

Official Journal

of the European Union

C 146

Volume 50

English edition

Information and Notices

30 June 2007

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	III <i>Preparatory Acts</i>	
	Committee of the Regions	
	68th plenary session held on 13 and 14 February 2007	
2007/C 146/01	Opinion of the Committee of the Regions on the policy plan on legal migration, fight against illegal immigration, future of the european migration network	1
2007/C 146/02	Opinion of the Committee of the Regions Housing and regional policy	10
2007/C 146/03	Opinion of the Committee of the Regions towards a future Maritime Policy for the European Union	19
2007/C 146/04	Opinion of the Committee of the Regions on the European Institute of Technology	27
2007/C 146/05	Opinion of the Committee of the Regions on the thematic strategy for soil protection	34
2007/C 146/06	Opinion of the Committee of the Regions on a Thematic Strategy on the Sustainable Use of Pesticides	48
2007/C 146/07	Opinion of the Committee of the Regions on the European Transparency Initiative	53
2007/C 146/08	Opinion of the Committee of the Regions towards an EU Strategy on the Rights of the Child	58
2007/C 146/09	Opinion of the Committee of the Regions on Bridging the Broadband Gap and i2010 eGovernment Action Plan	63
2007/C 146/10	Opinion of the Committee of the Regions on improving the effectiveness of review procedures concerning the award of public contracts	69
2007/C 146/11	Opinion of the Committee of the Regions on financing SME growth	73



Price:
18 EUR

(Continued overleaf)

2007/C 146/12	Opinion of the Committee of the Regions on Efficiency and equity in European education and training systems and the European Qualifications Framework for lifelong learning	77
2007/C 146/13	Opinion of the Committee of the Regions on the mid-term review of the European Commission's 2001 Transport White Paper	85



III

(Preparatory Acts)

COMMITTEE OF THE REGIONS

68th PLENARY SESSION HELD ON 13 AND 14 FEBRUARY 2007

Opinion of the Committee of the Regions on the policy plan on legal migration, fight against illegal immigration, future of the European migration network

(2007/C 146/01)

THE COMMITTEE OF THE REGIONS

- **recommends** that a common European policy on migration be recognised, paving the way for closer cooperation and coordination between the Member States and third countries;
- **urgently calls for** the creation of a financial instrument aimed specifically at areas with the highest immigration levels, and at transit areas subject to massive inflows of migrants, such as the Canary Islands, Ceuta, Lampedusa, Malta, Melilla and southern Italy in general. In these areas, the mass inflow of migrants is an extremely serious problem;
- **recommends** the adoption of all measures needed to put an end to human trafficking and the mafias which carry it out, and asks that this be made a priority for the EU and given the necessary financial resources. It is essential to prevent illegal migration and combat the informal economy that encourages it;
- **emphasises** the key role played by local and regional bodies, owing to the experience they have gained through their relations with countries of origin and their measures to integrate migrants, particularly in the fields of healthcare (the area in which public spending is highest), housing, education and employment;
- **proposes** creating a mechanism for following up opinions on immigration in order to ensure that the Committee is represented, by the chairman of the Constitutional Affairs Commission or the rapporteurs, in the European Commission's various initiatives in this field. This mechanism would enable the Committee to be actively involved in the different stages of the legislative process: a) the pre-legislative phase (consultation as interested party, impact analysis); b) the policy evaluation phase (annual reports on migration and integration, annual integration forum).

THE COMMITTEE OF THE REGIONS

Having regard to the Green Paper on the Future of the European Migration Network (COM(2005) 606 final);

Having regard to the Communication from the Commission: Policy Plan on Legal Migration (COM(2005) 669 final);

Having regard to the Communication from the Commission on Policy priorities in the fight against illegal immigration of third-country nationals (COM(2006) 402 final);

Having regard to the decision of the European Commission of 2 December 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 Bureau of 25 April 2006 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 Presidency conclusions of the Brussels European Council of 4 and 5 November 2004 on the European area of freedom, security and justice — the Hague Programme;

Having regard to Article 63 of the Treaty establishing the European Community;

Having regard to the Handbook on Integration issued by the European Commission's Directorate-General for Justice, Freedom and Security;

Having regard to the resolution of the European Parliament on strategies and means for the integration of immigrants in the European Union (2006/2056 (INI));

Having regard to the resolution of the European Parliament on development and migration (2005/2244(INI));

Having regard to the Opinion of the Committee of the Regions on The area of freedom, security and justice: the role of regional and local authorities in implementing the Hague Programme, CdR 223/2004 fin, OJ C 231 of 20.9.2005, pp. 83-86;

Having regard to the 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 First Annual Report on Migration and Integration (COM(2004) 508 final), CdR 339/2004, OJ C 231 of 20.9.2005, pp. 46-50;

Having regard to the Committee's Opinion on the Communication from the Commission to the Council and the European Parliament — The Hague Programme: Ten priorities for the next five years — The Partnership for European renewal in the field of Freedom, Security and Justice (COM(2005) 184 final), the Communication from the Commission to the Council and the European Parliament Establishing a framework programme on Security and Safeguarding Liberties for the period 2007-2013, and the Communication from the Commission to the Council and the European Parliament Establishing for the period 2007-2013 a framework programme on Fundamental Rights and Justice (COM(2005) 122 final) — 2005/0037 (COD) — 2005/0038 (CNS) — 2005/0039 (CNS) — 2005/0040 (COD)), CdR 122/2005, OJ C 192 of 16.8.2006, pp. 25-33;

Having regard to its Opinion CdR 51/2006 on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — A Common Agenda for Integration — Framework for the Integration of Third-Country Nationals in the European Union (COM(2005) 389 final), the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — Migration and Development: Some concrete orientations (COM(2005) 390 final), and the Proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals (COM(2005) 391 final), OJ C 206 of 29.8.2006, pp. 27-39;

Having regard to its draft opinion (CdR 233/2006 rev. 2) adopted on 29 November 2006 by the Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (rapporteur: Ms Laura de Esteban Martin, Director-General for State cooperation and European affairs of the Community of Madrid (ES/EPP));

Whereas:

- 1) Europe is undergoing the greatest migratory emergency in its history. The end goal of this migration is to reach European soil, making it more than a localised problem that only concerns the Member States and regions most targeted by this migration. The issue must also be considered from the perspective of Europe as a whole, the Member States and the countries of origin and transit: together, they must confront the new challenges generated every day by these migratory flows, including migratory population movements within the EU. The Hague Programme set up by the European Council in November 2004 outlines a work programme for creating a common migration policy and establishes it as an EU priority;
- 2) there is a lack of reliable statistical data enabling accurate assessment of the relationship between legal and illegal migration and the migratory phenomenon overall. It therefore remains necessary to pursue the work of the European Migration Network in order to obtain objective, comparable information with a view to supporting common immigration and asylum policies;
- 3) the integration of immigrant populations should be considered in terms of their inclusion in the labour market (with particular concern for female migrants), but also from a broader perspective taking, *inter alia*, educational, cultural, social and political aspects into account;
- 4) integration is a two-way process that requires both the immigrants' will to integrate into the host society and their responsibility to carry it through, and EU citizens' desire to willingly accept immigrants. Awareness and education campaigns are therefore necessary in order to exert a positive influence on the behaviour of both groups;
- 5) local and regional authorities, as direct recipients of this migration and major players in the implementation of integration measures (occupational, educational, cultural, social and political), must play a key role in defining migration policy, at as close a level as possible to citizens, in order to ensure that migrants are successfully integrated;

adopted the following opinion at its 68th plenary session, held on 13 and 14 February 2007 (meeting of 13 February):

1. Views and general recommendations of the Committee of the Regions

fore take unilateral decisions that make it difficult to adopt a common position;

The Committee of the Regions

1.1 **believes**, in line with its previous opinions on the return of illegal migrants and the regional and local application of the Hague Programme ⁽¹⁾, that immigration should be considered from a broad perspective that includes a clear vision of the most important measures required in the field of migration policy, and should not be based on fragmentary measures. All the necessary legislative, operational and economic initiatives must be considered in order to tackle the phenomenon from beginning to end, through development cooperation with countries of origin and the fight against illegal human trafficking, and by adopting the necessary measures to integrate all migrants who have settled in our countries and combating the informal economy, which exerts a strong pull factor and is a catalyst for exploitation; the Committee notes that criminal organisations help to encourage illegal immigration;

1.2 **stresses** that despite the increase in migration since the 1980s and the fact that the EU receives a high number of immigrants from developing countries (currently estimated at around 40 million people), there is still no common European policy for the regulation of migratory flows, and Member States there-

1.3 **points out** that when it comes to managing migratory flows, we should not have to wait until events take a serious turn for the worse. Emergencies should not be a prerequisite for establishing association agreements;

1.4 **considers** that the association agreements signed with third countries should cover political, social, economic and cultural aspects, so as to establish a proper relationship of interdependence between migration and development, as recommended in the European Parliament's report on development and migration ⁽²⁾;

1.5 **confirms** that the key to preventing uncontrolled migration is full development cooperation, by implementing projects that generate employment; setting up an economic and trade forum, university networks and micro-credit funds for migrants; implementing measures to help migrants cooperate in their own countries' development; and installing infrastructures, particularly to provide drinking water (42 % of Africa's inhabitants have no access to drinking water), electricity (only 20 % have regular access to the power grid), health centres and schools. In this context, it will be crucial to help strengthen institutional

⁽¹⁾ CdR 242/2002 fin.
CdR 223/2004 fin.

⁽²⁾ European Parliament report on development and migration (A6-0210/2006).

frameworks, establishing a series of prior conditions (such as transparent management and democratisation of structures) in countries receiving development aid, so as to ensure that it is properly received and utilised. Overall, the aim must be to boost the quality — rather than quantity — of development cooperation; it is particularly important to guarantee that aid is implemented transparently, in order to ensure that it actually does generate development;

1.6 **emphasises** the key role played by local and regional bodies, owing to the experience they have gained through their relations with countries of origin and their measures to integrate migrants, particularly in the fields of healthcare (the area in which public spending is highest), housing, education and employment. As part of their cooperation with countries of origin, local and regional authorities have set up numerous agreements and projects, such as the shelters for returning young people opened by the Community of Madrid in Morocco, under the AENEAS programme;

1.7 **notes** the Declaration of the Fifth Conference of Parliaments of EU Capital City Regions (held on 26 and 27 April 2006), which states that, owing to their prosperity and vitality, capital city regions exert a strong pull on people from other countries seeking new opportunities; and, in this context, **considers** that measures should be implemented to avoid mass arrivals outside the regular channels via airport, sea and land border crossings, and that adequate planning is required in order to integrate these people into other regions of our countries;

1.8 **also stresses** the position of the capital city regions, which support the development of a common European migration policy that fully covers all issues relating to the complete integration of immigrants into society. Only through integration will it be possible to share the values of democratic life and respect for human rights that underpin the political systems of the EU; therefore, **emphasises** the importance of setting up initiatives to teach migrants about the official language or languages and culture of the host society, and to help them feel that they are important and share responsibility for their own futures;

1.9 **believes** that migration is a challenge for all: everybody has a part to play, from administrations — European, national, regional or local — to European citizens and migrants themselves. This is the only way to solve their problems, and for everyone involved (including the countries of origin) to make the most of the opportunities offered;

1.10 **believes**, as a result, that it is necessary to improve cooperation:

a) between administrations

b) with social players

c) with companies (corporate social responsibility)

d) with immigrants' associations;

1.11 **recommends** the following:

a) greater cooperation and coordination between migration officials and those who manage development cooperation in each Member State;

b) the promotion of co-development as a means to harness the potential of immigrant communities established in EU countries to boost development in their countries of origin. To achieve this, it must be made easier for migrants to transfer funds to their countries of origin, by reducing costs and using official transfer systems;

1.12 **calls upon** the Commission and Member States to apply policies to channel the remittances sent by migrants towards productive investments in their countries of origin, making it easier for them to access micro-credit. Remittances should be channelled so that they can be linked up with investments made via the development cooperation funds; also **recommends** establishing a requirement for cancelled debt to be transferred to productive investments which could be linked up with remittances, so that migrants find it most profitable to invest their savings in these projects;

1.13 **calls for** the establishment of a guarantee fund to ensure the durability of micro-projects and maximise their impact on development, and supports the creation of an economic and trade forum and of networks of professionals from the EU and developing countries;

1.14 **urges** Member States to work together with local and regional authorities in drawing up migration policies and establishing national plans for integration and employment, as the measures required to implement them are applied at local and regional level;

1.15 **urgently calls for** the creation of a financial instrument aimed specifically at areas with the highest immigration levels, and at transit areas subject to massive inflows of migrants, such as the Canary Islands, Ceuta, Lampedusa, Malta, Melilla and southern Italy in general. In these areas, the mass inflow of migrants is an extremely serious problem, as there are not sufficient resources to provide them with adequate humanitarian care. It is important to note that the income difference between the countries on either side of the EU's southern border is the highest in the world;

1.16 **urges** the EU and its Member States to recognise the particular nature of mass illegal immigration via the coasts of the EU's island regions, the human tragedy that it represents, and its consequences for security and cohesion in Europe. The EU should exploit the potential of the regions forming its maritime border as a platform for developing mutually beneficial relations with third countries;

1.17 **believes**, in line with its previous opinions on family reunification, on local and regional application of the Hague Programme and on the Green Paper on a policy of return for illegal residents, and in accordance with the European Parliament's position in its report on development and migration ⁽³⁾, that measures should be implemented to increase the legal certainty surrounding migration, in a number of areas:

- a) ensuring that existing directives are correctly transposed and applied;
- b) clarifying legislation, particularly as regards conditions for attaining resident status;
- c) clearly laying down the conditions under which migrants are eligible for family reunification;

1.18 **supports**, in accordance with its Opinion on the Green Paper on a policy of return for illegal residents ⁽⁴⁾, the development of measures to boost and prioritise voluntary — as opposed to forced — return. It would be beneficial to set up incentives to keep potential migrants in their countries of origin. In the event of forced return, particular attention should be paid to vulnerable groups. In any case, cooperation with countries of origin is essential;

1.19 **points out** that, in accordance with the international conventions on children, it is in the child's best interest for him to grow up in a family environment, whenever possible. Aid should be provided in the countries of origin, and children should be educated and trained there so that they may find jobs close to their families. Under the Convention on the Rights of the Child, States must combat the illicit transfer of children abroad;

1.20 **believes** that the European fund for integration should be managed such that it takes account of the specific requirements of local and regional authorities, and **supports** their involvement in the negotiation of national programmes and the relevant operational programmes;

⁽³⁾ CdR 243/2002 fin; CdR 242/2002 fin; CdR 223/2004 fin; European Parliament report on development and migration (A6-0210/2006).

⁽⁴⁾ CdR 242/2002 fin.

1.21 **calls upon** the Commission, in line with the European Parliament report on development and migration, to prepare the necessary financial instruments for the integration of migrants into the political life and society of the host country, through linguistic, cultural and civic training, without undermining the preservation of their identity. It also **points out** that consideration should be given to the specific problems relating to the integration of their descendants (children and grandchildren);

1.22 **considers** that particular focus should be given to education, the policy area most conducive to integration, as the school pass rate among migrants is far lower than the average for other EU citizens, and **points out** that, to ensure that migrants are integrated, it is essential to lay down the instruments needed for their inclusion in the education system and the labour market. To this end, the Committee proposes:

- a) setting up a financial instrument specifically devoted to solving immigrants' education problems;
 - b) implementing measures to facilitate the recognition and equivalence of the qualifications and, generally speaking, professional skills acquired by migrants in their countries of origin. This would make it easier for them to join the labour market;
 - c) developing training programmes for employment, aimed specifically at workers from countries which are not renowned for the vocational training and skill levels of their workforce;
- 1.23 **considers it important**, in accordance with the Commission's Handbook on integration, to:
- a) implement programmes enabling immigrants to learn the host country's language; these courses should be mandatory, at least at elementary level;
 - b) set up and promote courses on civic duty, culture and, in general, social integration and knowledge of the host society's civic values. These courses could be given in immigrants' mother tongue, to make things easier for them to understand while they still do not have a good command of the host country's language, although this should not delay or halt acquisition of the host country's language and culture;

- c) make it as easy as possible to implement these courses, by enabling e-learning, distance learning, flexible hours, part-time courses, etc., in order to optimise take-up. It is also important to train those who will be in contact with migrants, so that they are able to deal with problems;
- d) support migrants in their efforts to ensure that their children learn the mother tongue, so that they are not subsequently hindered from returning to their home country because they do not know the language.

2. Communication on legal migration (COM(2005) 669 final)

The Committee of the Regions

2.1 **believes**, with regard to legal migration, that it is important to bear in mind that those whose skills lead them to emigrate are those who will be able to stimulate development in their countries of origin;

2.2 **considers** that, as stressed in its Opinion on the Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of studies, vocational training or voluntary service⁽³⁾, brain drain should be taken into consideration. While it is important to leverage the opportunities that this brings our economies, we should also make it easy for migrants to return to their countries of origin in order to boost development there, and should allow them to re-enter in order to continue or complete their training, thus creating a constant flow of experience and advantages for the host and source countries;

2.3 **believes** that circular migration is an important foundation on which to strengthen migration's positive contribution to development;

2.4 **supports** the Commission's basic goal of guaranteeing a common framework of rights for all third-country nationals in legal employment already admitted in a Member State; **highlights**, in particular, the need to address the question of recognition and equivalence of degrees and other qualifications so as to prevent migrants from working below their competences;

2.5 **stresses** the importance of job accessibility for the successful integration of migrants, and points out the contrast between the simplistic approach, which is geared exclusively towards the need to welcome more migrants and simply legalise the workforce, and the regional and local efforts to combat exclusion, marginalisation and xenophobia, and the implementation of measures to integrate women, whose link with their children is key for the integration of the family;

2.6 **considers** that legal migration should take family reunification into account as a cornerstone of migrants' social integration, for the strategy would otherwise be incomplete. Nonetheless, family reunification as a catalyst for integration must only be promoted insofar as it is limited to the family unit, consisting of parents, children and grandparents;

2.7 **emphasises** local and regional authorities' concern for the issue of gender, as it is important to consider the double discrimination that women suffer on the basis of both their gender and ethnic background; therefore, **calls on** the Commission and Member States to step up dialogue with countries of origin in order to promote women's rights and gender equality;

2.8 **supports** the Commission's position on temporary workers and considers it necessary to draw up more favourable regulations for the mobility of temporary workers. However, it is important to prevent temporary work from becoming a channel for illegal migration. One possible solution would be to include temporary work within the framework of cooperation projects with countries of origin, so that the workers have an incentive to return home once the temporary job is over, in order to continue work in the context of a cooperation project. Within these programmes, it could also be possible to encourage the arrival of temporary workers not just from countries that are geographically close, but also from more distant places, such as Latin America, benefiting from today's falling travel costs;

2.9 **believes it essential**, in line with the Commission, to improve data collection for the effective development of a European migration policy, which in all cases should take labour market requirements as a determining factor when it comes to admitting migrants. It is unsustainable for 90 % of migrants to be illegal before becoming legal;

2.10 **welcomes** the willingness expressed by the Commission in its document to strengthen the role of the European Job Mobility Portal, which provides information, via the Internet, from the EURES (European employment services) cooperation network. This offers information, advice and employment (job search) guidance to workers and employers, to inform, guide and advise candidates on mobility, job opportunities and working and living conditions in the European Economic Area and help employers who wish to hire workers from other countries; the CoR could contribute by informing the Commission of web portals managed by local and regional authorities that could be important sources of information for all those involved⁽⁴⁾;

⁽³⁾ CdR 2/2003 fin.

⁽⁴⁾ COM(2005) 669, item 3.1.

2.11 **supports** the European Commission's proposal that Europe should make itself attractive to skilled workers, outstanding students and researchers. It should also be possible (contrary to the current situation in some Member States) for students to work during their studies, as this could help them to make the transition to the labour market. It would be useful to set up specific mobility programmes for foreign students, as has been done throughout the EU with successful schemes such as Erasmus and Leonardo da Vinci, in order to prevent brain drain and facilitate training, since these students are an invaluable human resource for their countries of origin;

2.12 **believes** that the possibility of jointly issuing work and residence permits should be examined, as this would reduce red tape and increase control; therefore, **proposes** that work and residence permits be standardised throughout the EU;

2.13 **supports** the Commission's belief that migration is not the solution to Europe's ageing population; it is only a tool that can relieve, but not resolve, the demographic deficit in Europe;

2.14 **welcomes** the importance that the Commission's Communication places on cooperation with countries of origin, and supports the strengthening of existing financial instruments relating to migration, and the creation of other, specific instruments;

2.15 **points out** that, on an internal level, the management competences of regional and local authorities mean that they are directly involved in immigration issues; **stresses**, therefore, that they could bring real added value to the experience-sharing activities and discussions planned by the Commission for 2007 in the fields of awareness-raising, information and training ⁽⁷⁾;

2.16 **offers** to help the Commission conduct the impact analyses that it intends to carry out before putting forward concrete proposals on legal migration, and to help it in the systematic consultation of local and regional authorities ⁽⁸⁾.

3. Communication from the Commission on policy priorities in the fight against illegal immigration of third-country nationals (COM(2006) 402 final)

The Committee of the Regions

3.1 **supports**, in particular, the need for cooperation with third countries in order to prevent illegal migration and, in this context, supports the European Council's decision of 15 and 16 December 2005 to allocate 3 % of the European Neighbourhood and Partnership Instrument to the increase of financial aid in areas directly linked to migration;

3.2 **considers it necessary** to promote association agreements with countries of origin, which should be concluded before there are migratory and humanitarian emergencies, and which should cover cooperation in combating illegal migration and in returning and repatriating illegal migrants, along with aid for development and for the creation of job opportunities for the native populations of these countries;

3.3 **believes it essential** to develop all the sources of information available in the countries of origin relating to migration, its scale, existing legislation and possibilities of channelling this through legal avenues;

3.4 **supports** the European Commission's aim to set up a rapid assistance mechanism for Member States experiencing severe pressure on their external borders; and **urges** the Council to grant the Commission the resources it needs to carry out this task properly;

3.5 **emphasises** the proposal in the Commission document relating to the need to bring an end human trafficking and the mafias which carry it out, and asks that this be made a priority for the EU and given the necessary financial resources. It is important to be aware of the scale of the humanitarian disaster this represents: figures from various international organisations suggest that one in three migrants does not survive the journey to the destination country;

3.6 in this context, **warns** that European countries receiving migrants must avoid delegating the task of returning them to border countries that do not show sufficient respect for human rights, so as to maximise the control of human rights;

3.7 **emphasises**, in this context, that the European Employment Strategy and general guidelines must encourage legal employment through steps such as the reduction of non-wage labour costs and the easing of tax pressure on low-paid or low-skilled workers, as this could help to reduce the appeal of undeclared work and thus the hiring of illegal migrants. These measures to flexibilise the labour market should boost the legal employment of migrants;

3.8 **supports** the promotion of information campaigns on the advantages of legal migration and the dangers of illegal migration, and the Commission's initiative to launch a study in 2007 on current practices and the effects of regularisations in Member States, which will form the basis for future discussions and the establishment of a legal framework for Europe-wide regularisation.

⁽⁷⁾ COM(2005) 669, item 3.1.

⁽⁸⁾ COM(2005) 669, Annex I.

3.9 **believes it necessary** for Member States' diplomatic representations, as well as intelligence services, to be coordinated at EU level so as to be able to identify and combat, in cooperation with the competent local authorities, the criminal organisations carrying out illegal trafficking of migrants.

