

Official Journal

of the European Communities

ISSN 0378-6986

C 144

Volume 44

16 May 2001

English edition

Information and Notices

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Price: 19,50 EUR

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II

(Preparatory Acts)

COMMITTEE OF THE REGIONS

Opinion of the Committee of the Regions on 'New Forms of Governance: Europe, a framework for citizens' initiative'

(2001/C 144/01)

THE COMMITTEE OF THE REGIONS,

having regard to the Strategic Objectives 2000-2005 of the European Commission (COM (2000)154 final);

having regard to the Intergovernmental Conference 2000;

having regard to the Commission initiative Dialogue with the Citizen;

having regard to the communication from the President of the European Commission on a White Paper on Governance — Deepening democracy in Europe (SEC(2000) 901)⁽¹⁾;

having regard to the decision by its Bureau on 11 April 2000, in accordance with Article 265(5) of the Treaty establishing the European Community, to issue an opinion on this matter and to instruct the Commission for Institutional Affairs to draw up this opinion;

having regard to the opinion of the Commission for Institutional Affairs of 27 October 2000 (rapporteur: Lord Tope (UK, ELDR) (CdR 182/2000 rev. 2);

whereas the integration of the European Union has arrived at a crucial stage, a turning point in its development;

whereas it has become clear that the traditional models of governance no longer match the complex reality of today's society and political credibility and legitimacy everywhere are in a deep crisis;

whereas institutions and systems that prove unable to adapt to changes in society make themselves redundant;

whereas the debate on new forms of governance must be held jointly by EU Member States and candidate Member States,

adopted the following opinion at its 36th plenary session of 13 and 14 December 2000 (Session of 14 December).

⁽¹⁾ Unofficial translation of title.

1. General remarks

The Committee of the Regions

1.1. welcomes the initiative of the Commission and intends to contribute actively to the debate; advocates a wide public debate on all aspects of governance and on political culture, that goes beyond mere institutional reforms;

1.2. urges the Commission to involve the candidate Member States closely in this debate from the outset, in particular representatives from local and regional government;

1.3. wishes to give an impulse to a wide public debate and proposes to co-organize with the European Commission a series of seminars or conferences on various aspects of governance in Europe in the course of this year, from the perspective of local and regional authorities, inviting representatives, civil society, the media, international businesses, the social partners, national and European political parties and political bodies, both from EU Member States and candidate countries;

1.4. proposes to set up a working group to prepare a contribution to the planned White Paper, composed of at least representatives of the EU institutions, the Committee of the Regions and other organs, and of national parliaments, democratically elected local and regional assemblies, and representatives of various sectors of society, from EU as well as applicant countries;

1.5. notes that the agreed work programme for the White Paper aims to

- encourage discussion amongst citizens of European values, issues and decisions;
- reform the processes for preparing and implementing Community rules and policies to ensure they are pertinent and coherent, including the need to improve the interaction between public and private actors, and 'between different geographic levels of responsibility', and
- lay the ground for overhauling the objectives of the common policies need by the EU to meet its continent-wide aspirations;

further notes that the statement that these challenges do not concern the Commission alone but all the European institutions, and that 'the search for a more participative and transparent democracy also affects the governments and

elected assemblies at national, regional and local levels'; and welcomes the recognition of 'the new context of interdependence and interaction between various levels of government' as an important starting point for the debate on governance.

2. Subsidiarity and proximity

2.1. considers that the subsidiarity principle must be linked more closely with the principles of proximity and interdependence, and not be seen as an hierarchical principle for the distribution of powers between vertical levels, in which local and regional government may be seen as 'lower' and therefore less important; advocates rather a relationship on the basis of a horizontal and equal partnership between spheres of government, and designed to secure effective, integrated decision-making;

cautions that lack of transparency and of clear allocation of political responsibility will undermine public confidence in the European Union. The Committee therefore calls for transparency in the assignment of responsibilities to the European Union, in line with the subsidiarity principle;

2.2. believes that in the interest of transparency and accountability a clarification of the responsibilities of different spheres of government is urgently required, which leaves at the same time sufficient flexibility to adapt to new situations and which ensures that the principles of subsidiarity, proximity and interdependence are upheld;

2.3. feels that the European Union should make its policy and decision making structures more democratic and transparent. In this way it will create the framework for citizens participation and initiatives at European level.

3. Local and regional authorities

3.1. is convinced that the involvement of local and regional authorities in the EU is essential for successful further integration and that the diversity of local and subnational regional organisations in EU countries is an asset that must be protected, particularly insofar as local democracy and grassroots public action are concerned; feels that the role of the COR in the policy making process must be strengthened considerably; reiterates in this respect its proposal that Commission, Council and European Parliament should explain their reasons if they do not follow the recommendations of the Committee of the Regions; Calls for greater cooperation with the local actors who will be implementing European decisions at local level, including an evaluation of the costs of implementation and the additional financial burden on local and regional authority budgets;

3.2. reiterates its call for recognition of the principle of local and regional self-government, and wishes for these principles to be enshrined in the Treaties;

3.3. calls for a detailed elaboration of the role of local and regional authorities in the scenarios for reinforced cooperation;

3.4. to this end, calls for new forms of European Governance which, as regards matters of European significance, would provide for involvement of the local and regional authorities in:

- formal dialogue on a pan-European basis, between representatives of the Commission, Council of Ministers and Parliament, and the Committee of the Regions on behalf of regional and local government, to discuss the 'big issues' facing Europe's citizens, and the role of each sphere of governance;
- regular consultation, electronically and as required via meetings, between the Commission and local and regional government associations, on issues falling within the remit of the European Union that affect local and regional government substantially, at and from a formative stage;
- appointment of experts from regional and local government on all relevant Commission working groups to ensure that our spheres of government are involved at a formative stage;
- a programme of secondments, exchanges and internships of officials, across all of the spheres of government, to ensure better understanding of their respective roles and issues;

3.5. considers that such new forms of governance would enable the spheres of governance to co-operate more fully and effectively, in particular in relation to the major issues — such as employment creation, social inclusion and cohesion, the environment, urban policy and rural development, and cohesion and support policies for the weakest areas — which cannot be successfully resolved by any one 'level', but require the contribution of all, in line with the principles of proximity and proportionality, in a partnership of equality;

3.6. The development of new forms of governance also involves the adoption of a so-called 'open coordination procedure'. It is important for all decision-making levels of government in the Member States to be involved in the preparation and implementation of this procedure, as well as

in the evaluation of the data to be collected using indicators and benchmarking. This would enable the planning service and monitoring procedures of local service providers — namely, the social, health and education departments of local and regional authorities — to be taken into account in the development of the European open coordination procedure.

4. Political parties

4.1. endorses the proposals of the European Parliament regarding the recognition, statute and funding arrangements of European political parties;

4.2. urges the European political parties to take more of a lead in the European public debate, as they are among the main players, and without them a political consensus for the inevitable process of decentralising tomorrow's Europe will never materialise.

5. The importance of information: old media, new media and education

5.1. underlines the crucial importance of access to information in a society where participation in democratic decision making is increasingly a matter of individual choices and the nature of collective representation is evolving; Consequently, efforts to frame a European public access principle should be speeded up;

5.2. welcomes the impulse given by the Commission and the Lisbon Summit to improving access to Internet and training in computer literacy; warns however against an exclusively technical approach and points out that the skills necessary to select and use information are equally important; and calls upon the Member States to exercise their remit by taking measures in this field;

5.3. calls on all spheres of government to increase programmes to enable citizens of all ages and backgrounds to acquire computer literacy and language skills, as they are elementary tools for participation in European democracy and the public debate; At the same time, participation in the European debate should not depend on an individual's computer or language skills;

5.4. encourages all national, regional and local authorities to ensure that the subject of European citizenship and knowledge of the integration process up to the current enlargement phase are explicitly included in the school curriculum and teacher-training programmes;

5.5. underlines the crucial importance of access for all citizens to objective, complete and reliable information for a vital democracy; notes that television, radio and newspapers, as well as to an increasing extent the Internet, are the main sources of information on what is going on in the world;

5.6. draws attention to the need for the EU institutions to conduct effective media initiatives to publicise as widely and objectively as possible the topics under consideration and the decisions adopted.

6. A new political and administrative culture

6.1. believes a new political culture is needed to govern a complex society like 21st century Europe; the focus must be on the process, as well as on procedures, on issues, as well as on institutions; points out however that this requires new definitions and clear rules on transparency and accountability that apply generally to all actors in the process;

6.2. believes that the question of the further development and activities of the EU should be discussed to a greater extent than hitherto by the parliaments of the Member States in order to launch a broad debate on European policy. The COR would caution against continuing to conduct European policy over the heads of citizens. European policy must no longer be restricted to the communication after the event of decisions already taken;

6.3. recommends the introduction of new selection criteria for EU officials, a flatter organization within EU institutions and more mobility;

6.4. deplores the fact that, despite growing public criticism on the lack of democracy and transparency in EU institutions, the principles of a modern political culture — democracy, transparency and accountability — are not applied to the

current Intergovernmental Conference, or in general to the method applied so far to the institutional reforms.

7. New decision making procedures in EU

7.1. invites the Commission, the European Parliament and other institutions to continue to develop, on the basis of democratic representation, instruments for interactive political dialogue and for participatory democracy;

7.2. believes that shorter and simpler procedures for decision making and revising legislation must be devised, in order to allow the EU institutions to react more adequately and promptly to developments, while ensuring that there is a democratic basis for the decisions taken; this would not be possible if existing decision-making mechanisms were to be applied in an enlarged Europe;

7.3. encourages the use of alternatives to legislation, based on the widest possible consultation of the interested parties, and calls on the EU bodies and other parties to show more restraint in calling for EU measures. Attention must also be paid to principles of autonomy.

8. Institutional reforms

8.1. reiterates its opinion that the Charter of Fundamental Rights must be integrated into the Treaty and should be legally enforceable, and that the principles of local and regional self-government should be laid down in the Treaty;

8.2. feels that the role and identity of the Commission should be clarified and made less ambiguous; linking it directly to the European Parliament which, being the democratic body directly elected by the citizens, should take on a key political role in the EU.

Brussels, 14 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on the 'Recommendation of the Congress of Local and Regional Authorities of Europe on a European Charter of Regional Self-Government'

(2001/C 144/02)

THE COMMITTEE OF THE REGIONS,

having regard to the recommendation 34 (1997, 4th session) on the draft European Charter of Regional Self-Government, adopted by the Congress of Local and Regional Authorities of Europe;

having regard to the Declaration on Regionalism in Europe, adopted by the Assembly of European Regions in December 1996;

having regard to the resolution on the problems of regionalisation in Europe No 67 (1970) and the resolution on regional institutions in Europe, adopted by the Standing Conference of Local and Regional Authorities of Europe No 117 (1980);

having regard to the resolution on Community regional policy and the role of the regions, adopted by the European Parliament on 18 November 1988;

having regard to its opinion on Developing a genuine culture of subsidiarity: an appeal by the Committee of the Regions (CdR 302/98 fin)⁽¹⁾;

having regard to its resolution on the European Year of Local and Regional Democracy (CdR 55/96) and its study on local and regional democracy in the European Union (CdR 222/98);

having regard to its supplementary opinion on the application of the subsidiarity principle in the European Union (CdR 284/94 of 5 April 1995);

having regard to its study on regional and local government in the European Union of July 1996;

having regard to the Oulu Declaration on Good Governance in Europe Today, adopted by the Council of European Municipalities and Regions on 17 June 2000;

having regard to the decision taken by its Bureau on 15 February 2000, under the fifth paragraph of Article 265 of the Treaty establishing the European Community, to issue an opinion on this matter and to instruct the Commission for Institutional Affairs to undertake the preparatory work;

having regard to the opinion adopted by the Commission for Institutional Affairs on 27 October 2000 (rapporteurs: Mr Koivisto (FIN-PSE) and Mr Muñoz Ganuza (E-AE) (CdR 39/2000 rev. 2),

adopted unanimously the following opinion at its 36th plenary session of 13 and 14 December 2000 (session of 13 December).

1. The Committee of the Regions' position on the European Charter of Regional Self-Government

Turning more particularly to the Charter of Regional Self-Government, the COR notes that:

1.1. Any declaration concerning regional self-government must cover four key points: the competences of these bodies, the powers or other means of exercising them vis-à-vis the

outside world, financial resources and how they are organised, and defence of their autonomy.

1.2. The Charter of Regional Self-Government meets these requirements as it gives detailed consideration to all four points.

1.3. The draft charter provides the requisite statutory foundations for regional self-government, noting to this effect that the principle of regional self-government must be recognised as far as possible in the constitution.

⁽¹⁾ OJ C 198, 14.7.1999, p. 73.

1.4. The draft charter rightly considers that self-government must be enshrined in sufficiently authoritative provisions, i.e. a constitution, statutes of the region, national or international law. At all events, if self-government is recognised by law, a special procedure is required for its adoption.

1.5. The definition of regional self-government recognises the existence of an intermediate tier between central government and local authorities. The task of determining the division of decision-making powers between national, regional and local authorities is a matter for national authorities. This is in keeping with democratic logic and the subsidiarity principle.

1.6. The own competences of regional authorities are an essential tenet of self-government. The scope of these competences is an indication — albeit not the only one — of the degree of regional self-government. The draft charter is interesting here as it divides competences into several categories (own competences, delegated competences) and defines the concept of regional interest as being superior or different to that of regional competence in the strict sense.

1.7. The concept of regional interest is extremely important for regional self-government, as the competences of other bodies may often have a significant impact on the region concerned. Hence, it is not enough for the region simply to exercise its own competences; it must also have a say in other matters of interest to it. This involvement must comply with the relevant legal provisions.

1.8. For their part, the regions must exercise their competences in a democratic and rational manner, in support of their local community and in keeping with the needs of international solidarity. Solidarity is a key element in the right to self-government.

1.9. The regions operate and establish relations with local authorities and with other regions both inside and beyond their own countries ('crossborder relations').

1.10. Exercising these competences also means that the regions can participate in State bodies which adopt decisions that affect them. At a time when political activity is becoming increasingly international, the regions must also have a say in

European and international affairs. This means enabling them to participate in the adoption of international treaties or in European bodies which adopt resolutions that affect the interests or competences of the region concerned.

1.11. Recognition of regional self-government must not overlook recognition of other forms of self-government, notably local self-government, remembering that the Council of Europe has adopted a Charter of Local Self-Government. This is a logical consequence of the subsidiarity principle which should apply to relations between the EU, central government, and regional and local authorities.

1.12. The draft charter goes on to establish a series of principles regarding the funding and organisation of the regions. Regions should have the right to self-organisation, as all autonomous authorities do. The power of self-organisation means that the region should have its own administration in which decisions are based on citizens' rights, by means of a representative assembly and an executive body with full democratic legitimation.

1.13. Regional administrations must have their own financial resources, and must have complete independence from central government when spending their resources, so as to enable them to pursue policies which are different from national policies and which do not depend on instructions from central government. The regions must be able to have their own staff to carry out their policies.

1.14. These ideas are sufficiently reflected in the draft Charter of Regional Self-Government. The draft charter clearly states that sources of funding for the regions must be sufficiently diversified and buoyant to keep pace with the real evolution of the cost of exercising their competences and with general economic development.

1.15. Adequate financing must be buttressed by solidarity, which may involve transfers from central government to the regions. However, the system must enable the region to allocate this money as it sees fit, without being obliged to earmark it for a particular purpose.

1.16. The system for funding regional self-government is based on the own resources of the region, consisting mainly of taxes and duties which may also be levied as an additional percentage on the taxes of other authorities. The regions may also have recourse to the capital market in order to raise funds by borrowing. They must manage their funds effectively, and must work effectively with other authorities.

1.17. This last aspect of the draft charter is particularly important, in view of the statutory link it establishes in relations between the regions and central government. It means that the controls operated on the regions are judicial ones. By the same token, the region can defend its competences by invoking procedures that are backed up by the courts.

1.18. The charter takes a very clear position with regard to the redrawing of regional boundaries.

1.19. Having consulted the Committee of Ministers of the Member States of the Council of Europe, the Steering Committee on Regional Democracy (CDLR) concluded that from a technical viewpoint it was legally possible to prepare a legal instrument on regional self-government.

1.20. Accordingly, the Committee of Ministers approved the terms of reference of a drafting committee to prepare such an instrument by 31 December 2001.

1.21. The Committee of the Regions wholeheartedly supports the proposal of the Congress of Local and Regional Authorities of Europe (CLRAE) to opt for a convention, as this is the most appropriate legal instrument for guaranteeing regional self-government.

1.22. As the CLRAE has said, the convention could be flexible and could have a common core while offering various options so as to accommodate the differing regional provisions of the Member States.

1.23. For the above reasons, the Committee of the Regions calls on the EU Member States to support this option too.

2. The Committee of the Regions' recommendations on the European Charter of Regional Self-Government

2.1. Regional self-government in Europe must respect the principles of democracy and efficacy. To do this, it must develop in accordance with the political landscape of the Union and its Member States.

2.2. European integration must proceed with the involvement of the Member States taking account of the various autonomous authorities within them. This would give its activities greater legitimacy and bring it closer to the people, thereby improving transparency and respect for democracy.

2.3. Under the subsidiarity principle, which is enshrined in the Union Treaty, the powers of the various tiers of political authority should be maintained and enhanced, in order that decisions must be taken as close as possible to the citizens. The Community may only exercise its powers insofar as the given objectives cannot be adequately achieved at national or regional level. That is why, this principle must be a basic tenet of the whole European Union integration process.

2.4. Most European countries have recently seen moves towards devolution. Depending on the constitutional practices of each country, this has led to the establishment of administrative regions or to the granting of additional autonomy to existing regions. The principle of regional self-government is thus being consolidated; it must form an underlying principle of the Union, with respect for democracy and with a view to greater integration.

2.5. The Council of Europe is acquiring increasing political importance. The conventions and resolutions which it adopts concerning the guiding principles of democracy are of particular interest not least because they apply to European countries which are undergoing radical political change.

2.6. As already stated, the principle of regional self-government offers further legitimation for modern democracies. The Committee therefore congratulates the Council of Europe for establishing the Charter of Regional Self-Government, as an instrument which will do much for regional development.

2.7. The Committee is pleased that the draft charter defines the fundamental issues which fall within the competence of the regions. The Committee underscores the need to enshrine these aspects in a sufficiently authoritative legal instrument.

2.8. The Committee considers that the draft charter accurately describes the different types of regional competence, and the concept of regional interest. The exercise of these powers must be backed by a system of own resources that brings in sufficient revenue, while applying the principle of solidarity between different regions of the same country.

2.9. The regions' power of self-organisation is particularly important here, alongside the protection of regional self-government through judicial procedures.

2.10. The Committee recognises the importance of local self-government which has also been considered by the Council of Europe and has been enshrined in a Charter of Local Self-Government. For almost fifteen years this Charter has been of key importance for local democracy in Europe. In recent years it has been particularly valuable in building up the new democracies in eastern and central Europe. The Charter of Local Self-Government is the starting point for a global self-government Charter within the framework of UNCHS

2.11. The Committee is pleased that under the draft charter, regions may participate in national bodies adopting decisions which affect them.

2.12. The Committee is pleased that the draft charter recognises the regions' right to participate in European bodies which adopt resolutions that affect their interests or competences, and in the adoption of international treaties.

2.13. The Committee considers that it is essential that the future charter of regional self-government takes into account the large variety of European models in organising regional government.

2.14. The Committee calls on Member States to approve the draft Charter of Regional Self-Government as soon as possible.

2.15. The Committee also calls on the Member States to turn the draft charter into a convention.

2.16. The Committee voices its wish to be granted the official status of an EU institution at the earliest possible opportunity, so that regional and local authorities can effectively promote their interests within the Union.

2.17. Lastly, the Committee endorses the content of the draft Charter of Regional Self-Government whilst considering it a stage on the road to greater recognition for, and development of, regional powers. For this reason, it calls on the Member States to continue this work in the interests of the regions, the individual countries, the Union as a whole and, ultimately, the citizens of Europe.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on:

- the 'Proposal for a Council Regulation on the common organisation of the market in rice', and
- the 'Proposal for a Council Regulation amending Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops, in order to include rice'

(2001/C 144/03)

THE COMMITTEE OF THE REGIONS,

having regard to the Proposal for a Council Regulation on the common organisation of the market in rice (COM(2000) 278 final — 2000/0051 CNS);

having regard to the Proposal for a Council Regulation amending Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops, in order to include rice (COM(2000) 278 final — 2000/0052 CNS);

having regard to the opinion of the Economic and Social Committee on this matter (CES 1200/2000), adopted on 19 October 2000;

having regard to the decision taken by the Council on 19 June 2000, under the first paragraph of Article 265 of the Treaty establishing the European Community, to ask the Committee to issue an opinion on this subject;

having regard to the decision of its Bureau on 13 June 2000 to instruct Commission 2 — Agriculture, Rural Development and Fisheries — to prepare the opinion;

having regard to the draft opinion adopted by Commission 2 (CdR 346/2000 rev. 1) on 25 October 2000 (Rapporteur: Mrs Aubert, Member of the Provence-Alpes-Côte d'Azur Regional Council, F, PSE),

adopted the opinion set out below at its 36th plenary session held on 13 and 14 December 2000 (meeting of 14 December).

