undertaken;

14. **highlights** that the communication does not sufficiently address the role of the SME Envoy and **calls** on the Commission to ensure that the SME Envoy is given sufficient political and financial resources to enable successful implementation of the objectives of the SBA and to enhance the visibility and awareness of SME related policy activity;

15. **supports** the objectives of the European Private Company (EPC) statute, to reduce the cost of setting-up companies, and simplify the regulatory framework in order to facilitate cross-border trade and remove further obstacles;

16. **stresses** the importance of ensuring that existing best practice and good administration within Member States and their local and regional governments in promoting entrepreneurship and SME-friendly policy-making is not undermined by the measures contained in the SBA and the new legislative proposals;

17. **considers** that the reliance on the disparate pre-existing programmes and financial instruments to achieve the objectives of the SBA, with no additional funding, is a weakness and **recommends** the establishment of a specific budget line to pilot actions;

---

18. **draws** attention to the fact that the current economic downturn and crisis in international banking impacts disproportionately on SMEs’ ability to access finance and **calls** on the Commission and Member States to ensure that the banking sector takes due consideration of these challenging operating conditions for SMEs and that the recommendations agreed at the Fifth Roundtable (1) between banks and SMEs which attempted to ensure greater access to finance to small business are fully implemented. These include: (i) more transparency between banks and SMEs; (ii) combining debt and equity; (iii) increasing lending volume with securitisation; (iv) easier venture capital investment across borders; and (v) better regulation of micro-credit;

19. **applauds** the efforts of the European Commission and the European Investment Bank (EIB) to make various financial instruments available to SMEs but **strongly requests** the Commission to re-assess in particular the JEREMIE initiative — to address its variable geographical coverage across the EU and to better consider the potential implications for other policy areas, such as competition policy, which are hampering the full or partial application of the initiative in some regions. The CoR also **recommends** that the EIB group be more proactive in communicating its role, added value and the methods of accessing JEREMIE and the CIP programme;

20. **recommends** that EU financial measures be accompanied by complementary instruments to ensure that SMEs have a greater chance of success and **underlines** that local and regional authorities are the natural partners in providing these accompanying supports;

21. **welcomes** the proposed amendment to the Directive on late payments which should help to ensure that SMEs are paid in time but **underlines** that enforcement of this Directive remains the key issue and Member States must work to improve the payment culture among business and public administrations and **calls** on the European Commission and other EU Institutions to respond to recent concerns expressed by the European Ombudsman to speed-up how payments are made to contractors, companies and other organisations (2);

22. **considers** that, in light of the diversity of size and scope of SMEs, that a number of EU programmes could include better tailored measures for micro, small and medium enterprise to prevent micro-enterprises from having to compete with medium sized companies who have access to better financing opportunities and conditions, for key financial and other supports;

---

(2) Between 2005-2007, the Commission managed to halve the percentage of its late payments. However, in 2007, there were delays involving more than 22% of all payments made by the Commission.
23. welcomes the Commission’s proposal to simplify the VAT regime through the introduction of a uniform exemption threshold and a directive to increase VAT thresholds and suggests that Member States could review other aspects of fiscal policy with a view to improving conditions to re-invest profit in a company, cash-flow and business transfer;

24. welcomes the new General Block Exemption Regulation which allows Member States to grant state aid to SMEs, regional development, innovation, research, training, employment and risk capital without first notifying the Commission and notes the increase in the De minimis Regulation ceiling from EUR 100 000 to EUR 200 000;

25. encourages the European Commission and, where relevant Member States, to assess the plethora of business support programmes, initiatives and networks, by bundling where possible instruments and funds with a view to enhancing visibility and providing more coherence for SMEs, this point can be linked with point 46 (d) on single points of contact;

Deliver Better Regulation for the Benefit of SMEs

26. strongly recommends that the European Commission include local and regional best practice in its further discussions at European level. Local and regional authorities can stimulate the potential private capital available by creating and financing networks of ‘informal capital’, bringing private investors in to contact with companies in the seed and start-up phase;

27. acknowledges the proposed introduction of common commencement dates for SME-related regulations: questions whether this would have tangible impacts on reducing the administrative burden on SMEs and recommends that this be assessed after an initial trial period;

28. notes the Commission's proposal that micro-business should not be required to respond to local statistical surveys more than once every three years but highlights that annual data is necessary for evidence based policy analysis and recommends that it would be more appropriate if the ‘only once’ principle was fully applied to reduce the overlap in returns to different public offices such as for tax and statistical purposes;

29. wishes to highlight the considerable barrier to entry and expansion at the micro-scale caused by the ‘gold-plating’ of legislation and requests that greater consideration be given to including measures to address this problem in the SBA;

30. welcomes the commitment to the removal of barriers to the transfer of business and draws attention to the fact that this is a particularly pertinent issue for the transfer of businesses between family members as a large number of SME owners are growing older and will withdraw from their businesses within the next decade; similarly, emphasises that there are similar issues for owner-operator SMEs;

31. appreciates the Commission’s proposal that all Member States should aim to complete legal proceedings for non-fraudulent bankruptcies within one year and that re-starters need to be treated on an equal footing with new start-ups but calls on the Commission to address the similar but different challenges faced by failed entrepreneurs who are not formally declared bankrupt;

32. looks forward to agreement on the EU-wide patent jurisdiction and welcomes the uniform provisions proposed in the EPC Statue which will make it possible for SMEs to save time and reduce costs and advocates that full support should be provided by the Commission and Member States to ensure the objectives are met;

33. highlights the burden of the high cost of the range of insurances required by SMEs (such as public and employers liability and employers occupational insurance) and the barrier this can be to their development and even survival and calls on the Commission and Member States to work with the insurance industry to establish if there are appropriate measures that can address the specific concerns of SMEs;

Facilitate Access to Markets

34. considers that the SBA should recognise the role that local and regional authorities can play in facilitating the cross-border growth of SMEs and in particular providing access to information that SMEs need in order to operate internationally such as on regulatory frameworks and requirements, tax, dispute resolution procedures and advisory and support services for SMEs;

35. recognises the role that foreign direct investment can play as a vehicle for SMEs to access international markets and calls on the Commission to develop measures to ensure that SMEs are more involved in exporting activities as their involvement can lead to a significant diffusion of technology, more efficient business models and as a result can raise the overall international competitiveness of SMEs; supports the recent communication on world-class clusters (4) and the objective to better integrate SMEs into clusters and support knowledge transfer and internationalisation;

36. highlights the ever increasing threat of the black market and calls on the Commission to address the challenges that this presents for SMEs, in particular through measures which could improve the protection of intellectual property and better fight against counterfeiting;

---

Facilitate Access to Markets — Greater Participation in Public Procurement

37. **notes** that the public procurement market remains fragmented and cross-border procurement is limited and thus **urges** the Commission and Member States to develop a more transparent framework which would open up the procurement market in the EU and provide additional opportunities for SMEs;

38. **welcomes** the European code of best practice on facilitating access by SMEs to public procurement contracts by the Commission (5) and **calls** on the Commission and Member States to promote innovative contracting measures to increase SMEs participation in public procurement such as dividing more tenders into lots or including opportunities for cooperation in the invitations to tender, where appropriate;

39. **welcomes** the commitment of the European Commission to use the Enterprise Europe Network (EEN) to promote the code of best practice amongst local and regional authorities during 2009, to facilitate exchanges of best practice and re-balance the buying culture within these authorities and **underlines** the need for the EEN to work with the appropriate representative associations on this within each Member State;

40. **appreciates** the importance for SMEs of breaking the initial barrier to the public procurement market, as the most successful SMEs tend to have the greatest experience of the tendering process and therefore **urges** better provision of information for SMEs on the opportunities that exist in the public procurement market and to ensure that SMEs develop a well-informed strategic approach to entering the market;

41. **recognises** the excessive administrative burden placed on SMEs in preparing tenders and **suggests** that the use of pre-qualification questionnaires, which greatly reduce the work required to re-format the same information on subsequent tenders, could be more widely applied in all Member States;

42. **draws** attention to the largely untapped potential of e-procurement; **suggests** that the cost-cutting advantages provided by ICT solutions require greater exploitation given that just one third of public procurement contracts across the EU are currently accepted in electronic format and therefore **calls** for this to be better addressed in the SBA and implemented by the Commission and Member States;

43. **acknowledges** the role that local and regional authorities can play in realising the objectives of the Small Business Act and recommends that Member States work constructively with these authorities, in particular, to ensure that the ‘think small first’ principle is anchored in public policy-making so that public administration at all levels contributes to supporting entrepreneurs;

44. **highlights** that local and regional authorities provide the enabling environments for SMEs, are significant customers of their goods and services and provide a range of advisory, financial and other supports, such as the provision of affordable business premises;

45. **invites** local and regional authorities to assume ownership of the SBA and take, where possible, greater political responsibility in supporting our SMEs by: being better attuned to their concerns; listening to what they have to say; responding to their needs and supporting their development;

46. In this regard, **encourages** all local and regional authorities to be proactive in addressing the needs of small and medium enterprises in areas such as:

   a) Establishing consultative forums, between local/regional government and SME interests, to help improve consultation and work towards public policy that is responsive to small business;

   b) Improving and facilitating access to public sector contracts by re-balancing the buying culture and procurement procedures within their authorities, in order to better facilitate small companies to tender or be part of a tender with other companies. Also, local and regional authorities could facilitate the use of e-procurement, which would help reduce burdens on SMEs in the bidding process;

   c) Evaluate the level of rates, charges and fees that authorities ask from the business sector and look at ways for re-balancing contributions to local and regional authority budgets, with a view to fully applying the user-pays principle and reducing the financial burden on small and medium enterprises;

   d) Work with relevant agencies in their areas to better coordinate access to information, training and advice to SMEs — developing coherent local/regional strategies on information provision, with a widely-recognised single point of contact — a local/regional Knowledge Base, to respond to SME enquiries at each stage of a business’ development. Single points of contact at appropriate local/regional levels — which have proximity to, and are accessible by enterprises — can reduce frustration, wasted time and missed opportunities for small and medium businesses.

---

Facilitate the Development of R&D, Innovation and Skills

47. **considers** that the SBA needs to focus on increasing the effectiveness of technology transfer between higher education institutions and SMEs, creating the right environment and infrastructure for innovation and technology transfer are crucial for sustaining competitiveness, reinventing new business, fighting unemployment and accelerating developments in SMEs;

48. **draws** attention to the fact that the current debate on Research and Development (R&D) and innovation seems to be aimed at large enterprises and high potential start-up companies, which is adversely impacting on spatial balance by reinforcing existing concentrations of economic activity in large urban centres and **calls** on the Commission and Member States to address the challenges that this brings for SMEs operating outside these economic areas;

49. **notes** that the definition of innovation within the SBA is very narrow referring to hi-tech innovation only and therefore **urges** the Commission to consider a broader classification of innovation taking into consideration the different levels/types of innovation that are taking place in a variety of industries and activities of SMEs across the EU;

50. **welcomes** the proposal to develop an overview of future skills needs in the EU but **calls** on the Commission to work with the regions to develop such an overview at regional and, where appropriate, local level and not just at Member State level, given the diversity of regional economies and their skills requirements;

Turning Environmental Challenges into Opportunities

51. **notes** that the communication does not make reference to the Environmental Compliance Assistance Programme (ECAP) and **recommends** that this be addressed to ensure that the requirements of environmental compliance should be proportional to a company's impact on the environment;

52. **considers** that the introduction of incentive mechanisms and more innovative use of fiscal policy by Member States for SMEs to invest in environmentally friendly products and processes would assist in the greater use by small businesses and would also significantly enhance the awareness of these products and processes.

Brussels, 12 February 2009.

The President
of the Committee of the Regions
Luc VAN DEN BRANDE
Opinion of the Committee of the Regions on the Green Paper on territorial cohesion
(2009/C 120/05)

THE COMMITTEE OF THE REGIONS

— Points out that territorial cohesion will become a cross-cutting EU political objective, supplementing economic and social cohesion;

— Asserts that this objective aims to provide each EU region with access to infrastructure and SGEI to improve Europeans’ living standards, requiring the implementation of mechanisms capable of guaranteeing harmonious Community-wide development;

— Feels that regional policy must be revised in light of this new objective without being re-nationalised, redirecting it towards a fair balance between spending to boost competitiveness and spending to reduce territorial disparities; therefore asks the Commission to assess the earmarking operation;

— Recommends that new indicators be designed allowing territorial disparities to be better taken into account in all public policies;

— Calls for additional resources to be allocated to the three aspects of territorial cooperation, owing to its undeniable contribution to European integration;

— Feels that the objective of territorial cohesion presupposes that sectoral policies and cohesion policy will be made consistent, taking account of the territorial impact of all sectoral policies from their inception;

— Recalls the importance of SGI and SGEI as channels for territorial cohesion, and regrets that the impact of Community policies on these services is neither studied upstream of the Commission’s legislative proposals nor assessed downstream;

— Feels that good territorial government is the cornerstone to achieving this objective and underlines the need to improve this government by boosting the partnership with local and regional authorities, according to the precepts of multi-level government.
Rapporteur: Jean-Yves Le Drian (PES/FR), President of the Brittany Regional Council

Reference document

Communication from the Commission to the Council, the European Parliament, the Committee of the Regions and the European Economic and Social Committee — Green Paper on Territorial Cohesion. Turning territorial diversity into strength

COM(2008) 616 final

POLITICAL RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General remarks on the proposals in the Commission’s Green Paper

1. welcomes the adoption of the Green Paper on Territorial Cohesion by the European Commission on 6 October 2008, launching a major debate at European level on this concept which will become a cross-cutting political objective of the European Union (1), alongside economic and social cohesion, in accordance with the treaty currently being ratified (TEU Art. 3);

2. believes that the scope of territorial cohesion should be defined more precisely; suggests that the Commission should take the three dimensions set out in the Third Cohesion Report as the basis for defining territorial cohesion, firstly through reform, i.e. ‘reducing existing disparities’, secondly through prevention, ‘by making (…) sectoral policies which have a spatial impact (…) more coherent’, and thirdly through incentives by improving ‘territorial integration’ and encouraging ‘cooperation between regions’;

3. considers that territorial cohesion should incorporate the maritime dimension;

4. believes that it will be necessary in future to move beyond the questions posed by the Commission in the Green Paper in order to do justice to the political scope of the concept of territorial cohesion at Community level; supports the proposal to step up cooperation between the various authorities and stakeholders involved; agrees that the concept of territorial cohesion forges a link between economic efficiency, social cohesion and environmental balance by placing sustainable development centre stage when policy measures are drawn up, taking the territorial features of the individual regions as the starting point;

5. calls on the Commission to produce a White Paper, following the period of consultation — which should establish the concept of territorial cohesion and its goals more clearly — at EU level, by conducting a territorial impact assessment for all Community Policies;

6. recalls that in its opinion on the fourth cohesion report it had called for territorial cohesion matters to be given greater consideration under the cohesion policy in future (2), without neglecting economic and social cohesion, which is an important Community objective for reducing disparities;

7. underlines the importance of territorial cohesion as a political objective alongside economic and social cohesion, broadening the Community’s capacity to strengthen solidarity in the European Union and make an effective contribution to sustainable development, while respecting the principle of subsidiarity and the division of competences among the different levels of government;

8. stresses that the objective of territorial cohesion must be applied throughout the European area, i.e. to all regions of the European Union, without undermining the priorities defined within the framework of the regional policy and Structural Fund measures;

9. calls on the Commission to extend its research to develop relevant indicators (where necessary, at sub-regional level) for the particular socio-economic problems facing specific types of region, in particular but not exclusively mountains, islands, areas with low population density and border areas, as well as the outermost regions (OR), whose specific situation is recalled in TEC Articles 158 and 299 respectively, with a view to highlighting their individual advantages and disadvantages;

(1) As called for in the own-initiative opinion CdR 388/2002 fin on Territorial Cohesion (rapporteur: Malcarcel Siso).

10. calls on the Commission to significantly improve statistical data and its cartographic representation so as to reflect the real situation;

11. affirms that territorial cohesion aims to give each Community territory access to infrastructure and services of general economic interest in order to help citizens enjoy better living conditions in line with 21st century European standards, acknowledging that access is not only geographically dependent, but is also determined by connectivity, availability and quality of infrastructure and service;

12. considers that the notion of territorial cohesion is based on the principle of solidarity which requires mechanisms to ensure harmonious development of the Community as a whole and to reduce disparities between the levels of development of the various territories;

13. recalls that the most recent cohesion reports highlight a trend towards worsening territorial disparities between European regions, as well as at sub-regional level. These disparities are characterised by phenomena such as spatial segregation, which has led to certain forms of ghettoisation as well as the decline of some remote areas. They make it necessary, now more than ever, to make territorial cohesion a cross-cutting objective of the European Union;

14. believes that this is made all the more urgent by the additional costs generated by the lack of territorial cohesion in Europe: additional environmental costs due mainly to congested urban areas and climate change; additional social costs created by the spatial concentration of social problems; finally, the lack of territorial cohesion prevents the European single market from functioning smoothly by reducing some territories’ access to the freedoms enshrined in the Treaties;

15. proposes that territorial cohesion be made a cornerstone of the EU’s strategy for tackling the current financial and economic crisis; accordingly, given the complexity of the challenges that lie ahead over the coming years, calls for budgetary resources to be at least maintained at current levels, if not bolstered;

16. is opposed to any initiative that, using the present situation or any other factor as a pretext, seeks to renationalise cohesion policy, albeit partially or surreptitiously;

Towards a revised regional policy, in support of territorial cohesion

17. believes that the objective of territorial cohesion complements that of economic and social cohesion and that these three forms of cohesion must be mutually reinforcing: this means that the objective of economic, social and territorial cohesion should be taken into account in all common policies having a territorial impact, particularly the regional policy; calls on the Commission to develop models for sectoral integration at regional level which strengthens territorial cohesion;

18. invites the Commission to carry out an assessment of the contribution of the Lisbon and Gothenburg strategies to territorial cohesion, as part of the earmarking operation for the 2007-2013 Structural Funds;

19. proposes that the Commission alter its strategic objectives to take account of goals for territorial cohesion alongside those for economic and social cohesion for the 2014-2020 period; in this connection, calls for the regional policy to find the right balance between spending on competitiveness to boost economic growth in a globalised environment, and spending to reduce disparities between territories, in order to meet cohesion objectives;

20. recommends that new tools and specifically indicators be developed to meet the requirements of implementing territorial cohesion (\(^5\)), not least by means of sub-regional analyses. In order to develop suitable regional strategies and policy responses, appropriate instruments are needed to take account of territorial disparities in public policies (for example, disposable income per capita to take account of transfers in addition to GDP per capita, tax revenues and accessibility of different services (transport, energy distribution, health, education), demographic structure and population settlement patterns (data on population dispersal, degree of ageing and dependency rates), or even the creation of composite human development indices (\(^4\));

Territorial cooperation

21. recalls the undeniable added European value of territorial cooperation, and its contribution to the objective of territorial cohesion; in this connection, calls for a substantial increase in the overall EU budget to allow for extra financial resources to be allocated to this aspect of the regional policy, so that it may extend beyond exchanges of good practice; but this should not be done at the expense of the other two EU Cohesion Objectives;

22. calls on the Commission to make better use of new strategic opportunities opened up by cooperation at the Euro-regions level, which is a perfectly suitable strategic level of governance and action for resolving territorial cohesion issues; recalls that the EGTC (\(^5\)), by putting in place a European cooperation structure; linked to cross-border, transnational and inter-regional projects, promotes effective cooperation in a broad range of activities, and strengthens neighbourhood relations, brings peoples closer together, and promotes knowledge transfer and the exchange of good practice;

\(^4\) With reference to the methodology developed by UNDP.