4. Green Paper on the Future of the European Migration Network (COM(2005) 606 final)

The Committee of the Regions

4.1 **supports** the future EMN's mandate to provide the Commission, Member States and the general public with objective, reliable and comparable information in the field of asylum and migration, and **agrees** that it should be made publicly available (except where confidential), in accordance with the data protection agencies;

4.2 **concurrs** that concrete tasks such as data collection and analysis, research, publishing of opinions and recommendations, and awareness-raising activities should be allocated to a single body, as such streamlining generates economies of scale and facilitates coordination; and

4.3 **adds a further task:** the EMN should also coordinate the transposition of Community legislation by the different countries;

4.4 **suggests**, in line with the European Parliament ⁽⁹⁾, and with a view to guaranteeing close cooperation between stakeholders and the bodies responsible for data collection, appointing a liaison in each one, and setting up a web for use by stakeholders and specialised users only. There should also be a link between the national and international organisations which deal with these matters, and which need to seek cooperation methods in order to solve problems;

4.5 **advises**, as regards the structure of the network, selecting option one, i.e. 'attaching the network to the Commission', as it would facilitate monitoring, coordination and relations with other European institutions. With regard to the operation of National Contact Points, the national representatives should be responsible for data collection and studying problems. The role of contact points should be to collect, analyse (where possible) and transmit data to the network and national players in accordance with national provisions on the tasks and activities of the contact point. The network should have guaranteed independent status vis-à-vis the governments of each country, and its structure should include regional and local bodies. In all events, the fluidity of information transmission must be guaranteed;

4.6 **considers it essential**, through this network:

- to highlight information above all in relation to the labour market;
- to improve statistical information by improving coordination via the European Migration Network;
- to harmonise statistical calculation methods in order to allow for comparison and coordination.

5. Second report on migration and integration

5.1 **considers** it necessary to step up annual migration and development reports, which would provide statistics to help plan migration and implement a suitable migration policy. Public policy cannot be planned without sufficient information, particularly in this field;

5.2 **calls for** information exchange to be stepped up through existing networks and the future European Migration Network, between Member States and with their local and regional bodies. All players should have access to as much information as possible;

5.3 **stresses** that any idea to be implemented must translate into programmes, and that any programme or legislation to be developed must subsequently be analysed in order to assess its utility and quality of management; **welcomes**, therefore, the Commission's initiative to draft an annual assessment report on migration and integration;

5.4 **supports** the Commission's proposal to set up an annual integration forum in which experts, migrants, public administration staff (including local and regional levels) and all other stakeholders can share best practices and obtain workable conclusions. The Committee considers it vital to exchange best practices, whereby local and regional authorities can make a concrete contribution, in order to drive forward and standardise the results of policies applied in this area. In any case, the necessary steps must be taken to obtain extensive and accurate data about migration, which will be taken into consideration when these policies are implemented. The forum should also take annual reports into account, and contact should always be maintained with all the players involved.

6. Conclusions

6.1 **Recommends** that a common European policy on migration be recognised, paving the way for closer cooperation and coordination between the Member States and third countries;

⁽⁹⁾ Report on the Proposal for a Council Decision on the establishment of a mutual information procedure concerning Member States' measures in the areas of asylum and immigration (COM(2005) 480 — C6-0335/2005 — 2005/0204 (CNS)).

6.2 **considers** it essential to boost the quantity and quality of available data and to accurately assess labour market requirements, if a European policy on immigration and control of migration flows is to be implemented in an effective manner;

6.3 **recommends** promoting codevelopment as a means of harnessing the potential offered by immigrant communities living in EU countries with a view to boosting development in their countries of origin, and **calls** for the study of creative alternatives for channelling legal immigration through the removal of existing obstacles to taking on migrants in their countries of origin;

6.4 **recommends** the adoption of all measures needed to put an end to human trafficking and the mafias which carry it out, and asks that this be made a priority for the EU and given the necessary financial resources. It is essential to prevent illegal migration and combat the informal economy that encourages it;

6.5 **stresses** once again that, on an internal level, the management competences of regional and local authorities mean that they are directly involved in immigration issues; **proposes**, therefore, creating a mechanism for following up opinions on immigration in order to ensure that the Committee is represented, by the chairman of the Constitutional Affairs Commission or the rapporteurs, in the European Commission's various initiatives in this field. This mechanism would enable the Committee to be actively involved in the different stages of the legislative process:

a) pre-legislative phase (consultation as interested party, impact analysis);

b) policy evaluation phase (annual reports on migration and integration, annual integration forum);

6.6 **requests**, therefore, to be represented on the Commission's formal and informal working groups on migration policy; **believes** that this follow-up would enable the Commission to benefit from the practical experience acquired by local and regional authorities in the field of migration;

6.7 **calls for** the inclusion of regional and local authorities in the European Migration Network;

6.8 **asks** to contribute to the web portal on immigration that the Commission wishes to set up, by informing the Commission of web portals managed by local and regional authorities that could be important sources of information for all those involved;

6.9 **calls for** the existing legal and financial instruments to be stepped up, and for a new instrument to be created in order to ensure the integration — particularly through education — of recent immigrants and their descendants (children and grandchildren);

6.10 **proposes** that a first summit be held on 'The role of European regions in managing migration flows', facilitating exchange of opinions and experience between regions in this field.

Brussels, 13 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions Housing and regional policy

(2007/C 146/02)

- Housing is not only about bricks and mortar, but also concerns the areas and communities where we live. Tackling the housing agenda means working towards safer, cleaner, greener areas of our cities and regions where people are able to develop their lives and interactions. Housing issues are also about access to employment, transport and services and creating a high-quality environment. Therefore although housing is not a specific competence of the European Union, many EU policies have a direct or indirect effect on housing issues. This includes policies concerning the urban environment, energy efficiency, renewable energies, noise pollution and health, but also completion of the internal market in services and competition.
- New Member States can use up to 3 % of the allocation of the Operational programmes concerned or 2 % of the total ERDF allocation on housing and the opinion contains practical advice and examples of good practice from across the EU to provide support for this spending. This includes ideas around optimising the physical relationship between landscape and buildings, homes, jobs and local services; energy efficiency and sustainable development; and avoiding ghettoisation in housing areas.
- All Member States can look at the role of training in building sustainable communities. Training local people in the skills needed to improve their housing areas, develop green spaces and improve energy efficiency can provide solutions to neighbourhoods in decline and constitute a new source of employment.

THE COMMITTEE OF THE REGIONS,

HAVING REGARD TO the letter of the European Parliament of 28 September 2006 requesting the Committee of the Regions, in accordance with Article 265 (4) of the Treaty establishing the European Community, to draw up an opinion on Housing and regional policy;

HAVING REGARD TO the decision of its President of 20 November 2006 to instruct its Commission for Territorial Cohesion Policy to draw up an opinion on this subject;

HAVING REGARD TO the draft report of the European Parliament on 'Housing and regional policy' (2006/2108(INI)) (rapporteur: Andria, Alfonso (IT/ALDE));

HAVING REGARD TO its Opinion on Cohesion Policy and cities: the urban contribution to growth and jobs in the regions CdR 38/2006 fin;

HAVING REGARD TO the Conclusions of the informal Council of Ministers on sustainable communities. Bristol, 6 and 7 December 2005;

HAVING REGARD TO the Communication of the European Commission on Cohesion policy and cities: the contribution of urban areas and agglomerations to growth and jobs in the regions;

HAVING REGARD TO the Urban Inter-group of the European Parliament Proposal of a European Charter for Housing;

HAVING REGARD TO its draft opinion (CdR 345/2006 rev.1) adopted on 11 December 2006 by its Commission for Territorial Cohesion Policy (rapporteur: **Cllr Flo Clucas** (UK/ALDE) (Member of Liverpool City Council));

Whereas:

1. The result of the compromise of the Heads of Government on December 2005, in which housing has been designated as eligible cost in Structural Funds only for the New Member states in a limited proportion under the ERDF regulation (article 7.2): 3 % of the allocation of the Operational programmes concerned or 2 % of the total ERDF allocation. Expenditure is also limited to multi-family housing and social housing and has to take place in the framework of urban development programmes. New instruments created under structural funds by cooperation between the Commission and the EIB as JESSICA which will allow for financing projects in a wider framework of urban development;
2. the fact that housing is not a specific competence of the European Union, but many policies have a direct or indirect effect on housing issues. In particular this includes policies concerning the urban environment, energy efficiency, renewable energies, noise pollution and health, but also completion of the internal market in services and competition;
3. local and regional authorities in the European Union are generally responsible for housing issues in their areas, and urban settings provide the greatest challenge on housing issues;
4. access to decent housing is a key condition to maintaining social and territorial cohesion within the European Union. Therefore, there is a strong link between housing and the Lisbon Agenda. Decent housing is fundamental to the competitiveness of regions. Without sufficient good-quality housing, regions cannot attract and retain workers, resulting in economic decline.

adopted the following opinion at its 68th plenary session, held on 13 and 14 February 2007 (meeting of 13 February):

Views of the Committee of the Regions

1. Housing is one of the key factors in combating social exclusion and unemployment, making our towns, cities, rural areas and regions better places in which to live and work, encouraging harmony within and between communities and also in working to meet sustainable development goals;

2. many regions and cities of the European Union are going through, or need to go through, a process of renewal in areas where there is poor quality housing, housing market failure, compounded by a decline in the economic base, deterioration of the physical fabric and provision of social infrastructure (education, health and community relations) in their neighbourhoods;

3. housing is not only about bricks and mortar, but also concerns the areas and communities where we live. Tackling the housing agenda means working towards safer, cleaner, greener areas of our cities and regions where people are able to develop their lives and interactions. Housing issues are also about access to employment, transport and services and creating a high-quality environment. This is the 'sustainable communities' agenda. There are two dimensions to this agenda that need to be addressed: territorial and social.

1. Territorial Dimension of Housing

1.1 There is a legacy of inadequate housing and excluded communities as a result of decades of neglect in many of the old, and particularly in the new, Member States of the EU. Lack of investment in housing has, in those cases, led to *ghettoisation* of poorer, excluded communities, leading to disaffection and occasionally resulting in social unrest and violence, as has been seen recently in some Member States.

1.2 Urban planning is an essential foundation of future strategies and it is important to align housing strategies with the spatial strategies of regions. Old Member States have experienced both successes and failures in this area, in seeking to combat urban sprawl and traffic congestion in favour of more attractive, liveable cities, supporting and creating a sense of place at a local/neighbourhood level. New Member States need to take into account these experiences to avoid making similar mistakes.

1.3 Neighbourhood renewal action will vary according to local circumstances, but should be holistic and include measures to improve education, health and other public services, enhancing training, employment and economic opportunities, intro-

ducing proactive neighbourhood management, tackling anti-social behaviour, improving environmental quality and design, and ensuring good public transport services. [See Annex, example 4]

1.4 Priority needs to be given to re-use of derelict sites, reclamation of Brownfield land to maintain more compact cities and prevent urban sprawl and encroachment into rural communities. This is often more expensive in the short term but there are long term benefits in community cohesion, reuse of resources and employment. Infrastructure subsidies and incentives at a local and regional level are good tools to promote this over new-build/Greenfield development.

1.5 Priority also needs to be given to the regeneration, maintenance and improvement of historical housing stock, through measures to support renovation and reconstruction, and to settling young people in historical town centres and in coastal and inland rural centres which have been abandoned or have ageing populations.

1.6 Setting up Public Private Partnerships (PPPs) to exploit derelict areas and provide a means to rehabilitate run down multi-occupancy accommodation can change not only the physical presence of such properties, but can enable neighbourhoods to become more attractive places in which to live and work.

1.7 Compact neighbourhoods, with housing which is designed to a high quality and of mixed tenure and size, have a density of development and population which will be able to support integrated services, shops and transport, ensuring their economic viability. Housing supply must also be linked to provision of public services and attention paid to maintaining optimum population levels in order to be able to sustain essential services. At a time of urban renewal in housing, maintaining populations can be difficult and services suffer as a result. Member States should recognise the importance of continuation of services at a time of substantial change within a community.

1.8 A holistic view to planning is needed in order to understand the physical relationship between landscape and buildings, homes, jobs and local services. Projects need to fit well together and with the space which surrounds them. When renovating housing, or creating new housing, regions and local authorities need to take into account issues such as design, in order to both 'design out' crime and create quality areas, sustainable development and heritage, alongside the needs and aspirations of their local communities and the wider impact on cohesion.

1.9 Appreciation of a neighbourhood's history and heritage can be a key factor in attracting investors and residents. Utilising, rather than masking, a rich industrial or urban heritage can be a driver for recovery and change, creating desirable places to live with a strong identity to develop pride in the community. Therefore decisions on what to retain, refurbish or demolish should not occur until the physical, environmental, social and economic factors are considered.

1.10 Social Enterprises, including Housing Associations, occupy an important place in housing renewal in some Member States. They are able to provide stability and address issues of integration and accessibility of suburbs as well as giving support to communities under stress. Housing Associations as social housing providers have flexibility and a direct relationship to communities which can enable them to provide solutions to problems which fit the needs of the inhabitants. They are also employment creators and can work to attract public and private support for projects. [See Annex, example 1 & 2]

1.11 With climate change an increasing concern for government, energy efficient design of homes, providing affordable warmth, and thus tackling fuel poverty, are all important in the design of future housing. However, tackling poor insulation in older properties is also vital and can both provide employment and ensure energy conservation. One of the contributing factors driving many low demand areas is the poor quality of the built environment, of which housing is one component. When putting in place housing infrastructure planners need to consider environmentally sustainable options from the beginning. For example, installing geo-thermal heating facilities for water is not only energy efficient but will reduce heating costs. Avoiding waste in energy is essential for the EU to meet the objectives of the Kyoto Protocol. This question should be taken into account when undertaking urban renewal processes and housing interventions, especially in the framework of the EU Directive on Energy Efficiency of Buildings.

1.12 Housing design within neighbourhoods must consider how the spaces between houses will be used and how public spaces can assist in the interaction between people. For examples streets need to be built for people and not just seen as thoroughfares for cars. 'Home zones', where cars are secondary to the needs of pedestrians and residents is one example of spatial interaction. Utilising intermediate labour market schemes and horticultural training in such areas can change physical perception of an area, enhance the sense of well being of local residents and change under used land into more productive green space.

1.13 Planning neighbourhoods can already encourage people to adopt sustainable and healthy lifestyles, for example services and facilities at walking distance from homes, centres for recycling, parks and play areas and good access to public transport.

1.14 It is crucial on this front to communicate with the public and to involve them from the very outset of a redevelopment project in order to actively involve them in the process and to link the physical regeneration of the area with a regeneration of community spirit and social inclusion and solidarity. Above all, regeneration measures must benefit residents, and must not result in socially disadvantaged residents being driven out.

1.15 Training local people in the skills needed to improve their housing areas, develop green spaces and improve energy efficiency can provide solutions to the double problems of unemployment and disaffection, where neighbourhoods are in decline. [See Annex, example 5]

1.16 Often the focus of PPPs is on public infrastructure projects such as transport, waste management and utilities provision. Although the value of PPPs in urban regeneration has been recognised by some organisations, it could be developed further. A pre-requisite for this would be clarification of the Community legal framework regarding PPPs, since at the moment there is some uncertainty about the definition of 'in-house' entities, the classification of certain joint activities relating to social housing as PPPs and the classification of some low-cost housing bodies as institutionalised PPPs.

1.17 In varying degrees across Europe, urban regeneration poses a major challenge to city authorities and requires significant investment, whether financial, creative or managerial. Many cities are no longer able to meet these investment challenges on their own, whether this is because of shortages of public money, limited professional skill pools or simply because the associated risks are too great, or simply because there are legal restrictions (on taking out loans).

1.18 PPPs can assist here not only in providing access to additional capital finance, but also in helping to find the best solutions to bring each side of the partnership away from its purely traditional stakeholding role. The complimentary skills of private partners can offer project management and organisational simplicity to projects. Community organisations that are more flexible than formal municipal structures, close to informal networks and represent long-term interests of the local community can help provide efficiency and also help ensure public acceptance and support. Projects can therefore be delivered more rapidly and with greater long term sustainability.

1.19 However there is a risk that the entry of private financing can lead to an artificial inflation of prices in the housing market. This can have many adverse effects. Local communities can find themselves priced out of home ownership, thus forcing the break-up of communities with people having to move away from their local areas, families and support networks. This is where social housing can and should play a vital role. Social housing can reduce the impact of such inflation, and further provision can be made for local communities through shared ownership schemes, and the availability of low cost mortgages. These can retain existing residents, attract new residents to an area under stress, and provide a new economic stimulus for the local economy.

2. Social Dimension of Housing

General Measures in favour of access to housing for population

2.1 To assist the general population in accessing housing, efforts need to be made to have an adequate supply of homes for rent, encourage and assist people to become home owners and help them be able to maintain the physical fabric of their homes. Assistance can come in the form of reduction of administrative costs, maintaining low interest rates and tax incentives for certain groups, as well as facilities to access banking products. Incentives such as subsidies to maintain the facades of buildings and 'green' the front of buildings can also help in developing housing standards. [See Annex, examples 4, 5 and 6]

Measures for specific sectors of population

2.2 Building integrated communities across social, racial and faith divides, can often be met by meeting the housing needs and aspirations of different parts of the community. This can be in the form of mixed tenure possibilities, including shared ownership of housing and different sized housing allowing for extended family or single residence. The value of land can be used as a tool to create such low cost options, where the municipality is prepared to use its land holding for that purpose. The needs of faith groups, for example the requirement for running water for ritual washing, should also be taken into account when building new homes or allocating homes. Accessible, lifetime homes can also be important for disabled and older workers.

2.3 Citizens' housing choices may contribute to the concentration of people from ethnic background in particular localities. This is not in itself a problem, and there are many examples of

successful communities with high concentrations of residents from one ethnic background. But it is unfortunate that in some areas, a variety of black and minority ethnic communities are concentrated in poor quality private housing and impoverished members of the white community on social housing estates. Lack of interaction, partly as a result of physical segregation, may lead to fear and mistrust, multiplied as segregated housing leads to segregated schooling and leisure activities.

2.4 The pattern of economic and social disadvantage facing many minority or excluded communities means that many 'mainstream' regeneration strategies and programmes aim to tackle these problems as part of broad-based packages of interventions. Housing action must play a part within these programmes, and should also be included as part of broader consideration of the impact of intervention and investment in delivering successful regeneration.

2.5 It is important that housing areas reflect the culture of the communities who live there. Local landmarks such as community centres, places for religious worship, local markets or specialist shops are important for building communities. Organisations such as Habitat for Humanity can provide mechanisms for creating new housing that is open to all, but particularly those who have a religious objection to debt or mortgages, offering a way of realising home ownership by non traditional means.

2.6 Demographic change and workers mobility in the EU are both factors which have an effect on housing needs and demands. In some cities and regions more houses are left empty as populations have moved to find employment in other regions, with the consequent drop in population. New complications facing many member states are the phenomenon of older parents having families later in life with fewer children being born, and older people living longer, which results in a demand for more single-person living accommodation. Regions need to be aware of both demographic challenges and the effects of immigration and migration of workers, and adjust their housing strategies accordingly.

3. The Committee of the Regions recommends

3.1 The European Parliament to continue the debate launched with his initiative report ⁽¹⁾, and incorporate into the report the proposal for a European Charter for Housing adopted by the Urban-Housing Intergroup as the EU cannot constantly ignore the concerns of EU citizens regarding housing as a major element in the growth and productivity agenda.

⁽¹⁾ Draft report of the European Parliament on 'Housing and regional policy' (2006/2108(INI)) (rapporteur: Andria, Alfonso (IT/ALDE)).

3.2 That there is a recognition of the role housing plays in supporting social and economic growth. Decent housing within sustainable communities, contributing to a high quality environment are places where people want to live. Attracting people will attract investment and encourage sustainable economic growth.

3.3 The use of the JESSICA instrument for housing in the New Member states as a tool capable of complementing other ERDF initiatives for urban renewal and urban development. In this regard, the CoR recommends integrating housing in the sustainable urban development strategies that can be financed by JESSICA. The use of financial engineering can be very useful in the implementation of effective housing policies, particularly micro-credits for housing renewal and refurbishment which can be assisted through the JEREMIE initiative.

3.4 The New Member States to increase the financial resources at the disposal of local authorities in order to effectively deal with the problems of sustainable urban development and housing, press ahead with national housing strategies (programmes) to promote the construction of local authority and social housing, and to make investment available for the development of infrastructure.

3.5 That priority needs to be given to re-use of derelict sites, reclamation of Brownfield land to maintain more compact cities and prevent urban sprawl and encroachment into rural communities.

3.6 That the public be involved in urban renewal projects, especially in the redevelopment of run-down neighbourhoods where both community spirit and relations and integration between inhabitants need to be re-established. The experiences of EU-funded projects (such as INTERREG IIC POSEIDON) should be made accessible to the Member States and taken into account in this process.

3.7 That all Member States look at the role of training in building sustainable communities. Training local people in the skills needed to improve their housing areas, develop green spaces and improve energy efficiency can provide solutions to neighbourhoods in decline and constitute a new source of employment.

3.8 The CoR recalls with the conclusions of the Bristol informal Council on sustainable communities that it is necessary to increase the skills and the knowledge base of urban planners. In this respect, it calls on the Commission to take further initiatives, in particular in the field of cooperation and the transfer of

good practice and **calls for** a European network to be set up to capitalise on and share good practice in the use of intelligent energy in housing, and in energy efficiency education for residents.

3.9 Undertaking a revision of the Directive of the EU on the energy efficiency of buildings and a careful survey of its implementation in the Member States. Energy in housing can be also promoted through EU programs such as Intelligent energy for Europe or the CONCERTO initiative (7th Framework Programme) in the period 2007-2013.

3.10 Focusing primarily on educating the public in saving energy; the remaining demand must be met using renewable energies as a priority. To this end, the CoR recommends channelling more funds into research and awareness-raising in this area.

3.11 Including housing as an important element of any EU urban policy, in view of the Leipzig Informal Council of Ministers in charge of urban affairs that will take place in May 2007.

3.12 That a holistic view to planning is needed in order to optimise the physical relationship between landscape and buildings, homes, jobs and local services. Measures at local, regional and national level must ensure that land is available for social housing in particular, and that it is used for its intended purpose.

3.13 The consideration to the fact that housing supply must be linked to provision of public services and the infrastructure necessary for the provision of public services be put in place when new housing is built. Attention should also be paid to maintaining optimum population levels in order to be able to sustain essential services.

3.14 The role of Housing Associations is recognised as they have both the flexibility and the direct relationship to communities which can enable them to provide solutions to problems which fit the needs of the inhabitants.

3.15 The consideration of the role of housing in the context of demographic change and also in integrating immigrant populations in EU immigration policy, recognising the specific role that regional and local authorities can play in this field.

3.16 The recently created inter-service Task force of the Commission in charge of urban affairs to deal with housing as an important element of urban policies.

3.17 **Welcomes** the Commission's recognition, in its communication on social services of general interest, of the role played by social housing in implementing the Treaty's objectives to strengthen social cohesion and fundamental rights.

3.18 Calls on Member States to simplify and make transparent the administrative procedures concerning housing renewal.

3.19 The use of the URBACT network and the new initiative 'Regions for economic change' as a potential tool for the

exchange of expertise and best practice between cities and regions of the European Union.

3.20 That the European Union directive on energy efficiency should include the rehabilitation and regeneration of historical housing stock as a priority area for action with the aim of preventing the extension of built-up land, without first making use of all existing inhabitable housing stock, thereby avoiding the local burden of unnecessary new building.

Brussels, 14 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

APPENDIX

LIST OF EXAMPLES OF HOUSING PROJECTS

Consulting Communities

Example 1: Include is the partnership between a Housing Association (CDS), and Liverpool City Council, where neighbourhood management is undertaken by the partnership. Staffs are seconded into the company by both partners, and residents in the partnership area hold regular meeting with the partnership to ensure that the community is consulted on all matters relating to their area. Involving communities in decisions about the areas where they live in this way, can result in empowerment of local people, pride in their areas of residence and sustainable urban renewal.

Example 2: A further example of consultation is the Anfield Regeneration project in Liverpool, where some 19 000 households — public, private and social housing tenures — have been an integral voice in the renewal of their neighbourhood. This is an example of housing renewal and refurbishment stimulating private investment in a run down inner city area. Structural funds will provide funding for training and environmental improvements that will attract some EUR 20m of public sector and EUR 300m of private sector monies to the area.

Innovative Approaches to Housing Market Renewal

Example 3 Merseyside is at the forefront of an innovative approach to housing policy, which places it at the very heart of regional regeneration, as part of the Government's new Housing Market Renewal Initiative.

As one of nine 'Pathfinder Areas' within the UK, Merseyside will now be able to meet the challenge of housing market renewal by accessing the national Housing Market Renewal Fund, which has been allocated £720 million over the next three years. Future funding will be determined through subsequent Government spending reviews.

