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II

(Preparatory Acts)

COMMITTEE OF THE REGIONS

65th PLENARY SESSION OF 14/15 JUNE 2006

Opinion of the Committee of the Regions on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — Taking sustainable use of resources forward: a Thematic Strategy on the prevention and recycling of waste and on the Proposal for a Directive of the European Parliament and of the Council on waste

(2006/C 229/01)

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — *Taking sustainable use of resources forward: a Thematic Strategy on the prevention and recycling of waste* (COM(2005) 666 final), and the Proposal for a Directive of the European Parliament and of the Council on Waste, (COM(2005) 667 final — 2005/0281 (COD));

Having regard to the European Commission's decision of 5 January 2006, taken under Article 175 and the first paragraph of Article 265 of the Treaty establishing the European Community, to consult it on this matter;

Having regard to its Bureau's decision of 12 April 2005 to instruct the Commission for Sustainable Development to draw up an opinion on this subject;

Having regard to its opinion on the Commission communication *Towards a thematic strategy on the prevention and recycling of waste* (COM(2003) 301 final — CdR 239/2003 (1));

Having regard to its outlook report on the *Implementation of the Directive on the Landfill of Waste (1999/31/EC) at regional and local level* (CdR 254/2005);

Having regard to the draft opinion (CdR 47/2006 rev. 2) adopted on 3 April 2006 by the Commission for Sustainable Development (rapporteur: **Mr Laust Grove Vejstrup**, Municipal Councillor of Sydthy Kommune (DK/EPP);

adopted the following opinion at its 65th plenary session of 14/15 June 2006 (meeting of 14 June):

1. Views of the Committee of the Regions

The Committee of the Regions

General comments

1.1 **welcomes** the Commission's thematic strategy as this sets out an integrated and holistic approach to the waste issue that is conducive to further, necessary environmental improvements in this field;

1.2 **stresses** that waste policy is of fundamental importance for environment policy as a whole; hence a concerted, enhanced approach to waste policy will do much to benefit the environment;

1.3 **stresses** that, in most Member States, it is local and regional authorities that are responsible for implementing a major part of EU environment policy, of which waste management is a key aspect; **notes**, also, that local and regional authorities should play a key role in the process of developing new approaches and proposals for measures within the waste area;

(1) OJ C 73, 23.3.2004, p. 63.

1.4 **notes** that moving away from simple waste disposal to a sustainable policy skewed towards prevention, reuse, recycling and recovery requires a substantial effort as well as dialogue with the local level, and that local and regional authorities need additional human and financial resources to perform this task;

1.5 **draws attention** to the waste hierarchy, which should be the central, dominant principle of waste policy, but **notes** that this hierarchy is open to the incorporation of new aspects such as a proportionate use of the life cycle approach taking into account the whole life cycle of products should these prove effective and practicable to implement;

1.6 **would caution**, however, that, in a number of areas such as end-of-waste and the mixing of hazardous waste, the thematic strategy proposes relaxations of the rules that are unnecessary and inappropriate and may have an adverse impact on the environment;

1.7 **notes** the continued need for clear legislation, for instance in the definition of recycling and recovery;

Aims of the strategy

1.8 **endorses** the aims of the thematic strategy and **supports** the view that EU waste policy does have the potential to reduce the overall negative environmental impact of resource use, and that the EU's goal must be to become a recycling society;

1.9 **considers** the waste hierarchy to be a focus of the goals set out in the thematic strategy;

Actions outlined in the strategy

Implementation, simplification and modernisation of existing legislation

1.10 **feels** it makes sense for the thematic strategy to focus on existing problems of implementation and adaptation of current legislation, taking into account the evolution of science and technology;

1.11 **endorses** the emphasis placed by the thematic strategy on the simplification and modernisation of existing legislation, provided this makes it easier to implement environmental protection measures;

The new framework directive on waste

Article 1

1.12 **is pleased** to note the reference to the waste hierarchy, which is considered a key starting point for any moves to tackle the waste issue, providing the very foundation upon which any sound and successful waste policy is built;

1.13 **laments** the fact that the waste hierarchy is being levelled down to three aspects; placing reuse, recycling and recovery on the same footing runs counter to the spirit of a number of legal acts;

1.14 **has its doubts** as to whether, given the article's scope for interpretation, Member States will take the necessary measures and use the best possible tools to achieve the article's objectives;

Article 2

1.15 **regrets** the deletion of the legal base for the adoption of legislation specifically dealing with waste streams;

Article 3

1.16 **notes** that, under the definition given here, anyone treating waste is always considered to be a waste producer irrespective of any changes made to the nature or composition of the waste; this is not consistent with the Commission's own end-of-waste concept;

Article 5

1.17 **welcomes** the clearer definition of recovery by incineration, but notes the considerable uncertainty that still persists in the definition of recovery by other forms of treatment;

Article 8

1.18 **regrets** the deletion of the reference to the polluter pays principle, which is the basis for the application of producer responsibility;

Article 11

1.19 **is concerned** that introducing and defining the end-of-waste concept may have a far-reaching and damaging impact, i.e. that:

- it will no longer be possible to lay down treatment requirements for products that meet the end-of-waste criteria;
- products that meet these criteria will be impossible to trace;

— products that meet end-of-waste criteria will no longer be subject to binding instructions or usage requirements;

1.20 **notes** that the end-of-waste concept is limited to waste streams where this provides genuine environmental benefits, but **finds** the scope of the concept very unclear as no details are given of what is actually meant by genuine 'environmental benefits';

Article 12

1.21 **is pleased** that the directive on hazardous waste and the framework directive are being brought together into a single framework directive;

Article 16

1.22 **regrets** that the rules on the separation of hazardous waste do not state clearly that mixing is forbidden to all actors (including producers, collectors and transporters) except for facilities that have received a permit in accordance with Article 19 (cf. points 1(a) and 1(d));

Article 21

1.23 **endorses** the Commission's aim to set minimum standards for treatment permits that would ensure a high level of health and environmental protection; however, **opposes** the fact that the Commission would be allowed to set minimum standards via an undemocratic comitology process;

Article 25

1.24 **welcomes** the rules on the registration of parties handling waste in its final stages;

Article 26

1.25 **backs** the increased requirements for waste management plans, which are seen as useful, flexible tools that can also help promote the spread of good practice in this field;

1.26 **endorses** the call to use economic instruments in waste policy, such as charges levied on materials and treatment as well as in relation to waste prevention, and **notes** the successful experience that has been gained with such instruments in a number of countries; **stresses**, however, that existing differentiated use of economic instruments distorts competition and thus emphasises the need to maintain the smooth functioning of the internal market;

Article 30

1.27 **is concerned** about the fact that the Commission is leaving it up to the individual Member States to develop indicators to measure the achieved results; **urges** therefore the Commission to establish quantitative and qualitative indicative targets and indicators at Community level;

Article 32

1.28 **endorses** the new provisions on the inspection of collectors and transporters;

Annex V

1.29 **considers** that correlation tables are a useful means of securing the directive's full implementation;

Introduction of life-cycle thinking

1.30 **thinks** that the introduction of life-cycle analyses under the thematic strategy is a useful approach, as it takes into account the environmental impact of products throughout their life-cycle, but is sorry to note that the strategy focuses only to a very limited degree on the early stage of this cycle, i.e. producers and the onus that is on them to design more environmentally friendly products; **believes** that the Directive should be explicitly linked to the REACH Directive with the aim of preventing the production of hazardous waste and reducing its harmfulness;

1.31 also **questions** how the analyses are actually drawn up. It is of crucial importance that clear guidelines be laid down to determine who is responsible for validating analyses of this kind, as, otherwise, their importance will be diminished and they will fail to fulfil their intended purpose;

Improving the knowledge base

1.32 **supports** the Commission in its desire to promote provision of information and research and development in the area of waste, since increased knowledge and information are key elements in improving the waste practice of producers and authorities, and in changing consumer behaviour with a view to producing less waste; **notes**, however, in the light of the division of responsibilities in most Member States, the need to build on the already solid knowledge base that exists at the local and regional level; **feels** that the waste strategy gives a fragmented picture of the information sources that exist at Community level: the European Environment Agency, Eurostat,

the Joint Research Centre, the European Bureau in Seville and the Commission's new online service 'Science for Environment Policy — DG Environment News Alert Service'. It is crucial for local and regional players that the Commission try to define more clearly the functions of each of these knowledge centres, that their analyses be coordinated and structured, and that existing knowledge be made available in a readily accessible form;

Waste prevention

1.33 **agrees** on the need for more ambitious waste prevention policies in the Member States and thus feels that the obligation to develop waste prevention programmes is a sensible move;

Towards a European recycling society

1.34 **emphasises** that the creation of a level playing field among the Member States is of key importance in preventing environmentally unsound practices like standard dumping, and therefore supports the Commission's initiative in this field;

1.35 **stresses** the importance of including social elements in environmental policy and is pleased to note that the Commission recognise the high growth rate and labour intensiveness of the waste management and the recycling sector; calls, however, for a discussion on whether implementation of the strategy creates jobs at a European-wide level;

1.36 **notes** that in order to deliver on this aim of the strategy, legislation must provide a level of certainty that matches the planning and investment horizons of businesses engaged in the further development of recycling;

Monitoring and evaluation

1.37 **notes** that the local and regional authorities play an important role in implementing the thematic strategy, and thus also have a key part to play in ensuring its monitoring and evaluation; **calls** therefore **for** these authorities to be given a proactive role as key agents in the application of waste management policies in the different EU Member States.

2. The Committee of the Regions' recommendations

The Committee of the Regions

2.1 **deplores** the significant loosening of the mixing ban, its replacement by conditions under which mixing may be permitted and a narrowing of the definition of mixing — a move that must be seen as a substantial change involving major environmental risks; and thus **recommends** keeping the unrestricted ban on the mixing of hazardous waste;

2.2 **asks** that, in the 2010 evaluation and in any future evaluations, a discussion be held as to whether energy recovery rates for new plants should be increased from the proposed 65 % to reflect technological developments, and whether different requirements might be applied to recycling facilities, also to take account of technological developments.

Committee of the Regions recommendations regarding the directive

Recommendation 1

Preamble 17(a)

Commission text	CoR amendment
	<p><u>Preamble 17(a)</u></p> <p><u>Member States may invoke and apply the principles of proximity and self-sufficiency to waste destined for incineration with energy recovery to allow for adequate planning of treatment capacity, and to ensure that combustible waste produced within their territory is given access to national incineration facilities.</u></p>

Reason

The proposed classification of incineration with energy recovery as a recovery operation may, in certain countries, trigger an imbalance between the installed incineration capacity and the volumes to be treated, even in cases where the available capacity matches national needs. The competent authorities should, in such situations, be permitted to restrict imports of waste for incineration in order to guarantee treatment opportunities for the waste produced within their area of jurisdiction.

Recommendation 2

Article 1

Commission text	CoR amendment
<p>This Directive lays down measures with a view to reducing the overall environmental impacts, related to the use of resources, of the generation and management of waste.</p> <p>For the same purposes, it also makes provision whereby the Member States are to take measures, as a matter of priority, for the prevention or reduction of waste production and its harmfulness and, secondly, for the recovery of waste by means of re-use, recycling and other recovery operations.</p>	<p><u>1.</u></p> <p>(a) This Directive lays down measures with a view to reducing the overall environmental impacts of the generation and management of waste.</p> <p>(b) For the same purposes, it also makes provision whereby the Member States are to take measures, as a matter of priority, for the prevention or reduction of waste production and its harmfulness and, secondly, for the recovery of waste by means of re-use, recycling and other recovery operations.:</p> <ul style="list-style-type: none"> — <u>the prevention or reduction of waste production and its harmfulness and,</u> — <u>the re-use,</u> — <u>the recycling,</u> — <u>other recovery operations,</u> — <u>the disposal of waste,</u> <p><u>2.</u></p> <p>(a) <u>On the basis of environmental indicators adopted at Community level, Member States may take measures that derogate from the priorities established in §1(b).</u></p> <p>(b) <u>Until such indicators are elaborated and adopted, when impact assessments indicate clearly that an alternative treatment option shows a better record for a specific waste stream, Member States may, in a similar manner, be allowed a derogation from the priorities established in §1 (b).</u></p> <p><u>3.</u></p> <p><u>The responsibility for validating the results of the assessments mentioned in §2 (b) is placed with the competent national authorities. The validated results are reported to the Commission and will be the object of a review in accordance with the procedure referred to in Article 36(2).</u></p>

Reason

Life-cycle thinking is welcomed as a guiding principle. However, life-cycle instruments do not presently represent an operational alternative to the waste hierarchy. It will take many years before a common methodology for the use of these instruments is adopted at Community level. Until then, it is important to clarify the relationship between life-cycle thinking and the politically established waste hierarchy, restating that the latter remains the structuring element of waste policies. The possibilities to derogate from the hierarchy formulated in § 2 (a) and (b) provide for the necessary flexibility and at the same time will promote the further development of life-cycle instruments. In the light of an already established knowledge base, local and regional authorities should play a key role in making such instruments applicable.

The local authorities and waste managers ought to have clear instructions and placing the responsibility for validating the results of life-cycle assessments is an important improvement to the text of the proposal. The review process included in § 3 will ensure that assessments are not used to protect national markets, and that a level-playing field is thus not distorted by the introduction of a life-cycle approach.

Recommendation 3

Article 2, point 5 (new)

Commission text	CoR amendment
	<p><u>5. Specific rules for particular instances, or supplementing those of this Directive, on the management of particular categories of waste, may be laid down by means of individual Directives.</u></p> <p><u>The Commission shall undertake regular reviews of waste streams to assess the priorities for establishing further harmonised European requirements aimed at steering waste management towards preferred treatment options.</u></p>

Reason

The text of the amendment replicates the text of Article 2, point 2 of the current Waste Framework Directive. It establishes the legal base for the adoption of waste streams specific directives, as the need for adopting additional directives should not be ruled out. The proposed amendment will also provide a legal base for the directives to be proposed in relation to Amendment 9 regarding Article 11. The amendment adds also a requirement concerning the steering of waste. This approach, aimed at harmonising the choice of treatment for specific waste streams, is complementary to the establishment of facility standards in establishing a level playing field.

Recommendation 4

Article 3

Commission text	CoR amendment
<p style="text-align: center;"><i>Article 3</i></p> <p style="text-align: center;">Definitions</p> <p>For the purposes of this Directive, the following definitions shall apply:</p> <p>(a) 'waste' means any substance or object which the holder discards or intends or is required to discard;</p> <p>(b) 'producer' means anyone whose activities produce waste or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;</p> <p>(c) 'holder' means the producer or the natural or legal person who is in possession of the waste;</p> <p>(d) 'management' means the collection, transport, recovery and disposal of waste, including the supervision of such operations and after-care of disposal sites;</p> <p>(e) 'collection' means the gathering of waste for the purposes of transport to a waste treatment facility;</p> <p>(f) 're-use' means any recovery operation by which products or components that have become waste are used again for the same purpose for which they were conceived;</p> <p>(g) 'recycling' means the recovery of waste into products, materials or substances whether for the original or other purposes. It does not include energy recovery;</p>	<p style="text-align: center;"><i>Article 3</i></p> <p style="text-align: center;">Definitions</p> <p>For the purposes of this Directive, the following definitions shall apply:</p> <p>(a) 'waste' means any substance or object which the holder discards or intends or is required to discard;</p> <p>(b) 'hazardous waste' means:</p> <ul style="list-style-type: none"> — <u>waste that displays one of more of the properties listed in Annex III in concentrations above the limit values listed in Article xx of Directive 88/379/EEC on dangerous preparations (as listed in Annex IIIA)</u> <u>or</u> — <u>waste that displays one of more of the properties listed in Annex III in concentrations above the limit values listed in Article xx of Directive 88/379/EEC on dangerous preparations (as listed in Annex IIIA) and is marked with an asterisk in the list of waste established in accordance with Article 4</u> — <u>hazardous waste produced by households shall not be regarded as hazardous waste until it is collected by an undertaking which carries out waste treatment operations or by a private or public waste collector;</u>

Commission text	CoR amendment
(h) 'mineral waste oils' means any mineral-based lubrication or industrial oils which have become unfit for the use for which they were originally intended, and in particular used combustion engine oils and gearbox oils, mineral lubricating oils, oils for turbines and hydraulic oils;	(c) <u>'mixture of wastes' means waste that results from an intentional or unintentional mixing of two or more different wastes and for which mixture no single entry exists in Annexes III, IIIB, IV and IVA of the Regulation of the European Parliament and of the Council on Shipments of Waste. Waste shipped in a single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes;</u>
(i) 'treatment' means recovery or disposal.	(d) (d) 'mineral waste oils' means any mineral-based lubrication or industrial oils which have become unfit for the use for which they were originally intended, and in particular used combustion engine oils and gearbox oils, mineral lubricating oils, oils for turbines and hydraulic oils;
	(e) 'producer' means anyone whose activities produce waste (<u>original producer</u>) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste (<u>new producer</u>);
	(f) (f) 'holder' means the producer or the natural or legal person who is in possession of the waste;
	(g) <u>'dealer' is anyone who acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;</u>
	(h) <u>'broker' is anyone arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;</u>
	(i) (i) 'management' means the collection, transport, recovery and disposal of waste, including the supervision of such operations and after-care of disposal sites;
	(j) <u>'environmentally sound management' means taking all practicable steps to ensure that waste is managed in a manner that will protect human health and the environment against adverse effects which may result from such waste;</u>
	(k) (k) <u>'collection' means the gathering of waste for the purposes of transport to a waste treatment facility and includes exchange during transport and interim storage prior to collection or during transport;</u>
	(l) <u>'treatment' means recovery or disposal and includes interim operations like e.g. blending, mixing, repackaging, exchange and storage prior to submission to recovery or disposal operations</u>
	(m) <u>'prevention' means any action that is taken before products or substances have become waste and that is aimed at reducing the production of waste or its harmfulness or the environmental impact of resource use in general;</u>
	(n) (n) <u>'re-use' means any recovery operation by which products or components that have become waste are used again for the same purpose for which they were conceived without prior treatment other than cleaning or repairing;</u>

Commission text	CoR amendment
	<p>(e) (o) 'recycling' means the recovery of waste into products, materials or substances whether for the original or other purposes. It does not include energy recovery;</p> <p>(p) 'recovery' means any treatment operation that:</p> <ul style="list-style-type: none"> — <u>results in the waste serving a useful purpose in replacing, whether in the plant or in the wider economy, other resources which would have been used to fulfil that function, or in it being prepared for such a use</u> — <u>meets efficiency criteria on the basis of which it may be considered to have resulted in a useful purpose</u> — <u>ensures that the overall environmental impact is not worsened by the use of waste as a substitution for other resources</u> — <u>ensures that pollutants are not transferred during the process into the final product</u> <p>(q) 'disposal' means any treatment operation that <u>does not meet the criteria to be classified as recovery.</u></p>

Reason

This article should include all the definitions relevant to the provisions of the Directive on Waste. At the same time, these definitions must be consistent with definitions already adopted in existing waste legislation, in particular the Waste Shipment Regulation. This amendment, therefore, proposes:

- to list under Article 3 the definitions that are spread throughout the text of the Commission proposal,
- to add some missing definitions (e.g. the words 'dealer' and 'broker' are used in Article 25 without being defined) by replicating definitions that have already been adopted through co-decision in connection with the adoption of the new Regulation on Shipments of Waste,
- to bring clarity to some of the definitions proposed.

Recommendation 5

Article 4

Commission text	CoR amendment
<p>A list of wastes shall be established by the Commission, in accordance with the procedure referred to in Article 36(2). The list shall include waste to be regarded as hazardous pursuant to Articles 12 to 15, taking into account the origin and composition of the waste and, where necessary, limit values of concentration.</p>	<p>A list of wastes shall be established by the Commission, in accordance with the procedure referred to in Article 36(2), two years after the date stipulated in Article 39 at the latest. <u>The list of wastes shall be based on the existing list, which shall be valid until the new list comes into force. The new list of waste shall also include details of the main material properties (composition and concentration of components).</u></p> <p>The list shall <u>also</u> include waste to be regarded as hazardous pursuant to Articles 12 to 15, taking into account the origin and composition of the waste and, where necessary, limit values of concentration.</p>

Reason

The amendment relating to Article 4 aims at ensuring legal certainty regarding the waste list. The existing waste list has been the object of rolling adaptations through committee procedure and is up to date. And even though the quality of the waste list can always be improved, the efforts invested so far in the elaboration of the list should not simply be discarded. They should, on the contrary, form the basis for further

work regarding the elaboration of a waste list and thus provide continuity for the authorities and the operators. With the repeal of Directives 75/442/EEC and 91/689/EEC, it is important to ensure that the current list remains valid until the new one is adopted and it is important to set a fixed deadline for the elaboration of the new list. Practical experience shows that a list of wastes based on material properties (key criteria: composition and concentration of components) is preferable as it enables a more accurate assessment of the environmental, health, safety and risk implications and makes it easier to decide on disposal procedures. The Commission proposal for the elaboration of a new list is imprecise and it is important to clarify that the list will include non-hazardous waste as well as hazardous waste.

Recommendation 6

Article 5

Commission text	CoR amendment
<p>1. Member States shall take the necessary measures to ensure that all waste undergoes operations that result in it serving a useful purpose in replacing, whether in the plant or in the wider economy, other resources which would have been used to fulfil that function, or in it being prepared for such a use, hereinafter 'recovery operations'. They shall regard as recovery operations at least the operations listed in Annex II.</p> <p>2. The Commission may, in accordance with the procedure referred to in Article 36(2), adopt implementing measures in order to set efficiency criteria on the basis of which operations listed in Annex II may be considered to have resulted in a useful purpose, as referred to in paragraph 1.</p>	<p>1. Member States shall take the necessary measures to ensure that all waste undergoes operations that result in it serving a useful purpose in replacing, whether in the plant or in the wider economy, other resources which would have been used to fulfil that function, or in it being prepared for such a use, hereinafter 'recovery operations'. They shall regard as recovery operations at least the operations listed in Annex II of Regulation No Xxxxx of the European Parliament and of the Council on the classification of waste treatment operations.</p> <p>2. <u>The Commission may, in accordance with the procedure referred to in Article 36(2), adopt implementing measures will be established in the Regulation mentioned in paragraph 1 in order to set efficiency criteria on the basis of which operations listed in Annex II may be considered to have resulted in a useful purpose, as referred to in paragraph 1.</u></p>

Reason

The classification of treatment operations strongly influences the ability to plan the medium and long-term capacity requirements. It also determines the terms of competition for the individual treatment facility. This amendment thus calls for the use of a political decision procedure in which the relevant actors are involved. The adoption of a regulation on the classification of waste treatment operations will allow for the choice of efficiency criteria and the setting of the corresponding thresholds to be the object of political scrutiny. At the same time the adoption of such a regulation provides the possibility to adopt measures without leading to too frequent revisions of the Directive on Waste. In the light of the knowledge retained at the local level, and in the light of their responsibilities and competencies in the waste area, local and regional authorities ought as a minimum to be consulted before implementing measures are proposed. The adoption of amendments 5 and 6 will consequently result in Annexes I & II to the Directive on Waste being transferred to Annex I & II of Regulation No Xxxxx of the European Parliament and of the Council on the classification of waste treatment operations.

Recommendation 7

Article 6

Commission text	CoR amendment
<p>1. Member States shall ensure that, where recovery in accordance with Article 5(1) is not possible, all waste undergoes disposal operations.</p>	<p>1. Member States shall ensure that, where recovery in accordance with Article 5(1) is not possible, all waste undergoes disposal operations.</p>

Commission text	CoR amendment
<p>They shall prohibit the abandonment, dumping or uncontrolled disposal of waste.</p> <p>2. Member States shall regard as disposal operations at least the operations listed in Annex I, even where the operation has as a secondary consequence the reclamation of substances or energy.</p> <p>3. Where, despite substitution of resources taking place, the results of an operation indicate that, for the purposes of Article 1, it has only a low potential, the Commission may, in accordance with the procedure referred to in Article 36(2), adopt implementing measures adding that specific operation to the list set out in Annex I.</p>	<p>They shall prohibit the abandonment, dumping or uncontrolled disposal of waste.</p> <p>2. Member States shall regard as disposal operations at least the operations listed in Annex I of Regulation No Xxxx of the European Parliament and of the Council on the classification of waste treatment operations, even where the operation has as a secondary consequence the reclamation of substances or energy.</p> <p>3. Where, despite substitution of resources taking place, the results of an operation indicate that, for the purposes of Article 1, it has only a low potential, the Commission may, in accordance with the procedure referred to in Article 36(2), adopt implementing measures adding that specific operation will be added to the list set out in Annex I referred to in paragraph 2.</p>

Reason

For the same reasons as put forward in the justification regarding amendment 5, the theme dealt with in this Article should be subject to a political and not just technical debate. The classification of treatment operations, and in this case disposal, strongly influences the ability of competent authorities and of private operators to plan medium and long-term capacity requirements. It also determines the terms of competition for the individual treatment facility.

Therefore the adoption of implementing measures should be subject to a political decision procedure in which the relevant actors are involved. In the light of their responsibilities and competencies in the waste area, local and regional authorities ought as a minimum to be consulted before implementation measures are proposed and be given the opportunity to reflect on the impact assessment that the Commission should carry out prior to putting forward a proposal.

Recommendation 8

Article 9

Commission text	CoR amendment
Member States shall ensure that the costs entailed in the recovery or disposal of waste are allocated, as appropriate, between the holder, previous holders and the producer.	In accordance with the polluter pays principle, Member States shall ensure that the costs entailed in the recovery or disposal of waste are allocated, as appropriate, between the holder, previous holders and the producer.

Reason

The Sixth Community Environment Action Programme (adopted by the European Parliament and the Council on 22 July 2002) is based primarily on the polluter pays principle. This principle should, as a fundamental principle of environmental policy, be reinstated in the text of the Directive.