Cross-border cooperation

23. stresses the specific role of cross-border cooperation in European integration and the key outcomes of this process: reduction of screen effects at the EU's internal borders, change in the role of external borders (joint approach, combating illegal immigration and trafficking, support to develop border areas of third countries neighbouring the EU), and support in transforming external borders into internal borders with the accession of new Member States;

24. invites the Commission to continue its efforts to simplify and improve the way in which cross-border programmes are managed, for example by establishing shared allocations on both sides of the border, and supports the Commission's plan to assess the way in which the EGTC is implemented;

Transnational cooperation

25. recommends promoting this cooperation in relevant territories (for example, sea and river basins, or upland regions), so that territorial integration can be improved and regional and sub-regional differences can be reduced and in order to deal effectively with problems of environmental protection, tackling pollution and improving transport networks, in the framework of joint spatial planning strategies, but this should respect the role and competences of existing public bodies and the strategic cohesion priorities within a given region;

26. believes that strategic approaches such as the development of macro-regions (e.g. the future EU Baltic Sea Region Strategy), should be encouraged; at the transnational level of sea basins, frameworks for innovative governance should be introduced, in order to promote the integrated maritime policy that has just been adopted by the EU and to achieve greater coherence between Community action within the EU and the third countries concerned;

Interregional cooperation

27. stresses the importance of interregional cooperation (which is not mentioned in the European Commission Green Paper) since it is a remarkable instrument for exchanging experience and best practice between non-adjacent regions sharing complementary development projects; wishes, nevertheless, that in future the instrument of interregional cooperation be better adapted to the needs of local and regional authorities, by means of greater flexibility in the choice of areas of cooperation;

Territorial cooperation outside the EU

28. underlines the need to better coordinate territorial cooperation measures with the external aspect of this cooperation, i.e. with the Russian Federation and neighbouring countries of the outermost regions — countries eligible for membership of the European neighbourhood policy (ENP), and with an eye to EU enlargement (Western Balkans and Turkey);

Ensuring consistency between Community public policies in connection with territorial cohesion

29. believes that the objective of territorial cohesion should be applied to all Community policies. Sectoral policies and the regional policy should complement each other still further, ensuring that they are consistent with each other, whether they are regulatory in nature or concerned with funding;

30. finds it regrettable in this connection that Community policies are too often drawn up and implemented without proper consideration of their territorial impact, which presents local and regional authorities with the negative effects of these policies (job losses, environmental damage, additional congestion or depopulation);

31. recalls the value of spatial planning, as a set of techniques pursuing the harmonious arrangement of the various territorial uses and activities, in order to guarantee consistency between Community public policies and the objectives of territorial cohesion;

32. recognises that some of these problems have been overcome using measures under the Community's regional policy, notably within its programmes of assistance for economic change (restructuring of industry, rural development in the context of CAP reform);

33. regrets the degree of incoherence between RTDI policies and territorial cohesion and underlines the need for a greater territorialisation of EU and national research and innovation policies;

34. considers, by analogy with the horizontal social clause in the Lisbon Treaty, that taking into account the territorial impact of sectoral policies is necessary from the moment they are conceived (looking at the map before implementing policies), in order to anticipate their territorial effect;

35. highlights the fact that trans-European transport, energy and telecommunications networks are extremely important in achieving the goal of territorial cohesion and urges the Commission to focus on these networks in particular;

36. stresses in particular the need for consistency between Community public policies in the areas at the interface between land and sea;
The Common Agricultural Policy (CAP)

37. believes that the CAP, which has a significant territorial impact, must contribute more to territorial cohesion rather than increasing disparities between regions, by anticipating the territorial effects of the future reforms with a view to limiting the negative impact, and by providing for adjustment measures for territories that could be affected adversely by these reforms;

38. recommends that rural development measures (2nd pillar) under the CAP be better coordinated with the regional policy, in order to ensure greater consistency between rural and urban development with the final goal to achieve as much simplification and synergies between both policies as technically and politically possible in the post 2013 programmes;

Common Transport Policy

39. considers that, as the common transport policy develops and has an impact on climate change, its special importance for regions whose accessibility depends exclusively on certain modes of transport, particularly air transport, must not be overlooked;

40. proposes that the forthcoming overhaul of trans-European Transport Network focuses in particular on ensuring regional accessibility, on the basis of appropriate standards; with integration into urban transport networks, thus greatly adding to overall connectivity and cohesion;

The environment

41. believes that the sensitive question of climate change does not present itself in the same way in all regions (e.g. vis-à-vis the Community system for trading greenhouse gas emission quotas, managing coastal zones, etc.);

Proposals on the territorial impact of development of services of general interest (SGI) and services of general economic interest (SGEI)

42. recalls the importance of SGEIs as true channels of territorial cohesion, as mentioned in the primary Community law (TEC Art 16) and regrets in this connection that the territorial impact of Community policies on services of general interest (SGI) and specifically services of general economic interest (SGEIs) is not analysed before legislative proposals are put forward by the Commission or evaluated subsequently;

43. underlines the risk of the internal market becoming fragmented if the public do not have access to local services, despite the objective to maintain a universal service;

44. supports maintaining universal access to these services within the framework of traditional public service obligations, in the name of equal treatment and as a condition for the integration of regions into the global economy;

45. calls, in accordance with the subsidiarity principle enshrined in the Treaty as well as with the Protocol on Services of General Interest from the draft Lisbon Treaty, for the right and freedom of local and regional authorities, in their capacity as suppliers, administrators and users of services of general economic interest, to make provisions in that area to be maintained;

46. reiterates the need to ensure legal security for local and regional authorities as providers, managers and beneficiaries of SGEI; for this to happen, it is necessary for the compatibility of their specific features, with respect to public procurement and state aid law, to be acknowledged within relevant Community frameworks;

Proposals for improving territorial governance

47. stresses that since action by several levels of government in a single territory has different and occasionally contradictory effects, there is a need to improve the quality of governance, particularly the territorial dimension, as close to the citizen as possible in order to remedy the lack of integration of public policies; this new system of territorial governance is the key to meeting the objective of territorial cohesion;

48. believes that the Commission should identify instruments to facilitate vertical cooperation between different tiers of government, beyond the existing institutional relations;

49. recalls that the objective of territorial cohesion must not entail changing the way competences are distributed, specifically in spatial planning, which should remain the responsibility of Member States and their local and regional authorities. However, Member State governments, especially in more centralised states, should enhance engagement with local/regional-level actors in order to improve co-ordination of national sectoral policies at regional/local levels;

50. calls for clarification of the competences of different levels of government in Member States and for the development of cross-cutting or horizontal policies and coordination functions;

51. calls for regional authorities to have greater decision-making powers in the management of the Structural Funds, considering that all EU regions should be given Management Authority status;
52. supports strengthening multi-level governance (\(^6\)) with a view to defining common strategic objectives, for example on accessibility, sustainable development and the maritime policy, with each of the participants contributing on the basis of his means, and in so doing ensuring that the partnership principle is fully applied. True multilevel governance also includes common implementation and handling;

53. recalls that in the First EU Territorial Action Programme of 23 November 2007, the relevant ministers expressed the ‘belief that multi-level governance is a fundamental tool for a balanced spatial development of the European Union’ and expressed their intention of convening with selected stakeholders and local and regional authorities to discuss the implementation of the Territorial Agenda priorities;

54. urges the Commission to analyse more closely existing partnership practices in the EU-27, in order to build the capacity of local and regional authorities and associations of authorities to become proactive partners.

Brussels, 12 February 2009.

The President
of the Committee of the Regions
Luc VAN DEN BRANDE

Opinion of the Committee of the Regions on Green Paper on agricultural product quality
(2009/C 120/06)

THE COMMITTEE OF THE REGIONS

— urges a support framework which provides long term stability for investment decisions by promoting market focused measures including legislation which introduces country of farmed labelling and promoting EU production standards (point 2);

— urges support for GIs and farmer private certification schemes on condition that they are backed up by government guarantees of the quality and origin of products (point 16);

— asks for clear Community definition for some reserved terms or designating geographical production methods, such as ‘farm products’, ‘traditional products’, ‘mountain products’ and non-GMO (point 17);

— calls for mandatory labelling of the country where the products have been farmed to be extended to all primary and semi-processed products (point 18);

— considers that GI labelling should be extended to processed products (point 21);

— maintains that any future consideration should not be given to new schemes but should support existing schemes (point 24);

— propose to promote the extension of PDO ad PGI protection within the WTO (point 27);

— considers it necessary to explicitly ban the use of genetically modified organisms throughout all PDO, PGI and TSG production stages in order to guarantee and safeguard the survival of traditional production methods and distinctive product characteristics (point 28);

— calls on the Commission to consider the need for more flexibility and an increase in the area of their promotion budget (point 34);

— proposes that the Commission review TSG certification (point 38).
POLICY RECOMMENDATIONS
THE COMMITTEE OF THE REGIONS

General

1. welcomes the Green Paper, because its aims are to develop a framework to achieve support and protection for and gain stronger consumer connection to EU agricultural quality production, combating distortion of trade caused by fraudulent use of existing designations. This will generate long term sustainability of regions and of regional landscapes and their identity, which are crafted by farmers and their produce, therefore contributing to future regional development and reducing the risk of rural depopulation.

2. urges a support framework which provides long term stability for investment decisions by promoting market focused measures including legislation which introduces country of farmed labelling and promoting EU production standards, particularly in the areas of food safety and hygiene, protection of the environment and traditional production techniques.

3. calls for the common agricultural policy’s contribution to ensuring high-quality production to be given fresh impetus and strengthened by the Green Paper. There is no doubt that Regulations 510/06 and 509/06 on designations of origin have thus far rarely been applied, to the extent that there is reason to believe that a large proportion of consumers are confused about the meaning of acronyms and expressions such as PDO, PGI, TSG and Organic farming. The set of initiatives promoting and providing information on these kinds of products therefore needs to be rethought and rejigged, and the activities of the first and second CAP pillars need to be more closely linked to supporting high-quality production and cutting costs related to certification and inspection procedures.

4. stresses that the trend towards uniform products, the concentration of production are factors which expose farmers to global market fluctuations and which threaten territorial diversity;

5. welcomes the acknowledgement in the Green Paper that agricultural quality is intrinsically linked to regional traditions, development and sustainability, but these need to be enhanced and protected through schemes such as Geographical Indication schemes (GIs) and an international register needs to be set up to protect their intellectual property from the all-too-frequent counterfeiting of designations.

6. believes it is important to support development of initiatives such as farmers’ markets and direct sales, which shorten the commercial chain by cutting out the middle-man: in addition to reducing consumer prices and oil consumption, and therefore sources of environmental pollution, these initiatives, respecting the seasonal nature of these products, promote traditional local products, which come with greater guarantees that they are fresh, authentic and tasty and are also easier to inspect.

7. Strongly agrees that the EU farmers’ most potent weapon is ‘quality’, that consumers are demanding taste, tradition, authenticity, and, above all, local produce in food, as well as animal welfare and environmental protection, therefore EU farmers have a real opportunity to clearly distinguish their products in the market, and so gain premiums in return.

8. Agrees, that in the perspective of WTO negotiations, is it imperative that, in an increasingly open global market, EU food quality and safety standards can be communicated and presented to consumers as a favourable, and in many cases distinguishing, product property. Calls on the Commission to secure recognition of geographical indications from the EU’s trade partners.

9. highlights the need for a framework that can keep abreast with the ever increasing global consumer and EU farmer demands. As a result, farmers need support measures, such as greater flexibility and an increase in the promotional budget for farmer governed geographical indications or private certification schemes, provided that these are backed up by government guarantees of the quality and origin of the products. These schemes are flexible and react quickly to new farmer and market demands.

Role of local and regional authorities

10. considers that Local and Regional Authorities have extensive experience and established competence to influence and support agricultural quality production by their actions in managing EU rural development plans, spatial planning and regional development. There are many cases where authorities have fostered quality through their support for schemes such as GIs.
11. notes the new structure of the CAP (decoupled support) and how EU farmers are being increasingly exposed to the global market. As a result there is a significant need for the higher production and quality standards that EU farmers achieve (in areas such as sustainability, health and hygiene guarantees for crops and products, safety and respect for workers’ rights, animal welfare and territorial development of regions) to be recognised over that of third country standards and for these higher standards to continue to be compensated for by EU direct payments after 2013. This is particularly important for Local and Regional Authorities as the activities of EU agriculture shape the economy, landscape and community in all regions.

12. points out that the conditions should be created which would allow Local and Regional Authorities to contribute to and comprehensively promote agricultural quality through the EU Rural Development Programmes. Local and Regional Authorities are key to establishing priorities and implementing the programmes which have achieved success in developing and delivering real advantages to EU farmers.

13. notes the positive results of initiatives for renewed territorialisation of agriculture, creating stronger links between the territory of origin, consumers and agriculture; farmers’ markets and activities in schools are specific examples of ways in which children and the general public can be familiarised with agricultural produce, their methods of production, their organoleptic qualities and their seasonality; calls on the European Commission to support the dissemination of these good practices;

14. recognises that activities by Local and Regional Authorities to promote the demand for agricultural quality produce, by their actions to improve public procurement across all areas including school and hospital meals, could help make an important contribution in achieving the aims of the Green Paper; therefore calls for gradual extension of these actions across the board, with appropriate forms of support. Calls on the Commission to take account of the results of these projects initiated by local and regional authorities, taking account of certain factors such as the reduction of food waste in canteens and the quality of agricultural products.

15. also stresses the action taken by a number of EU local and regional authorities in third countries — in the framework of development programmes — to support traditional agricultural methods, respect for ecosystems, biodiversity and local consumer needs.

16. wishes to remind the Commission that farmers, consumers and industry continue to reject an EU scheme and logo (this was recently highlighted at the Commission conference on standards in February 2007). Consumer connection and relevance can be better achieved through clearly labelling the specific origin and quality of production. In addition, the time taken to develop a logo, the cost of compliance inspections to farmers and to achieve any form of consumer connection is not considered of value. Also, the market and farmers have developed their own schemes to achieve these aims therefore to develop better value for money and better consumer connection we would urge support for GIs and farmer private certification schemes on condition that they are backed up by government guarantees of the quality and origin of products, providing the consumer with clear information and without generating additional financial or administrative burdens.

17. urges simplification in the area of marketing standards but emphasises that there is a need to establish a closer relationship between production needs and the product obtained through terminological clarification, legal application and the provision of appropriate information to consumers via labelling. Also considers that barriers of little benefit need to be removed as well as quantitative slippage as regards the concept of food quality; therefore welcomes the European Commission’s recent proposal which abolishes rules on the shape and dimensions of various kinds of fruit and vegetables. Strict measures need to be maintained so farmer and consumer protection and trust are achieved. This is particularly important when genetically modified food using GMOs is involved. However such measures should not duplicate protection offered by other legislation that prevents consumers from being misled. Clear definitions of production needs and the determination of characteristics governing the use of some terms could help to achieve this such as ‘free range’ and ‘low carbon’. It could be useful to define both generic products and the minimum requirements they need to meet for marketing. It could also be productive to work out a clear Community definition for some ‘reserved terms’ or designating geographical production methods, such as ‘farm products’, ‘traditional products’, ‘mountain products’ and non-GMO. With an adequate level of constantly verifiable self-inspection, these terms could be included on labels on a voluntary basis.

18. stresses the continued body of evidence stating that EU consumers are requesting to know which country their food is farmed in. There are increasing examples showing that consumers are being misled in this area. Therefore the committee calls for mandatory labelling of the country where the products have been farmed to be extended to all primary and processed products and main ingredients of finished products such as ham and cheese.

19. proposes that VAT on farm produce be harmonised in the Member States, as fair competition between farmers would be conducive to better quality products;
Specific EU quality schemes

20. stresses the need to have global consumer trust and confidence in the EU system of GIs. There is a clear need for the consumer to be better informed regarding the nature of the systems, their intellectual property respected at an international level and how they are intrinsically linked to regional communities; it is therefore crucial to implement promotional campaigns informing consumers on this matter, with a specific budget. Within the EU, the Member States will officially take the necessary measures to halt illegal use of PDO and PGI designations in their countries, under Article 13.1 of Regulation (EC) No 510/06.

21. urges the need for consumer confidence to be gained through full transparency; GI labelling should therefore be extended to processed products. So as not to undermine the future integrity of GIs where GI products are listed on the label of the end product, it must be ensured that the proportion of that ingredient is significant enough to be a defining characteristic, and the use of the GI must be authorised by the relevant protective association and authorities.

22. as regards GI labelling, believes it is important to fix criteria that can be used to decide whether a name is non-proprietary or whether it can be protected as a GI. The list of products could be extended to include forest berries and wild mushrooms, and products made from them; it should also be ensured that the product list includes products made with berries and fruit. The Commission should also take into account the existence of collective certified labels which are recognised in Member States (specific quality schemes), and should propose a common set of rules for Member States so that these quality mechanisms are recognised.

23. believes that the bodies and procedures which monitor and certify organic products should be streamlined, so that safety and consumer confidence can be strengthened through a new EU organic logo, which would ensure the same criteria for production, monitoring and certification are used across the EU and would help to solve problems and further promote the single EU organic market and could play a real part in ensuring consumers are better informed about the existence of common, effective rules and controls for organic products throughout the EU.

24. maintains that any future consideration should not be given to new schemes but should support existing schemes in areas such as animal welfare. Commission support through guidelines and credibility would be welcomed but any proposal concerning the development of new logos is unnecessary in a consumer market where existing logos are recognised and their values known for example the French logo ‘label rouge’.

25. considers that, instead of this, a system of sanctions should be introduced for the illegal use of protected denominations and that individuals suspected of such practices should be identified and monitored and sanctions proposed in all the EU Member States.

26. notes, with regard to protected designations, that it would be appropriate to require all the Member States to automatically protect designations of origin from abuse or imitation. Moreover, it proposes to differentiate procedures and rules for protecting protected designation products, singling out those with a significant international reputation which are major exports, and also more exposed to counterfeiting and abuse than those sold mainly on local markets, which are less exposed to misuse of labels of origin. For this category of products it suggests a simplified recognition procedure providing national or regional protection. As production techniques and processing technology evolve rapidly in some sectors, the introduction of simplified procedures for adapting production rules would be helpful.

27. It would be a good idea to promote the extension of PDO ad PGI protection within the WTO. Efforts should be made to contract bilateral accords with the various non-EU countries on mutual recognition of food and agriculture labelling. Given the large number of new requests for GIs from third countries, the CoR proposes investigating setting up a European agency for the quality of agricultural production. Regardless of whether or not they are exported, products should be able to benefit from EU recognition. The form of international protection could differ depending on the risk of the product being counterfeited. For example, exported products at high risk of being counterfeited would require international protection within the WTO. The procedure could be simpler for lower-risk products sold on a local scale — it would involve the Member State recognising the product and informing Brussels (similar to the current provisional level of protection), and the product being protected under European law. It is also essential to make sure that the GIs are protected within the EU, ensuring that the Member States intervene in their own territories and are responsible for taking official action if products are counterfeited or if registered products are imitated. The CoR proposes that a specific provision along these lines should be made in Article 13 of Regulation 510/06. Official protection should be upheld by the Commission at international level and within the EU in particular.

28. considers it necessary to explicitly ban the use of genetically modified organisms throughout all PDO (Protected Designation of Origin), PGI (Protected Geographical Indications) and TSG (Traditional specialities guaranteed) production stages in order to guarantee and safeguard the survival of traditional production methods and distinctive product characteristics;
Certification schemes

29. recommends that greater involvement from producer organisations should be encouraged and that markets should take the lead in this area. Well structured private schemes, which include producer governance are more responsive than legislation and therefore can react faster and to local demands, examples include schemes in Sweden, UK and Germany.

30. believes that existing certification schemes for added value would better meet societal demands if they gave clear and reliable information about the farming location and methods and nutritional content.

31. believes that common guidelines would be useful and would help ensure consumers are better informed about the minimum requirements to ensure the basic quality of food. Guidelines should be set by independent committees where there is a consensus from all relevant food chain stakeholders irrespective of their location.

32. supports the belief that the key to the success of private schemes is producer involvement. Providing comprehensive support for producer groups is also important. This will ensure controls, costs and standards are of true benefit to EU farmers.

33. stresses the need to take account of the financial and administrative burden on small producers using non-industrial farming practices; in this context calls for the maintenance of derogations granted for these types of production which cannot comply structurally with the application of certain rules.

Other points

34. calls on the Commission to consider the need for more flexibility and an increase in the area of their promotion budget. There is a need to review areas of emphasis in the promotional budget so greater consideration can be given to certification schemes of whatever kind.