The Merseyside Pathfinder, New Heartlands, is a partnership spearheaded by three Merseyside local authorities — Liverpool, Sefton and Wirral, together with Local Strategic Partnerships (LSPs), the North West Development Agency and English Partnerships. It covers 130,000 properties in some of Merseyside's most disadvantaged communities

Example 4: There is a scheme in Liverpool to encourage people who come to study in an area to stay and work and build roots in the city by offering assistance to access the housing market. (New Heartlands). Similar schemes exist for other young workers and families. For older residents a scheme now exists where accredited 'handymen', carry out minor repairs to property at no cost to those on restricted incomes, particularly the elderly.

Example 5: Another scheme worth noting is Athens' Prosopsi (facades) project, aimed at encouraging owners of flats to renovate and restore their facades using long-term loans facilitated by the council; this scheme has bolstered community spirit and raised the quality of life in the neighbourhood. Originally linked with the Athens 2004 Olympics, the scheme has been extended and is now being promoted by the government nationwide.

Example 6: Italy also has some interesting self-build projects in which the local council makes land available to low- to mid-income families — half of them immigrants from other countries and from different ethnic backgrounds — who take out loans at favourable rates and build their own homes themselves, paying for them by modest monthly instalments.

Example 7: Integration housing project in Vienna. About 30 % of people living in Vienna have a migration background (as first- or second-generation migrants, from the former Yugoslavia and Turkey in particular). For the last few years, subsidised housing construction in Vienna (about 6 000 new units per year) has included 'integration projects'. Usually, the developers are non-profit-making residential construction companies. Support is conditional on at least half of the new housing units being allocated to migrants. Evaluation of such projects indicates that both Austrian-born residents and migrants are very satisfied with them. Integration housing projects therefore significantly help to achieve a social and ethnic mix of residents and avoid conflict.

Integrated approach and regional initiatives

Example 8: Neighbourhoods in crisis in Cataluña. This program is co-funded by the ERDF, the regional Government of Catalonia and the local authorities involved. The objective of the program is to deal with the structural problems of certain deteriorated neighbourhoods detected in the region but mainly old town centres, housing states and unplanned-housing marginal districts. The problems addressed are deficiencies in town planning, weak economic and commercial structure and social problems (ageing, low income levels, low educational levels, decline in the numbers of inhabitants, and high concentrations of groups with special needs).

The tool used has been to articulate a Fund to renovate these districts integrally while fostering cooperation among the authorities involved. An integrated approach has been used, with complementary measures on public and green spaces, renovation of common parts of buildings, provision of amenities for common use, promotion of IT, gender equality and improvement of the accessibility and the environment of the districts.

At the end of the period (2004-2007) it is expected that 60 districts will benefit from support, with a total investment of EUR 800 million.

Skills and Housing Renewal

Examples in Liverpool, Brussels and Harlem in the United States provide good models in such ventures, providing training for those without skills, employment opportunities for the exercise of those skills and a means of rebuilding local economies as a result. Liverpool Housing Action Trust is one such model.

Example 9: 'Soft urban renewal' in Vienna. Every year, buildings with some 10 000 flats are renovated and improved, with the help of generous government grants. Flats are thoroughly overhauled to raise housing standards (e.g. by adding bathrooms and linking them to distance heating networks). There is considerable emphasis on involving residents (who are usually tenants). The aim is to substantially improve conditions in both public- and private-sector flats, without driving out existing tenants, who are often socially disadvantaged. The renovation programme in Vienna has been running for about 30 years and is the largest of its kind in Europe. It has already received the UN-Habitat Best Practice Award twice.

Example 10: Construction demands a high level of specific skills. Merseyside in England's Northwest funded a project in its Objective 1 programme 2000-06 in which Structural Funds have been used to assist in developing the skills needed to build housing for the community. Merseyside Construction Initiative received European funds to train local people, previously unemployed in construction and building skills which has helped meet the employment needs of the city. In some cases people have then worked on the building of homes for their own neighbourhoods.

A number of Intermediate Labour Market initiatives take those who are long term unemployed and give them the opportunity to learn through working, thereby tackling worklessness. The Green Apprentices scheme in Knowsley is one such. Financed in part by Structural Funds, it offers local young people the opportunity to work within their own area, on a graduated skills based programme which can lead to full apprenticeships and qualifications.

National Initiatives

Example 11: The UK Decent Homes Initiative aims by 2010 to bring all social housing into decent condition, which means a home should be warm, weatherproof and have reasonably modern facilities. Most of the improvements are taking place in deprived areas, and also aims to increase the proportion of private housing in decent condition occupied by vulnerable groups.

Since 2001 the number of 'non-decent' homes in the social sector has been reduced by over 50 per cent. However the aim is to make all council and housing association housing decent by 2010. It also wants to improve conditions for vulnerable households in privately owned housing, particularly those with children.

Sustainable urban design and energy efficiency

Example 12: Following the Second World War, Warsaw (Poland) needed to rebuild its housing stock very quickly to provide for a rapidly growing population. The Natolin Wyzyny Housing Estate is one example of the type of housing estates built. It is characterised by high, multi-storey buildings, a monotonous spatial structure and large areas of open space. Reconstruction and privatisation of the estate started in 1994. Reconstruction measures included adding heat insulation to building facades, modernising heating and plumbing systems and introducing metering systems for individual consumption. A state subsidy of 920 000 ECU was granted to insulate the facades. By 1998, about 60 % of dwellings had been privatised and 90 % of the housing stock renovated or reconstructed. In addition, the functional patterns of buildings were changed to provide a mixed use pattern and create sustainable neighbourhoods rather than the original uniform housing blocks that provided almost no services to residents. Significant new volumes of retail space, shops and office space were created. The reconstruction project has created a more sustainable community that is an attractive place to live in with high standards of energy efficiency. (Source: European Commission).

Example 13: Renovating residential heating systems in Vienna (Thewosan). In order to substantially reduce energy consumption, particularly in housing built during the 1960s, 1970s and 1980s, and thus help to achieve the Kyoto objectives, the City of Vienna is supporting the renovation of residential heating systems. So far heating systems have been renovated in buildings with around 50 000 flats; in most cases, savings in energy consumption amount to over 50 %. These projects are therefore very popular with residents too, as the subsidised low cost of renovation is measured against clear savings in heating costs. Heating renovation in both public and private housing is eligible for support.

Opinion of the Committee of the Regions towards a future Maritime Policy for the European Union

(2007/C 146/03)

THE COMMITTEE OF THE REGIONS

- considers that the overall objective of the future EU maritime policy is to recognise and preserve the great potential of Europe's seas and to design an active maritime policy in such a way that future generations can also share in the environmental, economic, biological and cultural wealth of the sea;
- requests the Commission to present a European Maritime Action Plan which is to include, among others, the following actions:
 - to set up a catalogue of existing national, regional and local best practice examples, particularly with regards to regional economic clusters, research networking, public-private sector cooperation, spatial planning and good governance and to promote existing best practise examples and their transfer to other regions or entities;
 - to create a European maritime platform in which a regular, efficient and resource-saving exchange of European, national, regional and local best practice examples can be supported and in which the Commission and the Committee of the Regions are included;
 - to support the use of the renewable sources of energy identified in the Green Paper, inter alia offshore wind energy and wave energy and including further research and innovation in this sector;
 - to work out in detail to what extent individual economy sections are currently supporting European competitiveness and innovation, especially in view of the goals and priorities established in the Lisbon Agenda;
 - to further clarify how the Thematic Strategy for the Marine Environment and the Marine Strategy directive will be integrated in the future overall maritime policy;
 - to examine the option of revising the EU financial system towards one single simplified system for all or most of the maritime issues within a European Coastal and Island fund.

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission of 7 June 2006 — Towards a future Maritime Policy for the Union: A European Vision for the Oceans and Seas — COM(2006) 275 final;

Having regard to the decision of the European Commission of 7 June 2006 to consult it on this matter under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to its Bureau's decision of 25 April 2006 to instruct the Commission for Sustainable Development to draw up an opinion on the subject;

Having regard to Articles I-13 and I-14 of the Treaty establishing a Constitution for Europe ⁽¹⁾, which refers to aspects of maritime policy;

Having regard to the Communication from the Commission of 26 January 2005 on the Strategic objectives 2005-2009 ⁽²⁾, which refers to the particular need for 'an all-embracing maritime policy aimed at developing a thriving maritime economy and the full potential of sea-based activity in an environmentally sustainable manner';

Having regard to its own-initiative opinion of 12 October 2005 on the 'EU maritime policy — a question of sustainable development for local and regional authorities' ⁽³⁾;

Having regard to its opinion of 26 April 2006 on the Directive of the European Parliament and of the Council establishing a framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive) COM(2005) 505 final — 2005/0211 (COD) and on the Communication from the Commission to the Council and the European Parliament — Thematic Strategy on the Protection and Conservation of the Marine Environment COM(2005) 504 final ⁽⁴⁾;

Having regard to the Recommendation of the European Parliament and of the Council of 30 May 2002 concerning the implementation of integrated coastal zone management in Europe ⁽⁵⁾;

Having regard to the agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982;

Having regard to its draft opinion (CdR 258/2006 rev. 1), adopted on 27 November 2006 by its Commission for Sustainable Development (rapporteur: Mr Uwe Döring, Minister for Justice, Employment and European Affairs of Schleswig-Holstein (DE/PES));

Whereas:

1. oceans and the seas constitute an important basis for life on earth, maintaining a high level of biodiversity, helping to regulate the climate, providing important resources such as food (fish, seaweed, seafood etc.), energy and minerals as well as serving as a main transportation carrier, especially for the intercontinental trade;
2. Europe is a maritime continent and needs an integrated maritime policy in the spirit of the preamble of the United Nations Convention on the Law of the Sea stating, inter alia, that 'issues relating to the law of the sea' are to be settled 'in a spirit of mutual understanding and cooperation', that 'the problems of ocean space are closely interrelated and need to be considered as a whole', that 'international communication' should be facilitated, and that an 'equitable and efficient utilisation of their resources' and 'the conservation of their living resources, and the ... protection and preservation of the marine environment' should be promoted;
3. a good European maritime policy has to take into account the complex and often divergent realities existing within the different geographical areas of Europe, with special emphasis being given to the diversity in nature and the availability of resources, as well as the extent of the utilisation, sustainability and interaction thereof;
4. the seas and oceans represent a value for humanity in themselves and therefore their sustainable exploitation and environmental protection should be objectives towards which the European Union must work actively;

⁽¹⁾ OJ C 310 of 16.12.2004, p. 1.

⁽²⁾ COM(2005) 12 final.

⁽³⁾ CdR 84/2005.

⁽⁴⁾ CdR 46/2006.

⁽⁵⁾ OJ L 148 of 6.6.2002, p. 24.

5. regional and local authorities in particular in coastal areas have a broad range of experiences resulting in a strong regional and local interest in the development of a future maritime policy;

unanimously adopted the following opinion at its 68th plenary session, held on 13 and 14 February 2007 (meeting of 13 February):

1. Views of the Committee of the Regions

The Committee of the Regions

General considerations

1.1 **welcomes** the Green Paper which attempts to provide a holistic outline of the main elements for establishing a common maritime policy;

1.2 **welcomes** the holistic approach, integrating major sectoral policies such as transport, industry, ports, fisheries, energy, environment and tourism in a common European Maritime Policy;

1.3 **acknowledges** the Commission's view that this holistic approach has to be mirrored in an integrated governance approach on the European, national, regional and local level;

1.4 **emphasises** that the various aspects of the European maritime policy must address the need for international coordination in this matter, in order to ensure the effectiveness of sustainable exploitation and environmental protection of the seas and oceans;

1.5 **supports** the Green Paper's determination that the future European maritime policy takes into account the criteria established through the Lisbon Agenda and the Thematic Strategy on the Protection and Conservation of the Marine Environment;

1.6 **welcomes** the broad and long lasting Commission consultation process involving all relevant stakeholders and citizens, whose views should be taken into account in the formulation of the future European maritime policy;

1.7 **acknowledges** that importance is given to the collection and transparent dissemination of information as a precondition for the effective bringing together of diverse sectoral policies and interests;

1.8 **continues to offer** to play a significant partnering role in the ongoing consultation process launched by the Green Paper and **underlines** the utility of a long-term publicity campaign involving local and regional authorities thereby ensuring that the European citizens who will be most directly affected by such a new policy not only understand what is being proposed but are also encouraged to put forward their views, ideas and concerns;

1.9 **appreciates** the importance acknowledged by the Commission to the role of the regional dimension in the management of maritime activities and **underlines** the relevance of regional and local authorities in shaping and implementing the future European maritime policy;

1.10 **believes there is a need** to give due attention to specific local, regional and eco-regional factors within the European larger and smaller sea basins such as the Baltic, the Black Sea, the English Channel, the Mediterranean, the North Sea, and the Northern Atlantic as well as the seas which surround the EU's outermost regions: the Atlantic Ocean and its African coast, the Caribbean and the Indian Ocean, which are the seas which give the EU its global presence;

1.11 **welcomes with favour** the view of the Commission on the local and regional governments' role in the implementation of the principles and objectives established in the new maritime policy and **reaffirms** its willingness to be associated in the elaboration of the future policy priorities and be regularly informed on the developments of such a policy;

Time for a second step towards the European maritime policy

1.12 **underlines** that this draft opinion addresses two basic questions: 'How can a new European maritime policy be implemented?' and 'Is there an added value of a future integrated approach versus the present sectoral maritime policy?' that have to be answered with priority;

Implementing the new European maritime policy

1.13 **continues to consider** that the overall objective of the future EU maritime policy is to recognise and preserve the great potential of Europe's seas and to design an active maritime policy in such a way that future generations can also share in the environmental, economic, biological and cultural wealth of the sea;

1.14 **sees** the need for collecting and proper analysing sufficient data and ensuring the access to information thereby enabling policy makers and stakeholders to make sound decisions based on a steadily improving scientific understanding, drawing on excellence in marine research, technology and innovation;

1.15 **supports** the participation of the relevant players from the different sectoral policy areas concerned, and **welcomes** the Commission's efforts towards making the general public more aware of the importance of the maritime sector in general and of this policy in particular;

1.16 **considers** that the implementation of an integrated European maritime policy should not hinder the parallel progress of the individual sectoral maritime policies, which should be developed in an environmentally sustainable way;

1.17 **stresses** that a European maritime policy must be defined and implemented on the basis of the principles of subsidiarity and proportionality;

1.18 **supports** the idea of European territorial pacts and **trusts** that these pacts will make it possible to deliver the EU's key political goals and priorities flexibly, effectively and on a voluntary basis and to secure the effective management of tripartite contracts and agreements as initially proposed by the European Commission so as to arrive at solutions that reflect grassroots concern;

1.19 **favours** the development of concrete measures for the attainment of the major objectives described in the green paper such as the wellbeing of the people and communities, the sustainable use of the maritime resources, the development of good maritime governance and the increased awareness by Europeans of the European maritime heritage, while preserving the local and regional cultural diversity;

1.20 **considers** that a *European Maritime Action Plan* with a set of concrete bench marks including a three step approach should be set up: for each bench mark to define an objective, a detailed description and a proposal on implementation whereas the latter should be ideally taken by 2008, and the proposals for the financial measures by 2007.

2. The Committee of the Regions' recommendations

The Committee of the Regions

requests the Commission to present a European Maritime Action Plan which is to include the following actions:

2.1 *Regional expertise for the maritime policy*

2.1.1 to set up a catalogue of existing national, regional and local best practice examples, particularly with regards to regional economic clusters, research networking, public-private sector cooperation, spatial planning and good governance and to promote existing best practise examples and their transfer to other regions or entities;

2.1.2 to encourage and support regions in the development of such best practice examples and therewith to develop European centres of maritime excellence;

2.1.3 to strengthen the role of the coastal regions and islands as major defining, implementing and evaluating entities;

2.1.4 to create a European maritime platform in which a regular, efficient and resource-saving exchange of European, national, regional and local best practice examples can be supported and in which the Commission and the Committee of the Regions are included;

2.1.5 to evaluate and coordinate specific strategy plans, along the lines of those established within the Thematic Strategy on the Protection and Conservation of the Marine Environment advocating the setting up of wider marine regions, the specific strategy plans for the European oceans, the North East Atlantic ocean and the Arctic Ocean and the semi-enclosed larger and smaller sea basins such as the Mediterranean, the Baltic, the North Sea, the Black Sea and the English Channel, that are suggested by the Commission to be prepared by the Member States. HELCOM has already begun the work with an action plan for the Baltic Sea, an ambitious and extensive project that can be seen as a pilot-project or study for the Marine strategy, which is why such a plan should be carried out in cooperation with them;

2.1.6 to support thematic regional networks aimed at developing common projects in the field of transport, strengthening and re-qualification of infrastructures, environmental protection, coordination of the fisheries activities, and commercial cooperation and to take the already existing fisheries councils into account;

2.2 *Sound data basis and maritime research*

2.2.1 to especially improve the regional data basis at the regional and local level on the basis of GIS-related systems and to include spatially integrated land and sea based data from satellites, planes and buoys such as local sea levels, movement of ships or climate data resulting in Ocean Monitoring systems;

2.2.2 to raise data on the economic and environmental aspects of individual marine resources and the social impact thereof; to introduce a standardised European marine register system;

2.2.3 to monitor fishery stocks in Community waters and migratory species, and to apply a data collection model to the exploitation of fishery stocks by encouraging the construction of a telematics network for fish markets linked to databases;

2.2.4 to follow the proposal of setting up a European Marine Observation and Data Network (EMODN) underlining the view that this Network should be used to integrate existing and new maritime data, thereby enabling a long-term monitoring and a high quality risk assessment process, particularly with respect to such issues as safety in maritime transport, natural resource exploration and exploitation and protection of the marine environment and its biodiversity;

2.2.5 to take the integrative approach within future research schemes much more in consideration;

2.2.6 to support closer linkages among the existing European research institutes towards a network of 'European Oceans Research Institutes' in order to further encourage joint European maritime research. This would provide for top quality maritime research and make Europe a world leader in this field;

2.2.7 to pool research vessels and large-scale equipment within a European Maritime research network for uniformity of measuring systems, cost effectiveness and quality improvement and to support this approach by a joint procurement that could be promoted through the European Investment Bank;

2.2.8 to support the use of the renewable sources of energy identified in the Green Paper, inter alia offshore wind energy and wave energy, provided that they are compatible with other socio-economic and environmental activities and interests, and including further research and innovation in this sector;

2.2.9 to explore CO₂ sequestration in exhausted marine oil and gas fields;

2.2.10 to strengthen efforts in respect of the development of scientific and technological breakthroughs in the field of marine research, such as blue biotechnology, navigational guiding systems and tourist activities, thereby addressing present and potential future threats particularly with regards to climate change, dwindling fish stocks, unsustainable tourism and the changing demographic patterns within coastal populations, and consequently to formulate and promote easily accessible incentives promoting research and development in such spheres of activity;

2.2.11 to formulate incentives to promote research and development in the field of sustainable fish farming, laying down production protocols to which producers must adhere, in the conviction that fish constitutes a key basic foodstuff and in view of the fact that fish farming is a highly resource-intensive process;

2.2.12 to intensify the analysis of potential threats to the European marine environment particularly through climate change and the ensuing rise in sea levels as well as in monitoring the tectonic activity beneath sea level, and to identify adequate responses thereto;

2.2.13 to encourage the implementation and development of production protocols for organic aquaculture;

2.2.14 to encourage and promote research to identify parameters to help define the level of environmental and social sustainability of all human activities (fisheries, aquaculture, sport, tourism and leisure, transport, energy etc.) involving use of maritime resources;

2.3 *European excellence in maritime economy to be further developed*

2.3.1 to put forward a strategy on how the European Union will hold and extend market shares within individual maritime economy sections in the world wide competition taking sustainability, cost and technology factors into account;

2.3.2 to work out in detail to what extent individual economy sections (e.g. energy, transport, tourism, fisheries and blue biotechnology and shipbuilding) are currently supporting European competitiveness and innovation, especially in view of the goals and priorities established in the Lisbon Agenda;

2.3.3 to present scientific data on whether and to what extent these individual economy sectors will contribute

- a. to increase the European competitiveness in the future,
- b. to create more jobs in the future European labour market,
- c. to use resources and to enhance efficiency of this use,
- d. to the further integration of these economic sectors;

2.3.4 to encourage the further development of the interface between research and industry, in particular maritime clusters. The establishment of a European maritime cluster conference could serve as an ideal forum in which marine scientists and industry can meet and interact on a regular basis;

2.3.5 to strengthen the role of transport in the framework of the future maritime policy, against the background that transport is one of the most important and cross-cutting maritime activities;

2.3.6 to support the notion of the identification of motorways of the sea, noting that this ambitious project will increase the volume of maritime traffic in European seas and oceans by their completion in 2010. For this reason, asks Commission to spur Member States to implement a more attentive environmental monitoring of the state of pollution on the main maritime routes and thinks that the new GMES technology could be successfully employed for this purpose;

2.3.7 to reinvigorate the efforts for completing the sea terminals, starting from those with clear inter-modal characteristics against the background that the realisation of some TEN-T projects affecting the maritime dimension are lagging behind;

2.3.8 to improve port infrastructure and transport links with the islands, specifying and implementing the necessary measures so as to include the outermost regions, and to ensure their access to continental markets, whilst ensuring that the frequency and pricing of maritime goods and passenger transport services, both with the continent and between islands within the same archipelago, are acceptable, and to step up the development of secondary networks in such a way that islands and, in particular, the outermost regions are fully connected to the 'motorways of the sea' without unnecessary delays;

2.3.9 to continue to work together with Member States and marine regions to strengthen, improve and develop shipping routes and to ensure that they are given proper consideration as part of the trans-European networks;

2.3.10 to forward a study on the advantages and disadvantages for the setting up of a common European flag;

2.3.11 to strengthen the role of the strategic ports as a priority for the development of the future maritime policy and in parallel to commission a study on the inter-connections between major and secondary ports and on the possible delocalisation and de-concentration of certain port activities towards smaller centres;

2.3.12 to set up a network of European maritime vocational schools for improving training and education of seafarers and formalising career paths as a tool for ensuring that Europe is equipped with a professional and qualified workforce and to forward a proposal for education and life long learning in all maritime sectors not only on sea;

2.3.13 to ensure the existence and enforcement of Europe wide minimum standards for employment and working conditions in maritime transport and all other maritime sectors and to prevent any abusive practices;

2.3.14 to develop a new framework for the establishment of a coordinated approach towards a sustainable maritime tourism in the EU, especially reflecting the needs of the regions, noting that maritime tourism is one of the strongest contributors to maritime economies with excellent growth potentials but which is also a contributor to the increase in coastal pollution, the unsustainable use of resources and the deterioration of the natural coastal environment;

2.3.15 to facilitate the further development of off shore wind farms in the EU. i.e. to foster projects showing up solutions dealing with the difficulties of multiple responsibilities on the national, regional and local level especially for the cable lines or with combined uses e.g. wind turbines and mussel farms;

2.3.16 to urgently forward a proposal on the development of new technological breakthroughs in the field of other renewable ocean energy sources, such as tidal flows or oceans streaming in which spheres of activity the EU could develop a strategic leadership at the global level;

2.3.17 to regulate the extraction activities of traditional maritime energy resources such as oil and gas on the basis of well defined environmental security standards and to implement effective monitoring of such activities;

2.3.18 to develop scenarios for coastal protection measures that may be necessary, based on the various forecasts for the rise in sea levels and changing weather conditions; existing scenarios like those set up from the Wadden Sea Forum should be considered;

2.3.19 to foster international agreements to ensure sustainable exploitation of shared fishery stocks (migratory species);

2.3.20 to implement research projects to develop anchoring systems which, in areas of particular value, can prevent the destruction of *Posidonia oceanica* plantlife;

2.3.21 to establish a coastal public structure integrating tasks such as environment inspectorates, frontier control, sea rescue services, fisheries inspectorates, health assistance, civil protection, for people working at sea;

2.4 Marine environment to be protected for future generations

2.4.1 to show how the existing environment can be successfully protected and restored as well as to define and to implement protection criteria at a common European level and to ensure the quality of coastal and off shore ecosystems and habitats;