Recommendation 9

Article 11, paragraph 1, point c (new)

Commission text	CoR amendment
<p>1. With a view to determining whether it is appropriate to deem certain waste to have ceased being waste, to have completed a re-use, recycling or recovery operation, and to reclassify that waste as secondary products materials or substances, the Commission shall assess whether the following conditions are met:</p> <p>(a) reclassification would not lead to overall negative environmental impacts;</p>	<p>1. With a view to determining whether it is appropriate to deem certain waste to have ceased being waste, to have completed a re-use, recycling or recovery operation, and to reclassify that waste as secondary products materials or substances, the Commission shall assess whether the following conditions are met:</p> <p>(a) reclassification would not lead to overall negative environmental impacts;</p>

Commission text	CoR amendment
(b) a market exists for such a secondary product, material or substance.	(b) a market exists for such a secondary product, material or substance; (c) <u>the secondary product, material or substance has undergone a treatment, and is about to enter a new cycle as a product or a material showing properties, which are similar to those of virgin material or substances.</u>

Reason

It is recommended that the end of waste criteria only apply when waste has undergone treatment. This means that it is not possible to exempt waste from the waste legislation before the moment when it can actually be part of a new production cycle and shows a quality equivalent to virgin material or substances.

Recommendation 10

Article 11, paragraph 2

Commission text	CoR amendment
2. On the basis of its assessment pursuant to paragraph 1, the Commission shall, in accordance with the procedure referred to in Article 36(2), adopt implementing measures in respect of a specific product, material or substance category of waste, specifying the environmental and quality criteria to be met in order for that waste to be deemed to have become a secondary product, material or substance.	2. On the basis of its assessment pursuant to paragraph 1, the Commission shall, <u>in accordance with the procedure referred to in Article 36(2), adopt propose by means of a directive on end of waste, implementing measures in respect of a specific product, material or substance category of waste, specifying the environmental and quality criteria to be met in order for that waste to be deemed to have become a secondary product, material or substance. The Commission will carry out an impact assessment of the proposed measures.</u>

Reason

Article 11 outlines the end-of-waste criteria and thereby the future scope of waste legislation. The choice of environmental criteria and the level at which they are set is not only a technical issue but a political one as well. Further lack of strict criteria concerning the use of such concept can lead to confusion and even discussions among conflicting interest groups. Implementing measures must therefore be subject to a political debate. Proposing a directive on end of waste enables the avoidance of too frequent revisions of the Directive on Waste. Such proposals having environmental, economic and social consequences, they should be accompanied by an impact assessment including broad consultation among the relevant stakeholders.

Recommendation 11

Article 13

Commission text	CoR amendment
The Commission shall, in accordance with the procedure referred to in Article 36(2), establish a list of hazardous wastes, hereinafter 'the list'. The list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration.	The Commission shall, in accordance with the procedure referred to in Article 36(2), establish a list of hazardous wastes, hereinafter 'the list'. The list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration.

Reason

This article is redundant, as requirements concerning the establishment of a waste list are already included in Article 4.

Recommendation 12*Article 15*

Commission text	CoR amendment
<p>1. Where a Member State has evidence to show that a specific waste that appears on the list as hazardous waste does not display any of the properties listed in Annex III, it may treat that waste as non-hazardous waste.</p> <p>The Member State shall notify any such cases to the Commission in the report provided for in Article 34(1) and shall provide the Commission with the necessary evidence.</p> <p>2. The Commission shall, in the light of notifications received, review the list in order to decide on its adaptation, in accordance with the procedure referred to in Article 36(2).</p>	<p>1. Where a Member State has evidence to show that a specific waste that appears on the list as hazardous waste does not display any of the properties listed in Annex III, it may treat that waste as non-hazardous waste. The Member State shall notify any such cases to the Commission in the report provided for in Article 34(1) and shall provide the Commission with the necessary evidence.</p> <p>2. The Commission shall, in the light of notifications received, review the list in order to decide on its adaptation, in accordance with the procedure referred to in Article 36(2).</p> <p><u>3. Member States may treat the waste as non-hazardous waste after the adaptation of the list has been adopted.</u></p>

Reason

A uniform classification of waste as hazardous or non-hazardous is an important precondition for implementing Council Regulation (EEC) No. 259/93 on trans-frontier shipments of waste. Such classification is the subject of ongoing discussions in the Technical Adaptation Committee. Changes may not be left up to the individual Member State but should first come into force after discussions between representatives of the Member States and the Commission.

Recommendation 13*Article 16*

Commission text	CoR amendment
<p><i>Article 16</i></p> <p>Separation</p> <p>1. Member States shall take the necessary measures to ensure that the following conditions are met where hazardous waste is mixed, either with other hazardous waste possessing different properties or with other waste, substances or materials:</p> <p>(a) the mixing operation is carried out by an establishment or undertaking which has obtained a permit in accordance with Article 19;</p> <p>(b) the conditions laid down in Article 7 are complied with;</p> <p>(c) the environmental impact of the management of the waste is not worsened;</p> <p>(d) such an operation conforms to best available techniques.</p> <p>2. Subject to technical and economical feasibility criteria to be determined by the Member States, where hazardous waste has been mixed, in a manner contrary to paragraph 1, with other hazardous waste possessing different properties or with other wastes, substances or materials, separation shall be effected where necessary in order to comply with Article 7.</p>	<p><i>Article 16</i></p> <p>Separation</p> <p>1. Member States shall take the necessary measures to ensure that the following conditions are met:</p> <p><u>(a) it is forbidden to waste producers, collectors and transporters to mix hazardous waste, either with other hazardous waste possessing different properties or with other waste, substances or materials;</u></p> <p>(b) where hazardous waste is mixed, either with other hazardous waste possessing different properties or with other waste, substances or materials;</p> <p>(a) (i) the mixing operation is carried out by an establishment or undertaking which has obtained a permit in accordance with Article 19;</p> <p>(b) (ii) the conditions laid down in Article 7 are complied with;</p> <p>(c) (iii) the environmental impact of the management of the waste is not worsened;</p> <p>(d) (iv) such an operation conforms to best available techniques;</p> <p><u>(v) the mixture resulting from the mixing operation is treated in accordance with the rules on hazardous waste, no matter its final composition</u></p> <p>2. Subject to technical and economical feasibility criteria to be determined by the Member States, where hazardous waste has been mixed, in a manner contrary to paragraph 1, with other hazardous waste possessing different properties or with other wastes, substances or materials, separation shall be effected where necessary in order to comply with Article 7.</p>

Reason

It is true that only permitted plants may carry out the mixing. However, it should be noted that the provisions of Article 16, point 2 only require illegal mixtures to be separated under conditions that are 'Subject to technical and economical feasibility criteria to be determined by the Member States'. It should be stated clearly in the directive's text that mixing is forbidden to waste producers, collectors and transporters. Furthermore, mixtures must be treated according to the rules on hazardous waste in order to avoid mixing being carried out with the sole purpose of diluting the pollutants.

Recommendation 14*Article 19, paragraph 1*

Commission text	CoR amendment
<p>1. Member States shall require any establishment or undertaking intending to carry out disposal or recovery operations to obtain a permit from the national competent authorities.</p> <p>Such permits shall specify the following:</p> <p>(a) the types and quantities of waste that may be treated;</p> <p>(b) for each type of operation permitted, the technical requirements relevant to the site concerned;</p> <p>(c) the security precautions to be taken;</p> <p>(d) the method to be used for each type of operation.</p> <p>Permits may specify additional conditions and obligations.</p>	<p>1. Member States shall require any establishment or undertaking intending to carry out disposal or recovery operations to obtain a permit from the national competent authorities.</p> <p>Such permits shall specify the following:</p> <p>(a) the types and quantities of waste that may be treated;</p> <p>(b) for each type of operation permitted, the technical requirements relevant to the site concerned;</p> <p>(c) the security precautions to be taken;</p> <p>(d) the method to be used for each type of operation.</p> <p>Permits may specify additional conditions and obligations such as requirements regarding the quality of the <u>treatment</u>.</p>

Reason

In the light of its related environmental implications, Article 19 of the Directive should specify that it is possible to make requirements regarding the quality of the treatment.

Recommendation 15*Article 21*

Commission text	CoR amendment
<p>The Commission may, in accordance with the procedure referred to in Article 36(2), adopt minimum standards for permits designed to ensure that the waste is treated in an environmentally sound manner.</p>	<p>The Commission may, in accordance with the procedure referred to in Article 36(2) <u>a political procedure in which the relevant actors are involved, and after carrying out an impact assessment of the proposed measures</u>, adopt minimum standards for permits designed to ensure that the waste is treated in an environmentally sound manner.</p> <p><u>Member States may set higher standards for permits on the basis of a national assessment of needs and proportionality and in accordance with EC treaties.</u></p>

Reason

In accordance with amendments 5, 6 and 9, this amendment calls for the use of a political and not only technical debate. Setting minimum standards for permits designed to ensure that the waste is treated in an environmentally sound manner should be subject to a political decision procedure in which relevant actors are involved. In the light of their responsibilities and competencies in the waste area, local and regional authorities ought as a minimum to be consulted before implementation measures are proposed and be given the opportunity to reflect on the impact assessment that the Commission should carry out prior to putting forward a proposal.

Recommendation 16*Article 26, paragraph 1*

Commission text	CoR amendment
<p>1. Member States shall ensure that their competent authorities establish, in accordance with Article 1, one or more waste management plans, which shall be revised at least every five years.</p> <p>Those plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.</p>	<p>1. Member States shall ensure that their competent authorities establish, in accordance with Article 1, one or more waste management plans, which shall be revised at least every five four years.</p> <p>Those plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.</p>

Reason

The frequency according to which waste management plans will be revised should be synchronised with that applying to the waste prevention programmes described in Article 29. The review of the waste prevention programmes is foreseen in Article 31 and linked to the reporting requirements stipulated in Article 34, which sets the reporting frequency at three years. By synchronising the revision of both waste management plans and waste prevention programmes as well as the carrying out of sectoral reports, a regular exercise will be established among the relevant authorities and help these meet the reporting requirements of the Directive.

In relation to these criteria, it is important to mention that adequate resources should be allocated to the competent authorities.

Recommendation 17*Article 29, paragraph 1*

Commission text	CoR amendment
<p>1. Member States shall establish, in accordance with Article 1, waste prevention programmes no later than <i>[three years after the entry into force of this Directive]</i>.</p> <p>Such programmes shall either be integrated into the waste management plans provided for in Article 26, or shall function as separate programmes. They shall be drawn up at the geographical level most appropriate for their effective application.</p>	<p>1. Member States shall establish, in accordance with Article 1, waste prevention programmes no later than <i>[three years after the entry into force of this Directive]</i>. <u>The programmes shall be revised at least every four years.</u></p> <p><u>These programmes and the measures therein should as a minimum aim for a stabilisation of waste generation by 2010 and further significant reductions in generation by 2020.</u></p> <p>Such programmes shall either be integrated into the waste management plans provided for in Article 26, or shall function as separate programmes. They shall be drawn up at the geographical level most appropriate for their effective application.</p>

Reason

As put forward in the justification for amendment 14, the frequency according to which waste prevention programmes will be revised should be synchronised with that applying to waste management plans. The review of the waste prevention programmes is foreseen in Article 31 and linked to the reporting requirements stipulated in Article 34, which sets the reporting frequency at three years. Synchronising the reporting requirements is proposed for the same reasons as those given in the justification for amendment 14.

Waste prevention programmes aimed at tackling one of the most significant challenges of waste policies, a reduction in the generation of waste, the revised framework directive should establish milestones against which progress can be assessed. Setting clear reduction targets is also in line with the objectives and priority areas, set out in the Sixth Community Environment Action Programme concerning waste.

Article 29 requires that waste prevention programmes are drawn up at the geographical level most appropriate for their application, and thus it is of importance that adequate resources are allocated to that level.

Recommendation 18

Article 30, paragraph 2

Commission text	CoR amendment
2. Member States shall determine specific qualitative and quantitative targets and indicators for any measure or combination of measures adopted in order to monitor and assess the progress of individual measures.	2. Member States shall determine specific qualitative and quantitative targets. <u>The Commission will, in accordance with the procedure referred to in Article 36(2), establish quantitative and qualitative indicative targets and indicators for any measure or combination of measures adopted in order that will be used by Member States to monitor and assess the progress of individual measures.</u>

Reason

The establishment of qualitative and quantitative targets at national level may reflect the differences in the state of play in Member States. The monitoring and assessment of progress according to an agreed methodology will enable the further elaboration of prevention policies at Community level.

Recommendation 19

Article 34, paragraph 1

Commission text	CoR amendment
1. At intervals of three years Member States shall inform the Commission of the implementation of this Directive, in the form of a sectoral report . The report shall be drawn up on the basis of a questionnaire or outline established by the Commission in accordance with the procedure referred to in Article 6 of Directive 91/692/EEC. The report shall be made to the Commission within nine months of the end of the three year period covered by it. Member States shall include in these reports information on their progress in the implementation of their waste prevention programmes. In the context of the reporting obligations, data shall be collected on catering waste, enabling the establishment of rules on its safe use, recovery, recycling and disposal.	1. At intervals of three <u>four</u> years Member States shall inform the Commission of the implementation of this Directive, in the form of a sectoral report. The report shall be drawn up on the basis of a questionnaire or outline established by the Commission in accordance with the procedure referred to in Article 6 of Directive 91/692/EEC. The report shall be made to the Commission within nine months of the end of the three year period covered by it. Member States shall include in these reports information on their progress in the implementation of their waste prevention programmes. In the context of the reporting obligations, data shall be collected on catering waste, enabling the establishment of rules on its safe use, recovery, recycling and disposal.

Reason

The frequency according to which sectoral reports ought to be carried out, should, for the same reasons as put forward in amendments 14 and 15, be synchronised with the requirements applying to both waste prevention programmes as well as waste management plans.

Recommendation 20

Article 35

Commission text	CoR amendment
The Commission shall, in accordance with the procedure referred to in Article 36(2), adopt the amendments necessary for adapting the Annexes to scientific and technical progress.	The Commission shall, in accordance with <u>the procedure referred to in Article 36(2) a political procedure in which the relevant actors are involved, and after carrying out an impact assessment of the proposed measures,</u> adopt the amendments necessary for adapting the Annexes to scientific and technical progress.

Reason

The Annexes of this Directive play an important role for the future scope of waste legislation. As pointed out in amendments 5 and 6, it is suggested that Annex I and Annex II — outlining the classification of future treatment operations — be transferred to the Annexes of a separate Regulation. However, it is generally important to recognise that adapting the Annexes of this Directive to scientific and technical progress requires a political and not just technical debate. Relevant actors should be involved in this political decision procedure, and in the light of their responsibilities and competencies in the waste area, local and regional authorities ought as a minimum to be consulted before implementation measures are proposed. As mentioned in amendment 5, the relevant actors should also be given the opportunity to reflect on the impact assessment which the Commission should carry out prior to putting forward a proposal regarding such changes to the legislation.

Recommendation 21

Annex I

Commission text	CoR amendment
ANNEX I DISPOSAL OPERATIONS	ANNEX I DISPOSAL OPERATIONS
D 1 Deposit into or onto land (e.g. landfill, etc.)	D-1 Deposit into or onto land (e.g. landfill, etc.)
D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)	D-2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)	D-3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)	D-4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)	D-5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
D 6 Release into a water body except seas/oceans	D-6 Release into a water body except seas/oceans
D 7 Release into seas/oceans including sea-bed insertion	D-7 Release into seas/oceans including sea bed insertion
D 8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12	D-8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12
D 9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)	D-9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)
D 10 Incineration on land	D-10 Incineration on land
D 11 Incineration at sea	D-11 Incineration at sea
D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)	D-12 Permanent storage (e.g. emplacement of containers in a mine, etc.)
D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12	D-13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12
D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13	D-14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced)	D-15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced)

Reason

Annex I to the Directive on Waste should be transferred to Annex I of Regulation No Xxxxx, and is, in accordance with the justification laid down for amendment 5, to be deleted in this amendment.

Recommendation 22

Annex II

Commission text	CoR amendment
<p style="text-align: center;">ANNEX II RECOVERY OPERATIONS</p> <p>R1 Use principally as a fuel or other means to generate energy.</p> <p>This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:</p> <ul style="list-style-type: none"> — 0.60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009, — 0.65 for installations permitted after 31 December 2008, using the following formula: $\text{Energy efficiency} = (E_p - (E_f + E_i)) / (0.97 \times (E_w + E_f))$ <p>In which:</p> <p>E_p means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year)</p> <p>E_f means annual energy input to the system from fuels contributing to the production of steam (GJ/year)</p> <p>E_w means annual energy contained in the treated waste calculated using the lower net calorific value of the waste (GJ/year)</p> <p>E_i means annual energy imported excluding E_w and E_f (GJ/year)</p> <p>0.97 is a factor accounting for energy losses due to bottom ash and radiation.</p> <p>R 2 Solvent reclamation/regeneration</p> <p>R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)</p> <p>R 4 Recycling/reclamation of metals and metal compounds</p> <p>R 5 Recycling/reclamation of other inorganic materials</p> <p>R 6 Regeneration of acids or bases</p> <p>R 7 Recovery of components used for pollution abatement</p> <p>R 8 Recovery of components from catalysts</p> <p>R 9 Oil re-refining or other reuses of oil</p> <p>R 10 Land treatment resulting in benefit to agriculture or ecological improvement</p>	<p style="text-align: center;">ANNEX II RECOVERY OPERATIONS</p> <p>R1 Use principally as a fuel or other means to generate energy.</p> <p>This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:</p> <ul style="list-style-type: none"> — 0.60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009, — 0.65 for installations permitted after 31 December 2008, using the following formula: $\text{Energy efficiency} = (E_p - (E_f + E_i)) / (0.97 \times (E_w + E_f))$ <p>In which:</p> <p>E_p means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year)</p> <p>E_f means annual energy input to the system from fuels contributing to the production of steam (GJ/year)</p> <p>E_w means annual energy contained in the treated waste calculated using the lower net calorific value of the waste (GJ/year)</p> <p>E_i means annual energy imported excluding E_w and E_f (GJ/year)</p> <p>0.97 is a factor accounting for energy losses due to bottom ash and radiation.</p> <p>R 2 Solvent reclamation/regeneration</p> <p>R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)</p> <p>R 4 Recycling/reclamation of metals and metal compounds</p> <p>R 5 Recycling/reclamation of other inorganic materials</p> <p>R 6 Regeneration of acids or bases</p> <p>R 7 Recovery of components used for pollution abatement</p> <p>R 8 Recovery of components from catalysts</p> <p>R 9 Oil re-refining or other reuses of oil</p> <p>R 10 Land treatment resulting in benefit to agriculture or ecological improvement</p>

Commission text	CoR amendment
R 11 Use of wastes obtained from any of the operations numbered R 1 to R 10	R 11 Use of wastes obtained from any of the operations numbered R 1 to R 10
R 12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11	R 12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11
R 13 Storage of wastes pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced)	R 13 Storage of wastes pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced)

Reason

Annex II to the Directive on Waste should, as stated in the justification for amendment 5, be transferred to a separate Regulation and, in accordance with previous amendments, be deleted.

Brussels, 14 June 2006.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the Proposal for a Directive of the European Parliament and of the Council on the promotion of clean road transport vehicles

(2006/C 229/02)

THE COMMITTEE OF THE REGIONS,

Having regard to the Proposal for a Directive of the European Parliament and of the Council on the promotion of clean road transport vehicles (COM(2005) 634 final — 2005/0283 (COD));

Having regard to the decision of the European Commission on 21 December 2005 to consult it on this subject, under Article 175 and Article 265 (1) of the Treaty establishing the European Community;

Having regard to the decision taken by its president on 24 January 2006 to instruct the Commission for Sustainable Development to draw up the opinion on the subject;

Having regard to its opinion on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — Towards a thematic strategy on the urban environment (COM(2004) 60 final — CdR 93/2004 fin) ⁽¹⁾;

Having regard to its opinion on the White Paper 'European transport policy for 2010: time to decide' (COM(2001) 370 final — CdR 54/2001 fin) ⁽²⁾;

Having regard to its opinion on the Communication from the Commission to the Council and the European Parliament The 2005 Review of the EU Sustainable Development Strategy: Initial Stocktaking and Future Orientations (COM(2005) 37 final — CdR 66/2005 fin);

⁽¹⁾ OJ C 43 of 18 February 2005, p. 35.

⁽²⁾ OJ C 192 of 12 August 2002, p.8.

Having regard to its draft opinion (CdR 48/2006 rev. 1) adopted on 3 April 2006 by its Commission for Sustainable Development (rapporteur: Ms Karlsson, Municipal Commissioner and Member of Vindeln Municipal Executive Board (SE/ALDE));

Whereas

1. Local and regional authorities are the decision-making and executive level which is closest to EU citizens. The measures needed to bring about cleaner air in Europe must be devised, accepted, implemented and monitored in dialogue with European Union citizens.
2. In the EU's 25 Member States it is at local and regional level that the proposed measures to limit the environmental impact of vehicle traffic must be put into practice.
3. Promoting use of environmental vehicles is in line with the local and regional authority objective to decrease energy consumption and, as a result, atmospheric pollution.
4. The local and regional authorities should not carry the burden for promoting clean vehicles alone. Measures are urgently needed for the immediate involvement of the private sector and enterprises carrying out public-sector tasks.
5. It is through the combined impact of measures implemented locally and regionally that the unsustainable trends that we see today can be reversed.

adopted the following opinion at its 65th plenary session, held on 14 and 15 June 2006 (meeting of 15 June):

1. Committee of the Regions' comments

The Committee of the Regions

General

1.1 **welcomes** the Commission's aim to improve air quality through green public procurement;

1.2 **calls for** the measures, set out in the proposal for a directive, on the procurement of clean road transport vehicles by public bodies to take the form of a recommendation;

1.3 would **stress** that, if however a directive were to be adopted, the proposed measures must be taken forward in close cooperation with the EU's municipalities and regions. Consultation upstream of the current draft directive was primarily with the car and fuel industry and the Member States at national level;

1.4 **assumes** that, the municipalities and regions are to be involved in further efforts to frame, implement, follow up and evaluate the measures proposed in the directive should it be adopted; **does not**, however, **consider** it necessary expressly to set up a committee to advise the Commission in its work;

1.5 would **stress** the need to inform the public on the measures implemented and to explain the European legislative process and its effects by means of practical examples.. The local and regional level has an important role to play here, as — *inter alia* — the Commission's white paper on EU communication policy confirms;

1.6 **endorses** the essential grounds for and objectives of the Commission proposal; would, however, **stress** that laying down rules on the award of contracts which apply only to the public sector is unacceptable. As the European Commission correctly states in its proposal for a directive, the public sector's share of the market for vans **and** lorries is only 6 %, but around 30 % for buses. The Committee would therefore advocate an approach which also involves the private sector to a greater extent. The Committee would, as a matter of principle, draw attention to the importance of adopting 'soft', non-legislative measures in the field of green procurement if the requisite basic conditions are in place. Large cities, in particular, are ready voluntarily to achieve high environmental protection objectives;

1.7 **points out** that, if obligations are imposed one-sidedly on the public sector, less financially well endowed authorities in particular might be deterred from investing or forced to outsource services of general interest;

Other measures for promoting clean road transport

1.8 **calls for** a holistic approach to potential measures to promote clean road transport. The Committee has reservations about the mandatory requirement contained in the proposed Directive that public bodies should procure 25 % of heavy duty vehicles on the basis of clean vehicle standards. It would be preferable to apply engine standards for all vehicles and all customer groups. Additional measures are required in order to comply with existing limit values for atmospheric pollution;

1.9 **welcomes** the intention to promote the use of biofuels. Increasing the production of bioethanol and biodiesel in Europe in order to replace traditional road fuels (petrol and diesel) would bring several benefits. It would:

- reduce greenhouse gas emissions from transport;
- safeguard energy supplies as oil reserves dwindle;
- offer the EU's agricultural and forestry sector opportunities to grow crops and produce wood raw material for the manufacture of biofuels;
- provide developing countries with an opportunity to export biofuels to the EU;
- reduce consumption of natural resources;

Suggested measures

1.10 **rejects** the directive on the promotion of clean road transport vehicles; the following measures should instead be taken:

- the Commission must draw up a time frame for a European traffic and transport policy that tackles the issue at source, and work to ensure that:
 - the Euro 5 standards apply to passenger transport from 2007;
 - the Euro 6 standards apply to diesel-powered passenger vehicles and light vans from 2011;
 - the Euro VI standards apply to lorries from 2012;
- information and training initiatives must be provided in order to support and develop public sector procurement of clean vehicles. The Commission's handbook on Green Public Procurement is a valuable tool in this regard but more initiatives are needed;
- initiatives must be taken in order to develop tools to build environmental requirements into public purchasing;
- support must be provided for the development of a green network for public procurement. This would make it possible to carry out comparative studies, promote best practice and set common objectives;
- EU pump-priming research and development initiatives must be prioritised within the area of clean vehicles and related fields;
- priority should also be given to the development of indigenous renewable energy sources in line with the promotion of clean road transport vehicles. To this end, the requisite mechanisms should be set up to encourage the intro-

duction and development of wood crops for the production of biofuels;

Implementation of the proposed directive at local and regional level

1.11 would **stress** that conditions for implementing the proposed directive on promoting clean road transport would vary across the different Member States:

- In most Member States the measures that ensue from the proposed directive would be financed wholly or partly through national taxation. In a number of Member States the measures are financed through municipal and regional taxation and charges.
- The market for environmental vehicles varies across the EU. Access to clean vehicles varies because *inter alia* a number of Member States have introduced voluntary commitments to purchase or hire a certain percentage of environmental vehicles, which has boosted the clean vehicles market. The development and introduction of environmental management systems and the EU's environmental management and accounting system (EMAS) in public works have also contributed to the increase in environmental vehicles.
- Another factor where the Member States differ when it comes to their ability to introduce various types of environmentally friendly vehicles is the amount that has been invested in infrastructure. Access to fuel pumps for various types of fuel is an important pre-requisite for the development of the market for environmental vehicles.

Given these differing conditions, support to the local and regional level would need to vary across the EU;

Follow-up

1.12 would **stress**, in case of the adoption of a directive, the need for a follow-up and evaluation of its implementation in close cooperation with the municipal and regional level. It is important that the results of the directive be compiled and presented, both in terms of the number of clean vehicles produced and the impact this has had on air quality. Feedback to the municipal and regional level and to EU citizens is essential if the directive's intentions are to be pursued and developed. It is also important to the future implementation of additional measures for promoting clean road transport.

