

English edition

## Information and Notices

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## II

*(Preparatory Acts)*

## COMMITTEE OF THE REGIONS

**Opinion of the Committee of the Regions on:**

- the ‘**Communication from the Commission to the European Parliament and the Council on a second set of Community measures on maritime safety following the sinking of the oil tanker Erika**’,
- the ‘**Proposal for a Directive of the European Parliament and of the Council establishing a Community monitoring, control and information system for maritime traffic**’,
- the ‘**Proposal for a Regulation of the European parliament and of the Council on the establishment of a fund for the compensation of oil pollution damage in European waters and related measures**’, and
- the ‘**Proposal for a Regulation of the European Parliament and of the Council establishing a European Maritime Safety Agency**’

(2001/C 357/01)

THE COMMITTEE OF THE REGIONS,

having regard to Communication from the Commission to the European Parliament and the Council on a second set of Community measures on maritime safety following the sinking of the oil tanker Erika

- Proposal for a Directive of the European Parliament and of the Council Establishing a Community monitoring, control and information system for maritime traffic
- Proposal for a Regulation of the European Parliament and of the Council on the establishment of a fund for the compensation of oil pollution damage in European waters and related measures
- Proposal for a Regulation of the European Parliament and of the Council establishing a European Maritime Safety Agency [COM(2000) 802 final — 2000/0325-0326-0327 (COD)]<sup>(1)</sup>;

having regard to the decision of the European Council dated 25 January 2001 to consult it, in accordance with Articles 265.1 and 80 of the Treaty establishing the European Community;

<sup>(1)</sup> OJ C 120 E, 24.4.2001, p. 67.

having regard to the decision of its President dated 6 February 2001 to instruct Commission 3 for Trans-European Networks, Transport and the Information Society to draw up the opinion;

having regard to its opinion of 4 April 2001 on the Proposal for a Regulation of the European Parliament and of the Council concerning the Committee on Safe Seas and amending the Regulations on maritime safety and the prevention of pollution from ships; the Proposal for a Directive of the European Parliament and of the Council amending the Directives on maritime safety and the prevention of pollution from ships (COM(2000) 489 final — 2000/0236 and 2000/0237 (COD) — CdR 405/2000 rev.)<sup>(1)</sup>;

having regard to its opinion of 21 September 2000 on the communication from the Commission to the European Parliament and the Council on the Safety of the seaborne oil trade; Proposal for a Directive of the European Parliament and of the Council amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port state control); Proposal for a Directive of the European Parliament and of the Council amending Council Directive 94/57/EC on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations; Proposal for a Regulation of the European Parliament and of the Council on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers (COM(2000) 142 final — 2000/0065 (COD) — 2000/0066 (COD) — 2000/0067 (COD) — CdR 165/2000 fin)<sup>(2)</sup>;

having regard to its opinion of 14 February 2001 on the Communication from the European Commission to the Council and the European Parliament on Integrated Coastal Zone Management: A Strategy for Europe (COM(2000) 547 final), and European Parliament and Council Recommendation concerning the implementation of Integrated Coastal Zone Management in Europe (COM(2000) 545 final — CdR 372/2000 fin);

having regard to the Conventions and Codes drafted by the International Maritime Organisation and International Labour Organisation, for example: International Convention for the Safety of Life at Sea (SOLAS), 1960 & 1974; Convention on the International Regulations for Preventing Collisions at Sea (COLREG), 1972; International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978; International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78); International Safety Management Code (ISM), 1993;

having regard to Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission 1999/468/EC<sup>(3)</sup>;

having regard to the following international treaties and Conventions: 1982 UNCLOS III International Law of the sea; 1992 UNCED Rio Earth Summit; Agenda 21 (Chapter 17 on Oceans); the Paris Memorandum of Understanding on Port State Control, the ongoing work of the International Commission of Shipping on coastal and port state control procedures as well as the conventions and codes set out under the IMO and ILO conventions;

having regard to the draft opinion adopted by Commission 3 on 18 April 2001 (CdR 50/2001 rev.) (rapporteurs: Dr Walsh, UK/ELDR, and Mr Nikos Tabakidis, EL/PSE),

unanimously adopted the following opinion at its 39th plenary session on 13 and 14 June 2001 (meeting of 13 June).

<sup>(1)</sup> OJ C 365 E, 19.12.2000, p. 276, 280.

<sup>(2)</sup> OJ C 212 E, 25.7.2000, p. 102.

<sup>(3)</sup> OJ L 269, 19.10.1999, p. 45.

## THE COMMITTEE OF THE REGIONS' VIEWS AND RECOMMENDATIONS

- conserve the environment, and
- protect property.

### 1. Introduction

1.1. Three separate proposals have been made:

- A proposal for a Directive of the European Parliament and of the Council establishing a Community monitoring, control and information system for maritime traffic.
- A proposal for a Regulation of the European Parliament and of the Council on the establishment of a fund for the compensation of oil pollution damage in European waters and related measures.
- A proposal for a Regulation of the European Parliament and of the Council establishing a European Maritime Safety Agency.

### 2. General comments from the Committee of the Regions on the Erika II proposals

2.1. The Commission is to be congratulated on following up the Erika I proposals so speedily and for bringing forward a generally constructive set of proposals aimed at long-term reinforcement of the more immediate Erika I measures to create a safer maritime environment. Particularly welcome is the focus on liability and the commercial approach to improving safety which this represents, in addition to the regulatory measures.

2.2. Whilst the Committee of the Regions (CoR) supports the Commission's objective to increase the safety of oil tankers it is concerned that this understandable focus should not be allowed to obscure a poorer record of accidents and loss of life experienced in other shipping sectors. The CoR urges the Commission and the Member States to broaden its scope with regard to other ship types and work with the international maritime community in promoting a 'safety culture' in all sectors.

2.3. The issues of maritime safety, marine pollution, and coastal zone management are inextricably linked. If one were to prioritise the agenda for improving safety, reducing pollution and protecting coastal zones it should be as follows:

- protect human lives,

2.4. The major criticism of the European Commission's proposals is that there is an assumption that an ever increasing level of technical measures and reliance on technology can replace the science and art of seamanship or sound management ashore. There is no mention of the human element and that if ships were crewed by sufficient numbers of well trained people, who were not suffering from fatigue, and had adequate protection from the cruder commercial pressures of maritime trade, the safety record would undoubtedly be better.

2.5. With current manning levels at such a low level, the time constraint and pressure on crews is greater now than ever. The Committee of the Regions urges the Commission to construct new regulation in a manner, through the use of proven technologies and management best practice, that reduces the regulatory pressure on the crews themselves. Whatever systems are devised, human factors will always be part of the safety equation.

2.6. The Committee of the Regions encourages the Commission to work proactively with the Member States and the International Maritime Organisation (IMO) to establish agreements on a consensual basis at International level before seeking to invoke additional measures at a European level. This could lead to a more complex legal environment, difficulties in dealing with third country vessels and no real reduction in pollution incidents in European waters of concern to local and regional authorities in coastal regions.

### 3. Navigation Measures to Improve the Safety of Shipping and Prevent Pollution from Ships

3.1. With regard to the requirement for ships sailing in Community waters to carry transponder systems so that they can be automatically identified and constantly monitored by the coastal authorities, the Committee of the Regions is concerned that transponders are largely an untried technology in the marine environment and the regulation will not apply to all ships. However, the Committee of the Regions recognises that transponders have a great potential, especially in alleviating the reporting requirements for ships crews. The Committee of the Regions therefore urges the Commission and the Member States to work in a co-ordinated way through IMO, in order to improve the technical specifications and functioning (e.g. automatic transmission of data) of the transponders.

3.2. The Committee of the Regions recalls the case of the ROSE BAY (Devon, United Kingdom) where an oil pollution incident occurred from a collision between a small fishing trawler and a moored oil tanker. In this case a significant pollution incident occurred with a large clean up cost for the local authorities concerned. The current Commission proposals would not limit this type of accident. (i.e. no provision for fishing vessels below 45 metres).

3.3. The Committee of the Regions is concerned that otherwise valuable technological developments are not seen as 'simple solve-all solutions'. Voyage Data Recorders or 'black boxes' and Electronic data interchange are over emphasised when the human element of training, fatigue and competence play an equally significant role in the reduction of accidents. The application of these technologies to the shipping industry is still new and needs to be developed in cooperation with the proposed European Maritime Safety Agency (EMSA). The proposed measures make no obligation on the Member States to use this data.

3.4. The Committee of the Regions welcomes the European Commission's and Member States efforts to continually review and improve Port State Control systems. These efforts should be encouraged.

3.5. The European Commission should work actively with Member States and the IMO to ensure that a simple, well publicised and transparent policy on 'Ports of Refuge' is operated in EU waters. A number of incidents have taken place, as in the case of the CASTOR (Spain), where a port of refuge has been refused as a result of the doctrine of 'NIMBY' ('Not In My Back Yard') over-riding common sense allowing the potential for damage to a vessel to worsen with the prospect of a serious environmental disaster.

3.6. The Committee of the Regions believes that the decision to leave port should be left to the competency of the Master of the vessel and the Port authorities of the Coastal state concerned, it must be borne in mind that weather can change radically within a short period of time.

3.7. On the issue of Black Lists, the Committee of the Regions questions their use in relation to 'proactively identifying dangerous situations sooner'. Under the Paris Memorandum of Understanding (MOU) on Port State control, Black Lists of flags are compiled already on the basis of ships detained.

3.8. On the issue of intervention, the Committee of the Regions understands that different arrangements exist in each Member State. A number of Member States have nominated a national contact point which will take charge from a technical point of view in the event of a disaster. With different

arrangements across the EU for intervention, the Committee of the Regions would urge the European Commission and Member States to improve co-ordination procedures between agencies. A crucial test of this will be to ensure that all EU coastal states have the courage to allow technical experts to do the best they can to mitigate against disaster without political interference. The experience of the SEA EMPRESS (Wales, UK) exemplifies this challenge. The Committee of the Regions urges the Commission to work closely with the IMO on the topic of intervention. The EU Member States are subject to the provision of International Law relating to the Right of Innocent Passage. The Committee of the Regions is concerned that further reporting requirements may be difficult to implement with third country vessels and burdensome for the ships crews.

3.9. The Committee of the Regions urges the European Commission to ensure that all EU waters are covered by equally effective reporting systems in line with IMO provisions. Despite the legal and administrative hurdles to be overcome with the implementation of a common reporting system, it is important that both the Commission and the Member States take swift action in preparing measures, for presentation to IMO, on a common approach to reporting systems in the EU.

#### **4. Improving the Liability and Damage Compensation Schemes in Force**

4.1. The Committee of the Regions endorses the 'Polluter Pays' principle with the costs of non-accidental sources of pollution being recovered from the owners of the vessel.

4.2. The Committee of the Regions would wish to see further provision brought forward for pollution incidents other than oil. The case of the IEVOLI SUN (Channel coast, France) illustrates this point.

4.3. The Committee of the Regions welcomes the creation of a supplementary fund and the proposal for an effective compensation of claimants over and above the 50 % offered by the International Oil Pollution Fund (IOPC), but the Committee of the Regions would urge the European Commission to develop these proposals effectively with the IMO. Compensation proposed European supplementary fund from (the COPE fund) would thus be based on the same principles and rules as the current international fund system, but subject to a ceiling which is deemed to be sufficient for any foreseeable disaster, i.e. EUR 1 000 million. The Committee of the Regions welcomes the proposal for the COPE Fund to also be used to speed up the payment of full compensation to the victims in the EU.



4.4. The Committee of the Regions reminds the European Commission of the size and diversity of the claims that resulted from the loss of the ERIKA. Some of these claims required significant assessment to ensure careful and efficient resolution. The Committee of the Regions is concerned by the resources that would be required by the European Commission to achieve this follow up effectively thus avoiding delay.

4.5. The Committee of the Regions reminds the European Commission that if the COPE fund is to be successful Member States should provide accurate records of all oil receivers handling in excess of 150 000 tonnes per annum that will contribute to the fund.

4.6. The Committee of the Regions welcomes the thrust of the proposals, but they do not go to the real heart of trying to nail irresponsible ship owners who hide behind single ship companies, switch flags with apparent impunity, and abandon ships and their crews rather than meet their financial obligations when these vessels become embarrassing to them. A recent example of this was the stranding of a coaster, the LAGIK in the river Nean near Boston (Lincolnshire UK), last December. The vessel swung across the river and broke in two. The good news is that the bunkers were removed, the cargo discharged and the ship cut into pieces and removed with no serious pollution. The bad news is that a citizen of an EU Member State who, is the true owner of the vessel, has been able to walk away without meeting any cost of the accident as the ship was registered offshore and owned by a nominee company. It is believed that the clean up costs to the local authorities involved is in the order of £2m. (full details of this incident are available). Similarly, in the case of the CETA (Isles of Scilly, United Kingdom) which was grounded on the Isles of Scilly, the local authorities had to foot the bill of the removal of debris. The crew had been rapidly taken out of the Member State's (coastal state) jurisdiction and there was no compensation fund covering this class of vessel. The Committee of the Regions urges the European Commission and the Member States to establish better co-ordination of their activities in establishing a clear 'chain of responsibility' so that liability for environmental clean up, or mitigating against further damage, can be secured efficiently.

4.7. To ensure the effective operation of the two tier International-EU system, the COPE Fund will only be activated once an accident occurs that exceeds, or threatens to exceed, the maximum limit provided by the IOPC Fund. The Committee of the Regions expects the Commission to establish a clear framework for its operation in co-operation with the IMO.

## 5. A European Maritime Safety Agency

5.1. The Committee of the Regions welcomes this proposal and believes that it has merit for the reasons stated: co-ordinating the implementation of existing legislation, harmonising the training of surveyors and uniformity of survey practices, conducting technical tasks for the European Commission, and collating data.

5.2. The Committee of the Regions believes that it is imperative that the European Maritime Safety Agency is sufficiently resourced in order that well qualified and experienced staff be employed so that it operates effectively and is credible in the eyes of the industry.

5.3. The Committee of the Regions would be keen to see that the terms of reference for the EMSA include other sectors of shipping than just oil.

5.4. Within a complex legal structure at International, European, national and regional level, the Committee of the Regions urges the European Commission to facilitate and continue research through the EMSA into the most appropriate and enforceable procedures. To this end a rationalisation of the existing regulations and directives is welcomed where it contributes to an additional added value in the field of maritime safety.

5.5. The Committee of the Regions urges the Commission to differentiate clearly between the terms of reference of the EMSA and the future proposal on the creation of a Committee on Safe Seas.

5.6. The Committee of the Regions has consistently viewed the issues of maritime safety and marine environmental protection in an integrated manner and believes that it is essential to treat this proposal with a holistic approach. The benefits to European maritime regions of the sensitive introduction of technically sound decisions will result in sustainable coastal zones and an environmentally friendly shipping industry. For this reason, the Committee of the Regions would seek involvement in the Board of the EMSA, as a representative of local and regional authorities engaged in Integrated Coastal Zone management across the EU.

5.7. Conscious of the international dimension of shipping, the Committee of the Regions is keen to ensure that the implications of change within European practice do not force problems of shipping offshore, creating negative impacts elsewhere in the world. The European Commission should ensure that the proposed Agency works proactively with its Member States and the International Maritime Organisation on this issue.



## 6. Conclusions

6.1. These 'Erika II' proposals present an opportunity to take a step back, review the whole picture and endeavour to develop a set of rules which do apply to all classes of ship thus reducing the risk to crews, vessels and coastal environments.

6.2. The Committee of the Regions urges new arrangements to be implemented in such a way that EU action adds value to the existing arrangements put in place at national and regional level.

6.3. It is important to ensure that the EU works proactively to achieve consensual progress in the IMO to achieve new measures and that a clear chain of responsibility is identified for the operation of all shipping in European waters reducing the final negative impacts on local and regional authorities.

6.4. The Committee of the Regions would encourage the European Commission to engage in further research in relation to the technical measures proposed. In designing these research programmes due regard should be given to the operational practices in the shipping industry and the cost/benefit relationships accruing.

Brussels, 13 June 2001.

*The President  
of the Committee of the Regions*

Jos CHABERT

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### **Opinion of the Committee of the Regions on the 'Proposal for a Council Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof'**

(2001/C 357/02)

THE COMMITTEE OF THE REGIONS,

having regard to the proposal for a Council Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (COM(2000) 303 final) — 2000/0127 (CNS);

having regard to the decision of the Council on 25 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 of its President on 19 October 2000, under Rule 39 of the Rules of Procedure of the CoR, to instruct Commission 5 — Social Policy, Public Health, Consumer Protection, Research and Tourism — to draw up an opinion on this subject;

having regard to the draft opinion (CdR 420/2000 rev. 2) adopted by Commission 5 on 19 April 2001. [rapporteur: Mr von Plüskow (D/PSE)],

adopted the following opinion at its 39th plenary session on 13 and 14 June 2001 (meeting of 13 June).

The Committee of the Regions

1. stresses that no time must be lost in reaching agreement between the Member States with regard to giving temporary protection in the event of a mass influx of displaced persons. It is precisely because there is no immediate prospect of a dramatic event such as the Kosovo crisis that this is now the opportunity to draw up well considered and balanced rules;

2. takes the view that giving temporary protection in the event of a mass influx of displaced persons is an important objective for an area of freedom, security and justice. It is an important element in a common European asylum system designed to ensure that both elements — refugee status on the basis of the Geneva Convention and subsidiary protection through the asylum systems of individual states — are effective;

3. welcomes the conclusions of the Presidency of the Tampere European Council of October 1999 which expressed the intention to work towards a common European asylum system based on the full and inclusive application of the Geneva Convention on refugees and maintaining the principle of non-refoulement;

4. highlights the considerable impetus given by the German and Finnish Presidencies and the Council conclusions of 27 May 1999 towards progress in this area;

5. points out that under Article 63(2)(a) and (b) of the EC Treaty, the Council can adopt measures relating to refugees and displaced persons in the following areas:

- minimum standards for giving temporary protection to displaced persons from third countries who cannot return to their country of origin, and

- measures to promote a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons.

The EU's handling of the crises in the former Yugoslavia (Bosnia-Herzegovina, Kosovo) provides evidence that there have been welcome improvements in Member States' machinery for action and procedural structures and in cooperation between Member States. During the Kosovo crisis in particular, action by the Member States, which was coordinated from the start, was a major factor in limiting the conflict;

6. points out that, in the event of a mass influx of displaced persons, it is primarily regions and municipalities which face

major practical challenges. It has been shown that the plethora of different national regulations on giving temporary protection has made it difficult to coordinate the actions of Member States to admit the persons concerned in their respective territories. There are differences in particular with regard to the rights and social benefits of those admitted;

7. therefore welcomes in principle the draft Directive, which has the potential to substantially accelerate the current trend to create an effective Community procedure, thereby helping to achieve the objectives of

- being able to provide EU assistance efficiently and on the basis of solidarity,

- guaranteeing the operability of national asylum systems in the Member States by preventing them from becoming overloaded,

- being able to provide protection for the persons concerned quickly and simply, and

- sharing the burden of reception equally between the Member States;

8. points out that the implications of the proposed Directive will affect local and regional authorities directly, whether in the form of

- social responsibilities in conjunction with the reception of displaced persons,

- practical responsibilities involved with accommodating such persons, or

- financial burdens incurred in meeting their material needs and providing benefits;

Indeed, through their actions in the social field, local and regional authorities play a considerable role in receiving displaced persons. It is important to note that the experiments they are setting up at local level can be a significant breeding ground for transferable projects;

9. regrets that the draft Directive does not contain any rules for the coordinated return of displaced persons from the Member States;

10. emphasises that the draft Directive provides an appropriate overall framework of measures;

11. but notes that modifications are needed with regard to certain aspects of the specific impact on the regions, all the more so inasmuch as the Directive is only intended to lay down minimum standards [cf. also Article 3(5)].

## Recommendations

Focusing on the main elements of the draft, the Committee of the Regions therefore recommends the following modifications and additions to the Commission's proposed Directive:

### 12. **Maximum duration of temporary protection (Article 4)**

The CoR is in favour of limiting the duration of temporary protection as proposed to one year extendible to a total of two years. This provision clarifies and reinforces the temporary nature of refugee reception in the event of a mass influx.

### 13. **Establishment of a mass influx of displaced persons (Article 5)**

The CoR welcomes the proposed establishment of the mass influx of displaced persons by means of a Council decision adopted by qualified majority on a proposal from the Commission. Dispensing with the need for a unanimous decision will serve the objective of providing suitably prompt humanitarian aid in crisis situations.

### 14. **Access to the labour market (Article 10)**

14.1. The CoR welcomes efforts to enable the beneficiaries of such protection to use the time of their stay in a worthwhile manner.

14.2. In addition, the CoR feels it is excessive to pre-empt the Member States' own policy considerations with regard to access to the labour market by means of the proposed minimum standard, which is very generous.

### 15. **Access to general education and vocational training (Article 12)**

15.1. The CoR would stress that access to general education and to vocational training, further training or retraining is essential if those who are receiving temporary protection are to use the time of their stay in a worthwhile manner.

15.2. The CoR welcomes access to the general education system for minors under the same conditions as for nationals of the host Member State.

### 16. **Minimum requirements with regard to family reunification [Articles 13 and 14(3)]**

16.1. The CoR highlights the need to reunite families. However, it is pleased to note that, unlike the proposed Directive on the right to family reunification of 1 December 1999, this proposal does not entail an obligation to justify the right to family reunification. This is primarily in view of the temporary nature of the protection given. These provisions are based on the humanitarian approach to providing assistance, which finds its justification in the causes of the flight. The risk of families becoming separated is particularly great in cases of mass exodus, which is the type of situation this proposal seeks to cater for. It is therefore right that family reunification should be restricted to families established in the country of origin, thereby excluding both reunification with a view to establishing a family and reunification with family members from a third country which is not the country of origin (Comments on Article 13).

16.2. The Committee also considers it unwise to grant unrestricted freedom of choice with regard to the Member State responsible for receiving families. The freedom to choose the host Member State in which the family is to be reunited — as provided for in Article 13(5) — gives cause for concern, as the proposed procedure does not rule out the possibility of subsequently upsetting the balance of burden-sharing in the admission of persons for temporary protection. Experience has shown that Member States differ in their degree of attraction for those seeking protection. Secondary migrations may therefore lead to an imbalance in burden-sharing, apart from entailing additional administrative expense which is not justified in the circumstances. In order to prevent secondary migrations, investigations should be undertaken to confirm the identity of those admitted so as to enable them to be allocated to the individual Member States.

16.3. The CoR therefore feels that family reunification should normally take place in the Member State in which the majority of family members are already staying, or, if there are the same number of family members in each place, the state where family members have been staying the longest.

### 17. **Measures after temporary protection (Article 19)**

17.1. The CoR welcomes the fact that, when the temporary protection ends, the Member States' national regulations on protection and entry and residence of foreign nationals will apply to the persons received.

17.2. The Committee also recommends coordinating Member States' measures to assist with returning displaced persons. It regrets that the proposed Directive does not provide for any such coordination of Member States' measures once the temporary protection is ended. The experience of returning refugees to Bosnia-Herzegovina and Kosovo militates for coordinated action by the Member States on returning as well. The combination of financial assistance and project-oriented reconstruction work could substantially increase the effectiveness of measures to promote and assist voluntary returns. The Committee therefore feels that the Directive should provide for agreement among the Member States on joint efforts to promote reconstruction and the reintegration of displaced persons in their country of origin as a coordinated policy for the return of displaced persons following on from the provision of temporary protection.