2.4.2 to further clarify how the Thematic Strategy for the Marine Environment and the Marine Strategy directive will be integrated in the future overall maritime policy, keeping in view the revised time frames suggested by the Committee of the Regions. In order to be as efficient as possible, these time frames should be coordinated with other major EU programs like the structural and the agricultural funds;

2.4.3 to coordinate and assist the marine regions in identifying ways for the successful protection of the existing environment and in particular in establishing trans-regional and/or trans-national marine protection zones and developing concrete proposals for the significant reduction of radioactive discharges, of pollution caused by ships (in particular the gases emitted, discharges and ballast water, as the latter can contribute to the introduction of alien species) and of the damage caused by human activity to marine habitats of special interest referred to in the Habitats Directive, and to support efforts ensuring the quality of coastal and off shore ecosystems and habitats, also keeping in view the significant impact which economic activity can have on the state of the marine environment, particularly through the discharge of nutrients into the sea;

2.4.4 to work out in detail where and how environmental friendly technology can replace standard technologies and to provide financial incentives and assistance programmes encouraging and facilitating such a shift;

2.4.5 to intensify the pressure on, and to seek legal sanction against, those who are in breach of legal requirements and standards particularly with respect to the illegal dumping of waste at sea, illegal fishing, or the illegal transportation of persons or goods;

2.4.6 to better secure maritime routes and investigate the possibility to introduce mandatory pilotage for oil tankers and other ships with dangerous cargo and to investigate the possibility to introduce general mandatory pilotage in narrow shipping passages;

2.4.7 to support initiatives aimed at upgrading or improving port facilities for reception of oily waters and to favour technological innovations in shipping and the handling of oil, also in order to prevent the introduction of invasive exotic species;

2.4.8 to support and encourage international agreements to conserve commercially viable fish stocks of highly migratory species, in the awareness that applying conservation measures to Community fleets alone has no appreciable effect for the purposes of protection;

2.4.9 to facilitate the establishment of a network of protected European maritime zones and of a monitoring network, particularly between the Member States of the European Union and neighbouring countries, in order to promote exchanges of experience and best practices in the management field;

2.4.10 to support initiatives for the establishment of protocols for the management and handling of ballast water from ships, as this can be a source of the introduction of alien species, which can contribute to a loss of marine biodiversity;

2.5 Funding and legal instruments

2.5.1 to prepare a catalogue of existing individual funding instruments for maritime policies at European level, i.e. the structural funds, the European Agricultural Fund for Rural Development Regulation, the European Fisheries Fund, the life-long learning fund or the 7th Community Framework Programme for Research & Development and to study their effectiveness with a view of determining whether such instruments need to be simplified or better advertised;

2.5.2 to present a compendium of those projects in the maritime sector already funded by the Commission;

2.5.3 to take the integrative approach within future funding schemes (from 2014 onwards) much more in consideration;

2.5.4 to examine the option of revising the EU financial system towards one single simplified system for all or most of the maritime issues within a European Coastal and Island fund;

2.5.5 to provide financial support for areas of particular biological, environmental and architectural value experiencing severe problems, whose economies depend largely on maritime activities;

2.5.6 to review the existing EU legal framework from a more maritime perspective and to address bottlenecks and missing links in the integration potential of policies, and the better regulation of the existing legal framework;

2.5.7 to devise and apply specific financial instruments in areas of high environmental and cultural value, typified by small-scale inshore fishing, sometimes combined with family-type farming, where existing financial instruments cannot be applied because their economic and size-related requirements are not met by such small-scale undertakings;

2.5.8 to introduce financial instruments for coastal regions and islands to help offset the costs incurred in actions carried out by such regions in upholding the general interest of the European Union, particularly in tackling drugs and people trafficking, illegal immigration and marine pollution and supervising Exclusive Economic Zones;

2.5.9 to develop further international cooperation and implementation of international law on the basis of UNCLOS;

2.6 Integration of the maritime space including islands, the hinterland, peripheral and outermost regions

2.6.1 to explore how spatial planning and integrated coastal zone management can be successfully applied, highlighting the special case of islands, to support the integration of sectoral policies in areas that might be required for different uses;

2.6.2 to develop a strong geography-related tool for the maritime sector of an instrument similar to the land-based INSPIRE spatial information system;

2.6.3 to urgently address the need for the setting up of a European coastguard service, identifying the particular needs with the different marine regions;

2.6.4 to identify ways for the better use of EU financial instruments towards (i) in the short term assisting those Member States or Regions that are directly affected by the ever-growing wave of illegal immigration, and (ii) in the longer term to assist third countries to attain a level of political and economic development thereby stemming the demand for their nationals to seek illegal entry into EU territory. In this context, **supports** the European Parliament's Budgets Committee proposal for the setting up of an Agency specifically responsible for tackling the issue of illegal migration and asylum seeking by third country nationals, which is to be situated in Malta;

2.6.5 to offer greater levels of support to regional and local authorities in addition to the national authorities in managing new migrants once they are on their territory;

2.6.6 to take into consideration the inland dimension and the interactions between inland areas, inland waterways and rivers, coastal areas and the sea, thereby making the various existing linkages transparent;

2.6.7 to ensure further development and implementation of the highest standards of ship safety in European waters to avoid shipping accidents on the high seas, in coastal areas and in ports;

2.6.8 to include specific programmes and measures for outermost regions and islands, given their particular conditions and difficulties, particularly in such spheres of activity as

- a. the preservation of the fishing industry, through the sustainable management and exploitation of its reserves, by adopting measures aimed at renovating and modernising its fishing fleets and by promoting actions in support of small-scale and coastal fishing;
- b. the strengthening of the tourism economy through alternative forms of high-quality and sustainable 'maritime tourism'

to help overcome the seasonable nature of their economies; these would include cultural tourism, nautical tourism, social tourism or rural tourism, amongst others;

- c. and the management and control of the environmental pressures associated therewith, by implementing environmental management plans in order to preserve islands' coastlines and the quality of their waters and to improve the management of their waste;
- d. and the better establishment of communication and transportation links with the mainland;

2.6.9 to develop short- to medium-term strategies to curb the increasing abuse of Europe's oceans and seas, not least with respect to the illegal trafficking of human beings into Europe;

2.6.10 to analyse the operational disadvantages arising from the varying degrees of remoteness of maritime regions, drawing up maritime transport policies based on the concept of cohesion, in order to improve the integration of these regions into Europe;

2.6.11 to promote practical trials of integrated management of coastal areas through which organisational structures and procedures can be set up and promoted involving mechanisms for coordination between governments, as well as to promote social participation in the adoption of decisions affecting coastal areas;

2.7 *Public awareness and maritime heritage*

2.7.1 to include a proposal to systematically raise public awareness of the maritime issue within an ongoing process including aspects of the common maritime tradition, culture and identity in Europe;

2.7.2 to forward a proposal on how the maritime dimension could be integrated within the upcoming European year of the intercultural dialogue 2008;

2.7.3 for the purpose of improving public awareness, to develop a systematic strategy for a modern maritime policy in order to have it firmly embedded at grassroots level and to ensure its actual implementation.

Brussels, 13 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the European Institute of Technology

(2007/C 146/04)

THE COMMITTEE OF THE REGIONS

- suggests that the EIT governance structures are developed to balance the need for independence for the EIT for its day to day running, with the need for Member States and the EU Institutions to have the ability to safeguard the interests of the EU, for example through a quinquennial review by a Member State panel;
- regrets that the proposal puts forward inadequate fresh funding for the research community. It insists that the existing EU funding streams for research are not top sliced but instead additional private sector contributions are specified and ensured by clear mechanisms. The Knowledge and Innovation Communities (KIC) should be encouraged to become financially sustainable over time and also have their budget regularly reviewed against their performance;
- recommends that in its initial stages, the EIT does not award its own degrees, rather develops a brand or label that is awarded by KIC partner universities;
- recommends that the selection of KIC partnerships should take account of both their excellence and also demonstrated potential for excellence in education, research and innovation. It calls on the European Commission to specify how these criteria will be measured;
- recommends to instruct the EIT to give a high rating to KIC applications that have strong partnerships with structured research communities and engagement with their regional and local authorities/bodies. SMEs should explicitly be listed as potential partner organisations.

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the European Council on *The European Institute of Technology: further steps towards its creation*, (COM(2006) 276 final);

Having regard to the *Proposal for a Regulation of the European Parliament and the Council establishing the European Institute of Technology* (COM(2006) 604 final — 2006/0197 (COD));

Having regard to the decision of the European Commission of 8 June 2006 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 the Bureau of 25 April 2006 to instruct its Commission for Culture, Education and Research to draw up an opinion on this subject;

Having regard to the Communication from the Commission to the Council and the European Parliament: *Delivering on the modernisation agenda for universities: Education, Research and Innovation*, (COM(2006) 208 final);

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)*, (COM(2005) 119 final — 2005/0043 (COD) — 2005/0044 (CNS)), (CdR 155/2005 fin) ⁽¹⁾;

Having regard to its Opinion on the *Proposal for a Decision of the European Parliament and of the Council establishing a Competitiveness and Innovation Framework Programme (2007-2013)*, (COM(2005) 121 final — 2005/0050 (COD)), (CdR 150/2005 fin) ⁽²⁾;

Having regard to its Opinion on the *Communication from the Commission: Mobilising the brainpower of Europe: enabling universities to make their full contribution to the Lisbon Strategy*, (COM(2005) 152 final), (CdR 154/2005 fin) ⁽³⁾;

Having regard to the Communication from the Commission to the European Council: *Implementing the renewed partnership for growth and jobs Developing a knowledge flagship: the European Institute of Technology*, (COM(2006) 77 final);

Having regard to the Communication from the Commission to the Spring European Council: *Working together for growth and jobs — a new start for the Lisbon Strategy*, (COM(2005) 24 final);

Having regard to the Presidency Conclusions of the Brussels European Councils on 23/24 March and on 15/16 June 2006 on the European Institute for Technology;

Having regard to the draft opinion adopted by the Commission for Culture, Education and Research on 28 September 2006 (CdR 273/2006 rev. 2), (Rapporteur: **Mr Keith Walters**, Member of Cambridgeshire County Council (UK/EPP));

Whereas:

1. Positive steps forward have been taken with the Commission's second Communication and the proposal for a regulation on the subject of the creation of a European Institute of Technology;
2. Although it is not possible that all research institutes in the EU will participate directly in the EIT, the aspiration of all to become part of it through a Knowledge and Innovation Community will change the research environment for the better through the strengthening of the knowledge triangle of education, research and innovation;
3. The improvement of the knowledge triangle, and in particular the development of strong partnerships between business and research, will make a significant contribution to the improvement of the EU's competitiveness;
4. Balanced regional development can be enhanced if the EIT's Knowledge and Innovation Communities, which will centre around the best teams working with businesses, work together in synergy with regional and local economic development bodies;

adopted the following opinion at its 68th plenary session, held on 13-14 February 2007 (meeting of 13 February):

⁽¹⁾ OJ C 115, 16.5.2006, p. 17.

⁽²⁾ OJ C 115, 16.5.2006, p. 20.

⁽³⁾ OJ C 81, 4.4.2006, p. 16.

1. General views

THE COMMITTEE OF THE REGIONS

1.1 **welcomes** this second Communication as a positive contribution to the debate on the establishment of a European Institute of Technology (EIT) and as a contribution to delivering Lisbon;

1.2 **welcomes** the balanced approach taken by the Commission in the preparation of the legislative proposal including the change of title for 'Knowledge Communities' to 'Knowledge and Innovation Communities' (KIC) and it is **pleased to note** that local and regional authorities are included as potential KIC 'partner organisations', but has concerns with some of the detail;

1.3 **supports** the initiative which is designed to strengthen the relations between the three pillars of the knowledge triangle — education, research and innovation — and the proposal to address the recognised innovation gap in Europe;

1.4 **re-states** the view that successful research and innovation models cannot be copied at will and instead the EU should look at building upon successful models of best practice of strong relations between research, innovation and education in the EU;

1.5 **recognises** the importance of the EIT bringing on board all of the key stakeholders in the knowledge triangle, top research teams, industry and public authorities. A two tier system should be avoided at all costs;

1.6 **acknowledges** that some issues surrounding elements of the proposal still remain problematic;

1.7 **regrets** that the new legislative proposal puts forward inadequate fresh funding for the research community and that the proposal does not contain clear mechanisms for ensuring private sector financing;

1.8 **insists** that the existing funding streams for research (FP& CIP) are not top sliced but instead additional private sector contributions are specified;

1.9 **underlines** that the influence of local and regional authorities on the conditions that create interaction which leads to innovation is crucial;

1.10 **reminds** the Commission of the important role of local and regional authorities, particularly their economic partnerships, in setting down the conditions for interaction between the 3 parts of the knowledge triangle, such as stimulating cluster development, providing the infrastructure for incubators, stimulating investment from industry, etc;

1.11 further **reminds** the Commission that regional and local authorities are best placed to encourage SMEs to work within a research partnership and also to promote industry-university partnerships which are likely to thrive in the regional/local environment taking into account existing and future circumstances, policies, push and pull factors, etc;

1.12 further **emphasises** that the main focus of the EIT should be on innovation, knowledge transfer and applied research projects.

2. General recommendations

THE COMMITTEE OF THE REGIONS

2.1 **recommends** that the EIT combines the strengths of both the EU's globally recognised excellent universities and their research teams and bodies, as well as the best teams from other universities and research bodies across the EU with potential to be excellent;

2.2 therefore **urges** the Commission to work with the universities and research bodies that have had a strong experience of the knowledge triangle in action. If the EIT fails to engage with Europe's top ranking universities and research bodies, then this will impact upon how it is viewed globally;

2.3 **insists** that the creation of the Knowledge and Innovation Communities be a bottom up approach, initially selecting existing excellent examples of research/business collaboration;

2.4 **is pleased to note** that the selection process for Knowledge and Innovation Communities be open, allowing research teams with potential to aspire to the EIT. All universities and research bodies, both large and small, should feel that if the right structures, partnerships and policies are put in place that their best teams could eventually actively participate in the EIT. However, it **regrets** that the related key-criterion of 'excellence in education and research' does not refer specifically to potential excellence too and **calls** on the Commission to specify how the two criteria will be measured;

2.5 **suggests** that a way to reinforce the relationship between the research and private sector in a Knowledge and Innovation Communities could be to encourage/incentivise the KICs to become financially sustainable over time and calls for the legislative proposal to include this approach within its provisions;

2.6 **opposes** the Commission's proposal for the EIT to award its own degrees and **recommends** on the subject of degrees that in its initial stages, the EIT not issue its own degrees, rather that the EIT develop a brand or label that is awarded by a KIC partner university. Otherwise an EIT degree risks alienating leading universities;

2.7 **suggests** that in the initial years of the EIT it should restrict itself to branding a masters programme containing specific elements such as industry placements, interdisciplinarity, entrepreneurship training, etc;

2.8 **insists** on appropriate private-sector representation on the governing board, which rightly should have the autonomy to set the EIT's strategic agenda;

2.9 **suggests** that the EIT governance structures are developed to balance the need for independence for the EIT for its day to day running, with the need for Member States and the EU Institutions to have the ability to safeguard the interests of the EU, for example through a quinquennial review by a Member State panel;

2.10 **calls on** the Commission, when selecting KICs, to instruct the governing board in its guidelines to give a high rating to KIC applications from partnerships which involve regional or local authorities and have structured research communities involving scientific and technological cooperation between universities, research bodies and companies with medium- and long-term research planning;

2.11 **reminds** the Commission of the decisive cluster forming role which regions and local authorities play through their policies and investment into the infrastructure, that leads to strong university-industry collaboration;

2.12 **suggests** that as a means of judging the success of the EIT, the governing board be set targets by which its strategic direction be measured. Measurements of success could include indicators that evaluate the EIT's ability to offer concrete

'marketable' solutions to problems faced by SMEs, businesses and industry;

2.13 **urges** the Commission to avoid any dilution of the focus on the establishment of the European Research Council as the prime driver of fundamental research as a result of the strong and positive momentum behind the establishment of the EIT. As much as possible the governing board of the EIT should establish strong links with the ERC and establish structures to ensure complementarities and avoid silo working and duplication;

2.14 **suggests** that the EIT Knowledge and Innovation Communities be set up gradually, learning from each experience, and adapting the structures as appropriate each time new KICs are formed, and is pleased that the Commission proposes a scenario of 6 KICs by 2013;

2.15 **considers** the following areas to be of key importance for establishing and managing of the Knowledge and Innovation Communities:

- review procedures and performance measurement: it **welcomes** the reference made by the legislative proposal to result-oriented parameters, however it **regrets** that these are not adequately specified;
- financing arrangements/sustainability of the funding: it **rejects** the Commission's proposal for the largest part of funding of the KICs to be derived from existing Community programmes and funds, in particular potential top slicing from EU research funds;
- links to research supported by the ERC;
- role of regional/local authorities/bodies: regional/local engagement in KIC bids should be given strong emphasis;
- role of SMEs: it **recommends** SMEs to be explicitly listed as potential 'partner organisations' within the legislative proposal and requests the Commission to specify how to engage SMEs in Knowledge and Innovation Communities;

2.16 **recommends** that the staffing question be dealt with in a flexible way to ensure the engagement of the best teams of researchers in the EIT. Dual affiliation is felt to be a positive step forward in the question of staffing;

2.17 **suggests** that as a means of engaging top ranking teams of researchers and establishing a sense of commitment to the EIT, the KICs employ staff for a set percentage of their time. Maximum and minimum levels can be set on a case by case basis and adapted over the course of a KIC's duration;

2.18 **urges** the Commission in the preparation of its legislative proposal on the EIT to emphasise the important role of local and regional bodies which will provide essential support for KICs in particular and bridging the gaps in the knowledge triangle in general.

3. The Committee of the Regions' recommendations on the proposal for a regulation

Recommendation 1

Recital (10)

Text proposed by the Commission	CoR Amendment
There is a need to support education as an integral but often missing component of a comprehensive innovation strategy. The agreement between the EIT and KICs should provide that the degrees and diplomas awarded through the KICs should be EIT degrees and diplomas. The EIT should promote the recognition of EIT degrees and diplomas in the Member States. All these activities should be carried out without prejudice to Directive 2005/36/EC on the recognition of professional qualifications.	There is a need to support education as an integral but often missing component of a comprehensive innovation strategy. The agreement between the EIT and KICs should provide that the degrees and diplomas awarded through the KICs should be EIT <u>branded</u> degrees and diplomas. The EIT should promote the recognition of EIT <u>branded</u> degrees and diplomas in the Member States. All these activities should be carried out without prejudice to Directive 2005/36/EC on the recognition of professional qualifications.

This recommendation implies that 'EIT degrees' should be changed to 'EIT branded degrees' throughout the proposal.

Reason

In the explanatory memorandum of the Proposal for a Regulation, the Commission specifically refers to an EIT 'brand' on degrees which promote entrepreneurial elements etc. This is reasonable, but to many leading universities, an EIT degree is not necessary for the EIT to achieve its aims. A degree incorporating such elements awarded by one or more KIC partner university with an EIT 'brand' will achieve the same aim.

Recommendation 2

Article 5 (2) (a)

Text proposed by the Commission	CoR Amendment
<p>2. A partnership will be selected by the EIT to become a KIC on the basis of a competitive, open and transparent process, including the publication of detailed specifications and conditions.</p> <p>The selection of partnerships shall take particular account of:</p> <p>(a) the current and potential innovation capacity within the partnership as well as its excellence in education and research;</p>	<p>2. A partnership will be selected by the EIT to become a KIC on the basis of a competitive, open and transparent process, including the publication of detailed specifications and conditions.</p> <p>The selection of partnerships shall take particular account of:</p> <p>(a) the current and potential innovation capacity within the partnership as well as its excellence <u>and demonstrated potential for excellence</u> in education and research;</p>

Reason

In line with point 2.4 of the opinion.

Recommendation 3

Article 5 (2)

Text proposed by the Commission	CoR Amendment
<p>A partnership will be selected by the EIT to become a KIC on the basis of a competitive, open and transparent process, including the publication of detailed specifications and conditions.</p> <p>(...)</p> <p>The selection shall also take account of:</p> <p>a) an operational structure demonstrating commitment to the EIT and its goals;</p> <p>b) the capacity to ensure a dynamic, flexible and attractive working environment which rewards both individual and team achievements in terms of innovation, research and education;</p> <p>c) the basis on which the degrees and diplomas would be awarded including the arrangements to take in account the Community policy on the European Higher Education Area, particularly in terms of compatibility, transparency, recognition and quality of degrees and diplomas;</p> <p>d) the capacity of the partnership to adapt and take account of changes in their field or in the innovation landscape.</p>	<p>A partnership will be selected by the EIT to become a KIC on the basis of a competitive, open and transparent process, including the publication of detailed specifications and conditions.</p> <p>(...)</p> <p>The selection shall also take account of:</p> <p>a) an operational structure demonstrating commitment to the EIT and its goals;</p> <p>b) the capacity to ensure a dynamic, flexible and attractive working environment which rewards both individual and team achievements in terms of innovation, research and education;</p> <p>c) the basis on which the degrees and diplomas would be awarded including the arrangements to take in account the Community policy on the European Higher Education Area, particularly in terms of compatibility, transparency, recognition and quality of degrees and diplomas;</p> <p>d) the capacity of the partnership to adapt and take account of changes in their field or in the innovation landscape.</p> <p>e) <u>The strength of the partnership including its engagement with its regional and local authorities and bodies.</u></p>

Reason

This recommendation takes forward point 2.10 of the opinion which insists that applications to become KICs should indicate engagement with local and regional authorities.

Recommendation 4

Article 15

Text proposed by the Commission	CoR Amendment
<p>1. The EIT shall ensure that its activities, including those managed through KICs, shall be subject to continuous monitoring and periodic independent evaluation, to ensure both the highest quality of outcome and the most efficient use of resources. The outcomes of the evaluation shall be made public.</p> <p>2. Within five years from the date of adoption of this Regulation and every four years thereafter, the Commission shall make public an evaluation of the EIT. This shall be based on an independent external evaluation, and shall examine how the EIT fulfils its mission. It shall cover all activities of the EIT and the KICs and shall examine the effectiveness, sustainability, efficiency and relevance of the activities pursued and their relation with Community policies. It shall take into account the views of stakeholders, at both European and national level.</p> <p>(...)</p>	<p>1. The EIT shall ensure that its activities, including those managed through KICs, shall be subject to continuous monitoring and periodic independent evaluation, to ensure both the highest quality of outcome and the most efficient use of resources. The outcomes of the evaluation shall be made public.</p> <p>2. Within five years from the date of adoption of this Regulation and every four years thereafter, the Commission shall make public an evaluation of the EIT. This shall be based on an independent external evaluation, and shall examine how the EIT fulfils its mission. It shall cover all activities of the EIT and the KICs and shall examine the effectiveness, sustainability, efficiency and relevance of the activities pursued and their relation with Community policies. It shall take into account the views of stakeholders, at both European and national level.</p>

Text proposed by the Commission	CoR Amendment
	<p>3. <u>KICs should have their budget regularly reviewed against their performance. As a general rule KICs funding should decrease gradually over the lifetime of the project and should be replaced by other funding. Ability to attract external investment into KICs will be a key measure of success for the EIT.</u></p> <p>(...)</p>

Brussels, 13 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the thematic strategy for soil protection

(2007/C 146/05)

THE COMMITTEE OF THE REGIONS

- does believe that, from an environmental standpoint, there are a number of reasons for developing soil policy at EU level. Soil contamination, for example, is linked to human and animal health and soil policy has a role to play here. In addition, climate change, the transboundary impacts of soil degradation, the pressure caused on other environmental compartments, and the Kyoto agreements require attention at a European level;
- believes that a Directive which sets out to establish an inventory and assists the Member States to take action, as proposed by the Commission, may help to bring about sustainable soil management in the EU. This implies that the Directive should be of a flexible nature;
- expresses its concern over the administrative burdens which may arise, for local and regional authorities, as a result of the following requirements: the identification of areas at risk; the obligation to review, every ten years, the areas identified as being at risk (Article 6); and the obligation to review the inventory of contaminated sites (Articles 10 and 11);
- does not wish to see any direct obligations imposed upon the relevant authorities in respect of the actual cleaning-up and management of contaminated sites (Article 13);
- believes that there is a need for the European Commission to draw up a set of guideline measures, comprising cost-effective measures, from which the Member States can draw inspiration to compose their own package of measures, exercising their own judgement.