35. believes that EU farmers could get greater acknowledgement and develop better marketing systems if State Aid rules where relaxed in the area of food promotion and if Community public quality certification schemes (PDO, PGI, TSG, Outermost Regions logo, Organic Farming) were boosted and improved.

36. calls for the establishment of microcredit facilities for small farmers investing in product quality improvement and local food safety. In this context, it suggests that the possibility be considered of channelling resources hitherto devoted to intervention measures to farmers who adopt forms of production conducive to fair and sustainable agriculture.

37. In order to avoid sowing confusion and adding to red-tape, the creation of new Community certification schemes should not be supported. It could be useful, however, to have guidelines that guarantee the objective content of certifications such as ISO and BIO for products not covered by PDO and PGI. It would also be expedient to intensify and better coordinate collaboration between various inspection bodies.

38. proposes that the Commission review TSG (traditional specialities guaranteed) certification and introduce a Special Grade of European Food Hallmark, to be a new quality certification scheme for traditional/local/craft produce which, by bringing together a set of minimum quality parameters, associates other values relating to the area of production, the local/regional economy, sustainable land management, their contribution to preserving the rural population, tourism, local quality of life, etc. The certification scheme should use terms such as traditional product, local product, regional product, etc.

39. The Commission is urged to provide financial support, both within the single market and in third countries, for information and publicity campaigns to promote and explain the meaning of the various European farm product quality labels, as well as the extensive production conditions and rules that must be met by European farmers compared to other countries (concerning the environment and animal welfare, high food safety standards, etc.).

Brussels, 13 February 2009.

The President
of the Committee of the Regions
Luc VAN DEN BRANDE
Opinion of the Committee of the Regions on the Green Paper ‘Migration and Mobility’

(2009/C 120/07)

THE COMMITTEE OF THE REGIONS

— believes that addressing at European level common challenges faced by education systems in the Member States gives considerable European added value, which can significantly stimulate the framing of Member States’ education policy. Education is the key to integration and effective participation in social and professional life;

— in this connection, refers explicitly to the particular role that will be played in future by the Committee of the Regions, given that European local and regional authorities in certain Member States are responsible for school education;

— points to the crucial role that will be played by pre-school and school education in integrating children and young people from a migrant background, and in particular stresses the importance of proficiency in the languages, or one of the languages of instruction and communication of the country of residence;

— sees increased migration as strengthening not just cultural, but also linguistic, diversity in the European Union, which can be translated into a further locational advantage in the global market through development of available language knowledge, therefore warns against seeing increased migration merely as a burden on the EU Member States, but rather advocates seizing this development as an opportunity in Europe, also in the light of demographic trends;

— urges the European Commission to look at the following issues that are not covered by the Green Paper as part of a detailed examination of the matter at European level:

— increasing the uptake of education among children and young people from a migrant background;

— motivating the parents of children with a migrant background to make use of existing education opportunities;

— vocational training of children and young people from a migrant background (including aspects of careers advice and work-oriented promotion of language skills).
POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. points to the significance of EU education cooperation for the social and economic development of Europe under the Lisbon strategy and considers further enhancing the educational dimension within the knowledge triangle to be very important in this context;

2. emphasises that EU education cooperation must conform with the provisions of Articles 149 and 150 of the EC Treaty and meet subsidiarity requirements;

3. therefore welcomes the fact that in its Green Paper the European Commission considers education policy to fall squarely within the remit of the Member States;

4. notes with regard to the title of the Green Paper that challenges and opportunities exist above all at the level of education systems in the EU Member States and that the Treaties do not allow us to talk about EU education systems, since policy-making in education takes place at national and, in certain cases, regional and local level;

5. believes despite this observation with regard to the primary level of reference that addressing at European level common challenges faced by education systems in the Member States gives considerable European added value, which can significantly stimulate the framing of Member States’ education policy;

6. considers that conducting a detailed exchange of information and experience between the Member States would bring considerable gains, and considers the promotion by the European Commission of procedures that have proved effective in the Member States to be particularly important here;

7. in this connection refers explicitly to the particular role that will be played in future by the Committee of the Regions, given that European local and regional authorities in certain Member States are responsible for school education, sometimes exclusively;

8. considers the results of cooperation between the Member States under the programme ‘Education and Training 2010’ to be very important, particularly welcomes the implementation of peer learning measures, which allow an intense process of voluntary mutual learning, and thanks the members of the Peer Learning Cluster on Access and Social Inclusion for its work in this area;

9. therefore endorses the initiative of the European Commission, during the European Year of Intercultural Dialogue 2008, of presenting a Green Paper on migration and mobility as a contribution to integrating children and young people from a migrant background and thus to maintaining social cohesion;

10. welcomes the long-term value of the PR effort in conjunction with the European Year of Intercultural Dialogue, pointing in particular to the poster for Europe Day 2008;

11. supports the European Commission’s intention to open up the issue of the educational situation of children and young people with a migrant background to the broader European public through a consultation exercise, and awaits the results of this exercise with great interest;

12. considers that the period of five months planned for participation in the consultation leaves sufficient time to adopt a detailed position on the issue, and asks its members to support the involvement of anybody interested in the Europe-wide consultation at local and regional level;

13. notes, however, that the Commission will already present proposals on a new framework for the open coordination method in December 2008, i.e. before the end of the consultation period, and given that these proposals may also provide for a policy debate on the integration of children and young people from a migrant background it expects that the Commission will take due account of the CoR opinion;
14. endorses the broad definition of 'migrant background' chosen by the European Commission, which also includes people, or the children of people, who have become nationals of the Member State in which they reside through birth or naturalisation, in line with OECD studies on the International Student Assessment (PISA);

15. welcomes the European Commission’s decision to focus its report by limiting the subject matter to children and young people from a migrant background who are also socio-economically disadvantaged, since the Committee of the Regions believes that this social group is most in need of action;

16. in view of the flows of citizens moving between EU Member States, and from third countries into the EU, sees a need for action to support education systems at national level, which can be helped by publishing the findings of the consultation procedure and by then discussing the issue at European level;

17. agrees with the European Commission’s position that education is the key to integration and effective participation in social and professional life;

18. points to the crucial role that will be played by pre-school and school education in integrating children and young people from a migrant background, and in particular stresses the importance of proficiency in the languages, or one of the languages of instruction and communication of the country of residence;

19. sees increased migration as strengthening not just cultural, but also linguistic, diversity in the European Union, which can be translated into a further locational advantage in the global market through development of available language knowledge;

20. in this context generally would like to see more attention paid to the cultural, linguistic and intellectual potential of migrants and measures taken to promote the development of legal migrants as mediators of reciprocal exchange between cultures;

21. therefore warns against seeing increased migration merely as a burden on the EU Member States, but rather advocates seizing this development as an opportunity in Europe, also in the light of demographic trends;

22. stresses the importance of the recommendation made by the European Parliament and the Council on key competences for lifelong learning, also with a view to integrating children and young people with a migrant background;

23. is concerned about the educational situation of children and young people from a migrant background as presented by the European Commission, sees the integration of children and young people with a migrant background as a major political challenge and points to the consequent urgent need for action;

24. agrees with the European Commission’s view that inability to integrate children and young people from migrant backgrounds at school level can be the first link in a chain of failures that may culminate in social exclusion following drop-out from school and unemployment owing to lack of qualifications;

25. attributes attainment differences among children and young people from a migrant background to a chain of factors, which include lack of or inadequate knowledge of the language of instruction, which makes it impossible to follow lessons and produces demotivation; lack of flexibility in education systems in terms of offering programmes adapted to the needs of children and young people from a migrant background; poor access to education in the home and insufficient attention and extra-curricular supervision provided for children and young people by their parents;

26. explicitly shares the view of the European Commission set out in its Communication Improving competences for the 21st Century: An Agenda for European Cooperation on Schools that school alone cannot make up for social disadvantages experienced by schoolchildren;

27. emphasises its conviction that successful integration of people from a migrant background requires a considerable degree of will, time, effort and openness on all sides;

28. consequently regrets that the Green Paper does not refer to the personal responsibility of parents and, to a certain extent, the age-appropriate responsibility of children and young people also, to demonstrate a willingness to integrate despite their specific situation and to take the initiative within the framework provided to try and mitigate or overcome existing socio-economic disadvantages, for example by taking part in education activities offered or obtaining further qualifications;

29. sees compulsory schooling as an essential guarantee of successful integration of children and young people from a migrant background, and explicitly favours close cooperation between schools and the parental home with a view to ensuring that children attend school. This also applies to allowing children and young people to take part in sports and swimming classes, as well as class trips;
30. agrees with the European Commission that important problem-solving approaches can be found through strengthening partnerships with a range of actors in the education and youth sphere (pre-school, school, youth work), but believes that the family plays a particularly important role in forming general expectations of life and thus individual educational achievement;

31. believes it is very important that children from a migrant background should as far as possible have early access to educational support for young children, given the absolute need for them to speak the languages, or one of the languages of their country of residence correctly and fluently in order to benefit from the facilities provided by the education system, since this already addresses or resolves language difficulties before entry into primary school and thus lays an important foundation for equal participation in school instruction;

32. therefore calls on national governments, as well as local and regional authorities, to place greater emphasis on integrating children and young people from a migrant background;

33. encourages local and regional authorities in particular to take whatever measures they can here within their remit;

Concrete measures proposed that can be taken by policymakers to improve the educational situation of children and young people from a migrant background

34. explicitly welcomes the fact that in drawing up this Green Paper the European Commission has not simply described the situation of children and young people from a migrant background, but has also given an overview of the different policy options for addressing the problems that exist;

35. also welcomes, in the Commission working document accompanying the Green Paper (SEC(2009) 2173), the relatively comprehensive list of additional education policy initiatives for integrating children and young people with a migrant background, including references to documentation available on the internet, which gives a broad view of efforts by the individual Member States as well as countries outside Europe;

36. emphasises the role of local and regional authorities in seeking practicable solutions to achieve better integration of children and young people from a migrant background;

37. considers education efforts in early learning establishments and instruction during the first years of school to be particularly decisive for the success at school of children and young people from a migrant background, since this period has a critical impact on the whole of a child’s later educational path;

38. calls in this connection for more cooperation to be developed between schools and public libraries, in order to make children and young people more familiar with the world of reading and so support their linguistic development, as well as their feeling of involvement in society;

39. in this context advocates that nursery schools and schools place particular emphasis on providing early support for individual children and developing their self-esteem and autonomy through early childhood intercultural value guidance, where confidence-building experiences, forms of expression and ways of seeing are extremely important in processing the whole spectrum of possible experiences, so that as early as possible a basic system of meanings and values is fixed in children which enables them to find their way in a complex world and to deal with crises, change and transitions;

40. recommends to include the learning goal ‘empathy’, in the sense of social learning, in their teaching plans for nursery schools and primary schools, so as to enable children to easily identify with other people’s ways of thinking and feeling and to show respect and openness towards the beliefs of others;

41. calls for particular attention to be paid to the gender perspective;

42. believes that the best way of resolving the existing problems of attainment differences among girls and boys from a migrant background is to implement a package of measures in which language learning is a horizontal activity across all educational stages;

43. also recommends that a positive image of ‘migrant background’ as a cross-disciplinary teaching concept be established in schools, so that schoolchildren can accept the migrant background of their own family or other classmates as something good and enriching;

44. stresses the need to provide advice to young people without a school-leaving qualification and their parents about educational and career options that are open to them so that they can later obtain a professional qualification;
draws attention to the fact that the relevant authorities at national, regional and local level could continue to set aside for education new funding that becomes available owing to the falling birth rate in the Member States, for improving the quality of education and equipping educational establishments;

46. recommends that an opinion-forming effort be mounted based on organising media campaigns with a view to integrating children, young people and adults from a migrant background, for example presenting the successful integration of public figures who are from a migrant background;

47. highlights migrants' right to cultivate their mother tongue and recommends that multilingualism to be promoted;

48. calls on local and regional authorities in their capacity as employers to train staff in intercultural skills and if necessary to increase the number of staff from a migrant background, taking into account their suitability, aptitude and performance and appropriately rewarding their linguistic and intercultural expertise;

Consideration of the issue at European level

49. concurs with the European Commission that responding to the interest of the Member States in European cooperation on integrating children and young people from a migrant background by presenting procedures which have proved effective at national, regional and municipal level could produce European added value;

50. notes in this connection, however, that the associated problems cannot be overcome at European level, as the Green Paper states, but can only be discussed there, since national, regional and local authorities are exclusively responsible for deciding whether to implement any policy measures;

51. calls on European local and regional authorities to consider carefully the extent to which actions under Community programmes, such as the Lifelong Learning programme (2007-2013) or the Structural Funds can be used to integrate children and young people from a migrant background or to promote intercultural dialogue, or how projects that are already in the planning stage can be adapted to relevant existing Community directives so that they have a real chance of being funded;

53. expects adequate consideration to be given to the integration of children and young people with a migrant background in the draft strategic framework for European cooperation in the fields of education and training, announced by the European Commission for 2008, which is planned to replace the current work programme 'Education and Training 2010';

54. urges the European Commission to look at the following issues that are not covered by the Green Paper as part of a detailed examination of the matter at European level:

— increasing the uptake of education among children and young people from a migrant background;

— motivating the parents of children with a migrant background to make use of existing education opportunities;

— vocational training of children and young people from a migrant background (including aspects of careers advice and work-oriented promotion of language skills);

55. notes that the European Commission advocates the use of indicators and European benchmarks of educational attainment and school attendance of children and young people from a migrant background;

56. points out in relation to approving European benchmarks for education and training that the Presidency Conclusions of 5 May 2003 underlined the fact that European benchmarks are not the targets of individual countries and do not fix the decisions to be taken by individual governments, although national measures based on national priorities will contribute to achieving the benchmarks;

57. notes that in May 2007, under the German presidency, a coherent framework was recognised for indicators and benchmarks to monitor progress made towards achieving the Lisbon objectives in the sphere of education and training, and the fact that the Member States have not fallen in line with the European Commission's proposal to adopt new indicators for schools, for reasons of principle but also because of the administrative and financial costs associated with adopting new indicators;

58. stresses that as part of EU education cooperation setting European benchmarks should still be the exception and that the scope should not be extended beyond the existing five benchmarks, especially since it is becoming increasingly clear that in four out of five cases it will not be possible to achieve objectives set on a voluntary basis at European level by the year 2010;
59. insists that developing new indicators can create considerable additional administrative costs for national, regional and local authorities, and that in view of the Commission’s efforts to reduce red tape this should only be envisaged if there is an exhaustive and favourable cost-benefit analysis;

60. in this context recommends that efforts be concentrated on existing indicators and European benchmarks;

61. therefore believes that European added value will result not from adoption of new indicators and benchmarks, but rather from drawing up a compendium of approaches that have proved effective in addressing educational attainment and school attendance of children and young people from a migrant background;

62. is convinced that such a compendium could be a key component of an intense exchange of information and experience on the shape of future EU education cooperation, and will strongly encourage autonomous framing of integration policy at the national, regional and local levels;

63. therefore calls on the Commission to draw up such a compendium — after evaluating the results of the consultation and discussing the matter with the relevant bodies at European level — with the involvement of local and regional authorities and if appropriate the Peer Learning Cluster on Access and Social Inclusion, containing concrete, practicable approaches to solving problems existing in the sphere of educational attainment and school attendance of children and young people from a migrant background;

64. also believes that the Commission must subsequently make the compendium available to the competent national, regional and local authorities; such a compendium could contain tried-and-tested approaches relating to the following areas:

   — Children: earliest possible inclusion in early learning activities with comprehensive promotion of language skills and diagnosis of language problems, adapted to individual needs, as well participation in speech therapy programmes if necessary.

   — Children and young people: language support measures during compulsory schooling at all levels of school, if necessary providing temporary language classes for children and young people with serious deficits in the language of instruction until they have caught up; setting up of networks of unpaid assistants to support children and young people in school and training situations.

   — Parents: provision of systematic and targeted information about the opportunities of the education system through multilingual information brochures issued by the relevant education authorities; expansion of language learning opportunities for migrant parents, in particular, given their crucial role, creating opportunities for mothers who do not have adequate knowledge of their children’s language of instruction to improve their language skills; considering the possibility of employing and training multilingual volunteers to help parents overcome linguistic, cultural and social disadvantages.

   — Teachers: detailed consideration of issues relevant to migration in teacher training programmes (basic and further training); encouraging people from a migrant background to take up teacher training so that they can provide an example to children and young people from a migrant background of the opportunities provided by education.

   — Schools: provision of targeted support for schools with a high proportion of migrants, especially by allowing smaller class sizes, providing support to teachers through youth workers, organisation of after-school homework supervision, and creation of tutoring systems using older schoolchildren and students who may or may not come from a migrant background; where appropriate, development of school-specific intercultural profiles and demonstration of these in school life, with a particular focus on activity groups based on migrant languages.

   — Youth and social workers: these should develop a stronger connection with schools in order to look after children and young people from families with a migrant background who are also socio-economically disadvantaged.

65. points to the increasing importance of e-learning, which is independent of time and space, offers new language learning opportunities and provides the opportunity to get to know people and cultures from very distant places; calls on the Commission to identify ways in which e-learning methods can be used to integrate children and young people from a migrant background;

66. attaches great importance to cooperation with international organisations (OECD, UNESCO) and calls for synergies to be strengthened in this sphere, especially with the Council of Europe;

**The role of Directive 77/486/EEC on the education of the children of migrant workers**

67. notes that the scope of Directive 77/486/EEC on the education of the children of migrant workers is limited to EU citizens and that according to the European Commission its implementation to date has been patchy;
68. notes that the Directive does not apply to third-country nationals and that the possibility exists for the Member States to manage certain issues that they consider to be particularly important with regard to integrating children and young people from a migrant background via bilateral agreements with other Member States or with third countries, and considers these factors to be important signs that neither the content of the Directive nor the instrument itself provide a convincing solution to trends in the current situation of migration in Europe;

69. notes that in its Green Paper the European Commission shows considerable doubts as to the appropriateness of maintaining the Directive;

70. in these circumstances, recommends to the European Commission, the European Parliament and the European Economic and Social Committee that Directive 77/486/EEC on the education of the children of migrant workers be repealed.

Brussels, 13 February 2009.

The President
of the Committee of the Regions
Luc VAN DEN BRANDE
Opinion of the Committee of the Regions on universal service in electronic communications and future networks and the internet

(2009/C 120/08)

THE COMMITTEE OF THE REGIONS

— stresses that the requirement for an affordable functional internet access is essential for economic, social and territorial growth and inclusion across the EU.

— notes that as a service comparable to other utilities, such as water and electricity, broadband is now increasingly seen as a ‘4th utility’.

— highlights that there is a need for the EU to guarantee that services and high quality communications are offered at reasonable prices to all residents or consumers, independently from their social or geographical situation.

— emphasises the key role and responsibility of local and regional authorities in helping to ensure affordable broadband access in areas where the market fails, in providing leadership on pilot projects for bridging the e-Accessibility gap, and in developing new approaches of citizen-centred public e-services.

— has, on several occasions, analysed and discussed the range of solutions being implemented by local and regional authorities across Europe and recognises that there is no ‘one size fits all’ solution. What may be suitable for a large urban centre may not be so for other areas, such as a small mountainous region, with a complex, rugged terrain, or sparse population in which extra efforts are required for the provision of any kind of service.
POLSICY RECOMMENDATIONS
THE COMMITTEE OF THE REGIONS (CoR)

A. Universal service in electronic communications

General remarks

1. tasked with ensuring that all who request universal service in electronic communications (e communications) are provided with services essential for participation in society and its development, welcomes the second periodic review of the scope of universal service in electronic communications networks. This is an important step in reviewing equality of access, inclusivity and participation in commerce throughout the EU. As a service comparable to other utilities, such as water and electricity, Broadband is now increasingly seen as a ‘4th utility’. The CoR has identified ICT as a driver for increasing competitiveness and better public services, within the EU’s renewed Lisbon Strategy in order that:

"— the information and communication technologies underpin an information society which is open to all and meets the needs of all members of society, including those with disabilities, the elderly and all those at risk of social exclusion;

— electronic communications address the issue of inaccessibility for citizens living in these regions (mainly rural areas) who currently do not have adequate access to information communications networks and services;

— universal service for electronic communications, which requires a defined minimum service of specified quality or speed made available to all users, is better placed to close the digital divide in future;

— universal service must be brought up to date, given that, since its implementation its scope has remained virtually unchanged and is still restricted to a single connection

— Internet usage can grow in the future and is not limited in the European Union by issues such as an increasing scarcity of Internet Protocol addresses (IP) or security issues. In this context the CoR welcomes the European Commission ‘Internet of Things’ consultation and would underline the necessity for a move from IPv4 internet protocol to the upgraded IPv6 that facilitates the Internet’s expansion with a direct consequence for Europe’s competitiveness.