The Committee of the Regions

1. shares the Commission's view that the rice market is out of balance and characterised by growing intervention stocks, the costs of which are increasing every year; however, it does not believe that the measures proposed by the Commission will restore market balance, and fears that rice production in the European Union will become unviable;

2. points out that rice is not a crop which can be compared to other cereals, since although productivity may be greater, production costs are substantially higher. Integrating it into the general scheme for arable crops could in the long run prove damaging to this sector. Despite mechanisation, rice cultivation is still the most labour-intensive of all cereal crops;

3. considers that it would be incomprehensible if the special treatment given to maize, as an irrigated crop, was not also applied to rice, since its production costs are the same if not higher, and the social, environmental and land-use role it plays is decisive in European growing regions;

4. points out, however, that the abolition of the intervention mechanism for the rice sector alone would put farmers in a weak position vis-à-vis the industry as far as setting prices is concerned. Indeed, the Commission recognises that the intervention price has always functioned as an indicator for the market price. For rice growers the use of intervention in recent years is the result of unfavourable international agreements rather than of the producers' own practices. Furthermore, setting payment at EUR 63/t would not suffice to maintain farmers' income and would lead to farm bankruptcies;

5. maintains that, as no guarantees can be given on the holding of international negotiations with the EU's main trading partners, nor on their outcome, it would be more prudent to protect the future of rice production in Europe by negotiating new import duties before abolishing intervention, and only introducing reforms when agreement has been reached with the various international partners on new, fixed duties;

6. considers, as indicated in the ESC opinion, that the Commission's concern about an increase in the area used for rice production is unwarranted, since the conditions required for this kind of crop and the specialised mechanisation it requires cannot be transferred to other crops. Most of the traditional rice-growing areas are either to be found in shallow marshland with insufficient internal and surface drainage or in alluvial zones on the banks of rivers where the soil is made up of marine sediment and where the groundwater has a high salinity level. The soil saturation problems associated with marshland and salinity in the groundwater means that no crops other than rice can be grown. Moreover, flooding is vital to prevent groundwater levels rising, thus preventing sodium from being absorbed into the molecular structure of the clay, which would lead to its disagglomeration, i.e. the soil would lose its texture and integrity, making it unsuitable for any type of crop. In agronomic terms, set-aside is not suitable for rice areas and might indeed be harmful to the environmental balance in numerous areas presently under cultivation;

7. draws attention, as pointed out by the ESC, to the Commission's intention to include private storage as one of the measures that the Management Committee for Cereals shall be empowered to implement when market prices experience a potentially persistent sharp drop or rise. This is a vague and very general non-obligatory provision which could come under the title on General Provisions, but never under the title on the Internal Market, as is the case for the other CMOs.

Moreover, the Commission does not provide for any budget for private storage in the financial statement. The Committee calls on the Commission to clarify and quantify its understanding of private storage aid when the sector is in crisis;

8. points out that the mandatory requirement to use certified seed involves an unnecessary increase in costs, the sole beneficiaries of which will be the seed suppliers. Farmers always use some certified seed and some seed which they themselves have produced and selected, since the density of sowing depends on the temperature at the start of, and during, the seed planting;

9. notes, however, that in the regions of southern Europe rice cultivation plays a key role in terms of economic activity and maintaining employment. Further, farms are often medium-sized or small concerns; sometimes, as is the case in Spain, Portugal and Greece, holdings are so small that they often are not even 10 hectares. This means that small rice growers depend almost exclusively on rice for their farm incomes. Without an intervention price, these farms will scarcely be viable;

10. considers that rice cultivation plays a key role in preserving the wetlands in some parts of southern Europe and therefore contributes to the preservation of an ecosystem maintaining a wealth of distinctive flora and fauna that have developed in symbiosis with rice growing practices. Preserving wetlands also means protecting unique landscapes linked with rice growing;

11. considers, that it is crucial for the Commission to envisage, on the one hand, a 25 000 tonne reduction in rice imports as customs duty has been changed and, on the other, an equivalent reduction of Community production through set-aside. The Committee of the Regions considers that the desired, but uncertain, end result does not justify the adoption of measures that could endanger a crop which may be less significant than other cereals but is nonetheless essential to maintaining a balanced economy, environment and countryside in some southern European regions.

Brussels, 14 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on 'The outermost regions of the EU and implementation of Article 299'

(2001/C 144/04)

THE COMMITTEE OF THE REGIONS,

having regard to the decision taken by its Bureau on 13 June 2000, under the fifth paragraph of Article 265 of the EC Treaty, to issue an opinion on the outermost regions of the European Union and to instruct Commission 1 — Regional Policy, Structural Funds, Economic and Social Cohesion and Cross-border and Inter-regional Cooperation — to prepare the opinion on this matter;

having regard to its opinion (CdR 23/98 fin)⁽¹⁾ on the future of peripheral areas in the European Union, which noted in point 1.2 that: 'Despite a number of obvious similarities, the distinctive features of the most remote regions have led to their specific situation being dealt with under Article 299(2) of the Amsterdam Treaty, which is not the subject of this opinion. The COR reserves the right to deliver an opinion at a later date on this matter';

having regard to the European Parliament reports on the development problems of the outermost regions of the European Union (A4-0128/97 of 11 April 1997), relations between the overseas countries and territories, the ACP and the outermost regions of the European Union (A4-0036/99 of 26 January 1999) and the measures to implement Article 299(2): the outermost regions of the European Union (A5-0285/2000 of 25 October 2000);

having regard to the Memorandum drawn up by the Outermost Regions at their meeting in Cayenne on 5 March 1999;

having regard to the Memorandum from the Spanish Government on The Canary Islands: implementing conditions and procedures in respect of Article 299(2) of the EC Treaty, dated 7 November 1999;

having regard to the Memorandum from the Portuguese Government on The outermost regions of the Azores and Madeira (November 1999);

having regard to the Memorandum from the French Government entitled 'The overseas regions and Europe: Memorandum issued by France on the Implementation of Article 299(2) of the Treaty of Amsterdam' (10 December 1999);

having regard to the Final Declaration issued by the Outermost Regions at their meeting in Funchal on 31 March 2000;

having regard to the Report from the European Commission on The measures to implement Article 299(2) of the Treaty of Amsterdam in respect of the outermost regions of the European Union (COM(2000) 147 final, dated 14 March 2000);

having regard to the presidency conclusions of the Lisbon European Council, which took note of the abovementioned report, the presidency conclusions of the Santa Maria da Feira European Council, which spelled out the Council's expectations as regards implementation of Article 299(2) following the submission of the European Commission's work programme and the presidency conclusions of the Nice European Council stipulating that the European Council would take note of the progress made in work on this subject as a whole at its next meeting in Göteborg;

having regard to the draft opinion (CdR 156/2000 rev. 2) adopted by Commission 1 on 14 September 2000 (rapporteur: Mr Karam, President of the Regional Council of French Guiana, F/PSE);

whereas the outermost regions — the Azores, the Canary Islands, Guadeloupe, French Guiana, Madeira, Martinique and Réunion — are full members of the European Union, and whereas they reflect the European dimension (economic, social and cultural) in their regional environment;

⁽¹⁾ OJ C 315, 13.10.1998, p. 15.

whereas these regions are marked by major structural underdevelopment owing to the many serious handicaps from which they suffer permanently, and whereas their specific characteristics place these regions in a unique situation in the European Union;

whereas the unique and original nature of these parts of the EU fully justifies special treatment by the EU and the need to consider the situation of the outermost regions in EU policies;

whereas support should thus be given to the calls being made by the outermost regions and the national authorities concerned for the introduction, on the basis of Article 299(2) of the EC Treaty, of a Community policy for the outermost regions, which will enable these regions to catch up with the rest of the EU in socio-economic terms and to exploit the advantages which they offer in providing an interface with new areas of regional economic cooperation,

adopted the following opinion, by a unanimous vote, at its 36th plenary session, held on 13 and 14 December 2000 (meeting of 13 December).

The Committee of the Regions

1. welcomes the fact that the European Commission, with the support of the European Parliament, started to give thought back in 1986 to the introduction of an appropriate framework for applying EU law and policies to these regions;

2. endorses the approach adopted by the European Commission, which recognised that the situation of the outermost regions was not comparable to that of other regions of the EU and, despite the various national and EU legal bases involved⁽¹⁾, proposed a common framework for assisting the seven outermost regions. These proposals took the form of global action programmes — the so-called ‘programmes of options specific to the remote and insular nature’ of the regions involved — which made adjustments to Community law and policies to take account of the specific characteristics of the outermost regions⁽²⁾;

3. notes that the above programmes, based on the two principles that the outermost regions form part of the European Community and that their special regional situation must be recognised, provide for the differentiated application of the common framework according to the needs of each of the outermost regions, through appropriate application of the principle of equal treatment, without jeopardising the coherence and unity of Community law or the single market;

4. recognises that the programmes implemented by the European Commission in respect of the outermost regions have had a positive impact on the sectors concerned (agriculture, fisheries, energy, the environment, craft industries and the import-substitution sector). In the case of the agriculture and fisheries sectors, these programmes have brought about a relative reduction in production costs and an improvement in both the quality and quantity of local production. The programmes have also promoted diversification of energy resources, inter alia by boosting the use of renewable sources. Customs measures and the retention of the indirect fiscal measures peculiar to each of these regions⁽³⁾ have, to a certain extent, offset the socio-economic disadvantages deriving from the remoteness of these regions whilst preserving autonomous sources of revenue for the local authorities;

⁽¹⁾ Article 227(2) of the Treaty of Rome of 1957 recognised that the special situation of the French overseas departments vis-à-vis France placed them in a special situation within the European Economic Community (EEC). In the same way a special Protocol on the Canary Islands and a specific Declaration on the Azores and Madeira, which were included in the Acts of Accession of Spain and Portugal to the EC in 1986, recognised the specific nature of these regions under EU law.

⁽²⁾ The programme of specific options relating to the French overseas departments (Poseidom) was adopted under Council Decision 89/687/EEC of 22 December 1989; the equivalent programme in respect of the Azores and Madeira (Poseima) was adopted under Council Decision 91/314/EEC of 26 June 1991; and the programme of specific options in respect of the Canary Islands (Poseican) was adopted under Council Decision 91/315/EEC of 26 June 1991.

⁽³⁾ Reduced rates of VAT are applied in these regions. They also apply specific indirect taxes, such as the Canary Islands general indirect tax, the special island tax and the production and import tax levied in the Canary Islands and the dock dues levied in the French overseas departments. Spain and France are authorised to exempt the Canary Islands and the French overseas departments from the general provisions in respect of products liable to excise duty. In the case of Madeira and the Azores, reduced levels of excise duties are applied.

5. highlights the fact that application of the Structural Funds in the outermost regions has proved a success in that it has enabled commercial infrastructure, particularly ports and airports, to be brought up to standard. In pursuance of the policy of promoting economic and social cohesion, the outermost regions received in the 1989-1993 and 1994-1999 programming periods Structural Fund support totalling EUR 7,2 billion for a population of 3,5 million — a figure which represents 2,5 % of the sum allocated to the EU regions as a whole;

6. believes, however, that, in the case of measures to bolster economic development in the outermost regions, the Structural Funds have had less impact. Six of the outermost regions are still amongst the ten poorest regions in the EU, and levels of underemployment are amongst the highest in the EU in these regions, which frequently have young populations;

7. points to the failure to adequately address several issues, such as the interplay of Community policies in the geographical areas of the outermost regions (Structural Funds and interventions by the European Development Fund in the ACP; Pilot Programme to Conserve the Brazilian Rain Forest — PPG7) and the adaptation of competition policy to the economies of the outermost regions;

8. considers that this net result — positive in overall terms but limited in some areas — has justified, in the light of the important changes which have taken place at EU and international levels, the inclusion in the Treaty of a specific Article 299(2) designed to take account of the most isolated of all the EU's regions;

9. points out that the new Article 299(2) in the Amsterdam Treaty meets the objectives which were clearly pinpointed throughout the negotiations, namely,

- to underscore the unique nature of the outermost regions and to take account of this concept in all EU policies, in particular, by maintaining the priority aid granted under the structural policy to promote economic and social cohesion;

- to adapt the common policies to the situation obtaining in the regions by implementing special measures, and to lay down special provisions for implementing the Treaty in cases where such provisions are shown to be necessary for the development of the outermost regions;

- to take account of the specific geographical environment of the outermost regions in trade and cooperation policies, as well as in agreements with the ACP countries;

10. stresses that, against the background of new challenges involved in the construction of Europe and the organisation of world trade, the above objectives need to be reiterated and taken into account when Article 299(2) is implemented;

11. expresses its satisfaction at the adoption of the European Commission's report on the measures to implement Article 299(2) of the Amsterdam Treaty; this represents a 'quantum leap' in the Community's approach to the outermost regions;

12. considers that this report represents the beginning of a decisive new stage on the road towards a coherent global strategy for the sustainable development of the outermost regions;

13. notes the convergence between the principles set out in the European Commission's report and the proposals put forward by the outermost regions in the Cayenne Memorandum of 5 March 1999, particularly as regards the definition and interlinking of development priorities for these territories and the recognition of their key role in providing a dynamic frontier between the EU and a number of strategic geographical and economic areas;

14. also notes that the policy guidelines set out in the report represent positive progress in a number of areas, such as the beneficial changes to the EU provisions governing operational aid, the account to be taken of areas' remoteness and isolation in the development of the information society, the submission of appropriate proposals in the fields of transport and energy, long-term maintenance of permanent regional policy objectives and the fact that the vital aid granted to these regions is to be put on a permanent footing;

15. observes, however, that the Commission's report fails to provide all of the responses sought by the outermost regions for translating the new legal basis into a strategy for action;

16. notes the agreement over the need for closer partnership and thinks that this is absolutely vital if the Commission is to draw up more in-depth proposals and if the EU regulatory framework is to be adapted for the benefit of the outermost regions;

17. congratulates the European Commission, in this context, on having organised the First Partnership with the Outermost Regions Day on 23 November 1999, and endorses the proposal put forward by the presidents of the regional executives in the outermost regions that the second Partnership Day be held as early as the first quarter of 2001 to take stock of the initial measures adopted under Article 299(2) and to enable the Commission to take account of the observations made by the regional executive presidents and their proposed amendments so as to ensure that optimum progress is made when this matter is considered by the Göteborg European Council;

18. supports the formulation of an overall, sustainable policy for the outermost regions designed to a) step up support for the productive sector and the development of enterprises and services and b) bring the outermost regions up to standard in current and future strategic sectors such as the information society, the environment, research and new technologies;

19. shares the European Commission's view that under the new Article 299(2) it will be possible to establish specific arrangements which take account of all the burdens which are imposed on the outermost regions because of their remote location;

20. considers that this new legal basis should provide a key policy tool for facilitating the introduction of Community action which is better targeted, more flexible and more effective in dealing with the current challenges posed by the construction of Europe and globalisation;

21. thanks the European Council for having always taken into account and supported the EU's outermost regions and for having drawn attention, at its meetings in Santa Maria da Feira and in Nice, to the urgent need to implement Article 299(2) of the EC Treaty⁽¹⁾;

(¹) Conclusions of the European Council held in Santa Maria da Feira on 19 and 20 June 2000: 'The European Council took note of the Commission's work programme for carrying out the measures to implement Article 299(2) of the Treaty on the outermost regions. It calls upon the Commission to study the information provided or to be provided by the Member States with a view to taking the measures falling within its sphere of competence, and to submit the appropriate proposals, which must be adopted at the earliest opportunity, to the Council as quickly as possible. The European Council will examine progress achieved at its meeting in Nice in December 2000.' (point 53 of the Conclusions).

Recommendations

22. encourages the European Commission to submit timely proposals for implementing Article 299(2), as it has been called upon to do by the European Council. To this end, it endorses the action taken by the presidents of the regional executives of the outermost regions and their Conference with a view to ensuring that the Commission's work programme is implemented in accordance with the principles of partnership and good governance;

23. urges the European Commission to take into account the requests made by these regions and to flesh out the EU policies concerned; it is essential to pay maximum attention to the effective measures to be put forward as part of the overall strategy advocated for the outermost regions;

24. points out that the adoption of measures to preserve the existing framework represents both a very strong obligation and a priority and asks the Commission to undertake to make up for the delays which have already occurred in this area, since they are highly prejudicial to attaining the objectives set;

25. also urges that special attention be paid to the new partnership agreement between the EU and the ACP states, signed at Cotonou on 23 June 2000, in order to ensure that the economic development of the outermost regions is not adversely affected by this agreement and that these regions, which form part of the EU's frontier with the ACP states, can play an active role in international cooperation and supports the request made by the outermost regions to be involved in the assessment of the impact of these agreements on their regions;

26. suggests that the Commission draw up an annual work programme, accompanied by an outline timetable, and that the outermost regions be consulted on these documents at the partnership days; the priority areas of action must be discussed, particularly in view of the interaction between such areas and the common policies currently being formulated;

27. suggests that instruments be established for carrying out an ongoing assessment of the impact of new EU provisions on the outermost regions with a view to ensuring that such provisions not only do not jeopardise the expansion of economic activities in these regions but also further their real and sustainable development, inter alia, by exploiting the comparative advantages of their staple products;

28. thinks that if the strategic objectives are to be accomplished, effective coordination is necessary, particularly via the interdepartmental working party at the Commission, whose permanent resources within the secretariat general need to be strengthened;

29. advocates the introduction, by both EU and regional institutions, of a communication strategy for informing public

opinion in the EU of the issues affecting the outermost regions and of the special EU dimension represented by these — hitherto little known — regions;

30. encourages the outermost regions to continue to cooperate in all possible areas, and urges the Commission to support them in this venture in order to meet the challenges posed by their development within the EU and the challenges of globalisation.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on the 'Proposal for a Directive of the European Parliament and of the Council amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic'

(2001/C 144/05)

THE COMMITTEE OF THE REGIONS,

having regard to the Proposal for a Directive of the European Parliament and of the Council amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (COM(2000) 137 final — 2000/0060 (COD));

having regard to the decision of the European Council of 8 May 2000 to consult the Committee, in accordance with Article 265.1 and Article 71 of the Treaty establishing the European Community;

having regard to the decision of the President of the Committee of the Regions on 23 June 2000 to instruct Commission 3 for Trans-European Networks, Transport and the Information Society to draw up the opinion;

having regard to the draft opinion adopted by Commission 3 on 8 November 2000 (CdR 259/2000 rev. 1) (rapporteur: Dr Walsh, Member of West Sussex County Council, UK/ELDR),

adopted the following opinion unanimously at its 36th plenary session on 13 and 14 December 2000 (meeting of 13 December 2000).

The Committee of the Regions

directive and requests that Member States be allowed until 31 December 2015 to implement the Directive;

1. urges the Commission to have regard to the implications on local and regional authorities on the impact of the introduction and enforcement of the proposed amended

2. points out that not all local authorities are able

to restrict the operation of inappropriate length vehicles on highways, nor to enforce such restrictions;

3. welcomes the Commission's proposals to increase the maximum length of three-axle buses to 15 metres to ensure that the longer rigid buses will cause no greater damage to road infrastructure and bridges than 12 m buses. The Committee also hopes that, as is already the case in many countries, a maximum length of 13,5 metres will be allowed for two-axle buses;
4. welcomes the main benefits of harmonised rules on bus length which are expected to bring more competition both in the provisions of bus transport and in the manufacture of buses, thus ensuring the possibility of cabotage without national hindrance;
5. points out that using 15 m buses may reduce the number of buses needed on long and congested routes, having a positive impact on the environment and making operations more economic. The impact is not so great on short journeys within cities where the effects will be negligible;
6. points out that a second door is required in 15 m buses to reduce loading delays and for passengers convenience

which causes a problem of alighting safely from the second door because of the difficulty of aligning a long bus up close and parallel to the kerb and sometimes because some bus stop kerbs cannot be made long enough which will fail to meet the access requirements of disabled people and those with reduced mobility;

7. points out that on some routes, in big cities, medium sized old towns and in small villages the use of 15 m rigid buses creates problems for some passengers and can add to traffic congestion because of the slowness of manoeuvring the buses in tight situations;
8. points out that a great many bridges have weight restrictions with the result that 15 m buses could not be used on those sections of road;
9. points out that, in many cases, the present length of bus bays and bus parking spaces on motorways, as well as the required minimum radiuses of roundabouts and mountain roads, are not adequate for longer buses. Modifying these bus bays, parking spaces, roundabouts and mountain roads would be difficult or impossible due to lack of space, especially in urban areas.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on an Action Plan to Improve Energy Efficiency in the European Community'

(2001/C 144/06)

THE COMMITTEE OF THE REGIONS,

having regard to the communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on an Action Plan to Improve Energy Efficiency in the European Community (COM(2000) 247 final);

having regard to the decision taken by the Commission on 26 April 2000, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision of the President of the Committee of the Regions of 5 July 2000 to instruct Commission 4 — Spatial Planning, Urban Issues, Energy, Environment — to draw up the relevant opinion;

having regard to its opinion on the Communication from the Commission to the Council and the European Parliament on preparing for the implementation of the Kyoto Protocol (CdR 295/99 fin)⁽¹⁾;

having regard to its opinion on a proposal for a Directive of the European Parliament and of the Council on the Promotion of Electricity from Renewable Energy Sources in the Internal Electricity Market (CdR 191/2000);

having regard to the resolution of the Council on Energy Efficiency on 7 December 1998;

having regard to the draft opinion (CdR 270/00 rev 1) adopted by Commission 4 on 4 October 2000 for which the rapporteur was Ms McNamara (IRL, EA);

whereas energy efficiency makes a key contribution to the requirement of climate protection and to meeting the Union's reduction obligations as agreed in Kyoto;

whereas recent events with regard to the rising price of fuel and the resultant shortages have focused attention on the problems of energy supply and the need to promote the efficient use of energy,

adopted the following opinion unanimously at its 36th plenary session on 13 and 14 December 2000 (meeting of 13 December).