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 entitled *Thematic strategy for soil protection* (COM(2006) 231 final) and the Proposal for a Directive of the European Parliament and of the Council establishing a framework for the protection of soil and amending Directive 2004/35/EC (COM(2006) 232 final — 2006/0086 (COD));

Having regard to the decision of the European Commission of 22 September 2006 to consult it on this subject, under Article 175 and the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its Bureau of 25 April 2006 to instruct the Commission for Sustainable Development to draw up an opinion on this subject;

Having regard to its opinion of 12 February 2003 on the Communication from the Commission entitled *Towards a thematic strategy for soil protection* — CdR 190/2002 fin (1);

Having regard to its draft opinion (CdR 321/2006 rev. 1) adopted on 27 November 2006 by its Commission for Sustainable Development (Rapporteur: Mr Cor Lamers (NL/EPP, Mayor of Houten);

adopted the following opinion at its 68th plenary session, held on 13 and 14 February 2007 (meeting of 13 February):

1. Views of the Committee of the Regions

General comments

1.1 Soil is of vital importance to the sustaining of human life. Soil provides an essential source of food and water and also plays a vital role in regulating various cycles, whilst providing a habitat for many organisms and serving as the basis for life above ground. For human beings and nature, it is vital that the soil is able to continue to fulfil these roles in an ongoing, optimal way.

1.2 All EU Member States have to contend, to a greater or lesser extent, with soil-related problems. There is no doubt that, in some parts of Europe, considerable and disturbing soil degradation processes have occurred and will continue to occur.

1.3 Soil is an immobile material, but soil degradation in one Member State can nevertheless have transboundary effects. The CoR believes therefore that the proposal is in line with the subsidiarity principle. The CoR also notes that only nine Member States have introduced a soil policy and that this policy is generally limited to certain aspects of soil contamination. The CoR does, in addition, believe that, from an environmental standpoint, there are a number of reasons for developing soil policy at EU level. Soil contamination, for example, is linked to human and animal health and soil policy has a role to play here. In addition, climate change, the transboundary impacts of soil degradation, the pressure caused on other environmental compartments, and the Kyoto agreements require attention at a European level.

1.4 Soil policy is a highly complex matter. In Europe there are over 320 different soil types, which are used for many different purposes. Soil does, for example, fulfil economic, social, cultural and environmental functions and is used in connection with agriculture, nature, construction and the building of roads and embankments. The threats confronting

soil in the various EU Member States are highly diverse. This leads to very considerable differences between individual Member States and even between the various regions within individual Member States. The various measures adopted by the Member States also differ considerably. Besides these geographical differences, there are climatic differences between Europe's regions. These differences chime with the responsibilities exercised by regional and local authorities in the Member States in this field.

1.5 In view of this great diversity and the difficulties in elaborating common standards, the CoR believes that for the time being it is not possible to adopt uniform EU quantitative standards. It believes nevertheless that the strategy presented by the Commission is a first step in the direction of reaching agreement on common standards in the near future. Tailor-made measures are necessary to ensure real protection for soil. Soil is a policy area which needs to be fleshed out primarily at local and regional level.

1.6 In the majority of EU Member States, responsibility for soil policy rests with local and regional authorities. These authorities should therefore play a major role in the development of new methods and measures in the field of soil policy.

1.7 The European Union, for its part, has to play a supporting and stimulating role in the field of soil policy. EU legislation in this field should be rejected unless it is flexible and provides the Member States with adequate room for manoeuvre in framing soil policy.

Objectives of the strategy

1.8 The CoR endorses the objectives of the strategy and takes the view that they make a major contribution towards the establishment of a flexible, common European policy framework for ensuring sustainable soil management.

(1) OJ C 128 of 29.5.2003, page 43.

1.9 The description of the objectives of the strategy lead the CoR to infer that the focus has been placed on expanding available knowledge in respect of soil processes and obliging the Member States to take action in this field. They are encouraged to take action to combat soil degradation but the actual identification of the areas at risk, the objectives to be pursued with a view to reducing soil degradation and the measures to be carried out to achieve these objectives is a task entrusted to the Member States themselves. The CoR endorses this approach as it enables soil issues to be tackled in an integrated and well-structured way, thereby emphasising the local and regional nature of this issue.

Integration of soil protection into EU and national legislation

1.10 With a view to implementing the proposed strategy, all the existing EU laws and policies of relevance to the soil issue should be systematically evaluated to determine the extent to which they are conducive to promoting sustainable soil in the EU. In cases where such laws or policies make an inadequate contribution to pursuing this goal, they should be adjusted accordingly. A plan of approach should be drawn up by the Commission in the short term with a view to achieving this goal.

1.11 For the abovementioned reasons the CoR takes the view that the proposed strategy should tie in more closely with the other strategies developed in the framework of the Sixth Environment Action Programme. In particular, there should be closer links with the strategies in respect of pesticides, waste and recycling, surface water and groundwater.

Best practice and knowledge in respect of soil processes

1.12 The CoR believes that information and communication have an important role to play in helping to bring about sustainable soil management. Threats confronting soil and how soil can help promote a sustainable society are two issues which need to be covered in this respect.

1.13 The measures taken by the Member States are characterised by considerable diversity (see point 1.4 above). The CoR believes that the quality of soil in Europe can be improved in an effective and practical way if Member States which have already introduced a soil policy transfer knowledge to the other Member States. The CoR advocates taking steps to enable those Member States already pursuing a fully-fledged soil policy share their experience with Member States which lack comprehensive legislation in this field.

1.14 The CoR attaches considerable value to the establishment of an open communication platform for exchanging information on best practice with a view to providing adequate protection of soil. In view of the variable nature of soil in the EU, there is a need to have a full picture of the measures which can be employed and which have proved their worth in practice.

The new framework Directive on soil protection

1.15 The aim of this framework Directive is to establish an inventory of soil degradation in the EU. It provides criteria for enabling such an inventory to be compiled in a uniform and

transparent way. Whether or not an area is designated as an area at risk, which measures, if any, are to be taken and the timeframe for such measures are to be determined by the Member State itself.

1.16 The CoR believes that a Directive which sets out to establish an inventory and assists the Member States to take action, as proposed by the Commission, may help to bring about sustainable soil management in the EU. This implies that the present Directive should be of a flexible nature and must not set out any quantitative and qualitative standards. These measures should be implemented on a voluntary basis by means of incentive and advisory schemes. Furthermore, an increase in documentation requirements should be prevented in order to combat unnecessary bureaucracy. At the same time, the present Commission proposals should not be seen as an invitation to far-reaching EU intervention.

1.17 The Committee believes that top priority must be given to national-level responsibility for achieving environmental standards, including liability and responsibility on the part of soil polluters and owners. This implies that there is a need to stipulate that, even when the polluter-pays principle is applied, the liability of not just the polluter but also additional obligated parties can be invoked. The Committee would stress that it must be prescribed at national level who, in the final analysis, is an obligated party.

1.18 The Committee expresses its concern over the fact that, for the purposes of formulating the specific requirements of the proposed EU Directive and, in particular, establishing the risk-assessment criteria in respect of soil contamination, recourse is to be had to a committee, in accordance with Decision 1999/468/EC (the 'Comitology Decision'). A procedure should be selected in this case which takes account of the interests of all stakeholders and ensures adequate participation.

Administrative burdens

1.19 Article 16 of the Directive defines a large number of reporting obligations to be met mainly by local and regional authorities. In the CoR's view, these provisions should not impose a disproportionate burden on local authorities and regions. It should be pointed out in this context that the amount of attention, manpower and financial resources devoted to drawing up reports cannot, at the same time, be devoted to measures to prevent soil degradation, even though reducing soil degradation should be the primary objective.

1.20 The CoR underscores the importance of the integration of soil policy into sectoral policies and provisions at every level of administration (Article 3). In the context of the implementation of sectoral policies, restraint should be exercised with regard to the introduction of compulsory checks on the basis of existing data (soil tests). Checks are only an important requirement in cases where soil is at risk. In view of the fact that the policy is already of the nature of a framework policy, the stipulation of soil tests in the implementing phase is generally unnecessary. In the case of complex and wide-ranging situations, the establishment of an environmental impact report is, in any case, already obligatory.

1.21 The CoR expresses its concern over the administrative burdens which may arise, for local and regional authorities, as a result of the following requirements: the identification of areas at risk; the obligation to review, every ten years, the areas identified as being at risk (Article 6); and the obligation to review the inventory of contaminated sites (Articles 10 and 11).

1.22 The Committee notes that the Proposal for a Directive sets out a series of recording and reporting obligations, together with requirements in respect of the drawing up of plans and programmes which may be subject to a strategic environmental assessment (SEA); these measures would involve a considerable additional administrative burden. The EU provisions must, as far as possible, refrain from stipulating reporting obligations and the drawing up of plans and programmes subject to SEAs.

1.23 The Committee takes the view that public involvement should be limited to those cases which are covered by the environmental information Directive.

Programmes of measures to combat soil degradation processes

1.24 The CoR does not wish to see any direct obligations imposed upon the relevant authorities in respect of the actual cleaning-up and management of contaminated sites (Article 13). The authorities ensure that a clean-up actually takes place. All these matters must be considered in the context of the laws and rules applicable in the Member State concerned and in the context of the specific local soil situation. The authorities in question remain, of course, responsible for ensuring that the issue of contaminated sites is tackled.

1.25 The CoR expresses its satisfaction with the proposed function-orientated remediation of degraded soils (Articles 1.1 and 13.2). Measures are proposed depending upon the (current) use being made of the soil.

1.26 The *impact assessment* states that measures to reduce soil degradation offer a considerable social return on investment. The Committee endorses this conclusion, but would point out that, in order to achieve this return, there first has to be investment in soil. Experience has shown that the implementation of soil remediation projects, e.g. for local authorities and regions, is often thwarted by lack of funds.

1.27 The CoR regards the introduction of the soil status report (Article 12) as providing support from the EU for the drawing up of inventories of contaminated sites since, on the one hand, the proposed report would help to keep inventories of contaminated sites up to date and, on the other hand, the report would provide purchasers of sites from other EU Member States with the requisite information in a transparent way and therefore prevent them from incurring economic loss. The proposed report thus gives substance, in a practical way to the 'polluter pays' principle referred to in Article 4.

1.28 The CoR takes the view that, when measures for preserving soil functions are being identified, attention should be paid

not only to social and economic aspects but also to safety aspects and the presence of subjects constituting archaeological, geological and geomorphological heritage (Article 8).

1.29 The Committee feels that the Commission's call for national funding mechanisms for the remediation of contaminated sites (Article 13) fails to take adequate account of the specific regional (funding) mechanisms already in place, which, in practice to date, have proved effective. The fear is that, in this area, EU rules will, if anything, be a hindrance.

Best practice

1.30 In the CoR's view, one of the cornerstones of the Commission's proposal is the planned establishment of a platform for the exchange of information (Article 17). In view of their practical expertise and the experience which they have acquired, regional and local authorities should participate actively in the proposed exchange of information.

2. Recommendations of the Committee of the Regions

2.1 The CoR believes that there is a need for the European Commission to draw up a set of guideline measures, comprising cost-effective measures, from which the Member States can draw inspiration to compose their own package of measures, exercising their own judgement. Those Member States which have not yet formulated a soil policy or are currently in the process of doing so will only be able to carry out effective work in this field if they are in possession of adequate knowledge.

2.2 The CoR proposes that, rather than introducing wide-ranging European reporting requirements, Member States should be able to employ their own reporting system and that the European Commission should be given access to the information concerned (Article 16).

2.3 Risk areas can be identified very specifically and in a way which involves placing a more limited administrative burden on the authorities concerned if a quick scan is first carried out to determine which risks are or are not applicable in (parts of) the soil in the Member State concerned (Article 6). As regards the review of the risk areas and the inventories of contaminated sites, a complete review is unnecessary. It may be sufficient to update the information using monitoring data.

2.4 The CoR calls for the research agenda of the European Commission as announced in the thematic strategy to be fleshed out and for priorities and a timetable to be defined. The impact which climate change has on the soil needs to be clearly identified as a matter of the utmost priority. It is well known that climate change leads, or may lead, to the accelerated decomposition of soil organic matter. In view of the very important role played by organic matter in the functioning of soil, climate change may have a very considerable impact on sustainable soil management.

Recommendation 1

Article 1

Commission text	CoR amendment
<p>1. This Directive establishes a framework for the protection of soil and the preservation of the capacity of soil to perform any of the following environmental, economic, social and cultural functions:</p> <p>a) biomass production, including in agriculture and forestry;</p> <p>b) storing, filtering and transforming nutrients, substances and water;</p> <p>c) biodiversity pool, such as habitats, species and genes;</p> <p>d) physical and cultural environment for humans and human activities;</p> <p>e) source of raw materials;</p> <p>f) acting as carbon pool;</p> <p>g) archive of geological and archaeological heritage.</p> <p>To that end, it lays down measures for the prevention of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.</p>	<p>1. This Directive establishes a framework for the protection of soil and the preservation of the capacity of soil to perform any of the following environmental, economic, social and cultural functions, <u>where applicable</u>:</p> <p>a) biomass production, including in agriculture and forestry;</p> <p>b) storing, filtering and transforming nutrients, substances and water;</p> <p>c) biodiversity pool, such as habitats, species and genes;</p> <p>d) physical and cultural environment for humans and human activities;</p> <p>e) source of raw materials;</p> <p>f) acting as carbon pool;</p> <p>g) archive of geological, <u>geomorphological</u> and archaeological heritage.</p> <p>To that end, it lays down measures for the prevention of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.</p>

Reason

It is clear from this article that the aim is to take action targeted at particular functions of soil. The Dutch version of this article refers in the first paragraph to 'Alle Hierna genoemde ... functies' ('All of the following ... functions'). This could be interpreted as setting a multifunctional requirement, whereby the soil has to be able to fulfil all the listed functions at the same time.

In addition to constituting an archive of geological and archaeological heritage, soil is also an archive of geomorphological heritage. The term 'geomorphological' signifies surface features of the landscape. In cases where such features are of special value, attention should be paid to ensuring their conservation.

Recommendation 2

Article 3

Commission text	CoR amendment
<p>In the development of sectoral policies likely to exacerbate or reduce soil degradation processes, Member States shall identify, describe and assess the impacts of such policies on these processes, in particular in the areas of regional and urban spatial planning, transport, energy, agriculture, rural development, forestry, raw material extraction, trade and industry, product policy, tourism, climate change, environment, nature and landscape.</p> <p>Member States shall make public those findings.</p>	<p>In the development of sectoral policies likely to exacerbate or reduce soil degradation processes, Member States shall identify, describe and assess the impacts of such policies on these processes, in particular in the areas of regional and urban spatial planning, transport, energy, agriculture, rural development, forestry, raw material extraction, trade and industry, product policy, tourism, climate change, environment, nature and landscape.</p> <p>Member States shall make public those findings. <u>In formulating EU policy and provisions, the Commission shall carry out external integration in respect of matters relating to soil.</u></p>

Reason

The CoR expresses its satisfaction with the practice of external integration, as described in Article 3. The CoR believes that this should not only be an obligation for the Member States but for the EU as well.

Recommendation 3

Article 6

Commission text	CoR amendment
<p>1. Within five years from [transposition date], Member States shall identify the areas in their national territory, at the appropriate level, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter 'the risk areas':</p> <p>a) erosion by water or wind;</p> <p>b) organic matter decline brought about by a steady downward trend in the organic fraction of the soil, excluding undecayed plant and animal residues, their partial decomposition products, and the soil biomass;</p> <p>c) compaction through an increase in bulk density and a decrease in soil porosity;</p> <p>e) salinisation through the accumulation in soil of soluble salts;</p> <p>f) landslides brought about by the down-slope, moderately rapid to rapid movement of masses of soil and rock material.</p> <p>For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes use at least the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.</p> <p>2. The risk areas identified pursuant to paragraph 1 shall be made public and reviewed at least every ten years.</p>	<p>1. Within five years from [transposition date], Member States shall identify the areas in their national territory, at <u>what is, in their judgement, deemed to be the appropriate administrative and geographical levels</u> where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter 'the risk areas':</p> <p>a) erosion by water or wind;</p> <p>b) organic matter decline brought about by a steady downward trend in the organic fraction of the soil, excluding undecayed plant and animal residues, their partial decomposition products, and the soil biomass;</p> <p>c) compaction through an increase in bulk density and a decrease in soil porosity;</p> <p>e) salinisation through the accumulation in soil of soluble salts;</p> <p>f) landslides brought about by the down-slope, moderately rapid to rapid movement of masses of soil and rock material.</p> <p>For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes use at least <u>carry out a quick scan to determine which processes are not relevant in the case of (part of) the soil in the Member State concerned. As regards the remaining soil degradation processes, a list shall be drawn up setting out areas which are potentially at risk. The areas ultimately classified as being at risk shall be determined by scrutinising more closely the list of areas which are potentially at risk and, to this end, use shall be made at least of the elements listed in Annex I and shall take into account shall be taken of the effects of those processes in exacerbating greenhouse gas emissions and desertification.</u></p> <p>2. The risk areas identified pursuant to paragraph 1 shall be made public and reviewed <u>updated</u> at least every ten years.</p>

Reason

Article 6(1): It shall be up to the Member States themselves to determine the administrative and geographic levels to be applied when identifying the areas at risk. The choice of measures to be adopted in the risk areas is a political decision to be taken by the Member State itself. Before the at risk areas are identified, a quick scan should be carried out in order to exclude a number of issues. Further investigation needs to be justified. On the basis of the initial process of elimination, a more detailed identification of the risk areas can be undertaken on the basis of the elements listed in Annex I. By way of example, the case of organic matter may be quoted. In agricultural areas, organic matter content differs from plot to plot (heterogeneous areas). Organic content takes a long time to be restored and this process often takes place at the level of individual plots. This issue needs to be tackled primarily by means of cross-compliance and good agricultural practice.

Article 6(2): The term 'reviewed' employed by the Commission suggests that the list of risk areas needs to be subject to comprehensive scrutiny every ten years. What is important, however, is for Member States to maintain a good monitoring system with the aid of which the list of risk areas can be updated every ten years.

Recommendation 4

Article 8

Commission text	CoR amendment
<p>1. For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall in respect of the risk areas identified in accordance with Article 6, draw up, at the appropriate level, a programme of measures including at least risk reduction targets, the appropriate measures for reaching those targets, a timetable for the implementation of those measures and an estimate of the allocation of private or public means for the funding of those measures.</p> <p>2. When drawing up and revising the programmes of measures pursuant to paragraph 1, Member States shall give due consideration to the social and economic impacts of the measures envisaged.</p> <p>Member States shall ensure that measures are cost-effective, technically feasible and shall carry out impact assessments, including cost-benefit analyses, prior to the introduction of the programmes of measures.</p> <p>Member States shall indicate in their programmes of measures how the measures are to be implemented and how they will contribute to achievement of the environmental targets established.</p> <p>3. Where an area is at risk from different concurrent soil degradation processes, Member States may adopt a single programme in which appropriate risk reduction targets are to be set for all the risks identified together with the appropriate measures for reaching those targets.</p> <p>4. The programme of measures shall be drawn up within seven years from [transposition date] and shall be in application no later than eight years after that date.</p> <p>The programme of measures shall be made public and shall be reviewed at least every five years.</p>	<p>1. For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall in respect of the risk areas identified in accordance with Article 6, draw up, at <u>what is, in their judgement, deemed to be the appropriate and geographical levels</u>, a programme of measures including at least risk reduction targets, the appropriate measures for reaching those targets, a timetable for the implementation of those measures and an estimate of the allocation of private or public means for the funding of those measures.</p> <p>2. When drawing up and revising the programmes of measures pursuant to paragraph 1, Member States shall give due consideration to the social and economic impacts of the measures envisaged, <u>as well as the impact on safety and on the archaeological, geomorphological and geological heritage</u>.</p> <p>Member States shall ensure that measures are cost-effective, technically feasible and shall carry out impact assessments, including cost-benefit analyses, prior to the introduction of the programmes of measures.</p> <p>Member States shall indicate in their programmes of measures how the measures are to be implemented and how they will contribute to achievement of the environmental targets established.</p> <p>3. Where an area is at risk from different concurrent soil degradation processes, Member States may adopt a single programme in which appropriate risk reduction targets are to be set for all the risks identified together with the appropriate measures for reaching those targets.</p> <p>4. The programme of measures shall be drawn up within seven five years from [transposition date] <u>the date of publication by the European Commission of the set of guideline measures referred to in Article 17(2)</u> and shall be in application no later than eight <u>four</u> years after that date.</p> <p>The programme of measures shall be made public and shall be reviewed at least every five years.</p>

Reason

Article 8(2): In the CoR's view, it is not enough to give consideration solely to the social and economic impact. The impact on safety and on the geomorphological, geological and archaeological heritage is also important.

The measures are to be financed by the Member States themselves. It is therefore unnecessary for an EU Directive to instruct the Member States to take measures which are cost-effective.

Article 8(4): In the proposal for a Directive, the Commission takes as the starting point the date on which the Directive comes into force. Before national, regional and local authorities can draw up and implement measures, however, they need to be in possession of adequate information on the relevant possibilities. The drawing-up of a set of guideline, cost-effective measures on the basis of which the authorities in question can formulate their policy is an essential prerequisite in this context (see also Recommendations 9 and 10). This would provide significant added value for the European Commission. The CoR therefore believes that the date of publication of the abovementioned set of guideline measures represents a better starting point.

Recommendation 5

Article 10

Commission text	CoR amendment
<p>1. Member States shall, in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter 'contaminated sites'.</p> <p>That risk shall be evaluated taking into account current and approved future use of the land.</p> <p>2. Member States shall establish a national inventory of contaminated sites, hereinafter 'the inventory'. The inventory shall be made public and reviewed at least every five years.</p>	<p>1. Member States shall, in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter 'contaminated sites'.</p> <p>That risk shall be evaluated taking into account current and approved future use of the land.</p> <p>2. Member States shall establish a national inventory of contaminated sites, hereinafter 'the inventory'. The inventory shall be made public and, where necessary, updated every five years <u>reviewed at least every five years.</u></p>

Reason

The term 'reviewed' employed by the Commission suggests that the inventory of contaminated sites needs to be subject to comprehensive scrutiny every five years. What is important, however, is for Member States to maintain a good monitoring system with the aid of which the inventory can be updated every five years.

Recommendation 6

Article 11

Commission text	CoR amendment
<p>1. Each Member State shall designate a competent authority to be responsible for the identification of contaminated sites.</p> <p>2. Within five years from [transposition date], the competent authorities shall have identified the location of at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past.</p> <p>For those purposes, the activities referred to in point 2 of Annex II shall be considered independently of the thresholds specified in Annex I to Council Directive 96/61/EC, except for the activities carried out by micro-enterprises, as defined in point 3 of Article 2 in the Annex to Commission Recommendation 2003/361/EC, and those relative to the rearing of livestock.</p> <p>The identification shall be reviewed at regular intervals.</p> <p>3. In accordance with the following time-table, the competent authorities shall measure the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, an on-site risk assessment shall be carried out in relation to those sites:</p> <p>a) within five years from [transposition date], for at least 10% of the sites;</p> <p>b) within 15 years from [transposition date], for at least 60% of the sites;</p> <p>c) within 25 years from [transposition date], for the remaining sites.</p>	<p>1. Each Member State shall designate a competent authority to be responsible for the identification of contaminated sites.</p> <p>2. Within five years from [transposition date], the competent authorities shall have identified the location of at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past.</p> <p>For those purposes, the activities referred to in point 2 of Annex II shall be considered independently of the thresholds specified in Annex I to Council Directive 96/61/EC, except for the activities carried out by micro-enterprises, as defined in point 3 of Article 2 in the Annex to Commission Recommendation 2003/361/EC, and those relative to the rearing of livestock.</p> <p>The identification shall be reviewed updated at regular intervals.</p> <p>3. In accordance with the following time-table, the competent authorities shall measure the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2 <u>ensure that a clear picture of the contamination situation in respect of the sites identified in accordance with the method described in Article 11(2) is established</u>, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, <u>ensure that an on-site risk assessment</u> on-site risk assessment shall be carried out in relation to those sites:</p>

Commission text	CoR amendment
	a) within five years from [transposition date], for at least 10% of the sites; b) within 15 years from [transposition date], for at least 60% of the sites; c) within 25 years from [transposition date], for the remaining sites.