2. Committee of the Regions' recommendations

2.1 **calls on** EU lawmakers to include uniform measures for the public and private sector in ongoing efforts to promote clean road transport;

2.2 **assumes** that economic support for green public procurement is to be given to the municipal and regional level;

2.3 **underlines** the need for information and training initiatives to support and develop public sector procurement of clean vehicles;

2.4 **calls for** a holistic approach to potential measures to promote clean road transport;

2.5 **suggests** that the reporting system used to follow up a possible directive on promoting clean road transport be coordinated with other reporting systems. Coordination should be *inter alia* with the reporting system proposed in the draft directive on air quality and cleaner air in Europe;

2.6 **assumes** that the municipalities and regions are to be involved in further efforts to frame, implement, follow up and evaluate the measures proposed in a possible directive.

Brussels, 15 June 2006.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the Proposal for a Recommendation of the European Parliament and of the Council on key competences for lifelong learning

(2006/C 229/03)

THE COMMITTEE OF THE REGIONS,

Having regard to the Proposal for a Recommendation of the European Parliament and of the Council On *key competences for lifelong learning* (COM(2005) 548 final — 2005/0221 (COD));

Having regard to the decision of the European Commission of 28 November 2005 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its President of 24 January 2006 to instruct its Commission for Culture and Education to draw up an opinion on this subject;

Having regard to its opinion on the Proposal for a Decision of the European Parliament and of the Council establishing *An integrated action programme in the field of lifelong learning* (CdR 258/2004 fin ⁽¹⁾);

Having regard to its opinion on the Communication from the Commission — *Making a European area of lifelong learning a reality* (CdR 49/2002 fin ⁽²⁾);

Having regard to its opinion on the Proposal for a Decision of the European Parliament and of the Council concerning *The seventh framework programme of the European Community for research, technological development and demonstration activities (2007-2013)* (CdR 155/2005 fin);

Having regard to its opinion on the *Adoption of a multi-annual programme (2004-2006) for the effective integration of Information and Communication Technologies (ICT) in education and training systems in Europe (eLearning Programme)* (CdR 73/2003 fin ⁽³⁾);

Having regard to its opinion on the Communication from the Commission on Promoting Language Learning and Linguistic Diversity: An Action Plan 2004-2006 (CdR 248/2003 fin ⁽⁴⁾);

⁽¹⁾ OJ C 164, 5.7.2005, p. 59.

⁽²⁾ OJ C 278, 14.11.2002, p. 26.

⁽³⁾ OJ C 244, 10.10.2003, p. 42.

⁽⁴⁾ OJ C 73, 23.3.2004, p. 33.

Having regard to its opinion on the Proposal for a decision of the European Parliament and of the Council *establishing the Culture 2007 programme (2007-2013)* (CdR 259/2004 fin ⁽⁵⁾);

Having regard to its opinion on the Communication on the follow-up to the White Paper on a New Impetus for European Youth. Proposed common objectives *for voluntary activities among young people* in response to the Council Resolution of 27 June 2002 regarding *The framework of European cooperation in the youth field* COM(2004) 337 final;

Having regard to the Communication on the follow-up to the White Paper on a New Impetus for European Youth — proposed common objectives for a *greater understanding and knowledge of youth* in response to the Council Resolution of 27 June 2002 regarding the framework of European cooperation in the youth field COM(2004) 336 final (CdR 192/2004 fin ⁽⁶⁾);

Having regard to the draft opinion of the Commission for Culture, Education and Research, adopted on 4 April 2006 (CdR 31/2006 rev. 2) (rapporteur: **Ms Christina Tallberg**, Member of Stockholm County Council (SE-PES));

adopted the following opinion at its 65th plenary session, held on 14/15 June 2006 (meeting of 14 June):

Content of the Commission Communication

The Lisbon European Council in March 2000 recognised that Europe faces challenges in adapting to globalisation and the shift to knowledge-based economies. It stressed that ‘Every citizen must be equipped with the skills needed to live and work in this new information society’ and that ‘a European framework should define the new basic skills ⁽⁷⁾ to be provided through lifelong learning: IT skills, foreign languages, technological culture, entrepreneurship and social skills’.

The Recommendation proposed therefore presents a European reference tool for key competences and suggests how access to these competences can be ensured for all citizens through lifelong learning.

The development of the knowledge society is raising demand for the key competences in the personal, public and professional spheres.

However, the High Level Group on the Lisbon Strategy made it clear in November 2004 that ‘far from enough is being done in Europe to equip people with the tools they need to adapt to an evolving labour market, and this applies to high- and low-skilled positions’.

Many countries have begun basic skills programmes, for example on literacy, numeracy and ICT for adults, often through NGOs. However, a number of countries are not yet in a position that would allow all citizens to learn and update their basic skills.

⁽⁵⁾ OJ C 164, 5.7.2005, p. 65.

⁽⁶⁾ OJ C 43 of 18.2.2005, p. 42.

⁽⁷⁾ ‘Basic skills’ is generally taken to refer to literacy and numeracy; the Lisbon Council called for adding the new skills needed in a knowledge society such as ICT and entrepreneurship.

The ‘Key Competences for Lifelong Learning — A European Reference Framework’ includes knowledge, skills and attitudes that lead people to be more involved in both sustainable development and democratic citizenship. The eight key competences are communication in the mother tongue, ability to communicate in foreign languages, mathematical competence, digital competence, learning to learn, interpersonal, intercultural and social competences, entrepreneurship and cultural expression.

Importance for local and regional authorities

Throughout the European Union the local and regional level has key responsibilities for education, training and developing skills through lifelong learning.

Local and regional authorities are uniquely placed to enter into constructive partnerships with the social partners, institutions and organisations for general and continuing education in order to adapt general education and vocational training courses to specific local needs and requirements.

In addition, various regional and local cooperation projects act as a significant driving force for growth and development.

Education programmes enable the EU to reach out to citizens directly. No other EU endeavour affects so many people each year. The programmes also help to modernise education systems and help individuals update their skills. In view of the local and regional level’s responsibilities, regional players should be an important target group for programme activities in the field of education and training ⁽⁸⁾.

⁽⁸⁾ CdR 258/2004 fin.

The Regional networks for lifelong learning (R3L initiative), set up by the Commission in cooperation with the Committee of the Regions, is an excellent example of dissemination and development of lifelong learning in Europe. This initially involved a pilot initiative with a separate budget from the main programmes. This has now been included in the proposal for the new Integrated Action Programme in the field of lifelong learning 2007-2013.

1. Committee of the Regions' general views on the communication

1.1 The Committee of the Regions can endorse much of the European life-long learning strategy, which starts in early childhood and continues all through life, and welcomes the fact that it embraces learning acquired in various ways such as formal, non-formal and informal learning. The Committee of the Regions has on several occasions emphasised that the life-long learning strategy concerns the local and regional level closely, as it often shoulders political and economic responsibility for the education and training sector in the Member States. Frequently local and regional authorities act, alongside the social authorities, as coordinator for development and growth with responsibility for public welfare and infrastructure. They also exercise the role of employer, and are responsible for, as well as having an interest in, upgrading the skills of their workforce⁽⁹⁾.

1.2 Education issues are crucial if Europe is to mobilise competitively in conditions that can safeguard welfare. Europe's biggest asset — its people — must be equipped for a working life and type of work that differ significantly from those of previous generations and that will continue to transform rapidly. Businesses and employees alike are facing changes that are hard to assess in advance.

1.3 Naturally, the circumstances and initial situation against which local and regional development takes place will differ, but it can on no account be regarded as happening in isolation from the surrounding environment. As old jobs disappear, regions and communities need jobs in new production sectors or risk facing stagnation, social exclusion in the form of unemployment, etc., high rates of sick leave and an unwelcome trend towards early withdrawal from the labour market.

1.4 People's skills and abilities therefore need to be developed in a way that corresponds to knowledge-based activity. Good language proficiency, communicative skills in general

and the ability to be a team player are increasingly important qualities for the individual. The current trend towards faster trade flows, globalised markets and segmentation makes teamwork all the more necessary. This applies to different businesses/organisations locally and regionally and between regions. The different parts of Europe are increasingly mutually dependent, as are Europe and the rest of the world.

1.5 Interplay between working life, society and higher education is an important prerequisite for innovation and growth at local and regional level. An inclusive, non-discriminatory infrastructure is needed to encourage active citizenship and joint responsibility for social cohesion and sustainable development.

1.6 The Committee of the Regions has on previous occasions argued that it should play an active role in promoting lifelong learning at local and regional level⁽¹⁰⁾. Logically, this includes issues relating to education objectives and key competences. The Committee of the Regions considers it vitally important that the issues addressed in the communication should penetrate through to the local and regional level.

1.7 The Committee of the Regions wishes to take this work forward in order to follow and support future development and suggests it should work with the Commission on these issues, for example on pilot projects and analyses.

1.8 The Committee of the Regions would stress the benefits of developing regional lifelong learning networks (corresponding to the R3L initiative) in order to strengthen networking amongst institutions and associations for compulsory, higher and vocational education and training and culture, as a key factor in enhancing employability and active citizenship.

2. The Commission's proposed recommendations to the Member States

2.1 Seen from the above perspectives, it is extremely important to focus on key competences for lifelong learning in current and future society and working life. This applies to development support at local and regional, national and EU level generally. The Committee of the Regions welcomes the Commission's proposed recommendations to the Member States on key competences for lifelong learning.

⁽⁹⁾ CdR 49/2002 fin.

⁽¹⁰⁾ CdR 49/2004 fin.

2.2 The Committee of the Regions finds it particularly positive that the Commission's proposals highlight the role and importance of the regional and local level. This constitutes significant progress compared to earlier Commission proposals which were almost exclusively limited to the European and national level.

2.3 The Committee of the Regions sees the integrated programme for lifelong learning as an important way to promote the learning sector and to strengthen key competences for lifelong learning. Greater mobility for citizens leads to dissemination of knowledge and skills in the EU regions and municipalities and can help improve competitiveness and boost employment.

2.4 One of the cornerstones of the Commission's recommendations is to ensure that adults can update their key competences throughout their lives and that special focus is given to target groups that have been identified as priority groups in a national, regional or local context. Local and regional initiatives to motivate and inform the less well educated could make an important contribution here. It is a question of building on people's knowledge, experience and interests rather than starting with their shortcomings and failings.

2.5 The impact of the Commission recommendations on the changes in economic, social, cultural and other processes will depend on the concrete and immediate actions taken at national, regional and local level. The Committee of the Regions would therefore stress the need to reform formal and informal education systems. These programmes must cover all levels, with the aim of bringing these systems closer to the needs of the EU labour market and the requirements of the lifelong learning strategy.

2.6 Gender differences in educational participation and achievement are important factors to take on board and address nationally, regionally and locally. This could take the form of encouraging girls and women to study science and technology. In other contexts it is men that need support. In a number of regions and municipalities it is mostly men who abandon their studies and show less motivation and propensity for continuing education.

2.7 The Committee of the Regions considers that the Commission's suggested recommendations to the Member States will provide an important lever to steer educational systems in Europe towards a faster, more focused approach, with a view to achieving agreed objectives on competitiveness, welfare and participation. The Committee of the Regions

endorses these and would make a number of comments as follows:

2.8 Commission recommendation 1:

Ensure that initial education and training offers all young people the means to develop the key competences to a level that equips them for adult life, and which forms a basis for further learning and working life;

Committee of the Regions' comments:

2.8.1 The Committee of the Regions stresses that it is important to provide even young children with effective support for their focused development, whilst ensuring they do not need to feel they have failed along the way. Moreover, compulsory education lays the ground for continuous learning throughout a lifetime through formal, non-formal and informal learning. It is important to take note that children and young people learn in different ways, mature at different rates and often need different timescales to achieve objectives. This is a big challenge in developing education systems and for teacher training.

2.8.2 Children and young people with special needs such as disabilities need particular support so that they can play an active part along with other children.

2.9 Commission recommendation 2:

Ensure that appropriate provision is made for those young people who, due to educational disadvantages caused by personal, social, cultural or economic circumstances, need particular support to fulfil their educational potential;

Committee of the Regions' comments:

2.9.1 The Committee of the Regions welcomes the fact that the Commission document addresses the need for special measures for those with shortcomings in their previous education. The Committee agrees that educational shortcomings are often a result of personal, social, cultural and economic factors, and these should be remedied in cooperation with the various sectors of society. It is essential to remove efficiently any obstacles to employment, education or other opportunities.

2.9.2 The Committee of the Regions stresses that it is essential that all students regardless of background are given the chance to achieve educational objectives and do not leave school early. Specific initiatives and special support that build on the individual student's abilities and needs are required here.

2.9.3 The EU will not be able to achieve the ambitious objectives it has set itself if a number of people are excluded from work and higher performance levels on the basis of gender, disability, cultural or ethnic background, age etc. The local and regional authorities have an important role to play in promoting inclusive, non-discriminatory strategies and in offering all people equal rights and equal opportunities.

2.9.4 The Committee of the Regions considers that cross-border networking between European regions in order to share experience and build knowledge, corresponding to the R3L initiative, would be welcome. This is a question of getting the issue onto the agenda, continuing to develop methodology, skills transfers and garnering support.

2.10 Commission recommendation 3:

Ensure that adults are able to develop and update the key competences throughout their lives, and that there is a particular focus on target groups identified as priorities in the national, regional and/or local contexts;

Committee of the Regions' comments:

2.10.1 The CoR sees this proposal as important and notes that needs often vary considerably between different regions and communities, and that different approaches are needed if all are to be catered for. There is therefore good reason to stress that in many cases it is precisely at local and regional level that prioritised groups must be identified. For example, cooperation could be developed with organisations that have experience of adult education and with the social partners.

2.10.2 The CoR considers that, of the target groups identified as priorities, particular attention should be paid to the category of local and regional government employees, so that they can develop and update key competences throughout their working lives in line with the public duties they perform.

2.11 Commission recommendation 4:

Ensure that appropriate infrastructure for continuing education and training of adults is in place including teachers and trainers, measures to ensure access, and support for learners that recognises the differing needs of adults;

Committee of the Regions' comments:

2.11.1 The CoR has previously⁽¹⁾ emphasised that it is essential to mobilise local and regional level resources to support lifelong learning and stressed the need for discussions to be launched at local and regional level. In its opinion, the

⁽¹⁾ CdR 19/2001 fin.

CoR stressed that geographical access should also be seen in conjunction with other measures to improve access for the individual, both in terms of structure and organisation. This could be done by, for example, providing daytime/evening and weekend courses; courses during summer and traditional holiday periods; frequent course start dates, distance learning and guided flexible learning. It could also involve providing participants with the economic resources to take up their studies. It is also a question of capitalising on the various forms of learning that have taken place outside the formal school system.

2.11.2 With regard to infrastructure, the CoR sees no need for any standardised local learning centres to be rolled out across the board. As far as possible they should build on existing structures and in accordance with local conditions and requirements.

2.12 Commission recommendation 5:

Ensure the coherence of adult education and training provision for individual citizens via close links to employment and social policies and other policies affecting young people and collaboration with social partners and other stakeholders;

Committee of the Regions' comments:

2.12.1 The Committee of the Regions would stress that this point is extremely important to successful local and regional development. It is particularly important for the local and regional level to be able to bring different policy areas together at local and regional level — economic policy, education policy, labour market policy, integration policy and social policy — in order to avoid any 'tunnel vision'. It is therefore important that responsibilities and powers go hand in hand, as far as possible. Here the Committee of the Regions sees a need for economic resources and more flexible use of resources so that initiatives can be implemented within the framework of the integrated action programme in the field of lifelong learning. Cooperation between society, the world of work and higher education is crucial to growth in regions and municipalities.

2.13 Commission recommendation 6:

Use the 'Key Competences for Lifelong Learning — A European Framework' in the Annex as a reference tool in developing the provision of key competences for all as part of their lifelong learning strategies.

Committee of the Regions' comments:

2.13.1 The Committee of the Regions welcomes the proposal for key competences for lifelong learning. This focuses on the basic qualifications an individual needs to be equipped with in a knowledge-intensive society. These key competences can serve as a starting point for future competence requirements in discussions at EU, national, and local and regional level. In Europe this is extremely relevant to efforts to achieve the Lisbon Strategy objectives. It is precisely at local and regional level that these competence issues are put into practice.

2.13.2 The Committee of the Regions takes the view that these competences need to be the subject of lively, continuous discussion and continuous dialogue and development. For example, social and civic competences involve a number of aspects that could eventually need to be developed further or divided up. Furthermore, several of the key competences are closely linked.

2.13.3 The Committee of the Regions accepts that the Commission has worked continuously to develop further the proposal on key competences. The Committee of the Regions endorses the proposal on key competences drafted by the Commission.

2.13.4 The Committee of the Regions makes more detailed comments on each of the proposed key competences in the following section.

3. Key competences

The European reference framework for key competences covers eight areas:

- Communication in the mother tongue.
- Communication in foreign languages.
- Mathematical competence and basic competence in science and technology.
- Digital competence.
- Learning to learn.
- Social competence and civic competence.
- Enterprise and entrepreneurship.
- Cultural expression.

3.1 Communication in the mother tongue

3.1.1 The Committee of the Regions agrees that it is necessary to be able to **communicate in the mother tongue**, both orally and in writing.

3.1.2 One's own language is the basis for continued learning, self-expression and identity. A good knowledge of and

proficiency in the mother tongue are thus fundamental to the learning process. Language paves the way for accessing information and provides the basis for communication with others, for participation and responsibility.

3.1.3 The Committee would point out that the Commission and national agencies should work closely with local and regional authorities in areas with less widely spoken languages that have a lower profile in current education systems, to encourage more people to learn these languages ⁽¹²⁾.

3.2 Communication in foreign languages

3.2.1 In the Europe of the future it will be increasingly necessary to master several languages. It creates opportunities to establish closer contacts and to acquire a better understanding of other countries' cultures, customs and lifestyles. It is also an important requirement for accessing higher education and provides the basis for greater mobility in the labour market. There is already a mutual dependency between Europe's various language areas. Exchanges between countries will increase, economies are ever more intertwined and goods and services are increasingly being produced across national and language borders. The Committee of the Regions would stress that European language diversity must be seen as an asset.

3.3 Mathematical competence and basic competence in science and technology

3.3.1 The Committee of the Regions sees it as important that mathematical competence and competence in science and technology should be developed in such a way that the student feels it is meaningful and motivating. Mathematics can be a tool for other subjects such as physics, chemistry, biology and social studies. Knowledge in and about the subject can also be a natural part of a modern approach to education. Scientific competence is important *inter alia* to the ability to see and understand the connection between cause and effect, and to test propositions. Active citizenship requires a certain amount of competence in mathematics and science. Competence in technology should be built on the experience of both men and women. It is also important to show how conceptions and traditions shape perceptions of what is masculine and feminine in the field of technology.

3.3.2 In the framework of the European research area, a specific endeavour must be made to increase young people's and women's interest in scientific and technological careers. The confident and critical use of Information Society Technology must be accessible to all. The expansion of Science Parks is an interesting approach to making science and technology studies more attractive.

⁽¹²⁾ CdR 248/2003 fin.

3.4 Digital competence

3.4.1 An inclusive, non-discriminatory information structure for digital competence must be created for the EU as a whole. The CoR attaches much importance to the promotion of a socially and geographically equitable information society ensuring that all citizens are equipped with the skills they need to live and work in this new digital age. The ability to handle large information flows and complex issues thus becomes an important quality that more and more people will need to possess.

3.5 Learning to learn

3.5.1 'Learning to learn' involves an outlook and approach towards one's own education and a technique for acquiring new knowledge. For each individual it involves self-awareness, an awareness of how one reacts in various learning situations, of one's best learning strategies, strong points and areas for improvement. It is also a question of motivation and self-confidence. The 'lifelong learning strategy' largely builds, of course, on a learning perspective and on the fact that this learning takes place in various ways and in different contexts. It involves being able to relearn and being open to learning new things. It also involves being able to build on existing knowledge, skills and earlier experience and acquiring the ability to harness them in a number of different situations.

3.5.2 The Committee of the Regions sets great store by this attribute in the context of the knowledge society. It is particularly important that teacher training courses equip future teachers to work in this way. The nature of this issue is such that it differs from the other key competences and is connected with the ability to develop them all. The Committee of the Regions therefore considers that this key competence should be singled out and placed before the others.

3.6 Social competence and civic competence

3.6.1 The expressions 'social competence' and 'civic competence' cover a spectrum of issues which the Committee of the Regions considers should receive the utmost attention. It is partly to do with developing personal qualities and the ability to establish contacts with other people. A good communicative ability — in the broad sense — is becoming ever more impor-

tant in the working and social life typical of the information society. It also involves inter-cultural understanding.

3.6.2 This field of competence includes *social aspects* in the sense that the individual sees himself as a resource for himself, his family and his environment.

3.6.3 It also includes *medicinal aspects* such as an insight into the importance of a healthy lifestyle, physical and mental health and an active lifestyle. As medicine advances, the health of children and young people is deteriorating in many societies, owing to poor dietary and exercise habits. This will become very serious unless something is done.

3.6.4 Another very important aspect is the *role of civic citizenship*. This involves understanding democracy, individual rights and responsibilities. All of these can be promoted at the local and regional level. The Committee proposes supplementing the definition so as to mention the need for citizens to know the history of the EU, its objectives, the essential facts relating to the Treaty on European Union and to the relations that the Union maintains with its Member States, the problems and progress made concerning the adoption of the European Constitution and the principles underpinning the various policy areas.

3.6.5 The importance of *sustainable development* and an understanding of our responsibility for our common environment is an aspect that the Committee of the Regions considers should be clearly stated in this context.

3.7 Enterprise and entrepreneurship

3.7.1 Enterprise and Entrepreneurship are essentially about being pro-active, turning ideas into action. It is therefore important that from an early age the school system supports and encourages this type of active approach and develops methodologies for this. The Committee of the Regions would highlight the importance of harnessing the potential of women and ethnic groups with good business acumen who wish to start a business. Women could also need active support from various authorities in order to gain access to new technologies. Such initiatives could, together with an active labour market policy, reduce the employment gap between men and women in many parts of Europe. The above is crucial to the future of the EU's economy and wellbeing⁽¹³⁾.

⁽¹³⁾ CdR 151/2005 fin.

3.8 Cultural expression

3.8.1 The Committee of the Regions agrees that it is very important to understand the cultural and linguistic diversity of Europe and to preserve it⁽¹⁴⁾. This involves capitalising on various forms of expression such as music, art, literature and language as part of human learning and development. Generally speaking, it is important to capitalise on people's different perspectives and approaches.

3.8.2 In this context, the Committee of the Regions would stress the historical perspective, i.e. how contacts between different parts of Europe in different periods of time have affected development, and that for at least five decades there has been a well-founded idea of a European Community, which the European Union currently expresses.

3.9 Committee of the Regions' proposals

3.9.1 The Committee of the Regions is keen to follow and support developments ensuing from the Commission's recommendations and proposes it should work with the Commission on these issues in the future.

3.9.2 The Committee of the Regions endorses the Commission's proposals on key competences for lifelong learning and considers that they should be subject to continuous dialogue and development.

3.9.3 The Committee of the Regions suggests that the 'learning to learn' key competence should be placed before the others as it involves an approach to one's own learning and various techniques for acquiring new knowledge. It thus highlights the requirements for all the other proposed key competences.

3.9.4 The 'social competence and civic competence' key competence should also include the importance of sustainable development and an appreciation of responsibility for our common environment.

3.9.5 The Committee of the Regions stresses the importance of becoming culturally aware; this is the very foundation of any receptiveness to the diversity of Europe's languages and cultures, and the key to understanding them and to the enrichment that these may bring to each and every European citizen.

Brussels, 14 June 2006

The President
of the Committee of the Regions
Michel DELEBARRE

⁽¹⁴⁾ Key competence No 8: Cultural expression.

Opinion of the Committee of the Regions on the Communication from the Commission on Implementing the Community Lisbon Programme: a policy framework to strengthen EU manufacturing — towards a more integrated approach for industrial policy

(2006/C 229/04)

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the European Commission on *Implementing the Community Lisbon Programme: A policy framework to strengthen EU manufacturing — towards a more integrated approach for industrial policy*, COM(2005) 474 final;

Having regard to the decision of the European Commission of 12 October 2005 to consult it on the subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its President of 10 November 2005 to instruct its Commission for Economic and Social Policy to draw up an opinion on this subject;

Having regard to its draft opinion CdR 39/2006 rev. 2 adopted on 6 April 2006 by its Commission for Economic and Social Policy (Rapporteur: **Mr Onno Hoes**, Member of the Executive of the Province of Noord-Brabant (NL/ALDE));

WHEREAS:

- 1) A new, modern European industrial policy, geared towards enhancing the competitiveness of EU industry, is an absolute top priority for the 'Growth and Jobs' agenda. The underlying issues do, indeed, affect all of the regions of the EU and the dynamism of the respective processes is both considerable and compelling. The CoR therefore welcomes the ambitions expressed by the Commission and also its readiness to take robust action to facilitate the necessary reforms.
- 2) In the light of the rapid changes occurring in the world economy, there is a need to take action as a matter of considerable urgency, since the competitive position of EU industry is under substantial pressure. This, in turn, places extra pressure on the tempo and the decisiveness of the process of renewing European industrial policy. The CoR appreciates the commitment which the Commission has asked for and obtained from many sectoral organisations but wonders whether this provides adequate starting points for action. Against the background of global economic competition, Europe is developing its future strengths above all in a number of competitive regions referred to in this opinion as 'valleys'; these valleys are inspired by the concept of Silicon Valley and the philosophy of the World Economic Forum. These European 'valleys', which have been built on the foundations of old industries and industrial sectors, provide the future driving force for economic and social renewal.
- 3) Examples of such 'valleys' are the following regions: Stockholm, Cambridge, Bavaria, Rhône-Alpes, south-east Netherlands, and emerging regions, such as Värmland, Riga and Saxony-Anhalt. The CoR calls upon the Commission to make the concept of 'valleys' the core of its 'new agenda' for European industrial policy and thereby to capitalise more effectively on the establishment of regional economic complexes in Europe. With this aim in view, there is a need to make the current proposals considerably more effective; these proposals go no further than proposing the establishment of 'framework conditions' and, in this respect, provide too little impulse for renewal. It is essential that, above all, measures to stimulate trans-sectoral developments, geared to new technology-product-marketing-combinations, be placed at the heart of the new European industrial policy.
- 4) In this opinion, the CoR puts forward a number of concrete proposals for bringing about a considerable increase in the effectiveness of EU instruments and promoting more intensive integration of these instruments. A robust basis for action in this field needs to be established in the course of the forthcoming German presidency of the Council; the CoR calls upon the Commission and the European Parliament to put forward a forceful new policy.

adopted the following opinion at its 65th plenary session, held on 14 and 15 June 2006 (meeting of 14 June):

1. The Committee of the Regions' views

Cross-sectoral proposals

1.1 In its outline of work, the European Commission sets out seven proposed cross-sectoral policy initiatives designed to address the common challenges across groupings of different industries and to reinforce the synergies between different policy areas. The proposed measures are as follows:

- an initiative for regulating the protection of intellectual property rights;
- a High Level Group on Competitiveness, Energy and the Environment;
- measures in the field of market access (access to international markets);
- a new Legislative Simplification Programme;
- measures to improve sectoral skills (with a view to achieving a more highly qualified workforce);
- the management of structural change in manufacturing;
- an integrated European approach to research and innovation.