Views and recommendations of the Committee of the Regions

1. welcomes the Commission's determination, to improve energy efficiency in the European Union, which will lead to a more sustainable energy policy and enhanced security of supply, and will provide a key step towards reducing greenhouse-gas emission to protect the climate, as agreed in Kyoto;

2. shares the Commission's view that the obligations for Member States in producing definitive/realistic timetables and adopting specific programmes is likely to give an added

impetus to the promotion of Energy Efficiency and stresses the need to distinguish between EU and Member States responsibilities in the area of energy efficiency;

3. stresses that the Action Plan is designed to compliment and reinforce Member State activity;

4. regrets that the Action Plan has been issued separately from other proposals on energy; would have preferred that the proposals on liberalisation of the electricity and gas markets, the Renewables Directive, the Energy Efficiency Action Plan as well as the Climate Change Programme had been presented together in the same policy document, thereby increasing the coherence of the Union energy policy;

⁽¹⁾ OJ C 57, 29.2.2000, p. 81.

5. underscores the necessity for the Action Plan to contribute substantially to the integration of energy and environmental objectives into other policy areas, and looks forward to specific proposals to integrate coherently energy efficiency into other policy areas;

6. stresses the unique position which local and regional authorities have, particularly in terms of information dissemination at the level of the consumer;

7. shares the Commission's view that energy prices should fully reflect the external costs associated with energy consumption including social and environmental costs;

8. welcomes the Commission's target for reduced energy intensity of one percentage point per year, which will realise 66 % of the estimated 18 % savings potential by the year 2010. It should be made clear in which areas the concept of 'energy intensity' is to be applied and how it is to be measured;

9. stresses the need to promote goals that surpass the 1 % per annum target;

10. emphasises the need to meet the Community-wide target of doubling the use of cogeneration to 18 % of EU electricity production by 2010 as set out in the European Cogeneration Review, in this Action Plan, and in the Cogeneration Plan;

11. welcomes the consolidation of the SAVE programme within the Action Plan;

12. considers that the present budget available to the SAVE programme should be increased in order to allow a more comprehensive package of measures and projects to be implemented;

13. points out that the SAVE programme should be expanded to provide for an area of activity specific to local and regional authorities;

14. welcomes the objective in the Action Plan to integrate energy efficiency measures into non-energy policies and programmes, and calls for increased dissemination through the SAVE programme of the energy implications of these areas, particularly in dealing with the integration of energy efficiency into spatial development, environment, and social policies;

15. applauds the Commission's tax proposal, to broaden the minimum tax base for energy products, and stresses the

necessity to implement tax exemptions or concessions on a sliding scale basis for energy efficient investments;

16. points out that under the EC Treaty, the term support is restricted to mean state aid, thus establishing the basis whereby price-fixing rules involving legal trade are not subject to the ban on aid;

17. recognises that conditions are not yet in place for a decision on community rules for support instruments;

18. welcomes initiatives to harmonise Member State activities in energy efficiency, and to make them more coherent in the broader European context;

19. stresses the need to expand pre-accession activities especially in the areas of energy audits, and the establishment of regional and local energy offices;

20. emphasises the need to consolidate the Commission's proposal for a 50 % reduction in CO₂ emissions per passenger kilometre and per payload kilometre, however the shorter term aim should be increased to 15–20 % in order to copperfasten the achievability of this aim;

21. considers it essential that the Commission guidelines on state aid for environmental protection should contain appropriate assessment criteria that reflect the need for public support for increased energy efficiency;

22. welcomes the Commission proposal to provide improved consumer information and in particular the strengthening and the extension of the EU labelling scheme to cover all major appliances and installed equipment, and the Committee of the Regions further stresses the need to do so not only in the domestic and business sectors, but also in selected forms of light and heavy industry;

23. welcomes the forthcoming report to the Parliament and the Council on the impact of the EU labelling scheme, and welcomes the proposal to increase enforcement of the scheme by the Member States;

24. urges the Commission to strengthen its efforts regarding market transformation towards more energy-efficient electrical appliances; proposes therefore that the Commission set up rules, or alternatively reach agreements on minimum efficiency standards for a broad range of electrical appliances;

25. supports the promotion of negotiated voluntary agreements between Member States and equipment manufacturers as a means of self-regulation in the absence of legislation;

26. point out that local and regional authorities are already participating in, voluntary agreements, energy audits, labelling, and best practice initiatives in energy efficiency;

27. points out that local and regional authorities are ideally positioned to lead the way in terms of public procurement of energy efficiency technologies, which would nurture a developing industry, and also allow for increased dissemination of results;

28. welcomes the extension of the SAVE Directive (93/76/EEC) to cover such areas as thermal insulation in existing buildings, installed equipment, expanded certification and granting of licences;

29. welcomes the launch of the EU Green Light Programme to promote efficient lighting and best practice in commercial and public buildings;

30. welcomes the fact that the Commission recognises the central role of local and regional authorities in energy management, and in particular would highlight the important

role in energy efficiency promotion which is undertaken by the energy-management agencies which have been established in cities, regions, and islands through the SAVE programme;

31. stresses the need to continue to establish energy-management agencies throughout all cities and regions;

32. suggests that the Commission should further promote the establishment of more Energy Agencies and should consider methods whereby financial support would be available beyond the initial three-year period as is presently the case in the SAVE Programme;

33. stresses the need to strengthen the role played by existing and proposed energy-management agencies in energy efficiency at local and regional levels, through their participation in the implementation of the Action Plan;

34. urges the Commission to seek to raise the level of implementation of energy auditing amongst commercial consumers, especially since it is proven that it improves competitiveness;

35. stresses the need to ensure that, in the absence of harmonisation, national support schemes are not put under undue strain by trade between the Member States.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on the 'Proposal for a European Parliament and Council Directive amending Directive 97/67/EC with regard to the further opening to competition of Community postal services'

(2001/C 144/07)

THE COMMITTEE OF THE REGIONS,

having regard to proposal for a European Parliament and Council Directive amending Directive 97/67/EC with regard to the further opening to competition of Community postal services [COM(2000) 319 final — 2000/0139 (COD)];

having regard to the decision of the Council on 25 September 2000, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult it on this matter;

having regard to the decision taken by its Bureau on 13 June 2000, to draw up an opinion on this matter and to instruct Commission 6 for Employment, Economic Policy, Single Market, Industry and SMEs to undertake the preparatory work;

having regard to its opinion on Communication from the Commission on the set of measures proposed for the development of community postal services a and a Proposal for a European Parliament and Council Directive on common rules for the development of Community postal services and the improvement of quality of service (CdR 422/95 fin)⁽¹⁾;

having regard to The decision of its President of 26 October 2000 to appoint Mr Martin as rapporteur general to draw up an opinion on this subject, in accordance with rule 40.2 of the Rules of Procedure of the Committee of the Regions;

having regard to the draft opinion (CdR 309/2000 rev. 1), drawn up by the general rapporteur Mr Martin UK, PES,

adopted the following opinion at its 36th plenary session, held on 13 and 14 December 2000 (meeting of 13 December).

1. The Committee's views on the proposals

1.1. The Committee supports and is committed to the completion of the single European market, which includes a process of liberalisation of the postal services within the European Union, reconciling the furtherance of the gradual, controlled liberalisation of the postal market and that of a durable guarantee of the provision of the universal service.

1.2. While the Committee notes the decision of the March 1999 Council, it also wishes to stress the key role played by the postal services in the social and territorial cohesion of the European Union.

1.3. The Committee wishes to underline that the postal services offer a unique communications infrastructure with a high economic and social importance and impact to all EU citizens.

1.4. In particular, the Committee is of the opinion that a high quality, modern and technologically advanced universal

postal service is a prerequisite to the full implementation of the single market and future economic growth and social inclusion. In particular, citizens and small businesses in remote and excluded urban areas rely on the universal service providers to deliver letters, goods and services.

1.5. The Committee also accepts that many postal services are making strategic alliances across national boundaries with others embarking on acquisitions to ensure a greater degree of control of the distribution networks.

1.6. The Committee agrees that the impact of globalisation, market demands for a high quality service and technological advances means that the postal services are facing rapid change within their industry.

1.7. The Committee accepts that EU postal services already operate in an increasingly open and competitive market place, which is characterised by rapid technological change, predominantly because of the fast growing use of Internet, the fax and other technological advances.

⁽¹⁾ OJ C 337, 11.11.1996, p. 28.

1.8. The Committee recognises that some member states have already gone further than the 1997 directive and have liberalised larger segments of the postal services beyond the currently defined reserved area of 350 grammes and 5 times the standard tariff.

1.9. In particular, the Committee is keen to emphasise the employment role of the postal services, which account for approx. 1,7 million people, of whom about 1,3 m are employed by the universal service providers. Many of these jobs are in remote rural and excluded urban areas. The employment impact on local and regional economies must be taken into account in any further liberalisations.

1.10. The Committee notes that the 1997 Directive has already produced improvements in the quality of service of cross-border mail flows because its principles allow for good relationships between Universal Service Obligation providers.

1.11. The Committee wishes to stress that the universal postal service obligation gives the postal services a distinctiveness, which is not enjoyed by any other economic sector in that it provides direct access points for individual consumers, both individual and businesses, to reliable communication services as well as to government services, banking and other commercial facilities in many Union countries. Such services are of particular relevance to excluded communities, both in urban and rural areas.

1.12. The Committee accepts that the universal service providers face a unique set of challenges from further liberalisation because of existing investments in the postal services networks, much of which is fixed (post offices, transport infrastructure, staff, etc.) and from the exponential growth of new technological based solutions to communications for both businesses and individuals (e-commerce, internet, fax, broadcasting, etc.).

1.13. The Committee recognises that this increased use of Internet based services could lead to a further decline in the traditional letter based postal services, the mainstay of the reserved services, and that excluded groups are less likely to have access to these Internet-based services.

1.14. The Committee accepts that changes over the next decade will be driven by technological advances and will increase pressures to develop and deliver increasingly tailored and customised solutions to different groups of customers by the postal services, whether through a universal provider or through specialist postal services deliverers.

1.15. It is the view of the Committee that this will lead to a restructuring in the employment within the sector, with a

potential shift from the universal service providers to new entrants. The Committee is of the view that such shifts should not be at the expense of the quality of employment for EU citizens. Indeed, human resource development and support may have to be intensified within the sector.

1.16. On the other hand, the Committee is also of the opinion that such technological change opens up new possibilities for the development of new products such as encryption services secure transmission via the Internet and products tailored to the needs of individual customers, which will benefit both the incumbent universal services provider as well as new entrants into the market place, both in terms of income generation and employment opportunities.

2. The Committee's recommendations regarding the proposals

2.1. The Committee of the Regions agrees with the principles aimed at reconciling the furtherance of a gradual and controlled liberalisation of the postal services with a durable guarantee of the provision of the universal service, as this is likely to lead to a better quality of service for the consumer, both individual and businesses.

2.2. The Committee recommends that more emphasis must be given to the distribution of potential job losses, particularly in remote rural and excluded urban communities, where the postal services provide a significant avenue for employment opportunities. Shifts in employment will have significant impacts on local and regional economies and these must be taken into account in any further liberalisations.

2.3. The Committee of the Regions thinks that the possibility should be considered of using the post-office infrastructure in rural areas as a means of bringing public and other services to regions with a weak communications infrastructure. Post offices could function as a nodal point between peripheral and central areas, preserving and promoting employment and helping to maintain population levels.

2.4. The Committee wonders about the impact on employment forecast by the Commission, and therefore requests that member states provide regular employment data to the Commission. This would be in line with the new focus on employment within the Treaty of Amsterdam.

2.5. In the view of the new strategic goal for the Union to create more and better jobs, the Committee recommends that special attention be given to monitoring the quality of employment across the postal sector as a whole to ensure that further liberalisation does not lead to deterioration of working conditions of EU citizens working within the postal services.

2.6. The Committee therefore requests the member states and the Commission to ensure that this aspect is a central consideration to proposals on liberalisation. This work must include an assessment of further human resource development needs to secure high quality employment opportunities for EU citizens.

2.7. The Committee also requests that members states with the Commission examine possibilities arising from new technologies and the existence of an extensive network of post offices across the Union to develop the network further in terms of access to governmental services, including voting in direct elections, education, training and job opportunities, etc.

2.8. Given the unique position and role of the universal postal service in relation to the achievement of the Single European Market, the Committee requests that a further report into the state of the market be carried out after 2003, once the Directive has been implemented, and prior to any further proposals for liberalisation. This should include an assessment as to whether full liberalisation is achievable and indeed desirable in view of the desire aim of maintaining the universal service obligation.

2.9. The Committee welcomes the continuation of the universal service obligation (defined as a minimum of 1 daily, inexpensive, reliable and high-quality collection and delivery to every address, in any location) and requests that this be maintained as a central, basic requirement to be placed on all universal service providers.

2.10. It is the view of the Committee that such a guarantee is essential if consumer confidence is to be maintained and the conclusion of the single market is achieved. The Committee is also of the view that this definition will ensure adequate access for individuals and small enterprises in rural and excluded urban communities in particular.

2.11. New definitions regarding traditional services and special services have been introduced. According to the Commission's proposal, special services outside the universal service are to be liberalized whatever the price limit. The Committee considers that the definition of special services needs to be tightened, so that the economic content of the universal service is protected. Indeed, the proposed definition is so broad that any competitor defining its services as 'special' could easily circumvent the reserved area, thus jeopardising the financial viability of all universal service providers.

2.12. The Committee regrets the introduction of the new concept of special services without any analysis as this puts into question the principle of adaptability of the universal service, as provided for by article 5 of the 1997 Directive. The deletion of the reference to price for those services would be a matter of serious legal uncertainty for the sector and would impact on the economic viability of the Universal Service Obligation providers.

2.13. The proposal from the Commission argues for a reduction from 350 grammes or 5 times the normal tariff to 50 grammes and 2,5 times the tariff. It is the view of the Committee that this could potentially undermine the ability of the universal service provider to deliver on this obligation. The 1997 Directive foresaw a controlled and gradual liberalisation and the Committee is therefore of the view that the step change should be to 150 grammes, not 50 grammes.

2.14. The Committee considers this area of extreme importance to the local and regional authorities and therefore requests to be kept up to date with further developments.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on:

- the ‘**Proposal for a Directive of the European Parliament and of the Council on the coordination of procedures for the award of public supply contracts, public service contracts and public works contracts**’, and
- the ‘**Proposal for a Directive of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy and transport sectors**’

(2001/C 144/08)

THE COMMITTEE OF THE REGIONS,

having regard to Proposal for a Directive of the European Parliament and of the Council on the coordination of procedures for the award of public supply contracts, public service contracts and public works contracts and the Proposal for a Directive of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy and transport sectors [COM(2000) 275 final — 2000/0115 (COD) and COM(2000) 276 final — 2000/0117 (COD)];

having regard to the decision of the Council on 8 September 2000, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult it on this matter;

having regard to the decision taken by its Bureau on 2 June 1999, to draw up an opinion on this matter and to instruct Commission 6 for Employment, Economic Policy, Single Market, Industry and SMEs to undertake the preparatory work;

having regard to the Commission's Communication on Public Procurement in the European Union (COM(98) 143 final);

having regard to its opinion on the Commission's Communication on Public Procurement in the European Union (CdR 108/1998 fin)⁽¹⁾;

having regard to the Commission's Green Paper on Public Procurement in the European Union: Exploring the Way Forward (COM(96) 583 final);

having regard to its opinion on the Green Paper on public procurement in the European Union: Exploring the way forward (CdR 81/1997 fin)⁽²⁾;

having regard to the decision of its President of 26 October 2000 to appoint Ms Segersten-Larsson as rapporteur general to draw up an opinion on this subject, in accordance with Rule 40.2 of the Rules of Procedure of the Committee of the Regions;

having regard to a number of relevant European Court of Justice rulings, such as the judgment of the Court of Justice of 26 September 2000 in case C-225/98, the Commission versus France, for failure to fulfil its obligations under Council Directive 71/305/EEC of 26 July 1971, as amended by Council Directive 89/440/EEC of 18 July 1989 and Council Directive 93/37/EEC of 14 June 1993, concerning various procedures for the award of public works contracts for the construction and maintenance of school buildings;

having regard to the draft opinion (CdR 312/2000 rev. 1), drawn up by the general rapporteur Ms Segersten-Larsson, S-EPP,

adopted the following opinion at its 36th plenary session, held on 13 and 14 December 2000 (meeting of 13 December).

⁽¹⁾ OJ C 373, 2.12.1998, p. 13.

⁽²⁾ OJ C 244, 11.8.1997, p. 28.

1. Views of the Committee of the Regions

1.1. The Committee of the Regions (COR) welcomes the fact that the Commission has taken on board the criticism of the unnecessarily bureaucratic nature and application of the procurement rules, and the Commission's intentions to emphasise increased flexibility, modernisation and simplification.

1.2. The COR endorses the idea of merging the three standard directives into a single directive. The readability of the Directive has been simplified considerably by introducing contents pages and intermediate headings in the texts. This is a positive development.

1.3. It is also positive that the proposal would increase opportunities for electronic trade, and this is entirely in line with what the COR has proposed in the past.

1.4. It quite rightly includes measures to discourage organised crime in public procurement.

1.5. The COR also welcomes the fact that the telecommunications sector is exempted from the Utilities Directive.

1.6. However, the COR feels that the Commission has sometimes lost its way in its proposals and that, as presented, they lack certain elements. Unfortunately, the COR also thinks that some of the proposals would be counter-productive.

1.7. The COR considers that the Commission's plans to address a number of important topics including environmental and social considerations in procurement in non-binding interpretative documents are not appropriate and wishes to see these important topics properly addressed in the directives.

1.8. The COR considers that the proposed Directive must state explicitly that it is possible for contracting bodies to use social or environmental considerations as award criteria, and that these must be mentioned expressly in the invitation to tender. Purely economic criteria should not be the only ones to determine the best and most advantageous tender.

2. The Committee of the Regions' recommendations on the proposed directive

2.1. *Electronic procurement*

2.1.1. While the COR generally welcomes the new provisions on electronic procurement and the reduction in time

limits there are areas in which the COR wishes to see the directive go further. The Committee feels that it is particularly important to address all aspects of electronic procurement as this is a fast changing field and the situation in 2002 when the directive is implemented will be very different to today.

2.1.2. Specifically, the COR urges the Commission to include provisions explaining how the placing of orders through electronic catalogues (online 'marketplaces' or 'shopping malls') should be treated under the directive. This should be closely linked to the provisions on framework agreements, which should be revised in accordance with the COR's suggestions below.

2.2. *New rules on particularly complex procurement contracts*

2.2.1. The COR earlier warmly welcomed the Commission's proposal to introduce more flexible forms of procurement, particularly procurement of complicated equipment and similar contracts. In its Opinion on the Green Paper (point 2.2.13) the COR said that 'provisions on negotiated procedures similar to those of those of the Utilities Directive should be incorporated into other directives'.

2.2.2. The COR understands that the new procedure meets the specific requirements of some Member States whose contracting authorities are engaged in public-private partnerships (PPP) projects on a large scale. However the COR takes the view that the Commission's proposals are not sufficiently far reaching because the procedure is neither sufficiently flexible nor generally accessible. Procurement of services is a field which generally requires much contact between buyers and sellers throughout the procurement process. This is not an exceptional requirement, and the present rules are far too rigid in this area.

2.2.3. The term 'objectively' in the grounds for using the procedure needs to be explained, and an additional ground needs to be added to reflect the reality of PPPs, namely: 'Cannot effectively allocate risks and rewards under the contract without negotiation with economic operators.'

2.2.4. The COR is particularly concerned about the provision concerning 'outline solutions'. Economic operators will consider that they have intellectual property rights in any such outline solutions and may demand payment for such solutions whether or not they are used. As local authorities will have no budget to pay for outline solutions this will effectively prevent them using the new procedure. As an alternative the COR proposes that the term 'outline solution' is substituted. This

would not represent a technical solution but describe the economic operators' approach to carrying out the contract and would help the contracting authority to better define its requirements in the specifications which form the basis of the subsequent negotiations.

2.2.5. In its Opinion on the Green Paper, the COR said that 'it cannot be considered necessary to suspend the procurement procedure because the price offered is higher than the contracting entity can afford, when negotiation could have produced a lower price acceptable to both purchaser and seller'. This problem is not solved by the current proposals.

2.2.6. The COR urges the Commission to amend the directive so that the contracting entity has the possibility to use a negotiated procedure characterised by great flexibility, and to make it possible to hold a wide-ranging dialogue with suppliers before, during and after the procurement process. The Commission ought here to take the provisions of the Utilities Directive as a model.

2.3. *Framework agreements*

2.3.1. In its earlier opinion, the COR expressed the view that framework agreements ought to be expressly permitted in all the directives, and it is to be welcomed that the Commission proposes the regulation of framework agreements. However, the COR takes the view that the proposed regulations are unsatisfactory and do not provide the necessary flexibility.

2.3.2. In its explanatory statement, the Commission distinguishes between framework contracts and framework agreements. Framework agreements are not regarded as contracts within the meaning of the directive, since they do not include all the necessary elements for them to be used as the basis for a delivery.

2.3.3. However, framework contracts are covered by the directive's definition of public contracts. The explanatory statement gives a contract with an order form as an example of such a contract. In some Member States 'framework contracts' of this kind are considered non-binding and hence referred to as 'framework arrangements' or 'framework agreements' in those Member States. By using the term 'framework agreement' in the directive to describe what is essentially a new procedure, the Commission is adding to the confusion rather than bringing clarity.

2.3.4. The Commission's proposals cover only framework agreements in the special sense accorded to this term in the directive, but in the COR's view this is not stated with sufficient clarity. The definition must be clearer. In particular, it should be clear to those Member States who regularly award non-binding framework contracts (which they call framework

arrangements or agreements) that these are to be treated in the same way as any other public contracts and not as framework agreements in the special sense of the draft directive.