Reason

The competent authorities are responsible for identifying the contaminated sites and any risk they pose for human health and the environment. This does not imply that the competent authorities have themselves to carry out investigations at the sites in question. In general, it is expected that, initially, the party causing the contamination or the owner or user of the site shall establish a clear picture of the contamination. In cases where it is no longer possible to contact any party with regard to the contamination, the competent authorities may decide to carry out the investigation themselves.

Recommendation 7

Article 12

Commission text	CoR amendment
2. The soil status report shall be issued by an authorised body or person appointed by the Member State. It shall include at least the following details: a) the background history of the site, as available from official records; b) a chemical analysis determining the concentration levels of the dangerous substances in the soil, limited to those substances that are linked to the potentially polluting activity on the site; c) the concentration levels at which there are sufficient reasons to believe that the dangerous substances concerned pose a significant risk to human health or to the environment.	2. The soil status report shall be issued by an authorised body or person appointed by the Member State. It shall include at least the following details: a) the background history of the site, as available from official records; b) a chemical analysis determining the concentration levels of the dangerous substances in the soil, limited to those substances that are linked to the potentially polluting activity on the site; c) the concentration levels at which there are sufficient reasons to believe that the dangerous substances concerned pose a significant risk to human health or to the environment. <u>Account shall be taken in this context of (a) the policy pursued in the Member State concerned with regard to addressing risks and soil remediation and (b) specific local soil conditions.</u>

Reason

It may be inferred from Article 12(2)(c) that there is *one* list of concentration levels relating to risks. In the CoR's view, any risks to human health and the environment depend upon the use which is made of the site. Furthermore, this use may change following the sale of the site.

If there is a desire for the soil status report to include a judgement on the possible risks of the site in question, a risk assessment needs to be carried out and this assessment must take account of the current and approved future use of the site.

The soil status report model needs to leave scope for interpreting the data, taking account of the policy pursued in the Member State concerned with regard to addressing risks and soil remediation.

Recommendation 8

Article 13

Commission text	CoR amendment
<p style="text-align: center;"><i>Article 13</i> Remediation</p> <p>1. Member States shall ensure that the contaminated sites listed in their inventories are remediated.</p> <p>2. Remediation shall consist of actions on the soil aimed at the removal, control, containment or reduction of contaminants so that the contaminated site, taking account of its current use and approved future use, no longer poses any significant risk to human health or the environment.</p> <p>3. Member States shall set up appropriate mechanisms to fund the remediation of the contaminated sites for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation.</p>	<p style="text-align: center;"><i>Article 13</i> Remediation</p> <p>1. Member States shall ensure that the contaminated sites listed in their inventories are remediated.</p> <p>2. Remediation shall consist of actions on the soil aimed at the removal, control, containment or reduction of contaminants so that the contaminated site, taking account of its current use and approved future use, no longer poses any significant risk to human health or the environment.</p> <p>3. <u>Before the actual remediation work begins, temporary measures may be taken provided that they exclude the possibility of contact with the polluting substances, are duly justified and do not continue for too long.</u></p> <p>4.3. Member States shall set up appropriate mechanisms to fund the remediation of the contaminated sites for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation. <u>Available EU funding may be used to fund remediation.</u></p>

Reason

Actual remediation measures may be postponed, provided such an approach is environmentally sound, if such measures can be carried out in a more cost-effective way in combination with other activities, such as spatial development (building plans, etc.). Should the actual remediation measures be postponed, temporary safety measures need to be taken.

Recommendation 9

Article 16

Commission text	CoR amendment
<p>1. Member States shall make the following information available to the Commission within eight years from [transposition date], and every five years thereafter:</p> <p>a) summary of the initiatives taken pursuant to Article 5;</p> <p>b) the risk areas established pursuant to Article 6(1);</p> <p>c) the methodology used for risk identification pursuant to Article 7;</p> <p>d) the programmes of measures adopted pursuant to Article 8 as well as an assessment of the efficiency of the measures to reduce the risk and occurrence of soil degradation processes;</p> <p>e) the outcome of the identification pursuant to Article 11(2) and (3) and the inventory of contaminated sites established pursuant to Article 10(2);</p> <p>f) the National Remediation Strategy adopted pursuant to Article 14;</p> <p>g) a summary of the initiatives taken pursuant to Article 15 as regards awareness raising.</p>	<p>1. Member States shall make the following information available to the Commission within eight years from [transposition date], and every five years thereafter, <u>give the Commission access to the data from which the following information can be obtained:</u></p> <p>a) a summary of the initiatives taken pursuant to Article 5;</p> <p>ab) the risk areas established pursuant to Article 6(1);</p> <p>b) the methodology used for risk identification pursuant to Article 7;</p> <p>d) the programmes of measures adopted pursuant to Article 8 as well as an assessment of the efficiency of the measures to reduce the risk and occurrence of soil degradation processes;</p> <p>c) the outcome of the identification pursuant to Article 11(2) and (3) and the inventory of contaminated sites established pursuant to Article 10(2);</p>

Commission text	CoR amendment
	<p>f) the National Remediation Strategy adopted pursuant to Article 14;</p> <p>g) a summary of the initiatives taken pursuant to Article 15 as regards awareness-raising.</p> <p><u>2. Member States shall within five years from the drawing-up of the set of guidance measures as stated in Article 17(2), and every five years thereafter, give the Commission access to the data from which the following information can be obtained:</u></p> <p><u>a) a summary of the initiatives taken pursuant to Article 5;</u></p> <p><u>b) the programmes of measures adopted pursuant to Article 8 as well as an assessment of the effectiveness of the measures to reduce the risk and occurrence of soil degradation processes;</u></p> <p><u>c) the National Remediation Strategy adopted pursuant to Article 14;</u></p> <p><u>d) a summary of the initiatives taken pursuant to Article 15 as regards awareness-raising.</u></p> <p><u>3. For the provision of the data referred to in subparagraphs 1 and 2, Member States may make use of their own systems.</u></p>

Reason

This Article defines a large number of reporting requirements and it is mainly the local and regional authorities which will have to comply with these. The Committee believes that this constitutes a disproportionate administrative burden on municipalities and regions. The Committee therefore proposes that Member States use their own reporting systems and that the European Commission be given access to this information. In the Commission text the information requested under a, b, c, d, e, f and g is similarly described. The information requested will have to be supplied within eight years of the Directive entering into force. The Committee would prefer a sub-division of the type of information and would propose the following time schedules:

- 1) Member States identify the risk areas and draw up an inventory (see subparagraphs b, c and e of the Commission text);
- 2) the European Commission draws up a set of guideline measures, as referred to in Article 17 (see Recommendation 10);
- 3) Member States draw up a package of measures (see subparagraphs a, d, f and g of the Commission text).

Member States can only draw up such a package of measures and adopt them if they possess sufficient knowledge of and insight into soil protection. Knowledge is therefore a necessary prerequisite for the obligations under subparagraphs a, d, f and g of the Commission text. Experience with the Water Framework Directive as well as Community legislation with regard to air quality has shown that it is important that the European Commission should be required to draw up a set of guideline measures which reflect all knowledge, possible solutions and best practices, before Member States are obliged to draw up their package of measures. This particularly applies to subparagraph 1(a) of the Commission text on sealing. There is considerable lack of clarity about the measures which could prevent or reduce sealing. Solutions could be found in the fields of spatial development, construction technology and financial arrangements.

Recommendation 10

Article 17

Commission text	CoR amendment
<p>Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6 and on risk assessment methodologies for contaminated sites currently in use or under development.</p>	<p><u>1. Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6 and on risk assessment methodologies for contaminated sites currently in use or under development.</u></p> <p><u>2. Within three years of the entry into force of this Directive, the European Commission shall have undertaken the activities announced in the Thematic Strategy for Soil Protection concerning the strategy for the implementation of the Directive. The aim of these activities is, among other things:</u></p> <p><u>a) to draw up a set of guideline measures including a summary of cost-effective measures which Member States will be able to implement at their own discretion;</u></p> <p><u>b) to draw up a set of guideline measures on best practices to reduce the negative effects of soil-sealing.</u></p> <p><u>3. Where, on the basis of the exchange of information referred to in subparagraph 1 of this Article, a need to harmonise the risk assessment methodologies for soil contamination is identified, the Commission shall, in accordance with Article 251 of the EC Treaty, propose common criteria for soil contamination risk assessment.</u></p>

Reason

Paragraph 2: In the Thematic Strategy for Soil Protection, the European Commission proposes to undertake activities to identify best practices. The Commission has stated that nine of the 25 Member States have developed a policy on soil. Action by national, regional and local authorities is essential for the success of the European soil strategy. A set of guidelines for cost-effective measures from which these authorities can draw up their policies is crucial for this (see also Recommendation 9).

Paragraph 3: In the Commission proposal this text is placed under Article 18(2). However, in view of the Committee procedure (see Recommendation 11) and because it is important for the drawing-up of best practices, this clause has been moved to Article 17.

Recommendation 11

Article 18

Commission text	CoR amendment
<p>2. Where, on the basis of the exchange of information referred to in Article 17, a need to harmonise the risk assessment methodologies for soil contamination is identified, the Commission shall adopt common criteria for soil contamination risk assessment in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).</p>	<p>2. Where, on the basis of the exchange of information referred to in Article 17, a need to harmonise the risk assessment methodologies for soil contamination is identified, the Commission shall adopt common criteria for soil contamination risk assessment in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).</p>

Reason

The Committee believes that the establishment of Community risk assessment methodologies for soil contamination situations can be of importance for an equal level of protection for people, plants and animals within the Community. The European Commission proposes to use the comitology procedure for these decisions. The Committee of the Regions believes that this decision has widespread implications for the scope of the EU soil legislation. Regional and local authorities should be involved in decision-taking on this issue. It is therefore proposed to leave a decision on these matters to a forum, as referred to in Article 17, and to let the European Parliament and the Council of Ministers adopt a decision at a later date.

Recommendation 12

Article 21

Commission text	CoR amendment
The Commission shall review this Directive at the latest [15 years after the date of entry into force] and shall, where appropriate, propose any necessary amendments.	The Commission shall review this Directive at the latest {15 years after the date of entry into force } <u>publication of the set of guideline measures referred to in Article 17(2)</u> and shall, where appropriate, propose any necessary amendments.

Reason

The Commission text takes as its starting point the moment at which this Directive enters into force. However, measures by national, regional and local authorities are essential for the success of the European soil strategy. Local and regional authorities can only decide on a policy when they have at their disposal a set of guidelines for cost-effective measures (see also Recommendations 9 and 10). The Committee therefore believes that the date of publication of the guideline measures, i.e. the moment that the Member States have sufficient knowledge to adopt measures, is a better starting point.

Recommendation 13

Annex II

Commission text	CoR amendment
<u>ANNEX II</u> List of potentially soil polluting activities	<u>ANNEX II</u> List of potentially soil polluting activities
<ol style="list-style-type: none"> 1. Establishments where dangerous substances are or were present in quantities equal to or in excess of the amounts indicated in Parts 1 and 2, column 2 of Annex I to Council Directive 96/82/EC (Seveso). 2. Activities listed in Annex I to Council Directive 96/61/EC. 3. Airports. 4. Ports. 5. Former military sites. 6. Petrol and filling stations. 7. Dry cleaners. 8. Mining installations not covered by Council Directive 96/82/EC, including extractive waste facilities as defined in Directive 2006/21/EC of the European Parliament and of the Council. 9. Landfills of waste as defined in Council Directive 1999/31/EC. 10. Waste water treatment installations. 11. Pipelines for the transport of dangerous substances. 	<ol style="list-style-type: none"> 1. Establishments where dangerous substances are or were present in quantities equal to or in excess of the amounts indicated in Parts 1 and 2, column 2 of Annex I to Council Directive 96/82/EC (Seveso). 2. Activities listed in Annex I to Council Directive 96/61/EC. 3. Airports. 4. Ports. 5. Former military sites. 6. Petrol and filling stations. 7. Dry cleaners. 8. Mining installations not covered by Council Directive 96/82/EC, including extractive waste facilities as defined in Directive 2006/21/EC of the European Parliament and of the Council. 9. Landfills of waste as defined in Council Directive 1999/31/EC. 10. Waste water treatment installations. 11. Pipelines for the transport of dangerous substances, <u>to the extent that they have no strategic or military function.</u>

Reason

This could refer to large pipelines for gas and oil which are necessary for the adequate supply of energy sources as well as for military purposes. The Committee thinks that because of the need for continuity of the energy supply and the military aspects, the location of these pipelines cannot be made public. Public and easily accessible information about the location of these pipelines could after all be used for terrorist attacks.

Brussels, 13 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on a Thematic Strategy on the Sustainable Use of Pesticides

(2007/C 146/06)

THE COMMITTEE OF THE REGIONS

- welcomes the Commission's thematic strategy, since it provides for an integrated and holistic approach to pesticides which promotes further, necessary environmental improvements in this field;
- regrets that existing legislation has not been able to prevent pesticide residues in foods from increasing over the years, and therefore welcomes the fact that the thematic strategy is intended to step up the monitoring of pesticide residues in foods;
- finds that the proposed system of zones, included in the proposal for a regulation concerning the placing of plant protection products on the market, does not take adequate account of geological, geographical and hydrological factors within each zone. These differences mean that the risk of dangerous pesticides filtrating and leaching varies, and this should be reflected in the legislation; regrets that the zones do not take into consideration existing standards for pesticide regulation in the Member States;
- finds that the Commission's proposal for compulsory mutual recognition of pesticides within zones is not an ideal solution, since this could lead to an increase in pesticide contamination of surface waters;
- considers that the legal basis for the Regulation (COM(2006) 388) should be extended to include Treaty Article 175, which covers the environment;
- calls for quantitative objectives to be developed eventually for reducing pesticide use.

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: A Thematic Strategy on the Sustainable Use of Pesticides (COM(2006) 372 final), the Proposal for a Directive of the European Parliament and of the Council establishing a framework for Community action to achieve a sustainable use of pesticides (COM(2006) 373 final — 2006/0132 (COD)) and the Proposal for a Regulation of the European Parliament and of the Council concerning the placing of plant protection products on the market (COM(2006) 388 final — 2006/0136 (COD));

Having regard to the decision of the European Commission of 12 July 2006 to consult it on these documents, taken under Article 265, 3rd paragraph (COM(2006) 372 final), Article 175, 1st paragraph in conjunction with Article 265, 1st paragraph (COM(2006) 373 final — 2006/0132 (COD)) and Article 152, 4th paragraph in conjunction with Article 265, 1st paragraph (COM(2006) 388 final — 2006/0136 (COD)) of the Treaty establishing the European Community;

Having regard to its Bureau's decision of 25 April 2006 to instruct the Commission for Sustainable Development to draw up an opinion on this subject;

Having regard to its opinion on the Commission Proposal for a Council Directive establishing a framework for Community action in the field of water policy (COM(1997) 49 final — CdR 171/97 fin (1));

Having regard to its opinion of 6 December 2006 on the Communication from the Commission: Halting the loss of biodiversity by 2010 — and beyond, COM (2006) 216 final — CdR 159/2006 fin;

Having regard to its draft opinion (CdR 316/2006 rev. 1) adopted on 27 November 2006 by its Commission for Sustainable Development (rapporteur: Mr Bjørn Dahl, Mayor of Roskilde, DK, ALDE);

unanimously adopted the following opinion at its 68th plenary session, held on 13 and 14 February 2007 (meeting of 13 February):

1. Views of the Committee of the Regions

The Committee of the Regions

General comments

1.1 **welcomes** the Commission's thematic strategy, since it provides for an integrated and holistic approach to pesticides which promotes further, necessary environmental improvements in this field;

1.2 **endorses** the Commission's ongoing update of procedures and functions relevant to the European Food Safety Authority, thus ensuring that EU rules in this area are in line with the latest relevant scientific findings — thereby benefiting the environment and human health;

1.3 **supports** the objectives of the thematic strategy to improve protection of the environment and health by restricting the use of pesticides and encouraging research on less harmful alternatives;

1.4 **agrees** that data protection provisions should not include data produced through animal testing. This is to ensure that tests are not repeated unnecessarily and to help restrict as much as possible the use of animal testing;

1.5 **welcomes the fact** that the thematic strategy is intended to provide guidelines on the use of pesticides for which current Community legislation has been inadequate;

1.6 **is pleased to note that** the strategy includes tools for monitoring and reporting on progress made by the Member States towards achieving its goals;

1.7 **recognises** that sensible use of pesticides brings substantial productivity improvements, as stated in the Commission's impact assessment (SEC(2006) 894), but also **recognises** that use of these products still has a serious impact on the environment;

1.8 **also recognises** that the pesticide industry is a major employer in the EU, providing a total of 26 000 jobs; **is therefore pleased to note** that according to the impact assessment the thematic strategy will create a further 3 000 jobs in the sector, provide a minimum of EUR 380 million in profits for agriculture, and is also consistent with the objectives of the Lisbon strategy;

1.9 **welcomes the fact** that the strategy tries to increase safety in the use of pesticides, through inspection and certification of equipment, promoting safe storage of pesticides and training measures for distributors and professional users. This will make pesticide use more effective, benefiting all those concerned;

(1) OJ C 180 of 11.6.1998, p. 38.

1.10 **regrets** that existing legislation has not been able to prevent pesticide residues in foods from increasing over the years, **and therefore welcomes** the fact that the thematic strategy is intended to step up the monitoring of pesticide residues in foods, and **urges** the rigorous testing for pesticide residues of imported foods and feedstuffs particularly from countries where restrictions of pesticide use may be less stringent;

1.11 **is pleased** that the proposal for a framework directive to achieve a sustainable use of pesticides refers to the Water Framework Directive. This is intended to strengthen the coherence of the EU's efforts to protect the environment; **therefore calls for** a reference to the Water Framework Directive in the proposal for a Regulation concerning the placing of plant protection products on the market;

1.12 **fully understands** the Commission's wish to strengthen competition, dynamism and free trade in the European Union, but believes it is crucially important for the thematic strategy on pesticides to prioritise environmental considerations and public health;

1.13 **therefore believes** that the recommendation contained in the proposal for a Regulation regarding compulsory mutual recognition of pesticides within the three zones is inappropriate when set against the existing provisions. Different situations prevail in the Member States within the same zone, which means that each Member State must be able to continue to apply more rigorous pesticide standards. For example, untreated groundwater is used as drinking water in several Member States. Compulsory introduction of pesticides that were hitherto banned will threaten this practice, with economic consequences for local and regional authorities and for the Member States. **The Committee would point out** that being able to drink high-quality water direct from the tap is a quality-of-life improvement.

2. Recommendations of the Committee of the Regions

2.1 **finds** that the proposed system of zones does not take adequate account of geological, geographical and hydrological factors within each zone. These differences mean that the risk of dangerous pesticides filtrating and leaching varies, and this should be reflected in the legislation; **regrets** that the zones do not take into consideration existing standards for pesticide regulation in the Member States. If the zone-based approach is maintained, more zones should at least be created. If the zones system is adopted, a way should be found of providing for mutual recognition of plant protection product authorisations in neighbouring regions belonging to different zones, with due regard for the protection of consumers and the environment;

2.2 **finds** that the Commission's proposal for compulsory mutual recognition of pesticides within zones is not an ideal solution, since this could lead to an increase in pesticide contamination of surface waters, which would constitute a threat to aquatic organisms and in some cases also to regions' unique bird and vertebrate populations; **considers** the approach to be inconsistent with the general requirement of the Water Framework Directive not to worsen the situation with respect to bodies of water;

2.3 **thinks** that the objectives pursued through mutual recognition could be reached through increased cooperation and data-sharing between the Member States in the zones, with a view to prompt inspection of the resources that have been approved in another country in the zone; **therefore believes** that compulsory mutual recognition of pesticides is an inappropriate tool; **thinks** that if recognition is maintained, the consequences of the division into zones should be better elucidated with a view to adjusting the zones in any case;

2.4 **calls for** more rigorous environmental protection criteria, because the current criteria are not sufficient to maintain the existing high level of protection; but **supports** the introduction of exclusion criteria for the approval of active substances. Such criteria are justified on grounds of the health effects;

2.5 **considers** that the legal basis for the Regulation (COM(2006) 388) should be extended to include Treaty Article 175, which covers the environment. This would have implications when considering future questions of interpretation and Member States' environmental protection measures;

2.6 **supports** introducing the principle of substituting certain plant protection products with less hazardous products or non-chemical alternatives;

2.7 **urges** that the criteria for selecting alternatives be improved so that it is possible to replace more substances. The rules should also be improved so that it is possible for the Member States to substitute plant protection products based on the properties of their adjuvants;

2.8 **urges** that pesticides which can seep into the groundwater should consistently be included among high-risk substances in the Regulation;

2.9 **calls for** the authorisation of active substances in plant protection products not to be limited after the initial renewal at the end of 10 years. Failure to renew would have a negative impact on the environment and health if, for instance, new data requirements or new guidelines were introduced for the assessment;

2.10 **opposes** the introduction of a looser approval procedure for plant protection products containing active substances which are assessed as 'low risk'. All plant protection products can carry a certain risk for humans and nature, and must therefore be subject to a thorough approval procedure;

2.11 **recommends** that the sale and distribution of pesticides is carried out under the supervision of an accredited expert or competent medical personnel;

2.12 **calls for** quantitative objectives to be developed eventually for reducing pesticide use, in line with the recommendations of the 6th Framework Programme; also **calls for** the promotion of production methods that make little or no use of pesticides, as is the case with organic farming;

2.13 **calls for** the incorporation in Articles 21 and 43 of the Regulation of a direct reference to the Water Framework Directive Article 4(1);

2.14 **welcomes** the fact that there has been a comprehensive consultation process on the thematic strategy which has included local and regional authorities; **also calls** for their involvement to be stepped up by including them in the Expert Group on the Thematic Strategy, which is tasked with advising on best practice and monitoring implementation of the strategy. Local and regional authorities must also be involved in drawing up and implementing the national action plans. Their unique understanding of local situations enables them to make a useful contribution in these forums, which should involve civil society.

Recommendation 1

Article 30 of the Proposal for a Regulation of the European Parliament and of the Council concerning the placing of plant protection products on the market

COM(2006) 388 final — 2006/0136 (COD)

European Commission text	CoR amendment
<i>Article 30</i>	<i>Article 30</i>
Contents	Contents
<p>1. The authorisation shall define the crops on which and the purposes for which the plant protection product may be used.</p> <p>2. The authorisation shall set out the requirements relating to the placing on the market and use of the plant protection product. Those requirements shall include the conditions of use necessary to comply with the conditions and requirements provided for in the Regulation approving the active substances, safeners and synergists. The authorisation shall include a classification of the plant protection product for the purpose of Directive 1999/45/EC.</p> <p>3. The requirements referred to in paragraph 2 may include:</p> <p>(a) a restriction of the product with respect to the distribution and use of the plant protection product to protect the health of the distributors, users and workers concerned;</p> <p>(b) the obligation to inform any neighbours who could be exposed to the spray drift before the product is used and who have requested to be informed.</p>	<p>1. The authorisation shall define the crops on which and the purposes for which the plant protection product may be used.</p> <p>2. The authorisation shall set out the requirements relating to the placing on the market and use of the plant protection product. Those requirements shall include the conditions of use necessary to comply with the conditions and requirements provided for in the Regulation approving the active substances, safeners and synergists. The authorisation shall include a classification of the plant protection product for the purpose of Directive 1999/45/EC.</p> <p>3. The requirements referred to in paragraph 2 may include:</p> <p>(a) a restriction of the product with respect to the distribution and use of the plant protection product to protect the health of the distributors, users and workers concerned <u>and the environment</u>;</p> <p>(b) the obligation to inform any neighbours who could be exposed to the spray drift before the product is used and who have requested to be informed.</p>

Reason

It is necessary to add 'environment' to the text in Article 30(3) to ensure the protection of the environment, including groundwater. The recent adoption of the Directive of the European Parliament and the Council on the protection of groundwater sets limit values for pesticides in groundwater. The proposal for a Regulation should not interfere with Member States' obligations to comply with the Groundwater Directive. Therefore it should be possible for Member States to establish national restrictions according to national conditions when authorising plant protection products to be able to comply with the Groundwater Directive.