1.2 These proposals are, without exception, measures of outstanding importance with a view to enhancing the competitiveness of industries in the EU. The CoR therefore strongly supports the proposals from a general standpoint. In view of the CoR's own position, it calls for attention to be paid, in particular, to measures for managing structural change in industry, as well as parallel attention to the new simplification programme for legislation. This is the essential aspect in this context; the EU needs to move towards supporting and facilitating a new industrial policy deriving from the regions. In the debate on how to meet the challenges and the opportunities provided by globalisation, the competitiveness of the EU needs to be the central issue if we are to guarantee prosperity for our children. We reject a backward-looking protectionist approach, geared to preserving past achievements. Initiatives, such as the globalisation fund proposed by the Commission, must not be used for defensive purposes but rather to promote development, for example by providing training for new sectors which provide a wealth of opportunities.

1.3 The CoR calls for more vigorous efforts to be made to tie in with the European Commission's regional innovation policy, which also focuses on promoting the establishment of clusters and new forms of cooperation. Within the EU, there is already a number of good examples of cooperation between the European Commission and the regions; attention may be drawn in this context to the Noord-Brabant Innovation Act Programme 2005-2010 entitled 'Connecting, creating and enabling winners'.

1.4 The formulation of cross-sectoral proposals, in particular, provides a possible means of establishing a modern, better integrated European industrial policy. With this aim in view, the CoR would like to briefly examine in the following paragraphs a number of the measures proposed by the European Commission, and would stress, above all, the need to exploit every opportunity to achieve a more integrated approach.

High Level Group on Competitiveness, Energy and the Environment

1.5 Over the next few years, energy and the environment will be global priority issues.

With the impetus being provided by the European Commission, a climate needs to be established in which threats can be transformed into opportunities. The fields of energy and the environment provide attractive new marketing opportunities and points of departure for both European industrial policy and research policy.

This approach will help to ensure that energy and sustainable development ('greener' products and production processes) are not addressed separately but rather as a really integral part of industrial policy and innovation policy. To this end, greater attention should be paid to developing alternative energy sources. Energy costs form a substantial component of the costs to be met by EU industry. The CoR calls upon the Member States to increase interconnection capacity so as to enable the liberalisation of the energy market to bring about a situation in which EU businesses can purchase gas and electricity throughout Europe. One way of making an active contribution towards the establishment of a level playing field in Europe is for local and regional authorities to be active shareholders in energy companies.

Improving sectoral skills

1.6 The CoR stresses that the new industrial policy must be seen in the framework of the Lisbon strategy and in the context of globalisation. Restructuring processes in regions and countries are consequences of this development. As stressed in the CoR's opinion on restructuring and delocalisation (CdR 148/2005 fin), it is necessary to ensure that restructuring is well-managed; in this context attention is also drawn to the observation made earlier in the present document to the effect that the proposed globalisation fund must be used for development purposes rather than defensive purposes. An essential prerequisite for commitment on the part of Brussels is that the action taken must promote economic and social cohesion; this must also provide the basis for a more effective and more flexible European labour market. It would be advisable to give a more central role to the priority issue at stake here, namely 'social innovation'. The key issue is how we can better put employees in the EU, across the board, in a better position to go along with the sometimes radical restructuring measures, without falling victim to structural unemployment.

1.7 Increasing labour productivity, the employment rate and labour mobility are essential prerequisites if the EU is to be competitive. More attention needs to be paid to this point both in the policies pursued by the Member States and in the EU programmes and Structural Funds. Furthermore, there is a need for increased scope for giving (temporary) access to the EU labour market to highly trained workers from non-EU states; this type of liberalisation, too, helps to promote the competitiveness of the EU.

Intellectual Property Rights

1.8 The CoR notes that some important European manufacturing sectors still have considerable advantages over their competitors, but globalisation may have negative effects on them as well. The provision of adequate protection for intellectual and industrial property is of vital importance for the maintenance of the competitive position of the EU. The existence of protection for intellectual property provides an incentive for innovative actions and the development of new business models. The regulatory framework needs to be adjusted to take account of rapidly changing technological and social developments. Legislation in this field needs to be more transparent and to provide more legal certainty. Rules need to be introduced and enforced at both European level (Community legislation) and global level (WTO, TRIPS). Many entrepreneurs in SMEs — which are the *drivers of innovation* — still do not know how precisely to deal with infringements of their intellectual property. A major problem with which many SMEs have to contend is that of the extremely high level of enforcement costs in Europe which are far higher than those applying in, for example, the USA. Furthermore, turning to the subject of the cost of submitting applications, it is of the utmost importance that, after 30 years discussing the issue, the Community patent is now introduced. Five years after the European Commission put forward a concrete proposal, this dossier still remains deadlocked at the Council as a result of a dispute over the question of language arrangements. The CoR calls upon the European Commission to put forward a harmonisation Directive, based on Article 95 of the TEC. Under this provision, national patent regimes may be maintained but would be subject to the principle of mutual recognition. By limiting the number of languages involved to the language of the Member State concerned, plus English, the cost of introducing the Community patent could be considerably reduced, which would benefit, above all, SMEs. In this way it would be possible to create an internationally competitive patent. Furthermore, it is essential to reduce to a minimum the charge for maintaining a patent, which is levied in many EU countries and acts as a disincentive to innovation.

Integrated approach to research and innovation

1.9 In combination with the Structural Funds, the European framework programme KP7 and the Competitiveness Innovation Programme (CIP) play a very important role in respect of facilitating and guidance. Funding provided under the KP7 programme is essential if we are to enhance the competitiveness of the EU and to strengthen those regions which exploit leading-edge technology. When the Financial Perspectives are set out, the budget in question must not be reduced.

1.10 In this opinion, the CoR stresses the need for attention to be paid to stimulating the establishment of regional economic complexes in Europe ('European valleys'). With this aim in view, it is essential that the use of the Structural Funds and the framework programmes, such as KP7 and CIP, in the regions can be pooled to a greater extent. The CoR calls upon the European Commission to put forward concrete proposals in this regard.

One aspect, amongst others, which is of particular importance is the concentration of resources on the most advanced research under the heading: measures to stimulate 'open innovation' culture and 'clustering' in the regions.

1.11 In order to develop a sustainable economic model for a region which exploits leading-edge technology, it is not simply

a question of investing heavily in research. The experiences gained in, for example, the Eindhoven region's *Brainport* bring home this message. Promoting a great variety of applications of specific knowledge in several innovation chains creates new jobs at all levels and serves to firmly anchor knowledge in a given region. In this context, small and medium-sized enterprises are entitled to be provided with the same sort of incentive as those given to the parties who develop knowledge. The CoR calls upon the European Commission to target the European programmes and the Structural Funds more at stimulating the establishment of several innovation chains per region and urges it to exploit the multiplier effect to this end. This will make it possible to create a very large number of new jobs for persons in possession of higher education, higher vocational education and intermediate vocational education qualifications.

1.12 In connection with the last-mentioned point, the CoR calls for specific attention to be paid to the issue of the accessibility of EU framework programmes and funds to small- and medium sized enterprises. This is, in the CoR's view, a major problem; unless simplification measures are introduced, the ambition of promoting, above all, SMEs will have little chance of success. It is important to establish a greater degree of 'open innovation culture' under which resources and projects would be made more accessible to SMEs and made available to them under provisions allowing for a higher level of pooling.

1.13 Experience gained with regional innovation policy points to the fact that SMEs derive benefit, above all, from interaction with larger enterprises. The CoR therefore draws attention to the fact that European industrial policy should pay more explicit attention to interaction between large⁽¹⁾ and medium-sized or small enterprises. Interaction between SMEs and research centres is another aspect which is of major importance.

1.14 In conclusion, the CoR wishes to make just one further observation in respect of the possibilities of achieving a more integrated European industrial policy. Attention should be paid, in particular, to bringing about the integration of industrial policy with the policy in respect of sustainable development and social cohesion; this represents a key challenge for the EU. By pursuing this programme, the European Commission can help to ensure that, within the framework of the development of a sustainable knowledge-based society in Europe, a higher level of attention is paid to new forms of cooperation and product-market combinations in areas such as the health industry (medico-technical innovation), the environment and energy. This will provide European industries with interesting new markets.

1.15 Attention has already been drawn to the trend towards bundling and specialisation in respect of top-level economic activities in Europe. This trend may be strengthened in other policy areas, such as land-use policy and policy in respect of modern infrastructure. EU policy should be geared more towards creating effective conditions for (cross-frontier) top international locations, coupled with and opened up by modern European infrastructure. Furthermore, the idea put forward by the President of the European Commission, Mr Barroso, to set up an EU university (EIT) deserves support. The establishment of a top-level institute of technology in the EU may prevent a further braindrain of talent to other parts of the world. It is high time that the EU had an institute which was on a par with, for example, MIT in Boston.

(1) The concept of large enterprises in this respect should also be given attention.

Sector-specific proposals

1.16 The European Commission will put forward the following new initiatives:

- a Pharmaceuticals Forum,
- a mid-term review of life sciences and biotechnology strategy,
- new high level groups on the chemicals industry and the defence industry,
- a European Space Programme,
- a Taskforce on ICT Competitiveness,
- a mechanical Engineering Policy Dialogue,
- competitiveness studies (ICT, food, fashion and design industries).

1.17 The sectoral studies underpinning the European Commission's outline of work demonstrate that many European industries have the potential to remain competitive on the global level. The decisive factor in determining 'world class performance' is the extent to which industry is able to respond to demands in respect of both knowledge and innovation in connection with new products and production processes.

1.18 It is important that this process of change and reform continues to be strongly supported by both the EU and the individual Member States. As regards facilitation by the EU, the present EU framework programmes do, in our view, provide an effective set of instruments when taken together with the (new) EU Structural Funds.

1.19 In the case of sectors such as the machine and systems industries, the issues of focus and mass are of decisive importance in connection with the establishment of the European strategic agendas. The European Nanoelectronics Initiative Advisory Council (ENIAC) and Artemis strategic agendas are, in this connection, of key importance to European and national investment in this field.

1.20 In addition to the need to pay ongoing attention to the competitiveness of particular sectors, it is, however, important to note that Europe's future prosperity will be increasingly dependent upon inter-sectoral activities. Particular attention needs to be paid to this aspect in the European Commission's outline of work. Industrial policy can help to step up developments in this field by promoting 'cross-sectoral interaction'. This can lead, by definition, to intermittent spectacular innovations in products and marketing. This is already beginning to happen in a number of sectors; examples which may be quoted are the food and pharmaceutical sectors (life sciences), biomedical technology, automotive and high-tech systems.

1.21 With the above aim in view, the four broad categories set out in the European Commission's outline of work do not constitute a sufficiently comprehensive list. In the case of life science industries, there is a need to refer also, for example, to the key area of 'molecular medicine'. Furthermore, explicit reference should also be made, in particular, to nanoelectronics and embedded systems. In the light of current developments in the field in question, the category of 'fashion and design industries' also needs to be expanded by referring to 'creative industry'.

1.22 It would therefore appear to be increasingly important to facilitate the development of coherent clusters of industrial activity and to promote new emerging industrial activities. The CoR urges the European Commission to make reference to this point in a more emphatic and explicit way in its outline of work.

1.23 The 'cluster model' — which involves intensive structural cooperation between governmental bodies, enterprises and universities and research bodies — represents, in this context, a crucial factor in ensuring the success of all the innovative regions in the EU. Examples of such areas are: the Stockholm region, Bavaria, Ile-de-France, Rhône-Alpes and South-East Netherlands. Such an approach based on the promotion of clusters should be robustly supported with a view to securing a renewed, better-integrated European industrial policy.

2. Further recommendations made by the Committee of the Regions

Europe in 2027 (policy for the future)

2.1 The European Commission's outline of work further fleshes out the Lisbon strategy and the Gothenburg objectives and is, in this respect, a consistently drafted document. As has already been pointed out at several points above, this document does, in our view, comprise many good and useful plans. Few people will disagree with this verdict. What the document lacks, however, is a clear vision of the future as regards how European industry can rise above its competitors, in the rest of the world.

2.2 The CoR recommends that a vision be set out which is both stimulating and promotes enthusiasm. What will the situation in Europe look like in 2027? How have industries in Europe responded to the tasks set out in 2006? How has the strategy of setting up 'intelligent regions' succeeded in bringing about economic and social renewal in all the EU Member States? In the drive to establish a sustainable knowledge-based society, how successful have we been in deriving new opportunities and markets in the fields of energy, the environment and the health industry? etc., etc.

Inviting enterprises to 'Achieve your full potential in Europe' and pursuing a strategy of interaction with regions

2.3 The CoR recommends that greater emphasis be placed on the strategy of pursuing promising developments in the various regions, thereby bolstering the trend towards the concentration of economic activity and economic specialisation which will gather pace in Europe over the next few years. The starting point for such a strategy is that by facilitating the development of leading-edge regions, we will make a strong contribution towards wide-ranging economic and social renewal in all the Member States of the EU.

2.4 As part of the drive to bring about a renewal of EU industrial policy, the CoR recommends that criteria for identification of prospective leading competitive regions in Europe and within each Member State be approved, allowing channelling of European investment programme funds towards these competitive regions in order to supplement national and regional investments, but also support their physical and intellectual production.

In keeping with the 'new solidarity', the new European industrial policy, geared to promoting developments which provide a wealth of opportunity and the establishment of new regional-economic complexes, also needs to pay explicit attention to stimulating lagging regions. The CoR proposes that the European Commission make provision for a 'leverage effect'; one example would be to set, as a condition for receiving contributions from the EU framework programmes and the Structural Funds, that beneficiaries must enter into inter-regional economic partnerships.

Moving from a sectoral approach to a cluster-based approach (new areas)

2.5 The task of stimulating those sectors of European industry which serve as a driving force for the economy so that they can achieve world-class level is, and will remain, one of the key objectives of EU industrial policy. The future prosperity of Europe will, however, become increasingly dependent upon inter-sectoral activities. It is recommended that the autonomous developments which are already taking place be given greater prominence in the 'broad categories' set out in the European Commission's outline of work.

2.6 The CoR therefore recommends that, in the new industrial policy for the EU, the European Commission pays greater attention to the strategic importance of adopting an inter-sectoral approach, recognising the powerful impact of 'cross-sectoral interaction'. Structural cooperation between government bodies, industry and universities and research bodies, also known as the 'Triple Helix', is therefore an essential prerequisite. This cluster model is one of the key features of the new European industrial policy.

2.7 The promotion of 'cross-sectoral interaction' is geared towards innovation and completely new product-market combinations in industry. This interaction is however not confined solely to areas of industry; interaction with other, social fields produces a new dynamism. In this context, the CoR draws attention to interaction with art and culture (creative industry), interaction between cultures (new intercultural entrepreneurship) or interaction with vocational training (new expertise). In these areas, too, the EU can, and must, play an important role in providing a stimulus. The CoR calls upon the Commission to take account of these aspects in its programmes and in the new Structural Funds.

Boosting integration more effectively

2.8 the cross-sectoral proposals, in particular, provide starting points for giving a strong boost to integration in EU policy. The CoR calls for additional emphasis to be given to the following areas:

- in the fields of energy, the environment and the health industry, the EU should move away from classifying these matters as 'social issues' and regard them rather as providing new marketing opportunities for the future as part of the drive to achieve a sustainable knowledge-based society (see point 2.1 above);
- the EU should set up a European Task Force on Social Innovation which would not be separate from EU industrial policy but would rather lie at the heart of such policy, whilst taking account of the top levels of the labour market and also offering prospects for the lower levels of this market;
- there is a need to adopt an integrated approach in respect of research and innovation: it is essential to achieve greater coordination between the framework programmes and the Structural Funds in respect of planning and guidelines, with particular attention being paid to the bundling of resources for top-level research;

- tendering policy: this field has not been taken into account; it should, however, be one of the cross-sectoral policy initiatives with a view to promoting the interests of SMEs since these enterprises are finding it increasingly difficult to benefit from the EU policy on tendering;
- steps should be taken in other areas of EU policy to help create (cross-border) international top locations in Europe.

Removing red tape and promoting access on the part of SMES to EU programmes

2.9 In its outline of work the European Commission rightly acknowledges the considerable value of the innovative power of SMEs. The extent to which EU measures actually embrace these enterprises does, however, depend to a considerable degree — and above all — on whether EU provisions can be simplified. As the proposals in respect of SMEs stand at present, the possibilities for, for example, subsidising R and D carried out by SMEs will decrease considerably, which is at variance with the need to boost the global competitiveness of these enterprises. An average SME in the USA already spends more than seven times more on R and D than does its counterpart in the EU.

2.10 There is not a single enterprise which will in the near future be either willing or able to take on board all the administrative requirements of the EU in order to qualify for a grant of 15 %. The CoR therefore calls for a very intensive campaign to remove red tape with a view to making the EU framework programmes and the Structural Funds more accessible to SMEs. The CoR will give its full support to all proposals from the European Commission to achieve this goal.

In this context, the involvement of regional and local authorities, as the level of government closest to SMEs, will facilitate their access to Community aid.

2.11 Deregulation and a reduction in the administrative burden resulting from Community regulations, together with an intensive cost-benefit analysis of these regulations, are essential prerequisites for achieving the goals set out in Lisbon. In this context, it is important to carry out a 'business impact assessment' with regard to EU legislation. A prerequisite for ensuring the quality of such business impact assessments is that the assessments must be carried out objectively by an independent third party. The CoR calls upon the Commission to put forward proposals as soon as possible in this respect. The mechanism introduced in the Netherlands, involving the establishment of an independent audit body (the Advisory Board for Assessing Administrative Burdens [ACTAL]) could provide a starting point in this context.

Conclusion

In the light of the forthcoming interim appraisal to be carried out by the Commission, the CoR points out that it would very much welcome a response to the proposals and recommendations set out in this opinion. The CoR also urges the Commission to consider introducing a system of annual monitoring. The CoR would be pleased to make known its views in the context of such an annual monitoring exercise.

Brussels, 14 June 2006.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on A New Framework Strategy for Multilingualism

(2006/C 229/05)

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on *A New Framework for Multilingualism* (COM(2005) 56 final);

Having regard to the decision of its President of 24 January 2006 to instruct its Commission for Culture and Education to draw up an Opinion on this subject;

Having regard to the decision of the Commission of 30 September 2005 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the opinion on the Proposal for a decision of the European Parliament and of the Council *establishing the Culture 2007 programme (2007-2013)* (COM(2004) 469 final), (CdR 259/2004 fin) ⁽¹⁾;

Having regard to the opinion on the Communication on *Promoting Language Learning and Linguistic Diversity: An Action Plan 2004-2006* (CdR 248/2003 fin) ⁽²⁾;

Having regard to the opinion on *The Promotion and Protection of Regional and Minority Languages* (CdR 86/2001 fin) ⁽³⁾;

Having regard to its draft opinion of the Commission for Culture, Education and Research, (CdR 33/2006 rev. 2), adopted on 4 April 2006 (rapporteur: **Mr Seamus Murray**, Member of Meath County Council, Member of the Mid-East Regional Authority (IE/UEN-EA));

adopted the following opinion at its 65th plenary session, held on 14/15 June 2006 (meeting of 14 June):

1. General Views

The Committee of the Regions

1.1 **welcomes** the new Framework Strategy as a positive contribution to the promotion of linguistic diversity and as a complement to the Commission's existing initiatives to improve communication between the European Commission and its citizens;

1.2 **supports** the three main aims of the Commission to: (1) encourage language learning and promote linguistic diversity in society; (2) promote a healthy multicultural economy; and (3) give citizens access to European Union legislation, procedures and information in their own languages;

1.3 however, **feels** that for such an important set of objectives the resources available are not sufficient;

1.4 **accepts** that the responsibility for making further progress with multilingualism mainly rests with Member States and their local and regional authorities but considers that the explicit support of the Commission is necessary to reinforce awareness and to improve the consistency of action at the different levels and across the EU;

1.5 **highlights** the important role played by local and regional authorities in implementing a policy to promote multi-

lingualism and **considers** that references to this role should be more explicitly stated in the communication;

1.6 **calls** for greater recognition to be given to the role of town-twinning initiatives in language learning and cultural exchange and **believes** that such explicit involvement of people at local and regional level can narrow the distance between the EU and its citizens;

1.7 also **believes** that the recent amendment of Regulation 1/1958, under which Irish will be considered an official and working language of the European Union from 1 January 2007 onwards, and the Council conclusions of 13 June 2005, which permit administrative agreements between the institutions and bodies of the European Union and the Member States which allow for the official use of other languages that are recognised by the Constitution of a Member State in all or part of the territory and the use of which as a national language is authorised by law, are further important steps in closing the distance between the EU and a large number of its citizens;

1.8 **recognises** the important contribution of sectoral programmes such as Socrates, Youth and Leonardo and the integrated programme for Lifelong Learning in the promotion of language learning in the European Union. These provide

⁽¹⁾ OJ C 164, 5.7.2005, p. 65.

⁽²⁾ OJ C 73, 23.3.2004, p. 33.

⁽³⁾ OJ C 357, 14.12.2001, p. 33.

good examples of actions that help to create a multilingual society and the CoR reiterates its view that the Commission can do more in this field;

1.9 In this connection, the Committee welcomes the fact that in its current proposal on the Integrated Programme for Lifelong Learning and Training, the European Commission has not discriminated between the different European languages and thus has not restricted inclusion in this programme to the official and working languages of the European Union only, as is the case now;

1.10 **considers** that the widest opportunities be made available for migrants to encourage the maintenance of their native languages and the learning of the language or languages of the host countries. The Committee **considers** that the rich cultural and linguistic diversity that migrant groups bring to the European Union should be more explicitly recognised and that provision should be made for the teaching of these languages as a minimum requirement. The Committee also **emphasises** the need for more specialised training for interpreters as a way of further facilitating communication between migrant and host communities.

Specific Comments on the Framework Strategy

Actions for a Multilingual Society — Language Learning and Linguistic Diversity in Society

The Committee of the Regions

1.11 **agrees** that curricula and structures for the teaching of a foreign language should reflect the changing demands that pupils and students face; therefore, looks forward to recommendations from the Commission on how to bring language teacher training and language-learning tools up to date;

1.12 **supports** the development of the academic field of multilingualism and interculturalism in European society and welcomes the Commission's proposal that research into linguistic diversity could be accompanied by networks of Chairs, along the lines of the successful Jean Monnet action;

1.13 **is aware** of the advantages of early language learning, provided teachers are trained specifically and therefore welcomes the Commission's forthcoming publication on a study of best practice in early language learning which the Committee considers should encompass a regional perspective and hopes that this study will take into consideration the many years of existing regional experience in this area;

1.14 **emphasises** that higher education institutions could be encouraged to play a more active role in promoting multilingualism amongst students and staff and would welcome more projects along the lines of The European Network for the promotion of Languages Among All Undergraduates (ENLU);

1.15 **agrees** that higher education institutions could also play a more active role in promoting multiculturalism in the wider local community by establishing links with local and regional authorities and local businesses;

1.16 **agrees** that the trend in non-English-speaking countries towards teaching through the medium of English, instead of through the national or regional language, may have unforeseen consequences for the vitality of those languages. The Committee emphasises the urgency in addressing this issue and welcomes the proposal to study the phenomenon in more detail;

1.17 **supports** the idea of encouraging Member States to establish national plans to give structure, coherence and direction to actions to promote multilingualism. The Committee considers that these plans should establish clear objectives for language teaching at the various stages of education and be accompanied by a sustained effort to raise awareness of the cultural importance of linguistic diversity. Local and regional authorities should be involved in the development and implementation of these national plans;

1.18 **believes** that regional identity is strengthened by the safeguarding and promotion of minority (lesser used) and regional languages. The Committee acknowledges existing support for these languages but considers that because of their minority and therefore more vulnerable position, special attention needs to be given to looking at further ways in which the future of these languages can be secured;

1.19 **supports** the European Commission's inclusion of 'communication in foreign languages' among the key competencies that all European citizens need throughout their lives and calls upon the Commission to draft the texts needed for its implementation in society.