2. endorses the four specific elements in the scope of universal service directive and stresses that the future development of broadband access, universal service and the internet will have important implications for social, economic and territorial cohesion in the EU Member States. There is a need for the EU to guarantee that services and high quality communications are offered at reasonable prices to all residents or consumers, independently from their social or geographical situation, as well as to take the regional dimension into account more clearly when considering the consequences of the measures (1).

3. emphasises the key role and responsibility of local and regional authorities in helping to ensure affordable broadband access in areas where the market fails, in providing leadership on pilot projects for bridging the e-Accessibility gap, and in developing new approaches of citizen-centred public e-services (2).

4. stresses the need for EU telecommunications policy in general to be flexible and broad in scope in order to be able to adapt to rapid, unpredictable technological and market changes, which have an impact on all other sectors of society (3).

5. emphasises the need to develop fundamental measures in areas that are horizontal priorities in order to promote equal opportunities (e.g. making public websites universally accessible, developing broadband infrastructure). The intervention of the local, regional or national level is essential in ensuring this (4).

(1) CdR 520/99 fin.
(2) CdR 520/99 fin.
6. welcome the Commission’s efforts to start reflection on the future role of universal service in the provision of e-communications services, particularly with regard to the provision of broader access to electronic communications services for all users, including the disabled.

Sufficient universal access provided by e-communications markets

7. supports the Commission in undertaking a review of the universal service in electronic communications networks on a regular and frequent basis.

8. stresses that the requirement for an affordable functional internet access is essential for economic, social and territorial growth and inclusion across the EU.

9. recognises fundamentally that there is an inequality and difference of access, deployment and development across EU Members States which is most noticeable in those regions (mainly in rural areas) which lack the penetration of such affordable functional internet access in comparison to Urban and Metropolitan areas.

10. concerned that a divide has been created in terms not only of a digital nature but a social and economic one that is ever more reliant on digital technologies and access to them.

11. recognises the difficulties the markets have in providing affordable high speed broadband networks to certain geographical areas and calls upon the European Commission to develop policies and guidance that acknowledge market failure and facilitate state and public sector initiatives to develop open networks functionally separated from services in such areas.

Sufficient data rates to permit functional internet access

12. stresses that access to broadband at affordable prices throughout the EU is a basic prerequisite for guaranteeing the quality of public services, promoting competitiveness and productivity (7). High-quality broadband access at reasonable prices can increase the accessibility and quality of services provided by local and regional authorities while making it easier for micro, small and medium-sized enterprises to offer their products for sale. Remote regions and communities especially the outermost ones are expected to benefit considerably from more widespread and faster access to broadband services (8).

13. emphasises that special attention must be paid to the less economically developed regions, so that they can make use of the opportunities for effective convergence offered by ICT and can avoid the risks of exclusion (7).

14. reiterates the Riga target of Broadband reaching 90% of the EU population by 2010, but that this is not enough on its own and should be complimented by other factors being taken into account; geographical spread, population density, etc. There remains a substantial disparity between Member States and the European Commission’s analysis that only 70% of the rural EU population is so far covered (9).

15. urges the promotion of measures by local and regional authorities can serve as examples of user-centred e-government solutions to promote digital literacy and ensure conditions which are conducive to business and research activities in the ICT field (10).

16. urges the Commission to define broadband as an always-on service, which allows simultaneous use of voice and data services with minimum download and upload speeds that are sufficient to allow functional internet access in all regions.

Reference to broadband in amended scope of a universal service obligation

17. stresses that a lasting digital divide causes social and economic exclusion. Achieving equal opportunities in terms of digital access and skills is a social necessity; at the same time, it also offers untapped economic potential. It is important to use ICT as a new ‘social instrument’, linking ICT strategies to Community social policies (10) and to cohesion policy as an instrument for local and regional development.

18. expresses very serious concerns that a common pitfall in broadband deployment is the risk of market failure, where private operators perceive little return on infrastructural investment in remote, rural, low-population-density areas or where mountainous and upland terrain makes it a particularly complex and onerous task (11).

19. proposes the inclusion of mechanisms for the promotion of functional broadband internet access in rural areas, regions with low population density and the outermost regions. If necessary there should be support for investment in infrastructural development of ICT and infrastructure by local and regional authorities or, in cooperation with them, by small and medium-sized enterprises or through local initiatives (12).

20. calls for the formulation of specific measures such as EU Structural Funds to ensure clarity and consistency in the delivery of functional internet access across EU regions in advance of the Mid Term Review (MTR) of these programmes in 2010.

21. recognises the important contribution made by EU portals in promoting the exchange of best practice between all stakeholders in the design and development of Broadband open access networks using EU, national and regional funds in compliance with EU State Aid Rules (e.g. http://www.broadband-europe.eu).

22. in recognising that Broadband technology has a huge impact on the further development of the Single European Market as a whole, urges the European Commission to acknowledge, in its renewed policies that are being brought forward to address the current economic situation to consider the use of all mechanisms at its disposal to promote investment in these infrastructures.

23. believes that the competitiveness of the EU, the scope and quality of services, the productivity, and lastly, that the employment rate in many other sectors may largely depend on the availability of high speed functional internet access.

24. in an environment where national, regional and local authorities as well as other institutions provide more and more services to citizens through electronic means ('eGovernment', 'eHealth', 'eLearning', 'eProcurement'), adequate access to broadband technologies becomes increasingly important in terms of democratic participation ('eInclusion') (13). Cooperation between local, regional, national and European authorities may also be strengthened by improving broadband access for public administration particularly in light of the EU Services Directive that is currently being transposed.

Sufficient flexibility of universal service obligation to cater for all market development across all states

25. considers that the Committee of the Regions has, on several occasions, analysed and discussed the range of solutions being implemented by local and regional authorities across Europe and recognises that there is no ‘one size fits all’ solution. What may be suitable for a large urban centre may not be so for other areas, such as a small mountainous region, with a complex, rugged terrain, or sparse population in which extra efforts are required for the provision of any kind of service (14).

26. recognises that there is still a significant digital competency gap, affecting, in particular, the elderly, economically inactive, less educated people and those who have not acquired the digital knowledge necessary for developing their digital skills in the workplace.

27. emphasises the importance of education and training courses which are geared to the needs deriving from the ongoing digital evolution of the whole of society, paying special attention to these vulnerable groups (15).

28. stresses the need to focus on the gap between broadband deployment and actual usage, which is failing to reach its full potential due to digital skills amongst the public that could be improved. To bridge this gap, measures need to be taken at local and higher level, to remove barriers to broadband use e.g., internet demonstration events, provision of public access points, (16) funding of educational projects run by residents' associations and other non-government organisations to teach digital skills, and enhancing competition between suppliers of broad band services.

B. Future networks and the internet

General remarks

29. tasked with assessing the next generational development of internet technologies welcomes the opportunity to review the new technological advances of future networks and the Internet of Things.

30. recognises that the internet is one of the most brilliant innovations of our time. Its potential to generate economic growth can bring about substantial benefits such as the creation of new services, the opening up of new investment and job opportunities, productivity gains, reduced costs and increased quality of life (17).

31. notes that in a short space of time, high-speed internet (broadband) has become fundamental to modern economies. It has changed the way we access the internet and how we use it.

32. welcomes with the future networks communication, that the European Commission wants to pave the way for possibly the biggest revolution that the internet has ever seen with the emergence of an Internet of Things.

Policy challenges

33. expresses hope that the general aim of the future communication and eventual update of the regulatory framework will be to promote competition and recognises the objective to ensure the availability of information society services subject to competition throughout the Community (18).

(13) The key role the access to broadband services plays for a number of other sectors of economy and public administration has also been highlighted in previous opinions of the Committee of the Regions; see Opinion of the Committee of the Regions of 13 February 2007 on Bridging the Broadband Gap and i2010 eGovernment Action Plan, OJ C 146, 30 June 2007, pp. 63-68, points 1.3 to 1.5; Opinion of the Committee of the Regions of 13 April 2000 (footnote 1), point 2.3.


34. shares the Commission’s view that the transfer of creative content services to the internet environment is a major change and highlights that the content of the new services and the new digital media must be planned not only on the basis of economic criteria but must be developed according to social and cultural needs (25).

35. urges the CoR to emphasise the importance of preserving cultural diversity and identity in a pluralistic European society in the future digital world (26).

36. emphasises the importance of a new approach to providing citizen-centred public e-services, and to the crucial role of local and regional authorities, which are responsible for developing such an approach. This is a task of particular relevance to remote, outermost and rural regions and island communities where the socio-economic benefits of developing ICT are vital for cohesion and offer the greatest added value (27).

37. stresses the requirement in order to prevent marginalisation from public services, administrations should take a multi-channel approach, allowing users to interact by whichever means they prefer (physical counter, website, digital TV, mobile telephony, etc.) (28).

38. emphasises the Community-based role of the interactive web (WEB 2.0), which is revolutionising communication between citizens and local authorities, while ensuring the maximum possible degree of transparency in decision-making mechanisms and strengthening participatory democracy;

39. calls for the Commission to develop further guidance for how regions and cities are to comply with EU State Aid rules, in particular for upgrading to next generation broadband where there is market failure for such services and for deployment of wireless broadband in regions.

40. stresses the need to design the future internet of things in a way that it can cope with the new risks to children and young people arising with the continuing digital convergence, growing broadband access, new internet enabled end-user devices (29).

41. calls for special importance to the security of transactions and to combating illegal and harmful internet content (30). Society is particularly sensitive to questions of consumer protection and personal data protection (31).

42. expresses appreciation for the attention the European Commission gives to enhancing the protection of individuals’ privacy and personal data in the electronic communications sector.

43. calls for strengthened security-related provisions and improved enforcement mechanisms and draws the European Commission’s attention to the fact that certain measures for ensuring network security and consumer protection require coordination and implementation at international rather than EU level (32).

44. expresses hope that further activities will be aimed at stimulating and encouraging the development and application of technical solutions for dealing with illegal content and harmful conduct online, as well as at promoting cooperation and exchange of best practice among a wide range of stakeholders at local, regional, European and international level (33).

45. recognises the needs of the educational sector in receiving functional broadband services and for the creation of teaching materials in information technology and media skills to cover safe online environments. Stresses that actions should also be aimed not only at protecting children but also at instilling an active mastery of safe internet use (empowerment) (34).

46. recommends coordinating investigation activities in relevant fields within and outside the EU and developing knowledge concerning the ways people use online technologies, associated risks and the possible harmful effects the use of online technologies can have, including technical, psychological and social issues (35).

47. expresses the view that the success of telecommunications regulatory policy cannot be reliably evaluated at national level, as differences in telecommunications and services provision do not exist solely between EU regions but within regions: e.g. with densely populated towns and rural areas in each region diverging substantially from national averages (36).

48. calls on the European Commission to better monitor the availability and quality of services at a lower geographical level than has so far been the case, in order to pay greater attention to regional market differences and to ensure inclusivity (37).

Specific actions

49. stresses that free competition in telecommunications does not bring equal access and services to all regions or sub-regions. The provisions on universal service need to be constantly, pro-actively revised in order to guarantee truly universal access to the information society (38).
50. proposes the inclusion of broadband services within the scope of existing universal services directive and requires national regulators to set out transparently the range of measures, take account of how technologies and speeds are evolving, detail resources and ultimately sanctions they will use to help implement a functional and open internet in that Member State. The CoR reminds the European Commission to be mindful that local and regional authorities and end consumers in the regions concerned should not be penalised either financially or face delays by operators awaiting outcomes from emerging arrangements for universal service in that Member State (33).

51. proposes that a set of clearly defined criteria (population density, map, network performance, nature of the terrain) should be established to help determine priority regions that suffer from market failure.

52. considers that in the future, the level of universal service required should not be set too low to meet the existing and future needs of current users. It must refer to more rapid functional internet connection that allows for the rapid advances in technology in the future. The Member States should be encouraged to lay down more stringent requirements for universal service at national level in accordance with Article 32 of the existing Directive (34).

53. recognises the need to identify and consider different models for the provision of broadband to the premises through the use of open access networks from the telecommunications exchange.

54. encourages public authorities, particularly at municipality level, to invest in the new networks and lower civil engineering costs by facilitating access to their ducts or by coordinating such upgrades with works on roads or other utilities, especially electricity or sewers.

55. requires the access to infrastructures, through public authorities and utilities, by providing sufficient open-access ducting on green-field sites and by mapping the existing infrastructure or making plans for civil works public and facilitates coordination between service providers and building owners when pre-cabling new premises.

56. recommends identifying effective new and flexible ways of intervening whether through policies providing economic support to infrastructure schemes set at local or regional level and coordinated at national and EU levels, or through guidelines on dealing with market failures, common in the above-mentioned areas, in accordance with the EU principles of free competition (35).

57. recommends further the encouragement and exchange of best practice (36) of local and regional authorities initiatives that make optimum use of the Structural Funds, the Rural Development Fund and State Aids in the supply and usage of broadband. The CoR has on several occasions shown the need for and the benefits of this approach.

58. calls upon the Commission to apply indicators on the regional distribution and use of ICT, to provide a continuous source of conclusions which would be useful and necessary for adopting measures to bring about socio-economic and technological convergence between the regions (37).

59. calls for firm proposals to promote the interests of users and consumers if an update to the Universal Service Directive is carried out (38).

60. Calls on the Commission to encourage the involvement of the public to improve administrative performance and services by establishing a permanent online facility to which users could send their comments and suggestions (39).

Brussels, 13 February 2009.

The President
of the Committee of the Regions
Luc VAN DEN BRANDE
III

(Preparatory acts)

COMMITTEE OF THE REGIONS

78th PLENARY SESSION HELD ON 12 AND 13 FEBRUARY 2008

Opinion of the Committee of the Regions on Greening the transport sector

(2009/C 120/09)

THE COMMITTEE OF THE REGIONS

— welcomes the fact that, for the first time in a proposal for a new directive, provision is made for the principle of internalisation of external costs, and that the current proposal to amend the road charging directive is based on wide-ranging studies that looked carefully at the issue:

— recalls that, in the Transport White Paper, shifting the balance between different modes of transport, taxation in accordance with uniform principles that apply across all modes of transport in order to improve the allocation of transport costs, a level playing field across all modes of transport, promoting the full internalisation of social and environmental costs, the inclusion in infrastructure charging of infrastructure costs and external costs relating to accidents, air pollution, noise pollution and congestion, and the applicability of these principles to all transport modes and all categories of users were stated as objectives of European transport policy;

— points out that one of the most important objectives of European transport policy lies in transferring cross-border freight traffic — in particular heavy freight traffic — from road to rail and that the EU must ensure that this objective is achieved through appropriate measures if sufficient spare capacity is available;

— firmly believes that the allocation of external costs on TEN-T lines cannot be left to the discretion of the Member States, but instead that a transparent system based on appropriate criteria should require Member States to allocate external costs and to use the revenue thus accruing for a particular purpose.
POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

Introduction

1. recalls that the European Commission, in its White Paper European Transport Policy for 2010: time to decide dated 12.9.2001, COM(2001) 370, refers to the goal of true-cost pricing set by the Gothenburg European Council and calls for a sustainable transport policy to bring about the full internalisation of social and environmental costs;

2. notes that the European Commission underscores the need for action to bring about a significant decoupling of transport growth from GDP growth by transferring traffic from road to rail, waterways and public passenger transport. The European Commission adds that taxation must take place in accordance with uniform principles that apply across all modes of transport in order to improve the allocation of transport costs and thus to achieve a level playing field across all modes of transport, and clearly states that charges for infrastructure use are to include both the infrastructure costs and external costs relating to accidents, air pollution, noise pollution and congestion;

3. regrets that, in the mid-term review of the White Paper on transport policy (Commission Communication of 22.6.2006, COM(2006) 314), there are only a few initiatives aimed at achieving true-cost pricing in transport: only in the chapter entitled ‘Smart charging’ is a new road charging instrument for financing infrastructure and optimising transport announced, in which fees may be modulated to take environmental impact or congestion risks into account, in particular in environmentally sensitive and urban areas, where other forms of capacity allocation could also be used, such as market exchanges of transit rights;

4. notes that by presenting the new Greening Transport Package and the proposal to amend the road charging directive contained therein, the Commission is fulfilling its commitment arising from Article 11 of Directive 2006/38/EC to present a generally applicable, transparent model for the assessment of all external costs to serve as the basis for future calculations of infrastructure charges. This model is accompanied by an impact analysis of the internalisation of external costs for all modes of transport and a strategy for a stepwise implementation of the model for all modes of transport;

5. notes that the internalisation of transport costs is a necessary step but it should be accompanied by other measures to make transport more attractive, both to companies and private individuals, who should have access to sufficient infrastructure to meet their needs. Progress is therefore needed on the package of measures to create rail freight networks, with priority for trans-European transport networks. As far as possible, approaches to ensure interoperability between different rail systems must be developed, and an urgent solution to the problems arising from differences in gauge must be found;

Road charging directive

6. welcomes the fact that, for the first time in a proposal for a new directive, provision is made for the principle of internalisation of external costs, and that the current proposal to amend the road charging directive is based on wide-ranging studies that looked carefully at the issue;

7. further welcomes the fact that, in accordance with Article 11 of Directive 2006/38/EC, the Commission has commissioned a study on best practice in calculating external costs and, in 2007, published the Handbook on estimation of external costs in the transport sector;
8. points out that one of the most important objectives of European transport policy lies in transferring cross-border freight traffic — in particular heavy freight traffic — from road to rail and that the EU must ensure that this objective is achieved through appropriate measures if sufficient spare capacity is available and should work to ensure that the necessary infrastructure is put in place, particularly for the trans-European transport networks;

9. recalls that, in the Transport White Paper, shifting the balance between different modes of transport, taxation in accordance with uniform principles that apply across all modes of transport in order to improve the allocation of transport costs, a level playing field across all modes of transport, promoting the full internalisation of social and environmental costs, the inclusion in infrastructure charging of infrastructure costs and external costs relating to accidents, air pollution, noise pollution and congestion, and the applicability of these principles to all transport modes and all categories of users were stated as objectives of European transport policy;

10. notes that the Commission has not included the cost of accidents in its internalisation of the external costs of road traffic. The Commission states that these costs are covered by insurance company premiums. The Committee of the Regions believes that in most cases insurance premiums do not provide a sufficient incentive to ensure safe driving behaviour. Nor do insurance premiums take into account the social costs of traffic accidents. It is therefore appropriate for the EU to create a framework for assessing and calculating the external costs of accidents. It should then be up to each Member State to decide whether the external costs of accidents are to be internalised on the basis of insurance premiums or by some other method;

11. further recalls that, in the light of the above, the European Commission believes that transport habits should be changed, by encouraging the public to make more use of public transport modes, as these cannot be separated from the EU’s general environmental and climate goals, and EU measures in favour of sustainable mobility should be viewed not only in the light of Article 71 TEC but also of Articles 6, 174 et seq. and 176 TEC, as increasing environment-friendliness and efficiency is a key goal of the common transport policy;

12. has reservations, however, as to whether the draft under consideration is fit for the purpose of achieving the above-mentioned goals of European transport policy, since there is in the first instance no proposal to allocate all external costs as proposed in Directive 2006/38/EC, and since the European Commission continues to leave to the discretion of Member States whether and on which TEN-T routes to charge tolls. The particular constitutional situation of the Scandinavian countries with regard to the taxation of road freight transport must be taken into consideration;