To this end it would highlight the comments contained in the Opinion on Migratory Flows in Europe<sup>(1)</sup>, and in particular the initiatives listed in point 3.5 which aim to promote all useful efforts to create the conditions to launch a development process in emigration areas. The Committee would also refer to the conclusions contained in point 4 of the same opinion as providing the first steps towards identifying the measures needed to guarantee implementation of the policies which would ensure optimum reinsertion in the country of origin.

17.3. The CoR also considers it essential to prevent a situation whereby, within the meaning of Article 6(1)(a), Member States may make differing assessments of the possibility of a return, bringing them out of step as regards either proceeding with returns or allowing a longer stay. It would help to promote coordinated measures to assist with returns if the Council were to take a Decision on the possibility of a return for the cases covered by Article 6(1)(a) by analogy with Article 6(2). In dealing with the Kosovo crisis, it proved to be particularly valuable to receive up-to-date and reliable information on the situation in the region. The involvement of NGOs from an early stage was indispensable in this respect.

#### **18. No return in the case of ongoing medical treatment (Article 22)**

18.1. The Committee of the Regions explicitly endorses the proposed arrangements in Article 11, whereby persons enjoying temporary protection are to be granted access to social benefits and appropriate medical and psychological treatment in addition to suitable accommodation. The Committee above all recognises the need to provide those enjoying temporary protection with the medical treatment required to deal in particular with the possible consequences of their war experiences.

#### **19. Funding from the European Refugee Fund (Article 24)**

19.1. The CoR welcomes the proposal to finance the measures provided for in the draft Directive from the European Refugee Fund on a basis of solidarity. It does however recommend either setting up a Community financial reserve for the event of a mass influx, or to make provision for any decision establishing a mass influx to be accompanied by a decision to increase the resources of the European Refugee Fund.

19.2. According to the CoR's assessment, the current financial resources of the European Refugee Fund would be nowhere near adequate to cover the funding needed to provide temporary protection in the Member States. Even with co-financing, the fund would only be a realistic source of financial support if the Council Decision establishing a mass influx of displaced persons was accompanied by a proposal to effect a substantial and short-term increase in the resources of the European Refugee Fund.

#### **20. The principle of double voluntary action (Article 25)**

20.1. The CoR welcomes in principle the proposal to show solidarity in taking on the burdens resulting from the granting of temporary protection and the consequences of reception. It would nevertheless like to see provision made in the Directive for the burden to be shared among the Member States according to stipulated reception capacities. A quota system laying down an obligation to receive a specified allocation would ensure more effective provision of protection as well as clear and transparent burden-sharing.

20.2. In contrast, the CoR feels that the proposed principle of double voluntary action is less effective. The pledging procedure in use when the Kosovo refugees were received was only partially successful in providing rapid and unbureaucratic assistance. Member States' decisions whether to offer protection were determined not only by their capacity and willingness to do so, but also by general political considerations and currents of public opinion. These kind of imponderables are not conducive to effect provision of protection.

#### **21. Joint selection of eligible persons in the event of evacuations**

21.1. The CoR feels that, in order to cater for the possibility that an evacuation of persons in need of protection may

<sup>(1)</sup> (CdR 227/1999 fin), OJ C 57, 29.2.2000, p. 67.

become necessary, the Directive should provide for a panel to be put together jointly by the Member States for the purpose of selecting the eligible persons in the country of origin.

21.2. Past experience has shown that in cases of evacuation from crisis zones — as in the evacuation of Kosovar refugees from Macedonian refugee camps — each Member State sends

its own committee to the region to select those who will be granted protection. Provision should therefore be made in such circumstances for a panel to be put together jointly by the Member States (if necessary involving NGOs) for the purpose of selecting those eligible for evacuation according to uniform criteria in a decision which will be binding on the Member States.

Brussels, 13 June 2001.

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

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**Opinion of the Committee of the Regions on the ‘Communication from the Commission on Strategies for jobs in the information society’**

(2001/C 357/03)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission on Strategies for jobs in the information society (COM(2000) 48 final);

having regard to the decision taken by its Bureau on 13 June 2000, under the fifth paragraph of Article 265 of the Treaty establishing the European Community, to direct Commission 5 for Social Policy, Public Health, Consumer Protection, Research and Tourism to undertake the preparatory work;

having regard to its Opinion on Public sector information: a key resource for Europe — A Commission Green Paper on Public sector information in the information society (COM(98) 585 final) (CdR 190/1999 fin) <sup>(1)</sup>;

having regard to its Opinion on Learning in the information society: An action plan for a European Education Initiative (96-98) (COM(96) 471 final) (CdR 368/96 fin) <sup>(2)</sup>;

having regard to its Opinion on the Green Paper on Living and working in the information society: People first (COM(96) 389 final) (CdR 365/96 fin) <sup>(3)</sup>;

having regard to its Resolution on The information society: from Corfu to Dublin — The new emerging priorities — The implications of the information society for European Union policies — Preparing the next steps (COM(96) 395 final) (CdR 337/96 fin) <sup>(4)</sup>;

having regard to its Opinion on the Communication from the Commission to the European Parliament and the Council on a multi-annual Community programme for purposes of stimulating the development of a European multimedia content industry and of encouraging utilisation of this multimedia content in the emerging information society (INFO 2000) (COM(95) 149 final) (CdR 22/96 fin) <sup>(5)</sup>;

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<sup>(1)</sup> OJ C 57, 29.2.2000, p. 11

<sup>(2)</sup> OJ C 116, 14.4.1997, p. 89

<sup>(3)</sup> OJ C 116, 14.4.1997, p. 81

<sup>(4)</sup> OJ C 42, 10.2.1997, p. 31

<sup>(5)</sup> OJ C 129, 2.5.1996, p. 39



having regard to its Opinion on the Communication from the Commission on Europe's way to the information society — An action plan (COM(94) 347 final) (CdR 21/95 fin) (1);

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 on the Universal service for telecommunications in the perspective of a fully liberalised environment — An essential element of the information society (COM(96) 73 final); (CdR 371/96 fin) (2);

having regard to its Resolution on The implementation of the European employment strategy (CdR 461/99 fin) (3);

having regard to its Opinion on the Communication from the Commission on Learning in the information society: An action plan for a European Education Initiative (1996-1998) (COM(96) 471 final) (CdR 368/96 fin) (4);

having regard to its Opinion on The Role of local and regional authorities in linking education and training establishments to enterprises (CdR 346/96 fin) (5);

having regard to the draft Opinion (CdR 303/2000 rev. 2) adopted by Commission 5 on 19 April 2001 [rapporteur: Mr Tögel (D/PSE)];

Considering

1. that the global economy is increasingly being transformed into an information society for which new rules apply and which offers, because of its powerful underlying dynamism, enormous opportunities for growth and employment by boosting growth and creating new jobs;
2. that the EU has therefore set itself the task of eliminating mass unemployment over the next ten years by means of the consistent development of the information society;
3. that the information society already accounts for a significant proportion of EU GDP and has recorded a higher level of growth than that of any of the other sectors of the economy. The information society already provides employment for several million people;
4. that, although the EU is not yet exploiting the employment potential of the information society to the full, it did, however, highlight the possible impact of the information society on employment at the Employment Summit held in Luxembourg in November 1997. In the wake of the European Council in Vienna in December 1998, a high level group was set up within which the Member States exchange information on their national strategies for the information society. Furthermore, the national employment action plans (NAP) drawn up under the European employment strategy have since 1999 contained actions relating to the information society. The EU has also recently listed the information society as one of its priority subjects, as was also demonstrated by the eEurope initiative adopted at the European Summit in Lisbon at the beginning of the year;
- 4.a. that the Commission Communication pays no attention whatsoever to the special situation of rural and peripheral areas; without specific attention these areas will be seriously marginalised even further with respect to the development of the information society.

The Committee would also point out that the Communication makes no specific provision for the agricultural and rural development sector, in terms of entrepreneurs, employees or related activities;

5. that it was also recognised that this task can only be fulfilled if life-long learning is applied as a fundamental principle in all areas of society and if all the necessary prerequisites can also be in place to enable a vast pool of Information and Communications Technologies (ICT) specialists to be trained;

(1) OJ C 210, 14.8.1995, p. 109

(2) OJ C 116, 14.4.1997, p. 33

(3) OJ C 226, 8.8.2000, p. 43

(4) OJ C 116, 14.4.1997, p. 89

(5) OJ C 116, 14.4.1997, p. 98



6. that the high level of skills, the creativity and the versatility of the EU workforce, the internal market, the introduction of the euro and the adaptability of EU enterprises should all be harnessed with a view to tapping the employment potential of the information society, whilst ensuring that priority is given to adequate intervention in rural and peripheral areas;
7. points out that some local and regional authorities have already introduced specific, innovative measures in this field. Their experience can serve as a valuable catalyst for projects which can be transferred to other EU Member States. It is therefore important to help authorities to carry out effective exchanges of experience;
8. that in order to consolidate this initial favourable net balance, a European strategy for jobs in the information society should not focus exclusively on commercial interests but should also focus on their social implications;
9. that the quality of life of employees, the real value of new technical possibilities to both the individual and society and the social, environmental, democratic and ethical justification of these technical possibilities should therefore, represent decisive reference variables in the context of the development of strategies for jobs in the information society;
10. that, in the light of persistent unemployment and the consequences which this has for regional and local authorities, the greatest challenge facing all players is to ensure that the net effect on employment of the introduction of the information society is either neutral or positive; considerable efforts will need to be made in both the political and social fields in order to achieve this goal;
11. that the introduction of the information society will not, in itself, provide a solution to the employment crisis or intensify it. There is rather a danger that the use of new ICT for rationalisation purposes over the next few years will bring a further decline in the level of employment which may, however, be offset in the longer term by the simultaneous growth in the number of jobs in new production and service sectors,

adopted the following opinion by a unanimous vote at its 39th plenary session held on 13 and 14 June 2001 (meeting of 13 June).

#### The Committee of the Regions

1. considers that one of its most important tasks is to support suitable initiatives for new areas of employment and thus to contribute to the creation of new jobs and to counter the migration of jobs;
  2. points out that the IT sector could develop into one of the key industries of the 21st century and thus become a major reference point for the education and employment system as well as for an active European labour market policy;
  3. supports the Commission in its development of socially acceptable strategies for the full exploitation of the employment potential of the information society in the framework of the European Employment Strategy;
  4. welcomes the report as an important contribution to, and support for, the e-Europe initiative which aims to make Europe ready for the digital age;
5. also notes that lifelong learning for knowledge acquisition will occupy a special place in the information society, as workers will require a high level of qualifications, skills and adaptability;
  6. with due regard to the principle of subsidiarity, therefore takes the view that regional and local authorities should be put in a position:
    - to integrate information-society instruments into education systems,
    - to support the incorporation of information-society and multimedia instruments into syllabuses (public-private partnership),
    - to support the establishment of regional and local networks for educational content producers,

- to ensure that all teachers possess verifiable knowledge of the information society,
- to provide Internet access for every school,
- to improve the multimedia capacity of computers in schools;

7. points out in this context, however, that with a view to achieving the above aims, the following prerequisites should be met: the public education system is developed; all school-children to be given access to the new technologies; funding to be provided for more staff and the necessary technological resources for the further training of teachers and the development of teaching models which promote the integration of the new media into the teaching process in an intelligent way;

8. stresses that the employment opportunities offered by the information society should not entail the large-scale marginalisation of the public education system in terms of infrastructure and technology. The important role which education plays, and will continue to play, in the future means that it is in no way appropriate for the regional and local authorities to withdraw from their responsibility for public education. Ways of regulating the relationship between private industry and schools should therefore be investigated;

9. also points out that work in the information society does not follow traditional organisational models, but rather requires flexible, adaptable, multi-skilled employees, many of whom work in areas which focus on knowledge and information. This flexibility and adaptability must not entail reduced quality of work or job-instability;

10. points out that the regional and local authorities have for some time been engaged in intensive discussions on the subject with industry, associations and trade unions. As the regional and local authorities are both responsible for education and a driving force behind economic development, they can help build bridges between educational and vocational training institutions on the one hand and industry on the other. In many regions and areas an important step has been taken with the introduction of new IT training professions. In this way it has been possible in a relatively short time to train workers up to a high level of practical competence in skills of direct relevance to the workplace, above all in the use of technology. This has made it possible to remedy a major shortage of skilled workers in the sector, which had hitherto concentrated its personnel policy mainly on graduates and skilled staff from other sectors;

11. therefore reiterates its call for support for the regional and local authorities in:

- offering every worker the opportunity to acquire knowledge of the information society,
- establishing a framework and practical arrangements at regional and local level for greater use of teleworking, as an innovative way of creating jobs which will promote the integration into the labour market of young people living in rural areas, thus contributing to the maintenance of territorial balance. Moreover, the development of information-society initiatives must go hand-in-hand with the creation of jobs for women which make it possible to reconcile work and family life,
- increasing the supply of, and demand for, places in tertiary-level education, with due regard to gender balance,
- supporting secondary-level IT courses,
- improving the employability of the disabled,
- preparing specific actions for entrepreneurs and workers engaged in agriculture, rural development and related activities, to facilitate access to information society tools, technology and language,
- developing activities to promote lifelong learning, particularly activities aimed at guaranteeing universal access to basic digital skills and at establishing local learning and e-learning centres;

12. expects the integration of labour and further training policy, in view of the clear need — also stressed by the social partners — for workers to acquire skills equipping them for the new demands of working in the information society, and for lifelong learning to become an integral part of working life. Shorter working hours, with the time being devoted to 'education modules' for the acquisition of vocational skills, could give a major impetus to employment as well as a significant boost to the 'skills offensive' which is being demanded from every quarter;

13. recognises that in the information society it may be necessary for the vocational education system to be increasingly complemented by company-financed training. And yet, through the new IT training professions, the existing education system has made an important contribution to economic

structural change and it has passed an important test in the transition to the information society;

14. therefore feels, in this context, that the need for comprehensive modernisation of labour and social law and training arrangements should be looked at, with the aid of the social partners, in order to ensure that they meet the requirements of work in the information society. An employment policy for the information society should shape the new forms of organisation of work, e.g. teleworking, and new work relationships, e.g. network-based self-employment, in a socially acceptable way, to ensure that the opportunities for workers and for society are exploited and in order to prevent social dislocation and potential divisiveness;

15. points out, for the purpose of clarification, that changes in work in the information society will make it necessary to think about redefining the concepts of worker and company, establishing a single protective framework for teleworking, laying down suitable data protection arrangements for the world of digital work, ensuring that works and staff councils and trade unions have access to firms' electronic networks, broadening the criteria of social security systems — e.g. by bringing in the 'new self employed' — and implementing effective minimum social and labour standards;

16. welcomes the idea of the training funds established by some ICT firms as public-private partnerships open to other partners, from which the following measures, inter alia, are to be financed:

- increase in the number of places available at vocational training establishments and higher educational institutions, universities and comparable institutions. Graduates are offered the opportunity to acquire an additional ICT qualification,
- grants for students of ICT-related subjects,
- promotion of specific and inter-disciplinary further training; in particular skilled ICT workers could be trained as part of a sectoral further training offensive, outside the system of training offered by public institutions,
- exchange of staff with research institutions;

17. agrees with the Commission that public services will be radically changed in the information society and that this requires determined efforts by all regional and local authorities

and public bodies to accelerate the day-to-day use of information-society instruments and thus to improve the efficiency and quality of their services and bring government and citizens closer together;

also welcomes the idea of individual learning accounts as a useful and effective instrument for disseminating knowledge of information and communications technologies and as a new way of mobilising financial resources to promote lifelong learning;

18. proposes that an examination be made of possible ways of assisting regional and local authorities in:

- establishing user-friendly Internet pages providing clear information on citizens' rights and links to the main regional and local authorities and services,
- establishing public-access Internet sites and carrying out on-the-spot training of employees in information-society skills,
- establishing central contact points for companies,
- establishing in the urban centres which provide a focal point for rural and peripheral areas, special telecentres to provide young and very young people, in particular, with the opportunity to learn IT skills and access the Internet, which are prerequisites for teleworking;

19. supports the Commission in its belief that the information society and electronic commerce will promote economic growth and create jobs. New areas of activity will open up for firms in the information society and continuous innovation using information-society instruments will be extremely important in improving competitiveness and creating jobs;

20. strongly recommends that the regional and local authorities be supported in their efforts to ensure that:

- local companies can develop new services,
- a higher proportion of risk capital goes to firms in the sector,
- cooperation between industry and research bodies at regional and local level is promoted,
- the needs of SMEs are taken into account in all public programmes at regional and local level in a socially acceptable way,
- more companies use ICT services;

21. considers, however, that even in the information society regulatory mechanisms will need to be brought into effect with the participation of the social partners, in order to ensure that account is taken of collective agreements on minimum wages, holiday entitlement, sick pay etc. when creating new jobs;

22. also believes that, in order to tap the undoubted employment potential of the transition to the information society, job-creating product innovations and the purchasing power-based demand which is essential for the mass consumption of new goods and services should be specifically promoted;

23. supports the establishment of networks of IT companies for the analysis of needs, exchange of experience and

cooperation on recruiting and training skilled workers. In this context the establishment of industry associations for initial and further training should be initiated or mediated, and support for these provided via coordination or guidance bodies involving providers of training services. Suitable guidance bodies could be set up, e.g. in collaboration with local structural and economic support organisations and associations. This is the way to persuade more IT firms to provide training places;

24. recommends examination of ways in which support can be provided to the central and eastern European applicant states, in order to help them develop socially acceptable strategies for jobs in the information society.

Brussels, 13 June 2001.

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

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**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 — Making a reality of The European Research Area: Guidelines for EU research activities (2002-2006)’**

(2001/C 357/04)

THE COMMITTEE OF THE REGIONS,

having regard to the Commission Communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — Making a reality of The European Research Area: Guidelines for EU Research Activities (2002-2006) (COM(2000) 612 final);

having regard to the Commission Decision of 4 October 2000 to consult the Committee on the subject, in accordance with Article 265(1) of the Treaty establishing the European Community;

having regard to the decision taken by the COR president on 7 February 2001 to instruct Commission 5 — Social Policy, Public Health, Consumer Protection, Research and Tourism — to draw up the opinion on the matter;

having regard to the draft opinion (CdR 63/2001 rev.) adopted by Commission 5 on 19 April 2001 [rapporteur: Mr Torchio (I/EPP)],

unanimously adopted the following opinion at its 39th plenary session of 13 and 14 June 2001 (meeting of 13 June).

## 1. General comments

1.1. The document opens up a new horizon for scientific and technological activities and for research policy in the European Union.

1.2. Moreover, the Commission document aims to lay the foundations for a new contract between European citizens and human science and research, by putting research and its applications at the heart of civil society, and encouraging a policy debate which is increasingly necessary owing to its social impact.

1.3. More than 20 years ago voices were raised warning against Europe falling behind the United States in the major fields of the third industrial revolution. Europe is still suffering from serious structural weaknesses, having invested EUR 70 billion less than the United States in 1999, and spent a meagre 1,8 % of GDP on research, compared to 2,7 % for the United States and 3,1 % for Japan.

1.4. Europe is also lagging behind in terms of the number of research workers, patents and high technology exports per capita. The Commission therefore proposes giving a dynamic boost to public and private research, with closer coordination arrangements between Member States, and equipping citizens with the tools to develop knowledge in a spirit of renewed confidence in technological progress.

1.5. The Lisbon European Council of 23 and 24 March 2000 endorsed the plan to create a European Research Area as a central component of the establishment of a European knowledge-based society. The Economic and Social Committee, the Committee of the Regions and the applicant countries welcomed the plan, as did the European Parliament in its Resolution of 18 May 2000. There have also been comments from several hundred companies, research bodies and from industry.

1.6. The globalisation of the economy and communications and the acceleration of scientific and technological progress and its many social implications make the European Research Area particularly necessary.

1.7. Achieving this common area will require a bold, decisive pooling of efforts by the European Union, the Member States and researchers, who must be guaranteed freedom of movement, including for knowledge and technology, to encompass scientific careers, social protection and intellectual property systems, and the provisions concerning transfers of knowledge and dissemination of results.

1.8. The Committee of the Regions is keen to know the results of the various analyses and proposals made by the evaluation panels which were established jointly by the Commission and the Member States.

1.9. In view of the above, support actions for EU research must be reviewed in order to reconcile the need for competitiveness with citizens' expectations, the need to promote excellence and guarantee balanced technological development, and finally the need to define, implement and follow up the EU's sectoral policies which, since the launch of intergovernmental scientific cooperation in the 1950s, have made a significant contribution to strengthening European research capabilities.

1.10. While the average 50 000 partnership and cooperation links formed every year between 1995 and 1999 are doubtless a considerable achievement, the programmes were not dovetailed with those of the 15 Member States, which have continued to overlap in the absence of any real 'control centre' founded on the principle of complementarity of EU and Member State actions, as provided for in the Treaty.

1.11. The Commission's mid-term review of the Fifth RTD Framework Programme, compiled in accordance with Article 6 of Decision 182/1999/EC and Decision 1999/64/Euratom, is a useful starting point for a more structured approach to identifying future projects, particularly for 2002-2006.

## 2. Assessment of the broad lines and objectives of research

2.1. If the EU is to achieve fully its research and technological development objectives as defined in the Treaty: 'strengthen the scientific and technological bases of Community industry and encourage it to become more competitive at international level; promote the research activities deemed necessary by



virtue of other EU policies', it will have to act in the following areas:

- developing a more solid basis for scientific and social research by devoting more time to scientific and social subjects in the school curriculum;
- improving the performance of research through networking and coordinated implementation of national programmes and of the centres and areas of excellence in the public, university and private sectors, and by carrying out large-scale, targeted industrial research;
- boosting support to research for and in SMEs through the dissemination, transfer and take-up of knowledge and technologies, exploitation of the results of research, and setting up hi-tech businesses, via a policy favouring access, construction and financing of European research infrastructure and the development of large-capacity electronic networks;
- support for the development of a knowledge-based economy in the areas of science, technology and innovation, by increasing cross-border mobility, developing European careers, increasing the participation of women in research, making the scientific professions more attractive to young people and stepping up cooperation with third country researchers;
- establishing a new social contract founded on the precautionary and sustainable development principles, and taking account of the social and ethical implications of scientific and technological progress.

2.2. Implementation of the projects will have to take account of:

- 1) the continuity and coherence of EU scientific and technological cooperation, with better coordination of the activities of the various organisations and more systematic use of the potential for joint or converging measures;
- 2) full use of the potential of the regions by networking their capacities with regard to research, innovation and technology transfer, in the various sectors where they work jointly;
- 3) integration of the applicant countries and more especially of the whole world via cooperation enabling EU researchers and businessmen to access knowledge and technologies produced elsewhere in the world; and full

mobilisation of EU capacities for the benefit of the international community in areas of excellence in which Europe has recognised expertise.

2.3. The Commission recommends framing measures to complement those of European international scientific cooperation structures and organisations of both a general (e.g. the European Science Foundation, COST and Eureka) and a specialised nature (e.g. ESA, EMBL, ESRF and CERN).

2.4. To these can be added the Structural Funds, regional initiatives and European Investment Bank initiatives, as well as the programmes for economic and technical assistance to northern, eastern and southern third countries, and instruments of international cooperation.