Actions for a Multilingual Economy

The Committee of the Regions

1.20 **considers** that improved language skills will enhance the capacity for EU businesses to trade and welcomes the publication in 2006 of a study on the impact on the European economy of shortages of language skills. However, the Committee is of the view that the publication should particularly address the regional disparities in language skills and considers that the recommendations should be made widely available. The Committee also supports the forthcoming 2006 web-based publication of an inventory of language certification systems;

1.21 **believes** that, if the cross-border mobility of workers is to be boosted as a means of implementing Community employment policy, greater integration between multilingualism and vocational training is needed;

1.22 **highlights** that in English-speaking countries of the EU there has been a decline in the number of students studying languages. One of reasons for this decline relates to English native speakers' belief that knowledge of other languages is of little benefit or professional use in the labour market, whereby competence in a modern language is not always seen by students as an essential skill for either entry to higher education or into a career. Although the Commission addresses ways in which it will create a multilingual economy, the Committee **reiterates** that more needs to be done in building awareness of the economic benefits of language learning;

1.23 **emphasises** the importance of being able to access and use information in a number of languages and therefore welcomes the creation of a single European Information Space which can offer linguistically and culturally diverse content and digital services;

1.24 **sees** the potential in sub-titles in film and television programmes as a means of promoting language learning and favours further study on the potential for its greater use;

1.25 **considers** that training programmes in higher education and elsewhere need to be continuously updated and therefore considers the organisation of a conference on translator training in universities in 2006 to be worthwhile;

1.26 **welcomes** the launch under i2010 of a flagship initiative on digital libraries and supports initiatives to coordinate work of European research teams in the fields of human language technologies, machine translation and the creation of language resources.

Actions for Multilingualism in the Commission's Relations with Citizens

The Committee of the Regions

1.27 **acknowledges** that over the past ten years, the Commission has developed several multilingual initiatives to help citizens understand how European legislation affects them and welcomes the proposals to build on such initiatives. However, the CoR deems it necessary that the Commission intensifies its information and awareness-raising campaigns informing EU citizens about its linguistic and cultural diversity and its literary and artistic heritage as core set of shared values. Awareness-raising initiatives are crucial for increasing the public's knowledge about their heritage and it is particularly important to target these at the younger generation of European citizens at all stages of formal and informal education;

1.28 **favours** the Commission's continued fostering of multilingualism on its Internet portal (Europa) and in its publications. The Committee welcomes the launch of a languages portal on Europa providing information about multilingualism in the EU and the accommodation of new portals dedicated to language learners and language teachers. The Committee also welcomes the setting up of an internal network by the Commission to ensure that all departments apply its multilingualism policy in a coherent way;

1.29 **reminds** all European Institutions of the need, in its policy for communicating with the public and especially in the internet portal dedicated to European languages, to bear in mind the existence in the Member States of European languages different to those considered the official and working languages of the EU institutions, and with a constitutionally recognised official status. In these cases, the Committee believes that the European Commission should add these languages to its policy for communicating with the public;

1.30 **considers** that giving a greater role to translation field offices in Member States in promoting multilingualism, particularly through the customisation of the Commission's messages for local target audiences as a positive initiative;

1.31 **recognises** the importance of stimulating an awareness of the value of linguistic diversity and therefore **supports** the organisation of high-level seminars on multilingualism in Member States, targeted at journalists and other opinion multipliers;

1.32 **considers** the organisation of an international translation competition between schools in Member States to be a positive and worthwhile initiative and would encourage the development of similar multilingual benchmarking and competition for local and regional authorities across the EU;

1.33 **welcomes** the Commission's proposal to set up a High Level Group on Multilingualism and supports the holding of a ministerial conference on multilingualism at which it considers that the Committee should be invited to participate.

2. The Committee of Regions' recommendations

The Committee of the Regions

2.1 given their role in promoting culture and language in their communities, the CoR **recommends** that references to the part played by local and regional authorities should be more explicitly stated;

2.2 **calls for** greater recognition to be given to the part played by initiatives such as Euroregion activities and town-twinning schemes in language learning and cultural exchange at the local level;

2.3 **recommends** the Commission to further reinforce awareness of multilingualism and to improve the consistency of action at different levels across the EU, utilising the inclusion of the 'competence in foreign languages' among the key competencies that every European citizen should have;

2.4 **calls** on the Commission to increase its contribution of sectoral programmes such as Socrates, Youth and Leonardo and the integrated programme for Lifelong Learning in the promotion of language learning in the European Union supporting in particular the student mobility promoted by the Erasmus programme;

2.5 **proposes** that other European Institutions consider the positive experience gained by the Committee of the Regions in the use of co-official languages, with a view to adopting the provisions in question;

2.6 **recommends** that initiatives promoting the learning, study and perfecting of foreign language skills by employees be aimed at local and regional authorities themselves, in relation to the tasks that their staff carry out in promoting European integration and in cooperation policies, and calls upon these bodies to include linguistic competence in their educational programmes and projects where this falls within their responsibilities;

2.7 **recommends** that more support be provided for migrant groups not only to learn the language of their host country but also to encourage the maintenance of the languages and cultures of these groups and calls for more explicit references to policy measures in relation to migrant languages, which could be implemented with the cooperation of and between local authorities, universities and businesses;

2.8 **emphasises** the need for more specialised training for interpreters as a way of further facilitating communication between migrant and host communities.

Specific Comments on the Framework Strategy

Actions for a Multilingual Society — Language Learning and Linguistic Diversity in Society

The Committee of Regions

2.9 **recommends** that language teacher training be made a priority and calls on the Commission to outline more explicitly its action plan for language teacher training at all levels;

2.10 **recommends** that the Commission specify the distribution of Chairs in Multilingualism and Interculturalism across the Member States;

2.11 **calls on** the Commission to promote more projects which would encourage linkages between Higher Education institutions and the wider community including local and regional authorities and local businesses;

2.12 **proposes** that the Commission promote multilingualism in higher education through projects along the lines of

The European Network for the Promotion of Language Among All Undergraduates (ENLU);

2.13 **calls on** Member States to act on the recommendation of the Commission to adopt National Plans for multilingualism and cultural diversity;

2.14 **recommends** that the Commission provide a clear set of guidelines on how National Plans for multilingualism can be adopted by Member States;

2.15 **recommends** that the role of regional and minority languages in creating a multilingual Europe should be more explicitly stated.

Actions for a Multilingual Economy

2.16 **recommends** that the study of language shortages in the EU should particularly address the regional disparities in language skills and considers that recommendations emerging from the study should be made widely available;

2.17 **calls on** the Commission to intensify its awareness-building campaigns on the economic and cultural benefits of language learning.

Actions for Multilingualism in the Commission's Relations with Citizens

2.18 **calls on** the Commission to intensify its information and awareness-raising campaigns, informing EU citizens about its linguistic and cultural diversity, its literary and artistic heritage and its core set of shared values and to place particular emphasis on awareness-building amongst the younger generation of European citizens. It also recommends that EU citizens taking up employment in other European countries should be given more support in learning the language of the host country, including language for professional purposes;

2.19 **reiterates** the importance of stimulating an awareness of the value of linguistic diversity amongst opinion multipliers and therefore calls on the Commission to further strengthen its awareness campaigns on multilingualism amongst these groups.

Brussels, 14 June 2006

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the 3rd Maritime Safety Package

(2006/C 229/06)

THE COMMITTEE OF THE REGIONS,

HAVING REGARD TO the letter from the European Commission of 25 November 2005 requesting the CoR's opinion on the *3rd Maritime Safety Package*;

HAVING REGARD TO the Communication from the Commission on *The Third package of measures in favour of maritime safety* and the seven Directives included: COM(2005) 586 final; COM(2005) 587 final; COM(2005) 588 final; COM(2005) 589 final; COM(2005) 590 final; COM(2005) 592 final; COM(2005) 593 final;

HAVING REGARD TO the decision of the Bureau of 12 April 2005 to instruct its Commission for Territorial Cohesion Policy to draw up an opinion on this subject;

HAVING REGARD TO the motion for a European Parliament resolution on improving safety at sea in response to the Prestige accident (2003/2066(INI)), and the work of the MARE Committee (MARE Resolution);

HAVING REGARD TO the opinion expressed by the European Community Shipowners' Associations (ECSA) on behalf of European shipowners associations and their members, and dated, June 2004, and the opinions expressed by the European Seaports Organisation (ESPO), on behalf of European seaports, and dated 10 June 2004 and 10 March 2005, as well as the opinions expressed by INTERTANKO on behalf of its members, dated January 2006;

HAVING REGARD TO the work of the Maritime Safety Umbrella Operation (MUSO) as presented during the seminar addressing: *Refuge Area Best Practice: Identification, Planning and Stakeholder Involvement*, 23 and 24 February 2006 and the suggestion made during this meeting for the development of a *Casualty Management Framework through IMO*, that should be incorporated into this Directive;

HAVING REGARD TO the International Maritime Conventions of IMO, including all associated and current assembly resolutions and amendments;

HAVING REGARD TO its draft opinion (CdR 43/2006 rev. 2) adopted on 5 April 2006 by its Commission for Territorial Cohesion Policy (rapporteur: **Cllr Flo Clucas** (UK/ALDE) (Member of Liverpool City Council));

Whereas:

- 1) the fact that substandard shipping still persists and that further action is needed to combat those flag States, classification societies, shipowners, ship managers, charterers, terminal operators and ship masters that continue to conduct their business in an irresponsible manner to further commercial gain and with disregard for international rules and safe practices;
- 2) maritime accidents and incidents that resulted in loss of life and pollution of the oceans, regional and local coastal and maritime area, and thereby causing substantial economic losses, serious environmental damage and considerable public concern;
- 3) the importance of a vibrant and competitive European maritime transport system for regions and cities — particularly those involved in maritime industries, exports and economic links;
- 4) the need to ensure coordination with the maritime strategy of the EU, the requirement for mutual synergies and the potential for offering regional and local authorities realistic solutions.
- 5) the subsidiarity and proportionality principles are of particular relevance to EU measures in the field of transport, as the EU, Member States and regions often share responsibility for legislation and implementation;

- 6) the new framework of legislative proposals must:
- be compatible with prevailing international standards and agreements within the IMO;
 - respect recent international developments.

adopted the following opinion at its 65th plenary session, held on 14 and 15 June 2006 (meeting of 15 June):

The Committee of the Regions,

believes that the third Maritime Safety Package 'Erika III' has the potential to considerably improve the safety of maritime transport:

1. Proposal for a directive on the responsibility of the flag states

1.1 **thinks** that increasing the responsibility of flag States and harmonising the interpretation of the IMO conventions including all their up-to-date assembly resolutions and amendments will be of substantial benefits to the European fleet;

1.2 **is of the opinion** that the specific proposals put forward to increase the pressure on sub-standard ships, rewarding well operated vessels, and increasing the pressure on the flag States to comply with their responsibilities under the IMO Conventions, are the correct way forward;

1.3 **agrees** revoking IMO Resolution A.847(20) and replacing it with IMO Resolution A.(...) (23) whereby Member States have to discharge effectively and consistently their obligations as flag States in accordance with IMO Conventions and taking account of IMO Resolution A.(...)(23);

1.4 **believes** that the economic and social distortions as well as the use of under qualified crews caused by the varying interpretation of IMO Conventions by flag States need to be corrected;

1.5 **is of the opinion** that the best way to harmonise the interpretation of IMO Conventions including all their up-to-date assembly resolutions and amendments, is to uniformly apply throughout the EU, IMO's own interpretation of these conventions;

1.6 **argues** that the syllabuses and training requirements leading to professional maritime qualifications should be harmonised throughout the EU, and that this should be made an integral part of the mutual recognition of certificates of competency;

1.7 **is concerned** about the possibility and practice of changing classification society and/or flag State in case of disagreement between shipowner/ship manager and the classification society and/or the flag State in matters relating to safety, manning, maintenance, equipment, and operation of the vessel;

1.8 **suggests** that classification societies and flag States should insist on full compliance of the vessel with IMO conven-

tions prior to changing classification society and/or flag of registration of a vessel. Further, full compliance with IMO resolutions should be a prerequisite for acceptance of a vessel by a classification society and/or a flag State, and of the vessel's remaining in class and on the register;

1.9 **expresses its agreement** that the existing body of the maritime labour instruments will be embodied in this Directive;

1.10 **highlights** its concern over seafarers' working time, the fatigue resulting from constant overworking and the dangers of errors, accidents, damage, and possible pollution associated with overworking and inadequate rest periods may cause;

1.11 **is of the opinion** that leaving the right to exempt ships from the application of basic flag State rules to the sole and entire discretion of the individual administrations could and does result in different levels of safety being achieved in different Member States and distorts competition between flag States. For this reason, the right to exempt should be curtailed to, e.g. naval vessels exclusively;

1.12 **recommends** that the harmonised interpretations of technical safety standards, at present applicable to passenger vessels ... as per Article 12 of Council Directive 98/18/EC of March 1998, should be applied to all merchant ships and fishing vessels;

1.13 **advocates** maximum cooperation between the maritime authorities and the local authorities in order to adopt an integrated approach towards tackling issues connected with maritime navigation and the impact on the region's economic and social development;

1.14 **agrees** that the maritime administrations of the Member States should be able to rely on appropriate resources for the implementation of their flag State obligations;

1.15 **concurs** with the Directives provision for the development of a database providing essential information on ships flying the flag of a Member State, as well as on ships which have left the register of a Member State;

1.16 **agrees** with the IMO proposed Member State Audit Scheme, however, requests for this audit scheme to be made compulsory, and be part of a quality certification scheme in accordance with ISO or equivalent standards as specified by the EC;

1.17 **expresses concern** at the criminalisation and vilification of ship masters. While there are occasions where criminal culpability may be evident, this is generally incorrect, inappropriate, and very damaging to a profession who is doing a rather difficult, stressful, and sometimes dangerous job very successfully;

1.18 **identifies concern** about the possible curtailment of 'right of innocent passage' and 'freedom of navigation' of ships passing through the waters of European States without calling at one of their ports. These rights ought to be respected as far as possible in the interests of safety. It should be made clear to

the shipping industry that passing vessels have the obligation to navigate correctly within VTS schemes and follow reporting procedures;

1.19 **is concerned** about the possible additional administrative burden on senior officers if the ship has to report that it is due for inspections as well as providing a certificate of insurance. IMO's proposal to reduce the certificate inspections by streamlining the process with online electronic certification processes should be expanded to include insurance and be made compulsory. Comment 1.18 also applies to the proposed Directive on Port State Control.

RECOMMENDATIONS

Recommendation 1.1

Article 1

Text proposed by the Commission	CoR Amendment
(c) to provide a mechanism for harmonised interpretations of the measures laid down in the IMO Conventions which have been left to the discretion of the Contracting Parties to those Conventions.	(c) to provide a mechanism ensure for harmonised interpretations of the measures laid down in the IMO Conventions, which have been left to the discretion of the Contracting Parties to those Conventions by using the interpretation of IMO for said Conventions.

Reason

Thus far the interpretation of the IMO Conventions has been left to the flag State administrations, or the courts acting on their behalf, causing differing interpretations and varying standards. To harmonise the interpretation of IMO Conventions, the interpretation of IMO of its Conventions ought to be mandatory.

Recommendation 1.2

Article 2

Text proposed by the Commission	CoR Amendment
(a) 'IMO Conventions' means the following Conventions, together with the Protocols and amendments thereto and related codes of mandatory status adopted in the framework of the International Maritime Organisation (IMO), in their up-to-date version: <ul style="list-style-type: none"> (i) the 1974 International Convention for the Safety of Life at Sea (SOLAS 74); (ii) the International Convention on Load Lines, 1966 (LL 66); (iii) the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 69); (iv) the International Convention for the Prevention of Pollution from Ships; (v) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 1978); (vi) the Convention on International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72); 	(a) 'IMO Conventions' means the following Conventions, together with the Protocols and amendments thereto and related codes of mandatory status adopted in the framework of the International Maritime Organisation (IMO), in their up-to-date version: <ul style="list-style-type: none"> (i) the 1974 International Convention for the Safety of Life at Sea (SOLAS 74); (ii) the International Convention on Load Lines, 1966 (LL 66); (iii) the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 69); (iv) the International Convention for the Prevention of Pollution from Ships; (v) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 1978); (vi) the Convention on International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72); <u>(vii) Code of Safe Practice for Ships Carrying Timber Deck Cargoes and</u> <u>(viii) Code of Safe Practice for Solid Bulk Cargoes.</u>

Reason

The Code of Safe Practice for Ships carrying Timber Deck Cargoes should be included in all Directives of the third Maritime Safety Package for the following reasons:

- Timber deck cargo is liable to shifting in heavy weather,
- During winter time, in high latitudes, timber deck cargo is liable to icing.

The Code of Safe Practice for Dry Bulk Cargoes should be included in all Directives of the third Maritime Safety Package, as bulk carriers have been found to be some of the most dangerous vessels. Handling dry bulk cargoes safely and correctly including their stowage and trimming, sequence of loading of the cargo holds of the vessel in conjunction with de-ballasting in order not to unduly stress the vessel are important for the safety of the ship. Apart from the fuel oil the vessel carries, some dry bulk cargoes are marine pollutants.

Recommendation 1.3

Article 5

Text proposed by the Commission	CoR Amendment
<p>2. When registering a ship in its register for the first time the Member State concerned shall endeavour to ensure that the ship in question complies with the applicable international rules and regulations. It shall liaise with the previous flag State, if necessary.</p>	<p>2. When registering a ship in its register for the first time the Member State concerned shall endeavour to <u>require</u> that the ship in question complies fully with the <u>applicable international rules and regulations as a precondition for registering the vessel by the Member State.</u> It shall liaise with the previous flag State, if necessary.</p>

Reason

To stop the undesirable practice of creating the possibility of 'substandard ships' by out-flagging to a less demanding register and in case of disputes with the flag State regarding the safety, manning, operation, and maintenance of the vessel.

2. Proposal for a directive on port state control

2.1 **believes** that reinforcing and improving the effectiveness of port state control would be beneficial to the community;

2.2 **agrees** that the reinforcement of ship inspections will have a direct environmental impact and positive economic and social repercussions including fairer competition conditions for maritime transport;

2.3 **expresses concern** at the use of pilots in strengthening port state control through reporting of deficiencies and by supplementing port- and flag State inspections. Pilots are skilled in navigation and in conning a vessel. They are not trained as port- or flag State inspectors;

2.4 **draws attention** to the fact that the ship's age should not be taken as sole criteria for the need for expanded inspections. The management of the maintenance of the vessel, the cargoes it carried, and the sea areas it transited during its voyages, all affect the condition of the vessel. A relatively new, but badly built vessel suffering substandard or little maintenance and careless operation due to inadequate management and a less able, under qualified, but cheap crew, being over-stressed during loading, discharging, and ballasting operations and subjected to generally bad weather during its passages will be in a worse condition and presents a considerably larger risk for accidents and pollution than an older vessel that has been well built, well maintained, manned, and operated according to best practice;

2.5 calls for an inspection rate of 100 % of the vessels calling at EU ports in anyone year. However, it suggests that each ship will generally be inspected only once during anyone year, unless circumstances warrant more frequent inspections. The results of inspections will immediately be made available to EU port- and flag States upon completion of said inspection(s);

2.6 **totally agrees** with the intentions to tightening up provisions concerning the human element.

RECOMMENDATIONS

Recommendation 2.1

Article 5

Text proposed by the Commission	CoR Amendment
<p>3.1. As long as measures envisaged in paragraph 2 are not in force, the total number of inspections of the ships referred to in paragraph (2) and Article 7 to be carried out annually by the competent authority of each Member State shall correspond to at least 25% of the average annual number of individual ships which entered its ports</p>	<p>3. 1. As long as measures envisaged in paragraph 2 are not in force, the total number of inspections of the ships referred to in paragraph (2) and Article 7 to be carried out annually by the competent authority of each Member State shall correspond to at least 25% 100% of the average annual number of individual ships which entered its ports</p>

Reason

Endeavouring to inspect 25 % of the vessels will not change the present situation.

Recommendation 2.2

Article 7

Text proposed by the Commission	CoR Amendment
<p>2. When a ship has been authorised to leave a port on condition that the deficiencies are rectified at the next port, the inspection at the next port shall be limited to verifying whether these deficiencies have been rectified.</p>	<p>2. When a ship has been authorised to leave a port on condition that the deficiencies are rectified at the next port, the inspection at the next port shall be limited to verifying whether these deficiencies have been rectified No ship should be authorised to defer rectification of deficiencies relating to seaworthiness and cargo worthiness and sail to the next port on the promise that deficiencies will be corrected there. These deficiencies have to be corrected before sailing to the next port will be allowed by port — or flag State.</p>

Reason

Any vessel leaving port has to routinely comply with the condition of seaworthiness including cargo worthiness. Existing deficiencies may interfere with complying with these obligations.

Recommendation 2.3

Article 12

Text proposed by the Commission	CoR Amendment
<p>The identity of the person lodging the complaint shall not be revealed to the master or the shipowner of the ship concerned.</p>	<p>The identity of the person lodging the complaint shall not be revealed to the master or the shipowner, <u>or the ship manager</u> of the ship concerned.</p>

Reason

Not every vessel is managed by its owner. Some ships are owned by banks, who elect to have the vessel managed and operated by a ship manager on their behalf.

Recommendation 2.4*Article 20*

Text proposed by the Commission	CoR Amendment
The Commission shall establish and publish every year a black-list showing the performance of ship operators and companies in accordance with the procedures and criteria laid down in Annex XV.	The Commission shall establish and publish every year a black-list showing the performance of <u>shipowners, ship managers, ship operators, charterers, ships, terminal operators,</u> and companies in accordance with the procedures and criteria laid down in Annex XV.

Reason

Naming them each in the article prevents having the term 'ship operator' to be interpreted by the courts to include the offending party. Also, naming them explicitly hopefully ensures that shipowners, ship managers, ship operators, charterers, ships, and terminal operators keep an eye on each other's performance, as being named in the 'grey or black list' is detrimental to business.

Recommendation 2.5*Annex VIII C as referred to in Article 8*

Text proposed by the Commission	CoR Amendment
<p>3. BULK CARRIERS</p> <ul style="list-style-type: none"> — possible corrosion of deck machinery mountings, — possible deformation and/or corrosion of hatch covers, — possible cracks or local corrosion in transverse bulkheads, — access to cargo holds, 	<p>3. BULK CARRIERS</p> <ul style="list-style-type: none"> — possible corrosion of deck machinery mountings, — possible deformation and/or corrosion of hatch covers, — possible cracks or local corrosion in transverse bulkheads, — access to cargo holds, — <u>ballast tanks: at least one of the ballast tanks within the cargo area is to be examined from the tank manhole/deck access in first instance and entered if the inspector establishes clear grounds for further inspection,</u>

Reason

Bulk carriers suffer the same ballast tank problems as double hulled tankers do. Ballast tanks are subject to the accumulation of sediments and liable to serious corrosion. Wastage of structural steel, fatigue cracking or buckling of stiffeners affect the safety of the vessel, if they occur can be identified only by a visual inspection, and for this reason should be included in port State control inspections.

3. Proposal for a directive on a Community vessel traffic monitoring and information system

3.1 **applauds** the introduction of a 'prevention' component permitting the operational management of maritime risk at Community level as part of the EU's maritime safety policy;

3.2 **recommends** the introduction of AIS systems on all fishing vessels, inshore as well as off-shore, and not just on those above 15 m length. It is the smaller ones that are most at risk as they are difficult to identify visually as well as by radar if they are built from timber or GRP;

3.3 **is in total agreement** with catering for the need to improve the operational procedures designed to respond effectively to emergency situations in which ships may find themselves and of the importance of issues concerning guarantees for any economic damage related to the accommodation of ships in distress.

RECOMMENDATIONS

Recommendation 3.1 Am. 5

Article 1

Text proposed by the Commission	CoR Amendment
<p>Article 1 paragraph 8: Article 20 shall be replaced by the following: 'Article 20 — Accommodation of ships in distress in places of refuge'</p> <p>(1) Member States shall ensure that, subject to the results of the assessment of the situation carried out on the basis of the plan referred to in Article 20a, ships in distress are admitted to a place of refuge which will make it possible to limit the threat posed by their situation.</p> <p>(2) The accommodation of a ship in distress in a place of refuge shall be the subject of a prior assessment of the situation and a decision taken by an independent competent authority designated by the Member State.</p> <p>(3) The authorities referred to in paragraph 2 shall meet regularly to exchange their expertise and improve the measures taken pursuant to this Article. They may meet at any time, on account of specific circumstances, at the initiative of one of them or of the Commission</p>	<p><u>Article 1 paragraph 8:</u> <u>Article 20 shall be replaced by the following:</u> <u>'Article 20 — Accommodation of ships in distress in places of refuge'</u></p> <p><u>(1) Member States shall ensure that, subject to the results of the assessment of the situation carried out on the basis of the plan referred to in Article 20a, ships in distress are admitted to a place of refuge which will make it possible to limit the threat posed by their situation.</u></p> <p><u>(2) The accommodation of a ship in distress in a place of refuge shall be the subject of a prior assessment of the situation and a decision taken by an independent competent authority designated by the Member State.</u></p> <p><u>(2a) The authorities referred to in paragraph 2 shall take advice of all relevant players related to the salvage operation and shall consult, in particular, local (port) authorities before deciding to accommodate a ship in distress in a place of refuge.</u></p> <p><u>(2b) The authorities referred to in paragraph 2 shall be responsible for compensating local (port) authorities for any costs and damage resulting from the decision referred to in paragraph 2 if such costs and damage cannot be promptly recovered from the owner or operator of a vessel within the meaning of Article X of Directive XX/XXXX/EC [on civil liability and the financial guarantees given by shipowners].</u></p> <p><u>(3) The authorities referred to in paragraph 2 shall meet regularly to exchange their expertise and improve the measures taken pursuant to this Article. They may meet at any time, on account of specific circumstances, at the initiative of one of them or of the Commission.</u></p>

Reason

The Commission sets out in the Explanatory Memorandum that there is a clear need of making the existing provisions regarding ships in distress in places of refuge clearer and more focused. Therefore the Commission introduces that the accommodation of a ship in distress in a place of refuge shall be the subject of a prior assessment of the situation and a decision taken by an independent competent authority designated by the Member State.

The introduction of the independent competent authority is recommendable as it will guarantee a more objective decision on where a ship in distress can be best accommodated. This proposal shifts decision making power regarding the accommodation of a ship from the local port authority to a national authority. To maintain some interaction and to establish a relation based on trust between the local port authority and the national authority an obligation to consult the port authority is highly recommendable.