13. points out that the recitals include among the aims of the legislative framework the harmonisation of charging systems is only one of the means to remove distortions of competition and that there was already provision for greening by modulating charges depending on the class of vehicle;

14. hopes, however, that future Commission proposals will provide a more effective answer to the problems caused by major differences in charges and taxes and the resulting unbalanced use of transport modes and the congestion of certain infrastructure, especially as the current legislative framework for road charging has been unable to correct this imbalance;

15. notes that the European Commission’s efforts to align fuel taxation have so far not led to approximation of fuel taxation in the Member States of the European Union and that very significant price differences on fuel remain in Europe. It is essential for the Commission to continue its efforts to reduce major differences in fuel taxation. Until fuel taxes are more extensively aligned, it should be possible for the Member States to internalise the external costs of climate effects;

16. calls for longer-term gradual reduction in the major differences between systems for the taxation of transport (e.g. vehicle taxes, fuel taxes, etc.) and transparency concerning the use to which the revenue they generate is put;

17. regrets that differences in infrastructure costs for cross-border freight traffic remain, that non-EU Member States such as Switzerland are even doing better than EU Member States in this area; stresses that even the changes and improvements to road user charges in recent years have brought only minimal changes, that large differences remain between the total tolls collected on comparable stretches and that these cost differences lead to significant re-routing and thus to distortions in competition; calls on the Commission to take measures and to support the Member States in ensuring that choices of road freight routes take environmental impact, road safety and road conditions into account;

18. is aware that the basis of all the European Commission’s deliberations on a common transport policy is ensuring the four fundamental freedoms — in particular the free movement of goods and the freedom to provide services — and that European transport policy has a duty to ensure the technically smooth functioning of transport at low economic cost;

19. points out, however, that particularly in sensitive regions that are disproportionately affected by external transport costs the impact of heavy traffic on public health and the environment is especially severe and that the free movement of goods has a significant negative impact on sensitive regions; that ECJ case law requires environmental protection to be taken into consideration, and that protection of the environment and of public health is a particular challenge for European transport policy, such that the main aim of creating a modern transport system must now take account not only of economic and social considerations, but also environmental and health considerations, if the system is to be sustainable in the long term;
20. further stresses that the health of Europe’s citizens is precious and that the fundamental right to health and a clean environment must not be made subordinate to the unfettered free movement of goods, and must be made compatible with the principle of free movement of people and goods through the adoption of appropriate measures; in this context, a key role will be played by road safety education policies within schools and the public media;

21. notes that whilst Directive 1999/62/EC used the weighted average tolls necessary for constructing, operating and developing the infrastructure network concerned as a basis for calculating road user charges, the proposal under consideration does not provide a solution to the fundamental problem of the major differences between road user charges, as there is still no requirement for Member States to collect road user charges on the TEN network: maximum rates are set, but no minimum rates, and Member States decide how to use the revenue from road user charges — there is no hypothesisation of such revenue;

22. endorses the Commission’s proposal to earmark revenues from internalisation for mitigating the negative effects of transport on the TEN network. Congestion costs should only be included if there is an action plan that establishes how congestion problems are to be managed, though without being tied to a single mode of transport;

23. doubts, in the light of the heated discussion on the Commission’s proposal, the significant uncertainty in the financial markets and the fears of recession, that all the Member States will apply the system for allocating additional external cost elements;

24. firmly believes that the allocation of external costs of TEN routes cannot be left to the discretion of the Member States, but instead that a transparent system based on appropriate criteria should be put in place and Member States encouraged in various ways to allocate the external costs and to use the revenue thus accruing for a particular purpose;

25. observes that in many Member States regions and municipalities are responsible for a significant part of the road network. Introducing tolls for one area or stretch of road can lead to unwanted traffic redistribution. It is therefore important that the Directive specify that all those responsible for road management should be involved in deciding which roads are to be subject to tolls. It is also important that those responsible for road management at local and regional level have a say in how the toll system is designed and how revenues are used;

26. calls for the allocation of all external costs (such as health, climate change, the environment in general, accidents, the costs of energy production and of vehicle production, maintenance and disposal, impacts on pedestrians and cyclists, land use) and, with this in mind, calls on the Commission to revise the proposal and to include within it a staged plan for the implementation of external costs;

27. regrets that the draft under consideration mainly targets the allocation of external costs at providing a specific solution to problems that are particularly severe in large urban areas, whereas there is no real allocation of external costs arising on long-distance roads, such that the lack of internalisation of external costs over the whole route will mean that there is no transfer of goods traffic onto the railways and that the actual impact in terms of environmentally-driven changes in driving behaviour will also be marginal;

28. doubts that, given the demands of the economy (just in time deliveries), even relatively high congestion charges will have the expected impact;

29. points out that the European Commission’s ambitious aims (true-cost pricing, fair charges on modes of transport) can only be achieved if the system is applied across the board over a wide area;

30. therefore calls for this system to be stimulated and supported so as to avoid a situation where the economic climate means that conditions for implementing this cost allocation only exist here and there in densely populated urban areas (congestion and air pollution);

31. regrets that no combination of cross-financing and external costs is possible, since cross-financing is mainly a financing instrument and external costs can in principle be used for other purposes;

32. regrets the absence of the comprehensive consideration of all external costs across the whole network that would be necessary to achieve the transfer of freight to environment-friendly modes of transport by bringing about a sustainable transfer of freight flows to the railways as a result of higher road user charges;

33. points out that, with different taxes and especially the lack of a requirement to charge a minimum fee and of across-the-board charging for external costs, the imbalance in transport costs on transit corridors will be perpetuated;
34. stresses that it is also in the interest of road safety to ensure that individual transit routes are not overburdened and that some roads are improved and a sufficient number of alternative, environment-friendly rail and sea routes are created; it is also important to keep promoting the existing motorways of the sea and to support the opening of new routes based on the concept, which helps to reduce the volume of road freight transport;

35. considers that the proposal constitutes a first step towards avoiding excessive road traffic congestion in general and ensuring that environment-friendly modes of transport increase their market share;

36. notes that the revised Directive would initially include only heavy goods vehicles weighing over 12 tonnes. The Committee of the Regions sees no reason why the Directive could not apply to all heavy goods vehicles as from its entry into effect;

37. stresses that disproportionate growth in road freight traffic in conjunction with the current thresholds of European environmental standards has left industry and commerce with little room to develop. Thus, people face not only damage to their health but also a dramatic reduction of their economic opportunities;

38. points out that re-routing in particular places an unacceptable additional burden on individual transit corridors and, through differences in costs, illegally distorts competition within the Community;

39. therefore calls on the EU institutions to take all possible public policy measures to ensure that transport costs on each transport corridor are comparable and thus to put an end to re-routing for good, taking into account market needs and development requirements of affected areas when the state and capacity of the different roads are assessed;

40. refers, for information, to the graphs reproduced in the appendix relating to trans-alpine freight traffic, which show clearly the discrepancy between different road user charges on the key corridors in France, Switzerland and Austria;

Rail noise abatement

41. shares the Commission’s view that measures must be taken to reduce noise from rail freight transport and welcomes the measures proposed by the Commission. Retrofitting existing freight wagons with low-noise brakes looks in particular to be an effective and relatively cheap solution. The Committee feels that the technical specifications for interoperability relating to rail noise (Noise TSI) should also include noise limits for existing rolling stock and should lay down a timeframe for retrofitting. It asks the Commission to examine the possibility of also identifying and prescribing limits for abraded material from potentially dangerous brake components to prevent any long-term damage to the area along the railway track as a result of brake wear and tear. It would ask the Commission to note that modern operating techniques and capacity-enhancing infrastructure measures can be applied so that trains have less need of friction-braking. This could further enhance the energy efficiency of rail transport and further reduce both noise emissions and abrasion.

Brussels, 12 February 2009.

The President
of the Committee of the Regions
Luc VAN DEN BRANDE
Opinion of the Committee of the Regions Single European Sky II
(2009/C 120/10)

THE COMMITTEE OF THE REGIONS

— Highlights that air transport is of great importance for economic and social development, competitiveness and well-being both in the regions and Europe as a whole.

— Believes that it is important to take into account the national and/or regional operating context in setting Europe-wide performance targets since it is not appropriate to set the same kind of targets for airports with heavy traffic as for airports with little traffic. It is important to maintain the Aerodrome Flight Information Service (AFIS) rather than forcing all airports to use ATC, as this would be more expensive for smaller airports; National and/or regional authorities are best placed to take these aspects into account.

— Requests that the proposal to use air traffic charges to finance common projects be clarified with regard to the possible use of other funding and how the national or regional body benefiting from such a project will participate in the related decision-making.

— Recommends that, with due regard to the subsidiarity principle, the competences granted to EASA be limited to aerodromes that serve professional Instrument Flight Rules traffic.

— Believes that it is important that implementing rules for aerodromes be drawn up in relation to an aerodrome's level of complexity and the quality of its operations and traffic figures, paying special attention to aerodromes with little traffic and the number of staff working there.
I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

Introduction

1. highlights the fact that air transport is of great importance for economic and social development, competitiveness and well-being both in the regions and Europe as a whole. Air transport ensures fast and flexible connections between Europe's regions and with the rest of the world;

2. is convinced that improving the performance of the European aviation system will not only bring significant economic benefits but also make for more flexible and safer movement, whilst taking better account of environmental protection considerations and climate change challenges;

3. stresses that it necessary to develop and improve the capacity and opportunities of national authorities to work together as a smoothly functioning whole within the same functional airspace block (FAB), whilst at the same time complying with the rules agreed with the EU;

4. reiterates its view that regional airports must be considered as an asset which is particularly important for the development of regional and local economies and that the social and economic importance of air transport will grow with the enlargement of the Union (1);

5. draws the Commission's attention to the fact that Europe's airports differ widely from each other. There are large differences in terms of requirements for both traffic management and safety when airports in major European cities are compared with those in sparsely populated peripheral areas or island regions;

General comments

6. notes that the proposal for amending the Single European Sky legislative framework is part of a wider package which also includes extending the remit of the European Aviation Safety Agency (EASA) to cover air traffic management, air navigation services and aerodromes;

7. points out that the package of Regulations seeks to enhance air transport in such a way that national boundaries or limitations would not prevent the most effective use of airspace or other activities;

8. notes that the proposal is based on a report by the High Level Group on the future of the European aviation regulatory framework and the Eurocontrol Performance Review Commission's report on Evaluation of Functional Airspace Block Initiatives and their Contribution to Performance Improvement;

9. points out that underlying the proposal is the Commission’s assessment that the performance of Europe's current air traffic management system is being pushed to its limits. The main reason for this is the lack of a network approach, the continued absence of a completely deregulated market, the fact that air traffic controllers do not enjoy free movement on the labour market, and institutional arrangements for air traffic management;

10. acknowledges that the operation of the Single European Sky would be enhanced by regulating performance, a single safety framework, opening the door to new technologies and managing capacity on the ground;

11. acknowledges that, in accordance with the principle of the sustainable development of air transport, air traffic management and air navigation services need to be improved so as to meet the needs of airspace users with a view to creating the Single European Sky;

12. welcomes the replacement of overlapping regulatory structures by a Community framework covering all flight phases in the air transport network;

13. welcomes the proposal to improve the performance of the airspace management system by taking into account safety aspects, which is in the interests of all airspace users;

14. welcomes the fact that environmental considerations are taken into account in developing the air transport system so that the benefits of air transport to regional economies can be reconciled in a balanced manner with environmental protection needs;

15. welcomes the amendment of the definition of functional airspace block so that there is greater emphasis on service performance, which will make it easier to implement the objectives of the Regulation in an appropriate way, taking into account the needs of different regions;

16. endorses the Air Traffic Management (ATM) Master Plan, which would be the document governing development in this field and also provide the framework in which the operations of regional airports could be developed as part of the air traffic service network;

17. believes that it is important to introduce the regulation of performance. This would include Community-wide performance indicators, periodic review of air navigation services and network functions and procedures for data collection from all relevant parties;

18. stresses the importance of the drawing up and approval of national or regional performance plans when setting binding performance targets. Only general targets should be set at Community-wide level, which would then be specified in detail at national or regional level;

19. considers the requirement that the review body acts independently to be the right approach;

20. endorses the requirement that a Member State cannot refuse to designate an air traffic service provider on the grounds that national legislation lays down requirements relating to the national ownership or place of operation of such a provider;

21. feels that the establishment of functional air airspace blocks by 2012 will be a challenge but is nonetheless feasible. It will, however, require close cooperation between Member States, national supervisory authorities, service providers and airports;

22. believes that a detailed breakdown of service providers’ financial information and the prohibiting of cross-subsidy between area control services and airport air navigation services make for more transparent charging systems;

23. thinks that the estimation of charges in future years is a part of the longer-term planning of the activities of air navigation services. The proposal that charges be set for several years ahead could help airspace users plan their activities, if they have an idea of what their costs will be in the years to come;

24. draws attention to the proposal that the Commission issue a report no later than four years after the entry into force of the Regulation and, if necessary, present a proposal for the application of market principles to various air navigation services, such as communication, navigation, surveillance, meteorology and aeronautical information. Cost-effective operations are a normal part of business activity, but it must be recognised that in areas where there is little traffic it is not possible to provide air navigation services profitably and/or in a way which promotes competition;

25. endorses the proposal to abandon the definition which limits the functional airspace block only to the upper airspace. The new proposal will facilitate the implementation the Single European Sky and the smooth operation of air traffic services;

26. acknowledges the proposal whereby the Community and the Member States shall request the International Civil Aviation Organization (ICAO) to establish and recognise a Single European Flight Information Region (EFIR), but does not believe that this is an urgent matter as no evidence has been presented of the concrete advantages to be gained from its establishment;

27. thinks that it is important to find appropriate solutions in assessing the organisation of network management and the supporting functions and how the expertise of Eurocontrol can be used in considering the reorganisation of functions;

28. considers that the proposal for consistency between flight plans and airport slots and the necessary coordination with adjacent regions is important from the point of view of the smooth and efficient operation of air traffic;

29. believes that it is necessary to ensure a high level of air safety in Europe and welcomes the extension of EASA’s remit. A set of harmonised standards drawn up by a single agency and as uniformly applicable as possible throughout the Community would help to promote air safety and at the same time reduce the problems for air carriers and aviation resulting from varying application of standards;

30. feels that the scope of application of the proposal for the extension of EASA’s remit is too wide and could place unreasonable demands on small regional airports, in particular, and thus hamper their activities;

31. believes that EASA’s remit should focus on safety matters, so that agency’s mission remains clear;

32. thinks that it is essential to promote civil-military cooperation at all levels in order to ensure that the European air transport network functions as effectively as possible and achieves its performance targets.
II. CONCLUSIONS AND RECOMMENDATIONS

33. believes that it is important to take into account the national and/or regional operating context in setting Europe-wide performance targets since it is not appropriate to set the same kind of targets for airports with heavy traffic as for airports with little traffic. It is important to maintain the Aerodrome Flight Information Service (AFIS) rather than forcing all airports to use ATC, as this would be more expensive for smaller airports; National and/or regional authorities are best placed to take these aspects into account;

34. considers that it is important that the collection of information to estimate the performance level is carried out in connection with existing reporting practices;

35. believes that it is important, in order to ensure transparency, that the service-by-service presentation of earnings and costs by service providers can be done in accordance with their own accounting practices, to the extent that they already exist;

36. requests that the proposal to use air traffic charges to finance common projects be clarified with regard to the possible use of other funding and how the national or regional body benefiting from such a project will participate in the related decision-making;

37. thinks that there is a need to clarify the planned changes in the charging system with regard to how charges will be set for several years ahead and how service providers operating on a commercial basis can forecast changes in wage and operating costs during a contract period as a part of their risk management. This kind of analysis is best done at national and/or regional level;

38. recommends that network management and related activities, which are important for operations in this sector, be described in more detail, instead of the rather cursory reference currently made to them in the proposal. This would make it easier to assess their impact and also how, insofar as concerns the reform of administrative structures, airspace users and air navigation service providers can participate in an appropriate manner in decision-making on these matters;

39. recommends that, with due regard to the subsidiarity principle, the competences granted to EASA be limited to aerodromes that serve professional Instrument Flight Rules traffic;

40. believes that it is important that implementing rules for aerodromes be drawn up in relation to an aerodrome's level of complexity and the quality of its operations and traffic figures, paying special attention to aerodromes with little traffic and the number of staff working there;

41. with regard to the proposal to extend EASA's remit, thinks that it is important from the point of view of achieving good regulation:

— to check that air navigation service functions comply with ICAO specifications;

— to see to it that there is no duplication in the proposal for amending the Regulation on EASA's remit and the Regulations on the Single European Sky and no duplication in procedures, for example with regard to licences;

— to see to it that there are adequate transitional provisions or other arrangements ensuring the continuation, after the entry into force of the new Regulation, of the validity of licences issued on the basis of Directive 2006/23/EC of the European Parliament and of the Council on a Community air traffic controller licence, which it is proposed to repeal;

— to give a more precise definition of the aerodrome equipment falling within the scope of the Regulation by limiting it to air safety equipment;

— to specify that the requirement for the aerodrome operator which states ‘Data relevant to the aerodrome and the available services must be established and kept up to date’ is limited to data which are essential for aviators;

— to revise the requirement for the aerodrome operator to demonstrate that procedures exist to provide aircraft with fuel so that it does not impose supervisory tasks on the aerodrome operator which fall within the remit of the authorities.

Brussels, 12 February 2009.