2.5. To justify public funding, research activity must generate 'public benefit' in addition to the direct benefit of the researcher, with regard both to basic research and targeted research.

2.6. In order to implement public policies to boost European competitiveness, a public support level has to be fixed and defended, thus enabling companies to carry out risky or long-term research which is not immediately cost-effective.

2.7. Another novelty is the principle of 'European added value' as a criterion for selecting priorities and themes for EU research.

2.8. In addition to the past list of criteria regarding the cost and scale of research above and beyond the possibilities of a single country, a critical mass of human and financial resources must be assembled by making economies of scale through research-focused economic cooperation.

Complementary expertise must be combined with interdisciplinary issues, and comparative studies carried out on a European scale, to establish links with EU priorities and interests in the various fields, from SMEs to the information society, agriculture, the environment, etc.

2.9. Priorities include:

- 'post-genome' research and research into major diseases;



- nanotechnologies — an interdisciplinary research field;
- development of the information society, particularly in conjunction with the eEurope initiative;
- research and development work in the industrial sectors most at risk at European level;
- the aeronautical and space sectors;
- biodiversity, identification and protection of plant and animal genetic resources;
- traceability of substances in food and food safety.

2.10. Research for a sustainable development model will require selection policies and a check on whether any exclusion policies exist.

2.11. Priorities must be ranked in the light of the declared objectives, and combining measures of various kinds in several areas, such as the various forms of research activities, innovation, infrastructure, human resources, etc.

2.12. Alongside sector-specific intervention, funding must be provided to incorporate different projects in various sectors.

### 3. Analysis of past and current activities and recommendations

3.1. It is important to analyse the independent expert panel's opinion, and the ensuing Commission assessment.

3.2. A panel of 11 experts assessed the results of the programme implemented over the past five years:

- generally, it is necessary to place EU research projects in the context of a genuine European research policy. To this end, the Commission must facilitate the emergence of coherent policies, particularly looking ahead to enlargement;
- as far as the past is concerned, the experts noted the beneficial impact of concentrating the Framework Programme, which enabled 'academic and industrial researchers to carry out applied work together'. However, the Framework Programme's management structures and procedures must be reassessed.

3.3. As far as the future is concerned, the experts recommend:

- continuing to use the 'key action' concept as a means of focusing the programmes;
- increasing the emphasis on research needed to achieve the objectives of EU policies;
- in addition to reinforcing the emphasis on excellence, offering the best European researchers a framework for 'bolder, riskier' research;
- a shift towards greater flexibility in the use of the instruments provided for in the Treaty.

3.4. The mid-term review of the 5th Framework Programme enables the Commission to suggest major changes, both in terms of design and implementation.

3.5. New types of intervention and new guarantee and intervention mechanisms must be developed, and a stronger link must be established with national activities, by monitoring more closely the options offered by the Treaty.

3.6. Finally, research must focus on a limited number of priorities set according to the changes which have occurred in various fields, and in particular the new virtual economy and food and industrial safety.

### 4. Specific recommendations

4.1. EU intervention amounted to an average EUR 700 000 per project for the 4th Framework Programme, and EUR 1,7 million for the 5th Framework Programme.

4.2. This includes small-scale and short-duration projects (3 years on average) selected by the Commission following public calls for proposals. Other forms of intervention can be envisaged under this procedure, but they will have to be integrated and implemented in a perspective of closer partnership between the Member States and the EU:

- The Commission thus proposes moving from a system in which the EU has sole responsibility for funding individual projects, to a system of overall financing plans in which the EU contribution would represent only a part of the total cost.

— Moreover, intervention will have to span more than 4 years, based on forms of support mid-way between project aid and permanent 'institutionalised' financing. It will thus be possible to expand certain schemes concerning mobility or infrastructure to a level making it possible to boost the impact of research and highlight national initiatives.

— Finally, use of 'variable geometry' instruments mentioned in the Treaty but little exploited thus far, will provide a certain overall flexibility.

4.3. The various needs of public and private research, basic research, targeted research and industrial research will have to be taken into account, with a substantial increase in the scale of the projects financed by the EU, while streamlining administrative procedures.

4.4. Networking of National Research Programmes must be achieved on two levels: the first in the context of the 'open method of coordination' advocated by the Lisbon European Council of 23 and 24 March 2000, with the commitment to a mutual opening of national programmes; the second consisting of the coordinated implementation of national programmes by several Member States (Article 169 of the Treaty) and via joint or coordinated calls for proposals, with increased encouragement for supranational programmes which would also be open to associated countries.

4.5. The current framework for existing or planned interventions must not be compromised.

4.6. Networks of excellence will have to be established, especially for public and private university teams, with: long-term joint programmes of activities and, in any case, of a longer duration and greater magnitude than the current research projects; long-term staff exchanges; intensive use of computer tools and electronic networks, with interactive working methods.

4.7. Mechanisms for cooperation, co-management and co-responsibility need to be fleshed out in greater detail when drawing up research guidelines and coordinating the financing of specific regional programmes with the Framework Programme.

4.8. The large-scale targeted research projects vary in magnitude from several tens to several hundreds of millions of euros, and are to be carried out by consortia of companies,

universities and research centres, on the basis of pre-established overall financing plans and transparent rules (involving a 'peer-review').

4.8.1. A variable proportion of the total cost should be linked to the result in terms of technological achievements and economic and social impact.

4.8.2. Another option which should be mentioned is the 'clustering' of separate components of a major project.

4.8.3. In the case of industrial research, the validation of various integrated technologies could give rise to 'technological platforms', in the form of prototypes which could benefit from the support of the Eureka initiative.

4.9. With regard to research and innovation, 'start ups' and SMEs, the focus should remain on regional and national efforts in support of research for and in SMEs, and on setting up technology companies, in accordance with the Commission Communication 'Innovation in a knowledge-based society', which provides for 'collective research' activities in the form of support for research carried out for the benefit of European industrial associations or groups of national associations, on themes of interest to SMEs in the Member States.

4.9.1. Similarly, 'co-operative research' must not be neglected.

4.9.2. The Commission recommends stepping up technological and economic intelligence activities: collection, processing and dissemination of information of interest to SMEs, networks for research workers, entrepreneurs and financiers, as well as support for the creation of spin-offs from universities and of technological company 'incubators'.

4.9.3. In this respect, important financial synergies can be created between companies, industrial associations, the EIB and Eureka.

4.10. With regard to the research infrastructures, the European Union currently provides support for transnational access to certain Member State infrastructures which provide services on a European scale.

4.10.1. The Communication proposes covering a limited proportion of the development and construction costs by cofinancing feasibility studies in the case of new infrastructures of European interest. This could be done within the framework of a synergy combining funds of national and regional origin from the European Investment Bank, and the Structural Funds, etc., to support the development and use by the different scientific communities of high-speed and high-definition electronic networks.

4.11. Regarding human resources, a substantial increase in mobility grants is envisaged for researchers in the EU countries, applicant countries and third countries.

4.11.1. The Communication also proposes setting up a grant system for the transfer of knowledge and technologies to SMEs, boosting the participation of women at all levels in scientific careers, and encouraging young people to take up scientific studies in a knowledge-based economy and with teams built around eminent scientists.

4.11.2. The relationship between science, society and citizens is very important. Research activities must take into account the social consequences of scientific and technological progress and can be grouped together under the following themes: support for policymaking and a European scientific reference system, research and the needs of society, dialogues between science and society, women and science, and ethics.

4.11.3. Project selection on the basis of public calls for proposals and evaluation by 'peer-review' should be maintained. However, tenders and calls for proposals different from the traditional calls for proposals should also be envisaged.

4.11.4. The change of management is conducive to large-scale blocks of activities for the operation of the networks of excellence, large-scale targeted research projects, collective research projects for the benefit of SMEs, activities relating to research infrastructures carried out in the context of association agreements with the Community, mobility grants allocated through the host fellowship scheme, which should be entrusted to specialist Community public structures such as the 'implementing agencies'.

4.11.5. The Davignon Panel's evaluation of the Joint Research Centre's activities recommended focusing efforts on activities in scientific and technical support of the implementation of Community policies and European policymaking, especially where it can contribute the greatest possible added value.

4.12. The period between the submission of a project and the notification of approval must be reduced to a minimum.

4.13. One of the main obstacles to having an operational European research area is that patents in Europe, compared with the USA, mean a substantially higher financial outlay and/or a longer period of time before they are in force in the respective states. This is particularly due to the fact that there are different requirements in the individual states, one is dependent on the patent lawyer in the respective country and this involves translation costs.

4.14. CRAFT supports must be forced, the number of evaluation appointments must be doubled, access conditions must be relaxed and SMEs' share of self research must be substantially increased.

## 5. Conclusions

5.1.1. The action plan will have to take account of the proposals on the following themes: a European space strategy; benchmarking methodology and indicators; science, society and citizens; research infrastructures; mapping of excellence, and by June 2001, human resources and mobility; regional dimension; and opening up to the rest of the world.

5.1.2. With the 5th Framework Programme, the Commission intends to increase the size of projects significantly by raising the financial thresholds and introducing flat-rate, results-related financing.

5.1.3. In the short term, the 'work programmes' of several research projects will be amended to encourage the various scientific communities to use large-capacity electronic networks, based on the 'GRID' concept of high-performance distributed computing.

5.1.4. Several programmes plan to apply the 'integrated project' concept, based on the 'clustering' of research projects and training activities and fellowships, and to launch a small number of 'integrated projects' on the theme of 'genomics' as well as activities in the fields of nanotechnologies and action to combat major diseases.

5.1.5. In the medium term the Commission envisages networking centres of excellence, but only the next Framework Programme will make it possible for the objectives of the European Research Area to be fully reflected in EU activities.

5.1.6. The Committee of the Regions supports the Commission's broad drive to set a European value added on EU research investment.

5.1.7. In particular, overlapping of individual research on the same subject must be avoided, and the direct and potential results of research must be checked, especially as regards the practical activities of industrial companies and SMEs.

5.1.8. Recent European discussions in this area reaffirmed the need for an overall increase in resources earmarked for research, in order to avoid an increasingly worrying brain drain to the other side of the Atlantic.

5.1.9. In particular, genuine synergies must be promoted between the Member States, the associated countries and third countries, by guaranteeing researchers adequate pay and social security arrangements.

5.1.10. In this context, the role of the regions and local authorities is to act as specific go-between for their scientific and technological communities, and the national and European level, as part of a framework of co-funding of research innovation and promotion and bringing in new blood,

especially younger academics, via transnational (including the USA) university exchanges.

5.1.11. The Committee of the Regions, which represents the interests of the regions and local authorities, wishes to ensure a level playing field for Europe, the United States and Japan.

5.1.12. The European research system is currently underfunded compared to that of our main competitors. This situation must be remedied, and there must be wider acceptance of checks on results. Human activity, business and the upcoming generations must also be offered concrete development prospects in the field of knowledge, new technologies and high-definition networks.

5.1.13. This broad focus on developing research will not only benefit local communities, it will also bring advantages in terms of combating disease and, more generally, of making the EU technologically independent of third countries.

Brussels, 13 June 2001.

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

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**Opinion of the Committee of the Regions on the 'Commission Proposal for a Regulation laying down the general principles of food law, establishing the European Food Authority, and laying down procedures in matters of food'**

(2001/C 357/05)

THE COMMITTEE OF THE REGIONS,

having regard to the proposal for a Regulation of the European Parliament and the Council laying down the general principles of food law, establishing the European Food Authority, and laying down procedures in matters of food (COM(2000) 716 final — 2000/0286 COD);

having regard to the Council decision of 22 December 2000, under Articles 265(1) and 152 of the Treaty establishing the European Community, to consult it on this matter;

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

having regard to the draft Opinion (CdR 64/2001 rev.) adopted by Commission 5 on 19 April 2001 (rapporteur: Mrs Haijanen, FIN-PPE),

unanimously adopted the following opinion at its 39th plenary session on 13 and 14 June 2001 (meeting of 14 June).

**Views and recommendations of the Committee of the Regions**

1. Over the last few years serious doubts have been expressed about food safety in Europe. At their worst, crises such as those over dioxins and BSE, have undermined the European Community's general credibility. The Commission's proposal establishes an important framework for improving food safety. It is important that the starting point for food and feed law should be the protection of human health.

2. The general and common principles clarify the existing legislation on feeds and food, and has evolved over a forty-year period from what are partly contradictory objectives. Both food business operators and surveillance authorities have therefore encountered problems in applying Community and national legislation.

3. The proposal emphasises the importance of the entire food supply chain from farm and river to the table. Food law is concerned with basic principles and requirements for placing food on the market and ensuring that food supplied to consumers is safe. This is why it is equally important for primary production, including feed, to be subject to controls.

4. The setting up of a European Food Authority is to be welcomed, as the Community must be able to base its food law on scientific expertise. Such an authority must be impartial and function transparently.

5. The food sector is characterised by small businesses and operators. Farms, retail outlets and restaurants in Europe are generally small undertakings. Even food processing is still largely carried out by small- or medium-sized companies. Food legislation should therefore take account of the special nature of traditional products which are important in some areas and regions. New regulations should not jeopardise these products as they help maintain cultural diversity in the EU. The local and regional level therefore has a key role to play in ensuring food safety.

6. The proposal assigns responsibility for food and feed safety to producers. This is sensible, as producers themselves know best which stages of the food production process they are responsible for. The principle included in the legislation is designed to remind operators of this responsibility.



7. Although common principles can and should be laid down for European food law, local and regional players must be left sufficient room for manoeuvre. Food production is an area in which Europe has strong local traditions. Regionally produced food products also have a major impact on employment and other economic factors. For example, the production and consumption of food locally helps to save energy and limit transportation costs. It also helps to improve the quality of food by avoiding delays resulting from storage and transportation.

8. There are differences within Europe with regard to the occurrence of food risks. These differences relate to climate, as well as the forms, methods and traditions of production. In some regions efforts may have been made over many years to eliminate food risks. Achievements of this kind must not be jeopardised when, for example, animals or food are transported between regions.

9. The local aspect of food production and distribution must be taken into account so that the general principles of food safety — such as the requirement for safe food — are not undermined. High quality and safe food production is also of benefit to producers, as good quality food products can also be sold in markets other than local ones. Artificial barriers should not therefore be erected against the sale of food from regional or small-scale producers. Insofar as a given food and its production methods comply with the general objectives of the legislation, the product should be allowed to be sold throughout the Community.

10. The local dimension of food safety and role of small-scale producers pose a significant challenge from the surveillance perspective. Whatever the basis of these controls — whether national, local or an approved private system — controls will only work if they are implemented locally. For the implementation of the legislation to be credible, checks must take place regularly. Local inspectors have a key role to play in this respect. The Commission has said that it will draw up a proposal for a regulation on the control of foodstuffs during 2001. Member States should ensure that sufficient resources are available for local inspections and, if necessary, increase them. In order to ensure that the inspections are as uniform as possible, there must be coordination at Member State and Community level.

11. It is essential that all foodstuffs imported from third countries, whether for human or animal consumption, comply with European food legislation and are inspected using identical methods and procedures. This will ensure EU producers do not have to cope with unfair competition.

12. The principles outlined in the proposal also apply to local surveillance authorities. However, good principles must not make the system unworkable. The idea of basing decision-making on scientific risk assessment, in other words risk management, can rarely be fully implemented with local authority resources. Inspectors should be able to rely on common sense based on their particular expertise. Hence, scientific risk assessment should in particular be carried out by the new European Food Authority.

13. The proposal also lays down general provisions on special food-related cases, such as food poisoning. Incidents of this kind usually occur locally. Even far-reaching, cross-border epidemics or crises often begin locally. This is why local action and effective cooperation between different authorities and food business operators is crucial in order to prevent and manage crisis situations.

14. The Committee suggests reviewing and harmonising — with the agreement of the Member States — the legal concepts relating to the different types of infringement of food legislation in order to encourage controls and provide a level playing field for internal competition.

15. Food safety is therefore increasingly a local and regional issue. However the proposal makes no mention of the role of the Committee of the Regions. The Committee of the Regions must be represented on the EFA Management Board and, if necessary, be able to request scientific opinions from it.

16. The Committee of the Regions is furthermore of the opinion that the European Food Authority should practise maximum openness and transparency. The decisions of the Management Board and its documents must be accessible to all citizens.

Brussels, 14 June 2001.

*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 “An evaluation of the Bridge Phase of TIDE (Technological Initiative for Disabled and Elderly people)”’**

(2001/C 357/06)

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 — An Evaluation of the Bridge Phase of TIDE (Technology Initiative for Disabled and Elderly People) (COM(2000) 727 final);

having regard to the European Commission Decision of 20 November 2000 to consult it under Article 265(1) of the Treaty establishing the European Community;

having regard to its President’s decision of 7 February 2001 to instruct Commission 5 (Social Policy, Public Health, Consumer Protection, Research and Tourism) to prepare the Committee’s work on the subject;

having regard to the draft opinion (CdR 65/2001 rev.) adopted by Commission 5 on 19 April 2001 [rapporteur: Mr Pella (I/EPP)],

unanimously adopted the following opinion at its 39th plenary session of 13 and 14 June 2001 (meeting of 13 June).

**1. General comments**

1.1. The technology initiative for disabled and elderly people (TIDE) was a Community technology promotion and application initiative with the main objective of stimulating the creation of an internal market in rehabilitation technology in Europe to facilitate the socio-economic integration of disabled and elderly people.

1.2. The part of the initiative known as the ‘Bridge phase’ covered the period 1993/1994. It was intended to act as a link between the pilot action of TIDE which began in 1991, and the research and development activities that were anticipated in the Telematics Applications Programme which started in 1994.

1.3. Fifty-five projects were selected by the Commission in November 1993 and in April 1994, following a call for proposals which was published in the Official Journal on 21 April 1993.

1.4. When the projects were completed, an evaluation of the whole initiative took place in 1999/2000.

1.5. A team of independent experts carried out an evaluation of the Bridge phase of TIDE, based specifically on an evaluation of the outputs, results and impacts of the activities, in accordance with the provisions of the Council Decision of 21 September 1993, which constitutes the legal basis for the initiative.

**2. Evaluation of the results of the Bridge phase of TIDE**

2.1. The 55 projects taken into consideration concern the following technology application areas:

- a) Access to technology and related services
- b) Life at home and remote care
- c) Mobility and transport
- d) Control and manipulation
- e) Restoration and enhancement of function
- f) User and market issues.

2.2. The evaluation paid particular attention to the five principles to which the project work had to conform, in accordance with the Council Decision:

- User-focused principle
- Market-oriented principle
- Innovation and technology adaptation principle
- Multi-disciplinary approach principle
- Technology verification principle.

2.3. In examining the results, the evaluation panel found wide variations in the output of the projects and the degree to which they conformed to the five principles.

2.4. There were considerable differences between the six application areas in the overall success of their achievements in terms of exploitation and market take-up.

### 3. Overall recommendations of the evaluation panel

3.1. The evaluation panel for the Bridge phase of Tide concluded its assessment with three overall recommendations:

- 'The European Union should continue to support a broad and integrated range of measures addressing older people and people with disabilities, in order to promote the development and take-up of rehabilitation technology products and services for different kinds of users.'
- 'As an integral part of this, there ought to be convincing and well-funded research and technological development activities for the benefit of elderly and disabled people, both within the Information Society Technologies area and in other research areas.'
- 'These research and technological development activities should be complemented by a strong European Union social policy framework allowing the dissemination and take-up of new Information Society Technologies systems and services to meet the needs of elderly and disabled persons in the spirit of "access for all".'

### 4. Specific recommendations of the evaluation panel

4.1. The evaluation panel also made thirteen specific recommendations (cf. Commission Communication).

4.2. The Commission has responded in detail to all the recommendations made by the evaluation panel experts, and explained that many of them have been acted upon in specific Commission programmes in the years following the Bridge phase of TIDE.

### 5. Implementation of the recommendations made by the evaluation panel

5.1. The Committee of the Regions welcomes the Commission's responses to the recommendations made by the evaluation panel experts.

5.2. The Committee is particularly pleased to see that a significant number of these recommendations — not least the three overall recommendations — which provide important guidelines for all later initiatives in this area, were taken up in Commission projects and initiatives which were launched before the TIDE Bridge phase report was drafted.

5.3. The first of the overall recommendations ('The European Union should continue to support a broad and integrated range of measures addressing older people and people with disabilities, in order to promote the development and take-up of rehabilitation technology products and services for different kinds of users') was followed up in the Fourth Framework Programme (1994-1998) and continues to be taken into account in the Fifth Framework Programme (1998-2002).

5.4. The second overall recommendation ('As an integral part of this, there ought to be convincing and well-funded research and technological development activities for the benefit of elderly and disabled people, both within the Information Society Technologies area and in other research areas') was taken on board in the parallel activities of the Fifth Community Research, Technological Development and Demonstration Framework Programme (RTD) (1998-2000).

5.5. The third overall recommendation ('These research and technological development activities should be complemented by a strong European Union social policy framework allowing the dissemination and take-up of new Information Society Technologies systems and services to meet the needs of elderly and disabled persons in the spirit of "access for all"') was incorporated directly into the Commission initiative 'Europe — An Information Society for All', and the Commission Communication 'Towards a Barrier Free Europe for People with Disabilities'.

5.6. The thirteen specific recommendations are also being implemented under the Fifth Framework Programme.

5.7. The Committee concurs with the Commission's observation that the recommendation on the multi-disciplinary approach principle has not been followed up in any current initiatives, and calls on the Commission to take effective action to remedy this.

### 6. Final comments

The Committee of the Regions

6.1. reiterates the stance it took in its recent draft opinion on 'Towards a Barrier Free Europe for People with Disabilities' <sup>(1)</sup>, and would extend it to cover the elderly: the pursuit of synergies in the fields of employment, education and

<sup>(1)</sup> (COM(2000) 284 final) CdR 301/2000 fin — OJ C 144, 16.5.2001, p. 67.

vocational training, transport, the internal market, the information society, new technologies and consumer policy, will help to promote equal opportunities;

6.2. appreciates the emphasis on the importance of the modern mass media in disseminating information on all the initiatives intended to promote and apply the technologies to stimulate 'the creation of an internal market in rehabilitation technology in Europe to facilitate the socio-economic integration of disabled and elderly people';

6.3. notes, however, that if this information is to reach elderly people, traditional media (radio, press) must continue to be used, given the small percentage of people from this age group who are familiar with the new information media (Internet);

6.4. hopes accordingly that this will be taken into account when determining the strategies for disseminating the results of the projects, as these must be tailored to each target audience;

6.5. notes moreover that stress should be placed on the importance of technology to secure social and housing conditions tailored to the specific needs of the elderly and people with disabilities;

6.6. believes it is essential to envisage financial aid for those wishing to obtain such equipment, as well as co-funding arrangements for production activities involving innovative products which are expected to draw on the new technologies resulting from Community projects and research;

6.7. hopes the Commission will encourage all initiatives to develop synergies between Community actions, university research and stakeholder involvement, drawing on the cooperation of local and regional authorities, the Member States, NGOs and all other players in the sector;

6.8. notes that the evaluation report on the TIDE Bridge phase brings to light shortcomings in the specific programmes for technologies intended for elderly people; calls therefore on

the Commission to prepare for the implementation of specific initiatives in this area, while recognising the inevitable difficulties in attempting to familiarise elderly people with new technology and win them over to it; in view of this difficulty, efforts must not just focus on the provision of new technology, but particularly on improving services for elderly people;

6.9. underlines that the local and regional authorities are vital intermediaries in any attempt to familiarise elderly people with new technology, since they are able to offer local initiatives suited to the task, building on the relationship of trust which small-scale local institutions often manage to establish with people in this age group;

points out that, because of their grassroots contacts and their responsibilities in the social field, local and regional authorities are the best placed to provide essential support to elderly people since they normally finance a large share of assistance to elderly people.