Moreover, as the final decision on accommodating a ship in distress is being made by the independent competent authority, the powers of the port authority can be overruled. The possibility for the national authority to overrule the local port authority can leave the latter with a financial burden of a decision which has not been taken by the port authority. It is not logical that port authorities will need to find compensation for costs and damage which are not caused by their own operations nor resulted from a decision the port authority has taken itself.

It is therefore recommendable that the independent competent authority will be fully liable for his decisions and responsible for compensation.

Recommendation 3.2 Am.6

Article 1

Text proposed by the Commission	CoR Amendment
<p>Article 1 paragraph 9: The following Article 20a shall be inserted: 'Article 20a — Plans for the accommodation of ships in distress</p> <p>(1) Member States shall draw up plans for responding to threats presented by ships in distress in the waters under their jurisdiction.</p> <p>(2) The plans referred to in paragraph 1 shall be prepared after consultation of the parties concerned, taking into account the relevant IMO guidelines referred to in Article 3(a), and shall contain at least the following:</p> <ol style="list-style-type: none"> a) the identity of the authority or authorities in charge of receiving and handling alerts; b) the identity of the authority responsible for assessing the situation, selecting a suitable place of refuge and taking a decision on accommodating a ship in distress in the place of refuge selected; c) the inventory of potential places of refuge, recapitulating those elements which are conducive to speedy assessment and decision-making, including descriptions of the environmental and social factors and the natural conditions of the potential places considered; d) the assessment procedures for selecting the place of refuge on the basis of places listed on the inventory; e) the resources and installations suitable for assistance, rescue and combating pollution; f) any international coordination and decision-making mechanisms that may be applicable; g) the financial guarantee and liability procedures in place for ships accommodated in a place of refuge. <p>(3) Member States shall publish the name of the competent authority referred to in Article 20(2) and the list of suitable contact points for receiving and handling alerts. They shall communicate to the Commission the inventory of potential places of refuge, and furthermore communicate the relevant information on the plans and places of refuge to the neighbouring Member States.</p> <p>In implementing the procedures provided for in the plans for accommodating ships in distress, they shall ensure that all relevant information on the plans and places of refuge is made available to the parties involved in the operations, including assistance and towing companies.'</p>	<p>Article 1 paragraph 9: <u>The following Article 20a shall be inserted:</u> <u>'Article 20a — Plans for the accommodation of ships in distress</u></p> <p><u>(1) Member States shall draw up plans for responding to threats presented by ships in distress in the waters under their jurisdiction.</u></p> <p><u>(2) The plans referred to in paragraph 1 shall be prepared after consultation of the parties concerned, taking into account the relevant IMO guidelines referred to in Article 3(a), and shall contain at least the following:</u></p> <ol style="list-style-type: none"> <u>a) the identity of the authority or authorities in charge of receiving and handling alerts;</u> <u>b) the identity of the authority responsible for assessing the situation, selecting a suitable place of refuge and taking a decision on accommodating a ship in distress in the place of refuge selected;</u> <u>c) the inventory of potential places of refuge, recapitulating those elements which are conducive to speedy assessment and decision-making, including descriptions of the environmental and social factors and the natural conditions of the potential places considered;</u> <u>d) the assessment procedures for selecting the place of refuge on the basis of places listed on the inventory;</u> <u>e) the resources and installations suitable for assistance, rescue and combating pollution;</u> <u>f) any international coordination and decision-making mechanisms that may be applicable;</u> <u>g) the financial guarantee and liability procedures in place for ships accommodated in a place of refuge;</u> <u>h) the compensation procedure for potential costs and damage occurring as result of ships accommodated in a place of refuge.</u> <p><u>(3) Member States shall publish the name of the competent authority referred to in Article 20(2) and the list of suitable contact points for receiving and handling alerts. They shall communicate to the Commission the inventory of potential places of refuge, and furthermore communicate the relevant information on the plans and places of refuge to the neighbouring Member States.</u></p> <p><u>In implementing the procedures provided for in the plans for accommodating ships in distress, they shall ensure that all relevant information on the plans and places of refuge is made available to the parties involved in the operations, including assistance and towing companies.'</u></p>

Reason

Already while drawing up a plan for responding to threats presented by ships in distress in the waters of the Member States it is recommendable that the compensation procedure for potential costs and damage occurring as result of ships accommodated in a place of refuge is included.

Local port authorities and communities may be exposed to pollution or other dangers, such as an explosion, while there may be economic damage if the port, bridges, locks or roads are blocked as a result. Such economic damage may be substantial and can increase very fast. The blockade can also have effects beyond the port area as various companies in the hinterland rely on the goods shipped through the port. However, the international funds compensate damage related to oil pollution and do not cover the economic loss ports encounter.

In the absence of insurance requirements for all ships, there is not guarantee that the ship has liability insurances and, even if it has, claimants may not have access to it if the insurer can use any of its defences.

The Directive proposal on civil liability and financial securities of shipowners, will bring substantial improvement to the existing legal framework. However, it is recommendable that the provisions of the Vessel Traffic Monitoring Directive are further improved to ensure that port authorities and local authorities will have clear guarantees that damage and costs related to the accommodation of ships in distress will be fully and promptly compensated.

In this way port and local authorities will be encouraged to play a pro-active role in offering a place of refuge and this will also ensure an effective and efficient cooperation with the independent competent authority the Commission seeks to establish in every Member State.

The Commission has left such compensation for port authorities open in the Third Maritime Safety Package even if the European Parliament explicitly asked the Commission in its 2004 Resolution on Improving Safety at Sea to submit proposals for financial compensation for places of refuge ⁽¹⁾.

Recommendation 3.3 Am.7

Article 1

Text proposed by the Commission	CoR Amendment
<p>Article 1, paragraph 10 Commission proposal: The following Article 20b shall be inserted: 'Article 20b — Financial guarantees</p> <p>(1) Prior to accommodating a ship in distress in a place of refuge, the Member State may request the ship's operator, agent or master to present an insurance certificate or a financial guarantee, within the meaning of Article X of Directive XX/XXXX/EC [on civil liability and the financial guarantees given by shipowners], covering his liability for damage caused by the ship.</p> <p>(2) The absence of an insurance certificate or financial guarantee does not exonerate the Member States from the prior assessment and decision referred to in Article 20.'</p>	<p><u>Article 1, paragraph 10</u> <u>The following Article 20b shall be inserted:</u> <u>'Article 20b — Financial guarantees</u></p> <p><u>(1) Prior to accommodating a ship in distress in a place of refuge, the Member State may request the ship's operator, agent or master to present an insurance certificate or a financial guarantee, within the meaning of Article X of Directive XX/XXXX/EC [on civil liability and the financial guarantees given by shipowners], covering his liability for damage caused by the ship.</u></p> <p><u>(2) The absence of an insurance certificate or financial guarantee does not exonerate the Member States from the prior assessment and decision referred to in Article 20.</u></p> <p><u>(3) The authorities referred to in Article 20(2) shall be responsible for any legal action against the ship's operator, agent or master to recover costs and damage caused by the ship.'</u></p>

Reason

Port Authorities rank among many creditors of the vessel. They have to share, with these various parties, the compensation amount which is available from the international funds or from the ship's insurance. They often stand last in the queue for compensation despite the far reaching responsibility to accommodate a ship in distress. Moreover, the international funds compensate damage related to oil pollution and do not cover the economic loss ports encounter.

⁽¹⁾ European Parliament Resolution on Improving Safety at Sea – Rapporteur Dirk Sterckx cf. http://www.europarl.eu.int/comparl/tempcom/mare/pdf/res_en.pdf

Smaller ports and communities affected by damage resulting from obligatory accommodation of a ship in distress may not have the manpower, financial means or legal expertise to be confronted with long lasting legal action against the ship's operator, agent or master to recover costs and damage while not even having the final authority in taking this decision.

4. Directive establishing the fundamental principles governing the investigation of accidents in the maritime transport sector

4.1 **agrees** with the general objective of the Commission's proposal to improve maritime safety by establishing clear Community-wide guidelines on the technical investigations to be carried out following maritime casualties and incidents and the importance of such investigations;

4.2 **supports** the provision that accident investigations should focus on risk prevention and be based on IMO's principles and recommendations, and be targeted at how legislation, the operation of vessels, preparedness for, and conducting emergency responses can be improved;

4.3 **emphasises** the need for extensive use of the relevant models and methods developed in the framework of the IMO to investigate maritime accidents.

RECOMMENDATIONS

Recommendation 4.1

Article 2

Text proposed by the Commission	CoR Amendment
(d) fishing vessels with a length of less than 24 metres;	(d) fishing vessels with a length of less than 24 metres;

Reason

In its Directives on 'Port State Control' and 'Flag State Responsibility', the Commission rightly described fishing as one of the most dangerous activities. The smaller the vessel, the more accident prone it is with frequent loss of life! For this reason it is proposed to delete item (d) of Article 2 and to investigate accidents and incidents involving fishing vessels in the same thorough way as this Directive proposes to investigate accidents and incidents involving merchant ships.

5. Directive to establishing common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations

5.1 **agrees** with the need for effective monitoring and an audit of classification societies, their subsidiaries and participating undertakings and to introduce penalties for failure to comply with their obligations and to establish, at international and Community level, exhaustive technical inspection mechanisms which provide reliable information about the real state of ships.

5.2 **concurs** with the suggestion that the recognised organisations should establish a joint body for quality system assessment and certification. The joint body must be independent, have all the necessary resources to enable work to be carried out in-depth and on a continuous basis, and be in a position to propose both individual and collective measures in order to improve the quality of the recognised organisations' work;

5.3 **agrees** that cooperation between the recognised organisations should be extended to ensure that their technical regulations are compatible and that these regulations and international conventions are interpreted and applied in a uniform manner to provide a common basis for evaluation and instruments which will enable corrective measures to be taken as required to achieve a uniform level of safety in the Community, technical cooperation between Classification Societies, compatibility between regulations, the application of IMO's interpretation of international conventions throughout the EU, and thus lead to genuine mutual recognition of class certificates and marine equipment;

5.4 **requests** that the last line in item (31) 'and inform the flag State when necessary' be changed to 'and make this information immediately available to the flag State'.

RECOMMENDATIONS

Recommendation 5.1

Article 12

Text proposed by the Commission	CoR Amendment
2. Without prejudice to paragraph 1, where an organisation fails to implement the preventive and remedial action required by the Commission, or incurs unjustified delays, the Commission may impose periodic penalty payments on the said organisation until the required action is fully implemented.	2. Without prejudice to paragraph 1, where an organisation fails to implement the preventive and remedial action required by the Commission, or incurs unjustified delays, the Commission may <u>request the European Court of Justice to</u> impose periodic penalty payments on the said organisation until the required action is fully implemented.

Reason

It is believed to more acceptable to the offending party if fines are levied by the European Court of Justice using the advice of the Commission rather than directly by the Commission.

Recommendation 5.2

Article 20

Text proposed by the Commission	CoR Amendment
The recognised organisations shall establish and implement appropriate common requirements concerning cases of transfer of class where special precautions are necessary. Those cases shall as a minimum include the transfer of class of ships of fifteen years of age or over and the transfer from a non-recognised organisation to a recognised organisation.	The recognised organisations shall establish and implement appropriate common requirements concerning cases of transfer of class where special precautions are necessary. Those cases shall as a minimum include the transfer of class of ships of ten years of age or over and the transfer from a non-recognised organisation to a recognised organisation <u>or from a recognised organisation to a non-recognised organisation.</u>

Reason

The period of reclassification is generally four years with a one-year grace. In practice this works out as about five years. At the age of 10, a vessel is no longer as operationally efficient as a newer one. Also steel replacement may be required in bulkheads and stiffeners and pipe work for water ballast and cargo may be in need of replacement, especially the bends. This is the ideal time to sell the vessel on, relatively cheaply, and have the new owner performing and paying the repair work. The new owner is usually a less demanding one and the new flag often a flag of convenience. Equally, the new classification society is not necessarily a 'recognised organisation' as defined by the Commission.

6. Regulation on the liability of carriers of passengers by sea and inland waterways in the event of accidents

6.1 **agrees** with the initiative to incorporate the Athens Convention into Community law for compulsory insurance rather than to leaving it to the discretion of the shipowner through P&I clubs;

6.2 **welcomes** the initiative to extend the application of the provisions of the Athens Convention to domestic traffic but feels that including all inland waterways may not be appropriate and **asks** the Commission to clarify the definition of inland waterway and **advices** it less extensive measures would suffice here;

6.3 **expresses** agreement that for shipping incidents, the 2002 Protocol to the Athens Convention introduces a strict liability regime. That strict liability is aimed at improving the position of claimants, that the liability is not dependent on an act of fault or negligence by the carrier and that therefore there is no need for the claimant to prove the liability of the carrier;

6.4 **notes** the reservation expressed by shipowners and P&I clubs regarding Article 3 (1) of the Athens Convention on the liability for incidents caused by terrorism;

6.5 **stresses** the need to find internationally acceptable proposals as the only solution in the impasse reached owing to the refusal of the insurance industry to accept the new liability limits and related insurance requirements provided for in the Commission's proposal for a regulation;

7. Directive on the civil liability and financial guarantees of shipowners

7.1 **agrees** with the call of the European Parliament for 'a comprehensive and cohesive European maritime policy, which would have as its objective the creation of a European maritime safety area based on the introduction of a system of liability covering the entire maritime transport chain'

7.2 nevertheless **considers** that any arrangement regarding the issue of liability and compensation for maritime pollution must be international;

7.3 **supports** possible amendments to the applicable rules in order to render parties other than shipowners liable, as well as the introduction of unlimited liability of shipowners in the event of severe or deliberate infringement of their safety and anti-pollution obligations;

7.4 **underlines** the need for any amendment of the Civil Liability Convention to maintain the balance of participation between each side (shipowners and cargo operators) based on the arrangements promoted through the voluntary proposals/undertakings of ship operators;

7.5 **requests** that 'parties other than shipowners' is to include ship managers and charterers;

7.6 **expresses concern** that the compatibility with international law in the application of the Directive should be recognised;

7.7 **suggests** that ship masters should not be included in the definition of 'parties other than shipowners' unless they behaved grossly negligent in the execution of their duties;

7.8 **expresses concern** about the disparity between this Directive and the Hague/Hague-Visby Rules and the Hamburg Rules, governing shipowners' liability under Bills of Lading, Sea Waybills and Charter parties as used in international maritime transport, which may give rise to confusion as to which liability regime would apply as it is felt that the wording of this Directive does not make it totally clear whether it applies to pollution damage only, or whether it includes other damage to third parties;

7.9 **agrees** with the Commission that establishing an obligatory insurance system will help tackle the problem of substandard ships;

7.10 **requests** that the wording of the insurance policy the ship is to carry, clearly states that it covers damage to places of refuge.

RECOMMENDATIONS

Recommendation 7.1*Article 1*

Text proposed by the Commission	CoR Amendment
This Directive lays down rules applicable to certain aspects of the obligations on operators in the maritime transport chain as regards civil liability and introduces financial protection adapted for seafarers in case of abandonment.	This Directive lays down rules applicable to certain aspects of the obligations on operators <u>and on users of ships</u> in the maritime transport chain as regards civil liability and introduces financial protection adapted for seafarers in case of abandonment.

Reason

The term 'operators and users of ships' includes charterers other than bare boat charterers who use ships, including substandard ships under time-, trip-, voyage-, and consecutive voyage charters. They must be included in this Directive and bear the same obligations as 'shipowners', as defined in this Directive, do, i.e. provide a financial guarantee. After all, it is their oil that causes the pollution! This would have the following effects:

- Ensure that charterers have an obligation not to use substandard vessels.
- The commercial advantage gained by a charterer of using a substandard vessel, at a lower freight rate, is lost due to the increased costs of the financial guarantee as it involves the added risk of using a substandard vessel.
- It becomes financially unattractive to charterers to use substandard vessels and fewer cargoes will be available to them.
- The incentive to operate, charter, and use substandard vessels is therefore diminished, and the owners of such ships will be forced to either bring the ship, its manning and operation into full compliance with international regulations, or to scrap them.

Recommendation 7.2*Article 2*

Text proposed by the Commission	CoR Amendment
	(7) A definition of the word 'operator' as used in Article 1 of this Directive should be included.

Reason

The possible question as to 'who is an operator' should be forestalled.

Local and regional authorities are key players in implementing the strategy whether in cleaning up polluted areas, providing safe havens for vessels, assisting those in difficulty, or where local citizens are themselves seafarers, or rescuers of those in peril. It is disappointing therefore that the 3rd Maritime Safety Package does not give sufficient importance to the role that such authorities can play in achieving the intended results.

Brussels, 15 June 2006.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on i2010: Digital Libraries

(2006/C 229/07)

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on *I2010 — Digital libraries* COM(2005) 465 final;

Having regard to the decision of its President of 24 January 2006 to instruct its Commission for Culture and Education to draw up an opinion on this subject;

Having regard to its opinion on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on *i2010 — A European Information Society for Growth and Employment*;

Having regard to the opinion of the Commission for Culture, Education and Research, adopted on 4 April 2006 (CdR 32/2006 rev. 1) (rapporteur: **Mr Jyrki Myllyvirta**, Mayor of Mikkeli (FI/EPP));

adopted the following opinion at its 65th plenary session, held on 14/15 June 2006 (meeting of 15 June):

1. The Committee of the Regions' views

The Committee of the Regions

1.1 **welcomes** the proposal for an initiative to digitise Europe's cultural heritage and develop digital libraries and **stresses** that it is a key component of the Commission's initiative — *i2010 — A European Information Society for Growth and Employment*, the full implementation of which is a prerequisite for improving European competitiveness;

1.2 **emphasises** that the digitisation, online accessibility and preservation of cultural heritage should be promoted in all European countries, regions, cities and languages in such a way that it supports the preservation of cultural and linguistic diversity. The point of departure should be appreciation of culture — including minority cultures — and preserving cultural achievements for future generations;

1.3 **recalls** that the digitisation of cultural heritage is advancing rapidly in other parts of the world and **stresses** that making European cultural heritage and literature widely accessible in digital form is a precondition for the success of the European knowledge-based society and at the same time supports the development of Europe's regions **and cities**;

1.4 **appreciates** the fact that the Commission communication highlights the major challenges and many unresolved technical, legal and financial questions relating to the digitisation of cultural heritage, and **notes** that local and regional authorities support efforts to move forward in this matter;

1.5 **stresses** that local and regional authorities are the most important implementing bodies for all information society strategies and in many cases it is they who maintain libraries, so that adequate attention should also be paid to the local and

regional dimension in the context of the digital libraries initiative;

1.6 **considers** it to be of the utmost importance that the digitisation of cultural heritage be promoted in Europe in all Member States and **emphasises** that the benefits of digitisation will only be achieved with the widespread promotion — including at local and regional level — of the online accessibility of cultural heritage and the development of intelligent information searches;

1.7 **points out** that digitisation is a long-term process which places heavy demands on resources, involving the ongoing maintenance, updating and conversion of material, and **agrees** about the benefits which digitisation brings for the accessibility and preservation of cultural heritage;

1.8 **recalls** that digital material comprises both digitised analogue material and new material which was originally created in digital format;

1.9 **notes** that digital library services in Member States comprise components constructed at national, regional and local level which are linked to each other by electronic means. For this to succeed there is a need for cooperation and coordination at European level;

1.10 **believes** that libraries has a vital role in making cultural heritage and literature accessible in an online environment as it is with their help that this material can best be delivered to the public, but at the same time **notes** that their cooperation with archives and museums and with other cultural establishments and relevant players in this field is absolutely essential.

2. The Committee of the Regions' recommendations

The Committee of the Regions,

2.1 **stresses** that the primary purpose of digitisation is not to replace traditional printed and other physical cultural material but rather to produce digitised material alongside analogue material and to promote the accessibility of information;

2.2 **emphasises** that as only a very small proportion of European cultural heritage is digitised and a vast amount of work remains to be done, new forms of funding also need to be developed, including collaboration with private sector players;

2.3 **points out** that in small countries and language areas commercial markets for digital material have, to date, been fairly small, even though the fixed costs associated with producing such material are of almost the same of order of magnitude as in the major language areas, and **stresses** that, thanks to technological advances, it is already possible and also important to take on board the needs of users in different language areas in developing digital libraries;

2.4 **notes** that, while a major part of Europe's older cultural heritage is already free of copyright restrictions and thus available on information networks, the Commission's proposal to reform copyright legislation relating to more recent cultural heritage is highly relevant;

2.5 **points out** that in some countries there are already signs that some sections of the public are being left behind by the advances in digital technology and **feels** that adequate opportunities to access the Internet and guidance on how to use it should also be made available to people in the least advantaged social groups;

2.6 **stresses** that local and regional authorities have a crucial role to play as producers and owners of cultural heri-

tage and in taking responsibility for ensuring that all members of the public are given as equal access to information society services as possible;

2.7 **emphasises** that the opportunity which public libraries in many European countries provide to access traditional printed material is still very important, but that they must also offer members of the public the opportunity to use the Internet and online services. Taking account of the end users of online services and their local needs requires that the organisation of these services be carried out by local and regional players. It is essential that this also be taken into consideration in the national funding of library activities;

2.8 **notes** that where local and regional authorities participate in various kinds of library or other consortia which own a network server environment and offer a full range of services it must be ensured that they are given sufficient opportunity to influence decision-making in this context;

2.9 **welcomes** the fact that the Commission highlights the challenges relating to the choice of material to be digitised and **considers** that it is important, first of all, that adequate attention be paid to selection criteria that are based on local and regional considerations and, in addition, that a balance be struck between selection criteria based on public demand, on the one hand, and on ensuring preservation, on the other hand;

2.10 **endorses** the proposal to formulate strategies for the long-term preservation of digitised cultural material so that the resources used for the digitisation of cultural heritage are not wasted when changes occur in technical systems and software;

2.11 **thinks** that the proposal to set up centres of competence in Member States is interesting and **stresses** that an important task of the centres should be ensuring that the necessary skills and know-how also exist at local and regional level and the dissemination of good practice.

Brussels, 15 June 2006

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the Communication from the Commission to the Council, The European Parliament, the European Economic and Social Committee and the Committee of the Regions Implementing the Community Lisbon Programme Modern SME Policy for growth and employment

(2006/C 229/08)

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the Council, The European Parliament, the European Economic and Social Committee and the Committee of the Regions *Implementing the Community Lisbon Programme — Modern SME Policy for growth and employment*, COM(2005) 551 final;

Having regard to the decision of the European Commission of 15 November 2005 to consult it on the subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its president of 24 January 2006 to instruct its Commission for Economic and Social Policy to draw up an opinion on this subject;

Having regard to its Opinion on the Competitiveness and Innovation Programme (COM(2005) 121 final CdR 150/2005 fin) ⁽¹⁾;

Having regard to its Opinion on the Integrated Guidelines for Growth and Jobs (2005-2008) (COM(2005) 141 final CdR 147/2005 fin) ⁽²⁾;

Having regard to its Own-initiative opinion of the Committee of the Regions on Competitiveness and Decentralisation (CdR 23/2005 fin) ⁽³⁾;

Having regard to its Draft Opinion CdR 40/2006 rev. 2 adopted on 6 April 2006 by its Commission for Economic and Social Policy (Rapporteur: **Mrs Constance Hanniffy**, Member of Offaly County Council, Cathaoirleach of the Midland Regional Authority and Member of the Border Midland and Western Regional Assembly, IE/EPP).

adopted the following opinion at its 65th plenary session, held on 14 and 15 June 2006 (meeting of 15 June)

1. The Committee of the Regions' comments

transfer, and as large customers for the goods and services provided by SMEs;

Giving fresh impetus to SME policy

1.1 **welcomes** the Commission's communication on a Modern SME Policy for Growth and Employment as a means to give fresh impetus to SME policy, to re-focus policy on the most essential elements and to streamline Community action with a view to greater effectiveness;

1.4 **recognises** that the main competence in ensuring that SME policy is truly effective rests primarily with the Member States and encourages Member States to ensure that their National Reform Programmes deliver concrete measures to support the creation and development of SMEs;

1.2 **supports** the promotion of an inclusive SME policy that recognises the diversity of SMEs in terms of size, ownership structure and sector, that provides a range of tailored supports and a sensitive legislative environment to meet the diverse needs of the EU's SMEs;

1.5 **draws attention** to the analysis undertaken by the Committee on the preparation of the National Reform Programmes (NRPs) and in particular on the lack of consultation with local and regional authorities and in this regard **welcomes** the encouragement from the European Council in March 2006 to continue its work on the NRPs;

1.3 **acknowledges** the reference to the role of local and regional authorities in the communication but considers that it could have been more explicit regarding the crucial role that local and regional authorities have in supporting SMEs, in providing an enabling environment for their development and

1.6 **considers** that implementation, and commitment to implementation, by all stakeholders is obviously vital to a successful SME policy and feels that in this regard the Commission should have set out in the communication some specific targets and deadlines to help measure delivery;

⁽¹⁾ Not yet published in the Official Journal of the EC.

⁽²⁾ Not yet published in the Official Journal of the EC.

⁽³⁾ Not yet published in the Official Journal of the EC.