The President
of the Committee of the Regions
Luc VAN DEN BRANDE
Opinion of the Committee of the Regions on revision of EMAS and the Ecolabel

(2009/C 120/11)

THE COMMITTEE OF THE REGIONS

— considers organisations’ environmental management systems and product Ecolabels to be a good, market-based means of encouraging environmental responsibility among various players in society and raising the level of environmental protection;

— considers the EMAS regulation to be a useful instrument for many kinds of organisations, which could benefit in a wide variety of ways from adopting them, e.g. reduction in harm to the environment, cost savings (energy and waste disposal), certainty that environmental legislation is being complied with, more efficient operation, etc.;

— believes that it is also necessary to define the scope of environmental performance assessment for organisations under the EMAS scheme, as well as the appropriate requirements for environmental audits at different levels, namely the primary (production), secondary (supply) and tertiary (other) levels of analysis. The information, skills and expertise needed for environmental audits are not available in all SMEs or local and regional authorities; rather, they have to rely on external consultants;

— sees keeping the ex-ante evaluation procedure as important in terms of the European Ecolabel’s credibility and reliability. Meeting the ISO standard requires the body responsible for the label to check both ex ante and ex post that the product for which the Ecolabel was requested meets the Ecolabel criteria. The proposal to switch from assessment to registration and ex post monitoring is a serious threat to the credibility and reliability of the label.
I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS:

General recommendations (EMAS and Ecolabel)

1. considers revision of the EMAS scheme and the EU Ecolabel to be particularly necessary and firmly supports the EU’s objectives of promoting a sustainable product and consumption policy, as laid down in the Lisbon agreement and the Community’s sustainable development strategy, also with a view to achieving the Community’s climate policy goals;

2. believes that the revisions are particularly necessary because neither scheme has had the uptake or impact that were originally aimed at;

3. considers organisations’ environmental management systems and product Ecolabels to be a good, market-based means of encouraging environmental responsibility among various players in society and raising the level of environmental protection;

4. believes that local and regional authorities could also make more use of these systems, and that the revised legislation and Member State support measures should draw attention to the potential for both small and large public-sector organisations to make use of them;

5. considers that although the proposal on the EMAS scheme includes quite detailed rules, procedures and requirements, it still complies with the subsidiarity and proportionality principles (implementation being left to the Member States or their local and regional authorities). The Ecolabel scheme is not exclusive, but can operate in parallel with national and regional schemes, provided these are based on rigorous criteria;

6. believes that neither of the two schemes, which are based on voluntary participation, creates unnecessary burdens — the development and revision of the criteria for the Ecolabel are flexible, and the proposal for the EMAS scheme provides for flexible rules;

7. believes that the proposals are consistent with the European Commission’s Better Regulation strategy (simplifying legislation and reducing administrative burdens for business and public authorities);

Objectives of revising the EMAS regulation

8. considers the EMAS regulation to be a useful instrument for many kinds of organisations, which could benefit in a wide variety of ways from adopting them, e.g. reduction in harm to the environment, cost savings (energy and waste disposal), improvement in environmental image, certainty that environmental legislation is being complied with, more efficient operation, etc.;

9. supports the setting of measurable quantitative targets for the number of EMAS-registered organisations five and ten years after entry into force of the Regulation;

10. believes that it would help to reach the target if the Member States were required to set their own targets for increasing the number of EMAS-registered organisations;

11. strongly endorses raising the visibility of EMAS by every means possible, since for instance in the Nordic countries EMAS is hardly known or used in the public sector;

12. believes that the structure of the regulation should take into account the perspective of the organisations planning to adopt EMAS. A key issue for such organisations is the structure of the EMAS scheme, which is tucked away in Annex II of the proposal. The easiest way to rectify this shortcoming would be to make Annex II an article in its own right, with the heading ‘Structure and requirements of the EMAS scheme’;
13. welcomes the suggestion that national or regional environmental management systems should be able to acquire full or partial EMAS recognition, which if applied would help organisations to switch from these schemes to EMAS. This would give the EMAS scheme a large number of potential applicants for registration under EMAS that are already moving towards eligibility for EMAS. This would also improve the credibility of local schemes, as they would become a part of the EMAS scheme;

14. considers that the Commission could set minimum requirements for schemes that are partially EMAS-compliant, so that applications are not made for separate elements of an environmental management scheme that cannot yet be defined as such a scheme;

15. suggests that such minimum requirements could for instance be the following: an environmental policy under which a commitment is made to ongoing improvement; an environmental review specifying the environmental aspects of the organisation that have a significant impact on the environment; compliance with provisions of environmental legislation; environmental objectives covering important environmental aspects; an environmental programme or action plan setting out the responsibilities, measures and timetable for implementing measures in order to achieve environmental objectives; adequate resources for implementing the environmental programme; internal communication about the environmental management scheme at various levels within the organisation; and external audit of the environmental management scheme;

16. considers that the guidelines on environmental reporting contained in Annex IV of the proposal should be improved. It is impossible in particular for small and medium-sized service sector businesses, and for instance local players, to calculate a number of the values envisaged, such as material efficiency. The amount of material used is so large that gathering data, even for most important materials, is often an insuperable task. The impact of organisations on biodiversity is also negligible for most important materials, is often an insuperable task. The amount of material used is so large that gathering data, even for most important materials, is often an insuperable task. The impact of organisations on biodiversity is also negligible for the majority of SMEs and small public-sector organisations, and reporting requirements that would affect them should not be proposed;

17. believes that it is also necessary to define the scope of environmental performance assessment for organisations under the EMAS scheme, as well as the appropriate requirements for environmental audits at different levels, namely the primary (production), secondary (procurement) and tertiary (other) levels of analysis. The information, skills and expertise needed for environmental audits are not available in all SMEs or local and regional authorities; rather, they have to rely on external consultants;

18. questions the costs involved for public authorities and private companies in applying EMAS and the eco-label schemes; believes a broader participation in both schemes would be possible if the fees could be abolished or reduced. However, distinction should be made for EMAS on the one hand and eco-label on the other hand because of different cost structures for participating organisations;

19. considers that businesses must be relieved of administrative burdens when introducing EMAS, although cutting back red tape must never result in a loss of the EMAS system's credibility in the eyes of the public authorities, consumers, or organisations likely to join the scheme;

Ecolabel scheme

20. considers the objectives set to be a step in the right direction, especially opening up the development of Ecolabel criteria to different stakeholders and shortening the acceptance process, since in this way new products can be brought more quickly into the labelling scheme;

21. calls for the name 'EU' to be added to the label itself in order to make it clearer for the general public that the Ecolabel is a European Union initiative;

22. considers the shortened criteria development procedure in other Ecolabel schemes to be useful for accepted product groups, since for instance the swan label in the Nordic countries and the German Blue Angel are such well-recognised brands in their own countries that they could give impetus to the EU Ecolabel;

23. endorses the proposal to abolish annual fees for products that have been awarded the Ecolabel, because this removes the financial barrier to joining the scheme for many SMEs;

24. welcomes the proposal requiring the parties concerned to produce a manual for authorities awarding public contracts. This will make it easier for public contractors to incorporate the Ecolabel criteria into their procurement procedures. A manual would be a welcome source of support for the work of the regional and local authorities;

25. sees keeping the ex-ante evaluation procedure as important in terms of the Ecolabel's credibility and reliability. The European Ecolabel is a labelling scheme based on life-cycle assessment in accordance with ISO 14024, verified by a third party. Meeting the ISO standard requires the body responsible for the label to check both ex ante and ex post that the product for which the Ecolabel was requested meets the Ecolabel criteria.

The proposal to switch from assessment to registration and ex post monitoring is a serious threat to the credibility and reliability of the label;
26. does not endorse the proposal to make the criteria for national or regional labelling schemes at least as strict as the Community Ecolabel criteria in the case of those product groups for which EU Ecolabel criteria already exist. The stringency of labelling requirements applicable under different labelling schemes should be evaluated in the relevant context and in relation both to the environment and to the market. Many key labelling factors, such as the state of the environment, environmental stress and resistance, differ very widely between EU regions;

27. believes it is particularly important that the Member States and Commission step up their awareness-raising and information activity for the Ecolabel. In this context, cooperation with traders may be the most effective approach, since from the consumer's perspective shops are the places in which decisions about choosing and buying products are most often taken, and thus shops have considerable power to influence those decisions;

28. considers that the progressive growth in the range of products and services available to consumers, that satisfy the criteria for obtaining a Community Ecolabel, should be one of the priority aims. This growth needs to be promoted by supporting the development of design methods for products that meet the established criteria for the relevant product group throughout their life cycle. It therefore recommends that the competent authorities implement programmes to promote eco-design (based, amongst other things, on existing Ecolabel environmental criteria), to support businesses in this area, and to back pilot projects;

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1
EMAS Regulation

<table>
<thead>
<tr>
<th>Article 7</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Text proposed by the Commission</td>
<td>Derogation for small organisations</td>
</tr>
<tr>
<td>Derogation for small organisations</td>
<td>Article 7</td>
</tr>
</tbody>
</table>

1. Competent Bodies shall, upon request of a small organisation, extend for that organisation, the three-yearly frequency referred to in Article 6(1) up to five years or the annual frequency referred to in Article 6(2) up to two years, provided that all the following conditions are met:

(a) no environmental risks are present,
(b) the organisation has no operational changes planned to its environmental management system, and
(c) there exist no significant local environmental problems.

2. In order to obtain the extension referred to in paragraph 1, the organisation concerned shall submit a request to the Competent Body that has registered the organisation and provide evidence that the conditions for derogation are fulfilled.

3. Organisations benefiting from an extension as referred to in paragraph 1 up to two years shall forward the non-validated environmental performance report to the Competent Body in each year that they are exempt from the obligation to have a validated environmental performance report.

4. In organisations granted an extension to five years under Article 7(1) the auditing cycle will be adapted accordingly.

Reason
The declared intention of the EMAS III Regulation of providing relief for SMEs in particular is threatened here, as an extension of the validation cycle to a maximum of five years will on the one hand be possible, and yet the compulsory three-yearly auditing cycle will remain unchanged. The two cycles need to be coordinated.
**Amendment 2**

**Eco-label Regulation**

**Article 9(4)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 9 — Registration for use of the Ecolabel</td>
<td>Article 9 — Registration for use of the Ecolabel</td>
</tr>
<tr>
<td>4. Within two month of receipt of an application for registration, the competent body concerned shall check the documentation referred to in paragraph 2. Provided that the documentation is complete, the competent body shall assign a registration number to each product.</td>
<td>4. Within two month of receipt of an application for registration, the competent body concerned shall check the documentation referred to in paragraph 2. Provided that the documentation is complete and has been checked by the competent body, the competent body shall assign a registration number to each product.</td>
</tr>
</tbody>
</table>

**Reason**

Meeting the ISO standard requires the competent body to check ex ante that the product for which the Ecolabel was requested meets the Ecolabel criteria. The proposal to switch from assessment to registration and ex post monitoring is a serious threat to the credibility and reliability of the label (doing only spot checks is not enough).

**Amendment 3**

**EMAS Regulation**

**Article 43(2)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The Commission shall maintain and make publicly available: (a) a register of environmental verifiers and EMAS registered organisations; (b) a database of environmental statements and environmental performance reports in electronic format.</td>
<td>2. The Commission shall maintain and make publicly available: (a) a register of environmental verifiers and EMAS registered organisations; (b) a database of environmental statements and environmental performance reports in electronic format; (c) a database of best EMAS practice in different environmental sectors (e.g. energy, waste, procurement, communication).</td>
</tr>
</tbody>
</table>

**Reason**

The impact of introducing the EMAS scheme would increase if an easy-to-use handbook existed presenting the achievements of EMAS organisations in different spheres of environmental protection (waste, energy, procurement, etc.). Examples of good practice, which also include cost savings, could also encourage organisations to join the EMAS scheme.
### Amendment 4

**EMAS Regulation**

**Article 39(2)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Without prejudice to Community legislation, notably competition, taxation and State aid legislation, Member States shall, where appropriate, take measures facilitating organisations to become or remain EMAS registered. Those measures shall be taken, in either of the following two forms: (a) regulatory relief, so that an EMAS registered organisation is considered as; being compliant with certain legal requirements relating to the environment; laid down in other legal instruments, identified by the competent authorities.</td>
<td>2. Without prejudice to Community legislation, notably competition, taxation and state aid legislation, Member States shall, where appropriate, take measures facilitating organisations to become or remain EMAS registered. Those measures shall be taken, in either of the following two forms: (a) regulatory relief, e.g. longer environmental permits and looser reporting requirements for permit compliance so that an EMAS registered organisation is considered as; being compliant with certain legal requirements relating to the environment; laid down in other legal instruments, identified by the competent authorities.</td>
</tr>
</tbody>
</table>

**Reason**

The legislation should contain a clear indication that EMAS organisations are to receive public assistance, also in matters relating to environmental permits.

### Amendment 5

**EMAS Regulation**

**Article 45(1)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Member States may submit to the Commission a written request for recognition of existing environmental management systems, or parts thereof, that are certified according to appropriate certification procedures recognised at national or regional level, as complying with corresponding requirements of this Regulation.</td>
<td>1. Member States and organisations that co-ordinate national or regional EMS schemes may submit to the Commission a written request for recognition of existing environmental management systems, or parts thereof, that are certified according to appropriate certification procedures recognised at national or regional level, as complying with corresponding requirements of this Regulation.</td>
</tr>
</tbody>
</table>

**Reason**

There is no point in limiting to the Member States the right to make a proposal under Article 39, given that bodies managing local environmental management systems have the best knowledge of those systems and can therefore make informed proposals on EMAS conformity.
Amendment 6
EMAS Regulation
Article 4(5)

Text proposed by the Commission

Article 4 — Preparation for registration

5. Organisations shall provide material or documentary evidence showing that the organisation complies with all applicable legal requirements relating to the environment that have been identified.

Organisations may request a statement on compliance from the competent enforcement authority or authorities in accordance with Article 33(5).

Organisations outside the Community shall also make reference to the legal requirements relating to the environment applicable to similar organisations in the Member States where they intend to submit an application.

<table>
<thead>
<tr>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 4 — Preparation for registration</td>
</tr>
<tr>
<td>5. Organisations shall provide material or documentary evidence showing that the organisation complies with all applicable legal requirements relating to the environment that have been identified.</td>
</tr>
<tr>
<td>Organisations may request a statement on compliance from the competent enforcement authority or authorities in accordance with Article 33(5).</td>
</tr>
<tr>
<td>Organisations outside the Community shall also make reference to the legal requirements relating to the environment applicable to similar organisations in the Member States where they intend to submit an application.</td>
</tr>
</tbody>
</table>

Reason

The option of obtaining proof of compliance from the authorities is a serious inconsistency and contradicts the principle of EMAS as a system of supervised self-regulation. It also undermines a key advantage of EMAS for authorities. In this case EMAS would not lead to a reduction in red tape and administrative burden, but on the contrary would actually produce them. Offering advantages to EMAS–registered organisations — lower fees, self-regulation instead of legal requirements — could no longer be justified, which would remove an important incentive for EMAS registration.

Amendment 7
EMAS Regulation
Article 7(1)

Text proposed by the Commission

Article 7 — Derogation for small organisations

1. Competent Bodies shall, upon request of a small organisation, extend for that organisation, the three-yearly frequency referred to in Article 6(1) up to five years or the annual frequency referred to in Article 6(2) up to two years, provided that all the following conditions are met:
   (a) no environmental risks are present,
   (b) the organisation has no operational changes planned to its environmental management system, and
   (c) there exist no significant local environmental problems.

<table>
<thead>
<tr>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 7 — Derogation for small organisations</td>
</tr>
</tbody>
</table>
| 1. Competent Bodies The environmental auditor shall, upon request of a small organisation, extend for that organisation, the three-yearly frequency referred to in Article 6(1) up to five years or the annual frequency referred to in Article 6(2) up to two years, provided that all the following conditions are met:
   (a) no environmental risks are present,
   (b) the organisation has no operational changes planned to its environmental management system, and
   (c) there exist no significant local environmental problems. |

Reason

Having to complete a formal procedure with the competent body to extend the validation cycle results in unnecessary red tape and is counterproductive for SMEs. Until now, the validation cycle was extended by direct agreement between the environmental auditor and the company, without the need for a special application. The current procedure has proved effective and reflects the fact that the environmental auditor has the best understanding of a company's situation.
Amendment 8

EMAS Regulation

Article 28(1)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 28</td>
<td>Article 28</td>
</tr>
<tr>
<td>Operation of accreditation</td>
<td>Operation of accreditation</td>
</tr>
<tr>
<td>1. Accreditation Bodies appointed by the Member States pursuant to Article 4 of Regulation (EC) No 765/2008, shall be responsible for the accreditation of environmental verifiers and the supervision of the activities carried out by environmental verifiers in accordance with this Regulation.</td>
<td>1. Accreditation Bodies appointed by the Member States respecting the existing distribution of powers within each Member State pursuant to Article 4 of Regulation (EC) No 765/2008, shall be responsible for the accreditation of environmental verifiers and the supervision of the activities carried out by environmental verifiers in accordance with this Regulation.</td>
</tr>
</tbody>
</table>

Reason

Regulation (EC) No 765/2008 which sets out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 states in recital 11:

(11) The establishment of a uniform national accreditation body should be without prejudice to the allocation of functions within Member States.

Amendment 9

EMAS Regulation

Article 12(2)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 12 — Obligations concerning the registration process</td>
<td>Article 12 — Obligations concerning the registration process</td>
</tr>
<tr>
<td>2. Competent Bodies shall establish and maintain a register of organisations registered in their Member States, including their environmental statement or environmental performance report in electronic format, and update that register on a monthly basis. The register shall be publicly available on a website.</td>
<td>2. Competent bodies shall establish and maintain a register of organisations registered in their Member States, including their most recent environmental statement or environmental performance report in electronic format, and update that register on a monthly basis. The register shall be publicly available on a website.</td>
</tr>
</tbody>
</table>

Reason

The reference to the environmental statement or performance report should specify that this is the latest environmental statement or performance report.

Moreover, some organisations make their environmental statement accessible upon request (as provided under Article 6(3)), with a view to having a register of interested parties; they are thus reluctant for the statement to be publicly accessible without prior request.

Accordingly, organisations should not be obliged to put their environmental statement or report on a website enabling it to be consulted without prior request. Instead, the Competent Bodies could provide a similar service whereby it would be necessary to ask to consult such documents from any organisation, providing the latter with the relevant register when so requested.
**Amendment 10**

**EMAS Regulation**

**Article 14(3)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 14 — Suspension or deletion of organisations from the register</td>
<td>Article 14 — Suspension or deletion of organisations from the register</td>
</tr>
<tr>
<td>3. A registered organisation shall be suspended or deleted from the register, as appropriate, if it fails to submit to a Competent Body, within one month of being required to do so, any of the following:</td>
<td>3. A registered organisation shall be suspended or deleted from the register, as appropriate, if it fails to submit to a Competent Body, within three months of being required to do so, any of the following:</td>
</tr>
<tr>
<td>(a) the validated updates of the environmental statements, the environmental performance report or the signed declaration referred to in Article 24(9);</td>
<td>(a) the validated updates of the environmental statements, the environmental performance report or the signed declaration referred to in Article 24(9);</td>
</tr>
<tr>
<td>(b) a form, which includes at least the minimum information set out in Annex VI from the organisation.</td>
<td>(b) a form, which includes at least the minimum information set out in Annex VI from the organisation.</td>
</tr>
</tbody>
</table>

**Reason**

The deadline for submitting the missing documents should be increased to three months from the date of the request, so as to give organisations time to prepare the documents and get them validated, if necessary, as this also depends on the availability of the verifier.

Brussels, 12 February 2009.

The President
of the Committee of the Regions

Luc VAN DEN BRANDE
Opinion of the Committee of the Regions on cross-border healthcare
(2009/C 120/12)

THE COMMITTEE OF THE REGIONS

— Considers that patient mobility must not threaten national healthcare systems either economically or financially

— Feels that cross-border cooperation on health should be promoted, with a special focus on border regions

— Notes that an appropriate balance needs to be struck between: (a) continuing to develop European cooperation, whose value is recognised by all interested parties, and (b) observing the subsidiarity principle

— Recommends that steps must be taken to ensure that more vulnerable patient groups are enabled to exercise their rights under Community law

— Recommends that the Member State of affiliation should have the absolute right to establish a general system of prior approval for hospital treatment in another Member State

— Believes that when the committee which is to assist the Commission in implementing the directive is being set up, account should be taken of the specialist knowledge that exists at regional and local level; the Committee of the Regions should be involved in this work.
1. OVERALL VIEWS AND RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General comments

1. endorses the main thrust of the draft directive which is to clarify patients’ rights in line with the various ECJ rulings, and thus to guarantee more general and effective application of such rights;

2. presumes that Article 152 TEC, which states that healthcare systems providing treatment are a national responsibility, is being respected, and reiterates that responsibility for healthcare policy lies primarily with the Member States;

3. endorses and fully supports the view that health is a major concern for everybody and should be promoted both at an EU and general level through effective and transparent policies and measures in the Member States. The Commission should, by extension, make sure that regional and local authorities which are responsible for healthcare systems are consulted and involved in EU cooperation on healthcare services and medical treatment;

4. points out that free movement of services and public health are areas in which the Member States and the European Community share competences. It is therefore appropriate to assess whether the subsidiarity principle has been respected in the draft legislation put forward in this area;

5. Emphasises moreover that a distinction must be made between the free movement of persons (i.e. patients) and the free movement of services, which is subject to the laws of the internal market. Considering that healthcare is a matter of general interest, the CoR opposes the subordination of healthcare to internal market rules. The Member States and, where applicable, their local and regional authorities, must remain in a position to regulate healthcare services, to guarantee their quality and accessibility, taking the limits of financial resources into account.