2.3.5. The COR sets great store by this, so that doubts will not arise later as to whether agreements now regarded as framework contracts are covered by the new rules or not. For example, this covers the customer choice models used in a number of member countries, where a contracting authority enters into a contract with a number of suppliers, and the individual citizen later chooses the supplier, along with the municipal or regional contracting authority's contract.

2.3.6. Nor is the procedure which would apply to a framework agreement sufficiently flexible. This particularly applies to the fact that competition has to be reopened every time the agreement is used, which generates more work for the contracting entity and defeats the purpose of a framework agreement. It also applies to the requirement for at least three suppliers and the time-limit on the duration of the agreement. This procedure may have a use but it is so different from the normal way in which framework agreements are used in some Member States that it really should be called by another name.

2.3.7. The Commission seems to have assumed above all that the provisions of the framework agreements will be used mainly for procurement of computer equipment and similar procurement contracts. However, procurement under the framework agreements is also used for other types of procurement in order to satisfy an individual requirement, for example facilities for the handicapped: in that respect the proposed method is not realistic.

2.3.8. If the Commission is intent on expressly covering framework agreements in the classical directive, the COR takes the view that the text proposed for the Utilities Directive describes much better the wide range of different techniques which Member States regard as framework agreements and provides the necessary flexibility.

2.4. *Modifications to threshold values*

2.4.1. The Commission proposes that the number of threshold values be reduced and that they be given in euro. It is good in itself for the number of threshold values to be reduced, but expressing them in euro must not mean in practice that any value is reduced from its present level. However, the proposal does in practice mean a reduction in most cases — something which the COR cannot accept.

2.4.2. The COR has stated in earlier opinions that the threshold values are set far too low and ought to be raised. The COR holds to this view and calls upon the Commission to take steps to renegotiate the Government Procurement Agreement (GPA) on this point.

2.4.3. The low threshold values are particularly problematic in the procurement of services, since transaction costs are often relatively high in relation to the value of the contract, as the COR has already pointed out at an earlier stage. Part of the problem with the low threshold values could therefore be solved if a provision were included in the directive to the effect that negotiated procurement with prior announcement would always be permitted for minor service procurement contracts, e.g. for contracts below a value of EUR 400 000. This should enhance flexibility.

2.5. *Criteria for quality selection*

2.5.1. The COR welcomes the fact that the Commission proposes some tightening up with regard to breaches of law by suppliers. It is the COR's view that dishonest suppliers should not be allowed to take part in public procurement.

2.5.2. However, the COR takes the view that the Commission must clarify which situations are covered by Article 46 (1) which states that an economic operator shall be excluded from a procurement contract if he has been convicted of corruption in the previous five years. In countries where a legal person cannot be convicted of corruption, would the provision apply to all the supplier's employees? In the affirmative, are penalties to be imposed — and if so, which penalties — if the economic operator has, for example, introduced appropriate preventive measures in his enterprise or has dismissed without notice the manager who committed the criminal offences without the knowledge of the economic operator? What would then happen if such an employee were to move to another employer or start a new firm? What happens in a case where only a supplier who has been convicted of corruption can deliver certain goods, or where it would be very costly to change supplier? The COR thinks that these questions must be discussed further. It should also be borne in mind here that the penalties would be imposed in accordance with national practice since there is, as yet, no European criminal law.

2.5.3. The proposed wording would most definitely cause problems for the contracting entities and for citizens in the area of pharmaceutical procurement, in cases involving a unique, life-sustaining drug which cannot be obtained from any other supplier. The Commission must consider a different wording for this very special and unusual case.

2.5.4. The COR regards it as most important that the contracting entities should be able to require suppliers to

comply with national social sector regulations in the Member State concerned. A contracting entity should not have to accept suppliers which, for instance, violate rules on job protection, the working environment, minimum pay or child labour. Such requirements should be clearly stated in the invitation to tender, and not be discriminatory. These key aspects are dealt with by the European Court of Justice in the 'Beentjes' case (31/87) and, most recently, in case C-225/98. The COR feels that it is essential for the principles established in case law to be spelt out clearly in the directive.

2.5.5. The COR feels strongly that contracting authorities should be able to ask for additional categories of information at the qualitative selection stage. Specifically, authorities should be permitted to seek information, e.g. on economic operators' policy regarding environmental management.

2.6. *Contract award criteria*

2.6.1. The Commission proposes that the criteria for awarding contracts, where it is not just a matter of the lowest price, should be directly linked with the nature of the contract: this is a new departure. The consequence of this is that environmental requirements cannot be imposed on production processes. The COR, in its Opinion on the Communication on public procurement (point 3.1.2), stated: 'The COR considers it crucial in public procurement to be able, in addition to laying down certain conditions with regard to a product's properties (e.g. the PVC content of plastic), to impose objective requirements concerning the overall environmental impact of a product and of a company, including the production process'. The COR reaffirms that view.

2.6.2. However, the COR welcomes the fact that the environment is mentioned among the criteria to be taken into account in awarding contracts. Although this is not a substantive change — since the adjustment is only by way of example — it is an important signal and a reminder to contracting entities that it is right to consider environmental impact in public procurement. However, the COR takes the view that the word 'environmental impact' should be used in the text of the directive instead of 'environmental characteristics', since the latter wording reduces the scope to impose environmental requirements than exist at present.

2.6.3. The Commission also proposes that the contracting authority should specify the relative weighting which it gives to each of the criteria chosen to determine the most economically advantageous tender.

2.6.4. The Commission's intention is to ensure greater openness in procurement procedures and equal treatment for suppliers. The COR does not think that the rule is likely to have this effect. The rule is based on an unrealistic idea that the value of each of the criteria can be determined when the procurement procedure begins. However, this presupposes that the contracting authorities have complete information at their disposal in advance; this would probably only apply in exceptional cases.

2.6.5. The Commission proposal implies that the scheme would be set up when various parameters have been established and that, with the help of the weighting, it could later be established with mathematical exactitude which tender is economically most advantageous. In practice this is an almost impossible task and, if it also involves 'soft' parameters such as aesthetic profile, it becomes meaningless.

2.6.6. It would be completely impossible to weight the criteria in procurement contracts where a large number of different articles are bought in one and the same contract, e.g. foodstuffs, medical equipment or medicines. In procurement of medicines for hospital use, a county council in Sweden normally buys all the various medicines it needs in one procurement contract. If the criteria were to be weighted, a different weighting would be needed for each group of products. The criteria of 'taste' naturally carries more weight when the medicines are for small children than when they are for adults. This means that the procurement contracts would have to be divided up so that the same weighting applied within each group; this would lead to a situation where a large procurement contract exceeding the threshold value would have to be divided up into many small procurement contracts, many of which would certainly fall below the threshold value.

2.6.7. Professional buyers who have seen the proposal do not think it will work in practice. The COR does not think that impracticable rules should be included in the directive. There is also a high risk that the rule might lead to a large number of unnecessary court cases relating to the weighting.

2.6.8. The contracting authorities should be able to include objective social criteria which are not discriminatory and which guarantee equality of treatment and free competition.

2.7. *Special contract provisions*

2.7.1. The Commission proposes a new rule on the possibility of imposing special requirements on the execution of the contract, the aim of which is to codify existing law on the subject. However, the wording is restrictive in relation to the case law which it is intended to codify, since it introduces a requirement for the condition to be related to the performance of the contract.

2.7.2. The COR thinks it important that the wording which provides the possibility of imposing special conditions on

performance of the contract should not prejudice the contracting authorities' right to decide themselves on what shall be procured; for example, this applies to the possibility of imposing environmental requirements on production processes, and to social requirements which must of course be non-discriminatory so that the requirement can be met by suppliers of all Member States.

2.8. *The common procurement vocabulary (CPV)*

2.8.1. The COR thinks there is a clear advantage in employing only one system. The problem is that the existing CPV nomenclature gives rise to many problems because of its heterogeneous structure and its ambiguity in many areas.

2.8.2. The practitioners in this field point out that it is difficult to find one's way in the CPV (for example, parking meters are listed with medical apparatus and pharmaceutical products), that it is difficult to know which number is relevant in an individual case (e.g. is a given implant surgical or orthopaedic?); in addition, certain headings are missing in some groups (in the health and nursing services group, urban cleansing services are listed while child health care is missing). The deficiencies in the nomenclature also cause problems for suppliers. They say that it is difficult to find relevant notices and that they lack basic data on procurement contracts because the nomenclature has misled them to think that the contract concerned a certain product or service, whereas in reality something quite different is involved. These problems also constitute an obstacle to the extension of electronic commerce.

2.8.3. The COR therefore urges the Commission to improve the CPV nomenclature as soon as possible so as to make it an effective instrument for the future.

2.8.4. An improved CPV could also be a tool enabling the Commission to obtain correct procurement statistics directly from the Tenders Electronic Daily (TED), thereby reducing the administrative burden on contracting entities.

2.9. *Exclusive rights*

2.9.1. The proposal on exclusive rights granted to a body other than a contracting authority (in Article 55) is unclear. The wording is far too broad, as it could perhaps be interpreted as covering all the contracting authority's contracts with private suppliers: from a strictly logical viewpoint, any contract can be said to contain an element of exclusive right. It ought to be made clear, too, that the provision concerns only contracts related to the exclusive right itself.

2.10. *Deadlines in negotiated procurement*

2.10.1. The Commission proposes a tightening of the rules on deadlines in negotiated procurement: a time-limit of 40 days for receipt of a tender is proposed, whereas in the existing directive no deadline is laid down for this.

2.10.2. The COR thinks that the proposal would mean less flexibility, and that the proposed change should not be introduced.

3. **The Committee of the Regions' recommendations on questions not covered in the draft directives**

3.1. *Procurement compatible with the environment*

3.1.1. In its earlier opinions, the COR devoted special attention to the possibility of imposing environmental requirements on procurement contracts. The current proposals for directives are unsatisfactory on this point, since some of the proposals apparently tighten the rules. The COR takes the view that it is essential for regional and local authorities to have the right to decide for themselves what is to be procured. The procurement directive should simply ensure openness and equal treatment in the procurement process. For example, a contracting entity which wishes to buy organic vegetables, or hormone-free meat, should have the right to do so and to refer to relevant environmental markings and certification systems. These requirements are to be set out in the specifications.

3.1.2. Since the Commission, in its draft explanatory communication on environment-friendly procurement, and by tightening up the draft directives, appears to some extent to question this right to buy what one wishes, the COR feels it important for the Commission to include in the directive provisions making it possible to impose requirements for environmental marking and certification on production processes and delivery of services.

3.2. *Inter-municipal cooperation*

3.2.1. In its opinions on the Green Paper and on the Communication on public procurement, the COR referred to the problems which the procurement directive raises for inter-municipal cooperation.

3.2.2. In the opinion on the Green Paper (point 2.4.3), the COR stated that 'it must be established that procurement by regional and local authorities from their own independent legal entities does not fall within the scope of the directives and must be regarded as production carried out under their own management'. The Commission was also urged to clarify

that the transfer of tasks from e.g. a municipality to an inter-municipal cooperative enterprise (e.g. a waste disposal consortium) will not be covered by the directive.

3.2.3. These problems have also been dealt with by the Court of Justice in the Teckal case (Case C-107/98) and in the Arnhem case (Case C-360/96) and by national courts.

3.2.4. The COR calls upon the Commission to clarify these questions in the procurement directive.

3.3. *Privatisation*

3.3.1. The COR has also drawn the Commission's attention in the past to the problems which can arise with the privatisation of public enterprises and in cases where employees are given the opportunity to set up their own business which, under contract, takes over tasks from local and regional authorities.

3.3.2. The COR takes the view that the rules on service procurement should not hinder these processes. On the contrary, it should be possible, as a transitional solution and for a limited period, to purchase without a procurement procedure; this means that the competition would increase in the long run.

3.4. *Definition of service contract and the division into 'A' and 'B' services*

3.4.1. The Commission should consider moving certain services from the 'A' to the 'B' category. Certain financial services, for example, are not suitable for procurement under the very formal rules in category 'A', since, among other things, the provisions on time-limits make it difficult to act in a businesslike manner.

3.4.2. Public service contracts are defined in the proposal as mutually binding agreements between one or more service providers and a contracting authority, which exclusively or principally should cover the services listed in Annex 1. There has been some confusion as to the meaning of 'exclusively or principally', and the phrase ought to be replaced.

3.5. *Qualification systems*

3.5.1. The COR urges the Commission to include provisions concerning 'qualification systems' in the classic directive which parallel those in the new Utilities Directive. Such arrangements are used in several Member States and their use

is now severely constrained by the procurement directives. The Committee does not see why the use of systems by the utilities concerned is considered to be consistent with Community law while other contracting authorities are prevented from using them.

3.6. *Representation of local and regional authorities*

3.6.1. The COR wishes to draw the Commission's attention once again to the fact that, despite the central role played by

local and regional authorities in the application of procurement rules, they are represented only to a very limited extent in the bodies which the Commission regularly consults.

3.6.2. The COR therefore urges the Commission to ensure that the local and regional levels are represented in these bodies; this would enable the Commission to make better use of the experience accumulated by the local and regional contracting authorities.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*

Jos CHABERT

Opinion of the Committee of the Regions on:

- **the ‘Proposal for a Council Decision on guidelines for Member States’ employment policies for the year 2001’, and**
- **the ‘Proposal for a Decision of the European Parliament and of the Council on Community incentive measures in the field of employment’**

(2001/C 144/09)

THE COMMITTEE OF THE REGIONS,

having regard to the Proposal for a Council Decision on guidelines for Member States’ employment policies for the year 2001 [COM(2000) 548 final — 2000/0225 (CNS)] and the Proposal for a Decision of the European Parliament and of the Council on Community incentive measures in the field of employment [COM(2000) 459 final — 2000/0195 (COD)];

having regard to the decisions of the Council on 28 September 2000, under Articles 128 and 129 and the first paragraph of Article 265 of the Treaty establishing the European Community, to consult it on this matter;

having regard to the decision taken by its bureau on 13 June 2000, to draw up an opinion on this matter and to instruct Commission 6 for Employment, Economic Policy, Single Market, Industry and SMEs to undertake the preparatory work;

having regard to its opinion on the Communication from the Commission — From guidelines to action: the National Action Plans for Employment and the Communication from the Commission — Proposals for guidelines for Member States’ employment policies 1999, adopted on 19 November 1998 (CdR 279/98 fin)⁽¹⁾;

having regard to its opinion on the forthcoming economic policy guidelines, adopted on 19 November 1998 (CdR 110/98 fin)⁽²⁾;

having regard to its opinion on territorial pacts for employment, and the link between them and the European Union’s structural policies, adopted on 3 June 1999 (CdR 91/99 fin)⁽³⁾;

having regard to its opinion on the Report of the Business Environment Simplification Task Force (BEST) and the Commission Communication — Promoting entrepreneurship and competitiveness: the Commission’s response to the BEST task force report, adopted on 3 June 1999 (CdR 387/98 fin)⁽⁴⁾;

having regard to its resolution on the European Employment Pact, adopted on 2 June 1999 (CdR 156/99 fin)⁽⁵⁾;

having regard to its opinion on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — The competitiveness of European enterprises in the face of globalisation: How it can be encouraged, adopted on 18 November 1999 (CdR 134/99 fin)⁽⁶⁾;

having regard to its opinion on the Proposal for guidelines for Member States’ employment policies 2000, adopted on 18 November 1999 (CdR 360/99 fin)⁽⁷⁾;

⁽¹⁾ OJ C 51, 22.2.1999, p. 59.

⁽²⁾ OJ C 51, 22.2.1999, p. 63.

⁽³⁾ OJ C 293, 13.10.1999, p. 1.

⁽⁴⁾ OJ C 293, 13.10.1999, p. 48.

⁽⁵⁾ OJ C 293, 13.10.1999, p. 70.

⁽⁶⁾ OJ C 57, 29.2.2000, p. 23.

⁽⁷⁾ OJ C 57, 29.2.2000, p. 17.

having regard to its resolution on the implementation of the European Employment Strategy, adopted on 12 April 2000 (CdR 461/99 fin)⁽¹⁾;

having regard to The decision of its President of 26 October 2000 to appoint Mr Bodfish as rapporteur general to draw up an opinion on this subject, in accordance with rule 40.2 of the Rules of Procedure of the Committee of the Regions;

having regard to the draft opinion (CdR 310/2000 rev. 1), drawn up by the general rapporteur Mr Bodfish UK, PES;

whereas the European Employment Strategy has entered the midterm of its initial five-year period and therefore provides an ideal opportunity to reflect on activity and impact of the strategy to date;

whereas the mid-term review carried out at the Employment Committee level indicates that the Luxembourg process and the four pillar structure of the Strategy has been successful in terms of political impact and in reducing unemployment,

adopted the following opinion at its 36th plenary session, held on 13 and 14 December 2000 (meeting of 13 December).

1. Committee's general views

1.1. The Committee of the Regions finds the outcome of the mid-term review encouraging and suggests that steps should begin now in formulating a more detailed evaluation process to begin in 2004.

1.2. The Committee welcomes also the reduction of the number of Employment Guidelines for 2001 from 22 in 2000 to 19 and the incorporation of 'horizontal objectives'.

1.3. It also notes the proposal for community incentive measures in the field of employment. However further consideration needs to be given to other aspects. EU level measures must comply with the subsidiarity principle, and respect the fact that labour market policy is a national competence.

2. Committee's views and recommendations on the horizontal Objectives — Building conditions for full employment in a knowledge-based society

2.1. The Committee fully concurs with the Commission that the current favourable economic outlook will only be continued with a strong leadership, commitment and concerted action and that these qualities will be required at local, regional, national and supranational level.

2.2. However it is vital that there are also vertical and inclusive arrangements, at Member State level, to ensure policy

developers and delivery organisations are fully involved from the outset of employment policy development.

2.3. Lifelong Learning is a key tool to alleviate social exclusion providing all sectors of society with the necessary skills to participate fully in the labour market. In this respect the Committee agrees with the Commission that strategies for Lifelong Learning are a necessary requirement to stave off the growing skill shortages and bottlenecks currently being reported across a number of Member States.

2.4. However, Lifelong learning strategies must provide a suitable framework to accommodate the regional and local economic variances and that all strategies must state clearly how they will address the skill shortages in the Information communication and technology sector.

2.5. In its communication on Strategies for jobs in the Information Society⁽²⁾, the Commission stated that demand for skilled workers in this new area is likely to increase and recent reports show that there are currently skill shortages emerging in this area. The Committee feels that this is an important area to address as the ICT sector needs to be fully supported to underpin the number of key elements of the 2001 Guidelines particularly Guidelines 4 through to 6.

⁽¹⁾ OJ C 226, 8.8.2000, p. 43.

⁽²⁾ COM(2000) 48 final.

2.6. The Committee agrees that national governments and regional and local authorities should cooperate with the social partners. The Committee welcomes and advocates a more prominent role for the social partners in defining, implementing and evaluating the employment guidelines which depend on them, stepping up their efforts and active and responsible involvement in modernising work organisation, lifelong learning and increasing the employment rate, particularly for women.

2.7. The role and remit of the local regional authorities have been stated clearly in the Committee's opinion on Employment Guidelines 2000 but the Committee wants to re-emphasize the facilitating role of local authorities in bringing the key organisations together at the local and regional level. The delivery of the NAPs takes place at the local and regional levels and this facilitating role of local and regional authorities in bringing the key actors together with expertise in a number of fields ensures that the required 'policy mix' takes place. Given the extent of co-funding provided by local and regional authorities, their involvement in the development and implementation of the national action plans for employment is essential.

2.8. Therefore the Committee welcomes the current activity in investigating the possible impact of actors at the local and regional level in the field of Employment. The Act locally for employment campaign has stimulated debate between key local actors including NGOs, enterprise, social partners and local authorities.

2.9. The Committee also contends that the local dimension to the EES is important in bringing the NAPs to fruition and that continued analysis is required.

3. Committee's views and recommendations on the Employment Guidelines 2001

3.1. The COR welcomes the reduction of the Employment Guidelines from 22 to 19. In general the Guidelines are much clearer and incorporate the key elements of the Lisbon Summit.

3.2. The COR feel that although the role of local authorities is made explicit in Guidelines 12 there are other areas where local authorities may have direct responsibility and this element should not be lost in the other Guidelines. Consequently it makes the following recommendations:

3.3. Guideline 4: The Committee supports the requirement for Member States "to ensure educational systems deliver a continuously updated package of core skills" but would like to stress that the close involvement of enterprise is required to ensure the skills are also relevant to the employer.

3.4. Guideline 7: the role of the social partners varies between Member States and therefore the Member States should engage the relevant partners including local and regional authorities and enterprise to prevent the emergence of bottleneck. Consequently the Committee proposes the following text:

'Member States will, as appropriate with social partners, enterprise and local and regional authorities step up their efforts to identify and prevent emerging bottlenecks, in particular by: it is also important that national governments engage the key industries that are experiencing skill shortages to devise a strategy to alleviate the problem.'

3.5. Guideline 12: The Committee welcomes the role given to local and regional authorities in developing local strategies but would like this activity to be built on existing activity within the authorities and not a new one imposed by national government. Indeed, it is important for the national action plans for employment to include the activities of local and regional authorities in this field, and the priorities of national governments should not be the only ones to be presented. Consequently it proposes that the text be modified from as follows:

'Engage local and regional authorities to develop strategies for employment, based on existing local and regional strategies, in order to exploit fully the possibilities offered by job creation at the local level.'

4. Committee's views and recommendations on Community incentive measures in the field of employment

4.1. The Committee considers it necessary to promote further employment-policy cooperation between the Member States and the exchange of practice.

4.2. The Committee feels that Council Decision 98/171/EC of 23 February 1998 on Community activities concerning analysis, research and cooperation in the field of employment and the labour market has proved its value as a basis for successful cooperation on employment-policy questions.