6.10. calls on the Commission to take on board the TIDE Bridge phase evaluation panel's recommendations on the modernisation and integration of passenger transport within the Union, particularly as regards air transport, which still has to fully address the needs of people with disabilities, and the issue of free access to some forms of public transport for elderly people;

6.11. notes that local and regional authorities in attractive areas from the point of view of geography and climate, implement specific policies in order to respond as fully as possible to the needs of this type of population;

6.12. returning to initiatives to enable people with disabilities and elderly people to move more freely within the EU, underlines the crucial role of the local and regional authorities in modernising services in old town centres and suburbs, particularly as regards removing architectural obstacles;

6.13. stresses, finally, the need for building design to take into account the requirements of elderly people or people with disabilities, not just in public building projects — which are already subject to effective regulation — but especially in the private construction industry.

Brussels, 13 June 2001.

*The President  
of the Committee of the Regions*

Jos CHABERT

## Opinion of the Committee of the Regions on the 'Regional impact of European agricultural and rural policy (a policy assessment)'

(2001/C 357/07)

THE COMMITTEE OF THE REGIONS,

having regard to its decision of 13 June 2000 in accordance with the fifth paragraph of Article 265 of the EC Treaty to draw up an own-initiative Opinion on The regional impact of European agricultural and rural policy (a policy assessment) and to instruct Commission 2 to carry out the preparatory work;

having regard to the draft opinion (CdR 253/2000 rev. 4) adopted by Commission 2 on 20 April 2001 (rapporteurs: Mr Endlein, Landrat, Chairman of the German Association of District Councils, Northheim District Council, D/PSE, and Mr van Gelder, Queen's Commissioner for the Province of Zeeland, NL/PPE);

having regard to the questionnaire (CdR 253/2000 rev. 4 Appendix) on which this opinion is based, to which the members of the Commission 2 working party, consisting of representatives of the 15 Member States, replied,

at its 39th plenary session of 13 and 14 June 2001 (meeting of 13 June) unanimously adopted the following opinion.

### Recommendations of the Committee of the Regions

1. In formulating policy, attention needs to be paid from the outset and at every level to assessment, by establishing not only where and how monitoring is to be carried out but also which indicators are to be used.

2. To avoid creating an inaccurate impression of policy, preference should be given on methodological grounds to an integrated approach to assessment. This means an approach by which the overall impact of all policies relevant to the development of the countryside is the subject of monitoring by all the competent authorities, so that a picture can be built up not only of the impact on the economy and environment, but also on the social and ecological infrastructure and cultural landscape. This requires the compilation of quantitative information using more variables than is currently the case.

3. In accordance with the subsidiarity principle, a major part of the information could or should be gathered by the Member States, the lower-level authorities and local research institutes on the basis of a limited, integrated questionnaire.

4. To make it possible to aggregate the information thus gathered, the information needs to be clear, which requires efficient central management of the methodology for information gathering. This management must necessarily be

carried out at European level. It is essential that the Member States and other authorities responsible for the countryside participate unreservedly in the establishment of a (permanent) monitoring system of this kind. The Committee well understands the scale of the task of establishing such a system, but feels that proper assessment of policy requires this to be done.

5. To establish a system of assessment of this kind based on complementarity between the institutions involved, consultation and coordination will be required between the players under the central management of the European Union, in addition to the very welcome initiatives of the European Union's own services. It is recommended that the European Union involve all the players in the establishment of a system of assessment by means of symposia, conferences, etc.

6. As it would not be possible to set up on a short time scale a system of this kind capable of generating usable data, the Committee intends to follow up this study, using the same working methods, three years after publication of this opinion. The follow-up will include the impact of the regional development programme instrument which has not yet been in existence long enough to make any impact assessment possible.

7. The Committee recommends all the authorities concerned to attach priority in their policies over the coming years to: maintenance of the cultural landscape, as an integral part of multifunctional agriculture in keeping with the

European agricultural model; the additional difficulties faced by island regions; use of telematics in the countryside; and, quality of life for the people living in rural areas including farming families, particularly lasting improvements in economic and social conditions, so that young farmers see in their farms a long-term source of livelihood.

8. Further to recommendations 1 to 4 above, the Committee notes the desirability of consistently including assessment arrangements in the framing or revision of rural development programmes and plans. The Committee also supports drawing up a classification of rural areas throughout the EU in order to ensure that greater objectivity is brought to bear and, consequently, that assessment is carried out in a discriminating way.

9. Furthermore, in the framing, implementation and assessment of plans and programmes, the Committee would recommend that more and/or better use be made of non-governmental organisations' specialised expertise. This exper-

tise should include research abilities, and the assessment should be carried out scientifically.

10. Finally, the Committee notes the survey's warm and virtually unanimous endorsement of the Leader programmes. Following on from that, the Committee recommends that consideration be given to the possibility of extending the programmes both in duration and, above all, applicability. Consideration should also be given, in the Committee's view, to the extent to which the favourable experiences gained from the methodology of these programmes can be transposed to other schemes.

11. The enlargement of the EU calls for precautionary policies for the mainly rural regions in the areas bordering on the applicant countries. Above all, the current possibilities available under EU policies must be used in a targeted manner. A separate aid programme for border regions, in line with EU Council initiatives, should thus for a limited period of time provide a necessary complement to measures designed to give a sustained economic and social boost to border regions.

Brussels, 13 June 2001.

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

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## Opinion of the Committee of the Regions on 'Young people in European farming — a blueprint'

(2001/C 357/08)

THE COMMITTEE OF THE REGIONS,

having regard to the decision taken by its Bureau on 10 November 2000, under the fifth paragraph of Article 265 of the Treaty establishing the European Community, to draw up an opinion on the subject and to direct Commission 2 for Agriculture, Rural Development and Fisheries to undertake the preparatory work;

having regard to Council Regulation (EC) No 1257/1999<sup>(1)</sup> on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF), which defined the Community framework for sustainable rural development from January 2000;

having regard to Commission Regulation (EC) No 1750/1999<sup>(2)</sup> laying down detailed rules for the application of the abovementioned regulation;

having regard to the Commission report on Young farmers and the problem of succession in European agriculture (COM(96) 398 final) and the CoR opinion on that report (CdR 457/96 fin)<sup>(3)</sup>;

having regard to the draft opinion (CdR 417/2000 rev. 2) adopted by Commission 2 on 20 April 2001 (rapporteur: Mr Gonzi, councillor for Albareto, I, PPE),

adopted the following opinion by a majority vote at its 39th plenary session of 13 and 14 June 2001 (meeting of 13 June).

The Committee of the Regions

1. Is concerned at the ageing situation of the EU's farmers. Such a situation has dangerous implications at a time when fewer and fewer young people are entering or remaining in the sector to guarantee the succession.

In many areas, this situation is threatening proper development of the sector, stewardship of the land, and environmental and landscape protection. In upland and disadvantaged areas in particular, it is jeopardising effective implementation of the new rural development policy. Rural areas are faced with the risk of fullscale decline.

2. Considers it vital, in view of the steadily worsening situation, to have on hand a variety of instruments which, from different angles, analyse the various elements, pinpoint reasons and help to provide solutions.

The Commission should therefore prepare:

— a statistical system for monitoring farmers leaving the

sector and young farmers (by sex) entering it, so that annual comparisons can be made;

— instruments for evaluating current European policies — agricultural and otherwise — and their effects on young people entering the agriculture sector;

— a special taskforce, within the Agriculture DG, to devise appropriate practical solutions.

3. Considers it a matter of vital urgency that data be acquired regarding young farmers in the CEEC, and that an agreement be reached with the CEEC authorities that Community aid should, as a matter of priority if not essentially, focus on investment to help young people set up as farmers, provide training and technical assistance, and facilitate the restructuring of holdings.

4. Considers that there is insufficient awareness of the seriousness of the phenomenon, and of the complexity of the necessary solutions, both within the Community and the individual Member States.

Considers, therefore, that the Commission should, at an early opportunity, convene a conference on young people in rural society. Just as the Cork conference put the topic of sustainable rural development on the European agenda and suggested the relevant implementing policies, so the conference on young

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 80.

<sup>(2)</sup> OJ L 214, 13.8.1999, p. 31.

<sup>(3)</sup> OJ C 215, 16.7.1997, p. 31.

people in rural society should draw the attention of the EU public and the various tiers of government to this subject, kindling interest, suggestions and appropriate policy responses. The CoR considers that it should play an important role in the preparation and holding of the conference, not least because the regional and local authorities have more direct experience of the situation of young farmers in different regions.

5. Proposes that the conference aim to sketch out a blueprint for young people in European farming which should include:

- objectives for bringing young people into farming;
- measures to fine-tune or flesh out existing provisions in agricultural and rural development policy;
- a consistent framework for establishing guidelines for action by national, regional and local authorities, in their various spheres of responsibility, to achieve the desired objectives throughout the EU;
- approaches and measures to encourage similar action in the CEEC;
- specific measures to be included in EU training, cultural, education, research, welfare, information/media and tourism policies.

6. Wishes, as of now, to draw the attention of the Commission and the Member States to what are widely accepted as being some of the main factors discouraging young people from farming:

- lack of reliable economic prospects, the feeling being that rural development is not treated as a political priority in Europe;
- no streamlining of urbanisation procedures for land earmarked for agricultural use;
- decline in personal, household and business services in rural areas and hence decline in overall quality of life. Young people — and young women in particular — are thus unwilling to establish a family in these areas;
- perception that social conditions are inadequate, compared with the attractions of other sectors of activity and other living and working environments;

- land prices and rents are too high compared with income prospects;
- high cost of start-ups, machinery, and farm improvements;
- large amount of red tape and legal and fiscal obstacles for starting up, and a web of regulations which is difficult to disentangle without proper help;
- lack of training, given the environment in which a modern farm must operate (technically sound, mindful of production and sales problems, able to expand activities and income by diversifying judiciously);
- difficulty (or often impossibility) of acquiring production quotas, because of lack of market or prohibitive costs. The problem is particularly acute in upland and disadvantaged areas, where the market is affected by demand from stronger farming areas.

7. Stresses the need for complementary, integrated action at EU, national, regional and local level to address the question of young people in farming. Where necessary (e.g. in the case of immediate start-up aid for young farmers), these measures should be mandatory in all Member States.

8. Calls on the Commission, as of now, to reach agreement with the Member States on a policy for young farmers that provides:

- succession arrangements designed to keep the farm intact;
- a tax system for farmers in general that guarantees fair treatment and is not more favourable for other economic sectors. The Commission should set up a survey to ascertain details of the tax systems for farmers in the various Member States;
- adequate pre- and post-natal allowances for young women.

9. Agrees that multifunctional agriculture is essential for rural development; considers, therefore, that the EU, Member States and regions, each in their respective areas of competence, must urgently ensure conditions that enable farmers and farmworkers to exercise a range of activities, both in order to increase overall per capita incomes and, especially in upland and marginal areas, to allow activities in such fields as

forestry, care and management of protected areas and parks, maintenance of rural and civil infrastructure, management of cultural assets, services and seasonal tourism.

- The most advantageous conditions must be devised for streamlining insurance, social security, tax and other statutory contributions for farmers who engage in supplementary activities.
- A new statute for diversified rural enterprises must be drawn up, in which each authorised activity fits in with the main rationale of the undertaking, namely farming.

10. Thinks that when setting up the blueprint for young people in European farming, the following aspects must be considered:

- direct aid for young farmers, with funding for overall start-up and farm development plans. The European Social Fund should also provide direct employment and self-employment aid at least for the first four years of activity;
- special support measures for young women, to help them achieve a greater degree of independence and equality in the workplace, encouraging them to set up and remain in rural areas;
- start-up aid for eight years, as proposed by the European Parliament;
- additional loans for investments, particularly in upland and disadvantaged regions;
- early retirement incentives, offering appropriate economic assistance if the farm is being transferred to a young person, so as to provide a fullscale 'pension package' in such cases, and harnessing, as far as possible, the expertise the retiree has built up through hands-on experience, and, of course, facilitating his social rehabilitation;
- provision of guarantees for farm credit;
- special loans to encourage farm restructuring schemes;
- elimination of the speculative production quota market and encouragement for the acquisition and priority transfer of production quotas. Given the small quantities involved, spare national quotas should be allocated by the state to upland and marginal areas;

- education and information for young people interested in a future in farming from the EU and the candidate countries, and encouragement for young farmers to take part in schemes involving practical experience on a farm in another country;
- improvement of infrastructure in rural areas as regards services, and especially education and health;
- revitalisation of the rural environment by encouraging residential clusters.

11. Deems it vital that any measures adopted to help young farmers be treated by the candidate countries as an integral part of the Community acquis.

12. Proposes that the Commission, Member States and local and regional authorities reach agreement on programmes for identifying local development agencies to be entrusted with the following tasks:

- promotional campaigns to attract young people into farming (for example: inside the agricultural sector itself with already established farmers who need to keep a positive attitude about their profession, and outside it by conducting an image-boosting campaign targeted at young people with or without an agricultural background);
- vocational training and refresher courses for farmers, farmworkers, technical staff and officials from local government;
- providing business people with information on prices, costs, products, market possibilities, alternative innovative and complementary production, modern technologies, and ways of accessing Community, national and regional assistance;
- technical back-up, and help with business management;
- use of information technologies;
- information on legal and tax affairs;
- creation and maintenance of a database with details of farmers who would like to retire and the people who would like to set up, facilitating an understanding between the two parties.

It should be borne in mind that, very often, there are already agencies and other public or private bodies that could be given a specific national or regional remit for this. It may simply be a matter of giving them some detailed practical instructions.

Checks should be made on the capacities of these agencies, who would then be given the role of 'tutoring' young farms over a number of years. The arrangement could take the form of a contract between the agency, the young farmer and the public body sponsoring the 'adoption of a young farmer' for at least a three-year period. The adoption package would include a plan for the farm's areas of activity and development, and public co-financing for the running costs.

13. Considers that, when further developing schemes involving agri-environmental measures, organic farming, agri-tourism and rural tourism, support for promotion and marketing of local speciality products, and the exploitation, processing and marketing of woodland produce, priority attention should be given to the presence of young farmers or groups of young farmers.

Considers that, as the demands which society makes of farmers have changed, with farmers being the focus of debates on consumer information about where their food comes from, farmers should be offered courses to help them explain their practices to the public.

Brussels, 13 June 2001.

Considers that the European Commission, together with the national, regional and local authorities and in collaboration with young farmers, should launch a wide-ranging rural information campaign encouraging the further development of rural tourism, open farm days, educational farms and agricultural teaching paths.

14. Calls on urban authorities to forge new links with neighbouring rural areas, with a view to fostering their social, cultural and economic development and to helping to make the public more aware of the special values and characteristics of rural areas; notes that urban authorities also need to recognise the beneficial social role that rural areas play for city residents who visit them regularly.

15. Considers that the European Investment Bank should also be involved in the implementation of the blueprint for young people in European farming, given its strategic importance.

16. Asks all the authorities involved in the implementation of the Leader+ initiative to concentrate funding on projects that involve young farmers, who should be given a central role in a 'bottom-up' approach for rural areas.

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

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**Opinion of the Committee of the Regions on the 'Promotion and Protection of Regional and Minority Languages'**

(2001/C 357/09)

THE COMMITTEE OF THE REGIONS,

having regard to the decision taken by its Bureau on 13 December 2000, under the Fifth paragraph of Article 265 of the Treaty establishing the European Community, to draw up an Opinion on this matter and to instruct Commission 7 — Education, Vocational Training, Culture, Youth, Sport and Citizens' Rights to undertake the preparatory work;

having regard to the European Parliament's resolutions on linguistic and cultural minorities Arfe, (1991,1993); Kuijpers, (1987); Reding (1990); Kililea, (1994);

having regard to the Council's resolution of 20 January 1997 on the integration of cultural aspects in community actions <sup>(1)</sup> (97/C 36/04) and the Committee of the Regions' opinion of the 16 January 1997 on the 'First report on the consideration of cultural aspects in European Community action';

having regard to its Opinion of 17 February 2000 on the European Parliament and Council's proposal regarding the 'European Year of Languages 2001' (CdR 465/1999 fin) <sup>(2)</sup>;

having regard to its Opinion of 14 December 2000 in which a multiannual community programme is adopted to stimulate the development and use of European digital contents in world networks and to foster linguistic diversity in the information society (CdR 316/2000 fin) <sup>(3)</sup>;

having regard to the Charter for Regional or Minority Languages of the Council of Europe;

having regard to Article 22 of the Charter of Fundamental Rights of the European Union;

having regard to the Draft Opinion (CdR 86/2001 rev.) adopted by Commission 7 on 23 April 2001 [rapporteurs: Mr Tony McKenna (IRL-EA) Mr José Muñoa Ganuza (E/EA)];

whereas the preamble to the EC Treaty indicates a wish to increase solidarity between peoples out of respect for their history, culture and traditions, as well as promote social and economic progress of its peoples within an internal market;

whereas Article 151, paragraph 4 of the Treaty establishing the European Community stipulates that 'The Community shall take cultural aspects into account in its action under the provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures';

<sup>(1)</sup> OJ C 36, 5.2.1997, p. 4.

<sup>(2)</sup> OJ C 156, 6.6.2000, p. 33.

<sup>(3)</sup> OJ C 144, 16.5.2001, p.38.



whereas that the Presidency Conclusions of the European Council in Copenhagen on 21 and 22 June 1993 state that respect for and protection of minorities is a requirement for membership of the European Union;

whereas the Council's conclusions of 12 June 1995 on linguistic diversity and multilingualism in Europe emphasised that 'linguistic diversity must be preserved and multilingualism promoted in the Union, with equal respect for the languages of the Union and with due regard to the principle of subsidiarity';

whereas the European Council's meeting held in Lisbon on the 23 and 24 March 2000 specifically recognised European cultural diversity as a potential for creating competitiveness in the European content industry,

adopted the following opinion at its 39th plenary session on 13 and 14 June 2001 (meeting of 13 June).

The Committee of the Regions

## 1. The Committee of the Regions' views on the Promotion and Safeguarding of Regional and Minority languages

1.1. defines 'regional or minority languages' as (i) languages traditionally used within a given territory of a State or within a Region of the European Union by nationals of that State who form a group numerically smaller than the rest of the State's population; (ii) does not include dialects or (iii) the language of migrants;

1.2. deems that the minority (lesser used) and regional languages are an essential part of the European Union's linguistic and cultural diversity and a vital element of our common European heritage, respect for which creates better mutual understanding among people and furthers European integration;

1.3. believes that regional identity is strengthened by the safeguarding and promotion of minority (lesser used) and regional languages;

1.4. regards cultural and language diversity as an appropriate field in which to promote European territorial cohesion, as it is a multiplying factor and provides added value in regional and local development projects;

1.5. believes that any action of the European Union in the domain of language policy, should be guided by the aims of conservation, intergenerational transmission, use, promotion and quality of regional and minority languages;

1.6. believes that the availability of goods and services in minority (lesser used) and regional languages and access to new information and communication technologies is an essential factor in language promotion;

1.7. deems that language permeates all aspects of people's lives. Linguistic issues are of a comprehensive and all-embracing nature and as such should be present in all areas of policy formulation and implementation;

1.8. considers that the European Charter For Regional or Minority Languages contributes towards the maintenance and development of European cultural traditions and wealth which emphasises the value of interculturality and multilingualism, in accordance with The Council of Europe's Convention on the Protection of Human Rights and fundamental Freedoms;

1.9. agrees with the priority areas of action identified in the Charter: education, the legal system, public services, the media, cultural services, economic and social life and cross-border exchanges, and welcomes:

- the promise of the Signatory States to plan to provide education at all levels in regional and minority languages;
- the undertaking that a series of steps in promoting knowledge and use of regional and minority languages in the field of public service be taken;
- the facilitation of cross-border contacts in the fields of culture, education, information and vocational and continuous training;

1.10. would ask the European Council to consider extending qualified majority voting to Article 151 (culture) of the Treaty of the European Community, excluding harmonization of the legal and administrative rules of the Member States and regions, respecting the internal distribution of competences and guaranteeing the principle of subsidiarity in the Community actions;

1.11. calls upon the European Commission to apply the principles and objectives of the Charter as a bench mark in assessing compliance of the applicant countries with the obligations towards the protection of its minorities as outlined in the Conclusions of the 1993 European Council in Copenhagen.

## 2. The Committee of the Regions' recommendations

2.1. believes that the European Union is in a privileged position to contribute, within its own area of competence and while respecting the importance of subsidiarity, towards the survival and development of the more than forty historical languages that form a crucial part of Europe's cultural legacy, by:

- raising awareness of our cultural heritage;
- developing innovative approaches, by fostering the exchange of specialist experience and knowledge; and
- creating networks between people active in this field and applying best practices;

2.2. calls upon States except Ireland and Luxembourg, where Irish and Luxembourgish are the first languages in both states, to sign and ratify without reservations, the Charter on regional and minority (lesser used) languages, in order to support the principles and objectives laid down therein and extend the level of support offered to minority and regional languages, especially as regards their use in the field of public service. In view of the options available for the degree of protection afforded to minorities, the signatory countries are called upon to take on board those provisions that guarantee a high level of protection and contain specific obligations. They should avoid selecting less binding provisions which would undermine the aim of the charter — which is to protect languages and minorities — and make the signing of the charter no more than a PR exercise for the countries concerned;

2.3. calls upon the European Commission to respect Article 22 of the Charter of Fundamental Rights by including specific provisions for linguistic diversity, with particular emphasis on provisions to encourage the inclusion of minority

(lesser-used) and regional languages, in all the European Union's policies and programmes with special reference to the fields of information technology, audio-visual policy, education, culture, language learning, cross-border cooperation, cultural tourism, language technology, regional development and spatial planning;

2.4. recommends that the Commission establish a multi-annual programme that will have as its objective the promotion and safeguarding of the minority (lesser used) and regional languages of the European Union;

2.5. urges the Commission to take immediate action to ensure that minority (lesser used) and regional languages are included in the activities of all current European Union programmes: in particular The Fifth Framework Programme for Research and Development, the Culture 2000 Framework Programme, the Media Plus programme, an action plan within pre-existing programmes such as Socrates, Leonardo and Youth, European Union action in support of education and SMEs, Structural Funds and Cohesion Funds, the e-Europe action plan, the e-Content programme, and the action plan on venture capital;

2.6. deems it necessary that the European Commission intensifies its information and awareness-raising campaigns informing the citizens of the European Union about the richness and diversity of its culture including the linguistic and cultural richness of the regions and also support a representative organisation of the linguistic communities at the European Union level;

2.7. proposes that the European Commission consults with the bodies in charge of language policies and/or representative associations of the linguistic communities in terms of funding and long-term strategy as far as regional and minority languages are concerned;

2.8. considers necessary that the Commission on a regular basis will support a research project to collect precise, reliable and periodically up-dated information on Europe's socio-linguistic development, identifying the factors that have contributed towards the growth or decline of languages, including the activity of public administration in this field. This initiative will conduct research, set targets and objectives, formulate policies and monitor the progress of initiatives and institutional involvement in the field of language promotion;

2.9. in this way, an evaluation of the results of the European Year of Languages should be done, which specifies the effects on minority (lesser used) and regional languages;

2.10. highlights that the framework programme that finally emerges from the agreements reached should be applied according to the subsidiarity principle, by which the European Union, the Member States, regional and local authorities, social partners and society in general have an active role to play through varying forms of collaboration and co-ordination;

2.11. recommends that the Commission establishes an interinstitutional task force with the CoR as a fully fledged member on the safety and promotion of minority (lesser used) and regional languages;

2.12. calls upon the local, regional and national authorities to promote the use of minority (lesser used) and regional languages in the cultural production, audiovisual media, press and editorial production, which are the most appropriate means of disseminating rich and plural language models, as is the provision of the full range of educational materials and lifelong learning;

2.13. recommends that the issue of minority (lesser used) and regional languages be placed on the agenda of the Inter-Governmental Conference in 2004 as soon as possible with a view to giving these languages due recognition in the treaties of the European Union.