6. notes that the economic balance in healthcare systems is understood to be a national responsibility which needs to be maintained as such. The potential consequences of the draft directive are quite significant, especially at local level in, for example, border regions and in smaller Member States. Patient mobility must not threaten national healthcare systems either economically or financially;

7. asks that, when comparing healthcare and service provision as set out in the draft directive, the Commission makes sure that healthcare is not driven by profit but, in contrast, is underpinned by criteria geared to an individual’s health, promoting health through prevention, course of treatment and quality of life;

8. feels that cross-border cooperation on health should be promoted, with a special focus on border regions. Particular attention must be paid to developing health measures and improving public health in those Member States where the need is greatest, so as to reduce the discrepancies and imbalances that exist on the health front within the Union, in order, gradually, to come within range of the top EU benchmark;

9. believes, moreover, that the proposal must not undermine Member States’ initiatives and laws that guarantee a high level of patient safety and patients’ rights;

10. notes that the rights of patients which are set out in the draft directive concern primarily elective patients and patients in border regions, and that the rights of these patients must not be given preference over those of other patients, for example those needing urgent treatment, which make up by far the majority of patients;

Member States’ responsibility

11. notes that an appropriate balance needs to be struck between: (a) continuing to develop European cooperation, whose value is recognised by all interested parties, and (b) observing the subsidiarity principle, with the Member States, or in some cases the regional and local authorities, guaranteeing effective healthcare systems. Greater clarity is needed regarding those sections of the directive that require Member States to adapt their national healthcare and social security systems, and with regard to the scope of these measures in relation to the subsidiarity principle;

12. draws attention, in this connection, to the CoR’s subsidiarity monitoring network (1) which drew up a report on the draft directive following consultations with network members. The report underlines, amongst other things, that the proposal risks undermining the existing control mechanisms operated by local and regional authorities responsible for healthcare services;

13. also considers that it is not only a question of protecting citizens’ rights under Community law and informing them about these. Greater consideration should be given to providing a responsive and accessible system that enables all patient groups to access the available rights and options. Steps must be taken to ensure that more vulnerable patient groups are enabled to exercise their rights under Community law. This includes for example older people with poor foreign language skills, or patients who cannot travel for physical or psychological reasons. It also includes a discussion on whether the competent institution of the Member State of affiliation should reimburse travel and accommodation costs during the treatment, the total cost should not exceed the cost of treatment in the member state of affiliation;

14. agrees that Member States, or in some cases the regional and local authorities, are responsible for guaranteeing a smooth-running healthcare system, and for setting clear quality and safety standards for health services, taking into account the principles of universality, access to high-quality health services, equality and solidarity. It is also important:

— to find arrangements to ensure that standards are maintained and monitored,

— to ensure that relevant information is provided to patients (to enable them to make informed choices) in respect of treatment and care,

— to provide a complaint mechanism for patients,

— to make sure that health professionals are covered by indemnity insurance,

— to guarantee a high level of personal data protection,

— to ensure no unequal treatment of patients, irrespective of which Member State they come from.

Even though these areas of responsibility are of key importance to a smooth-running health system, they remain the responsibility of the Member State or in some cases the regional and local authorities. The draft directive should not take steps toward harmonisation;

Although the responsibility for establishing quality standards in this respect lies with the Member States or, in some cases, with the appropriate territorial authorities, there is nothing to prevent EU bodies laying down recommendations with a view to standardising these criteria or to encouraging cooperation by setting up reference networks and services;

15. is pleased that health services should be provided in accordance with the rules and procedures of the Member State providing the treatment;

16. welcomes the fact that the Member State of affiliation’s administrative procedures for admission and referrals are to be maintained, provided this does not lead to discrimination or obstruct freedom of movement;

17. welcomes the fact that the draft directive underlines that Member States may maintain the general conditions, eligibility criteria, and regulatory and administrative formalities for receiving healthcare and reimbursement of healthcare costs in another Member State, e.g. that referrals to specialist treatment can be made by general practitioners;

18. recommends that the Member State of affiliation should have the absolute right to establish a general system of prior approval for hospital treatment in another Member State. This will enable Member States to plan an effective health system and to deal with problems caused by patient outflow and inflow. At the same time, it would also reduce the risk of patient flows disrupting or interfering with the economic equilibrium and balance of Member States’ health systems, or undermining their ability to plan — including the planning of capacity — streamline and improve access. The Commission Directive needs to set out a set of criteria for when the Member State of affiliation can deny authorisation, since without any established criteria the whole Directive risks being undermined. General prior approval arrangements would also make it easier for the Member States providing the treatment to obtain payment for the medical services they have provided. Finally, it should also help to put focus on patients’ healthcare needs, for instance regarding rehabilitation and other additional care after treatment;

19. points out that the distinction between hospital treatment and out-patient treatment can create problems, since the arrangements for providing treatment vary from Member State to Member State. It should therefore be up to Member States or in some cases the regional and local authorities to determine which services they consider to be hospital treatment, based on the latest knowledge and developments, and on local and regional conditions;

20. asks that initiatives be developed to secure cross-border sharing of spare capacity and healthcare facilities, and that efforts are made to ensure that such initiatives do not adversely affect the spread of medical and health-care resources, including staff, internally as well as between the Member States, as a result of, for example, differences in remuneration systems;

21. notes that treatment of patients from other Member States should not undermine a Member State’s ability and obligation to provide treatment to its own population;
22. in principle, recognises that there is a need to set up contact centres with sole responsibility for providing patients with information on their rights in connection with cross-border healthcare, provided that the necessary steps are taken to ensure that the public is given appropriate information about their rights. Contact centres should be carried out by existing bodies, if such exists. These contact centres should not have legal personality but should simply provide information to patients;

Reimbursement of treatment expenses
23. recommends that patients should only be reimbursed for cross-border healthcare expenses which are covered by the Member State of affiliation's social security system. Welcomes the Commission's proposal to prevent patients from making a profit on cross-border healthcare;

24. points to that the relevant healthcare provider in the Member States should be reimbursed for all actual cost incurred as a result of treatment. The Member State of affiliation is only obliged to reimburse costs for treatment to the level cost that would have been assumed had the same or similar healthcare been provided in the Member State of affiliation, without exceeding the actual costs of healthcare received. All additional costs should be covered by the patient.

25. points out that cost reimbursement is often a problem in practice and calls therefore for Member States to be able to take measures to simplify or guarantee payment of treatment costs. This could, for example, take the form of agreements between social security and providers of medical services or agreements between Member States themselves, or even measures to ensure payment by patients;

26. calls for the rights of citizens to be clarified in the draft directive and in Regulation 1408/71 on the application of social security schemes;

Cooperation in healthcare
27. insists that only areas that are of direct relevance to patients' rights be covered by the draft directive;

28. points out that pharmaceutical products are governed by national law, and that Community law must not be detrimental to high national standards of patient safety in respect of prescriptions and pharmaceuticals. Furthermore, harmonisation efforts must not restrict Member States' ability to regulate their pharmaceuticals market with a view to achieving maximum protection for patients, guaranteeing economic balance, and regulating public spending on pharmaceuticals;

29. notes that Member States are to promote the setting up of a network within their healthcare systems to foster cooperation on highly specialist treatment and treatment requiring a particularly high level of resources. Cooperating on particular types of treatment will create added value and thus promote innovation, quality and effective use of resources. However, the centres within the network should not be concerned with harmonising or regulating highly specialist treatment;

30. points out that the Commission's initiatives on information and communication systems which are to be shared by Member States (inter-operability) must not get in the way of Member States' own initiatives in that area. Welcomes the fact that the Commission's initiative is to reflect technological developments, take account of data protection, and to identify the necessary standards and terminology for inter-operability;

31. believes therefore that structured, coordinated cooperation at European level geared to exchanges of experience, knowledge-sharing and research to promote the development of healthcare technology can create substantial added value for Member States. However, such cooperation should not involve harmonisation or regulation;

32. takes the view that access to reliable data and high-quality information is essential. However, such information should as far as possible be compiled from existing data bases in the Member States;

Involvement of regional and local authorities
33. points out that in many Member States, regional and local authorities are responsible for the planning, management, operation and development of the health sector and are close to grassroots concerns; as a result they are the key players in the health sector;

34. insists that regional and local authorities must be involved in the European community activities and initiatives on healthcare;

35. also calls on the Member States to establish procedures providing for early involvement of their regional and local authorities in the European legislative procedure on health care;

36. believes that when the committee which is to assist the Commission in implementing the directive is being set up, account should be taken of the specialist knowledge that exists at regional and local level; the Committee of the Regions should be involved in this work.
II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

First recital — amend:

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,</td>
<td>Having regard to the Treaty establishing the European Community, and in particular Articles 132, 95 and 16 thereof,</td>
</tr>
</tbody>
</table>

Reason

As pointed out by the rapporteur in point 2 of the opinion, and as stated by the Commission in Recital 1 of the proposal for a directive, the reference in Article 152 of the Treaty to a high level of human health protection provides the political legitimacy for this proposal for a directive. It is also appropriate to stress the important role played by services of general economic interest, mentioned in Article 16 of the Treaty, in healthcare.

Amendment 2

Add a new recital after recital 3:

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3a) The existing disparities between health-policy objectives and objectives of the internal market in services makes it necessary, where a conflict arises, always to assign priority to health-policy objectives for compelling reasons relating to the public interest (i.e. public health, social-policy objectives, preservation of the financial balance of the social security system, etc.).</td>
<td></td>
</tr>
</tbody>
</table>

Amendment 3

Recital 10 — amend:

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>10) For the purpose of this Directive, the concept of ‘cross-border healthcare’ covers the following modes of supply of healthcare: — Use of healthcare abroad (i.e.: a patient moving to a healthcare provider in another Member State for treatment); this is what is referred to as ‘patient mobility’; — Cross-border provision of healthcare (i.e.: delivery of service from the territory of one Member State into the territory of another); such as telemedicine services, remote diagnosis and prescription, laboratory services; — Permanent presence of a healthcare provider (i.e.: establishment of a healthcare provider in another Member State); and, — Temporary presence of persons (i.e.: mobility of health professionals, for example moving temporarily to the Member State of the patient to provide services).</td>
<td></td>
</tr>
<tr>
<td>10) For the purpose of this Directive, the concept of ‘cross-border healthcare’ covers the following modes of supply of healthcare: — Use of healthcare abroad (i.e.: a patient moving to a healthcare provider in another Member State for treatment); this is what is referred to as ‘patient mobility’; — Cross-border provision of healthcare (i.e.: delivery of service from the territory of one Member State into the territory of another); such as telemedicine services, remote diagnosis and prescription, laboratory services; — Permanent presence of a healthcare provider (i.e.: establishment of a healthcare provider in another Member State); and, — Temporary presence of persons (i.e.: mobility of health professionals, for example moving temporarily to the Member State of the patient to provide services).</td>
<td></td>
</tr>
</tbody>
</table>

Reason

The 3rd indent of the text proposed by the Commission concerns a matter which is within the remit of the Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market. To avoid any redundancies or legal uncertainties it is therefore proposed to remove this indent.
The 4th indent of the text proposed by the Commission concerns a matter which is within the remit of Directive 2005/36/EC of 7 September 2005 on the recognition of professional qualifications. To avoid any redundancies or legal uncertainties it is therefore proposed to remove this indent.

**Amendment 4**

**Recital 31 — amend:**

(31) The evidence available indicates that the application of free movement principles regarding use of healthcare in another Member State within the limits of the cover guaranteed by the statutory sickness insurance scheme of the Member State of affiliation will not undermine the health systems of the Member States or financial sustain-

ability of their social security systems. However, the Court of Justice has recognised that it cannot be excluded that the possible risk of seriously undermining a social security system's financial balance or the objective of maintaining a balanced medical and hospital service open to all may constitute overriding reasons in the general interest capable of justifying a barrier to the principle of freedom to provide services. The Court of Justice has also recognised that the number of hospitals, their geographical distribution, the way in which they are organised and the facilities with which they are provided, and even the nature of the medical services which they are able to offer, are all matters for which planning must be possible. This Directive should provide for a system of prior authorisation if the conditions laid down in Article 8. This Directive should provide for a system of prior authorisation if the following conditions are met: had the treatment been provided on its territory, it would have been assumed by its social security system and the consequent outflow of patients due to the implementation of the directive seriously undermines or is likely to seriously undermine the financial balance of the social security system and/or this outflow of patients seriously undermines, or is likely to seriously undermine the planning and rationalisation carried out in the hospital sector to avoid hospital overcapacity, imbalance in the supply of hospital care and logistical and financial wastage, the maintenance of a balanced medical and hospital service open to all, or the maintenance of treatment capacity or medical competence on the territory of the concerned Member. As the assessment of the precise impact of an expected outflow of patients requires complex assumptions and calculations, the Directive allows for a system of prior authorisation if there is sufficient reason to expect that the social security system will be seriously undermined. This should also cover cases of already existing systems of prior authorisation which are in conformity with conditions laid down in Article 8. A prior authorisation system is required in order to assure cross-border patients that they will be given treatment and that they will be reimbursed by the social security system of their country of residence. Such a prior authorisation system is in line with the case-law of the Court of Justice.
1) What is ‘the evidence available’ on the application of free movement principles regarding use of healthcare in another Member State? In any case, it would not be appropriate to give the impression that the objective of the proposal for a directive was to encourage the free movement of patients.

2) The second part of the amendment is self-explanatory.

**Amendment 5**

**Article 1 — Aim — amend:**

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>This Directive establishes a general framework for the provision of safe, high quality and efficient cross-border healthcare.</td>
<td>This Directive establishes a general framework for the provision of safe, high quality and efficient access to safe, high quality and efficient cross-border healthcare, taking into account the fact that Member States are responsible for organising and delivering healthcare services and medical treatment.</td>
</tr>
</tbody>
</table>

**Reason**

It is important to state clearly from the outset that the draft directive must respect Member States' responsibility for healthcare systems, and that the Community's input supplements national policies on healthcare.

**Amendment 6**

**Article 2 — Scope — amend:**

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 2 — Scope</td>
<td>Article 2 — Scope</td>
</tr>
<tr>
<td>This Directive shall apply to provision of healthcare regardless of how it is organised, delivered and financed or whether it is public or private.</td>
<td>This Directive shall apply to provision of cross-border access to healthcare for individual patients regardless of how it is organised, delivered and financed or whether it is public or private.</td>
</tr>
</tbody>
</table>

**Reason**

Self-explanatory.

**Amendment 7**

**Article 4 — Definitions — (b) — Delete:**

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) ‘cross-border healthcare’ means healthcare provided in a Member State other than that where the patient is an insured person or healthcare provided in a Member State other than that where the healthcare provider resides, is registered or is established;</td>
<td>(b) ‘cross-border healthcare’ means healthcare provided in a Member State other than that where the patient is an insured person or healthcare provided in a Member State other than that where the healthcare provider resides, is registered or is established;</td>
</tr>
</tbody>
</table>

**Reason**

It is not the country where the healthcare provider is established that is relevant but rather the patient's country of affiliation.
Amendment 8

Article 4 — Definitions — (d) — Amend:

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 4 — Definitions (d) 'health professional' means a doctor of medicine or a nurse responsible for general care or a dental practitioner or a midwife or a pharmacist within the meaning of Directive 2005/36/EC or another professional exercising activities in the healthcare sector which are restricted to a regulated profession as defined in Article 3(1)(a) of Directive 2005/36/EC;</td>
<td>Article 4 — Definitions (d) 'health professional' means a doctor of medicine or a medical practitioner or a nurse responsible for general care or a dental practitioner or a midwife or a pharmacist within the meaning of Directive 2005/36/EC or another professional exercising activities in the healthcare sector which are restricted to a regulated profession as defined in Article 3(1)(a) of Directive 2005/36/EC;</td>
</tr>
</tbody>
</table>

Reason

Reference should be made to 'medical practitioners' since in several Member States, including Spain, the specific postgraduate title of 'doctor of medicine' (MD) is not necessary in order to practise medicine.

Amendment 9

Article 5 — Responsibilities of authorities of the Member State of treatment — Amend the heading

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 5 — Responsibilities of authorities of the Member State of treatment</td>
<td>Article 5 — Responsibilities of authorities of the Member States of treatment</td>
</tr>
</tbody>
</table>

Reason

Article 5 also addresses the responsibilities of the Member State of affiliation.

Amendment 10

Article 5 — Responsibilities of authorities of the Member State of treatment — amend

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 5 — Responsibilities of authorities of the Member State of treatment 1. The Member States of treatment shall be responsible for the organisation and the delivery of healthcare. In such a context and taking into account principles of universality, access to good quality care, equity and solidarity, they shall define clear quality and safety standards for healthcare provided on their territory, and ensure that: (a) mechanisms are in place for ensuring that healthcare providers are able to meet such standards, taking into account international medical science and generally recognised good medical practices; (b) the application of such standards by healthcare providers in practice is regularly monitored and corrective action is taken when appropriate standards are not met, taking into account progress in medical science and health technology;</td>
<td>Article 5 — Responsibilities of authorities of the Member States of treatment 1. The Member States of treatment shall be responsible for the organisation and the delivery of healthcare. In such a context and taking into account principles of universality, access to good quality care, equity and solidarity, they shall define clear quality and safety standards for healthcare provided on their territory, and ensure that: (a) mechanisms are in place for ensuring that healthcare providers are able to meet such standards, taking into account international medical science and generally recognised good medical practices; (b) the application of such standards by healthcare providers in practice is regularly monitored and corrective action is taken when appropriate standards are not met, taking into account progress in medical science and health technology;</td>
</tr>
</tbody>
</table>
(c) healthcare providers provide all relevant information to enable patients to make an informed choice, in particular on availability, prices and outcomes of the healthcare provided and details of their insurance cover on other means of personal or collective protection with regard to professional liability;

(d) patients have a means of making complaints and are guaranteed remedies and compensation when they suffer harm arising from the healthcare they receive;

(e) systems of professional liability insurance or a guarantee or similar arrangement, which are equivalent or essentially comparable as regards their purpose and which are appropriate to the nature and the extent of the risk are in place for treatment provided on their territory;

(f) the fundamental right to privacy with respect to the processing of personal data is protected in conformity with national measures implementing Community provisions on the protection of personal data, in particular Directives 95/46/EC and 2002/58/EC;

(g) patients from other Member States shall enjoy equal treatment with the nationals of the Member State of treatment, including the protection against discrimination provided for according to Community law and national legislation in force in the Member State of treatment.

2. Any measures taken by Member States, when implementing this Article, shall respect the provisions of Directive 2000/31/EC on the recognition of professional qualifications and Directive 2000/31/EC on certain legal aspects of information society services, in particular electronic commerce.

3. In so far as it is necessary to facilitate the provision of cross-border healthcare and taking as a basis a high level of protection of health, the Commission, in cooperation with the Member States, shall develop guidelines to facilitate the implementation of paragraph 1.

### Reason

Article 5 also addresses the responsibilities of the Member State of affiliation.

The primary motivation for this amendment is the fact that the organisation and delivery of healthcare services and medical treatment is entirely the responsibility of the Member States. See Article 152 TEC.

By demanding that national healthcare systems fulfil a range of requirements, for example the introduction of quality standards and monitoring mechanisms within national healthcare systems, the Commission is meddling in national healthcare systems and disregarding Article 152 TEC.

### Amendment 11

**Article 6 — paragraph 1 and 2 — amend**

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 6 — Healthcare provided in another Member State</td>
<td>Article 6 — Healthcare provided in another Member State</td>
</tr>
<tr>
<td>1. Subject to the provisions of this Directive, in particular Articles 7, 8 and 9, the Member State of affiliation shall ensure that insured persons travelling to another Member State with the purpose of receiving healthcare there or seeking to receive healthcare provided in another Member State, will not be prevented from</td>
<td>1. Subject to the provisions of this Directive, in particular Articles 7, 8 and 9, the Member State of affiliation shall ensure that insured persons travelling to another Member State with the purpose of receiving healthcare there or seeking to receive healthcare provided in another Member State, will not be prevented from</td>
</tr>
</tbody>
</table>
receiving healthcare provided in another Member State where the treatment in question is among the benefits provided for by the legislation of the Member State of affiliation to which the insured person is entitled. The Member State of affiliation shall reimburse the costs to the insured person, which would have been paid for by its statutory social security system had the same or similar healthcare been provided in its territory. In any event, it is for the Member State of affiliation to determine the healthcare that is paid for regardless of where it is provided.

2. The costs of healthcare provided in another Member State shall be reimbursed by the competent institution of the Member State of affiliation in accordance with the provisions of this Directive up to the level of costs that would have been assumed had the same or similar healthcare been provided in the Member State of affiliation, without exceeding the actual costs of healthcare received.

Reason

The proposal for directive aims at clarifying patients rights according to the European Court of Justice’s rulings.

The term ‘without undue delay’ has been used in rulings from the European Court of Justice (i.e. Watts and Inizan) and should therefore also be the term used in the proposal for directive. The Court has established, that care provided in a Member State other than that in which the insured person’s social insurance institution is established shall be granted if the Member State in which the patient resides can not provide the necessary treatment without undue delay. The concept of undue delay must be interpreted on the basis of clinical considerations arising in each individual case.