4.3. The COR would like to suggest that this process should be supported by the current analysis that is carried for the annual Joint Employment Report and that any recurring issues should feed into the special evaluation exercise annually.

4.4. It suggest that the key areas for qualitative and quantitative evaluation should include:

- how national government set and implements their employment policies;
- assess the involvement of all key sectors in the development and the implementation of the NAP;
- assessment of the local and regional authority activity globally and within individual Employment Guidelines;
- assess the involvement of the social partners in defining and implementing the employment guidelines which depend on them;

- assess the degree of involvement of all the partners in the delivery of employment policies at local regional and national levels;
- assess the opportunities for mobility between regions and for cross-border cooperation in the labour market and evaluate the elimination of obstacles to mobility.

4.5. The COR is concerned that the EIM will only cover activities with a 'significant transferability component'. The COR has stated that the Employment Guidelines should not preclude Member States from developing novel and innovative ideas to tackle the issues of unemployment.

4.6. The COR would like to ensure that the best practices that may have a high transferability content do not become a prerequisite without due consideration to the institutional and policy development procedures of the Member States.

4.7. Therefore it is the view of the COR that the EIM should have a two-fold approach:

- a) assessment of activities in the Member State as states above and
- b) a comparative analysis of the common actions between the Member States which is dovetailed into the considerations of the Employment Committee and the Council.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

**Opinion of the Committee of the Regions on the 'Communication from the Commission
e-Learning — Designing tomorrow's education'**

(2001/C 144/10)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission on *e-Learning — Designing tomorrow's education* (COM(2000) 318 final);

having regard to the decision of its Bureau of 13 June 2000, under the Fifth paragraph of Article 265 of the Treaty establishing the European Community, to draw up an opinion on *e-Learning — Designing tomorrow's education* and to instruct Commission 7 — Education, Vocational Training, Culture, Youth, Sport and Citizens' Rights to prepare the opinion;

having regard to the Report from the Commission to the Council and the European Parliament — *Designing tomorrow's education: promoting innovation with new technologies* (COM(2000) 23 final);

having regard to the opinion of the Committee of the Regions on the new Socrates, Leonardo and Youth programmes (CdR 226/98 fin)⁽¹⁾;

having regard to the conclusions of the seminar organised by Commission 7 in cooperation with the Autonomous Region of Madeira, on Lifelong learning and access to new technologies;

having regard to the Draft Opinion adopted by Commission 7 on 3 October 2000 (CdR 314/2000) (Rapporteur: Mr Vieira De Carvalho P-EPP),

adopted the following opinion unanimously at its 36th plenary session of 13 and 14 December 2000 (meeting of 14 December).

1. The Committee of the Regions' views

society to meet changing requirements involves not only structural and industrial changes but also cultural and social ones.

1.1. The COR welcomes the Commission's proposal on the *e-Learning* initiative as an important tool in mobilising all relevant actors to speed up changes in education and training systems and match the needs of the new knowledge-based society.

1.2. The COR shares the concerns voiced at the Lisbon European Council on 23-24 March 2000 concerning the urgent need to ensure that the EU does not lag behind in the global knowledge-based economy and is able to meet the demands of the constantly evolving changes in new technologies as determining factors in Europe's future employment, competitiveness and growth.

1.3. Since rapid technological advance is having a profound effect on the global economy, the COR believes that adapting

1.4. The COR is convinced that creating a learning society based on social cohesion can help meet these new challenges. In this regard, the identification of education and vocational training as key tools in ensuring the integration of digital technologies, in order to maximise their potential, is a precondition for enabling the EU to derive maximum benefit from the opportunities provided, equipping everyone with the skills they need for this digital age.

1.5. The COR welcomes the *e-Learning* initiative's aim of strengthening partnership between the public and private sectors, educational, training and cultural actors, and those in the contents industry. It also welcomes the special focus on cooperation between economic and social actors in implementing the four components of the initiative relating to infrastructure, training, content and services, as well as networking.

⁽¹⁾ OJ C 51, 22.2.1999, p. 77.

1.6. The COR expresses its satisfaction at the initiative's proposal that the resources of the relevant Community programmes and instruments be focused on a strategic range of actions to bring a European dimension and added value to local, regional and national initiatives.

1.7. The COR endorses the target of achieving a ratio of equipment in EU schools of 5-15 users per multimedia computer by 2004. It notes however that this is a highly ambitious target, to which the European Union should contribute, given the presently widely varying rate which ranges from one computer per 25 to one per 400 pupils.

1.8. The COR feels that schools have a major responsibility in giving learners the skills needed to use new information and communication tools.

1.9. On a world market in which nearly 80 % of online resources come from the USA, the COR recognises the urgency of bridging the technological gap between Europe and the USA in terms of both hardware and software.

1.10. The COR is also concerned at the differences within the EU itself, where the southern countries rate badly in comparison, while the middle part of Europe is 50 % behind the USA.

1.11. The COR recognises that the current turnaround rate in terms of renewal in ICT of around nine months is a driving force in the development of the information society, but poses an enormous cost factor on expenditure.

1.12. The COR applauds the European Commission's initiatives to raise awareness of the need to equip schools, such as through the Netd@ys initiative.

1.13. The COR recognises that teachers are at the heart of success in achieving a learning society and is aware of the importance of the human interface of teacher support, since the new technologies are an important pedagogical tool to support teaching.

1.14. The COR emphasises the need for continuous training, especially given that technical know-how is not static and needs to be refreshed regularly. To this end, teachers must be made more aware of how ICT can be used in teaching while

acknowledging, firstly, that the problem of an ageing teaching profession — with most teachers over 45 — can imply a degree of resistance and, secondly, that it is difficult to attract teachers qualified in new technologies.

1.15. The COR is pleased to note that the *e-Learning* initiative will help highlight innovative educational models under which new technologies will enable new types of relationships between students and teachers to be established.

1.16. The COR recognises the need for provision of comprehensive and adaptable good quality on-line services incorporating training, maintenance and support.

1.17. The COR considers that cross-disciplinary prospects have proved highly effective: building on best practice found in schools, often in language learning, can provide a stimulus in other curriculum areas, especially language-learning.

1.18. The COR supports developing school networks into local multipurpose learning centres, accessible to all.

1.19. The COR supports the proposal for an *e-Learning* Internet site to stimulate exchange of experience.

1.20. The enormous funding costs involved will be one of the major obstacles to achieving the targets set by the initiative. The COR is convinced that partnerships between the public authorities and industry can help sustain the initiative. In this regard, local and regional authorities can play an important part in promoting private sector support.

1.21. The COR strongly supports EU co-financing support, granted though Structural Fund assistance in eligible regions as well as through the Community's programmes and financial bodies.

1.22. The COR is aware of the major differences in Europe particularly as regards infrastructure, with growing disparities between regions. The COR welcomes Structural Fund assistance, in particular to support the provision of equipment and set up multi-use local centres accessible to everyone. It is important that this assistance should be in addition to existing aid and that it should not involve replacing existing objectives in the target regions.

1.23. The COR believes that all schools must be able to benefit from the Information Society, in particular schools in peripheral isolated or low-population areas and areas facing social problems. The Committee of the Regions recognises the need to build extensive learner and individual support mechanisms through schools and community-based projects involving parents. To this end, the COR considers local and regional authorities to be best placed to ensure equality of access for all and combat exclusion, without prejudice to support from bodies at other decision-making levels.

1.24. In the COR's view, the use of ICT in education must fully reflect at all levels the needs of those who are most disadvantaged, and special attention should be given to the specific needs of children with learning difficulties or disabilities, with a view to reducing the social division between those who have access to ICT and those who do not.

2. COR recommendations

2.1. The Committee once again stresses its view that the processes of change in technology, industry and society and the resulting need for adaptation cannot be construed as a reason for extending the Community's powers in the field of education. Nor does the incorporation of aspects of education into other areas of policy (e.g. economic, employment and social policy) entitle the Community to broaden its objectives and powers in the field of general and vocational education as laid down in Articles 149 and 150 of the EC Treaty.

2.1.1. In stressing the need for effective teacher training and in-service training to incorporate ICT into teaching practices, the COR would argue that investment in such training needs to be stepped up. Community programmes relating to training and further training, especially Socrates and Leonardo, could make a valuable contribution here.

2.1.2. The COR considers that the Commission must take the measures needed to ensure that beneficiaries under these initiatives have access to communication technologies. This means paying for the initial network connection costs and running costs of training centres. It also believes that the possibility of free access for training centres to ICT should be looked into.

2.2. The COR recognises that the European educational multimedia industry is undersized. The USA has a significant lead, with new commercial enterprises setting up in partnership with the most famous universities. Aware that most

Internet content comes from the USA, the COR recommends the development of European computer content and services. In order to increase the industry's size, it is essential that the Commission decide on appropriate measures to facilitate updating of equipment and speed of data transmission (sufficient bandwidth).

2.3. The COR urges the Commission to support the production and dissemination of high-quality educational software under the Community programmes.

2.4. The COR is convinced that teachers, trainers, learners, parents, industry and the social partners must all be associated in the development of services and software and the infrastructure of support.

2.5. The COR urges that linguistic and cultural diversity be respected in the development of multimedia content, without jeopardising movement towards integration within the European Union.

2.6. There exists a pan-European network of schools connected through the Internet, currently linking more than 500 establishments, which promotes a virtual forum for exchanging information on content and new learning environments: the EUN (European Schoolnet). In the light of this experiment, the COR strongly welcomes the initiative and calls for it to be extended to as many schools as possible.

2.7. Teachers increasingly need easy access to structured exchange and support services and to educational multimedia content. The COR considers it crucially important to devise initiatives facilitating training for trainers and teachers in the new techniques, and to develop services to facilitate levels of interaction via the Internet promoting innovative teaching practices. Similarly, training should be promoted for ICT specialists, either to learn teaching methods and act as support trainers for teachers, or to become experts in developing Internet teaching material, educational software, etc. Working together across the EU to share best practices is vital.

2.8. The COR recommends involving all training and educational establishments, linking schools to research institutes, businesses and public forums such as libraries community access points and museums thereby promoting universal access to education and training.

2.9. The COR recommends obtaining relevant information on objectives achieved in order to follow trends in the use and dissemination of ICT in education and training and to assess progress in attaining targets drawn up by the European Commission for the *e-Learning* initiative.

2.10. Given the key role of local and regional authorities in the provision and delivery of education and training, the COR believes their involvement in the *e-Learning* initiative to be essential in order to achieve the targets set.

Brussels, 14 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on the 'Proposal for a Council decision adopting a multiannual programme to stimulate the development and use of European digital content on the global networks and to promote the linguistic diversity in the Information Society'

(2001/C 144/11)

THE COMMITTEE OF THE REGIONS,

having regard to the Proposal for a Council decision adopting a multiannual programme to stimulate the development and use of European digital content on the global networks and to promote the linguistic diversity in the Information Society COM(2000) 323 final — 2000/0128(CNS);

having regard to the decision taken by the European Commission on 12 July 2000, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult the Committee of the regions on this matter;

having regard to the decision taken by the President of the Committee of the Regions on 3 August 2000 to instruct Commission 7 'Education, Vocational Training, Culture, Youth, Sport and Citizens' Rights' to draw up the relevant Opinion;

having regard to the COR Opinion on the Commission Green Paper: Public sector information: a key resource for Europe Green Paper on public sector information in the information society (COM(1998) 585) (final CdR 190/99 fin)⁽¹⁾;

having regard to the COR Opinion on 'INFO 2000' (COM(95) 149 final) (CdR 22/96)⁽²⁾;

having regard to the COR Opinion on the Communication from the Commission on the multilingual information society and the Proposal for a Council Decision on the adoption of a multiannual programme to promote the linguistic diversity of the Community in the information society (COM(95) 486 final) (CdR 220/96 fin)⁽³⁾;

having regard to the draft opinion adopted by Commission 7 on 3 October 2000 (CdR 316/2000) [rapporteur: Mr Aldo Iskra (SV-EPP)],

adopted the following opinion unanimously at its 36th plenary session on 13 and 14 December 2000 (meeting of 14 December).

1. The Committee of the Regions' views concerning the proposed Decision

1.1. The Committee of the Regions welcomes the fact that the Commission continues to concentrate on the scope for personal and social development offered by the Internet revolution.

1.2. The Committee of the Regions takes the view that the proposal for a multiannual Community programme to stimulate the development and use of European digital content on the global networks and to promote linguistic diversity in

the information society can help to meet the need for content-based products and services on the part of both the individual citizen and society as a whole. The proposal intensifies the drive to encourage new social groups to use the Internet.

1.3. The Committee of the Regions takes the view that linguistic and cultural customisation of information and transactions is important from the economic viewpoint, but also in employment terms. Through linguistic diversity on the Internet, large segments of the European public will have greater access to the aids offered by the information society. Increased access reduces costs for both producer and consumer as well as creating the conditions for entrepreneurship and new job opportunities.

1.4. The Committee of the Regions stresses that a large part of Europe's population has been bypassed by the Internet

⁽¹⁾ OJ C 57, 29.2.2000, p. 11.

⁽²⁾ OJ C 129, 2.5.1996, p. 39.

⁽³⁾ OJ C 337, 11.11.1996, p. 45.

revolution. Apart from inadequate linguistic knowledge, there are many other factors contributing to this 'deprivation', such as a lack of computers, a low level of basic education, underdeveloped technical skills, or mental, physical and social handicaps. Use of the Internet is highly generation-linked, and this factor must be taken into account. Some generations run the risk of not benefiting at all from the possibilities offered by the 'Internet society'. The speed of change in the Internet field is very rapid, and differences between users could increase dramatically.

1.5. The Committee of the Regions takes the view that today's new challenges must be met by being able to draw on new platforms and tools. Networks must be developed where local and regional authorities work in partnership with entrepreneurs, business and individual citizens. The accessibility of the Internet must increase through more people having access to computers but also through user support. Acceptance of linguistic diversity would make it easier for many who currently see themselves as strangers to the Internet world. It is also important to have help from expert staff in the public sector, as well as from entrepreneurs and voluntary associations.

1.6. The Committee of the Regions feels that the commitment of local and regional authorities is essential for achieving progress in the effort to increase the interfaces between actors in the public sector and Internet entrepreneurs. Horizontal rather than hierarchical work models must be chosen. To work openly and flexibly is also important for encouraging new target groups to use the Internet.

1.7. The COR believes that in looking at the issue of access to public sector information one must begin by looking at what information the consumer/citizen requires.

1.8. The Committee of the Regions takes the view that measures in the Internet field which boost accessibility, raise skills and advance knowhow among individual citizens also encourage social dialogue and thereby also strengthen democracy.

2. The Committee of the Regions' recommendations concerning the proposed Decision

Stimulating the exploitation of public sector information

2.1. The COR notes that new technologies facilitate the collection, storage, processing and retrieval of information.

User-friendly and readily available administrative, legislative, financial or other public information enables economic actors to make fully informed decisions.

2.2. The COR in its Opinion on INFO 2000 stressed that effective creation and exploitation of multimedia technology in public sector communication with citizens and businesses can help sharpen the competitive edge of small businesses on national and international markets. This can also improve access of citizens to public sector information: an essential aspect in promoting a participatory civil society which should continue to be focused upon.

2.3. The Committee of the Regions wishes to encourage the creation of local and regional steering groups consisting of local entrepreneurs, technicians, artists and teachers. Such 'spearheads' working at local and regional levels could identify local and regional actors in the Internet field and bring together people with ideas, language skills and entrepreneurial capacity. Dialogue with potential providers of funds is essential and should therefore be initiated at an early stage.

2.4. The COR supports the Commission's proposal for experiments started under INFO 2000 to be accelerated and expanded to provide good practice, these should in particular involve local and regional authorities.

2.5. The Committee of the Regions would like attention to be focused on a number of European 'pilot cases' and resources to be invested in the creation of prototypes which can operate partly as information centres and partly as catalysts of similar processes. Such a selection process presupposes exhaustive 'mapping' which can effectively show measurable results and statistically supported effects.

2.6. The COR recommends that the establishment of European data collections should be supported. The COR notes that the absence of datasets at European level constitutes one of the barriers to the exploitation of the content potential.

2.7. The COR welcomes the proposal for applications of language technology to be promoted among the administrations of Member States. This should be strongly supported in particular in local and regional authorities.

2.8. The COR underlines that given the type of information which local and regional authorities collect, privacy for the individual and personal data protection is paramount and must continue to be so. A balanced scheme is required under any moves to increase access to public sector information, particularly where local and regional authorities are involved.

2.9. The Committee of the Regions stresses the importance of public authorities presenting information on the Internet, and adjusting announcements and payment messages to Internet practices.

2.10. The COR would emphasise how important it is to give disabled people access to the Internet.

2.11. The COR underlines the importance of the principle that increasing public access to Internet should not lead to the imposition of excessive administrative or economic burdens on local or regional authorities.

2.12. The COR emphasises the need for transparency and the importance of information which is free (i.e. provided free of charge) to the greatest possible extent. Access to information is of prime importance in the construction of the information society. Consequently it is essential for the role of the public sector, and more specifically that of libraries, to be taken into account.

2.13. There exists a rich stock of information collections in museums, libraries, copyright and patent deposit systems, educational and training bodies, historical archives and architectural and industrial objects. Many of these collections are still in analogue form but are gradually being digitised. The INFO 2000 programme aimed at mobilising these digital collections for exploitation by the private sector. While the COR has supported this goal, it believes that the commercial exploitation may also come from the public sector as well as the private sector. However, the COR stresses the need to ensure that the public authorities' role of distributing free information is not compromised.

Enhancing linguistic and cultural customisation

2.14. The COR agrees with the European Commission that linguistic differences slow down growth and may hamper overall development of European industries linked to digital content. Adequate support for multilingual and cross-cultural information access and exchange is a key enabler for the development of a European mass market for information products and services. The COR calls on the European Commission to recognise the acknowledged role of local and regional authorities in promoting multilingual access.

2.15. A strong concern of the COR is that the European integration process should respect and preserve cultural diversity upon which citizens' sense of cultural identity is based. The COR calls for local and regional authorities' crucial role in shaping and supporting the rich variety of cultures in the EU to be recognized.

2.16. The COR believes that supporting linguistic customisation of digital products and services will add to the export potential of European content firms.

2.17. The proposed actions constitute a follow-up to actions carried out under the MLIS programme adapted to an increasingly digital environment. Special attention will be given to SMEs and start ups and to less widely spoken EU languages and languages of potential new Member States. The COR strongly supports this action line. It stresses that since local and regional government is the level of government closest to SMEs and has developed economic development strategies to encourage the formation and growth of SMEs, their contribution in this area should be recognized.

2.18. The COR notes the need for a solid base linguistic infrastructure, networked and readily available, that can facilitate the customisation work in all phases of the process. The European Commission aims to establish an open framework comprising standardised and interoperable multilingual resources encompassing e.g. electronic lexicons, corpora, translation memories and terminology collections. These resources will be pooled together to yield accessible repositories. The COR stresses that access to, and promotion of the use of, such an infrastructure should involve in particular local and regional authorities.

2.19. The COR takes the view that initiatives to train teachers and librarians in Internet techniques are of decisive importance.

2.20. The COR wishes to draw attention to the possibility of recruiting interpreters and translators from deprived urban areas. By focusing on young and marginalised groups of immigrants with language knowledge, new groups can be reached and important skills can be acquired.

2.21. The COR wishes to encourage the training of mentors and 'firebrands' who in their turn can work in their associations and at the workplace to foster a new attitude towards the new media. As well as an understanding of the Internet's possibilities, this should increase 'customer skills'.

2.22. The proposed actions will support partnerships between digital content and language industries. Private and public sector content providers and distributors will be stimulated to make their products and services available in a broader range of languages, IT vendors encouraged to provide new tools and delivery channels. The COR maintains that this is essential in order for effective implementation of the proposal. The COR calls for local and regional authorities to be involved in promoting partnerships and raising awareness amongst all actors.

2.23. Given that fostering European linguistic solidarity would have definite economic implications for those regions lagging behind significantly in language terms, particularly where tourism and product promotion are concerned, the COR points out that the programme could in many regions be used to strengthen already existing projects.

Supporting market enablers

2.24. The COR notes that investors are reluctant to provide capital for medium term risk bearing projects and ventures.

Venture capital availability to Internet entrepreneurs in the US is estimated to be around 3-4 times higher than in Europe. Access to risk capital needs and rights clearance process need to be facilitated throughout the EU. The COR notes that small scale enterprises encounter most difficulties in obtaining necessary funding to evolve effectively.

2.25. The COR maintains that the prime responsibility for developing, investing in and exporting European content rests with the digital content industries themselves. However, to tackle the barriers and exploit the opportunities, the COR welcomes the Commission's proposal for supportive action at EU level.

Brussels, 14 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Resolution of the Committee of the Regions on 'The approval of the Charter of Fundamental Rights of the European Union'

(2001/C 144/12)

THE COMMITTEE OF THE REGIONS,

having regard to the Charter of Fundamental Rights of the European Union drawn up by the Convention and jointly proclaimed by the Council, the European Parliament and the European Commission on 7 December 2000 in conjunction with the Nice European Council;

having regard to its opinion of 16 February 2000 on the process of drawing up a Charter of Fundamental Rights of the European Union (CdR 327/99 fin)⁽¹⁾;

having regard to its resolution of 20 September 2000 on the draft Charter of Fundamental Rights of the European Union (CdR 140/2000 fin)⁽²⁾;

having regard to the European Parliament's decision of 14 November 2000 approving the draft Charter of Fundamental Rights of the European Union (A5-0325/2000);

having regard to the Bureau's decision of 10 November 2000, in accordance with the fifth paragraph of Article 265 of the Treaty establishing the European Community, and Rules 42(2) and 40(2) of the Committee of the Regions' Rules of Procedure, to draw up a resolution on the approval of the Charter of Fundamental Rights of the European Union, and to appoint Mr Bore (UK/PSE) and Ms du Granrut (F/PPE) as rapporteurs-general;

whereas the Committee of the Regions has already expressed support for the drawing-up of and for the draft version of the Charter of Fundamental Rights of the European Union;

whereas the scope of the Charter will extend to the Union's institutions and bodies and thus to the Committee of the Regions,

adopted the following resolution at its 36th plenary session of 13 and 14 December 2000 (meeting of 13 December).