Brussels, 13 June 2001.

*The President*

*of the Committee of the Regions*

Jos CHABERT

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### **Opinion of the Committee of the Regions on the 'Memorandum on Lifelong Learning'**

(2001/C 357/10)

THE COMMITTEE OF THE REGIONS,

having regard to the Commission Staff working paper: A Memorandum on Lifelong Learning (SEC(2000) 1832);

having regard to the European Commission's decision of 9 January 2001 under the first paragraph of Article 265 of the Treaty establishing the European Community to consult the Committee of the Regions on the subject;

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 7 — Education, Vocational Training, Culture, Youth, Sport and Citizens' Rights to undertake the preparatory work;

having regard to the Draft Opinion (CdR 19/2001 rev. 2) adopted by Commission 7 on 23 April 2001 (rapporteur: Mrs Christina Tallberg, S/PSE);

having regard to the conclusions of the Presidency of the Lisbon European Council of 23-24 March 2000, the Feira European Council of 19-20 June 2000 and the Stockholm European Council of 23-24 March 2001;

having regard to the Commission's 1995 White Paper on Education and Training — Teaching and Learning — Towards the Learning Society (COM(95) 590 final) and the Communication from the Commission — Towards a Europe of Knowledge (COM(97) 563 final);

having regard to the Communication from the Commission — *eLearning* — Designing Tomorrow's Education (COM(2000) 318 final) and the Report from the Commission on Access to continuous training in the Union (COM(97) 180 final);

having regard to the Opinion of the Committee of the Regions of 16 November 1994 on establishing 1996 as the European Year of Lifelong Learning (CdR 244/94 fin <sup>(1)</sup>; COM(94) 264 final) and The Opinion of the Committee of the Regions of 15 July 1998 on the Report from the Commission on Access to continuous training in the Union (CdR 424/97 fin <sup>(2)</sup>; COM(97) 180 final);

having regard to the Opinion of the Committee of the Regions of 14 December 2000 on *eLearning* — Designing tomorrow's education (CdR 314/2000 fin <sup>(3)</sup>; COM(2000) 318 final);

adopted the following opinion unanimously at its 39th plenary session on 13 and 14 June 2001 (meeting of 14 June).

## 1. The Committee of the Regions' views

1.1. The CoR welcomes the Commission's Memorandum as a very important starting point for mobilising all stakeholders with a view to stepping up the development of various possible education areas. The aim is also to encourage active citizenship and meet the needs of the new knowledge-based economy.

1.2. The CoR believes that a very important feature of the Memorandum is that, in addition to lifelong learning, it also highlights the lifewide dimension of learning by pointing out the considerable learning opportunities which exist outside formal education systems.

1.3. The CoR agrees with the Commission's view that the time has come to translate thoughts on lifelong learning into action, and to frame strategies at EU, national, regional and local level. This must, of course, be based on the subsidiarity principle.

1.4. The Commission's proposal to launch a lifelong learning debate as close as possible to the citizen is a new, interesting departure which the CoR is familiar with, and endorses.

1.5. The CoR supports the Commission's view that lifelong learning must be available to all, including people of all ages, with different backgrounds and circumstances. The regional and local level impacts on people's everyday lives from childhood through adulthood and into old age.

1.6. The CoR believes there is great potential in the learning environment which can be tapped by systematically mobilising the various potential players at local and regional level.

1.7. The CoR welcomes the Commission's intention to use the Memorandum to:

- initiate consultation focusing on citizens and their learning needs with the competent players at all levels;
- launch a debate on a comprehensive strategy for the implementation of lifelong learning for individuals in all areas of public and private life;
- involve the key players in lifelong learning at all levels, including the EU institutions and the social partners, and based on the outcome of this wide consultation, propose objectives, initiatives and goals for the implementation of a lifelong learning strategy.

1.8. The CoR endorses this procedure, since a debate about lifelong learning must clearly involve citizens themselves and the various potential players in the learning arena.

1.9. It is important that the CoR should be involved in promoting this debate. The CoR represents the local and regional political levels which are responsible for ensuring that the local community can earn a living, thrive and take an active part in society — and not least in the democratic process.

1.10. The local and regional levels also have a duty to act as:

- education authorities/executives, since many local and regional authorities have to provide general education and vocational training;

<sup>(1)</sup> OJ C 210, 14.8.1995, p. 74.

<sup>(2)</sup> OJ C 315, 13.10.1998, p. 9.

<sup>(3)</sup> OJ C 144, 16.5.2001, p. 34.

- social authorities, with responsibility for citizens' welfare, including children, adults and seniors and for the inclusion and social integration of the most disadvantaged, particularly those with physical or mental disabilities;
- coordinators for local and regional development and growth, and consequently it is also in their interest to develop a skilled workforce;
- employers, and as such it is in their own direct interest to boost their employees' skills;
- local and regional partners for social economy players, in order to boost public participation in the democratic process.

#### *Lifelong and lifewide learning*

1.11. The CoR fully endorses the view that lifelong learning must be available to everyone regardless of age, background or circumstances. The CoR also sees lifelong learning as indispensable to the survival and development potential of every region and community, and to putting the European Union at the forefront of the knowledge-based economy.

1.12. Furthermore, the CoR believes it is extremely important that the Memorandum also mentions lifewide, lifelong learning, highlighting the considerable learning opportunities which exist outside formal school education in particular, viz.:

- non-formal learning in associative life, through voluntary courses, adult education centres, study associations, open universities, etc.;
- informal learning at work and in everyday life. The CoR considers that the scope and importance of informal learning needs to be discussed in greater detail.

1.13. The CoR believes that this broader interpretation of lifelong learning marks a new departure, with 'learning' no longer being equated with formal education systems, or restricted to the acquisition of subject-specific knowledge. Instead, greater emphasis will be placed on the individual's learning and development potential.

1.14. The CoR also believes that this approach will alter the role of the formal education system. The CoR believes it is important to discuss how schools could concentrate more on increasing awareness of different forms of learning, and on

shaping the public's attitude towards learning in various contexts outside school and throughout the different stages of life.

1.15. As a platform for lifelong and lifewide learning, the most important task of primary and middle schools is perhaps to provide the cultural and methodological foundations in order to continually stimulate curiosity and the desire to learn.

The Memorandum contains six different points (Key Messages) which form the framework for future debate.

#### (1) *New basic skills for all*

1.16. The CoR welcomes the discussion on basic skills for all and agrees with the Commission's view that it would be best for the discussion to start by looking into broadly defined areas of knowledge rather than traditional school subjects. The CoR wishes to take part in the discussion.

1.17. Skills such as the three Rs are still very important. But they can also be seen as a means of acquiring knowledge, communication and problem solving skills. ICT and foreign language ability can also be considered as bolstering these skills. Other skills mentioned in the Memorandum are 'self-direction', 'learning how to learn' and 'entrepreneurial skills'.

1.18. Understanding, respect and empathy for fellow human beings — regardless of ethnic origin, language or religion — are examples of that regard for all others which the different types of learning should advocate. Another is grasping that European diversity in terms of language, culture and natural conditions provides value added which can enrich and strengthen European identity.

1.19. Similarly, an insight into local and regional diversity can create a more dynamic, empowered knowledge society.

1.20. Equal opportunities and environmental issues should also be highlighted.

#### (2) *More investment in human resources*

1.21. Like the Commission, the CoR believes it is essential to discuss increased investment in human resources, and that a key issue is how to maximise the effectiveness of such investment. Local and regional authorities can provide a valuable bridge between companies/working life on the one hand, and local education and training organisers. Local and regional authorities are uniquely placed to introduce constructive partnerships with both the social partners and



education and training establishments, and hence to tailor education opportunities to specific local needs and requirements.

1.22. The CoR would stress, however, that these systems must not be designed in such a way as to open gaps between the unemployed or those excluded from the workforce and those in work, or between those who have high and lower levels of education.

1.23. Consequently, funding for lifelong learning cannot just be a matter for agreement between the social partners. It should be adapted to reflect the new view of learning and development expressed in the Commission's report.

1.24. Moreover, it is essential to avoid making the mistake of regarding lifelong learning as important solely in terms of its economic benefits. Education is first and foremost about personal development, and vocational skills are secondary to this.

### (3) *Innovation in teaching and learning*

1.25. The CoR shares the Commission's view that ICT-based learning technologies offer great potential for innovation in teaching and learning methods, but they must be used in the appropriate context. The less well educated find it more difficult to cope single-handed with ICT and distance technologies, and therefore need more guidance. The CoR would also emphasise the need to discuss how such informal learning environments — where people can learn together — could be developed, and what shape they might take.

### (4) *Valuing learning*

1.26. The CoR is aware of the higher demand for recognition of learning and skills attainment. However, the CoR feels there is a risk that this could lead to complicated technical systems for assessing knowledge, or systems where the individual is treated more as an object rather than being given the support he needs to get his skills recognised and documented.

1.27. Such systems can frighten people and be counterproductive. It is thus important to consider the individual as the carrier of information and skills. The European language portfolio is an interesting example here.

### (5) *Rethinking guidance and counselling*

1.28. The CoR agrees that guidance must be available locally and be promoted by means of networks. Local access to modern information technology will be important. Initiatives should not be restricted to the provision of course information or choice of future career but must provide effective support for personal and career planning, and encourage people who have less positive memories of their schooldays.

### (6) *Bringing learning closer to home*

1.29. The CoR fully endorses the Commission's view that resources need to be mobilised for lifelong learning at local level, and believes it is important that the debate be launched at local and regional level.

1.30. The CoR notes that the Memorandum states that for most people, from childhood to old age, learning happens locally. Local and regional authorities are the ones that provide the infrastructure for access to lifelong learning, including childcare, respite care for family members, social welfare services and transport. It is therefore very important to mobilise resources in support of lifelong learning locally and regionally.

1.31. The CoR agrees that it is essential that education and lifelong learning should be available as close to the learner as possible. If the various parts of the European Union are to be included in the knowledge-based economy, then skills updating facilities and access to lifelong learning must be provided in the local community.

1.32. Geographical access should also be seen in conjunction with other measures to improve access for the individual, both in terms of structure and organisation:

- daytime/evening and weekend courses;
- courses during summer and traditional holiday periods;
- frequent course start dates;
- distance learning;
- guided flexible learning.

1.33. The creation of a local infrastructure for lifelong learning need not necessarily involve specific, distinct activities. It could build as far as possible on existing operations, backed up by the missing key functions. The CoR thus sees no need for any standardised local learning centres.

1.34. The CoR therefore fully endorses the view that the concept of lifelong learning must be available to people of all ages, and from all backgrounds and circumstances, since continuous skills development is essential to every region's and society's survival and development potential.

## 2. The Committee of the Regions' recommendations

2.1. The CoR believes that a successful European lifelong learning strategy presupposes local and regional fixed objectives, and will require effective follow-up systems. This will make it possible to track development trends and goals attainment, and make comparative analyses.

2.2. A lifelong learning strategy also requires the development of statistics and indicators. According to the Commission document, existing education statistics place a greater emphasis on formal education and training systems rather than on individuals or companies.

2.3. The CoR believes that resources will probably have to be re-allocated to support the growth of non-formal and informal learning.

2.4. The CoR welcomes the fact that the Socrates, Leonardo da Vinci, Youth, elearning and Culture 2000 action programmes are seen as a fillip to the European dimension of lifelong learning.

2.5. The CoR believes there will be a need for a systematic mobilisation of all possible learning stakeholders at local and regional level.

2.6. The CoR believes that the Memorandum's ambitious objectives for lifelong and lifewide learning will make demands on coordination efforts, infrastructure, institutional frameworks and cooperation. But a lifelong, lifewide learning initiative which includes people of all ages, from all educational levels and from different areas of the EU cannot be designed and imposed from above. It must be planned according to people's needs and circumstances, and underpinned by needs and circumstances identified at local and regional level.

2.7. The CoR believes that the local and regional authorities alone are in a position to deal with the issues addressed in point 1.30 above. The important task at national — or where appropriate federal state, or corresponding level — should be to foster a climate which encourages individuals, firms and public sector players to invest in education and learning.

2.8. The CoR considers it essential, however, for existing best practice in terms of lifelong learning infrastructure to be taken on board and disseminated. A concrete initiative would be to launch a web-based conference providing examples of local contributions to the infrastructure from all over Europe, and the opportunity to get in touch. The CoR also believes that a European database should be created.

2.9. The CoR believes that a Commission/CoR cooperation committee should be set up to carry forward the drive for lifelong learning, since these issues impact so heavily on local and regional authorities. The cooperation committee could also play an important role in the enlarged EU of the future.

Brussels, 14 June 2001.

*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 and the European Parliament on the Combating of trafficking in human beings, the sexual exploitation of children and child pornography’,
- the ‘Proposal for a Council Framework Decision on combating trafficking in human beings’, and
- the ‘Proposal for a Council Framework Decision on combating the sexual exploitation of children and child pornography’

(2001/C 357/11)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council and the European Parliament on the: Combating of trafficking in human beings, the sexual exploitation of children and child pornography; Proposal for a Council Framework Decision on combating trafficking in human beings; and the Proposal for a Council Framework Decision on combating the sexual exploitation of children and child pornography [COM(2000) 854 final — 2001/0024 (CNS) — 2001/0025 (CNS)];

having regard to the decision taken by its Bureau on 13 June 2000 under the fifth paragraph of Article 265 of the Treaty establishing the European Community, to draw up an Opinion on this matter and to instruct Commission 7 for Education, Vocation Training, Culture, Youth, Sport and Citizen's Rights to undertake the preparatory work;

having regard to the draft opinion (CdR 87/2001 rev.) adopted by Commission 7 on 23 April 2001 [rapporteur: Mrs Nicole Morsblech, (D/ELDR)],

adopted the following opinion unanimously at its 39th plenary session of 13 and 14 June 2001 (meeting of 14 June).

**THE COMMITTEE OF THE REGIONS’  
VIEWS AND RECOMMENDATIONS**

The Committee of the Regions

1. expresses its concern that the trafficking in human beings in Europe for the purposes of sexual exploitation, the exploitation of workers and the sexual exploitation of children, together with the dissemination of child pornography, have become pressing problems;

2. emphatically welcomes the fact that the EU has recognised these problems, has been endeavouring to tackle them for a number of years and is now putting forward further proposals for combating trafficking in human beings and the sexual exploitation of children;

3. firmly believes that these problems should be addressed at pan-European level, which should also involve cooperation at regional level and the participation of both the applicant states and other non-EU states;

4. is convinced that the measures set out in the framework decisions with a view to harmonising criminal law provisions and improving cooperation between prosecution bodies are a vital prerequisite for more effective measures to combat trafficking in human beings and the sexual exploitation of children but need to be backed up by additional measures at EU, national and regional level; therefore supports the Commission's intention to bolster the legislative measures by the implementation of further measures;

5. considers that the endeavour to set out common definitions and descriptions of the elements of an offence is a key objective with a view to establishing uniform provisions on criminal liability and more effective prosecution of criminal acts;

6. shares the view that the two framework decisions should focus on: criminal liability provisions; rules governing the liability of legal persons and the protection of victims; jurisdiction and cross-border cooperation;

7. advocates steps being taken to bring home to the applicant states, at an early stage, the need to fall into line with the measures to establish uniform standards of criminal law and to participate in the measures for improving cooperation between prosecution bodies; takes the view that talks should also be held, with a view to achieving similar objectives, with countries bordering on the EU which are not applicant states (e.g. Albania and Yugoslavia) and countries bordering on applicant states (e.g. states of the former Soviet Union);

8. agrees with the European Commission over the need to take concerted action to combat trafficking in human beings, sexual exploitation of children and child pornography, particularly in the light of the impending enlargement of the EU and believes that cooperation between EU regions and regions in the applicant states also has role to play here;

9. advocates in this context that cooperation with the Council of Europe should also be sought as this would provide a means of involving a large number of additional countries beyond the confines of the EU, in particular, central and eastern European countries, in the campaign;

10. welcomes the fact that the measures to combat trafficking in human beings include trafficking for the purpose of exploiting workers, in addition to trafficking for the purpose of sexual exploitation, thereby backing up measures to combat the organised smuggling of illegal immigrants/migrants;

11. calls upon the EU to support and help organise a coordinated campaign against trafficking in human beings, particularly with south-eastern and eastern European countries;

12. is in favour of closer cooperation between the countries of origin of the victims of trafficking in human beings, the countries through which they pass and their countries of destination; such cooperation should be backed up by, in particular, the exchange of data, criminal intelligence and research findings;

13. highlights the fact that it is particularly the economic and social situation in their country of origin which makes women become the victims of trafficking in human beings and therefore calls for resolute support to be given to measures to achieve positive economic and social development in these countries in order to lessen the danger that women fall victim to such trafficking because they are in a hopeless economic and social situation;

14. also endorses closer cooperation between EU states and non-EU states, as typified by the current agreement between Austria and Switzerland on the introduction of joint border patrols;

15. endorses the establishment of and support for a network of organisations which look after the repatriation, reintegration and provision of support for victims of trafficking in human beings;

16. recognises, with regard to the trafficking in human beings, that there is, in particular, a need to put an end to the shipment of human beings across frontiers for the purposes of sexual exploitation or the exploitation of workers; does, however, at the same time support the aim of applying the same penalties under criminal law in cases where similar offences take place within the Member States of the EU;

17. recognises that the Internet, in particular, has considerably facilitated the dissemination of child pornography and would point out that special difficulties arise in preventing this phenomenon and penalising it under criminal law, particularly in the case of dissemination via the Internet; therefore stresses the need to attach particular urgency to these efforts and highlights the danger that, in the absence of forceful measures to tackle the dissemination of child pornography via the Internet, this overall phenomenon could trigger large-scale crime;

18. considers that there is an urgent need, especially in the light of the problems of prosecuting under criminal law those who disseminate child pornography on the Internet, to promote general prevention by levying severe penalties under criminal law; regards the Commission's proposal as providing a good foundation in this respect;

19. supports the Commission's proposal that the offence of child pornography can only be established if the children concerned are below the age of 18 and, while regarding the proposals as being very far-reaching, nonetheless considers the proposed age limit to be both desirable and advisable with a view to protecting children and young people and promoting clear-cut prosecutions;

20. draws attention to the fact that the processing of cases of cyber child pornography is very labour-intensive as regards staff and highly time-consuming, particularly as regards the analysis of material contained on equipment which has been seized; there is therefore a need for the competent bodies to engage more staff;

21. stresses the need to use all necessary means to encourage the competent bodies in all EU Member States to equip themselves using vocational training and the very latest computer technology, as these are vital tools in the fight against the new forms of crime associated with the trafficking of human beings, in particular the dissemination of child pornography on the Internet;

22. emphatically welcomes the fact that under the Commission's proposal the possession of child pornography is also to be subject to uniform penalties throughout the EU; it regards this as an absolutely essential step in the light of the technical possibilities for distributing child pornography over the Internet;

23. draws attention to the fact that the opportunities provided by the new technologies, particularly the Internet, are also being exploited to disseminate information on supply and demand with regard to trafficking in women and calls upon the Member States to take resolute steps to combat this practice, too, by interpreting their criminal law provisions accordingly and through the work of their prosecution bodies;

24. advocates the promotion of information campaigns addressed to applicant states and other non-EU states, with the participation, in particular, also of NGOs, with a view to adopting a preventive approach to protecting vulnerable groups of individuals against the phenomena of trafficking in human beings and the sexual exploitation of children;

25. also regards NGOs as representing a key cooperation partner who should be involved in joint campaigns, particularly in the applicant states and other non-EU states;

26. highlights the particular importance of international extradition agreements and national provisions on criminal law jurisdiction with a view to ensuring that criminal acts committed wholly or partially outside the home country of the offender can be punished under criminal law without loopholes;

27. regards improved cooperation between prosecution bodies as providing a key platform for tackling the problems involved and sees the establishment of the necessary legal and administrative framework and the achievement of improved cooperation as areas in which not just the national states but also the regions have a key role to play, in accordance with national provisions governing jurisdiction;

28. underlines the fact that it regards the provision of social and legal assistance for the victims of both human trafficking and the sexual exploitation of children as an important task and strongly welcomes the fact that the Commission is seeking to commit the Member States to assuming this task;

29. firmly believes that efforts must be made to provide special support and care for the victims of trafficking in women; these measures should include, for example, the provision of adequate accommodation, reintegration into the labour market in the host country or the victim's home country, financial, psychological and legal support, and the rejection of discriminatory treatment in the host country or the victim's home country;

30. regards measures to promote the further training and exchange of groups of persons responsible for measures to combat the trafficking in human beings and the sexual exploitation of children, particularly in the fields of the courts, the police and public administrations, as key measures and welcomes the proposed continuation of the joint measures being taken in respect of persons working in these fields;

31. calls upon the Commission and the Member States to seek to achieve rapid agreement on the framework decisions on combating trafficking in human beings, the sexual exploitation of children and child pornography;

32. urges the EU Member States to transpose the proposals set out in the framework decisions into national law without delay and to implement, in collaboration with the EU and working jointly with the regions, the necessary additional measures for improving the general conditions.

Brussels, 14 June 2001.

*The President  
of the Committee of the Regions*

Jos CHABERT

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**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 sixth environment action programme of the European Community “Environment 2010: Our future, our choice” — The Sixth Environment Action Programme**’, and
- the ‘**Proposal for a Decision of the European Parliament and of the Council laying down the Community Environment Action Programme 2001-2010**’

(2001/C 357/12)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission on the sixth environment action programme of the European Community ‘Environment 2010: Our future, our choice’ — the Sixth Environment Action Programme and the Proposal for a Decision of the European Parliament and of the Council laying down the Community Environment Action Programme 2001-2010 [COM(2001) 31 final — 2001/0029 (COD)];

having regard to the decision of the Council of 21 February 2001, under the third paragraph of Article 175 of the Treaty establishing the European Community, to consult the Committee of the Regions;

having regard to the decision of its Bureau of 13 June 2000 to instruct Commission 4 — Spatial Planning, Urban Issues, Energy and Environment — to draw up its opinion on the subject;

having regard to the European Community Programme of policy and action in relation to the environment and sustainable development ‘Towards Sustainability’ (Fifth Environment Action Programme);

having regard to the Communication from the Commission on the Global Assessment of the Fifth Environment Action Programme (COM(1999) 543 final);

having regard to the Commission Working Document ‘From Cardiff to Helsinki and beyond’, Report to the European Council on integrating environmental concerns and sustainable development into Community policies (SEC(1999) 1941);

having regard to the Council conclusions on the Global Assessment of the Community Programme of policy and action in relation to the environment and sustainable development ‘Towards Sustainability’ (8072/00);

having regard to the Opinion of the Committee of the Regions on the Global Assessment of the Fifth Environment Action Programme (CdR 12/2000 fin) <sup>(1)</sup>;

having regard to the European Environment Agency’s Assessment Report ‘Environment in the European Union at the turn of the century’, 1999;

having regard to Draft Opinion CdR 36/2001 rev., adopted by Commission 4 on 3 May 2001, for which the rapporteur was Mrs Estrela (PSE-P);

whereas the Treaty on European Union requires environmental concerns to be integrated into Community policy with a view to guaranteeing sustainable development,

adopted the following opinion unanimously at its 39th plenary session on 13 and 14 June 2001 (meeting of 13 June).