The other modifications clarifies that it is not the Member State but the social insurance institution(s) concerned that should reimburse the costs and that not only the costs to be covered by the statutory social security system but also those to be covered by the State-financed health systems are to be reimbursed.

 Amendment 12

Article 6 — insert paragraph 3 and 4

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 6: Healthcare provided in another Member State</td>
<td></td>
</tr>
<tr>
<td>1. Subject to the provisions of this Directive, in particular Articles 7, 8 and 9, the Member State of affiliation shall ensure that insured persons travelling to another Member State with the purpose of receiving healthcare there or seeking to receive healthcare provided in another Member State, will not be prevented from receiving healthcare provided in another Member State where the treatment in question is among the benefits provided for by the legislation of the Member State of affiliation to which the insured person is entitled. The Member State of affiliation shall reimburse the costs to the insured person, which would have been paid for by its statutory social security system had the same or similar healthcare been provided in its territory. In any event, it is for the Member State of affiliation to determine the healthcare that is paid for regardless of where it is provided.</td>
<td>Article 6: Healthcare provided in another Member State</td>
</tr>
<tr>
<td>1. Subject to the provisions of this Directive, in particular Articles 7, 8 and 9, the Member State of affiliation shall ensure that insured persons travelling to another Member State with the purpose of receiving healthcare there or seeking to receive healthcare provided in another Member State, will not be prevented from receiving healthcare provided in another Member State where the treatment in question is among the benefits provided for by the legislation of the Member State of affiliation to which the insured person is entitled. The Member State of affiliation shall reimburse the costs to the insured person, which would have been paid for by its statutory social security system had the same or similar healthcare been provided in its territory. In any event, it is for the Member State of affiliation to determine the healthcare that is paid for regardless of where it is provided.</td>
<td></td>
</tr>
</tbody>
</table>
2. The costs of healthcare provided in another Member State shall be reimbursed by the Member State of affiliation in accordance with the provisions of this Directive up to the level of costs that would have been assumed had the same or similar healthcare been provided in the Member State of affiliation, without exceeding the actual costs of healthcare received.

3. The Member State of affiliation may impose on a patient seeking healthcare provided in another Member State, the same conditions, criteria of eligibility and regulatory and administrative formalities for receiving healthcare and reimbursement of healthcare costs as it would impose if the same or similar healthcare was provided in its territory, in so far as they are neither discriminatory nor an obstacle to freedom of movement of persons.

4. Member States shall have a mechanism for calculation of costs that are to be reimbursed to the insured person by the statutory social security system for healthcare provided in another Member State. This mechanism shall be based on objective, non-discriminatory criteria known in advance and the costs reimbursed according to this mechanism shall be not less than what would have been assumed had the same or similar healthcare been provided in the territory of the Member State of affiliation.

5. Patients travelling to another Member State with the purpose of receiving healthcare there or seeking to receive healthcare provided in another Member State shall be guaranteed access to their medical records, in conformity with national measures implementing Community provisions on the protection of personal data, in particular Directives 95/46/EC and 2002/58/EC.

2. The costs of healthcare provided in another Member State shall be reimbursed by the Member State of affiliation in accordance with the provisions of this Directive up to the level of costs that would have been assumed had the same or similar healthcare been provided in the Member State of affiliation, without exceeding the actual costs of healthcare received.

3. The relevant treatment provider should be reimbursed all actual costs (full costs) incurred as a result of treatment.

4. Member States may take measures to simplify or guarantee payment of treatment costs.

---

**Reason**

Rules on the financial reimbursement of the Member State of treatment as well as the practical question of payment remain completely overlooked in the proposed Directive. The incorporation of a new point (point 3) into Article 6 of the Directive serves therefore to guarantee financial stability and security of provision in the system of the Member State of treatment by ensuring that the Member State of treatment is reimbursed all costs incurred as a result of treatment and implements the request made in point 24 of the opinion. The new point 4 should enable Member States to decide the way in which treatment costs are paid or guarantee the actual payment.

**Amendment 13**

**Article 8 — Hospital and specialised care — Amend**

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. For the purposes of reimbursement of healthcare provided in another Member State in accordance with this Directive, hospital care shall mean:</td>
<td>1. For the purposes of reimbursement of healthcare provided in another Member State in accordance with this Directive, hospital care shall mean:</td>
</tr>
<tr>
<td>(a) healthcare which requires overnight accommodation of the patient in question for at least one night.</td>
<td>(a) healthcare which requires overnight accommodation of the patient in question for at least one night.</td>
</tr>
<tr>
<td>(b) healthcare, included in a specific list, that does not require overnight accommodation of the patient for at least one night. This list shall be limited to:</td>
<td>(b) healthcare, included in a specific list, that does not require overnight accommodation of the patient for at least one night. This list can include shall be limited to:</td>
</tr>
</tbody>
</table>
— healthcare that requires use of highly specialised and cost-intensive medical infrastructure or medical equipment; or
— healthcare involving treatments presenting a particular risk for the patient or the population.

2. This list shall be set up and may be regularly updated by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).

3. The Member State of affiliation may provide for a system of prior authorisation for reimbursement by its social security system of the cost of hospital care provided in another Member State where the following conditions are met:

(a) had the healthcare been provided in its territory, it would have been assumed by the Member State’s social security system; and
(b) the purpose of the system is to address the consequent outflow of patients due to the implementation of the present Article and to prevent it from seriously undermining, or being likely to seriously undermine:
   (i) the financial balance of the Member State’s social security system; and/or
   (ii) the planning and rationalisation carried out in the hospital sector to avoid hospital overcapacity, imbalance in the supply of hospital care and logistical and financial wastage, the maintenance of a balanced medical and hospital service open to all, or the maintenance of treatment capacity or medical competence on the territory of the concerned Member State.

4. The prior authorisation system shall be limited to what is necessary and proportionate to avoid such impact, and shall not constitute a means of arbitrary discrimination.

5. The Member State shall make publicly available all relevant information on the prior authorisation systems introduced pursuant to the provisions of paragraph 3.

Reason

It is not possible to draw up an exhaustive, common list, which is applicable throughout the EU, of the types of treatment that are to be considered as hospital treatment, since Member States organise their health systems in different ways.
The provision on prior authorisation (para. 3) is considered to be in breach of Article 152 TEC. At present, patient mobility across Member States accounts for only a tiny proportion of all patients in the healthcare system. Under the directive however, one would expect patient mobility to increase, especially in border regions and for certain types of treatment such as elective surgery.

We therefore recommend that a general system of prior authorisation for hospital treatment be set up giving Member States the possibility to control and plan their entire healthcare systems. Member States of treatment would thus be more likely to receive payment for the services they provided, since patients would have received prior authorisation for the treatment from the Member State of affiliation.

Prior authorisation arrangements would also help to ensure that patients benefit from relevant treatment options and that treatment is really necessary and safe for patients. It would also give patients greater peace of mind about being treated in another EU Member State, and about after-care.

Finally, it is essential for the Member State of treatment to be given the right to refuse hospital treatment for capacity reasons. This is crucial to their ability to organise and manage national healthcare systems.

**Amendment 14**

**Article 12 — National contact points for cross-border healthcare — amend**

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Member States shall designate national contact points for cross-border healthcare and communicate their names and contact details to the Commission.</td>
<td>1. Member States shall designate national contact points for cross-border healthcare and communicate their names and contact details to the Commission.</td>
</tr>
<tr>
<td>2. The national contact point in the Member State of affiliation shall, in close cooperation with other competent national authorities, and with national contact points in other Member States, in particular in the Member State of treatment, and with the Commission:</td>
<td>2. The national contact point in the Member State of affiliation shall, in close cooperation with other competent national authorities, and with national contact points in other Member States, in particular in the Member State of treatment, and with the Commission:</td>
</tr>
<tr>
<td>(a) provide and disseminate information to patients in particular on their rights related to cross-border healthcare and the guarantees of quality and safety, protection of personal data, procedures for complaints and means of redress available for healthcare provided in another Member State, and on the terms and conditions applicable;</td>
<td>(a) provide and disseminate information to patients; in particular on their rights related to cross-border healthcare and the guarantees of quality and safety, protection of personal data, procedures for complaints and means of redress available for healthcare provided in another Member State, and on the terms and conditions applicable;</td>
</tr>
<tr>
<td>(b) help patients to protect their rights and seek appropriate redress in the event of harm caused by the use of healthcare in another Member State; the national contact point shall in particular inform patients about the options available to settle any dispute, help to identify the appropriate out-of-court settlement scheme for the specific case and help patients to monitor their dispute where necessary;</td>
<td>(b) help patients to protect their rights and seek appropriate redress in the event of harm caused by the use of healthcare in another Member State; the national contact point shall in particular inform patients about the options available to settle any dispute, help to identify the appropriate out-of-court settlement scheme for the specific case and help patients to monitor their dispute where necessary;</td>
</tr>
<tr>
<td>(c) gather detailed information on national bodies operating out-of-court settlement of disputes and facilitate co-operation with those bodies;</td>
<td>(c) gather detailed information on national bodies operating out-of-court settlement of disputes and facilitate co-operation with those bodies;</td>
</tr>
<tr>
<td>(d) facilitate the development of international out-of-court settlement scheme for disputes arising from cross-border healthcare;</td>
<td>(d) facilitate the development of international out-of-court settlement scheme for disputes arising from cross-border healthcare;</td>
</tr>
<tr>
<td>3. The Commission shall, in accordance with the procedure referred to in Article 19(2), adopt:</td>
<td>3. The Commission shall, in accordance with the procedure referred to in Article 19(2), adopt:</td>
</tr>
<tr>
<td>(a) measures necessary for the management of the network of national contact points provided for in this Article;</td>
<td>(a) measures necessary for the management of the network of national contact points provided for in this Article;</td>
</tr>
<tr>
<td>(b) the nature and type of data to be collected and exchanged within the network;</td>
<td>(b) the nature and type of data to be collected and exchanged within the network;</td>
</tr>
<tr>
<td>(c) guidelines on information to patients provided for in paragraph 2(a) of this Article.</td>
<td>(c) guidelines on information to patients provided for in paragraph 2(a) of this Article.</td>
</tr>
</tbody>
</table>
Reason

It is important for patients to be able to obtain the necessary information on treatment options in other EU countries. The requirement for Member States to provide information, however, is very sweeping and would prove extremely difficult to implement in practice. Moreover, it is not clear what the Commission means with 'legally binding as regards dispute settlement'. The role and competences of national contact points should be more clearly defined.

Amendment 15

Article 15 — European reference networks — delete text

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member States shall facilitate the development of the European reference networks of healthcare providers. Those networks shall at all times be open for new healthcare providers which might wish to join them, provided that such healthcare providers fulfil all the required conditions and criteria.</td>
<td>Member States shall facilitate the development of the European reference networks of healthcare providers. Those networks shall at all times be open for new healthcare providers which might wish to join them, provided that such healthcare providers fulfil all the required conditions and criteria.</td>
</tr>
<tr>
<td>2. The objective of European reference networks shall be:</td>
<td>2. The objective of European reference networks shall be:</td>
</tr>
<tr>
<td>(a) to help to realise the potential of European cooperation regarding highly specialised healthcare for patients and for healthcare systems from innovations in medical science and health technologies;</td>
<td>(a) to help to realise the potential of European cooperation regarding highly specialised healthcare for patients and for healthcare systems from innovations in medical science and health technologies;</td>
</tr>
<tr>
<td>(b) to help to promote access to high quality and cost-effective healthcare for all patients with a medical condition requiring a particular concentration of resources or expertise;</td>
<td>(b) to help to promote access to high quality and cost-effective healthcare for all patients with a medical condition requiring a particular concentration of resources or expertise;</td>
</tr>
<tr>
<td>(c) to maximise cost-effective use of resources by concentrating them where appropriate;</td>
<td>(c) to maximise cost-effective use of resources by concentrating them where appropriate;</td>
</tr>
<tr>
<td>(d) to help to share knowledge and provide training for health professionals;</td>
<td>(d) to help to share knowledge and provide training for health professionals;</td>
</tr>
<tr>
<td>(e) to provide quality and safety benchmarks and to help develop and spread best practice within and outside the network;</td>
<td>(e) to provide quality and safety benchmarks and to help develop and spread best practice within and outside the network;</td>
</tr>
<tr>
<td>(f) to help Member States with an insufficient number of patients with a particular medical condition or lacking technology or expertise to provide a full range of highly specialised services of the highest quality.</td>
<td>(f) to help Member States with an insufficient number of patients with a particular medical condition or lacking technology or expertise to provide a full range of highly specialised services of the highest quality.</td>
</tr>
<tr>
<td>3. The Commission shall adopt:</td>
<td>3. The Commission shall adopt:</td>
</tr>
<tr>
<td>(a) a list of specific criteria and conditions that the European reference networks must fulfil, including the conditions and criteria required from healthcare providers wishing to join the European reference networks, in order to ensure, in particular, that the European reference networks:</td>
<td>(a) a list of specific criteria and conditions that the European reference networks must fulfil, including the conditions and criteria required from healthcare providers wishing to join the European reference networks, in order to ensure, in particular, that the European reference networks:</td>
</tr>
<tr>
<td>(i) have appropriate capacities to diagnose, to follow-up and manage patients with evidence of good outcomes so far as applicable;</td>
<td>(i) have appropriate capacities to diagnose, to follow-up and manage patients with evidence of good outcomes so far as applicable;</td>
</tr>
<tr>
<td>(ii) have sufficient capacity and activity to provide relevant services and maintain quality of the services provided;</td>
<td>(ii) have sufficient capacity and activity to provide relevant services and maintain quality of the services provided;</td>
</tr>
<tr>
<td>(iii) have capacity to provide expert advice, diagnosis or confirmation of diagnosis, to produce and adhere to good practice guidelines and to implement outcome measures and quality control;</td>
<td>(iii) have capacity to provide expert advice, diagnosis or confirmation of diagnosis, to produce and adhere to good practice guidelines and to implement outcome measures and quality control;</td>
</tr>
</tbody>
</table>
(iv) can demonstrate a multi-disciplinary approach;
(v) provide high level of expertise and experience documented through publications, grants or honorific positions, teaching and training activities;
(vi) provide strong contribution to research;
(vii) are involved in epidemiological surveillance, such as registries;
(viii) have close links and collaboration with other expert centres and networks at national and international level and capacity to network;
(ix) have close links and collaboration with patients associations where such associations exist.

(b) the procedure for establishing European reference networks.

4. The measures referred to in paragraph 3, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).

Reason

We support cross-border cooperation, since this will create added value for Member States. However, it is not necessary to use a directive to regulate cooperation on highly specialised treatment and on the management of new health technology; this would create a legal obligation for Member States to cooperate. The provision is thus not considered to be amongst the objectives set out in Article 1.

Amendment 16

Article 17 — Cooperation on management of new health technologies — delete text

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Member States shall facilitate development and functioning of a network connecting the national authorities or bodies responsible for health technology assessment.</td>
<td>4. Member States shall facilitate development and functioning of a network connecting the national authorities or bodies responsible for health technology assessment.</td>
</tr>
<tr>
<td>2. The objective of the health technology assessment network shall be:</td>
<td>2. The objective of the health technology assessment network shall be:</td>
</tr>
<tr>
<td>(a) to support cooperation between national authorities or bodies;</td>
<td>(a) to support cooperation between national authorities or bodies;</td>
</tr>
<tr>
<td>(b) to support provision of objective, reliable, timely, transparent and transferable information on the short- and long-term effectiveness of health technologies and enable an effective exchange of this information between national authorities or bodies.</td>
<td>(b) to support provision of objective, reliable, timely, transparent and transferable information on the short- and long-term effectiveness of health technologies and enable an effective exchange of this information between national authorities or bodies.</td>
</tr>
<tr>
<td>3. Member States shall designate the authorities or bodies participating in the network as referred to in paragraph 1 and communicate to the Commission names and contact details of those authorities or bodies.</td>
<td>4. Member States shall designate the authorities or bodies participating in the network as referred to in paragraph 1 and communicate to the Commission names and contact details of those authorities or bodies.</td>
</tr>
<tr>
<td>4. The Commission shall, in accordance with the procedure referred to in Article 19(2), adopt the necessary measures for the establishment and the management of this network and specifying the nature and type of the information to be exchanged.</td>
<td>4. The Commission shall, in accordance with the procedure referred to in Article 19(2), adopt the necessary measures for the establishment and the management of this network and specifying the nature and type of the information to be exchanged.</td>
</tr>
</tbody>
</table>
Reason

We support cross-border cooperation, since this will create added value for Member States. However, it is not necessary to use a directive to regulate cooperation on highly specialised treatment and on the management of new health technology via a directive; this would create a legal obligation for Member States to cooperate. The provision is thus not considered to be amongst the objectives set out in Article 1.

Amendment 17

Article 18(1) — Data collection for statistical and monitoring purposes — Amend

<table>
<thead>
<tr>
<th>Commission proposal</th>
<th>CoR amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Member States shall collect statistical and other additional data needed for monitoring purposes on the provision of cross-border healthcare, the care provided, its providers and patients, the cost and the outcomes. They shall collect such data as part of their general systems for collecting healthcare data, in accordance with national and Community law for the production of statistics and on the protection of personal data.</td>
<td>1. Member States shall collect statistical and other additional data needed for monitoring purposes on the provision of cross-border healthcare, the care provided, its providers and patients, the cost and the outcomes. They shall collect such data exclusively as part of their general systems for collecting healthcare data, in accordance with national and Community law for the production of statistics and on the protection of personal data.</td>
</tr>
</tbody>
</table>

Reason

It is a good idea to collect and exchange data across Member States' borders, provided that only existing data is collected and forwarded. Compiling new data would severely strain resources. If new data is to be compiled, the cost:benefit ratio must be assessed.

Brussels, 12 February 2009.

The President
of the Committee of the Regions
Luc VAN DEN BRANDE
<table>
<thead>
<tr>
<th>Publication Type</th>
<th>Languages</th>
<th>2009 Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU Official Journal, L + C series, paper edition only</td>
<td>22 official EU languages</td>
<td>EUR 1,000 per year (*)</td>
</tr>
<tr>
<td>EU Official Journal, L + C series, paper edition only</td>
<td>22 official EU languages</td>
<td>EUR 100 per month (*)</td>
</tr>
<tr>
<td>EU Official Journal, L + C series, paper + annual CD-ROM</td>
<td>22 official EU languages</td>
<td>EUR 1,200 per year</td>
</tr>
<tr>
<td>EU Official Journal, L series, paper edition only</td>
<td>22 official EU languages</td>
<td>EUR 700 per year</td>
</tr>
<tr>
<td>EU Official Journal, C series, paper edition only</td>
<td>22 official EU languages</td>
<td>EUR 70 per month</td>
</tr>
<tr>
<td>EU Official Journal, C series, paper edition only</td>
<td>22 official EU languages</td>
<td>EUR 40 per month</td>
</tr>
<tr>
<td>EU Official Journal, L + C series, monthly CD-ROM (cumulative)</td>
<td>22 official EU languages</td>
<td>EUR 500 per year</td>
</tr>
<tr>
<td>Supplement to the Official Journal (S series), tendering procedures for public contracts, CD-ROM, two editions per week</td>
<td>multilingual: 23 official EU languages</td>
<td>EUR 360 per year (= EUR 30 per month)</td>
</tr>
<tr>
<td>EU Official Journal, C series — recruitment competitions</td>
<td>Language(s) according to competition(s)</td>
<td>EUR 50 per year</td>
</tr>
</tbody>
</table>

(*) Sold in single issues: up to 32 pages: EUR 6
from 33 to 64 pages: EUR 12
over 64 pages: Priced individually.

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No. 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual CD-ROM.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

**Sales and subscriptions**

Priced publications issued by the Publications Office are available from our commercial distributors. The list of commercial distributors is available at:


**EUR-Lex** ([http://eur-lex.europa.eu](http://eur-lex.europa.eu)) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: [http://europa.eu](http://europa.eu)