The Committee of the Regions

1. considers that the Convention has fulfilled the mandate it received from the Cologne and Tampere European Councils 'to establish a Charter of fundamental rights in order to make their overriding importance and relevance more visible to the Union's citizens';
2. approves the final version of Charter of Fundamental Rights of the European Union of 2 October 2000; it regrets however that it was not involved as a full member in the Convention proceedings, particularly since this issue directly affects European citizens;

3. is nonetheless pleased that some of the Committee of the Regions' demands have been taken into account;
4. argues that such a Charter should have binding legal force, and stresses in particular the need to incorporate it into the Treaties;
5. trusts that the COR will be involved in disseminating and promoting the Charter among the European public;
6. instructs its president to forward this resolution to the president of the European Council, the president of the European Parliament, the president of the European Commission and the chairman of the Convention.

⁽¹⁾ OJ C 156, 6.6.2000, p. 1.

⁽²⁾ OJ C 22, 24.1.2001, p. 1.

Brussels, 13 December 2000.

The President
of the Committee of the Regions
Jos CHABERT

Opinion of the Committee of the Regions on:

- the ‘Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the health strategy of the European Community’, and
- the ‘Proposal for a Decision of the European Parliament and of the Council adopting a programme of Community action in the field of public health (2001-2006)’

(2001/C 144/13)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the health strategy of the European Community; and the Commission proposal for a Decision of the European Parliament and of the Council adopting a programme of Community action in the field of public health (2001-2006) [COM(2000) 285 final — 2000/0119 (COD)];

having regard to the proposal for a Decision of the European Parliament and of the Council extending certain programmes of Community action in the field of public health [COM(2000) 448 final — 2000/0192 (COD)];

having regard to its Bureau's decision of 13 June 2000 to instruct Commission 5 for Social Policy, Public Health, Consumer Protection, Research and Tourism to prepare the Committee's work on the subject;

having regard to its opinion on the Communication from the Commission on the development of public health policy in the European Community (COM(98) 230 final) (CdR 156/98 fin)⁽¹⁾ adopted at the plenary session of 18-19 November 1998 (rapporteur: Ian S. Hudghton);

having regard to its opinion on the Role of the local and regional authorities in the reform of European public health systems (CdR 416/99 fin)⁽²⁾ adopted at the plenary session of 12-13 April 2000 [rapporteur: Tilman Tögel (DE/PSE)];

having regard to its draft opinion (CdR 236/2000 rev. 2) adopted by Commission 5 on 23 October 2000 [rapporteurs: Roger Kaliff (SV/PSE) and Bente Nielsen (DK/PSE)],

adopted the following opinion unanimously at its 36th plenary session on 13 and 14 December 2000 (meeting of 13 December).

Introduction

The Committee of the Regions welcomes the Commission proposal on a health strategy and a programme of Community action in the field of public health. The Committee of the Regions believes that the EU must launch a public health offensive, based on the proposal for a health strategy. The Committee of the Regions looks positively on the Commission's drive for greater coordination and continuity in Community policy in the field of public health, in order to achieve the objectives laid down in Article 3 (p) of the EC Treaty, and in implementation of the new Article 152. The Committee is particularly pleased to see that the Commission places great emphasis on the need for a high level of health protection within the Community.

⁽¹⁾ OJ C 51, 22.2.1999, p. 53.

⁽²⁾ OJ C 226, 8.8.2000, p. 79.

Committee of the Regions' views and recommendations*General*

1. The Committee of the Regions would point out that the proposed health strategy must not lead to a widening of EU competence to include health and medical care. A clear line must be drawn between Community and Member State responsibilities. Any moves towards harmonisation must be ruled out, and Member States must have sole competence for managing health and medical care, using their own organisational and funding systems. The subsidiarity principle must be respected and any Community level measures must bring clear value added to Member State action.

2. The Committee of the Regions would stress the importance of cross-border cooperation between regions, municipalities, towns and Member States. It is extremely important that the EU should use new support structures and practical initiatives to help encourage cross-border cooperation. This would promote development within the Community and in the field of health. The Committee of the Regions' comments regarding future decisions affecting local and regional authority competence in health matters should, in particular, be taken on board.

3. The conditions for good health are created at grassroots level. In many Member States local and regional authorities (hereafter 'regions') are responsible for public health issues and health and medical policy. The Committee of the Regions and the regions responsible for these policy areas wish to participate in and contribute to the development drive, and must be guaranteed a say in Community health policy. The Committee of the Regions assumes that it will be involved in the implementation of the health strategy, e.g. in choosing indicators and in the planned health strategy evaluation. It also takes for granted that the committee which is to assist the Commission will include representatives of the local and regional level.

The health strategy

4. The Committee of the Regions would stress that health discrepancies within the population are amongst the biggest challenges facing many of the Member States and the Community. This will most probably become even clearer when the applicant countries join the Community. While the proposed health strategy is indeed comprehensive and ambitious, it would nevertheless benefit from greater clarity of focus. The Committee of the Regions would therefore suggest that the Commission should focus on health imbalances and hammer out a broad strategy objective. This could be worded as follows: 'The overall objective should be to reduce health risks and health discrepancies in the European Union. Health standards in the various countries and population groups should ultimately approach the best in the EU'. The Treaty must clearly be respected when the objective is followed up and achieved.

5. The consequences of enlargement and increased internationalisation will be significant in the Europe of the future, and the health strategy must make this clear. Health standards in the applicant countries and in many countries bordering the EU are lower. Per capita expenditure on health is lower, as is the average age. This could affect health standards in the

Community, and an investigation should be launched into how the EU and the applicant countries themselves can improve health standards in those countries. In addition to the approximation criteria, attention should focus on solving the public health problems of the applicant countries.

6. Cooperation with international organisations such as the WHO, OECD, etc., should be intensified. It is important that Community measures should complement rather than overlap with the WHO's work.

7.1. The Committee of the Regions welcomes the proposal's focus on the impact of different policy areas on public health. The EU is the common body in Europe which has the competence and ability to impact on a range of health determinants. The Community remit to ensure a high level of health protection in different policy areas is of major importance. This applies in particular to Community policies which have a clear impact on public health, e.g. agricultural policy, employment policy, introduction of the single currency and the eastward expansion of the Community. Other important policy areas are education, mobility, the working environment and consumer policy.

7.2. It is essential that health impact assessment (HIA) models be developed for use in the EU decision-making process.

7.3. Initially, it would be worthwhile introducing HIA models in some areas of agricultural policy. It is not just agricultural policy models which need to be examined — employment policy should also come under the spotlight. Attention should be paid to possible ways of promoting the provision of training for healthcare professionals on an inter-regional basis and promoting mobility of these professionals between regions. As the age of the population rises, the need for public health increases.

8. The Committee of the Regions believes that the opportunities for informed discussion afforded by the European Health Forum can provide value added for European public health. This will require democratic input from both the national and the regional level, together with viable rules. It is important to create a forum for mutual discussion and exchanges of experience — along the lines of the existing Social Forum and the Consumer Policy Forum — rather than a policy or legislative instrument. The European Health

Forum Gastein, which brings national, regional and local representatives together with doctors and other health professionals, has been a positive experience.

The public health programme

9.1. The Committee of the Regions believes that previous public health programmes should be extended until the new one enters into force.

9.2. The Committee of the Regions also believes that specific funds should be allocated for the applicant countries, which have special needs, in order to enable the applicant states to work with public health problems in their countries.

10.1. The Committee of the Regions believes that information technology is of considerable importance in the area of public health, and calls on the Commission to take account of the impact of IT on public health operating models and structures. Quick access to the latest disease prevention measures is of great significance. IT can be particularly beneficial in sparsely populated areas where distances are considerable.

10.2. The Committee of the Regions believes it is important to be able to learn from each other and to have access to quality, comparable data. With regard to the drive to establish a health monitoring system, attention must be paid to ensuring that it is the level of health protection which is assessed, and not the health system itself. It is the sole responsibility of the Member States to draw conclusions from comparative data, and to implement measures.

10.3. The Committee of the Regions recommends setting up an information system in conjunction with other players in the field. Collation and comparison of healthcare data is already carried out by the OECD and the WHO, whose systems the EU could build on. The case for a stand-alone EU system must be investigated thoroughly, and there must be clear benefits in terms of value added.

10.4. Any EU health data system must be designed in such a way as to protect personal integrity.

11. The Committee of the Regions looks positively on generation of knowledge and exchanges of experience in the field of medicines. Common rules for marketing and public information are desirable.

Since prescription and consumer patterns differ from country to country, it is important that information systems should reflect national circumstances.

12. The Committee of the Regions feels that the proposed programme priorities should be more clearly defined, and that mental health issues should be addressed in greater depth.

12.1. The Committee of the Regions believes that Objective 1 of the proposed programme, 'Improving health information and knowledge', should focus more clearly on important indicators for health promotion and prevention of disease. Working to achieve good health is a major priority. This responsibility should not be diluted by making medical care an EU competence.

12.2. The Committee of the Regions endorses the measures proposed under Objective 2, 'Responding rapidly to health threats', since this is an important part of the Commission's work, and it stresses the EU's coordinating role in this area.

12.3. The Committee of the Regions believes that Objective 3, 'Addressing health determinants', should be a priority issue in order to ensure there is sufficient Community interest in, and scope for, long-term public health issues at Community level. It is particularly important to intervene in health issues in the applicant countries. The Objective needs to be outlined clearly and new priorities must be established. For example, of the total EUR 287 million allocated for the programme, only EUR 6 million has been earmarked to address health risks from tobacco, EUR 7 million for nutritional determinants, and EUR 3 million for physical activity; these are all key health determinants.

13. Moreover, the Committee of the Regions suggests that, in order to promote health in the future Europe, the Commission should:

- produce a European report on 'Investing in Health in Europe', similar to the World Bank report, in order to analyse the cost of ill-health in socio-economic terms, and the benefits of investing in health;
- produce regular reports on expected health trends in order to counter new threats to public health in the Community and in the applicant countries;
- launch an ethical discussion on basic evaluation in the field of health, given that different policy areas have repercussions for health and that the Community has many diverse health initiatives;

- to stimulate actively the education of healthcare personnel to European standards and to promote the mobility of healthcare personnel between European regions.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on:

- the ‘Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions “Towards a Community framework Strategy on gender equality” (2001-2005)’, and
- the ‘Proposal for a Council Decision on the programme relating to the Community framework strategy on gender equality (2001-2005)’

(2001/C 144/14)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions ‘Towards a Community framework Strategy on gender equality’ (2001-2005) and the Proposal for a Council Decision on the programme relating to the Community framework strategy on gender equality (2001-2005) (COM(2000) 335 final);

having regard to the report from the European Commission on the implementation of Recommendation 96/694 on the balanced participation of women and men in the decision-making process (COM(2000) 120 final);

having regard to the Council Presidency Report 11829/1/99 of 8 November 1999 reviewing implementation by the Member States and the European institutions of the Beijing platform for action;

having regard to the decision of the Council of 24 July 2000 to consult the Committee of the Regions on the subject, under Article 265 § 1 of the Treaty establishing the European Community;

having regard to the decision of its Bureau of 13 June 2000 instructing Commission 5 ‘Social Policy, Public Health, Consumer Protection, Research and Tourism’ in cooperation with Commission 7 ‘Education, Vocational training, Culture, Youth, Sport & Citizens’ Rights’ to draw up an Opinion on the subject;

having regard to the Supplementary Opinion of Commission 7 on the subject (Rapporteur: Christine May (UK-PSE) (DI CdR 315/2000);

having regard to the draft opinion (CdR 233/2000 rev. 2) adopted by Commission 5 on 23 October 2000 (Rapporteur: Diane Bunyan (UK-PSE),

adopted the following Opinion unanimously at its 36th plenary session (meeting of 13 December 2000).

The Committee of the Regions

is still being undermined by the fact that women and men do not enjoy equal rights in practice’.

1. Strongly welcomes the European Union’s long-standing commitment to gender equality and the extension of the equal opportunities competence in the Treaty of Amsterdam.

3. Welcomes the broad strategy contained within the framework but considers that the Communication does not contain enough detailed information about the way in which the strategy is to be implemented.

2. Agrees with the European Commission assertion that ‘considerable progress’ has been made in the promotion of equal opportunities but that ‘gender equality in day-to-day life

4. Acknowledges the action taken to date by the implementation of past Community Programmes, legislation, and the development of co-operative policies which have made a major contribution towards human rights for women and feels that further action should be taken.

5. Welcomes the mainstreaming approach adopted in the Communication. The COR stresses the importance of a gender equality dimension across all Community policies but emphasises the need for the monitoring and evaluation of all Community policies in terms of gender equality.

6. Believes that mainstreaming could be more easily achieved in the European Commission if the gender Equality Unit of the European Commission was relocated to a more strategic place within the Commission structure.

7. Accepts the need for further strategic interventions in the areas of: economic life, equal participation and presentation, social rights, civil life and gender roles and stereotypes.

8. Considers that the actions and budget outlined in the action programme are inadequate to tackle the problems associated with gender equality; underlines the role of local and regional authorities, which represent the foundation of a democratic society, and which are essential to decision-making processes and the implementation of policies for equality.

9. Expresses deep concern about the small number of references to local and regional government in the European Commission Strategy and at the lack of inclusion of their actions. It should be recognised that collectively, local and regional authorities are the largest employer and has a major representative role in the European Union across all the member states. They have an important function in decision making which affects the everyday lives of millions of women and men. They have a key role as providers of education, training and economic development within the European Union and the capacity to have a major impact.

10. Regrets that the involvement of trades unions and non-governmental organisations in gender equality work has been omitted. Trades unions and NGO's work closely with government at all levels, many have research officers and facilitators and are able to bring their expertise to this work. Social Partnership working should be considered to promote and develop the strategy.

11. Generally supports the emphasis on greater opportunities for women but stresses the fact that boys and men need to be considered in the strategy; Gender equality concerns the relationship between the sexes as groups in society and it is therefore important to highlight this relationship and the conditions experienced by both sexes in all spheres of life. For instance, attention needs to be paid to the situation of young

males from social groups with low expectations for work and inclusion, along with the problem of the generally lower educational attainment of boys. In addition, the low educational attainment of boys needs to be readdressed. It is important that values and attitudes in education systems are revised to reduce gender gaps.

12. Emphasises the important role played by education and training in the promotion of equal opportunities and welcomes progress made in the training and education of women through the structural funds, Leonardo, Socrates and Women into Science programmes and recognises the need for funding to be increased and widened to ensure the continued effectiveness of such programmes.

13. Believes that many women may face other forms of discrimination, due to other factors as set out in Article 13 of the Treaty. The COR is disappointed that the new anti-discrimination programmes have not been integrated with the new gender equality strategy and feels that such links must be developed if the European Commission is to develop a mainstreaming approach.

Draft Charter of Fundamental Human Rights

14. Believes that gender equality is a fundamental human right and that this right should be incorporated into the Draft Charter of Fundamental Human Rights. The COR entirely supports the Commissions' proposals to promote women's rights as human rights in the section of the strategy promoting gender equality in civil life.

Mainstreaming

15. Welcomes the commitment to mainstreaming in the Communication and the move away from the past practice of compartmentalising activities; however, the Committee of the Regions recalls that mainstreaming can best achieve results when accompanied by positive actions. Mainstreaming policies require strong leadership, determination and the recognition of the need to address gender equality issues. All actions need to be accompanied by extensive training so that staff without a background in equal opportunities can integrate equality into their policies.

16. Considers that good practice needs to be identified and work on policies in European, national, local and regional government needs to be carried out to ensure gender mainstreaming is included. In addition, the Commission is encouraged in all areas to develop gender mainstreaming approaches which are not solely policy-based.

17. Considers that good practice may be achieved by the setting of small achievable goals, in stages, which will lead to the ultimate goal of full participation of women and men which can be obtained over a period of time and at the pace which best suits different Member States.

18. Believes that some Directorates General have made excellent progress in mainstreaming e.g. DG Research's Initiative 'Women in Science', but a determined commitment is now needed to be made by all Directorates-General.

Labour Market Issues

19. Welcomes the inclusion of equal opportunities actions in the Guidelines for the European Employment Strategy and National Employment Action Plans, and the recognition of the work of regional and local government in promoting local entrepreneurship and enterprise. However, the European Commission has identified large gender gaps in national employment policies and strategies which indicate that a number of Member States have a great deal of work to do in the promotion of equal opportunities in national labour markets.

20. While recognising the progress that has been made in the integration of equal opportunities within the structural funds, it would like to emphasise the importance of Member States annual implementation reports in terms of monitoring progress in equal opportunities.

Recalls moreover that, in spite of legislative progress, there is still a need for initiatives in favour of women in the area of employment, particularly in order to:

- obtain employment and preserve it,
- have equal access to vocational training and professional promotions,
- ensure the reconciliation of work and family life for both men and women,
- have a balanced representation in different occupations as well as among the different levels of responsibility,
- encourage entrepreneurial undertakings by women,
- have the same working conditions, notably equal pay for work of equal value,
- have a working venue, organisation and conditions that are equally adapted to women and men,
- underlines that all levels of decision-making — European, national, regional, local and intermunicipal — must

inscribe equal opportunities in their policies, particularly in the area of employment and vocational training. The use of the structural funds, and in particular the European Social Funds via the implementation of the Equal programme, should strengthen the support for local initiatives promoting this equality.

Social Inclusion

21. Considers that many groups of women who cannot be active in the labour market or are single parents, without adequate support facilities, experience high levels of social exclusion. Acknowledging that the EU is currently developing its policy on social inclusion and many Member States are refining their national policies, the COR believes that the promotion of gender equality in civil life and the equal access and full enjoyment of civil rights are important aspects in ensuring that women feel socially included.

22. Considers that policy makers should recognise the social exclusion faced by many groups of women, including those who are in the groups set down in Article 13 of the Amsterdam Treaty, and promote gender equality in policies devised to promote social inclusion. These objectives are key parts of the strategy and the COR supports the actions under these objectives. In particular, the Committee of the Regions stresses the importance of the STOP and Daphne programmes.

23. Urges the European Union to integrate equal opportunities into its revised public procurement Regulations as a way of promoting women's employment and recognises the role of women in local government in this process.

Governance

24. Welcomes the Council Recommendation (96/964/EC) on the balanced participation of women and men in the decision making process. The Commission's implementation report on this recommendation states that the under-representation of women in decision making bodies 'is a persistent phenomenon requiring long-term and multi-faceted strategies'. The commitment to funding the European Women's Lobby in the action programme is welcomed, but the Committee of the Regions feels that the framework needs to consider more actions to promote gender balance in decision-making, including the local and regional spheres of governance.

25. Recognising barriers to women's access to decision making posts at all levels and in all areas of political activity and the need to tackle the obstacles (for example lack of support, lack of information, inaccessible meeting times) as part of the strategy, emphasises that the continued under-representation of women — who constitute over half the population — in political life in all spheres of governance is unacceptable in modern democracy.

26. Acknowledges the role of local and regional government as an important point of access to decision making processes for women and urges the European Commission to instigate a qualitative examination of decision making by women and men in all spheres of governance (European, national, local and regional), to identify how women and men are impacting on decision making processes and to draw up a strategy to address imbalances. To recommend this practice to all members of social partnerships i.e. trades unions, NGO's and enterprises.

27. Calls on the Member States to fully apply the European Council's Recommendation of 2 December 1996 on the balanced representation of women/men in decision making in all spheres of governance.

28. Underlines the importance of the exchange of experience and best practice between representatives of local and regional authorities in attaining equality at sub-national level.

29. Undertakes to produce or commission a comparative study into gender-balance in decision-making in local and regional government in the applicant countries and in the existing Member States, with a view to identifying best practice and stimulating exchange of experience, to be published by mid-2001 as a contribution to the enlargement process.

Indicators, monitoring and evaluation

30. Welcomes the proposal to adopt a performance management approach in the Framework Strategy characterised by clear assessment criteria, monitoring tools, benchmarks, gender proofing and evaluation. The COR believes that these techniques must be rigorously applied if gender equality is to be a reality rather than just a policy aspiration.

Targets

31. Agrees that common indicators and benchmarking need to be developed to improve the gender balance in

decision-making at all levels, and to ensure effective and efficient monitoring, these to be determined in a staged fashion to ensure maximum participation and encouragement.

Action programme

32. Expresses concern at the limited nature of the action programme both in terms of the type of activity that will be eligible under the programme and the size of the budget. The Committee of the Regions is particularly concerned that the majority of the budget is devoted to awareness raising and regrets that, after four EU equal opportunities programmes, this should still be the focus of activity, e.g. the funding of the Presidency events, an Annual European Week and meetings of experts.

33. Expresses concern that many actions in the programme seem to concentrate on dealing with elites instead of facilitating the development of gender equality at grass-roots level. Calls on the Commission to strengthen the strategy by upgrading the evaluations of the consequences of policy measures in order to convert these into strategic interventions rather than comments on the status quo.

34. Believes that the focus of the programme should be on capacity building, partnerships, exchange of experience, and on support for innovative projects which can demonstrate transferability across the EU Member States.