<sup>(1)</sup> OJ C 317, 6.11.2000, p. 1.

The Committee of the Regions

## 1. General comments

1.1. considers that the Communication and Proposal for a Decision on the Sixth Environment Action Programme do not adequately reflect the fact that during the period covered by the Fifth Programme, and in spite of modest progress in a few areas of some fields, the state of the environment in Europe deteriorated from most points of view;

1.2. considers, under these circumstances, that for the Sixth Programme to constitute a legal instrument with binding decisions, it should be more specific and practically oriented, it should set clear objectives and targets, where possible, specifying figures and deadlines and it should provide and identify instruments and indicators for its own assessment;

1.3. consequently disagrees with the Commission's basic choice of a programme which 'does not prescribe the precise nature of the actions and measures that will be necessary', and recommends that the document be fleshed out so as to turn it into a real action programme;

1.4. considers that the programme's role as the environmental component of a broader EU strategy for sustainable development, to be submitted to the June 2001 European Council, should be made clearer;

1.5. emphasises the need to integrate environmental concerns into the two other sustainable development approaches unveiled at Cardiff (economic aspects) and Lisbon (social/training aspects);

1.6. supports the view that an advanced environmental protection policy can generate many benefits, over and above environmental ones, by for example promoting innovation, new market niches, competitiveness, profitability and employment and can help achieve the objective set at the Lisbon Summit of making the EU the most competitive knowledge-based economy in the world;

1.7. welcomes the extension of the Sixth Programme's duration to ten years, viewing this as the most suitable timescale for achieving the intended results, although it does recognise that this makes it all the more necessary to define specific goals and indicators in order to allow for proper mid-term evaluation and monitoring;

1.8. asks that both the mid-term report, scheduled for the fourth year of operation of the programme, and the final assessment, in the final year of the programme, be submitted to it;

1.9. is pleased to note some elements of its opinion on the assessment of the Fifth Programme in this new action programme, together with the express intention of identifying specific actions and responsibilities at local and regional level;

1.10. considers, however, that since local and regional government bodies bear responsibility for such important environmental issues as water supply and treatment, waste management, public transport and land-use and urban planning, and since their political choices impact directly or indirectly on almost all other environmental aspects, climate change, nature conservation, health and public information, the Sixth Programme should be worded in such a way as to reflect this situation more closely;

1.11. welcomes the European Commission's stated intention of developing new forums for dialogue and the exchange of experience with the general public and all interested parties, and believes that the Committee of the Regions can and must play a more active role in supporting these new forums;

1.12. welcomes the intention of including the promotion of sustainability in the EU applicant countries in the Sixth Programme;

1.13. regrets that the specific issue of the urban environment, which concerns 80 % of Europe's population, has not been properly tackled, even in terms of the land-use planning and management approach;

1.14. generally endorses the priority lines of the strategic approach as well as the priority issues identified in the Sixth Programme, subject to the following critical analysis.

## 2. Recommendations concerning the strategic approach

2.1. recommends that the 'fame or shame' strategy on implementation of directives, as announced in the Commission's communication, be properly reflected in the draft proposal and that it should, if possible, be extended to cover compliance/non-compliance with both regional/local level legislation and voluntary agreements;

2.2. points out that notification is a requirement (it is mandatory anyway under certain directives) and hopes that this instrument will be reviewed in cooperation with the EEA with a view to gearing it more closely to actual circumstances;

2.3. recommends that provision be made not only for better application of current environmental legislation, but also for updating and fine-tuning this legislation; demands that local and regional authorities be involved in preparing and evaluating Community environmental legislation; and calls for specific actions to be considered for increasing regional and local authorities' knowledge and understanding of Community legislation;

2.4. recommends that thought be given to extending the IMPEL network for exchanging best practice on the implementation of Community legislation to the local and regional levels throughout the Member States;

2.5. recommends that the promotion of higher inspection and supervision standards be extended to local and regional authorities, while acknowledging that responsibility for such inspection and supervision must lie at the lowest appropriate level of authority, in keeping with the subsidiarity principle;

2.6. proposes that ways be considered of introducing more stringent sanctions where Community environmental directives are judged in court not to have been complied with;

2.7. considers that the mainstreaming of environmental considerations into other policy areas should be stepped up, and suggests that the European Commission promote fuller integration into its own policies, in particular through specific descriptions in the relevant sectoral policy documents of how it integrates environmental measures into key sectors such as transport and agriculture;

2.8. strongly recommends that ways of evaluating and promoting the integration of the environment into sectoral policies at both Member State and regional/local level be specified and defined;

2.9. suggests that all regional and sector funding from Community programmes be made subject to a favourable assessment of the extent to which environmental policy is incorporated in the specific projects under consideration;

2.10. supports the more extensive introduction of eco-taxes and charges with a view to an environmental tax reform aimed at levying taxes on resource consumption and internalising environmental costs, with a concomitant easing of labour taxes in order to boost employment;

2.11. supports fully the concept of the polluter pays principle, by incorporating environmental costs into the price since it corrects false price signals;

2.12. urges that the proposed decision specify measures consistent with the new guidelines announced by the Commission for state aid and support with an environmental impact;

2.13. supports cooperation with businesses to achieve better environmental performance, but calls for explicit reference to be made to the special role which regions and local authorities can play vis-à-vis the businesses and industries located within their areas;

2.14. calls for more specific goals and instruments under the integrated product policy which has been announced;

2.15. urges that specific measures and actions for eco-efficiency be introduced, and emphasises that the European Environment Agency must be granted broader powers in this sphere;

2.16. strongly backs the proposal for a green public procurement policy, recommending the adoption of guidelines to ensure that all public bodies in Europe, ranging from the Commission and the Parliament to the Member States and local and regional authorities, undertake to make all contracts and purchases subject to prior assessment of the lifecycle and environmental sustainability of the products and services in question;

2.17. agrees with the importance of having permanently available up-to-date information on the state of the environment on a local and regional scale, but calls for the draft decision to specify what kind of information should be available, such as sources and types of polluting emissions, and to indicate the type of media to be employed for this, particularly Internet;

2.18. acknowledges and emphasises the irreplaceable role of regions and municipalities as information, training and awareness-raising interfaces for individuals and families on the environment and good environmental practice and, in this connection, draws attention to the advisability of encouraging cooperation and exchange with schools and NGOs;

2.19. is disappointed at the limited scope of the draft decision regarding land use planning strategy, and calls for this aspect to be revised and expanded, with consideration given to measures to promote general rules for sustainable land use planning in the EU, in accordance with the subsidiarity principle;

2.20. recommends that specific measures and actions be taken to support local bodies in meeting their responsibilities regarding urban planning and the urban environment, including swapping information about practices and experiences, with particular emphasis on urban transport and restrictions on the use of private vehicles in urban areas;

2.21. recommends that the use of regionally-targeted Community funds be made dependent upon an assessment of whether they meet appropriate land use planning standards.

### 3. Recommendations concerning the priority thematic issues

#### *Climate change*

3.1. welcomes the adoption of ambitious, quantified and timetabled targets for this priority area, and supports the view that climate change prevention should be viewed as an engine for innovation, competitiveness and economic efficiency;

3.2. recommends that the Sixth Programme assume and flesh out the EU's firm commitment to meet the Kyoto Protocol targets, as well as other, subsequent targets which are beginning to look necessary, regardless of the outcome of the international negotiations on this issue, with a view both to securing the EU's international leadership in this area and to ensuring that the EU benefits from the advantages derived from moving to an economy with lower greenhouse gas emissions;

3.3. recommends that internal mechanisms be devised for imposing sanctions, also in the form of penalty payments, in proportion to any Member State non-compliance, and that the regions play a more active part in this by adopting regional greenhouse gas reduction plans and goals;

3.4. calls for quantified objectives and goals to be set for reducing emissions in the sectors contributing most to climate change, particularly transport;

3.5. reiterates its support for the creation of an emission rights trading scheme, but emphasises that such a scheme must be explicitly extended to the EU applicant countries; at the same time, it recommends that the 'producer responsibility' clause be brought to bear;

3.6. supports the promotion of fiscal measures on energy, but believes that such measures should not only be aimed at greenhouse gases, but rather at all types of environmental impact from all energy sources, in particular the production of radioactive waste from nuclear energy;

3.7. it is particularly supportive of the priority action on energy saving in the air-conditioning of buildings, on account of the potential implications for local authority management and the urban environment;

3.8. acknowledges the specific role which will fall to regions and municipalities in adapting to some degree of climate change, in terms of both preparations to minimise its impact at local and regional level, and support and information for the general public; it recommends that the draft decision specify measures to promote urban planning which is better adapted to this purpose, particularly as regards building and infrastructure standards and an increase in the number of parks — old and new — in urban areas.

#### *Nature and bio-diversity*

3.9. believes that the objectives for this priority area should be reformulated to reflect the relative degrees of seriousness of the main risks, with the principal overall objective being to protect against the destruction of natural habitats and soil use changes detrimental to nature and bio-diversity;

3.10. recommends that certain priority actions whose scope extends beyond nature and bio-diversity, or which relate only indirectly to this area, should be placed under other headings in the Sixth Programme. This applies to the coordination of responses to accidents and natural disasters, the prevention of mining accidents, and protection against soil erosion and pollution;

3.11. recommends that moves to incorporate environmental concerns into agriculture and fisheries policies in future reviews of these common policies make specific reference to steps to integrate nature and bio-diversity conservation objectives and the cultural heritage associated with them, rather than to environmental policy in general;

3.12. recommends that the priority action on genetically modified organisms make specific reference to the assessment and monitoring of the risks involved for nature and bio-diversity;

3.13. recommends that specific actions and measures be adopted to develop and establish the Natura 2000 network, with consideration being given to Community co-financing of site management reflecting their respective Community value, and extending Natura 2000 to the applicant countries and to cover the marine environment;

3.14. welcomes the inclusion of forests under this heading on account of the implicit recognition of their multifunctional role and value for nature and bio-diversity conservation; it calls for priority actions to be defined for the conservation and restoration of Europe's remaining original and partly original forests, especially in the applicant countries;

3.15. advocates the adoption of a strategy to conserve the marine environment, and recommends it be extended to cover the nature and bio-diversity of coastal areas and estuaries, especially as regards the impact of tourism and the potential offered by innovative eco-tourism;

3.16. recommends the adoption of a priority action to promote nature and bio-diversity in urban settings, and to restore areas of land and watercourses which have become polluted, built over or covered up for no good purpose, focusing on the positive effects of preventing and minimising the impact of extreme climatic phenomena such as drought, floods or landslides;

3.17. regrets the lack of world-wide action, and calls for practical measures to be considered for conserving bio-diversity at world level, in particular by using economic instruments and market regulation, in line with developments in UN conventions on biological diversity and trade in endangered species and the need to implement these.

#### *Environment and health*

3.18. points out that Article 152 of the Treaty establishing the European Community stipulates that 'a high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities'; it therefore attaches the utmost importance to this area, agreeing with the overall objective, but it does regret the piecemeal way in which the question of environment and health is being tackled;

3.19. reaffirms the importance of providing the public with continuous, up-to-date information on pollution from industry and other sources, especially at local and regional level, and consequently regrets that the draft decision fails to take up the actions in this area mentioned in the communication;

3.20. welcomes the Commission's proposals on a chemicals strategy as well as the reference to the need for clearly defined deadlines and dates for evaluation; it consequently recommends that these deadlines and dates also be stipulated in the Sixth Programme;

3.21. considers that the Sixth Programme should also encourage the adoption of national, regional and local chemical safety plans;

3.22. calls for priority to be attached to compliance with the main international conventions on chemical products, such as the UN Convention on Persistent Organic Pollutants or the OSPAR convention on the protection of the marine environment;

3.23. supports the overall objective of reducing the use of pesticides, considering this to be compatible with more sustainable farming, geared to quality rather than to quantity, but regrets that the measures in the draft decision only partially reflect those described in the communication, especially concerning the elements of a future strategy for the sustainable use of pesticides;

3.24. considers that the sustainable use of water resources should be brought under the heading of sustainable use of natural resources, since the proposed measures on water quality consist essentially of arrangements to apply the framework directive on water;

3.25. recommends specific and innovative actions relating to the public health implications of water quality and water supply systems, as well as measures to promote sustainable and efficient management of water resources at local and regional level, including the full incorporation of environmental and resource costs associated with damage or negative impact on the aquatic environment, in pricing, in accordance with the framework directive on water;

3.26. recommends that actions on air quality reflect the crucial role of regions and municipalities in monitoring air quality and in providing the public with information, especially in urban areas;



3.27. agrees with the need for indoor air quality to be assessed and monitored, given its potential impact on health and the quality of urban life;

3.28. regrets that there are no measures relating to noise in the draft decision, and strongly recommends that the Community directive on environmental noise proposed by the Commission be supplemented with daughter directives, especially on aircraft and transport noise and, more generally, on the production of quieter forms of transport;

3.29. regrets that the section on the environment and health fails to deal specifically with the issue of food safety, which is however a matter of fundamental — and highly topical — concern to the general public in the EU.

#### *Sustainable use of natural resources and management of wastes*

3.30. considers that the objectives in this section should focus on dissociating resource consumption and waste production from development, with a view to making development sustainable, rather than dissociating them from economic growth;

3.31. recommends that protecting soils from erosion and pollution be dealt with under this heading rather than under nature and bio-diversity, and that both the restoration of areas suffering soil pollution and steps to combat desertification be specifically included;

3.32. particularly and warmly welcomes the Commission's stated intention of increasing local authority involvement in preparing legislation on wastes, and of encouraging the exchange of information on experience and best practices between local authorities;

3.33. believes that free movement of waste material across borders must not stand in the way of local and regional waste processing solutions, while respecting the established hierarchy of responsibilities;

3.34. endorses the aim of giving priority to the prevention of waste production and of building this into an integrated product policy; it recommends that it be specified that this policy should be extended to cover products imported from third countries;

3.35. advocates systematic application of the principle of producer responsibility to all recyclable or sortable waste, which is generated when products are placed on the market, including not only packaging waste, disused vehicles and

electric and electronic waste, but also used tyres, used batteries and accumulators, textile waste, construction/demolition waste and some hazardous household waste. As a general principle the producer responsibility should be individual and not collectively shared in order to create an incentive for the producer to develop more environmentally friendly products;

3.36. welcomes the reference in the communication to targets, with figures and deadlines, for waste prevention and recycling, and urges that these targets be duly incorporated into the priority actions in the draft decision;

3.37. endorses the priority given to waste recycling, and in particular supports the adoption of measures on construction and demolition waste as well as on biodegradable waste. With regard to the latter, it suggests considering incentives for the selective collection of organic matter for composting;

3.38. calls for the revision of the legislation on sludge to bear in mind the specific aim of harmonising the methodology used in measuring their degree of pollution.

#### **4. International issues**

4.1. strongly recommends that the measure stipulating dialogue with the administrations of the EU applicant countries explicitly mention local and regional authority involvement in the dialogue, especially with a view to cooperation and exchange of experience in matters pertaining to urban planning and public transport;

4.2. regrets that the draft decision has left out the actions set out in the communication on helping to protect the environment of neighbouring countries;

4.3. urges that the EU clearly set itself the external policy priority of making world free trade agreements subject to international environmental agreements, and making them conditional upon an assessment of their implications for sustainable development;

4.4. supports the aim of strengthening international environmental governance, and recommends that backing be given to the creation of an effective World Environment Organisation; it calls for the priority actions and measures needed for achieving this to be specified, such as those for strengthening the UN environmental system;

4.5. strongly agrees that it is necessary to establish targets and measures for the World Summit on Sustainable Development in 2002 ('Rio+10'), and urges that regional and local authorities be involved in achieving this aim, especially with regard to initiatives to evaluate and implement Agenda 21 at local level.

## 5. Participation and sound knowledge

5.1. welcomes the objective of pursuing a course of transparent governance and shared responsibility through more extensive involvement of, and dialogue with, all those concerned; in this context it again points to the special role that regional and local authorities play in implementing national and Community environmental policy and in voicing grassroots views and passing on information to the public;

5.2. notes the special role played by regional and local authorities in collecting data on environmental issues, their

geographical distribution and local and regional socio-economic factors; it therefore calls for these authorities to be involved at an early stage in all measures designed to improve our knowledge about the state of the environment or to promote best practices in disseminating information on the environment;

5.3. advocates support for local and regional authorities in the collation and exchange of information for and with decision-makers and the public, and in their efforts to involve the public in these matters;

5.4. recommends that when information systems are reviewed and reports submitted, consideration be given to the evaluation of responsibilities and information flows between municipalities, regions and Member States, so as to ensure that reports and indicators relating to the state of the environment in the EU are consistent, effective and reliable. In this respect, Eurostat should develop a new green GNP, incorporating environmental factors and energy consumption, to be used in conjunction with the conventional GNP to measure European Union's wealth.

Brussels, 13 June 2001.

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

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**Opinion of the Committee of the Regions on the ‘Communication from the Commission to the European Parliament and the Council “Developing a New Bathing Water Policy”’**

(2001/C 357/13)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission on Developing a New Bathing Water Policy COM(2000) 860 final;

having regard to the decision of its Bureau of 13 June 2000 to draw up, in accordance with the fifth paragraph of Article 265 of the Treaty establishing the European Community, an opinion on Developing a New Bathing Water Policy, and to assign the preparation of this opinion to Commission 4 for Spatial Planning, Urban Issues, Energy and Environment;

having regard to the draft opinion (CdR 97/2001 rev.) adopted by Commission 4 on 3 May 2001 (rapporteur: Mr Vito D'Ambrosio — I, PSE);

whereas the Treaty on European Union calls for environmental considerations to be integrated into all Community policies, with a view to securing sustainable development,

adopted the following opinion unanimously at its 39th plenary session on 13 and 14 June 2001 (meeting of 14 June).

**1. Position of the Committee of the Regions**

1.1. The Committee of the Regions welcomes the European Commission's communication on developing a new bathing water policy. The policy is urgently needed, and is designed to enable further progress along the path towards proper respect for the environment and public health.

1.2. The Committee believes that the new policy could also generate further economic growth in the Community, benefiting above all those areas that are committed to respecting and improving the environment, by both protecting the natural heritage and using ever higher standards of services and infrastructure to improve quality of life.

**2. Recommendations of the Committee of the Regions regarding the plan for a new bathing water policy**

2.1. The Committee recommends that the Commission pay special attention to the procedures for assessing eutrophic phenomena. These phenomena are often considered to be anomalies in the ecosystem and to be caused by pollution, but frequently they stem from an increase in plankton, resulting from natural events that have been happening for centuries and that do not therefore pose any of the specific risks associated with pollutants.

2.2. Eutrophic events on a very large scale, however, become a genuine environmental emergency, irrespective of

the cause, natural or human. The resulting anoxia of the water, with the possibility of fish dying, floating and decaying in bathing water, poses a health and environmental danger and is also aesthetically unpleasant. These phenomena must be monitored, especially if the marine resources are prone to them. In northern Europe, the bathing season lasts only about a month and the number of bathers is low compared with southern Europe. The Committee feels that these differences should be taken into account. In the Committee's view, a bathing area should be defined as one that has been actively launched as a bathing area and is used by a significant number of bathers every season. Sampling should be organised so that areas with the highest risk are monitored more often. The criteria applicable to bathing areas with short bathing seasons must be such that the consequences of a negative sample do not hit these areas harder, given that there is not time to take such a complete series of samples.

2.3. In this connection, the Committee recommends that the Commission clearly address the growing problem of algae bloom and the danger to bathers posed by algae-borne toxins. A single nutrient parameter is not enough to describe in any meaningful way the nutrient status in relation to massive algae growth.

2.4. The Committee would point out to the Commission that one of the key factors in improving the efficiency of the monitoring analysis is speedy results that enable a rapid reaction. This requirement must be linked as a priority to the parameters aimed at safeguarding human health and to those used to indicate changes in water quality.

2.5. To this end, the Committee proposes that the monitoring mentioned in the Communication should include ammoniacal nitrogen, nitrous acid and nitric acid among the substances used to determine the degree of pollution and its development, as their presence can be determined relatively quickly enabling rapid responses, while waiting for bacteriological results, which take longer.

2.6. The Committee would stress the importance of accurate, standardised public information. More specifically, when pollution makes the water unsuitable for bathing, the information provided must not be misleading or open to interpretation but rather visible and clear, possibly using symbols, especially when indicating the cause of the pollution. This information should cover various aspects:

- the site, characteristics and critical factors;
- unfavourable meteorological/climatic and marine conditions affecting water quality;
- the quality change assessed analytically.

2.7. The Committee would also stress the importance of allowing the regions and local authorities to make a positive contribution in the next stages of deciding on the technical and scientific details of the new European directive, through their own structures or local independent bodies responsible for environmental protection, for instance the regional

environmental protection agencies existing in Italy and other Member States.

2.8. The Committee would stress that attention must be given to timing and the resources needed to make the necessary improvements to restore and protect the quality of bathing waters. These measures too must be assessed on two distinct levels:

- action and measures concerning exceptional and unforeseen events;
- action needed to deal with inadequate infrastructure, differentiating between small- and large-scale investments. In this respect, the Committee draws the Commission's attention to the extremely high cost for local authorities of any requirement to separate sanitary sewers from storm-water sewers. Such a measure should only be implemented if a preliminary assessment demonstrated the risks, in the area at risk considered, of maintaining a single sewerage system.

2.9. The Committee therefore invites the Commission not to rule out the deployment of adequate financial resources for the above-mentioned measures, to top up the resources provided by the Member States and regions concerned.

2.10. The Committee would ask the Commission to bring the deadlines set in the new bathing water directive and the water framework directive into line with each other.

Brussels, 14 June 2001.