1.7 **acknowledges** the priority that the Austrian Presidency has given to SMEs and **welcomes** the decision of the European Council in March 2006 to include 'unlocking business potential, especially for SMEs' as one of the specific areas for priority action. The Committee would furthermore insist on a wide-ranging and open assessment of the implementation of the National Reform Programmes in future by the European Council and in particular a clear assessment on the delivery of the benefits of these programmes to SMEs;

1.8 **supports** the provision of an adequate budget for the Competitiveness and Innovation Programme (CIP), as it will be a vital instrument for Community SME policy;

Promoting entrepreneurship and skills

1.9 **believes** that any entrepreneurship should be encouraged and supported; **welcomes** the fact that the communication recognises that the needs of women entrepreneurs, young people, minorities, migrants and older entrepreneurs are not being sufficiently met; **points out** that the groups mentioned cannot be treated as a single entity, and **emphasises** that each individual group requires its own measures — needs may vary in different countries and even within groups; also **feels** that the proposals outlined are limited to support for networking and that more concrete proposals are needed if entrepreneurship levels are to be raised among these diverse target groups, drawing from the European pact for gender Equality, adopted by the European Council on 23/24 March 2006, and extending it to the other groups;

1.10 **highlights** the value of local and regional initiatives in fostering entrepreneurial mindsets and promoting and delivering entrepreneur-friendly education at all levels within the school system, but **considers** that many education and training initiatives are not sufficiently responsive or flexible to meet SME needs;

1.11 **welcomes** the introduction of the European Enterprise Award competition as a means of promoting entrepreneurship, showcasing best practice at regional and local levels and encouraging potential entrepreneurs;

1.12 **draws** attention to the requirement for more positive attitudes to calculated and well based business risk and tolerance of business failure by society generally, but more specifically the banking and public sectors and calls on Member States to ensure that a more entrepreneurial culture is created throughout the EU and that greater value is attached to whatever previous business experience an entrepreneur may possess;

Improving SMEs access to markets

1.13 **welcomes** the proposed review of the Euro Info Centres (EIC) by the Commission as it **considers** that the performance of the EICs has been inconsistent across the Member States, together with their capacity to provide comprehensive supports and advice on internationalisation to the SMEs; likewise, it **emphasises** that the functions and responsibilities of the network's member bodies should be clearly defined, and that mechanisms should be put in place for coordination with other players, such as Europe Direct, in order to prevent duplication in the provision of information and advice services, and to facilitate efficient use of resources;

1.14 would **welcome** proposals to strengthen programmes to improve SMEs' access to information technologies (ICT), which will help them to be more competitive and access new markets;

1.15 **notes** the Commission's proposals in relation to improving access to public procurement for SMEs;

1.16 **considers** that efforts aimed at standardisation should not introduce any further bureaucracy that would impact negatively on SMEs;

Cutting red tape

1.17 **welcomes** the commitments of the Commission to simplify the rules and regulations to make it easier for SMEs to access Community programmes, but **would welcome** greater clarity on how this will be achieved and what the implications may be for organisations disbursing Community funds;

1.18 **supports** the commitment to the screening of forthcoming legislation and **encourages** the Commission to engage with SME representative groups in order to ensure that new legislation will not inhibit SME growth and innovation potential;

1.19 **notes** the important role accorded to the SME Envoy in ensuring that EU policy is SME friendly, but is **concerned** that sufficient resources be provided and more importantly that sufficient status and political leverage be given to the Envoy to ensure that the aims of the office are achieved;

1.20 **welcomes** the proposed integration of the 'Think Small First' principle across all EU policies and would like to see SMEs given enhanced priority within the impact assessment procedure for Community proposals;

1.21 would also **support** other initiatives for making SME policy development more coherent and predictable so that SMEs can anticipate consequences and be better prepared;

1.22 **notes** the success of the one stop shop model which has proven very effective in supporting and stimulating SME growth in several regions across the EU, **recognises** their potential as information sites for public procurement information and assistance in explaining the process of awarding public service contracts and **calls** for greater emphasis on this approach generally; this could take the form of holding conferences and seminars on best practice, which would help to disseminate the best regional initiatives in this area;

Improving SMEs' growth potential

1.23 **welcomes** the commitment to increase SME participation in EU programmes and initiatives but **considers** that specific programme commitments would need to be closely monitored to ensure that these commitments are indeed being met;

1.24 **would welcome** a more explicit account of the role and level of assistance from the EU Structural Funds for assisting SMEs and the contribution of the other Community Instruments and would like to see a more coherent approach to the delivery of these programmes supporting SMEs;

1.25 **recognises** the importance of linking SMEs to research and technological initiatives and the difficulties encountered by SMEs in accessing and exploiting research, innovation and Intellectual Property, but **calls** for a differentiated approach to be adopted for smaller and non-technological SMEs in relation to supporting the successful adaptation of new ideas;

1.26 **supports** cooperation initiatives between local and regional authorities, enterprises and their associations, academies, universities and research centres, as an instrument of territorial industrial policy by establishing support networks to help SMEs to overcome barriers to improved competitiveness, better training and exploitation of innovation.

1.27 **supports** the proposed reform of the State Aids rules to absorb, in part, SME risks, simplify procedures and adopt a more flexible approach to aid for SMEs;

1.28 **acknowledges** the role that the 7th Framework Programme for Research and Development can play in supporting SME research activity, but **calls** for greater emphasis on innovation, development and technology transfer for smaller SMEs, given the limited research capacity of a majority of SMEs;

1.29 **suggests** strengthening programmes to boost networking between SMEs, as well as measures that help to establish networks between them. Boosting networks of 'business angels' in particular could be extremely useful in solving

the problems faced by SMEs in accessing alternative sources of funding;

Strengthening dialogue and consultation with SME stakeholders

1.30 **recognises** the need to take SME concerns into account at an early stage in drafting of EU legislation and in the standardisation process, but calls for more explicit mechanisms and arrangements by which consultation with SME stakeholders can be enhanced;

1.31 **acknowledges** the creation of the SME Panels as a mechanism for responsive consultation on Commission proposals and for developing a communication between SMEs and the European Institution, but would have some questions regarding the representative nature of such panels;

1.32 **highlights** the importance of consultation with regional and local interests and calls for greater clarity on how the Commission intends to do this and on whether a more decentralised approach in assisting SMEs will be encouraged by the European Commission;

1.33 **underlines** the unique position that local and regional authorities have as key implementation agencies but also as partners to communicate with stakeholder groups and promote entrepreneurship;

2. The Committee of the Regions' recommendations

2.1 **urges** Member States to consult the local and regional authorities on the National Reform Programmes and to see to it that these programmes deliver concrete measures to support the creation and development of SMEs and **calls** for a clear and explicit assessment of the benefits to SMEs arising from the implementation of the National Reform Programmes by Member States;

2.2 **proposes** that, as part of its on-going analysis of the implementation of the Lisbon Strategy and the National Reform Programmes, existing experiences of local and regional policies for assisting SME development with a particular attention to industrial clusters and small firms network, will be identified with a view to drawing-up a guide to good practice;

2.3 **calls** on the European Commission to give more explicit recognition to the role that local and regional authorities can fulfil in supporting SMEs, providing an enabling environment for their development and continued survival by means of transfer, and as large customers for the goods and services that SMEs provide through procurement, and in this regard calls for more effective consultation with regional and local bodies on SME policy initiatives;

2.4 **recommends** that specific targets and deadlines be set for the implementation of the new measures contained in the communication, to help assess implementation, assist in dissemination of best practice and to ensure commitment to delivery;

2.5 **recommends** that greater recognition be given to the diversity of SMEs and calls for more tailored supports, including flexible training and education provision and sensitive legislation to meet these diverse needs and **calls** for a more differentiated approach to be adopted in Community Programmes for micro, smaller and non-technological SMEs in relation to supporting the successful application of new ideas;

Promoting entrepreneurship and skills

2.6 **calls** on the European Commission, and the Member States, to work with local and regional authorities that have developed and are implementing innovative measures to support the entrepreneurial potential of women entrepreneurs, young people, minorities, migrants and older entrepreneurs, in order to inform the future development of Community policy in this regard and **recommends** that consideration be given to ring-fencing specific measures and allocations for these groups;

Improving SMEs access to markets

2.7 **recommends** that the review of the Euro Info Centres (EIC) proposed by the European Commission should address the adequacy of the financial provision to the EICs and also their capacity to provide comprehensive supports and advice on internationalisation to the SMEs in their catchment areas;

2.8 **requests** that local and regional authorities give greater consideration as to how they can better assist SMEs in their areas, and enable them to access market opportunities especially in the provision of goods and services through public procurement;

Cutting red tape

2.9 **calls** for greater efforts at reducing the impact of regulation on the EU's SMEs and in ensuring that efforts aimed at standardisation should not introduce any further bureaucracy that would impact negatively on SMEs and urges engagement with SME representative groups in order to ensure that new legislation will not inhibit SME growth and innovation potential;

2.10 **recommends** that sufficient resources, profile and political leverage be given to the SME Envoy so that the objectives of the position and expectation of SMEs are met;

2.11 **calls** for better coordination of SME policies and support programmes through the further development of the One Stop Shop model, such as e-government portals and procurement one-stop shops;

2.12 **calls** on the European Commission and the Member States to consider initiatives for making SME policy development more coherent and predictable, such as the suggestion to have two fixed dates per year where all new regulations would come into force, so that SMEs can anticipate consequences and be better prepared;

Brussels, 15 June 2006.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the European Parliament Resolution on Protection of Minorities and Anti-Discrimination Policies in an Enlarged Europe

(2006/C 229/09)

THE COMMITTEE OF THE REGIONS,

Having regard to the decision of the European Parliament of 8 June 2005 to consult it on the subject, under the fourth paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its Bureau of 11 October 2005 to instruct its Commission for Constitutional Affairs and European Governance to draw up an opinion on this subject;

Having regard to the European Parliament's Resolution on protection of minorities and anti-discrimination policies in an enlarged Europe, T6-0228/2005;

Having regard to Article 6 of the Treaty on European Union and Article 13 of the Treaty establishing the European Community;

Having regard to the Treaty establishing a Constitution for Europe, signed on 29 October 2004, and in particular to the Charter of Fundamental Rights which constitutes its Part II;

Having regard to Directives 2000/43/EC and 2000/78/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and establishing a general framework for equal treatment in employment and occupation;

Having regard to its Opinion on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on *Non-discrimination and equal opportunities for all — A framework strategy* COM(2005) 224 final and on the Proposal for a Decision of the European Parliament and the Council on the *European Year of Equal Opportunities for All (2007) Towards a Just Society* COM(2005) 225 final — 2005/0107 (COD) (CdR 226/2005 fin);

Having regard to the European Parliament's resolution on homophobia in Europe (RSP/2005/2666);

Having regard to its Opinion on the *Green Paper on equality and non-discrimination in an enlarged European Union* COM(2004) 379 final (CdR 241/2004 fin) ⁽¹⁾;

Having regard to the recommendations of the EU network of independent experts on fundamental rights in the Thematic Comments No 3: The protection of Minorities in the European Union;

Having regard to the reports of the European Monitoring Centre on Racism and Xenophobia (EUMC) on the situation of migrants, minorities and Roma specifically;

Having regard to its draft opinion (CdR 53/2006 rev. 1) adopted unanimously on 7 April 2006 by its Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (rapporteurs: Mr Sovič, Mayor of Maribor and Mr Sinner, Minister of State, Head of the Bavarian State Chancellery;

- 1) **WHEREAS** respect of fundamental rights, cultural and linguistic diversity is a profoundly European asset that has to be preserved throughout the regions of the European Union and constitutes a priority for the CoR;
- 2) **WHEREAS** all forms of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation must be fought with equal intensity by recalling that all residents contribute to the richness of Europe;

⁽¹⁾ OJ C 71, 22.3.2005, p. 62.

- 3) **WHEREAS** there is a difference between the protection of minorities and non-discrimination policies, equal treatment is a basic right, not a privilege, of all citizens;
- 4) **WHEREAS** it shall be a right of each individual to be different and tolerance and respect should be a general attitude in life and based on reciprocity, not a favour granted to some and not to others;
- 5) **WHEREAS** local authorities have an important role to play in upholding the fundamental right to freedom of assembly;
- 6) **WHEREAS** local authority officials have a special responsibility to set a good example and promote good practice;
- 7) **WHEREAS** local and regional authorities exercise considerable authority in matters pertaining to public records, education, police, health, housing and social assistance, without which fundamental rights could not be safeguarded;
- 8) **WHEREAS** the Committee of the Regions initiated, following the request of the European Parliament, a collection of the good practice at local and regional level, and thus wishes to substantially contribute to the better protection of minorities and the implementation of policies of non-discrimination;

adopted unanimously the following opinion at its 65th plenary session, held on 14 and 15 June 2006 (meeting of 15 June).

The Committee of the Regions

1. General remarks

1.1 **welcomes** the European Parliament's resolution and **agrees** with it that the state of implementation of non-discrimination policies by the Member States is unsatisfactory; **recognises** however that even if the level of implementation varies in particular Member States, some of them being more proactive than others, the EU, its Member States, as well as regional and local authorities have already developed a comprehensive list of good practice;

1.2 **agrees** with the EP's standpoint that various local, regional and national authorities of Member States could better coordinate measures to combat all forms of discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, including anti-Semitism and attacks on minority groups, in particular Roma;

1.3 **recognises** that the local and regional authorities face a double challenge: on one hand in view of the responsibility of the regional and local administrations to combat discriminatory practice and to respect the principle of equality in access to individual, economic and social rights and, on the other hand, their active responsibility for promotion of fundamental rights, including the respect of minority rights;

1.4 **underlines** that the policies and rules applied by the local authorities have to be non-discriminatory, in law and in fact, and promote social, economic and political integration;

1.5 **recognises** that poverty, social exclusion and ghettoisation may lead to extremism, and therefore **considers** that efficient integration policies, including education and housing measures at a regional and local level, can indirectly help to

prevent violent extremism and that special attention should be paid to young people living in urban ghettos;

1.6 **indicates** that there are positive actions aiming at ensuring a higher level of protection for members of minorities in several cities, municipalities and regions, which are based on the principle of a multicultural society and awareness of the EU's richness and diversity; thus **proposes**, taking into account evidence gathered by its members, an initial non-exhaustive catalogue of best practice at local and regional level, which is annexed to the present opinion.

2. Views and recommendations

2.1 *Promoting diversity and intercultural dialogue — decentralised measures*

2.1.1 **considers** that regional and local authorities should bring added value to the fight against racism, anti-Semitism, Islamophobia, xenophobia, homophobia and attacks on minority groups, in particular Roma and third-country nationals, by encouraging diversity at grassroots and implementing the principle that diversity generates the wealth of society;

2.1.2 **proposes** that local and regional authorities should take appropriate, decentralised measures to increase the level of protection of the rights of minorities as well as to tackle racism and xenophobia in European cities and regions such as:

- establishing regional and local non-discrimination offices charged of monitoring and recording complaints by people from groups suffering discrimination;
- distributing basic information on the situation of minorities and non-discrimination policies to a wider public;

- public presentations on good practice by official representatives from cities, municipalities and regions;
- activation of the EuropeDirect contact points for the promotion of minorities' rights and non-discrimination measures;
- organisation of events and festivities aimed at bringing together different cultures, traditions and linguistic groups living in the same area;
- training programmes for local and regional administrations, teachers and journalists to promote non-discrimination and equal treatment for all citizens;
- establishment of an easy and direct contact with the administrative services for the members of minorities, where they are likely to experience discrimination;

2.1.3 **supports** the Parliament's highlighting of the situation of the Roma as a particular concern; and therefore **considers** that the Roma community requires special protection, also taken into account its size and specificity;

2.1.4 **believes** the integration of the Roma to be a major challenge for regional and local authorities and **calls on** EU institutions, national governments and local and regional authorities to develop a common integrated and decentralised approach to facilitate political, social and economic integration and at the same time to promote the respect of diversity and tolerance. In this respect, **proposes** the following measures at local and regional level:

- developing flexible education strategies in order to enhance as much as feasible the chances of integration;
- exchange of best practice among these cities and regions where members of the Roma community live;
- financing of cultural events aimed at publicising the Roma cultural heritage and tradition;

2.1.5 **insists** on the importance of a dialogue among religious and ethnic groups at regional and local level aimed at avoiding extremism and segregation, which could also lead to a common understanding of the equality and diversity of European societies;

2.1.6 **supports** the Parliament's highlighting of homophobia in Europe as a particular concern, particularly with regard 'to a series of worrying events [which] has recently taken place in a number of Member States'.

2.2 *Using and promoting standards and plans for equal treatment*

2.2.1 **considers** that in order to achieve standards of equality in the provision of services, local and regional authorities need to consider setting policy targets and indicators that would help to measure progress in policy implementation and **wishes** to contribute to the drawing-up of such indicators;

2.2.2 **recognises** that standards and plans for equal treatment aimed at intercommunity equality strategies as well as race, gender, disability and sexual orientation equality will better recognise the importance of fair treatment and equal access to local government services and employment which have been developed as a tool to enable local and regional authorities to mainstream gender, race and disability into municipal policy and practice at all levels;

2.2.3 **considers** that local and regional authorities should deliver high quality local services accessible to all and responsive to the needs of the diverse neighbourhoods and communities of cities and provide a framework through which community cohesion and sustainability can flourish, by recurring to already identified best practice, such as:

- legal aid in the form of advice relating to the status of individuals;
- financing of community reception centres;
- setting of integration fora with public discussions to increase contacts between citizens/residents and new arrivals;
- introducing consultative bodies against discrimination and special advisors responsible for cases of race and gender discrimination.

2.3 *Access to language learning, education and the job market*

2.3.1 **points out that** education is a fundamental means of integrating minorities into the social and political life of the countries in which they live and of teaching tolerance and respect for diversity, and that local and regional authorities play a vital role in this area;

2.3.2 **urges** the Member States, in line with the European Parliament, to do their utmost to ensure the effective integration of the children of refugees, asylum-seekers and immigrants into their education systems. Public authorities should also help to ensure that every opportunity is given to the members of minorities to acquire the linguistic skills required to integrate successfully;

2.3.3 **emphasises** that acquiring sufficient language skills in the official language of the community where minorities live increases the possibility of effective integration and **argues** that the local and regional authorities should, within their remit, ensure — whenever appropriate — integration programmes with, *inter alia*, optional courses in the official languages, free of charge, even in kindergartens;

2.3.4 **is concerned** about the dispiriting effects of high youth unemployment and **recommends** the use of positive measures, in particular with regard to access to the job market for all disadvantaged groups;

2.3.5 **proposes** to activate its members' network to advocate:

- traineeships in the municipalities for people belonging to minorities;
- a system of scholarships for the best students from ethnic minorities or any disadvantaged groups;
- special language programmes for migrants' children;

2.3.6 **takes note** of the existing good practice at regional and local level in the field of education and access to the job market such as:

- admission of children of any nationality to public schools;
- free access to language learning to anyone, guaranteed by the municipalities;
- equal access to education also for disabled people, non-EU citizens and the older population in accordance with the principle of life-long learning;
- educative projects aimed at combating discrimination;
- courses offered in the language of the minority group;
- virtual bureaux for integration policy;
- actions to combat employment discrimination at the level of local employment service e.g. by sending employers anonymous details of job seekers, where applicants' surnames are left out.

2.4 *Access to social housing and public services*

2.4.1 **calls** on the Member States to set up a national database, or national good practice guidelines for authorities with housing responsibilities, for the systematic and rigorous collection of data on migrant and minority ethnic housing;

2.4.2 **calls** on the local and regional authorities to step up their efforts to ensure that non-discriminatory measures are applied, and in particular:

- allocating municipal housing to families of any nationality;
- avoiding segregation in housing and, if necessary resorting to positive discrimination;
- establishing action plans at local and regional level to guarantee equal access to housing;

2.4.3 **underlines** the best practice of local and regional authorities aimed at ensuring an equal access to housing and public services to all citizens, such as:

- providing technical and legal guarantees and insurance policy for all the groups of population;
- allocating communal flats to migrants and third countries nationals;

- setting up counselling organisations to improve housing access for refugees and migrants;

- launching programmes of non-profit rental housing;
- ensuring the participation of migrants in the public fora where housing sector policies are discussed;
- securing an equal access and an equal quality of public services for each member of local communities.

2.5 *Active access to political and civil life*

2.5.1 **strongly supports** the participation of members of minority groups in political life at all levels of governments (local, regional, national and European), especially their greater involvement in local politics. To this end, the structures and decision-making procedures of local and regional authorities could be made more transparent and accessible so as to encourage the participation of minorities, and the unrestricted freedom of assembly and expression;

2.5.2 **invites** the local and regional authorities to encourage the representatives of the different ethnic groups of immigrants to play a more responsible role in the society of the Member States and their own regional and local authorities;

2.5.3 **welcomes** initiatives undertaken in a number of cities and regions which have introduced specific measures to promote the exercise of political rights such as the:

- creation of advisory bodies;
- presence of one or more representatives of minorities in city councils;
- full participation of members of minorities in local and municipal elections;
- creation of sites of communal activity between citizens/residents, migrants and any disadvantaged groups;

2.5.4 **invites** to implement concrete measures including the creation of conditions to allow representative institutions of the members of national minorities to actually take part in the development and implementation of policies and programmes concerning the education and occupational integration of minorities;

2.5.5 **underlines** the responsibility of local and regional medias in promoting tolerance and respect for diversity and their role in ensuring effective communication and stimulating a more active participation of members of minorities in the local political and civil life.

2.6 *Promoting data collection at regional and local level*

2.6.1 **considers** that the collection of data disaggregated by ethnicity is essential for the evaluation of the implementation of non-discrimination policies;

2.6.2 **repeats** its call to the Commission to publish a vademecum of non-discrimination good practice for local authorities as employers, providers and procurers of goods and services and as leaders in community cohesion and non-discrimination; such a vademecum to include the duties of local authorities with regard to upholding fundamental rights, including freedom of assembly, and the special responsibility of local authorities to set a good example in combating hate speech, or speech likely to produce the effect of legitimising, spreading or promoting racial hatred, xenophobia, anti-Semitism, homophobia or other forms of discrimination or hatred based on intolerance. In this context **offers** the Commission its support in collecting data at regional and local level;

2.6.3 **considers** that better data collection, monitoring and evaluation is important to develop effective policies to promote equality and to tackle all forms of discrimination and **reiterates** that local and regional authorities must be involved, alongside the Commission, in developing comparable quantitative data to identify and highlight the extent of existing inequalities.

Brussels, 15 June 2006

3. Final remarks

3.1 **underlines** the importance of the improvement of inter-institutional cooperation among EU institutions, the Council of Europe, the UN and the OSCE for the effective protection of minorities and stresses the role of NGOs and national, transnational and European associations of regional and local authorities in this process;

3.2 **wishes** the regional dimension to be taken into consideration more extensively in the reports of the European Monitoring Centre on Racism and Xenophobia (EUMC) and the EU Network of Independent Experts on Fundamental Rights;

3.3 **considers** that the EU could supplement Member States' activities at local, regional and national levels by allocating suitable appropriations, and that the Member States could delegate part of their decision-making powers on the Structural Funds to regional and local authorities, in the spirit of the decentralisation policy conducted by the EU;

3.4 **calls for** appropriate financing of activities at local and regional level aimed at combating discrimination and ensuring that the rights of all citizens are protected.

The President
of the Committee of the Regions
Michel DELEBARRE

APPENDIX

THE PROTECTION OF MINORITIES AT THE REGIONAL AND LOCAL LEVEL: GOOD PRACTICE ⁽¹⁾

Many of the regional and local good practice aimed at improving the situation of minorities and promoting non-discrimination policies are a result of a survey of CoR members and regional and municipal authorities, organisations and associations. The CoR wishes to develop this limited list, and thus utilise it in EU actions promoting standards for equal treatment for all.

1. Promoting diversity and intercultural dialogue

- In Germany, the Bavarian Forum has developed a series of activities under the motto 'integration in dialogue' (i.e. public discussions). The aim of these activities is to increase contact between natives and foreigners and avoid the creation of cultural and linguistic ghettos, so-called 'parallel societies'.
- In France, in the city of Corps-Nuds, newcomers are recognised as part of the community and are encouraged to take part in all local social activities. In addition, children of any nationality are admitted to the public schools. The access to public education is guaranteed also to handicapped persons and adult jobseekers, in line with the principle of life-long learning.
- In Bremen (Germany) several events have been held relating to integration policy. What they all have in common is that they promote intercultural and interreligious dialogue as a way of both tackling the problem of xenophobia and countering trends towards radicalisation and segregation.
 - Youth Night: This takes place once a year in Bremen's town hall in memory of the victims of National Socialism. The overall aim of Youth Night is to combine a look back at the past with a commitment to ensuring that the modern world is a humane one. On average, up to 3 000 people take part in Youth Night, three quarters of whom are young people. It has a different theme each year, and past themes include, for example, 'Meeting Sinti and Roma'. Alongside accounts from contemporary witnesses, exhibitions and discussion forums, there are also plays, sports displays and concerts featuring all types of music, from classical to hip hop: something to suit all tastes and age groups.
 - The Religion Street Map: One successful spin-off of Youth Night is the Religion Street Map project, which is run by young people for young people. This project was set up by young people in Bremen from different religious groups; it aims to facilitate an exchange between religions and a better understanding of the beliefs concerned. It provides a forum for young people from all of Bremen's religious groups, enabling them to get to know each other while they are working together on the map, to interact with one another and to celebrate simply being together. They have set up an interactive internet portal which includes a street map showing the locations of all churches, mosques and community halls for each part of the city. In addition, there is a discussion forum on the Internet in which young people are literally able to exchange views on God and the world. The Religion Street Map has shown that there is a desire for interreligious dialogue between young people. There are not enough opportunities for such dialogue in religious education which is divided along religious lines. Young religious people want to learn about each other's beliefs and lives through dialogue and they want this dialogue to be on their level, without any hierarchy or authority being involved.
 - The Bremen Islam Week: Special consideration is given in Bremen to the integration of Muslim citizens. During Islam Week, Muslims are given the opportunity to present their beliefs and their culture to the public. Everyone has the chance to learn about Islam, as it is worshipped and practised in Bremen; a multitude of presentations, discussions and exhibitions invite you to learn, to debate and to meet Muslims in an informal setting. The idea is not to talk about Muslims but to talk to them. Critical discussion is not only permitted but welcomed.
 - Bremen town hall reception to mark the end of fasting: At the end of the fasting month of Ramadan, the senate of the Free Hanseatic City of Bremen invites the city's Muslim citizens to a reception in the town hall to join members of other religious communities in celebrating the festival marking the end of fasting. The invitation is always enthusiastically taken up by Muslims and is proof of the recognition that Muslims enjoy in the city, with their cultural heritage and their faith.
 - The 'Oporto without frontiers' scheme (Portugal) is a strategy for analysing, reflecting on and addressing the issue of immigration in the city. Work is carried out with 33 immigrants' associations representing the various immigrant communities in Oporto. Activities carried out under this scheme pursue a variety of objectives, with a view to the

⁽¹⁾ Sources: information gathered by the CoR members; 'Thematic Comments No 3: The protection of Minorities in the European Union' of the EU network of independent experts on fundamental rights (2005); and the Annual Report of the EUMC, Part II 'Racism and Xenophobia in the EU Member States trends, developments and good practice'(2005).

integrated and participatory social development of all players, so as to maintain and promote social cohesion. We here highlight two of these activities, because of their regular nature and their involvement of immigrant associations in the planning, development and evaluation stages:

- **'A story to tell':** The aim of this activity is to identify and collect significant stories from the cultural heritage of these communities, and to bring them to a wider public by staging regular recreational and performance-based evenings at prestigious sites in the city.
- **Meeting of communities:** The main aims of this activity are to help to cement relations between the different communities, and to celebrate and promote the cultural diversity of the city of Oporto. Socio-cultural and information events are held, involving both local and foreign residents in exhibitions and sales of cultural and gastronomic products. This is an annual event, which is held at a well-known building in the city and is attended by hundreds of people.
- The Inter-Nation programme in Wallonia (Belgium) is based upon interculturalism and the acquisition of specific professional skills; it is aimed at getting those job seekers into work who are still all too often underused on the labour market. The programme is specifically concerned with promoting the intercultural assets of people of foreign origin in jobs with an international connection. At the same time, Inter-Nation provides businesses with skilled staff who are capable of supporting them in their operations.
- The city of Munich developed the project 'active together in Neuperlach' turning residents' gardens into sites of communal activity for Germans and migrants living in the same area. This project increases communication and integration between people of different cultural, ethnic and racial backgrounds.
- In the Netherlands, the city of Amsterdam launched the project 'The Second World War in perspective' aimed at combating discrimination and anti-Semitism and increasing tolerance and respect.