35. Calls on the Commission to evaluate the educational attainment of women, their choice of education and their opportunities to participate on an equal footing with men in working life and in the political decision-making process.

36. Calls on the Commission and the Member States in particular to see how new sectors, such as information and communications, can create new job opportunities for women. However recognises that educational opportunities need to be considered as well as an information campaign to encourage more women to enter this sector.

37. Acknowledges that men have a major role to play in the equal opportunities process on many levels. Beginning with home responsibilities as a first step, for example, sharing child-care, promoting and taking up the opportunities offered in work-life balance strategies. Calls on the Member States to establish more equitable entitlements to paid parental leave, to enable fathers to play a more supportive role in parenting. Calls on the Commission and Member States to ensure that legislative measures do not have adverse implications for the involvement of women in the labour market.

38. Considers that the actions outline in Strands 1 and 2 are extremely ambitious in view of the budget that is available. For instance, the budget for the annual European Week is only EUR 1 million. In addition, Strand 1 will only fund transnational initiatives of no more than EUR 250 000 in the five-year programme. The gender equality policy area is a large one and the Committee of the Regions regrets that the action programme does not outline in greater detail the areas that it wants to develop in term of awareness raising.

39. Strongly supports the actions in Strand 2 to improve the collection of data and the development of benchmarking so that equal opportunities policies can be compared across the European Union. However, the Committee of the Regions is concerned that the budget allocated to this Strand may not be sufficient to carry out the important actions in this part of the programme. The COR would like to work closely with the European Commission in the creation of benchmarks and performance indicators.

40. Expresses deep concern about the European Commission's change in attitude to the funding of gender equality projects. Local and regional partners were the beneficiaries of

a number of project grants under the fourth action programme which successfully took forward the issue of mainstreaming and came up with extremely practical ways of improving gender equality at the local and regional level. However, the new action programme marks a distinct move away from small innovative projects to much larger projects. In supporting the actions of Member States, the European Commission needs to ensure that projects in the new programme includes players at regional and local levels.

Implementation

41. Calls on the Commission to invite a representative of local and regional government to participate in any expert or consultative groups in the design, implementation and evaluation of actions associated with the programme.

The Committee of the Regions

42. Reaffirms its earlier resolutions on gender-balance in the composition of national delegations to the COR; equal opportunities in the COR secretariat; and mainstreaming equalities issues in the work of its commissions.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on the 'European Commission's proposal for a decision of the European Parliament and of the Council establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion'

(2001/C 144/15)

THE COMMITTEE OF THE REGIONS,

having regard to the European Commission's proposal for a decision of the European Parliament and of the Council establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion [COM(2000) 368 final — 2000/0157 (COD)];

having regard to the decision taken by the Council on 24 July 2000, under Article 265 (first paragraph) and Article 137 of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision taken by its President on 3 August 2000, under Rule 39 of its Rules of Procedure, to direct Commission 5 — Social Policy, Public Health, Consumer Protection, Research and Tourism — to draw up an opinion on the matter;

having regard to point 2 of its opinion (CdR 84/2000 fin) of 14 June 2000 on the Commission Communication entitled 'Building an inclusive Europe' (COM(2000) 79 final)⁽¹⁾;

having regard to the draft opinion (CdR 302/2000 rev. 1) adopted by Commission 5 on 23 October 2000 [rapporteurs: Mrs Hanham (UK/PPE) and Mr Sodano (I/NL)],

adopted the following opinion at its 36th plenary session on 13 and 14 December 2000 (meeting of 13 December).

The Committee of the Regions

1. welcomes the Commission's programme of Community action to encourage cooperation between Member States to combat social exclusion;

2. welcomes the important recognition by the Commission that combating social exclusion is first and foremost the responsibility of Member States and their national, regional and local authorities⁽²⁾; opinion of the Committee of the Regions of 14 June 2000 on the Communication from the Commission — Building an Inclusive Europe (COM(2000) 79 final);

3. welcomes the overall objective of the Community action programme which is to encourage cooperation which would enable the Union and its Member States to make a decisive impact on the eradication of poverty and social exclusion as measured by targets agreed by the Council;

4. welcomes the method of achieving this objective, which is through the translation of European guidelines into national and regional action plans by the setting of specific targets, the adoption of measures which take into account national and regional differences and transnational cooperation to improve understanding and practice;

5. shares the Commission's view that the national action plans should reflect the multi-dimensional nature of social exclusion and deal with access to fundamental rights and services including employment, social protection, health, housing, education, training and culture;

6. welcomes the Conclusions from the Lisbon European Council in March 2000 which state that the Community social exclusion strategy should consist of:

— promoting a better understanding of social exclusion through continued dialogue and exchanges of information and best practice, on the basis of commonly agreed indicators,

— mainstreaming the promotion of social inclusion in Member States' employment, education and training, health and housing policies, this being complemented at Community level by action under the Structural Funds within the present budgetary framework, and

— developing priority actions addressed to specific target groups, with Member States choosing actions according to their particular situations, and reporting subsequently on their implementation;

⁽¹⁾ OJ C 317, 6.11.2000, p. 47.

⁽²⁾ See point 2 of CdR 84/2000 fin.

7. emphasises the importance of promoting a better understanding of social exclusion through continued dialogue and exchanges of information and best practice at all levels, on the basis of commonly agreed indicators by involving all the key actors, including local and regional authorities; and suggests that information and best practice is exchanged on new groups of excluded people such as those lacking skills in information technology;

8. emphasises the key role played by the local and regional spheres of government in implementing the policies designed to eradicate poverty and social exclusion, in their capacity as:

- community leaders and key players in local regeneration partnerships,
- providers and enablers of services to all people in the community,
- catalysts of economic activity and employment,
- major local employers, and
- providers of local information and research⁽¹⁾;

9. welcomes the intention to give particular emphasis within the action programme to integrated, partnership-based and participative approaches. As community leaders and key players in local regeneration partnerships, local and regional authorities have a wealth of experience in developing and leading partnerships involving public sector bodies, all relevant players including the voluntary and community sectors and the private sector and other economic players;

10. welcomes the importance given to ensuring that all the activities covered under the programme will be consistent with other Community policies, instruments and actions, through establishing appropriate mechanisms to coordinate activities relevant to other programmes relating to research, employment, non-discrimination, equality between men and women, social protection, education, training and youth policy, health and in the field of the Community's external relations;

11. emphasises the importance of obtaining maximum synergy between the national action plans (with targets for

eradicating poverty and social exclusion) and the Community programmes and funding instruments and reiterates that this can only happen if there is a real dialogue between all the key actors including local and regional authorities;

12. welcomes the overall objectives established in Lisbon to raise the employment rate from a current average of 61 % to 70 % in 2010, to halve child poverty by 2010 and to reduce the numbers living below the poverty line from 18 % today to 15 % in 2005 and 10 % in 2010, and in particular emphasises that the three strands within the action programme should be applied to the following groups amongst others:

- people who are unemployed and are able to participate in the labour market,
- people who are unemployed and are unable to participate in the labour market due to a lack of relevant skills and training,
- people who are employed but who are experiencing social exclusion due to short term employment and/or low wages and/or inadequate in-work benefits,
- people who are unable to participate in the labour market (for example, due to sickness or caring responsibilities),
- older people who are experiencing social exclusion due to inadequate benefits/pensions,
- people who are excluded from the knowledge society,
- people who are excluded from the labour market due to post-industrialisation;

13. emphasises that the following principles need to be taken into account in implementing the first action strand on the analysis of the characteristics, causes, processes and trends in social exclusion:

- the value of developing national, regional and local indicators, including cross-cutting indicators, to enable comparison to be made across Europe of both national and local information,
- the importance of information sharing across all levels of government — local, regional, national and European, and

⁽¹⁾ See point 3 of CdR 84/2000 fin.

- the importance of ensuring that skills are developed for all agencies and groups in order to ensure accurate and effective use and interpretation of common indicators (with reference to the fifth framework programme which includes a key action on 'increasing human research potential and the socio-economic knowledge base');

14. suggests that in order to facilitate the identification of appropriate quantitative and qualitative indicators (action strand one) and the exchange of good practice (action strand two), the Commission should:

- develop a European database of good practice in promoting social inclusion, including a databank of national and local indicators,
- consult the Committee of the Regions on the structure and content of this database, and
- seek information and statistics from associations of local and regional authorities in Member States in compiling this database⁽¹⁾;

15. emphasises the importance of involving local and regional authorities in the development and implementation of the action programme because:

- local and regional authorities have valuable knowledge and experience to offer in developing common indicators of social exclusion and social inclusion and how they fit local and regional circumstances,
- local and regional authorities can advise on translating European guidelines into national and regional policies by setting specific targets and adopting measures taking into account national and regional differences,
- local and regional authorities have valuable experience in delivering Structural Fund programmes and this is relevant to the objective of mainstreaming the tackling of social exclusion in employment policy, education and training policy, health and housing policies, and
- local and regional authorities have valuable experience in transnational cooperation projects in the social exclusion field (for example, the former Employment Community Initiative);

16. welcomes the intention to address exclusion issues connected with the emerging knowledge society and stresses that local and regional authorities have a key role to play both

in making services accessible to all sections in the community and in taking a comprehensive view of services in their area by using information and communications technology to interact more effectively with citizens, to facilitate participation in leisure and cultural activities, to promote active citizenship, and to ensure that people are able to participate in democratic processes⁽²⁾;

17. draws attention to the inadequacy of the Commission's proposed overall budget (70 million euros over five years) as this is unlikely to cover adequately all three strands of suggested activity and to help Member States make a truly decisive impact on the eradication of poverty, and suggests that the budget be increased;

18. emphasises the importance of all Member States being involved in regular monitoring and evaluation of the national action plans in order to assess and comment on progress made against overall European and national targets;

19. reiterates that the action strands should be equally applicable to urban and rural areas;

20. requests that as part of the intention to involve all parties concerned in the action programme, the Commission has a regular exchange of views with representatives from local and regional authorities (as well as with non-governmental organisations and social partners as mentioned in Article 5.1);

21. requests that the Commission guidelines issued under the programme require Member States to consult with local and regional government in the development of the national action plans under action strand one, and that the Committee of the Regions is involved in the consultation on the development of European wide indicators (reflecting paragraph 4 of the political agreement of the Council of the European Union on 17 October 2000) because for example:

- some national targets and indicators may be practical for European comparison,
- local targets and indicators could be disseminated for information through a European databank on targets and indicators, and

⁽¹⁾ See point 17 of CdR 84/2000 fin.

⁽²⁾ See point 6 of CdR 84/2000 fin.

— the experience and ability of local and regional authorities in collecting data will affect on a practical level what data can be collected nationally and at a European level⁽¹⁾;

⁽¹⁾ See point 18 of CdR 84/2000 fin.

22. emphasises the importance of the Committee of the Regions taking part in the annual EU Round Table Conference on Social Exclusion to be organised in collaboration with the EU presidency;

23. calls on the European Council and the European Parliament to recognise their contribution in ensuring that the local and regional role is properly recognised in this policy area⁽¹⁾.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions entitled Social Policy Agenda'

(2001/C 144/16)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions entitled Social Policy Agenda (COM(2000) 379 final);

having regard to the decision taken by the Council on 26 July 2000, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision taken by its president, on 3 August 2000, to direct Commission 5 for Social Policy, Public Health, Consumer Protection, Research and Tourism to draw up the relevant opinion;

having regard to the draft opinion adopted by Commission 5 on 23 October 2000 (rapporteurs: Ms Buron (F — PSE), Mr Pella (I — PPE) (CdR 300/2000 rev. 1),

adopted the following opinion unanimously at its 36th plenary session on 13 and 14 December 2000 (meeting of 13 December).

The Committee of the Regions

1. Warmly welcomes the publication of a new Social Agenda for the years 2000-2005; appreciates the comprehensive nature of the Agenda drawn up by the Commission, especially regarding the objectives; highlights the need to set out the Agenda's priorities more clearly, as the objectives, though thoroughly worthy, appear numerous and are often only sketched out in general terms.

2. Is glad that as part of the process begun in Lisbon, recognition has finally been given to the close links between economic policy, employment policy and social policy and that social policy has been given its rightful place; stresses, however, that social policy cannot be limited to its role in the production process, and urges the Commission, when it finalises its specific social policy programmes, not to neglect other areas of social policy in favour of aspects that have more immediate economic implications.

3. Welcomes the Commission's desire to ground the Social Agenda's objectives and measures in respect for the principle of subsidiarity, while stressing that this agenda does not seek to harmonise the social policies that are the responsibility of the Member States, but to set common goals and improve coordination.

4. Appreciates the Commission's recognition of the role of regional and local authorities as major players in implementing the Agenda; once again emphasises the fact that this requires the active involvement of these authorities at an earlier stage in the process of framing policies and programmes; the Committee is prepared to play its full role in the open method of coordination developed in Lisbon, and is disappointed not to have been involved in preparing the Social Agenda.

5. Welcomes with interest the Employment and Social Policy Council's intention to adopt structural indicators for employment and social cohesion, to serve as a basis for synthesis reports to be presented to the European Council spring meetings decided on at Lisbon; recalls, however, that to give a true picture of the social and regional cohesion situation in the European Union, the indicators must be applied to the appropriate regional level.

6. Stresses that within the sphere of responsibility of the Treaty and with respect for subsidiarity, legislation is still an essential means of protecting the fundamental rights and quality of life of workers and the public. As regards workers' relations, the Committee emphasises the importance of social dialogue between the two sides of industry as the basis of legislation at European level.

Regarding the various objectives presented by the Commission and its proposals for action

7. Full employment and quality of work

7.1. Agrees with the Commission that the most suitable ways must be found to exploit and realise Europe's employment potential, which, as the Agenda states, is very high. Recognises, in particular, the need for action to realise the potential of the socially excluded.

7.2. Reasserts the conclusions of its opinion of 21 September 2000, on the Communication 'Acting locally for employment'.

7.3. With regard to the development of the services sector and the social economy, believes that proposals should be made in accordance with the definitions applied in the various Member States, and measures taken to facilitate the exchange of good practice.

7.4. Asks the Commission to consult it and the associations representing the local and regional authorities when it drafts the communications on local development planned for 2000 and 2000.

7.5. Shares the Commission's desire to give special attention to innovation and the good practice resulting from the Community initiatives Equal, Interreg III, Leader + and Urban; stresses the fact that the local and regional authorities play a leading part here and that these initiatives may give an insight into the necessary development of the Structural Funds, and especially the ESF, after 2006.

7.6. Highlights the role that local and regional authorities can play in job creation and improving access to employment, quality and duration of employment, and working conditions (see Committee opinions on modernising the organisation of work, older people, anti-discrimination, social inclusion, etc.); endorses the Commission's intention to publish a communication on the social aspects of the procedures for awarding public contracts, on which representatives of regional and local authorities should be consulted at a formative stage.

7.7. Fully supports the bid to step up the development of the learning society, and hopes that the principle of life-long learning, and measures to promote training for old and young alike, will become reality, on the basis of best practice drawn from local initiatives in particular.

7.8. Emphasises the need to imbue Europeans with knowledge of the new technologies, especially the new information systems, from the youngest possible age; this should be done in close collaboration with the local and regional authorities, as they can best ensure that the measures reach everyone, including the more disadvantaged social groups; the aim should be to facilitate access not only to employment but also to culture and to active citizenship, and to ensure their participation in the democratic process.

7.9. Recommends making maximum use of the experience of border region authorities to ensure worker mobility in all areas of daily life.

7.10. Reiterates the need to guarantee the protection of workers employed in new forms of employment, and calls on the Commission to conduct a study of the social consequences of these forms of work and to suggest appropriate measures.

8. **Quality of social protection**

8.1. Refers to its opinion on the modernisation of social protection,

- supporting the four broad objectives endorsed by the Council (quality of work — security of pension schemes — social integration — healthcare), and
- stressing the frequent role of the regional and local authorities in funding and managing a wide range of social services for the public.

8.2. Warmly welcomes the establishment of a Social Protection Committee, and once more states its intention to set up a working group to maintain permanent contact with this committee.

8.3. Believes that it is extremely important to mainstream the objective of social inclusion in all European policies, and in all relevant COR opinions.

8.4. Welcomes the method proposed in the action programme, set out in (COM(2000) 368 final) and approved by the Employment and Social Policy Council on 17 October 2000, to achieve the objective of social inclusion, through the translation of European guidelines into national and regional action plans, setting specific targets and adopting measures that take into account national and regional differences.

8.5. Having given the Commission's Communication 'Acting locally for employment' a positive response, believes that the same approach, based on analysis, examples of best

practice and broad consultation, should be extended to other relevant areas of social protection, such as the fight against exclusion and all forms of discrimination, and gender equality.

9. **Promoting quality in industrial relations**

Points out that the local and regional authorities, themselves employers, have a role to play in this area.

10. **Preparing for enlargement**

Mentions the regular contact it has established with local and regional authorities in the applicant countries and stresses the importance of involving them in consultations and action programmes in the field of employment and social protection, in order to ensure that the public in these countries are ready for membership. In particular, calls upon the Commission to assess and monitor the social situation and the implementation of the social acquis in applicant countries, while regularly monitoring the application of instruments under Article 13 and gender equality action programmes.

Conclusion

11. Reiterates its belief that if Europe is to move closer to its public and become more democratic and transparent, local and regional authorities and civil society must be more closely involved in the design, implementation and evaluation of economic, social and employment policies.

Asks to be involved in the annual spring summit, decided on in Lisbon, which is to take stock of the coordination of these policies.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on the 'Proposal for a Council Directive establishing a general framework for informing and consulting employees in the European Community'

(2001/C 144/17)

THE COMMITTEE OF THE REGIONS,

having regard to the Proposal for a Council Directive establishing a general framework for informing and consulting employees in the European Community [COM(1998) 612 final — 1998/0315 (SYN);

having regard to the decision of the Council of 18 October 2000 to consult the Committee, in accordance with the first paragraph of Article 265 of the Treaty establishing the European Community;

having regard to the decision taken by its president on 8 November 2000 to instruct Commission 5 for Social Policy, Public Health, Consumer Protection, Research and Tourism to draw up the relevant opinion;

having regard to the decision taken by its president on 8 November 2000 to appoint Mr Brown (UK/AE) as rapporteur-general, under Rule 40(2) of its Rules of Procedure,

unanimously adopted the following opinion at its 36th plenary session on 13 and 14 December 2000 (meeting of 13 December).

Initial comments

The Committee of the Regions

1. Welcomes the proposal for a Council Directive in the important area of informing and consulting employees in the European Community. The COR believes that consultation between employers and employees is essential to maintaining good industrial relations and argues that it is important to develop a consensual rather than an adversarial approach to relations in the workplace.

2. Believes that moves towards greater employee consultation is crucial in a fast moving world which is increasingly influenced by technological change and globalisation.

3. Believes that a European framework for consultation and information of employees is important as all employees enjoy freedom of movement throughout the European Union as a result of the Single European Act. However, the Framework needs to take account of subsidiarity and Member State traditions in employee relations. This is a crucial consideration because two Member States do not yet have a statutory system of consultation and information flows between employers and employees.

4. Argues that the creation of a general framework should give Member States and social partners a significant amount of flexibility in developing procedures to incorporate the framework in national policies.

5. Notes that this Directive is designed to supplement Community Directives on collective redundancies, the transfer of undertakings and the European Works Council Directive and the COR believes that this Directive will further strengthen the European Social Model.

The economic, social and legal context for the proposal

6. Agrees that the adaptability of workers is an important aspect of the European Employment Strategy. The Lisbon European Council set a new strategic goal for the European Union which was 'to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion'. One of the EU's greatest strengths is its workforce and the adaptability of workers will be crucial to the achievement of this goal.

7. Notes that the Directive will cover a wide area of industrial relations and would include issues such as lay-off, short-time working, relocation and terms and conditions of service. In order to prevent distortions of competition, the notion of 'workers' should be interpreted within the meaning of Article 39 of the EC Treaty.

Objectives

8. Feels that a Directive is necessary to fill the gaps and overcome the shortcomings in the employee information and consultation provisions currently in force at national and Community levels. While the objectives stress the need to inform and consult employees on economic and strategic developments affecting the company, the Directive also stresses the need to develop flexibility in work organisation within a framework of security and the need to enhance employees' awareness of the need to adapt. The COR welcomes these objectives and is particularly supportive of the need to stress an increased flexibility and the need to adapt amongst employees. The COR believes this is more easily achieved with a spirit of cooperation and consultation.

The proposed provisions and their impact on national systems

9. Argues that the draft Directive will have significant effects on two Member States which currently do not have a statutory or negotiated legal framework establishing information and consultation procedures. It will also have an

impact on the thirteen Member States which have put procedures into place.

10. Believes that the Implementation of the Directive will need careful thought so that subsidiarity and different Member State traditions are respected. The length of time given to Member States for the introduction of the Directive will also be an important consideration.

11. Stresses the importance of Article 5 in ensuring that confidential commercial information is respected and that the Directive does not disadvantage employers by disclosing information which would be advantageous to their competitors.

The proposed Directive and Small and Medium Sized Enterprises (SMEs)

12. Agrees with the European Commission that this Directive should not apply to SMEs employing less than fifty employees.