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

**Opinion of the Committee of the Regions on the 'Green Paper on Integrated Product Policy'**

(2001/C 357/14)

THE COMMITTEE OF THE REGIONS,

having regard to the Commission Communication on the Green Paper on integrated product policy (COM(2001) 68 final);

having regard to the decision taken by the Commission on 13 February 2001, under Article 265, first paragraph of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision of its Bureau of 13 June 2000 to instruct Commission 4 — Spatial Planning, Urban Issues, Energy, Environment — to draw up the relevant opinion;

having regard to its opinion on the Proposal for a Directive of the European Parliament and of the Council on the co-ordination 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 co-ordinating the procurement procedures of entities operating in the water, energy and transport sectors (CdR 312/2000 fin) <sup>(1)</sup>;

having regard to its opinion on the Communication from the Commission to the Council and the European Parliament on the review of the Community strategy for waste management (CdR 339/96 fin) <sup>(2)</sup>;

having regard to its opinion on the Communication from the Commission: The Global Assessment of the European Community Programme of Policy and Action in relation to the environment and sustainable development (Fifth Environment Action Programme) (CdR 12/2000 fin) <sup>(3)</sup>;

having regard to the draft opinion (CdR 98/2001 rev.) adopted by Commission 4 on 3 May 2001 for which the rapporteur was Mr Kramer Mikkelsen (DK, PES),

adopted the following opinion unanimously at its 39th plenary session on 13 and 14 June 2001 (meeting of 13 June).

**1. Position of the Committee of the Regions on the Green Paper on an integrated product policy**

1.1. The Committee agrees with the Commission that integrated product policy (IPP) must be based on a mix of instruments. Voluntary and market-driven instruments such as eco-labelling, eco-declarations, environment-friendly public procurement, environmental management and eco-design guidelines all have a part to play.

1.2. However, the Committee would point out that IPP incorporating the facets discussed in the Green Paper must be viewed as an adjunct to traditional forms of legislation, such as minimum directives, which it cannot replace.

1.3. Legislative initiatives are needed to establish priorities, objectives and criteria for assessing target attainment. In

particular legislation must provide for measures to be triggered in the event of failure to meet the fixed objectives. In the Committee's view, IPP must be framed on the basis of the fundamental principles underpinning EU environmental policy; viz. the precautionary and substitution principles.

1.4. In particular, directives to establish minimum standards for waste treatment and use of chemicals need to be further developed. IPP can provide valuable back-up for purposes of waste prevention and substitution of undesirable chemical substances in specific products but voluntary measures in these areas must not impede attempts to achieve basic environmental protection legislation.

1.5. To ensure that voluntary measures such as those mentioned in the Green Paper are consistent with and reinforce further legislative work, the Committee would suggest that the Commission address this interaction in the future Communication.

<sup>(1)</sup> OJ C 144, 16.5.2001, p. 23.

<sup>(2)</sup> OJ C 116, 14.4.1997, p. 74.

<sup>(3)</sup> OJ C 317, 6.11.2000, p. 1.



1.6. The Committee also feels that IPP's linkage to, and interrelationship with, traditional regulation of the business environment and the existing measures in this sphere (IPPC and BAT) need to be explained.

1.7. The Commission's IPP Green Paper does not live up to the Committee's expectations regarding long-term objectives and priorities for waste prevention following the adoption of the Commission's Sixth Environment Action Programme, which specifies that waste prevention is a key IPP component.

1.8. The Committee of the Regions has on earlier occasions and most recently in its opinion on the global assessment of the Fifth Environment Action Plan<sup>(1)</sup>, drawn attention to the need for a determined waste prevention drive. The Committee reiterates this demand in the present context.

1.9. The Committee would therefore urge the Commission in its future Communication to identify objectives and priorities so that action to prevent waste receives the high priority necessary to limit the volume of waste. The local and regional authorities are largely responsible in Europe for waste disposal and have considerable expertise in the problems caused by the types and quantity of existing waste production. These authorities are willing to make this expertise available to the Commission and call on the Commission to involve the Committee of the Regions closely in its future work.

1.10. The Committee is pleased to learn that the Commission wishes to involve all actors at all levels and that it is keen for IPP to be founded on open dialogue and incentives for the incorporation of a life cycle approach into all relevant decisionmaking.

1.11. The Committee particularly wishes to impress on the Commission that heed should be given when drafting the future Communication to the potential role of local and regional authorities by virtue of the part they play in monitoring businesses etc.

1.12. The Committee regrets that the Green Paper does not address the possibilities for local and regional environment authorities to influence actual product development through dialogue with companies. This is unfortunate as the local and regional environment authorities are well placed to persuade companies, through dialogue, to take a life cycle-driven approach to products' environmental properties.

1.13. Currently the scope for local and regional authorities to promote environment-friendly products through their procurement policies, in the case of large contracts, depends on Community procurement rules making provision for the inclusion of relevant environmental conditions. As regards such contracts, the Committee regrets that the Green Paper allows the success or failure of IPP to be dictated by these authorities' capacity to boost demand for less pollutant products, in view of their restricted scope for action in this field.

1.14. Unless the procurement rules include exemptions allowing them to exercise this role properly, local and regional authorities will be unable to meet the stated expectations. In view of the key role the Commission ascribes to an environment-driven public procurement policy, it must therefore be stressed that interpretations and amendments of procurement rules are a prerequisite for effective implementation of IPP.

## 2. The Committee's recommendations on specific chapters of the Green Paper

### *The price mechanism*

2.1. The Committee of the Regions fully supports the 'polluter pays' principle which is a pillar of the Community's environmental protection action. Similarly the Committee endorses the Commission's view that the real environmental costs of a product's total life cycle should be factored into the product's price. In implementing the 'polluter pays' principle, practical difficulties have sometimes arisen in incorporating environmental costs in product prices. The Committee finds it unlikely that the proposed measures will suffice to make an immediate impact.

2.2. The Committee proposes that the future IPP Communication should place emphasis on identifying a broader range of measures to promote the factoring of environmental costs into product prices. The Communication should highlight the advisability of levying a special charge on certain raw materials, chemicals, etc. It should also draw attention to the possibility of withdrawing existing subsidies, state support etc. for the development of agricultural, energy and other products and processes which are incompatible with sustainable development. Lastly, the Communication should specify how determined application of environmental responsibility, such as mandatory guarantees against environmental damage, can further the inclusion of environmental costs in product prices.

<sup>(1)</sup> COM(1999) 543 final.

2.3. Producer liability can be one way of factoring the costs of waste treatment of discarded products, sewage etc. into the prices of new products and could possibly serve as incentive to prevent waste as early as in the design phase. The Committee views producer liability as a means of implementing the polluter pays principle. In many cases waste systems should be structured on the basis of individual producer responsibility, so that the producer has sole financial responsibility for the collection of the product in question and the handling of it as waste. In practice it is possible, and often desirable, for waste to be treated by waste systems established by local and regional authorities, provided that producers meet the costs. The Committee has on an earlier occasion, in connection with its opinion on the review of the Community strategy for waste management <sup>(1)</sup> stressed the need when determining producer liability to take account of the principle of dividing the responsibility in a financial and a practical part.

2.4. In the Committee's view, an individual assessment should be made for each product category as to whether it is appropriate for producer liability to require the producer to take back products. Producer liability as a component of IPP is especially suitable in the case of products whose size and value also allow for individual treatment of the waste product (e.g. scrap cars).

#### *Green consumer demand*

2.5. The Committee agrees with the Commission on the importance of promoting the dissemination of understandable, relevant and credible information on products' environmental properties. Here the Committee would stress that the dissemination of environmental information should largely be covered by producer liability.

2.6. The Committee would point to the great need to educate both consumers and small and medium-sized businesses in environmental matters; such education should form part of IPP.

2.7. The EU's voluntary environmental labelling system (eco-label) has existed for many years and is a household name. The Committee generally considers this system an excellent one since it is an easy guide to consumers when making purchases while the criteria for granting this label are differentiated and allow for ongoing adjustment to development within the product category concerned. The Committee

feels that in practice a greater effort is needed — as recognised in the Commission Green Paper, which states that the system needs to be extended to cover more product categories besides requiring more public funding to promote it. For different product categories, the EU's eco-label programme should be able to base itself on and coordinate with, environmental labelling schemes (e.g. the Nordic 'swan label') which already operate smoothly, rather than starting from scratch and competing with these labels.

2.8. In the Committee's view, the Green Paper's proposals for a broader labelling strategy in the shape of product environmental declarations (ISO Type III) can be valuable for both producers who are not 'pioneers' in the development of less pollutant products and therefore do not qualify for environmental labels. More detailed environmental declarations will seldom be of use for individual private consumers but can be of considerable relevance for larger public or private purchasers and for customers in the supply chain. Environmental declarations can also facilitate better consumer advice from the responsible organisations. Priority should be given to pragmatic action to improve communication rather than making environmental declarations more comprehensive and detailed.

2.9. The Committee supports the prioritisation of mandatory environmental declaration systems which, like the European energy label, can be applicable to all products on each market.

2.10. Information in the form of green claims and self-declarations (ISO Type II) should, in the Committee's view, be a lesser priority since they are felt to inspire little confidence in consumers and a confusing proliferation of labels could result. Claims such as 'does not contain...' should only be acceptable in exceptional cases. It is preferable instead to indicate the substances used in the product; it should also be established that the stated environmental properties are relevant to the product category.

#### *Public procurement policy*

2.11. The Committee is pleased to observe that the Commission recognises the major potential of promoting environmentally friendly products through a deliberately green public procurement policy. The Committee would also point out that, in many areas of the EU, local and regional authorities have already given practical expression to their determination

<sup>(1)</sup> COM(96) 399 final.

to pursue a green procurement policy. In this way they have made a substantial contribution towards promoting new technologies (electric cars, windmills etc.).

2.12. Against this background it is most regrettable that the rules on public calls for tender are interpreted in ways that seriously impede the pursuit of a green procurement policy. In drawing attention to Treaty Article 6, the Committee would stress that there should be no conflict between the free market for goods and services and the 'greening' of public calls for tender. The current heavy constraints are reflected by the fact that legal action has already been taken against a number of towns which have shown their determination to make allowance for environmental factors in their procurement policy.

2.13. The Committee has on earlier occasions — most recently in its opinion of 13 December 2000 concerning public procurement procedures<sup>(1)</sup> — pointed out that the Commission seems to place greater emphasis on tightening up procurement rules than on facilitating the inclusion of environmental requirements in public calls for tender.

2.14. The local and regional authorities would reiterate that the rules governing calls for tender are merely intended to ensure that purchasing methods are consistent with single market aims. It is vital that such rules should not affect the product to be procured (e.g. whether a contracting authority is to purchase bio-vegetables or meat which does not contain hormones), i.e. it must also be possible to impose environmental conditions on the production process. In this connection, the Committee would again draw attention to its opinion on the global assessment of the Fifth Environment Action Programme<sup>(2)</sup>, which highlights the need to promote an EU agricultural policy focusing on sustainable development.

2.15. The Committee is aware that minimising resource and energy consumption etc. in the production of products can entail substantial savings for producers. However, it would stress that the local and regional authorities' experience has been that green procurement usually means higher prices as a result, for instance, of development costs.

2.16. The Committee takes the view that it must be made possible to require suppliers and their products to hold the European eco-label, and that it should be possible to require other national or trans-national green labels, (e.g. the Nordic 'Svanemærke'), provided that open access is also provided for goods with certification showing that they meet corresponding requirements in the same areas.

2.17. The Committee feels that it must be made possible to require suppliers of public goods and services to have introduced environment management systems, such as the European EMAS system or the international ISO 14000.

2.18. It also considers that provision should be made for excluding suppliers which fail to meet local, regional, national or European environmental standards from being eligible to supply public goods or services.

2.19. In the Committee's view, it is most important that the planned Commission Communication should stress that the above measures are necessary in order to exploit the full potential of large public procurement contracts.

2.20. Bearing in mind the uncertainty accompanying, as mentioned above, the applicability of the projected measures to incorporate environmental costs in product prices, and bearing in mind the key role green public procurement plays in the Green Paper, it is most regrettable that there seem to be no immediate signs of resolve to facilitate a genuine 'greening' of public procurement.

#### *Generation of product information*

2.21. The Committee supports the Commission's proposal that producers should be required to supply key data regarding the product's environmental properties to all players in the supply chain and to the end consumer. In the Committee's view, it is important to frame binding guidelines guaranteeing the supply chain and consumers access to relevant information in a form which does not infringe the company's right to business secrecy.

#### *Guidelines for product design*

2.22. The Committee backs the Commission's drive to speed up the preparation and dissemination of guidelines to incorporate environmental considerations into the design process. In this way IPP can be a major means of promoting

(1) COM(2000) 275 final — 2000/0115 (COD) and COM(2000) 276 final — 2000/0117(COD).

(2) COM(1999) 543 final.

waste prevention and sustainable development, and of securing substitutes for dangerous substances. The guidelines should focus on reducing both the volume and hazards of waste. A scheme to collect experiences of local and regional authorities' waste management could help in providing feedback which can be of valuable assistance in preventing waste, in the design and consumer phases.

#### *Standardisation and the new approach*

2.23. The Committee agrees that the framing of product standards is very important for the product's actual environmental impact and that a potential therefore exists for integrating environmental considerations into standardisation work as has been done in the case of consumer safety. However, safety is a far less complex matter than environmental factors, where the long-term impact etc. has to be anticipated. The Committee would point out that environmental issues, to a far greater extent than safety, also involve political prioritisation in view of the multitude of different and often mutually contradictory parameters which have to be taken into consideration.

2.24. In the Committee's view, major democratic problems arise in making the European Committee for Standardisation (CEN) and other bodies which are not under direct democratic supervision responsible for decisions on environmental protection standards. Environmental priorities must be determined by political bodies and it is therefore difficult to apply the new approach as a basis in environmental matters. The Committee also feels that it is questionable whether the Treaty authorises the transfer of political competence to bodies which are not politically controlled, as is possible under the new approach. It should be noted that decisions taken, for instance, by CEN are not subject to the European Court of Justice's jurisdiction.

2.25. The Committee would also point out that even if standardisation is a consensus-driven process, such consensus is influenced by the partners' capacity to earmark resources for such work and not by any form of democratic process.

Brussels, 13 June 2001.

2.26. The Committee would also draw attention to past experiences in applying new approaches in connection with the Packaging Directive. Despite the allocation of substantial funding for that purpose, it did not prove possible to frame the recommended standards to govern key requirements regarding e.g. reduced consumption of materials etc. in the production of packaging.

2.27. Accordingly, the Committee does not feel that 'new approach' directives can replace traditional regulation. When considering the application of new approaches in the environment sphere, in future care should be taken only to do so if a satisfactory solution has been found to the above problems.

#### *Product panels*

2.28. In the Committee's view, the setting up of product panels can be of assistance in implementing IPP. However, it should be noted that the success of such panels will depend on reciprocal commitments between producers on the panel, and their interest in building a constructive network. This creates special demands when setting up product panels at European level. The Committee calls for a regular evaluation of the work of the future European product panels.

#### *Environmental management and audit systems*

2.29. The Committee considers environmental management systems to be a good means of boosting companies' internal environmental prioritisation and work and that such systems can be of assistance in upgrading their communication of environmental information to authorities etc. The Committee therefore considers that the EMAS Regulation should be integrated into IPP rather than being merely viewed as a support measure.

#### *Next steps*

2.30. The Committee calls for the Commission, in its next IPP initiative, to indicate objectives and deadlines, as well as indicators for assessing IPP impact.

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

**Opinion of the Committee of the Regions on the 'Proposal from the Commission for a Directive providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending Council Directives 85/337/EEC and 96/61/EC'**

(2001/C 357/15)

THE COMMITTEE OF THE REGIONS,

having regard to the Proposal from the Commission for a Directive providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending Council Directives 85/337/EEC and 96/61/EC [COM(2000) 839 final — 2000/0331 (COD)];

having regard to the decision taken by the Council on 14 February 2001, under Article 175, 1st paragraph of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision of its Bureau 13 June 2000 to instruct Commission 4 — Spatial Planning, Urban Issues, Energy, Environment — to draw up the relevant opinion;

having regard to its opinion on the Proposal for a Directive of the European Parliament and the Council on Public Access to Environmental Information (CdR 273/2000 fin) <sup>(1)</sup>;

having regard to its opinion on the Proposal for a Council Directive on the assessment of the effects of certain plans and programmes on the environment (CdR 349/1999 fin) <sup>(2)</sup>;

having regard to the draft opinion (CdR 99/2001 rev.) adopted by Commission 4 on 3 May 2001 for which the rapporteur was Mr Whitmore (UK, ELDR),

adopted the following opinion at its 39th plenary session on 13 and 14 June 2001 (meeting of 14 June).

**1. The Committee of the Region's views concerning the proposed directive**

1.1. The current proposal seeks to develop the extent to which the public, widely defined, has access to information, opportunities to participate, and to justice, in relation to the assessment of projects and the preparation of certain plans or programmes (which may be undertaken at Member State, regional or local level). In broad terms the Committee of the Regions welcomes this as a valuable step in raising citizens' involvement in determining their future environment.

1.2. The Committee of the Regions wishes to emphasise that the proposal should be set in a wider framework of encouragement by the European Commission for citizens' participation in local service delivery and governance; one which is not simply related to specific plans or projects but which suffuses and informs all areas of local or public authorities' activities and strategic planning.

1.3. As part of these innovative strategic visions, early public access to information, and to active opportunities to

shape thinking at local levels about sustainable futures for cities and regions, is in the Committee of the Region's view essential.

1.4. The Committee of the Regions considers that traditional forms of top-down planning and decision-making will need to be replaced, or set in the context of, consultation and concerted action between all levels of public authorities and broad stakeholder involvement (which should include non-governmental organisations, business, and the education sectors as well as public institutions). In some cases, specific mechanisms may be required to ensure that all parts of the community have sufficient access to information and are engaged.

1.5. The Aarhus Convention and the European Commission's proposed directive both employ a broad definition of 'the public concerned', as including environmental non-governmental organisations. This is welcomed by the Committee of the Regions insofar as it enables broad and inclusive consultation with identified stakeholders; but in practice it is likely to increase the extent to which environmental interest and pressure groups are able to delay the implementation of necessary development projects, even where every effort has

<sup>(1)</sup> OJ C 148, 18.5.2001, p. 9.

<sup>(2)</sup> OJ C 374, 23.12.1999, p. 9.



been made to avoid, minimise, mitigate or compensate for environmental impacts of that development. This is particularly so as the requirements for access to justice within Articles 2(5) and 3(4) of the proposed directive relate to both substantive and procedural issues. Nevertheless, a look should be taken at the definition of 'the public concerned' so that consumers/users associations, and professional associations of all types and levels could be expressly included alongside environmental NGOs.

1.6. Obviously there needs to be a careful balance struck here between executive action and scrutiny; and the Committee of the Regions' recommendations should assist in developing better consensus about environmental issues at an early stage in developing strategies. It will be important for Member States, in determining which associations (NGOs, non-profit organisations of benefit to society, sectoral associations, consumer and user associations, civil protection volunteer associations, welfare associations, etc.) fulfil the requirements for having a legitimate interest, to consider this point.

## 2. The Committee of the Regions' recommendations

2.1. The Committee of the Regions welcomes the general thrust of the European Community's proposal to leave the Member States the task of identifying and deciding on the methods and procedures for participation. In accordance with the principle of subsidiarity, however, it would suggest that in turn — while Member States may set out minimum requirements and provide advice — they should not be prescriptive about what may be done. Cities and regions across Europe are at the forefront of innovative thinking about inclusive forms of governance — for example, local citizen's Panels or juries; regular public satisfaction surveys; small area-based delegation of decisions or budgets; and active community or environmental fora.

2.2. The Committee of the Regions requests that the European Commission seeks to collect and disseminate best local and regional practices in public involvement in developing strategic visions for their area; in developing visions; in participatory practices; in using electronic means of communication and delivery of information and opportunities to participate; and in environmental education and awareness raising. The Interreg Community initiative could be used to good effect in this, and Member States should also be encouraged to discuss innovative examples of legislation or advice. The role of Local Agenda 21 in providing fora for local people to identify and prioritise their aspirations for sustainable development and in particular for better environments could usefully be explored and analysed at European level.

2.3. Broadly speaking, the Committee of the Regions supports and welcomes the specific minimum requirements

set out in Articles 2(2)(a) and 3(3)(a) of the European Commission's proposed directive. These are unlikely to cause competent authorities significant problems; indeed best practice already extends to cover these points. However, the Committee of the Regions notes that the availability of information at different stages in the application process is likely to require elements of repetition — of re-notification, or further meetings and so on. For that reason, it would urge that these processes should be properly funded by Member States and a requirement to this end this should be a feature of the final Directive. The comments in point 2.8 below are also pertinent.

2.4. More significantly, the Committee of the Regions would strongly urge the European Commission explicitly to consider how the requirements of the Aarhus Convention on access to justice relate to the provisions of the Human Rights Convention, in identifying any minimum requirements for Member States or competent authorities.

2.5. The Committee of the Regions considers that the proposed directive might usefully indicate that NGOs might include, not only environmental interest groups but also other interested organisations, for example consumer groups.

2.6. The Committee of the Regions welcomes the clarification provided in the proposed directive that extensions to Annex 1 activities which would, in themselves, require an environmental impact assessment, must have an assessment prepared. However, it considers that the proposed directive could usefully say more about the requirements to be imposed on non-Annex 1 activities which Member States or competent authorities consider require an environmental impact assessment, in general terms which replicate the approach taken for Annex 1 activities.

2.7. The Committee of the Regions welcomes the emphasis in Articles 2(2)(b) and 3(a) (via the new Annex V) on adequate and appropriate time-frames being allowed for consultation on development consents and on permit applications. It considers that the proposed directive should clearly state that constituent authorities should not be penalised (including through any measure of performance applied by Member States) for allowing adequate time-frames for consultation, including any re-notifications required as more information becomes available.

2.8. The Committee of the Regions notes that the Aarhus Convention explicitly encourages applicants for consents (which may of course include public authorities themselves) to identify the public who may be concerned, to enter into dialogue and to provide information about their objectives,

before applying for consent. The Committee of the Regions considers that a similar exhortation should be incorporated into the proposed directive, in the interests of effective and efficient administration and full public participation.

2.9. Notwithstanding the wording of Article 6(6)(e) of the Aarhus Convention, the Committee of the Regions would strongly urge the European Commission to incorporate a requirement in the proposed directive for alternative proposals to be developed by applicants for development consents and permits, and for information about such alternatives — and the applicant's reasons for not pursuing them — to be made publicly available as part of the process. As currently worded, Article 3(2) of the proposed directive would place additional burdens on those responsible applicants who have properly considered alternative means of pollution control, but would not require applicants who have not done so even to justify this position. This could mean that applicants will increasingly and deliberately choose not to explicitly consider alternatives. A requirement to have regard to best available techniques might form the basis for a fuller requirement to explicitly consider, and provide information on, alternative technical solutions.

2.10. The Committee of the Regions considers that this requirement could usefully apply also to the preparation by public authorities of plans and programmes in Article 1 of the proposed directive, in relation to considering, and consulting on, a number of strategic options rather than on a 'preferred' strategy which many might then regard as a foregone conclusion.

2.11. Indeed, while the Committee of the Regions understands that the context of Article 1 is different, and therefore the specific minimum requirements referred to in Articles 2 and 3 may not all be applicable, it considers that a final Directive could usefully set out relevant requirements or principles for participation in relation to plans and programmes, in a non-prescriptive fashion.

2.12. The Committee of the Regions notes that, while the proposed directive has dealt with the requirements imposed by the Aarhus Convention in relation to access for justice on specific development consents through Articles 2(5) and 3(4) of the proposed directive, the further provision in the Convention (Article 9 paragraph 2) that — where national law

allows or requires it — access to justice might also apply to the preparation of plans and programmes by public authorities has not been addressed explicitly. This would appear to be an omission.