Recommendation 2

Article 40 of the Proposal for a Regulation of the European Parliament and of the Council concerning the placing of plant protection products on the market

COM(2006) 388 final — 2006/0136 (COD)

European Commission text	Amendment
<p style="text-align: center;"><i>Article 40</i> Authorisation</p> <p>1. The Member State to which an application under Article 39 is submitted shall authorise the plant protection product concerned under the same conditions, including classification for the purpose of Directive 1999/45/EC, as the reference Member State.</p> <p>2. By way of derogation from paragraph 1 and subject to Community law, additional conditions may be imposed with respect to the requirements referred to in Article 30(3).</p>	<p style="text-align: center;"><i>Article 40</i> Authorisation</p> <p>1. The Member State to which an application under Article 39 is submitted shall authorise the plant protection product concerned under the same conditions, including classification for the purpose of Directive 1999/45/EC, as the reference Member State.</p> <p>2. By way of derogation from paragraph 1 and subject to Community law, additional conditions may be imposed with respect to the requirements referred to in Article 30(3).</p> <p>3. <u>By way of derogation from paragraph 1 and subject to Community law, the Member State to which an application under Article 39 is submitted can refuse authorisation of the plant protection product concerned if there is scientific and technical knowledge that an authorisation in its territory will not comply with Article 29.</u></p>

Reason

The recent adoption of the Directive of the European Parliament and the Council on the protection of groundwater sets limit values for pesticides in groundwater. The proposal for a Regulation should not interfere with the Member States' obligations to comply with the Groundwater Directive.

The proposal for a regulation with obligatory mutual recognition is based on the assumption that the conditions within a zone are 'relatively similar'. However, the conditions can vary a great deal. It is therefore important to ensure that each Member State can refuse a mutual recognition if an authorisation in its territory will not comply with the Groundwater Directive.

Brussels, 13 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the European Transparency Initiative

(2007/C 146/07)

THE COMMITTEE OF THE REGIONS

- welcomes the initiative of the Commission to promote transparency. Greater transparency is crucial if EU institutions are to remain accountable and democratic; efficient and in touch with the needs of the public; recalls, in this context, that if the EU is genuinely to increase its democratic legitimacy, there is also a need for greater involvement of local and regional actors in the EU legislative and decision-making processes;
- regrets, however, that the local and regional dimension has not been mentioned in this initiative and urges the Commission to involve it more closely;
- underlines that the EU is a multilevel institutional partnership in which regional and local authorities are involved in European policy-making at national and European level;
- believes that it is necessary to stress once again the need to differentiate between EU institutions' consultation with elected local and regional authorities and their associations, on the one hand, and lobby organisations representing special interests on the other;
- welcomes the fact that the European Commission has introduced an ongoing and systematic dialogue with local and regional authorities and their European and national associations in areas where they are responsible for transposition or implementation; nevertheless believes that improvements can be made to the way this dialogue is organised;
- welcomes the greater transparency that registration of lobby organisations would bring;
- does not believe, however, that an arrangement based on voluntary registration provides an adequate framework to ensure sufficient transparency;
- is convinced that it is important to ensure an efficient and simple procedure for future registration. The register should be managed by the European Commission;
- supports the Commission's ambition to strengthen transparency as regards the use of EU funds and encourages Member States to administer community funds under 'shared management'. It is in the interest of all beneficiaries to be transparent about EU funding.

THE COMMITTEE OF THE REGIONS,

Having regard to the Green Paper of the European Commission on the *European Transparency Initiative* COM(2006) 194 final;

Having regard to the decision of the European Commission of 3 May 2006 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 25 April 2006 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 communication to the Commission from its President, Ms Wallström, Mr Kallas, Ms Hübner and Ms Fischer Boel of 9 November 2005 *Proposing the launch of a European Transparency Initiative* ⁽¹⁾;

Having regard to the communication of the European Commission *Towards a reinforced culture of consultation and dialogue — General principles and minimum standards for consultation of interested parties by the Commission* COM(2002)704 final;

Having regard to its opinion of 12 October 2005 on *Better Lawmaking 2004 and Better Regulation for Growth and Jobs in the European Union*, CdR 121/2005 fin (Rapporteur: Mr Delebarre, FR-PES) ⁽²⁾;

Having regard to its opinion of 13 March 2002 on the *White Paper on European Governance* and the *Communication on a new framework for cooperation on activities concerning the information and communication policy of the European Union* COM(2001) 428 final, COM(2001) 354 final, CdR 103/2001 fin (Rapporteur: Mr Michel Delebarre FR-PES) ⁽³⁾;

Having regard to its draft opinion (CdR 235/2006 rev. 1) adopted on 29 November 2006 by the Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (rapporteur: **Mr Per Bødker Andersen** (DK/PES), Mayor of Kolding Municipality);

- 1) **Whereas** transparency is one of the key elements in a democracy of multilevel governance;
- 2) **Whereas** it is important to give greater consideration to the principles of subsidiarity, proportionality and proximity in order to develop simple and clear European legislation that can be readily understood by European citizens;
- 3) **Whereas** it is vital to ensure that regional and local players are fully involved, among other things through the CoR, in the core issues on the European agenda;
- 4) **Whereas** regional and local authorities, if appropriately involved in the preparation of legislative acts, can play a key role in transposing and implementing them in their own areas;

adopted the following opinion at its 68th plenary session, held on 13 and 14 February 2007 (meeting of 13 February):

The Committee of the Regions' views and recommendations

The Committee of the Regions

1. General remarks

1.1 **welcomes** the initiative of the Commission to promote transparency. The launch of the European Transparency Initiative is an important step by the Commission to promote the transparent functioning of the EU institutions. Greater transparency is crucial if EU institutions are to remain accountable and democratic; efficient and in touch with the needs of the public; **recalls**, in this context, that if the EU is genuinely to increase its democratic legitimacy, there is also a need for greater involvement of local and regional actors in the EU legislative and decision-making processes;

1.2 **considers** that with the transparency initiative, the European Commission has launched a necessary debate and **believes** that it is important to have the debate now, also in the context of the period of reflection and debate on Europe's future, because decision-makers need to ensure and demonstrate that the EU functions democratically and effectively. Ensuring transparency is one crucial way of bringing Europe closer to its citizens;

1.3 **regrets**, however, that the local and regional dimension has not been mentioned in this initiative and **urges** the Commission to involve it more closely; **recalls** the Commission's statement in the White Paper on European Governance (2001) that it would ensure that regional and local knowledge and conditions would be taken into account when developing policy proposals;

⁽¹⁾ http://ec.europa.eu/comm/eti/index_en.htm.

⁽²⁾ OJ C 81 of 4.4.2006, p. 6-10.

⁽³⁾ OJ C 192 of 12.8.2002, p. 24-31.

1.4 **welcomes** the decision during the Finnish presidency in the second half of 2006 to strive for more transparency in the work of the Council. It is a very positive development that the Council has also agreed to allow more open decision-making and access to Council documents; **believes** nevertheless that this a first step in the right direction and **urges** the Council to open up more of its proceedings to the public. This is an important way for citizens to follow the decision-making process;

1.5 **feels** that the term 'improper lobbying' should be defined as accurately as possible so that lobbyists' activities can be monitored and any infringements penalised;

1.6 **considers** that the objective of transparency must be to bring the European Union closer to its citizens; in order to promote transparency and thus reduce the distance between the European institutions and citizens, and that it is of fundamental importance to encourage measures which, like those developed under the *Plan D for Democracy, Dialogue and Debate*, endeavour to publicise the activities and competences of the Union among Europeans and among young people in particular, as is the intention with the Youth Forum.

2. Multilevel partnership and governance

2.1 **underlines** that the EU is a multilevel institutional partnership in which regional and local authorities are involved in European policy-making at national and European level. The best way to ensure that new EU law is relevant and practicable is to consult local and regional authorities on relevant issues, stepping up dialogue and forums for participation and decision-making. These authorities are responsible for implementing and transposing EU policies and thus play a major part in ensuring transparency;

2.2 **recognises**, however, that not only the European Union has an obligation to ensure transparency. The Member States, but also the CoR and all levels of government it represents should set an example by providing efficient service-minded and democratic public administrations. Consequently, local and regional authorities in the Member States should also be open-minded towards ensuring transparency in their own administration.

3. More consultation

3.1 **believes** that it is necessary to stress once again the need to differentiate between EU institutions' consultation with elected local and regional authorities and their associations, on the one hand, and lobby organisations representing special interests on the other; **stresses** that, together with the local and

regional authorities it represents, it is part of European governance and that it should therefore be directly involved in any initiative by the European Commission to improve the transparent functioning of decision-making in the Union;

3.2 **calls** on the European Commission to annex to any legislative or non-legislative proposal a list of meetings held and received position papers in the preparation of the specific proposal;

3.3 **underlines** that the structured dialogue between the Commission and the associations of local and regional government, which has been developed on the basis of the White Paper on European Governance, is an important step towards actually getting local and regional authorities involved; **welcomes** this development and **stresses** the central role it is called upon to play in this context;

3.4 **welcomes** the fact that the European Commission has introduced an ongoing and systematic dialogue with local and regional authorities and their European and national associations in areas where they are responsible for transposition or implementation. It is important to continuously develop this dialogue so that both parties can fully benefit from it. In this connection, it is particularly important to strengthen this dialogue in the drafting of those legislative proposals that affect regional and local authorities;

3.5 nevertheless **believes** that improvements can be made to the way this dialogue is organised and therefore **suggests** that:

- four sessions per year normally take place, including the annual event attended by the President of the Commission, so as to guarantee optimum political visibility;
- in order to make the discussions more inter-active and spontaneous, the structured dialogue should become more of a questioning and answering time;
- the agenda for the structured dialogue should be developed in close cooperation between the CoR and local and regional authorities; and that the themes identified should be refocused on those aspects of fundamental importance to local and regional authorities;
- the interface with local and regional media should be developed;
- local and regional authorities should be able to submit written comments, and to propose topics that are of general interest to local and regional authorities and coincide with the political agenda of the European Union;

- the Commission should also be able to provide written feedback following meetings;
- emphasis be placed on better monitoring of the structured dialogue through regular evaluation in close cooperation with the CoR and the local and regional authorities it represents;
- the dialogue should whenever possible be targeted more clearly towards those local and regional stakeholders which are directly affected by a legislative proposal;
- the Commission should intensify its cooperation and use of hearings with elected representatives and the experts from the national and European associations of regional and local government, using the appropriate channels;

3.6 **calls on** the Commission to improve the existing tools for providing feedback on its opinions, which contain concrete responses to the Commission's request for consultation and tangible proposals that take account of regional and local interests. Furthermore, the Commission should, as a minimum, explain or clarify the reasons for not taking its recommendations into account;

3.7 **considers** that the introduction of minimum standards for consultation in 2002 opened up new possibilities for a wide consultation of stakeholders and in-depth impact assessments prior to legislative proposals. These standards attach a specific importance to local and regional authorities, which has been confirmed in the Cooperation Agreement between the CoR of the Regions and the Commission. It is important that consultation is timely and gives the stakeholders a real possibility to respond to legislative proposals;

3.8 **would like to see** other forms of direct and pre-legislative consultation of regions and cities developed alongside the structured dialogue with the associations of local and regional government, under the auspices of the Committee, so that the voices of these stakeholders can also be regularly heard during the preparation stage of proposed legislation; **notes** that, in this connection, consultations were envisaged as part of the Commission's 2002 initiative aimed at establishing minimum standards for consultation and that, in this context, the CoR was asked to play a proactive role, by organising consultations on behalf of the Commission ⁽⁴⁾;

3.9 **regrets** that the territorial dimension is not given enough consideration in the Green Paper on the European Transparency Initiative, and likewise in the new impact analysis strategy; therefore calls on the Commission to mainstream consultation of local and regional authorities in all work on multi-level governance and to extend the method of consultation it is already applying, successfully, in relation to the cohesion policy, to all policies with a regional or local impact;

3.10 **believes that** impact assessments must play a substantial role in reducing the administrative burden of EU legislation on local and regional authorities, as stated in the opinion on better lawmaking (CdR 121/2005);

3.11 **reiterates** its opinion that the preliminary assessments, apart from analysing the policy objective of a legislative proposal and the most appropriate policy instruments, must include an impact assessment of legislative acts at local and regional level in *financial terms*.

4. Registration of lobbyists

4.1 **welcomes** the greater transparency that registration of lobby organisations would bring. As part of the EU governance system, the CoR and its members are themselves the focus of lobbying activity and therefore agree that a system of registration/accreditation could improve the transparent functioning of the EU political process;

4.2 **stresses** that, owing to their-democratic legitimacy, local and regional authorities and their associations are clearly different from commercial lobbyists or special interest groups. Local and regional authorities are part of the European governance structure. Any registration must take this difference into account. Local and regional authorities should, therefore, not be listed on the register of lobbyists, in any way which could risk blurring the distinction between their role and that of other organisations on the list;

4.3 **does not believe**, however, that an arrangement based on voluntary registration provides an adequate framework to ensure sufficient transparency. A voluntary arrangement will not contain public speculation and mistrust in the institutions' consultations with private parties. Registration should be a requirement for access by all lobby organisations to any EU institution, as is already the case with the European Parliament;

4.4 **is convinced** that it is important to ensure an efficient and simple procedure for future registration. The register should be managed by the European Commission. There should be only one contact point for registration with all EU institutions and registration should be required for entire organisations rather than individuals. Given that the Committee already possesses information on regional and local authorities and the associations representing them, there is no need for every local and regional authority or their associations to register individually. The CoR could therefore pass this information on to the Commission so that it can be included in the relevant section of the register;

⁽⁴⁾ COM(2002)704, p. 8.

4.5 **feels** there is a need to specify the nature, frequency and required scope of the information to be provided by lobbyists.

5. *Disclosure of beneficiaries of community funds*

5.1 **supports** the Commission's ambition to strengthen transparency as regards the use of EU funds and encourages Member States to administer community funds under 'shared management', i.e. the structural fund projects aimed at improving exchanges of best practice. It is in the interest of all beneficiaries to be transparent about EU funding;

5.2 **welcomes** the initiative of the Commission to create a website providing access to existing information about the beneficiaries of projects and programmes. In order to make available information which is comparable in respect of all citizens of EU Member States and hence transparent, the requisite data should be published on a central basis by the European Commission. It would be in the interest of the European citizens also to have a

description of lessons learned and initiatives with a 'human face';

5.3 **welcomes** the Green Paper's proposal to create common community-wide regulations for publicising how EU funds are spent.

6. *Revision of regulation 1049 on access to documents*

6.1 **is satisfied** that in 2001 the Commission opened access to unpublished documents of the EU institutions and bodies through a register of documents or following individual requests and **underlines** that in 2002 it followed this up by introducing a code of Good Administrative Behaviour which defines rules on public access to documents. Both initiatives are major steps towards ensuring the transparency of the European Commission;

6.2 **looks forward** to the planned revision of regulation 1049 and **intends** to contribute to this process.

Brussels, 13 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions towards an EU Strategy on the Rights of the Child

(2007/C 146/08)

THE COMMITTEE OF THE REGIONS

- welcomes the Commission's Communication, and in particular the proposed development of a Strategy to effectively promote and safeguard the rights of the child in the EU's internal and external policies and to support Member States' efforts in this field;
- welcomes the establishment of a Children's Rights Unit within the Commission and notes the important role accorded to the Children's Rights Co-ordinator in ensuring the success of the Strategy, but hopes that sufficient resources will be provided for these and that sufficient status and political leverage will be given to the Co-ordinator to ensure that the aims of the office are achieved; calls for clarification on the role of the Co-ordinator on how it will complement work at national level;
- regrets that more attention is not paid to the situation of unaccompanied minors, the girl-child, children with disabilities and migrant, asylum seeker and refugee children, both within the EU and in the global context; including the provision of care services and protection to all the above children;
- notes that the Strategy has the potential to lay the basis, at a European and national level, for a more effective partnership between decision-makers, local and regional authorities and non-governmental organisations;
- regrets, however, that there is no acknowledgment in the Communication of the unique role of local and regional authorities in providing services to children and safeguarding their rights and underlines that these authorities are willing and able to be a partner in the development and implementation of the Strategy;
- recommends that the necessary financial and human resources and political commitment be dedicated to progressing the Communication and developing the Green Paper and Strategy and suggests that the European Parliament consider establishing a specific measure to finance the Strategy and its proposed actions.

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission ‘Towards an EU Strategy on the Rights of the Child’ COM(2006) 367 final;

Having regard to the decision of the European Commission of 4 July 2006 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 22 February 2006 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 its draft opinion on the situation of unaccompanied minors in the migration process — the role and suggestions of regional and local authorities (CdR 136/2006 rev. 2);

Having regard to its opinions on the Hague Programme: Ten priorities for the next five years (CdR 122/1005 fin); on combating human trafficking (CdR 87/2001 fin), on the DAPHNE II programme to prevent violence against children, young people and women and to protect victims and groups at-risk (CdR 63/2003), on the protection of minorities and non-discrimination policies (CdR 53/2006 fin); on demographic change (CdR 152/2005 fin) and on integration and migration (CdR 51/2006 fin);

Having regard to its draft opinion (CdR 236/2006 rev. 1) adopted on 29 November 2006 by the Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (rapporteur: Ms Maria Corrigan, Member of Dun Laoghaire/Rathdown County Council and Dublin Regional Authority);

Whereas:

- 1) under the UN Convention on the Rights of the Child, children are defined as all those below the age of eighteen years;
- 2) all Member States have ratified the UN Convention on the Rights of the Child, neither the European Commission nor the European Union is or can be a party to it;
- 3) there are limited legal bases for children’s rights in the EU Treaties; this has implications for possible budgetary sources;
- 4) the central role of the family, and in particular the role of parents, and Member States’ responsibility to assist parents in their childcare and childrearing responsibilities is acknowledged;
- 5) the promotion and safeguarding of the rights of children and the creation of inclusive and child friendly societies is fundamental to the future of the European Union;
- 6) involving children and young people — at an early stage — in the public domain is central to the development of an inclusive and democratic society;
- 7) regional and local authorities are in a unique position to play a role in promoting and protecting the rights of children given their responsibility for the physical environment, public transport and access to education, health care, play and recreation, the job market for young people; and also for their role in monitoring children’s living conditions through, for example, social assistance and data collection;

adopted the following opinion unanimously at its 68th plenary session, held on 13 and 14 February 2007 (meeting of 13 February):

1. Views of the Committee of the Regions

1.3 **regrets** the deadlock in the EU constitutional process given that the Constitutional Treaty and the Charter for Fundamental Rights explicitly recognise the rights of the child;

The Committee of the Regions

1.1 **welcomes** the Commission’s Communication, and in particular the proposed development of a Strategy to effectively promote and safeguard the rights of the child in the EU’s internal and external policies and to support Member States’ efforts in this field;

1.2 **recognises** that investing in children now is an investment in our futures and a further deepening and consolidation of European integration;

1.4 **welcomes** the acknowledgement that Member States are bound to respect international treaties, in particular the United Nations Convention on the Rights of the Child (UNCRC) which has been ratified by each of the Member States; but **is disappointed** that there is not a stronger emphasis on the need for Member States to implement with a sense of urgency their existing European and international commitments to children’s rights;

1.5 **welcomes** the acknowledgement that the almost universal ratification worldwide of the UNCRC provides a particularly robust basis for engagement between the European Commission and non-EU countries; but **regrets** that the Communication did not build on the potential to use the ratification by all EU Member States of the UNCRC as a framework for engagement between Member States;

1.6 **welcomes** the establishment of a Children's Rights Unit within the Commission and **notes** the important role accorded to the Children's Rights Coordinator in ensuring the success of the Strategy, but **hopes** that sufficient resources will be provided for these and that sufficient status and political leverage will be given to the Coordinator to ensure that the aims of the office are achieved; **calls** for clarification on the role of the Coordinator on how it will complement work at national level;

1.7 **supports** the short term actions proposed by the Commission to tackle some urgent challenges, in particular the creation of a single six digit telephone number for child helplines within the EU and one for child hotlines dedicated to missing or sexually exploited children, and **believes** that these lines should be augmented by an agreed protocol for dealing with inter-state child abductions. Furthermore, **believes** that the new child helplines should not duplicate but rather complement existing helplines at national and regional level and that the exchange of best practice in Member States should inform the establishment of these services;

1.8 **notes** that the Communication did not indicate that the Strategy will commit to minimum standards and include comprehensive objectives with clear targets and timelines;

1.9 **notes** that systems are currently not in place that can produce comprehensive, comparable and consistent data on indicators across the Member States; **recalls** that there is ongoing work using the Open Method of Coordination to develop an indicator (or set of indicators) on child well-being, as well as statistical data on income related poverty, material deprivation and housing, and many different datasets also exist at Member State and regional/local levels;

1.10 **points out** that children are not an homogeneous group, their needs vary, for example, depending on the child's age, ability, gender, ethnicity and family structure;

1.11 **regrets** that more attention is not paid to the situation of unaccompanied minors, the girl-child, children with disabilities and migrant, asylum seeker and refugee children, both within the EU and in the global context; including the provision of care services and protection to all the above children.

1.12 **regrets** that no reference is made to the provision of quality 'early education' for children under six. Despite 'childcare' services being a long-term and priority policy goal of the EU and the adoption of EU quantitative targets;

1.13 **notes** that the Strategy has the potential to lay the basis, at a European and national level, for a more effective partnership between decision-makers, local and regional authorities and non-governmental organisations;

1.14 **regrets**, however, that there is no acknowledgment in the Communication of the unique role of local and regional authorities in providing services to children and safeguarding their rights and **underlines** that these authorities are willing and able to be a partner in the development and implementation of the Strategy;

1.15 **emphasises** that in developing the Strategy the principles of subsidiarity and proportionality should be fully respected;

1.16 **welcomes** the statement that 'the place where children are living also influences their situation'; children may be disadvantaged due to inequitable access to quality education, health-care, public transport, play and recreation facilities; information and opportunities to participate in civil society; and **would like to see** more attention paid to conditions in city, suburban and other specific areas identified by the Member States;

1.17 **emphasises** that many local and regional authorities directly fund and implement Development Policy in third countries, supporting infrastructure and key services, twinning with authorities, sharing experience and transferring skills, and that the potential exists for a greater focus in this work on children's rights;

1.18 **welcomes** the acknowledgment that children have the right to express their views on matters affecting their lives; and **welcomes** the proposed activities to involve children in the development of the Strategy. The involvement of regional and local authorities and children's organisations will be important to the success of this work;

1.19 **welcomes** the recently published United Nations study on violence against children⁽¹⁾. The report 'urges states to prohibit all forms of violence against children, in all settings, including all corporal punishment, harmful traditional practices — such as early and forced marriages, female genital mutilation and so-called honour crimes — sexual violence and torture and other cruel, inhuman or degrading treatment or punishment'⁽²⁾; **suggests** that the findings from this study be fully considered during the development of the Strategy.

(1) This report was produced by an independent expert, Paulo Sérgio Pinheiro, and is available at: www.violencestudy.org.

(2) UN Sixty-first session, Promotion and protection of the rights of children, A/61/299.