13. Agrees with the European Commission that the benefits of the framework will spring from the increased commitment of employees to deal with change. The improved competitiveness that change brings to the enterprise and its work organisation will also be an important factor.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on the 'Proposal for a Directive of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services'

(2001/C 144/18)

THE COMMITTEE OF THE REGIONS,

having regard to the proposal for a Directive of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services [COM(2000) 392 final — 2000/0183 (COD)];

having regard to the proposal for a Directive of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services [COM(2000) 393 final — 2000/0184 (COD)];

having regard to the proposal for a Directive of the European Parliament and of the Council on access to, and interconnection of, electronic communications networks and associated facilities [COM(2000) 384 final — 2000/0186 (COD)];

having regard to the proposal for a Directive of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the electronic communications sector [COM(2000) 385 final — 2000/0189 (COD)];

having regard to the proposal for a Directive of the European Parliament and of the Council on authorisation of electronic communications networks and services [COM(2000) 386 final — 2000/0188 (COD)];

having regard to the proposal for a Regulation of the European Parliament and of the Council on unbundled access to the local loop [COM(2000) 394 final — 2000/0185 (COD)];

having regard to the proposal for a Decision of the European Parliament and of the Council on a regulatory framework for spectrum policy in the European Community [COM(2000) 407 final — 2000/0187 (COD)];

having regard to the decision taken by the Council on 25 October 2000, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision taken by its Bureau on 13 June 2000 to direct Commission 3 for Trans-European Networks, Transport and the Information Society to draw up the relevant opinion;

having regard to the opinion of the Committee of the Regions of 17 November 1999 on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on The Convergence of the Telecommunications, Media and Information Technology Sectors and the Implications for Regulation: results of the public consultation on the Green Paper (COM(97) 623 final — CdR 149/98 fin)⁽¹⁾ (COM(1999) 108 final — CdR 191/99 fin)⁽²⁾;

having regard to the opinion of the Committee of the Regions of 13 April 2000 on the Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the Fifth Report on the implementation of the Telecommunications Regulatory Package and the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Towards a new framework for electronic communications infrastructure and associated services — the 1999 Communications Review (COM(1999) 537 final and COM(1999) 539 final — CdR 520/99 fin)⁽³⁾;

⁽¹⁾ OJ C 373, 2.12.1998, p. 26.

⁽²⁾ OJ C 57, 29.2.2000, p. 5.

⁽³⁾ OJ C 226, 8.8.2000, p. 56.

having regard to the draft opinion adopted by Commission 3 on 8 November 2000 (CdR 274/2000 rev. 1) (rapporteur: Mr Koivisto, Mayor of Pirkkala, FIN/PSE),

unanimously adopted the following opinion at its 36th plenary session on 13 and 14 December 2000 (meeting of 14 December).

The Committee of the Regions' views and recommendations concerning the proposal

1. The Committee of the Regions agrees with the Commission's objectives with regard to the criteria for reforming the telecommunications regulatory framework and welcomes the improved clarity concerning the universal service procedures and the measures to promote the interests of users and consumers.

2. The Committee also agrees with the draft directive's objective to ensure, through these measures, the availability of information society services to all at an affordable price.

3. The Committee feels that the variations prevalent in information society services and pricing are above all a regional policy problem, and that if a solution is to be found, the reliance on telecommunications policy will have to be supplemented with a coordinated use of the Community's regional policy tools.

4. The Committee wishes to draw the Commission's attention to the fact that variations in the availability and pricing of information society services do not always respect regional borders, and that localised problems can emerge even within densely populated towns.

5. The Committee agrees with the Commission's view that to obtain a truer picture of the situation, the availability and quality of services must be monitored at a lower geographical level than has so far been the case.

6. The Committee considers that the level of universal service required in the draft directive is too low to meet even the existing needs of users. Nor does it respond to the general

objectives of the new regulatory framework to ensure more rapid Internet connection. The Member States should be given the right to lay down more stringent requirements for universal service at national level.

7. The Committee hopes that the general aim of the regulatory framework to promote competition will also be taken into account in determining the level of universal service and the objective should therefore be to ensure the availability of information society services subject to competition throughout the Community.

7a. The Committee agrees with the Commission that it is of importance to ensure that transparent information on applicable prices, tariffs, standard terms and conditions is available to the public. In order for consumers to make an informed choice, it has to be emphasised that this information is clearly comparable. This can be done by for example indicating the price of call per second.

8. The Committee however wants to point out to the European Commission that the way of distributing net costs in companies might be unfair from the point of view of companies outside the system.

9. The Committee considers it important to implement the users' rights proposals on the use of a European emergency number and a European telephone access code as quickly as possible.

10. The Committee agrees with the Commission's proposal that users' should have the right to number portability and carrier selection. However, the Committee calls on the Commission to ensure that, prior to the proposal entering into force, procedures have been agreed upon which guarantee that the consumer is always aware in advance of the cost of his/her phone call.

Brussels, 14 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on 'The regions in the new economy — Guidelines for innovative measures under the ERDF in the period 2000-2006'

(2001/C 144/19)

THE COMMITTEE OF THE REGIONS,

having regard to the Draft Communication from the Commission to the Member States — 'The Regions in the new economy, Guidelines for Innovative Measures under the ERDF in the period 2000-2006' — adopted on 11 July 2000;

having regard to the Article 22 of Council Regulation (EC) No 1260/1999 laying down general provisions on the Structural Funds⁽¹⁾, stating that 'At the initiative of the Commission ... the Funds may finance innovative actions ... [which] contribute to the preparation of innovative methods and practices designed to improve the quality of assistance under Objectives 1, 2 and 3';

having regard to the decision taken by its Bureau on 10 November 2000, under the fifth paragraph of Article 265 of the Treaty of Amsterdam, to draw up an opinion on the subject and to direct Commission 1 for Regional Policy, Structural Funds, Economic and Social Cohesion, Cross Border and Inter-regional Cooperation to prepare its work on the subject;

having regard to the draft opinion adopted by Commission 1 on 22 November 2000 (CdR 351/2000 rev. 1), rapporteur Mr O'Neachtain, Member of Galway County Council, Member of West Regional Authority (IRL/EA);

having regard to the previous Opinion of the Committee of the Regions on the Structural Funds Innovative Measures 1995-1999 — Guidelines for the Second Series of Actions under Article 10 of the ERDF Regulation, (CdR 303/95)⁽²⁾ 21 September 1995 (Rapporteurs: Holgersson and Pettitt);

considering that these guidelines directly effect regional and local authorities with the management of innovative measures;

that the new proposed guidelines for 2000-2006 introduce a number of significant differences in the application and administration of innovative measures in comparison with the previous programming period;

the need for proposals that are clear, simple and transparent to the Commission, to Regional/Local Authorities and to final beneficiaries;

the need for flexible rules governing measures to promote regional innovation, to facilitate the divergence of administrative and legal organisation at regional level throughout the Union and the objective of promoting effective partnership within these diverse regions;

the role that innovation and technology transfer can play in helping to develop lagging regions and the desirability of promoting such innovation and technology transfer in the least bureaucratic way possible;

that the innovation measures under the ERDF are intended to complement mainstream regional assistance under Objectives 1 and 2;

the innovation measures are one of few EU opportunities that many regions of Europe have to formulate programmes within their regions and seek funding from the EU for uniquely regional proposals,

adopted the following opinion unanimously at its 36th plenary session on 13 and 14 December 2000 (meeting of 13 December).

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ C 100, 2.4.1996, p. 124.

The Committee of the Regions

1. supports the continuation of innovative measures under the ERDF and the role of regions in formulating and promoting innovation;
2. welcomes these draft guidelines for innovative measures under the ERDF 2000-2006 and wishes to see these measures in place as quickly as possible;
3. regrets the fact that the Communication was addressed to Member States and not to the Committee of the Regions (the designated consultative body for Local and Regional Authorities) and to the European Parliament;
4. believes that these innovative measures are an opportunity to develop capacity of Regional/Local Authorities with respect to Community procedure and practices;
5. welcomes the identification of regions whose Regional Authorities are eligible for funding, in particular the clarification in the draft Communication that in, Ireland, Denmark, Finland and Sweden, the NUTS III level Regional Authorities will be invited to make a proposal and would strongly reject any further proposals to change this position;
6. would further propose that innovative measures under Article 22 should also apply in regions that are currently eligible, in whole or in part, under Objective 1 in transition and Objective 2 in transition in order to reinforce the links with ERDF co-financed programmes;
7. considers that in some Member States, this eligibility should also be extended to other statutory public authorities with a pronounced regional remit;
8. recognises the need for practical subsidiarity and for regions to have a direct link with the EU, without being subject to undue financial or administrative control by central governments;
9. welcomes the structured cooperation between those responsible for the management of innovative measures and those in charge of Objective 1 and 2 programmes, however these innovative measures should not be operated as another mainstream Operational Programme;
10. recommends that regions, whose programmes are approved, should be empowered to be the management, control and payment authority for that Programme. If the Commission consider that this might give rise to legitimate concern in particular cases then these concerns should be addressed by appropriate training and capacity building measures;
11. wishes to see a strong emphasis on implementation of individual projects within the regional programmes. Because of the 2-year timeframe for completion of programmes, strategies should be clear, short and quickly approved to ensure that pilot projects/innovative actions are not inhibited due to time constraints;
12. calls for payment schedules from the Commission to regions to be clearly set out in the financial instructions. The procedures should be simple and transparent for both the Commission and the regions. Final payments should not be unduly delayed;
13. wishes to promote subsidiarity, therefore, the payment, control and management of the programmes should be the responsibility of the respective region, this in itself may be innovative in some countries. The COR does not agree that the payment and control agents, in all Member States, be the same as under Objectives 1 and 2 programmes;
14. recommends that regions be eligible to apply for a second programme once the final financial and other reports for the first programme have been received and approved by the Commission without undue delay.
15. urges the Commission to be flexible in interpreting the three priority themes proposed in the draft guidelines. These themes are relevant and important for the promotion of innovation at regional level. However, thematic rationalisation, and the reduction of the number of themes to three, should not result in any stifling of opportunities for promoting innovation at regional level;
16. suggests that under the theme, Regional economy based on knowledge and technological innovation, the content of a Programme could be extended to include:
 - purchase of external expertise,
 - analysis of infrastructure — what exists, its potential,
 - analysis of skill needs particularly in SMEs,
 - prioritise infrastructure needs — particularly telecommunications in rural regions,

- establishment of technological and knowledge research centres, to raise awareness of the considerable importance of the interplay between the public, private and the social economies in promoting development in the regions;
17. suggests that under the theme of e-Europe Regio, the following could also be included:
- establishing Internet sites for regional services,
 - supporting SME to improve Internet sites, by research, training and innovative content (e.g. digital images, links, etc.),
 - providing local authority services over the Internet,
 - pilot use of local radio broadband;
18. suggests that under the theme of Regional Identity and Sustainable Development, the following could also be included:
- a use of technology to preserve cultural and linguistic identity,
 - research and identify, regional sustainable economic activities,
 - opportunities and threats of e-procurement;
19. considers technology transfer to be of significant benefit to regions lagging behind, therefore the transnational cooperation element should be clarified at the outset and incorporated into approved programmes;
20. wishes to emphasise the necessity of skills training to fully utilise technologies and innovations. Particularly with SMEs, if skills training does not happen with the introduction of new technologies, the full long-term benefits will not be realised;
21. recognises that the real test of any strategy is the success or otherwise of pilot projects. These projects must not be unduly restricted or overburdened with unnecessary auditing and control requirements. The Regional Authorities are competent to ensure good financial management administered in a simple, transparent fashion;
22. proposes that as part of the dissemination and discussion on the Annual Report action, an annual conference/seminar should be held, in cooperation with the Committee of the Regions and representatives of the Regions and their partners, to assess progress on the approved Programmes.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on 'Interregional rural tourism projects in the context of Agenda 21'

(2001/C 144/20)

THE COMMITTEE OF THE REGIONS,

having regard to the decision taken by its Bureau on 13 June 2000 in accordance with Article 265(5) of the Treaty establishing the European Community to draw up an opinion on Interregional rural tourism projects in the context of Agenda 21 and to instruct Commission 2 (Agriculture, Rural Development and Fisheries) to prepare its work on the subject;

having regard to Agenda 21, as adopted by the United Nations Conference on Environment and Development in Rio de Janeiro on 14 June 1992;

having regard to the contribution of Commission 5 (Social Policy, Public Health, Consumer Protection, Research and Tourism) (rapporteur: Mr Lafay, Mayor of Sancergues, F/PPE);

having regard to the draft opinion adopted by Commission 2 on 25 October 2000 (CdR 254/2000 rev. 2 — rapporteur: Mr Bocklet, Bavarian Minister for Federal and European Affairs, D/PPE),

adopted the following opinion at its 36th plenary session held on 13 and 14 December 2000 (meeting of 14 December).

The Committee of the Regions

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| <p>1. notes the importance of rural tourism for the regions;</p> <p>2. points out that rural tourism helps to safeguard and create jobs in rural areas, and is a key factor in social and cultural development;</p> <p>3. affirms that rural tourism is a powerful factor in the rural economy that needs to be promoted and supported;</p> <p>4. points out that additional administrative hurdles make professional action more difficult;</p> <p>5. recognises that while regional particularities inevitably play an important role for visitors/consumers, interregional projects can also enhance what tourism has to offer;</p> <p>6. agrees that political and administrative boundaries in the regions have to be overcome in the interests of jointly developing rural tourism;</p> <p>7. welcomes interregional cooperation between rural tourism organisations and associations;</p> | <p>8. supports the call for a sustainable tourism economy in line with Agenda 21, rural tourism especially;</p> <p>9. urges that sustainability be more firmly entrenched in the tourism sector;</p> <p>10. points out that sustainability in the tourism sector protects the existing mainstays of tourism (landscape, culture, customs);</p> <p>11. regards interregional projects as an important contribution to the strengthening of rural tourism as an economic factor;</p> <p>12. calls for technical and multilingual training for personnel involved in tourism;</p> <p>13. considers it necessary that those working in rural tourism be trained on an interregional basis and that consumers be able to see the quality of what is on offer;</p> <p>14. attaches importance to the increased use of electronic media in rural tourism;</p> <p>15. considers that it would be efficient for the regions to provide financial support for interregional training;</p> <p>16. encourages the regions' efforts to develop joint marketing strategies;</p> <p>17. supports the call for more interregional networks to market rural tourism targeted at specific groups;</p> |
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18. considers that health stays on farms can give a boost to rural tourism and should focus on the physical and mental well-being of the guest;
19. sees rural customs as an effective element in increasing the attractiveness of rural tourism;
20. points out that the inclusion of history and historical monuments offers an excellent opportunity for enhancing rural tourism;
21. considers it advisable that integrated tourism plans be drawn up by external experts (e.g. colleges of further education, universities, marketing experts);
22. is of the view that, in the interests of sustainability, more networks should be created linking rural tourism with all regional economic players;
23. calls for environmental and social factors to be taken into account in rural tourism projects along with economic factors, and for an adequate network of personal services — especially healthcare services — to be provided;
24. considers that regions should provide advisory and financial support for interregional rural tourism projects;
25. would like special attention to be paid to the territorial aspect in any discussions of territorial aspects;
26. would like to see an intensive exchange of experience between existing interregional projects;
27. affirms that where necessary a 'tourism product' should be marketed on an interregional basis, especially where the product is targeted at particular groups.

Brussels, 14 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT

Opinion of the Committee of the Regions on 'Towards a barrier-free Europe for people with disabilities'

(2001/C 144/21)

THE COMMITTEE OF THE REGIONS,

having regard to the Commission Communication entitled 'Towards a barrier-free Europe for people with disabilities' (COM(2000) 284 final);

having regard to the decision taken by the European Commission on 12 May 2000, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision taken by its President on 3 August 2000 to direct Commission 5 — Social Policy, Public Health, Consumer Protection, Research and Tourism — to draw up an opinion on the matter;

having regard to the draft opinion (CdR 301/2000 rev. 1) adopted by Commission 5 on 23 October 2000 (rapporteur: Mr Brown UK/EA),

adopted the following opinion by a unanimous vote at its 36th plenary session on 13 and 14 December 2000 (meeting of 13 December).

General comments

The Committee of the Regions

1. broadly welcomes the Communication as an important document which will assist in the promotion of equal opportunities for all disabled persons in the European Union. The Committee of the Regions feels that the issue of mobility is a central one in combating discrimination and the promotion of equal opportunities for disabled people. The COR emphasises the need to recognise that disabled people form part of a heterogeneous group and the specific needs of the different impairment groups must be incorporated; this includes persons with sensory impairment, mental health problems as well as physical and locomotive impairments;

2. welcomes the introduction of anti-discrimination competencies in Article 13 of the Treaty of Amsterdam and the publication of a draft Directive to establish EC law in this area;

3. believes that the Community approach to factoring in the needs of people with disabilities should be further developed along the principles of non-discrimination and inclusiveness. In pursuit of the goals, the COR would request that the European Commission table a Directive which ensures that all new public buildings are suitable for the disabled and 'barrier free'. It would also outline a programme for the conversion of existing buildings to ensure disabled access;

4. feels that, while the Communication outlines appropriate actions, the proposals suffer from lack of details in terms of a budget and a time-scale for the implementation of the measures;

Disability and EU sectoral policies

5. believes that the quest for synergy in the fields of employment, education and vocational training, transport, the internal market, the information society, new technologies and consumer protection will assist in the promotion of equal opportunities for the disabled. The COR would like the European Commission to ensure that any new EU funded infrastructure projects are constructed with due regard to disabled people in accordance with the principles of a barrier-free environment. COR calls for explicit recognition of the access needs of disabled people to be promoted under the Structural Funds including the European Regional Development Fund;

6. welcomes the actions in support of disabled persons in past and present mainstream funding programmes such as the Leonardo, Socrates, Phare, Tacis and Daphne programmes. The commitment to disabled persons in the European Social Fund and the Equal Community Initiative which operate from 2000-2006 is particularly welcome. The Committee of the Regions feels that Member States should outline in detail the progress made to combat discrimination and promote equal opportunities for disabled people in each annual implementation report;

7. believes that the removal of physical barriers is an important step in the positive integration of disabled persons into society. However, the European Union in conjunction with Member States and local and regional authorities need to develop detailed strategies to ensure that all barriers are removed so that disabled persons can play an active role in economic, social and family life;

Moving the EU agenda forwards for people with disabilities

8. welcomes the designation of 2003 as the European Year of Disabled Citizens. The Committee of the Regions believes that this will highlight the active and key role that disabled citizens can play in the European Union and help highlight the problems that handicapped persons can face. The European Year should be part of a detailed strategy to raise awareness of the needs of the disabled and ensure their integration into economic and social life;

9. believes that the Communication is an audit of past and existing activity while outlining proposals for the future. It can be seen as an embryo EU mobility strategy for the disabled, and the COR feels that it would be useful if the European Commission developed an action programme from the strategy with target dates for the proposals, a budget for actions to improve mobility and the creation of performance indicators to measure the success of the strategy. However, this method should be used in a bottom-up process involving the relevant actors at national, regional and local level. Targets should be set after this and be adjustable to take account of local and regional circumstances;

Disability as a Community concern

10. agrees that the main responsibility for equal opportunities and the disabled lies with Member States. The COR agrees with the European Commission when it states that 'the European Community could make a significant contribution in fostering cooperation between Member States and in encouraging the exchange and development of best practice'. It points out that local and regional authorities play a pivotal role in the implementation of these policies. Local and regional authorities are major service providers, purchasers of goods and services, large employers, facilitators of exchange of experience, and demonstrators/disseminators of best practice. As such, it is vital that local and regional government be consulted in the design, implementation and evaluation of any actions arising from this communication;

Equal opportunities and the rights of the disabled

11. strongly argues that rights for the disabled should be incorporated into the EU Fundamental Charter of Human Rights as part of the Charter dealing with equal opportunities. Improving the mobility of the disabled is an important component in the creation of human rights. The Communication statement that mobility 'should be regarded as a right to which everyone should be entitled, subject to reasonable economic and technical constraints' is unsatisfactory because such a right should not be limited in this way;

Transport

12. welcomes the proposals in the area of transport, but believes that the Communication must contain some reference to time-scales in the proposals. However, the COR would like the European Commission to go further in terms of air transport and adopt some of the innovative solutions found in the USA and Canada;

Mainstreaming

13. notes that the EU will promote the integration of the disabled in a number of policy areas, but would like the European Commission to carry out a 'Disability Audit' on all Community policies to ensure that Article 13 of the Treaty of Amsterdam is being actively implemented;

14. wishes to see a greater political commitment from the European Commission to ensure that disability is placed high on the political agenda for the Commission;

Enabling technologies

15. strongly supports the European Commission's efforts to reduce indirect taxation on products associated with the enabling technologies which help the disabled. The COR also supports consumer protection measures to strengthen the consumer rights of the disabled;

Leading by example

16. welcomes the adoption by the European Commission in 1998 of a Code of Good Practice on the employment of people with disabilities. However, the Committee of the Regions is most concerned with the statement that 'posts which can be most easily occupied by those with a disability will also be identified'. This is both patronising and misleading. It implies that people with disabilities are a homogenous group rather than unique individuals with their own skills and abilities who face different barriers to employment;

17. believes that, when given the right support and access facilities, people with disabilities are a valuable part of the labour market;

18. would like to see targets for the employment of disabled staff by the European Commission and would also like to feel that there is a more determined attempt to ensure that European Commission buildings are suitable for use by the disabled. Similar goals should also be adopted by the Committee of the Regions and all COR Opinions should take into account equal opportunities and the needs of the disabled;

18a. to this end, calls on its Bureau to establish a cross-commission working group on equalities (covering the range indicated by Article 13 of the Treaty);

19. understands the need of the European Commission to communicate through the Internet but calls on the Commission to also communicate through more traditional means. In addition, the European Commission needs to take steps to ensure access to the Internet for all disabled groups including the visually impaired. The needs of other disabled groups, such as people with learning difficulties who need simplified documents, should also be taken on board. The COR is concerned that the disabled and disabled groups may not be able to communicate with the European Commission because of the financial costs of the new Information and Communications Technologies.

Brussels, 13 December 2000.

*The President
of the Committee of the Regions*
Jos CHABERT