2.13. The Committee of the Regions welcomes the strengthening of the arrangements for transnational consultation in the proposed directive. It hopes that the European Commission's proposal can be a starting point for adding value to cross-border participation over the long term. However, it points out that language barriers may limit both the understanding of information and the establishment of a common framework for participation, and would urge the European Commission and Member States to pay special regard to this matter in the final Directive and in its translation into Member States' own legislation and procedures.

2.14. The Committee of the Regions would suggest that the reference in Article 3(3)(b) to the provision of information about decisions which have been subject to the public participation requirements of the proposed directive should include the caveat 'at reasonable cost'; while opportunities to examine such information might be free of charge, provision of the actual information itself will involve a cost to the competent authority.

2.15. Finally, the Committee of the Regions would draw the European Commission's attention to the points made in its earlier Opinion on the amended proposal for a Council Directive on the assessment of the effects of certain plans and programmes on the environment <sup>(1)</sup>, and which remain pertinent, namely that:

'The Committee of the Regions recognises that the proposed directive will impose costs in widely varying degrees upon competent authorities within the Union and calls upon the respective Member States to ensure that these costs are fully funded.

The Committee of the Regions notes that EU plans and programmes prepared, for example, under the Structural Funds are not covered by the proposed directive. Although the Structural Funds guidelines do contain environmental criteria, these are not as rigorous as full environmental assessment and there is currently no requirement for public consultation.'

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<sup>(1)</sup> CdR 349/1999 fin.

Brussels, 14 June 2001.

*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 prevention of crime in the European Union — Reflection on common guidelines and proposals for Community financial support’, and
- the ‘Proposal for a Council Decision establishing a programme of incentives and exchanges, training and cooperation for the prevention of crime (Hippocrates)’

(2001/C 357/16)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council and the European Parliament — The prevention of crime in the European Union — Reflection on common guidelines and proposals for Community financial support and the Proposal for a Council Decision establishing a programme of incentives and exchanges, training and cooperation for the prevention of crime (Hippocrates) [COM(2000) 786 final] — 2000/0304 (CNS)];

having regard to the decision taken by the Commission on 29 November 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 its Bureau's decision of 3 April 2001 to instruct Commission 4 — Spatial Planning, Urban Issues, Energy, Environment — to draw up the relevant opinion;

having regard to the Opinion of the Committee of the Regions on Crime and safety in cities (CdR 294/1999 fin) (1);

having regard to the draft opinion (CdR 100/2001 rev.) adopted by Commission 4 on 3 May 2001 (rapporteur: Ms Tarras-Wahlberg (S, PSE),

adopted the following opinion unanimously at its 39th plenary session on 13 and 14 June 2001 (meeting of 13 June).

**1. Committee of the Regions' comments on the Communication**

local level. People have a right to feel safe in their daily lives, and this is an important part of the quality of life.

1.1. Europe is increasingly committed to public security and safety. For a long time now, many EU regions and municipalities have been confronted with crime targeting their citizens or property, the business world or the public sector.

1.4. The Committee of the Regions shares the Commission's belief that intervention from the European Union is likely to add real value to Member State policies.

1.2. The Committee of the Regions welcomes the section of the Communication which deals with possible ways of framing a crime prevention strategy, and the establishment of the Hippocrates programme for the prevention of crime.

1.5. The Committee of the Regions would stress that EU crime prevention action must not prejudice basic general freedoms and rights. Heightened vigilance in an attempt to prevent offences which have not yet been committed must not, for instance, entail security measures which impose excessive constraints on the citizen at either national, regional or local level. The Committee of the Regions agrees that such consequences should be highlighted and prevented.

1.3. The Committee of the Regions believes that much of the EU's crime prevention work must and does take place at

1.6. Given the urgency of the matter, the Committee of the Regions will confine its opinion to everyday crime, as opposed to organised or cross-border crime.

(1) OJ C 57, 29.2.2000, p. 90.

## 2. Committee of the Regions' recommendations to prevent crime in the European Union

### Definitions — the concept of crime

2.1. The Committee of the Regions welcomes the Commission's definition of crime and crime-related problems as including punishable conduct and other deviant behaviour by individuals and by spontaneous associations of persons. However, in order to make the subdivision clearer, the Committee of the Regions would suggest the following changes:

- serious crime often against the person, i.e. offences defined as such in national criminal laws (e.g. homicide, rape, certain illegal trafficking);
- more frequent offences which can be considered less serious, but which are also defined as such in national criminal laws (e.g. theft, handling stolen goods, acts of violence, fraud, embezzlement);
- 'everyday violence' which is tending to arise in new and varied contexts (schools, sports stadiums, public highways, residential areas etc.);
- anti-social conduct which displays a lack of civic spirit but is not necessarily a criminal offence, and which can by its cumulative effect generate a climate of tension and insecurity.

2.2. The Committee of the Regions believes that the above-mentioned crime in the local environment has a significant impact on perceived safety levels. This type of crime is also a hotbed of recruitment for organised and cross-border crime. It is extremely important that the EU Member States should enact measures to prevent it.

2.3. The Committee of the Regions also endorses — subject to a minor addition — the Commission's proposed definition of crime prevention:

'Crime prevention includes all activities which contribute to halting or reducing crime as a social phenomenon, both quantitatively and qualitatively, either through permanent and structured cooperation measures or through ad hoc initiatives. Here it is important to identify the conditions and activities capable of impacting on both the direct and indirect causes of crime. Accordingly, many actors can play a preventive role: local representatives, enforcement services and the various legal authorities, social services,

the education system, associations in the broad sense, industry, banks and the private sector, research workers and scientists, and the general public, supported by the media.'

This definition is in line with previous Committee of the Regions' statements.

### Priorities and strategy for crime prevention measures

2.4. The Committee of the Regions agrees that the crime prevention strategy must aim to protect both the citizen and society, and endorses the proposed objectives for the European Union.

2.5. The Committee of the Regions endorses the proposed list of priorities for general crime, where measures are initially to focus on urban, juvenile and drug-related crime. Continued discussions of the priorities should take on board CoR views since any future decisions involve local and regional authority responsibility in the area of crime prevention.

2.6. The Committee of the Regions agrees that it is important that the crime prevention strategy should focus on knowledge, partnership, and a multidisciplinary approach.

2.7. A more robust, focused approach to knowledge would enable the Member States to improve their understanding of the symptoms and causes of crime, and to identify new crime trends. A more systematic impact assessment of crime prevention action would enable the EU to achieve a reliable and worthwhile exchange of experience and practice.

2.8. Effective crime prevention means identifying and mobilising the players who can impact on both the direct and indirect causes of crime. Measures to combat crime thus usually involve anti-crime cooperation. Models for such preventive partnerships and network-building can be developed at all levels: European, national, regional and local. The Committee of the Regions has already expressed the need to focus particularly on awareness of 'crime prevention', and on exchanges of information, and the launch and follow-up of initiatives, including dissemination of results.

2.9. A comprehensive crime prevention strategy requires a multidisciplinary approach to promote use of complementary ways of developing crime reduction techniques and social preventive measures.



*Crime prevention instruments in the European Union*

2.10. The Committee of the Regions welcomes the emphasis on cooperation on crime prevention measures in the various policy areas. This particularly applies to policies which impact on residents' safety, e.g. social policy, urban policy, regional policy and research policy. Other important policy areas are the information society, external policy and environment policy. It is very important to involve the applicant countries in crime prevention prior to their accession to the European Union.

2.11. The Committee of the Regions believes that the proposal for a better match between the social exclusion programme and the crime prevention strategy is a necessary measure. The Committee also endorses including the prevention of drug addiction in the new social agenda, which stresses higher standards of living. These measures, along with the social, economic and cultural integration of immigrants in the fight against racism and xenophobia, are a good crime prevention strategy as part of a European, national, regional and local social policy.

2.12. The Committee of the Regions would stress once again the importance of the urban dimension, and of the accent being placed on crime resulting from inadequate urban planning. The Committee of the Regions agrees that insecurity and/or crime should be among the indicators of the urban audits regularly carried out in the large cities of the European Union.

2.13. A strategy for grass roots level crime prevention requires in-depth knowledge and analysis of the feeling of insecurity and how it spreads. Surveys are an important source of information in this context. The Committee of the Regions would stress once again that the media have a significant role to play here. Media reports can influence perceived safety levels to the extent that they do not correspond to any actual safety risk.

2.14. The Committee of the Regions would stress the need for exchanges and dissemination of best practice to be subject to an evaluation based on common criteria, to assess whether they can be followed up or implemented across the board.

2.15. Effective EU crime prevention requires a comprehensive mobilisation of many sections of society, building a partnership between national, local and regional authorities, NGOs, the private sector and citizens, all of which can be considered as society's crime prevention players. The

Committee of the Regions welcomes the French and Swedish initiative to establish a European crime prevention network, focusing particularly on urban, juvenile and drug-related crime <sup>(1)</sup>.

2.16. The Committee of the Regions agrees that an Internet site for crime prevention could need setting up. This would provide easier access to policy and practice in the European Union and in the Member States, and facilitate exchanges of information within the framework of the deliberations of the European level crime prevention network. In this connection, the Committee of the Regions would also point out that much EU crime prevention work takes place at regional and local level, and the possibility of linking this work <sup>(2)</sup> to the Internet site should be considered. The Committee of the Regions would, however, assert that the importance of such an Internet site should not be over-estimated.

*Hippocrates*

2.17. The Committee of the Regions welcomes the proposal and concurs with the Commission that a financial instrument would add value to Member State action in the area of crime prevention.

2.18. The Committee of the Regions endorses the programme measures, viz.: training, exchanges and placements, studies and research, meetings and seminars, and dissemination of the results obtained within the framework of the programme.

2.19. The Committee of the Regions also believes it is important for the applicant countries to be given the option to take part in Hippocrates-funded projects, in preparation for accession.

2.20. The Committee of the Regions feels it is positive that the programme has been designed according to the same principles as other funding programmes in the area of Justice and Home Affairs. With regard to the criteria for obtaining funds under the programme (within the EU), it is worthwhile looking at the experience of the European Crime Prevention Awards (ECPA), in which six Member States currently participate. The award is meant to encourage measures to combat 'everyday' crime.

<sup>(1)</sup> Council of the European Union 13464/00 DG H III.

<sup>(2)</sup> e.g. efforts to reduce crime and the fear of crime via urban planning, architecture, and the upkeep and maintenance of towns through Crime Prevention Through Environmental Design — CPTED, and the European Designing Out Crime Association (website: [www.e-doca.net](http://www.e-doca.net)), and the International CPTED Association ([www.CPTED.net](http://www.CPTED.net)).



2.21. The Committee of the Regions believes that the proposed appropriation of EUR 2 million is too low. The programme is intended as a pilot programme, i.e. established for a period of two years running from 1 January 2001 to 31 December 2002, in order to comply with other programmes managed by the Commission. The Committee of the Regions wonders whether the introductory phase of the programme will actually lead to an increase in overall support for crime prevention. Establishment of the Hippocrates programme could lead to other avenues for crime prevention support being cut off. Moreover, the sum set aside is low. Consequently, the Committee of the Regions does not believe that the programme will necessarily provide more resources during the first two years.

2.22. The Committee of the Regions would stress that it is extremely important to raise the profile of measures to combat crime other than organised crime. Otherwise 'everyday' crime will end up being overlooked.

2.23. The Committee of the Regions welcomes and supports the Hippocrates programme, and assumes the figure earmarked for the programme will be raised after the start-up phase.

#### *Conclusions*

2.24. The Committee of the Regions welcomes the proposed definitions of crime and crime prevention. It is important to apply the same definitions wholesale at national, regional and local level throughout the European Union.

2.25. The Committee of the Regions would stress that the subsidiarity principle must be taken into consideration in the implementation of the crime prevention strategy.

2.26. The Committee of the Regions endorses the declared objectives and proposed approach with a list of priority measures to focus initially on urban, juvenile and drug-related crime.

2.27. The Committee of the Regions would stress that a European crime prevention strategy must be built around an overall approach, and promote recourse to situational and social measures.

2.28. The Committee of the Regions welcomes the focus on cooperation between different policy areas.

2.29. The Committee of the Regions warmly welcomes the establishment of a European crime prevention network.

2.30. The Committee of the Regions endorses the proposal for the possible establishment of a crime prevention Internet site.

2.31. The Committee of the Regions welcomes and supports the establishment of the Hippocrates programme and assumes that measures to combat crime other than organised crime will be given a higher profile.

2.32. The Committee of the Regions assumes the figure earmarked for the programme will be raised after the start-up phase.

2.33. The Committee of the Regions would also stress the need for the funding programme to benefit the applicant countries.

Brussels, 13 June 2001.

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

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**Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council and the European Parliament — An Internal Market Strategy for Services'**

(2001/C 357/17)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council and the European Parliament — An Internal Market Strategy for Services (COM(2000) 888 final);

having regard to the decision of the Commission of 13 February 2001, 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 of its Bureau on 13 June 2000 to instruct Commission 6 (Employment, Economic Policy, Single Market, Industry and SMEs) to draw up an opinion on the subject;

having regard to the Conclusions of the Lisbon European Council;

having regard to the Conclusions of the Stockholm European Council;

having regard to the Communication from the Commission to the European Parliament and the Council — The strategy for Europe's Internal Market (COM(1999) 624 final);

having regard to its Opinion on Challenges for enterprise policy in the knowledge-driven economy (COM(2000) 256 final) CdR 185/2000 fin<sup>(1)</sup>;

having regard to its Opinion on Innovation in a knowledge-driven economy (COM(2000) 567 final) CdR 468/2000 fin<sup>(2)</sup>;

having regard to the draft opinion (CdR 134/2001 rev.) adopted by Commission 6 on 7 May 2001 (rapporteur: Mr Sanz Alonso (E-PPE), President of the Government of the Autonomous Community of La Rioja),

at its 39th plenary session of 13 and 14 June 2001 (meeting of 13 June) adopted the following opinion unanimously.

## **Introduction and recommendations**

### *General aspects of internal market services*

1. The Committee welcomes this opportunity to comment on this Communication, which will provide the overall framework for developing services in the European internal market.

2. The Committee welcomes the fact that the Conclusions of the Stockholm Summit take note of and welcome the proposals made by the Commission in its Communication on an internal market strategy for services.

3. The Committee believes that the internal market makes a crucial contribution to achieving the objectives of sustainable and sustained growth, more and better jobs, and greater social cohesion.

4. The information society has introduced a new dimension to the services sector. The Committee believes it is vital that appropriate measures are taken to advance the process of adapting service companies, especially SMEs, to the changes brought about by new technologies in the way in which services are offered and delivered.

### *Need for an internal market strategy for services*

5. The Committee agrees that a comprehensive internal market services strategy needs to be defined. The quality and

<sup>(1)</sup> OJ C 22, 24.1.2001, p. 10.

<sup>(2)</sup> OJ C 253, 12.9.2001, p. 20.

competitiveness of its service industries must be enhanced since changes made to improve the sector will contribute towards the expansion of the European economy. In 1999 <sup>(1)</sup> the Commission presented a strategy for Europe's internal market which identified the following four strategic objectives: to improve the quality of life of citizens, to enhance the efficiency of Community product and capital markets, to improve the business environment and to exploit the achievements of the internal market in a changing world. These objectives have been reflected in the internal market services strategy.

6. The Committee realises that the new economy has changed the concept of borders in economic transactions; this situation favours the creation of the internal market as it is just as easy for consumers to access services offered by local, regional or national companies as it is for them to access services offered by companies in towns or regions in another State.

7. However, the Committee wishes to point out that the information society must be a factor for integration and regional cohesion rather than for increasing regional differences <sup>(2)</sup> and thus dividing Europe into regions that provide services and regions that consume them.

8. In the future, infrastructures — especially in telecommunications — will play an important role in service provision. As a consequence, and in accordance with the regulations laid down in the Structural Funds and Cohesion Fund package, the Committee endorses the need to set up and develop a telecommunications infrastructure that enables all European regions and municipalities to provide electronic services and to improve the physical infrastructure necessary for providing non-electronic services.

9. The Committee would point to the need to reduce telecommunications costs and welcomes the liberalisation of the sector, which in recent years has led to cheaper and more wide-ranging services. It does, however, recall the need to respect the universal service and specific services to disabled and underprivileged groups.

10. The information society and, in particular, its implementation in the services sector has not only helped speed up the development of Europe's internal market but has also consolidated the emerging global market in which it is

difficult for regional SMEs to operate in equal conditions. The Committee believes that local and regional authorities must therefore be able to encourage the setting-up and development of local and regional companies that are familiar with the needs and preferences of their local and regional customers and can therefore provide competitive services. Regional SMEs must operate on the European internal market in a way which optimises their use of information and communication technologies and, in particular, must exploit the tools and infrastructures offered to them by the information society in order to operate on an equal footing with their counterparts from outside Europe.

11. The Committee is aware of the difficulties that consumers and some companies have in accessing electronic services and therefore calls for companies and consumers to be offered the appropriate training to help them access this new generation of services.

12. The lack of graduates in Europe is causing the development of electronic services and the rate of job creation to stagnate simultaneously. Training, in particular ongoing training, must be one of the priorities for regions and municipalities if they are to include regional companies, in particular SMEs, in electronic service provision.

13. The Committee realises that multilingual electronic services need to be encouraged if European consumers are to be able to access these new services. This is one of the advantages of local and regional companies that are closest to the consumer.

14. The Committee would argue that the specific cultures of European regions and municipalities must be respected. Integrating cultural factors into electronic service provision increases the possibilities for trade, which in turn helps to promote tourism and related services and to spread local and regional arts and crafts.

15. The Committee believes that reference needs to be made to EU enlargement. In the future, new States will join the single market; they therefore need to be integrated prior to enlargement and also given the necessary information and training so that once they have joined the EU, they can be part of the internal market. This will help reduce as far as possible the transitional periods relating to the freedom to provide services laid down in the Accession Treaties.

<sup>(1)</sup> Communication from the Commission to the European Parliament and the Council — The strategy for Europe's internal market, COM(1999) 624 final.

<sup>(2)</sup> Commission's second report on economic and social cohesion.

*The need to remove barriers*

16. An integrated internal market is one in which services can be provided irrespective of national borders. The Committee therefore agrees with the Communication that administrative barriers must be overcome and legislative conditions harmonised, so that they do not prevent a company providing services in a Member State other than the one in which it is located, or make it less attractive to do so. This must be a comprehensive strategy that encompasses all services in line with other Community policies, without overlooking the specific nature of each sector.

17. The Committee supports the idea of setting up an effective system for settling claims and disputes that safeguards the economic rights of consumers in an integrated market and boosts their confidence in electronic service provision. This system is particularly important for cross-border transactions.

18. The Committee considers that the introduction of the single currency will have a positive impact on the integration of the internal market and will help break down many existing barriers to trade in intra-Community services.

19. The Committee believes services must be provided with due respect for environmental criteria. The Member States, regions, municipalities and institutions must always comply with the principles of subsidiarity and proportionality in the environmental sphere.

*Implementing the strategy*

20. The Committee agrees with the strategy but considers the proposed timetable to be very ambitious. Although the Commission will have to keep to the deadlines, the Committee considers it essential for the Commission to hear and take on board the views of all the players concerned — i.e. Member States, regions and local bodies on the one hand, and companies and consumers on the other.

21. The Committee points out the importance of the 'analysis of the persistent barriers to free movement of services and their spill-over effects across economic sectors'. This document, which the Commission will present in early 2002, will provide the basis for measures to remove barriers. The analysis carried out by the Commission must therefore be as accurate and all-embracing as possible.

22. The Committee supports the Commission's initiative to draw on the experience of consumers, and companies who supply or use services, through public consultation.

23. The Communication's proposed actions do not include implementing these measures in the applicant countries; it will therefore be necessary to work in collaboration with them. A good way of raising awareness of the internal market strategy for services is administrative twinning with towns and regions in the applicant states.

24. The Committee endorses the Commission's proposed policy to remove barriers through mutual recognition, the direct application of Treaty principles where infringement cases are not already underway, the use of non-legislative procedures and a horizontal harmonisation instrument. The aim of the policy is to make it easier to remove barriers to the freedom to provide services by using non-regulated procedures whenever possible.

**Concluding recommendations**

25. The Committee considers compliance with geographical and regional cohesion to be the main priority when creating an integrated market for services. The single market must be completed through a joint effort involving all European regions and towns and must not create exclusions due to differing degrees of regional economic development.

26. Secondly, the Committee believes that the creation of the internal market for services must in no way reduce the citizen to the role of mere consumer. The information society, when used to help create the internal services market, must not be a new factor of social exclusion; it must be seen as a means of facilitating and improving the quality of life of European citizens, and not as an end exclusively in the interests of service suppliers.

27. The Committee believes that for the internal market to run smoothly it is vital that progress is made in removing barriers to the free movement of services. The services sector currently represents approximately two thirds of existing jobs in Europe.

28. New technologies have a key role to play in achieving an integrated internal market. The Committee believes that helping SMEs adapt to new technologies is a unique opportunity that will help them compete and cooperate with large companies, and enter new market segments. The costs of

establishment and maintaining infrastructures and operations in different Member States will also fall considerably. These costs are governed by (separate) legislation in each of these Member States and can currently be borne by large companies but not SMEs: this has until now made it easier for the former to access different markets.

29. However, the fact that the information society makes it easier to create an internal market in the services sector may encourage companies in this sector to relocate to regions and municipalities that have greater economic and tax facilities. The Committee of the Regions therefore believes special attention must be paid to the implementation of European tax legislation, the aid that more developed regions may give to these companies, and the impact of such aid.

30. The Committee believes it essential to boost the development and efficiency of major transport, energy and telecommunications networks. It would argue that the interconnectivity and interoperability of these networks must be ensured, so that they can contribute to balanced, fair regional development.

31. The Committee believes the integration of the internal services market must be sustainable, matching the capabilities of employees, companies and markets on the basis of quality, eco-efficiency, and what is reasonable, workable and competitive.

32. The Committee considers that the competitiveness of European companies must be based on service provision quality indicators. European services are known for their high added value and are characterised by quality indicators such as organic production, the cultural dimension, designations of origin and geographical indications, and respect for the environment. Improving the competitiveness of European

companies vis-à-vis non-European companies must not be at the expense of the quality of European services.

33. The Committee urges companies to ensure that reducing the price of services in order to improve competitiveness does not result in lower labour costs. Fair pay and social contributions are two characteristics of the European social model. Respect for labour rights and the social dialogue sets the European model apart <sup>(1)</sup>.

34. The Committee points out that innovation must be brought to bear on the creation or provision of new services by European companies.

35. The Committee will pay special attention to consumer protection policy. Service provision within the internal market must respect the health of consumers. However, the consumer health protection criteria drawn up by each Member State must not create additional barriers to the creation of the internal market.

36. The Committee believes regions must be involved in the consultation phase in order to identify barriers in the internal market for services, as their direct knowledge of and relationship with local and regional companies means they are able to provide the Commission with extremely useful information.

37. The Committee believes that the Commission must ensure that the Member States, towns and regions properly implement the rules governing the freedom of movement of services in the internal market, including those that relate to the environment, health and consumers. Above all, the Commission must continue to be vigilant in removing existing barriers.

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<sup>(1)</sup> Eurostat report (March 2001): 'Analysis of labour costs in industry and the service sector in Europe, the United States and Japan'.

Brussels, 13 June 2001.

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