2. Using and promoting standards and plans for equal treatment

- In Spain, the Community of Madrid is implementing the 2006-2008 Regional Integration Plan, drawn up with the support of all the Community's social sectors and involving more than 1 000 representatives and experts, to ensure the integration of immigrants. It is the first time that a Spanish community has earmarked more than EUR 4,4 billion for the integration of immigrants. All immigrants, regardless of their administrative situation, have free access to Madrid's education and healthcare systems just like any other citizen of Madrid. Furthermore, the Community of Madrid has created centres providing social assistance to immigrants (CASI) to strengthen the network of basic assistance available for particularly vulnerable immigrants and established centres for the participation and integration of immigrants (CEPIS) to promote, boost and showcase the cultural wealth of immigrant communities.
- The city of Vienna created virtual bureaux for integration policy. In addition, a special department 'Integration and Diversity' was established to develop diversity management and to organise and expand counselling services for new migrants who settled down in the city. This department cooperates with migrant organisations and promotes integration-relevant measures and projects such as language acquisition measures.
- In Italy, in the region of Emilia Romagna, consultative antidiscrimination bodies have been introduced and local government bodies have introduced special advisors with the power to intervene in cases of race and gender discrimination.

3. Access to language learning, education and the job market

- In France, in the Rennes-Metropolitan area, various kinds of activities and education are offered in order to ensure new arrivals are integrated in the local community. In addition, a budget is set aside for the creation of community reception centres.
- The city of Vienna (Austria) offers for new migrants alphabetisation courses and basic German-language courses particularly for women and with day care for children.
- In Škocjan (Slovenia) an integration policy has been introduced through a programme aimed at teaching local people about xenophobia.
- In order to combat employment discrimination, the French Rhone-Alps Prefecture has encouraged the local employment service to send employers anonymous details of job seekers, where applicants' surnames are left out.

4. Access to housing and public services

- In Vienna, Austria, the city's public services are equally accessible and of equal quality for each member of the community, regardless of nationality, gender, race and religion. In addition, municipalities supported and financed projects promoting and developing pluralistic policies. The city promotes cultural, linguistic and community diversity and legal aid in the form of advice relating to the status of individuals is available to each member of the community.

- In the city of Barcelona public services are accessible for every registered person, even if not in posses of residential papers. The Catalan local authorities try to adapt the existing local services to migrants' needs and targets, and in particular throughout technical support to reception and settlement, financial support to diversity and citizenship policies as well as knowledge services for decision making. In addition, the Diputació de Barcelona established a Plan of Diversity and Citizenship as well as a Local Network on Diversity and Citizenship.
- In France, the city of Corps-Nuds allocates municipal housing to specific groups of any nationality, including Roma, as part of the housing policy of the urban area community to which it belongs.
- The Catalanian government created the 'La Red de Bolsa de Vivienda Social' aimed at improving access to decent housing for all social groups, providing technical and legal guarantees, an insurance policy and a guarantee for a maximum of six months.
- In Austria, the city of Salzburg and the towns of Krems and Guntramsdorf allocate communal flats to migrants and third countries nationals. The counselling organisation 'Wohndrehscheibe', which works to improve housing access for refugees and migrants was named in 2004 as one of the 107 'best practices' considered for the Dubai International Award.
- In the Czech Republic, the 'Programme for the Construction of Supported Housing' requires municipalities to support the construction of new houses and provide them with social services, thus helping groups at risk of social exclusion.
- Since 1994, the Community of Madrid in Spain has been developing a specific housing mediation programme that supports accommodation of the region's immigrant population. It provides immigrants with decent housing, establishing multiple systems of mediation and guarantees for the acquisition of housing from the property market for the immigrant community. The programme also includes access to shared housing and facilitates the formation of cooperative groups which can then go on to rent or co-own property.
- In Slovenia, the 'Programme for stimulating the guarantee of non-profit rental housing in municipalities for 2005' invites municipalities to build and renovate non-profit rental housing.
- In the city of Ghent, a non-discriminatory declaration on housing has been signed by public and private parties to ensure the elimination and prevention of every kind of discrimination in the housing sector.
- In the city of Verona, the cooperative 'La casa per gli Extracomunitari' offers houses to migrants and ensures their participation in the public fora where housing sector policies are discussed.

5. Active access to political and civil life

- In Italy, the city of Turin has opened the municipal elections to all legal foreigners who have lived in the city for the last 6 years.
- In Denmark, according to the Danish Integration Act the municipalities have the possibility to establish integration councils which have the authority to make consultative reports on the integration initiatives and achievements in the municipality in general or about the introduction programmes offered by the municipality. The integration councils consist of minimum seven members resided in the municipality and appointed by the municipal council (kommunalbestyrelse). The members are appointed amongst members from local associations of immigrants or refugees. Members connected to school boards and other local associations are also appointed. Establishing integration councils is seen as first step in the integration of immigrants and refugees in the political process. Experiences show that many immigrant and refugee members of the integration councils are later involved in the more formal political process, such as the municipal council. Around 60 Danish municipalities have chosen to establish integration councils.
- Municipal committee for communities in Oporto (Portugal) is an advisory body reporting to the City Council. Its role is to provide an interactive platform for information and debate between the foreign communities living in Oporto, and between them and the local authority. Through these meetings, the local authority learns these associations' opinions about ideas for projects which it is considering with a view to facilitating the integration of the communities concerned. Participants also discuss some of the main obstacles which the associations face when carrying out their own projects. The associations representing Oporto's foreign communities showed a keen interest in the municipal committee from the outset. A total of 13 associations are currently represented on it; it is thus fair to say that the local authority is working actively with quite a representative section of the foreign community in Oporto. The committee has also sparked considerable institutional interest: the high commissioner for immigration and ethnic minorities has a seat on it with observer status. There is thus a solid working base which it is hoped to build on in the future. This advisory body is a vital part of Oporto City Council's policy for getting closer to its citizens, and indicates the priority it gives to promoting active citizenship and participatory democracy. Its aim is to make the committee as representative as possible of the various foreign communities that live in the city, and more associations are invited to join: those wishing to do so should send their application to the Chairman of the City Council.

- In Spain, el Gobierno del Principado de Asturias ensures social benefits are available to all individuals living within its territory, provides technical and economic support for the development of human resources and has introduced preventive measures to facilitate the social participation of various groups who do or may suffer discrimination. A Plan for Social Inclusion has been drawn up to provide for specific measures promoting the social integration of minorities in the housing, education, health and social services sectors.
- In Italy, representatives of minorities seat in the Florence City Council, i.e. the leader of the Senegalese community in the Tuscany.
- In Germany, to facilitate integration, a system of regular monitoring of the situation of minorities has been introduced in Berlin. The city of Berlin launched the 'Neighbourhood Fund', which constitutes a successful example of model for improving public participation and integration.

6. The protection of the Roma minority

Belgium

- In Belgium, the Decree of the Flemish Council on equality and opportunity in education allocates extra funds to certain schools on the basis of the number of students belonging to disadvantaged groups, including Roma.
- In 1997, the Flemish government created a Flemish Commission for Mobile Dwelling intended to formulate concrete proposals providing a solution to problems related to housing and the development of sites for travellers.
- In Flanders, in accordance with the decree on the Flemish policy towards ethnic and cultural minorities, five 'traveller units' have been created at regional integration centres. These units are aimed at evaluating and implementing the policy on minorities. In Wallonia, a Travellers Mediation Centre of the Walloon Region was created in 2001 to supervise all projects concerning travellers and to mediate between travellers and the public authorities.

Czech Republic

- In the Czech Republic, the 'Programme for the Construction of Supported Housing' requires municipalities to support the construction of new houses and provide them with social services, thus helping groups at risk of social exclusion.
- A summer camp for Roma children was organised in 2004 by the NGO 'Mutual Coexistence' and the force of the Ostrava region. The aim was to improve communication and collaboration between police and the Roma.

France

- In France, in a few schools there is a special teacher, who facilitates the integration of Roma children. Some school buses have been set aside for the transportation of Roma students and their effective participation in classes is monitored.

Germany

- In Germany, the Central Council of German Sinti and Roma is an umbrella organisation that brings together nine land associations and several regional and local associations. It represents and defends the interests of community committees.

Greece

- The city of Patras has adopted important measures to protect the Roma minority, such as: the introduction of regular medical visits and vaccination, the creation of programmes facilitating the access of local Roma to the labour market, the formulation of an active housing policy that includes government rent support.

Hungary

- In Hungary, the local government and local minority government of Ozd launched a programme to renovate an area of extreme deterioration and social exclusion.

Slovenia

- In Slovenia, the constitution guarantees that minorities can use their own language as an official language in the area where they live. This applies to the Hungarian and Italian minorities. These two minorities also have their own representatives in the national parliament.

- Through the Office for National Minorities, the government is preparing legal measures concerning the special status, special rights and protection of the Roma Community living in this country. It is possibly the first in the EU to do so. Under the Local Self-Government Act and the Local Elections Act, Roma people in the Republic of Slovenia have, since this term of office, been able to elect councillors to represent the Roma Community in the municipal councils governing areas where autochthonous Roma live. Within the framework of the government's Programme of Measures for Assisting the Roma, the municipality of Rogašovci will implement a programme of public initiatives 'about the Roma for the Roma', including public financing of projects aimed at resolving public utility infrastructure problems, educational, social and cultural issues and providing legal assistance for the Roma.
- The Educational Research Institute, based in Ljubljana, created the project 'Integration of Roma children into Mainstream Education in Slovenia'. The project's objective is to improve the educational prospects of Roma children in pre-schools and primary schools in the Dolenjska region.

Spain

- In Spain, the Programme 'Prologuer', initiated by the Catalanian government, is intended to support the Roma and other groups who experience discrimination. The logic of this Programme is quite simple: empty flats are bought, restored and rented to immigrants and disadvantaged social groups.
- The Community of Madrid has been running the APOI project for the social integration of east European ethnic minorities since 1999. The integration process is based on three phases: the welcome phase, the settlement phase, including the search for employment and housing, and the follow-up phase. APOI pursues one line of action at four levels: individual, family, group and community. The approach is active and participatory, involving immigrants in their own integration, and any problems encountered are tackled on an individual and comprehensive basis.
- The city council of Barcelona has created the Municipal Council of the Gypsy Community in Barcelona, which is a consultative body aimed at increasing the well-being and quality of life of the Roma living in the city.

United Kingdom

- In the United Kingdom, a Gypsy/Traveller Achievement Project has been undertaken to engage parents, interview children and modify or adapt academic programs to increase the involvement of Roma students. The majority of local authorities have a Traveller Education Service, aimed at encouraging Roma education. In particular, one school has initiated a flexible programme of out-of-school sessions on literacy, maths and outdoor activities and one authority has produced packs for aiding the progression from primary to secondary schools.
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Opinion of the Committee of the Regions on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on The Commission's contribution to the period of reflection and beyond: Plan-D for Democracy, Dialogue and Debate and the White paper on a European communication policy

(2006/C 229/10)

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the Commission's contribution to the period of reflection and beyond: Plan-D for Democracy, Dialogue and Debate COM(2005)494 final and the White paper on a European communication policy COM(2006) 35 final;

Having regard to the decision of the European Commission of 13 October 2005 to consult it on the subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its Bureau of 15 November 2005 to instruct its Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice to draw up an opinion on this subject;

Having regard to the Treaty of Nice (2001/C 80/01);

Having regard to the Treaty establishing a Constitution for Europe signed by the Heads of State and Government on 29 October 2004 (IGC 87/04 rev. 1, IGC 87/04 Add. 1 rev. 1, IGC 87/04 Add. 2 rev. 1);

Having regard to the Declaration by the Heads of State or Government of the Member States of the European Union on the ratification of the Treaty establishing a Constitution for Europe (European Council, 16 and 17 June 2005);

Having regard to the Cooperation Agreement between the Committee of the Regions and the European Commission (CdR 197/2005 Item 11) signed on 17 November 2005;

Having regard to the European Parliament resolution on the period of reflection: the structure, subjects and context for an assessment of the debate on the European Union, A6-0414/2005;

Having regard to the Opinion of the European Economic and Social Committee on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — The Commission's contribution to the period of reflection and beyond: Plan-D for Democracy, Dialogue and Debate (CESE 1390/2005 fin) ⁽¹⁾;

Having regard to its Opinion of 13 October 2005 on The period of reflection: the structure, subjects and context for an assessment of the debate on the European Union (CdR 250/2005 fin) ⁽²⁾;

Having regard to its Opinion of 17 December 2002 on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on An information and communication strategy for the European Union (CdR 124/2002 fin) ⁽³⁾;

Having regard to its draft opinion (CdR 52/2006 rev. 1) adopted on 7 April 2006 by the Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (rapporteur: **Ms Mercedes Bresso**, President of the Piedmont Region (IT/PES);

Whereas:

- 1) the European Union's difficulties over communication with its citizens are symptomatic of a democratic deficit within the EU. Major decisions that influence the lives of Europeans are made on the basis of complex intergovernmental and interinstitutional negotiations during which citizens are passive or only occasional observers;

⁽¹⁾ OJ C 65 of 17.3.2006, pp. 92-93.

⁽²⁾ OJ C 81 of 4.4.2006, pp. 32-36.

⁽³⁾ OJ C 73 of 26.3.2003, pp.46-52.

- 2) until, on the one hand, the democratic deficit is rectified through institutional reform, as is, moreover, set out in the draft Constitutional Treaty, and, on the other hand, the role and work of the existing democratic bodies of the European Union are accepted, the European institutions will have a primary obligation to help compensate for the consequences of the democratic deficit by other means in order to enable citizens to express their opinion on the future of the European project;
- 3) there is an urgent need not only to set up effective means of communication but, more importantly, to identify the objectives of this initiative and make them public. It is also necessary to promote forums for public participation and to include the European project in school curricula. The process aims to compensate for the consequences of the democratic deficit by giving citizens the opportunity to express their opinion on the political future of the European project, especially the institutional and political nature of Europe: whether we intend to extend or curb common policies, or increase, maintain or limit economic and political integration;
- 4) the EU's communication policy should be aimed at the development of a broader European awareness. This awareness can only come about if public support is created for European cooperation. The starting point for this should be the subjects and issues which affect people's daily lives and where there is clear added value to be obtained from European cooperation. Everyone must realise that this is a long-term process;
- 5) regional and local authorities have a fundamental role to play in the debate on the future of Europe by motivating citizens in relation to issues that affect them closely and by organising structured debates with citizens, elected regional and local authority representatives and MEPs. It is to be hoped that the Committee of the Regions, as the institution that represents local and regional authorities, and the European Parliament, as the embodiment of supra-national citizenship, will be part and parcel of this process, in a genuine expression of multilevel communication;

unanimously adopted the following opinion at its 65th plenary session, held on 14-15 June 2006 (meeting of 15 June).

Opinions and recommendations of the committee of the regions

1. The Committee of the Regions' views on the period of reflection and Plan D

The Committee of the Regions

1.1 **recognises** that the period of reflection is an opportunity to give new impetus to the European Union and that the current crisis in European governance should not call into question the validity of the European integration project. All communication policies will prove fruitless unless they are based on recasting European integration in democratic terms;

1.2 **points out** that the European Union will not result in a shared destiny unless it succeeds in instilling and disseminating among its own citizens a feeling of shared identity that celebrates diversity, passing on its founding values to future generations, communicating and promoting them through its external relations, explaining to its citizens the key tools for communicating and interacting with the institutions and creating a basic awareness of the key aspects of European economic, political, historical and social integration, and above all, actively involving them in European integration and decision-making;

1.3 **reasserts** its commitment to pursuing the constitutional process; **opposes** the idea of relinquishing the Constitutional Treaty in favour of the Treaty of Nice or adopting selective implementation (cherry picking); advocates adopting a Constitutional Treaty that consolidates the creation of a political, prosperous, powerful and citizen-based Europe; **calls for the** ratification of a Constitutional Treaty by 2009, bearing in mind the difficulties encountered in a number of Member States and the position of those that have already ratified the Treaty. The period of reflection should therefore be extended, ensuring that no opportunities for furthering European integration and improving Europe's public image are ignored, through partial or global agreements;

1.4 The Committee draws attention in this context to nationalist and protectionist tendencies which are evident within the EU; this trend is a danger for the further development of the European Union;

1.5 **emphasises** that the period of reflection presents an opportunity for refocusing the debate on the advantages of multilevel governance as the answer to the European integration ideal summarised in the Constitutional Treaty's motto 'Unity in Diversity';

1.6 **believes** that the EU way of doing things should fully incorporate the principle of subsidiarity and proximity to ensure effectiveness and legitimacy, in the knowledge that at this stage subsidiarity is a vital means of narrowing the gap with its citizens;

1.7 **recognises** that a European public space can only be created if Europe reinvigorates political integration wherein citizens can proactively choose clear policy positions for Europe's future;

1.8 **reiterates** that no efforts should be spared to foster the development of a European civic spirit that promotes the citizens' full, informed participation in consolidating European integration;

1.9 **reiterates** that all elected representatives bear responsibility for meeting these pressing needs; **urges** local, regional, national and European elected representatives to work together to establish democratic links with their citizens; and in this context, **advocates** closer interinstitutional cooperation with the European Parliament and the other institutions, with a view to substantially strengthening regional consultation within the European Union;

1.10 **is convinced** of the need for permanent dialogue with citizens, political organisations, unions and associations based on a pact of trust, and in this context, considers that the period of reflection should be used to listen to citizens. This requires the EU institutions to pursue a policy of openness and accessibility that makes it easier for citizens to take part in discussion and debate. For this reason, sustained and structured cooperation is required between the institutions responsible for listening;

1.11 **considers it necessary** for all EU institutions and bodies to systematically highlight the important role which the strong regional and local dimension in Member States has played in the process of European integration. This territorial dimension is a unique feature of our integration process, which has the potential to lend greater democratic legitimacy to all EU decisions. In this respect, CoR opinions should be taken into account much more if we wish to strengthen the democratic legitimacy of the European Union;

1.12 **points out** that, in line with the White paper on European Governance and the draft Constitutional Treaty, the CoR should have instruments enabling it to monitor the Commission's implementation of the measures approved in its opinion, at least for those topics on which it must be consulted;

1.13 **considers** that decentralised communication strategies should capitalise on the democratic potential of CoR members and their European mandate. This implies that the national plans under Plan D, some of which are already at the implementation phase, should involve them; that Representations of

the European Commission in the Member States should recognise them; and that they should also play a role in EU initiatives under Plan D as well as actions carried out by the European Parliament. Sufficient financial support must be made available by the European Union. Otherwise there is a danger that the plan will be no more than an expression of good intentions;

1.14 **considers** it necessary to move beyond the period of reflection: European institutions and elected representatives must engage seriously in a structured debate with citizens and their associations by adopting the method advocated by the Convention on the Constitutional Treaty. The debate should begin by defining the real problems experienced by European citizens, such as welfare, employment, environmental protection and energy and, as proposed by the European Parliament, should address a limited number of priority issues relating to the future of Europe, namely:

- (i) What is the object of European integration?
- (ii) What should Europe's international role be?
- (iii) In the light of globalisation, what is the future of the European economic and social model?
- (iv) How are the borders of the European Union to be defined?
- (v) How are freedom, security and justice to be promoted?
- (vi) How is the European Union to be funded?

1.15 **believes that** more needs to be done to win the trust of citizens than merely to conduct a dialogue and to draw up a citizens' wish list. EU citizens need to know that, in the final analysis, it is they themselves, via their elected representatives, who decide on the future of the Union. The questions raised in the preceding point therefore need to be answered by means of — where possible common — political views expressed by all local, regional and national authorities;

1.16 **believes that**, in addition to carrying out information and communication campaigns, local, regional, national and European elected representatives must ensure that their institutions, bodies or organisations assume, as part of their day-to-day work, responsibility for providing information on the European dimension of their area of activity. The Committee of the Regions therefore **points out** that a publication on best practice is currently being drawn up as follow-up to this opinion, giving examples of specific activities carried out at local and regional level relating to the implementation of Plan D for Democracy, Dialogue and Debate;

1.17 **stresses** the need to include the fourth dimension, i.e. Decentralisation, in Plan D, alongside Democracy, Dialogue, and Debate, by using external means of communication such as the local and regional authorities, since their responsibilities

in this field give them a fundamental role to play through forums, initiatives and debates. The debate should be launched from these local and regional forums in the presence of elected representatives (from local, regional, national and Community levels), and representatives of civil society and civic associations. These forums would successfully communicate the outcome of the debate to national parliaments and to Strasbourg.

2. *The Committee of the Regions' views on the European communication policy*

The Committee of the Regions

2.1 **would welcome** coordination with local and regional bodies, since multilevel governance as expressed by the EU and the regions would facilitate multilevel communication, with actions aimed at fostering mutual understanding as part of a shared subsidiarity approach; **expects** that local and regional authorities will be actively involved in EU communication policy. In view of the diversity existing within the EU and with an eye to the implementation of the subsidiarity principle, the government bodies which are closest to the people are the appropriate players for enabling the Union to communicate the European project to the people;

2.2 **welcomes**, in this respect, the publication of the White paper on a European communication policy based on strengthened dialogue, proximity to citizens and a decentralised approach, but nevertheless **deplores** the fact that the document has no political vision and therefore serves only as a tool; **draws specific attention** to the absence of any strategic vision of the EU's nature and its role in protecting and promoting its citizens' interests and needs in the years to come;

2.3 **is pleased to note** that the White Paper acknowledges the role played by local and regional authorities, and, in particular, the role of the media in establishing dialogue with citizens and actively engaging local and regional communities in European issues; **recommends** that the extensive network of media correspondents in Brussels be linked more effectively with local editorial offices, through appropriate measures (workshops, inviting journalists to Brussels); **recalls** that, in this sphere, local and regional authorities need appropriate operational resources to be effective;

2.4 **emphasises** that due in part to its own contribution and that of the local and regional authorities, the European Union has an appropriate democratic framework for re-establishing dialogue with its citizens in order to develop a European civic spirit and reshape Community action to promote proximity; **recalls** that the local and regional press constitutes a crucial means of communication with citizens;

2.5 **deplores** the marginal role set out for it in the white paper but remains willing to assume its responsibility for

guiding and coordinating local and regional authorities and the local and regional press, thereby actively contributing to this reflection period within the framework of interinstitutional cooperation; **underlines**, in this context, the need to secure an increase in available budgetary resources and to allocate the necessary budget to contribute to a renewed information and communication policy;

2.6 **welcomes** in this context the opening of negotiations with the relevant services of the European Commission with a view to drafting an addendum to the cooperation agreement between the CoR and the European Commission, renewed in November 2005, on the information and communication policy;

2.7 **wishes** to make its own contribution to the *European Charter or Code of Conduct on Communication* and asks the Commission to provide details on the concept, objectives and added value of such a document;

2.8 **believes** that it is imperative to link communication policy and active citizenship through actions supporting high-profile events, studies and information tools, platforms for dialogue and reflection, addressing the broadest possible public across borders, and tackling issues of immediate concern to the people, such as employment, the development of urban areas and the countryside, immigration and security, energy and the environment, matters in respect of which action at European level brings an absolute added value. These issues also have considerable influence on the policies pursued by local and regional authorities. This is the kind of action which makes Europe a reality to its citizens;

2.9 **acknowledges** that one of the white paper's objectives is to gain a better understanding of public opinion through Eurobarometer surveys and suggests that the opinion polls should be better tailored to the local and regional levels and that better connections be established between the Eurobarometer, the CoR and its members; local and regional players in public bodies are themselves the most immediate interfaces with public opinion;

2.10 **encourages** the inclusion in school curricula of European civic education courses, with proper timetable and staff provision in schools and universities, to explain the significance of the European project, its founding values, origins, primary goals, and future challenges;

2.11 **advocates** a European information policy that would enable the EU to obtain independent media tools and, more specifically, **would welcome** the development of tools within regional press agencies for communicating with Europe, communication training programmes for public officials, and Europe by Satellite's (EbS) transformation from an audiovisual tool into a genuine European press agency;

2.12 **proposes** more substantial simple, decentralised, funding arrangements to support the activities of smaller non-governmental organisations in providing the public directly with information about the EU, e.g. through events to promote dialogue, courses, brochures tailored to regional needs and visits to Brussels;

2.13 **recommends** that this information should first be compiled and then communicated through regional and local

institutions; **would like** the other institutions to establish more systematic coordination with it in order to create communication and information plans together, as planned;

2.14 **would like** information and communication on the EU finally to be seen as a logical framework for local, regional and national organisations, bodies and institutions as well as the media to ensure that they can provide correct and complete information.

Brussels, 15 June 2006.

The President
of the Committee of the Regions
Michel DELEBARRE