2. Recommendations of the Committee of the Regions

The Committee of the Regions

2.1 **recommends** that the necessary financial and human resources and political commitment be dedicated to progressing the Communication and developing the Green Paper and Strategy and **suggests** that the European Parliament consider establishing a specific measure to finance the Strategy and its proposed actions;

2.2 **underlines** that local and regional authorities be regarded as essential partners in the development of the Strategy, and **calls** to be included as a member of the European Forum for the Rights of the Child; with representation on the Inter-services Group; and that it be consulted on the development of the Coordinator's report and that this report be made public;

2.3 **recommends** that the Strategy commit to a set of minimum standards and include ambitious actions with clear targets and objectives, following a thorough analysis;

2.4 **recommends** that a balance be achieved in the Strategy between its focus on the global situation and the EU internal and intra-state actions and dialogue;

2.5 **recommends** that priority be given to the development of a set of comparable indicators and the collection of consistent data at Member State and, where possible, regional level;

2.6 **calls for** the provision of adequate resources, supports and mechanisms to facilitate the participation of children in the development of the Strategy, including children from disadvantaged and ethnic minority backgrounds and children with disabilities. Children should be involved at an early stage in the process and through a variety of age appropriate methodologies, for example, art work, facilitated discussions, etc. Furthermore, **acknowledges** that local and regional authorities could also do more in facilitating such consultation of children on relevant policies determined at sub-national level;

2.7 **reiterates** its call for full implementation of the Convention on the Rights of the Child of 20 November 1989; and **underlines** the importance of the following rights: freedom of thought, conscience and religion; protection of private life; protection from the use of violence, mistreatment and neglect; the right to health care; the right to education, schooling and training; and protection of minorities, as stated in its opinion on integration and migration (CdR 51/2006 fin), as well as the right to appropriate nutrition and housing;

2.8 in this regard, **insists** that the crucial role of local and regional authorities as the frontline providers of essential services to children, such as education and housing, childcare

and other social services, is fully recognised as well as their role in planning, policing and maintenance of the physical environment ensuring that children have access to housing suitable and appropriate to their needs, as well as adequate play and leisure facilities and grow-up in a safe physical environment;

2.9 **calls for** an increased emphasis on the need for Member States to implement with a sense of urgency their existing European and international commitments, including commitments at legislative and practice level under the UNCRC, the European Convention on Human Rights and the Council of Europe's instruments. This work should be integrated into the assessment of the impact of existing EU actions affecting children's rights;

2.10 **suggests** that the analysis not only 'assess the effectiveness of its existing action' but facilitate an assessment of the progress of Member States' in complying with the UNCRC, through comparative data analysis, as outlined in the Impact Assessment;

2.11 **suggests** that the analysis also include a review of whether all Member States have ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption (1993);

2.12 **recommends** that the Open Method of Coordination be used as a mechanism for engagement between Member States and for learning from best practice in relation to the implementation of the UNCRC and that local and regional authorities should be fully involved in this process;

2.13 **recommends** that EU and Member State policies take into account the diversity of children and their varying needs; for example, children disadvantaged by geographical location, age, gender, ethnicity and disability. Special attention will need to be paid to the impact of poverty, social exclusion, disability, discrimination and racism and the situation of ethnic minority and refugee children, and the implications of religious, linguistic and cultural diversity, both within the EU and in the global context;

2.14 **suggests** that the Strategy include specific objectives to ensure that children in all geographical areas have equal opportunities; this will entail strengthening activities on tackling child poverty and educational disadvantage. Regional and local authorities will play a central role in these measures;

2.15 **recommends** that, in addition to the short-term measures outlined, a measure be developed to enable transnational cooperation by police forces in relation to the checking of any criminal records of staff and volunteers who work with children; **urges** that the Strategy should consider the establishment of an EU register of sex offenders against children which can be accessed by police forces;

2.16 **urges** that the Strategy address ways to better develop family support services to prevent child abuse and filicide (the killing of a child by a parent). This could focus on supports to parents, prevention and early identification of child abuse; supports to victims of abuse and the establishment of a mechanism to review suspicious deaths of children in order to examine the effectiveness of state interventions prior to such cases;

2.17 **recommends** that the Strategy addresses the negative influence of television, computers and new technologies on children, such as access to adult or inappropriate images on the internet and also the sedentary nature of these activities with consequent implications for active lifestyles among children. A related issue is the negative impact of direct targeting of children in advertising and marketing. Measures to utilise technology for educational purposes should be encouraged, such as television programmes to assist children's linguistic and cultural competence, this will be particularly important for migrant children. Creative measures are also needed to promote cultural activities

and make them accessible to children such as reading, music and theatre;

2.18 **requests** that the training programmes and tools developed as part of the Strategy be available to regional and local administrations to familiarise officials with new policy tools and best practice;

2.19 **recommends** that the communications strategy be based on the UNCRC, and that all information campaigns be launched at regional and local level, be age appropriate, available in multiple languages and accessible to children with disabilities;

2.20 **recommends** that EU development aid should provide for a percentage of its funding to be invested in interventions that benefit children and that the development policy of local and regional authorities in Third Countries should also enhance priority to the transfer of skills and policy experience on children's rights.

Brussels, 13 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on Bridging the Broadband Gap and i2010 eGovernment Action Plan

(2007/C 146/09)

THE COMMITTEE OF THE REGIONS

- considers that the availability of broadband access at affordable rates across the EU is vital to ensuring quality public services, regional competitiveness and productivity and a more even development of the information and knowledge society, covering areas traditionally excluded. It considers that broadband connectivity should be supplied on the same basis as basic utilities such as drinking water and electricity;
- considers very important the references made by the Commission to rural development, the use of Structural Funds and its assessment of the compatibility with EU rules of publicly-funded broadband access projects;
- hopes that the new regulatory framework on electronic communications will develop a policy of radio-spectrum usage supporting the introduction of wireless broadband technology;
- echoes the Commission's call for Member States to strengthen their National Broadband Strategies by increasing the involvement of local and regional authorities;
- takes the view that inclusive eGovernment involves countering potential digital exclusion when services are provided online (the infrastructural and cultural digital divide), as well as developing social inclusion policies by means of ICT;
- notes that the use of eGovernment should be aimed at both the restructuring and updating of public services, and at achieving the goals of efficiency, effectiveness, cost efficiency, impartiality, transparency, simplification and participation. It believes that there is a clear need for public bodies to share best practices;
- recommends facilitating cooperation, the exchange of know-how, the sharing of re-usable solutions and initiatives towards greater transparency and public involvement in decision-making, particularly in parliamentary decision-making processes.

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 *Bridging the Broadband Gap* (COM(2006) 129 final);

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 *i2010 eGovernment Action Plan: Accelerating eGovernment in Europe for the Benefit of All* (COM(2006) 173 final);

Having regard to the decisions of the European Commission of 20 March 2006 and of 25 April 2006 to request its opinion on both subjects, under Article 265(1) of the Treaty establishing the European Community;

Having regard to the decision of the Bureau of 25 April 2006 to instruct the Commission for Culture, Education and Research to draw up an opinion on both subjects;

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 *i2010 — A European Information Society for Growth and Employment* (COM(2005) 229 final), (CdR 252/2005 fin) ⁽¹⁾;

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 *Connecting Europe at High Speed: National Broadband Strategies* (COM(2004) 369 final), (CdR 257/2004 fin) ⁽²⁾;

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 *the eEurope 2005 Action Plan: An Update*. (COM(2004) 380 final), (CdR 193/2004 fin) ⁽³⁾;

Having regard to the draft opinion adopted by the Commission for Culture, Education and Research on 30 November 2006 (CdR 272/2006 rev. 2), (Rapporteur: **Mr Luciano Caveri**, President of the Autonomous Region of Valle d'Aosta (IT/ALDE));

adopted the following opinion at its 68th plenary session, held on 13-14 February 2007 (meeting of 13 February):

1. Broadband

The broadband gap

The Committee of the Regions

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

1.2 **welcomes** the fact that the diffusion of information technologies plays a crucial role in the achieving the Lisbon and Gothenburg strategies, in terms of the improvement that they bring to the operations of existing businesses, for the growth of new and innovative businesses and the decisive contribution they can make in educating workers and citizens in general.

1.3 **points out** the importance of increasing the availability of information technologies at all levels of public administration, especially where public bodies are providing services directly to citizens.

1.4 **stresses**, however, that on-line services such as such as eGovernment, eHealth, eLearning and eProcurement can only become inclusive and more interactive when they become

widely available to the EU's citizens and business community by means of broadband connections.

1.5 **considers**, therefore, that the availability of broadband access at affordable rates across the EU is vital to ensuring quality public services, regional competitiveness and productivity and a more even development of the information and knowledge society, covering areas traditionally excluded.

1.6 **welcomes** the fact that the Communication makes several explicit references to rural development, including possible ad hoc funding lines, is a clear indication of the significance attributed by the Commission to the potential benefits of a more widespread availability of broadband services. These benefits include increasing the competitiveness of rural areas and the balanced development of the territory — and generally, in areas with permanent geographical and natural handicaps — as well as the high added value that it can bring to businesses traditionally located in those areas.

1.7 **considers** very important, therefore, the references to policies coming under the remit of the Directorate General for Regional Policy — in particular, regarding the use of Structural Funds — and of DG Competition — specifically, its assessment of the compatibility with EU rules of publicly-funded rural broadband access projects.

⁽¹⁾ OJ C 192, 16.8.2006, p. 15.

⁽²⁾ OJ C 71, 22.3.2005, p. 55.

⁽³⁾ OJ C 71, 22.3.2005, p. 59.

1.8 **fears** that a common pitfall in broadband deployment is the risk of market failure, where private operators perceive little return on infrastructural investment in remote, rural, low-population-density areas or where hilly terrain makes it a particularly complex and onerous task. Such openness and flexibility is a significant and positive sign, given that broadband is so crucial to the socio-economic development of such areas.

1.9 **points out**, in support of this argument, that the Committee of the Regions has, on several occasions, analysed and discussed the range of solutions being implemented by local and regional authorities across Europe; what emerged clearly was that there is no 'one size fits all' solution. In particular, what may be suitable for a large urban centre may not be so for other areas, such as a small mountainous region, with a complex, rugged terrain, or sparse population in which extra efforts are required for the provision of any kind of service.

1.10 **recognises** the significant progress made in recent years in broadband deployment. However, in view of the EU's target of reaching at least 90 % of its population by 2010, a substantial disparity remains in terms of infrastructure, between urban centres and remote areas, and between the old and new Member States.

1.11 **stresses**, however, that this target of covering 90 % of the population is not enough on its own, if not viewed in tandem with other factors (geographical spread, population density, etc.). Indeed, in small communities, such as upland areas, which often have difficulty accessing basic utilities (fixed and mobile telephone services, terrestrial television, etc.) the other 10 % could represent the exclusion of entire low-population-density areas.

1.12 **further points out**, in relation to the broadband gap, the need to also focus on the gap between broadband deployment and actual usage. To bridge this gap, non-technical measures need to be taken at local level, aimed at promoting the use of broadband among older people and disadvantaged or traditionally less-receptive social groups, such as rural communities (e.g., Internet demonstration events, provision of public access points, etc.).

1.13 **stresses**, finally, that while building the broadband transport infrastructure and developing the services it carries, it will be vital to ensure that all security requirements at every level are met to ensure optimum levels of protection and user privacy.

The situation of the new Member States

The Committee of the Regions

1.14 **points out** that data comparable to that which exists regarding the EU-15 on broadband penetration, coverage and actual usage of online services, is not yet available for the new Member States on a regional level.

1.15 **calls on** the Commission, therefore, to carry out forthwith a study of the state of play with regard to infrastructure in the regions of the new Member States and in the less urban areas of the old Member States, with a view to identifying the action needed to update existing infrastructure to the standard required to meet the Lisbon objectives.

Technological solutions

The Committee of the Regions

1.16 **warmly welcomes** the Commission's proposal to review the legislative framework on electronic communications.

1.17 **hopes** that the new regulatory framework will, with due regard for the subsidiarity principle, ensure non-discriminatory competition between operators and existing and future technologies, and will develop a policy of radio-spectrum usage based on the principle of *technological neutrality*. This is particularly important given that the recent introduction of wireless technology, which is particularly suited to overcoming coverage problems in rural areas or areas with difficult terrain, requires that sufficient spectrum be made available for broadband deployment.

1.18 **entirely agrees** with the Commission's position regarding radio spectrum as set out in its four previous communications presented in September and November 2005 and in March and June 2006, when it advocated technological neutrality, transparency, efficient use of spectrum, and the fostering of a competitive and innovative environment conducive to the development of new technologies.

1.19 **shares** the Commission's vision that the use of frequencies should no longer be based on the logic that each band is allocated a specific technology, with services being carried on an assigned frequency (e.g., 900 MHz used by the eTacs mobile telephony service).

1.20 **requests**, therefore, that the Commission help to frame a strategy which allows flexibility in the use of technology within a given spectrum frequency.

1.21 **stresses** the importance of ensuring that the application of and compliance with the new regulatory framework based on technological neutrality leads to the provision of frequency for wireless communications, for broadband deployment, in order to alleviate the considerable disparity suffered by areas with permanent geographical and natural handicaps.

1.22 **notes** that broadband deployment technologies such as WiMAX could hold the key to overcoming the problems of such geographically disadvantaged regions. In this regard, it is interesting to note, by way of example, that this wireless technology is the subject of huge investment by operators on the US market.

*Need for public intervention***The Committee of the Regions**

1.23 **considers that** broadband connectivity should be supplied on the same basis as basic utilities such as drinking water and electricity.

1.24 **notes that** closing the broadband gap in areas with a complex terrain, such as areas with permanent geographical and natural handicaps, requires greater investment than in lowland areas, thus making profitable investment non-viable.

1.25 **stresses**, in light of this, that open public consultation through the Digital Divide Forum **HAS** confirmed the need for public intervention both on the part of national and local authorities and on the part of industry and the voluntary sector.

*The use of EU funds***The Committee of the Regions**

1.26 **shares** the Commission's view on the importance of encouraging local and regional authorities to make optimum use of the possibilities offered by the Structural Funds and the Rural Development Fund, in terms of both the supply and usage of broadband. The Committee has on several occasions shown the need for and the benefits of this approach.

1.27 **hopes** that the Commission will make its guidelines more precise concerning situations where wireless broadband services are deployed with the aid of Structural Fund resources in regions where partial supply of such services already exists. Geographically, it is impossible in practice to limit access to these services — especially where new wireless technologies are used — to sparsely populated areas without them also being accessible in built-up areas where these services are already available.

1.28 **points out**, however, that not all rural areas and areas with permanent geographical and natural handicaps — where bridging the broadband gap is of particular urgency and is particularly problematic — are actually disadvantaged areas as defined by the eligibility criteria for the Structural Funds.

1.29 **considers it important**, therefore, to find new and flexible ways of intervening effectively in these areas, whether through policies providing economic support to infrastructure schemes set at local or regional level and coordinated at national and EU levels, or through guidelines on dealing with market failures, common in the above-mentioned areas, in accordance with the EU principles of free competition.

1.30 **notes**, with regard to broadband deployment in areas with permanent geographical and natural handicaps, in which, as previously mentioned, operators are reluctant to invest given that there is no prospect of a return on their investment, public-private partnerships or modern forms of project financing are not practicable, at least without the public sector providing the bulk of the investment, and for which new types of incentives must therefore be found.

1.31 **considers**, furthermore, that there is little use in introducing tax relief for subscribers given that the problem of broadband deployment is principally one of *supply* rather than *demand*. It would be more worthwhile to consider tax relief or incentives for the operators themselves for infrastructure projects in areas with permanent geographical and commercial handicaps, thus reducing the yield curve of the investment.

1.32 **welcomes**, in view of the CoR's long-standing firm commitment to furthering the exchange of best practices, the Commission's proposal to further promote best practice exchange and to facilitate demand aggregation through a pan-European website, which will act as a central information platform for suppliers and local and regional governments.

1.33 **considers** it very important, therefore, that the Commission should actively seek to build substantial synergies between its own sectoral programmes and the funding provided through the Structural and Rural Development Funds.

*Regional and national broadband development strategies***The Committee of the Regions**

1.34 **echoes** the Commission's call for Member States to strengthen their National Broadband Strategies by increasing the involvement of local and regional authorities and setting measurable targets for broadband rollout, particularly in terms of public services.

2. i2010 — eGovernment Action Plan*The link between broadband and eGovernment*

2.1 **shares** the Commission's view that broadband is one of the key enabling factors in expanding the information society, and in particular, in ensuring equal access for all citizens, increasing the competitiveness of business and improving the efficiency of Public Administrations (PA).

2.2 **considers** that the 'infrastructural digital divide', whereby the gap between those living in areas where advanced infrastructure and services are available and those living in areas with permanent geographical and natural handicaps where such infrastructure is lacking, is a substantial barrier to the participation of all in the information society (eInclusion) and to the ability — particularly in the case of the public sector — to devise innovative ways of interacting with clients, citizens and businesses. It thus constitutes a very real and substantial democratic deficit.

2.3 **considers** that there is a continuing 'cultural digital divide' — a gap in the knowledge needed to become a user of ICT Services between new and old Member States, between one Member State and another, between urban and rural areas and between the different generations and social classes that make up European society; it is crucial, therefore, to find means of intervention with which to equip as many citizens as possible with the basic knowledge needed to profit from innovation in this field.

No-one left behind — advancing inclusion through eGovernment

The Committee of the Regions

2.4 **takes the view** that inclusive eGovernment involves countering potential digital exclusion when services are provided online (the infrastructural and cultural digital divide), as well as developing social inclusion policies by means of Information and Communication Technology (ICT).

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

2.6 **considers** that in order to increase eAccess to services for socially disadvantaged groups, training and support measures must be provided so that equal opportunities are ensured.

2.7 **acknowledges** the need for public administration portals to comply with *web usability* standards as defined by the W3C. Compliance should be assessed by suitable internationally-recognised certification bodies.

2.8 **considers** it important that each inclusion project should form part of an overall programme framework in order to reduce the risk of introducing fragmented non-synergistic measures.

Making efficient and effective government a reality — metrics and benchmarking

The Committee of the Regions

2.9 **notes that** the use of ICT should be aimed at both the restructuring and updating of public services, and at achieving the goals of efficiency, effectiveness, cost efficiency, impartiality, transparency, simplification and participation.

2.10 **notes that** fewer visits to local government offices, less time spent queuing to fulfil administrative procedures, easier form-filling, single front office and reduced rates of error due to direct control of data are all advantages that could help steer service provision towards more modern methods than those traditionally used.

2.11 **thinks** it would be useful to develop metrics for measuring cost, benefit, impact, etc., using a common EU framework of indicators and methods.

2.12 **is convinced** that public sector investment, aimed at system integration and cooperation, at sharing information and at delivering online services, should for this reason be based on the following financially quantifiable — and therefore comparable — key benefits: time saving for the public and businesses (end users); increased PA efficiency and productivity. There are also qualitative benefits such as: higher level of PA-service-user satisfaction; greater PA transparency and accountability.

2.13 **considers** that, in order to establish the common assessment metrics system, it would be useful to compare the various national or regional systems and then adopt the best model.

2.14 **believes**, therefore, that there is a clear need for public bodies to share best practices, both in terms of administration and in terms of technology, in order to optimise the use of available resources, but also to create added value by building up professional eGovernment communities, using a root and branch approach. Examination of worst practices — experience which has failed to deliver the expected results — can also be useful in assessing risk factors and critical issues.

2.15 **suggests** that publicly purchased applications used by certain administrations could be made available in their original format, with documentation attached, for the free use of other PAs that request them, in order to tailor them to their own needs.

High-impact key services for citizens and business

The Committee of the Regions

2.16 **considers** it crucial — if eGovernment is to take off across Europe — to identify the services creating high added value that can have a real impact on citizens, business and the administrations themselves and that can drive the large-scale deployment of the key enablers discussed below at point 2.20.

2.17 With regard to the recognised key service of eProcurement, **would like to see**:

- all Member States bringing their procurement rules in line with EU legislation;
- Member States establishing an administrative structure for handling eProcurement;
- minimum standards being set regarding technology, interoperability and security across the various platforms.

Key enablers of eGovernment

The Committee of the Regions

2.18 **considers** that PA innovation and eGovernment development depend on certain factors, including: the structuring of public sector bodies, the convergence of EU legislation, the fostering of an innovative culture among public authority officials and the administering of ICT-based applications.

2.19 **advocates**, with regard to these factors, the following:

- analysis and overhaul of PA back office procedures, aimed at the provision of *on-line* services for citizens and businesses that are deemed strategic within the action plan, and at examining various means of cooperation making increased use of electronic documents and email;
- regulatory intervention, aimed at defining ICT strategies, rules, standards and common formats in order to increase interoperability and practical cooperation;
- ongoing extensive training for all staff, particularly aimed at specialist technicians (e.g. networks, systems, security, privacy, etc.), staff working directly with procedures involving a heavy usage of ICT (e.g. Web technologies, security, privacy), staff generally or indirectly involved in innovation and modernisation drives (e.g. teaching digital literacy, privacy);

- promotion of open source platforms, involving a moderate degree of investment, aimed at extending the drive towards eGovernment and online services to small-scale administrations;
- introduction of federated authentication systems allowing identification of users wishing to access network services;
- sharing of public information, in order to eliminate duplication and redundant information, aimed at ensuring greater accuracy of data, including personal data;
- setting up of Local Services Centres aimed at kick-starting and sustaining eGovernment, providing and administering ICT services for participating administrations (particularly small- and medium-sized), continually enhancing the operability and level of the services and providing professional and technological resources.

Strengthening participation and democratic decision-making in Europe

The Committee of the Regions

2.20 **considers** that better public decision-making and more extensive involvement of citizens are critical for the cohesion of European society and that ICT can contribute at various levels, even if many questions still need to be addressed, from the risk of exclusion to the quality of decision-making.

2.21 **recommends** facilitating cooperation, the exchange of know-how, the sharing of re-usable solutions and initiatives towards greater transparency and public involvement in decision-making, particularly in parliamentary decision-making processes.

2.22 **considers it crucial** to rationalise and structure communication between standards authorities to ensure a coordinated pooling and use of all the resources, especially regarding services that every public administration provides for the public and businesses.

2.23 **is aware** of the benefits of involving the public in the continuous improvement of administrative performance and services provided by the public sector. One way of facilitating this involvement could be by establishing a permanent online facility to which users could send their comments and suggestions.

Brussels, 13 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on improving the effectiveness of review procedures concerning the award of public contracts

(2007/C 146/10)

THE COMMITTEE OF THE REGIONS

- endorses the proposal to introduce a ten-day standstill period in order to prevent awarding authorities from concluding contracts before the procurement decision has been communicated to competing suppliers. This procedure makes it possible to review the decision before it becomes final, which benefits both awarding authorities and suppliers;
- considers that the proposal to prevent illegal direct procurement is too far-reaching and prefers the current system that provides for damages. The Commission claims that illegal direct procurement is a big problem, but does not back this up with, for example, relevant statistics. The CoR calls on the Commission to provide details of the extent of illegal direct procurement;
- takes the view that the extent to which the remedies directives apply to procurement of services over the threshold value in Annex II B is unclear. The Committee of the Regions considers that a review of procurement of 'B' services should be explicitly exempt from the scope of the remedies directives and it should be left entirely to the Member States to decide how to guarantee legal certainty for suppliers in the procurement of 'B' services. Several of these services, such as healthcare services and social services, are at the very heart of regional and local authority work. The European Union's competence within these areas is very limited and it should not be using the remedies directives to extend this competence through the backdoor.

Reference Document

Proposal for a Directive of the European Parliament and of the Council amending Council Directives 89/665/EEC and 92/13/EEC CEE with regard to improving the effectiveness of review procedures concerning the award of public contracts

COM(2006) 195 final

THE COMMITTEE OF THE REGIONS,

Having regard to the European Commission's proposal for a Directive of the European Parliament and of the Council amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts (COM(2006) 195 final — 2006/066 (COD));

Having regard to the decision of the European Commission of 4 May 2006 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to its Bureau's decision of 25 April 2006 to instruct the Commission for Economic and Social Policy to draw up an opinion on this subject;

Having regard to the draft opinion (CdR 182/2006 rev. 2), adopted on 15 December 2006 (Rapporteur: **Catarina Segersten Larsson (SE/EPP)** Member of Värmland County Council);

adopted the following opinion at its 68th plenary session, held on 13-14 February 2007 (meeting of 13 February):

1. Views of the Committee of the Regions

The Committee of the Regions

1.1 **welcomes** the proposal for new remedies directives as it believes that an effective, more transparent review system leads to better protection for suppliers, which hopefully makes them more inclined to submit tenders. This increases competition, which ultimately benefits the awarding authorities;

1.2 **believes**, however, that simple legislation is one of the most important requirements in order to reduce the number of legal proceedings. Simple rules are easier to follow and offer less scope for misinterpretation. Unfortunately, the new procurement directives do not deliver this. The directives' complicated procedural rules make it easy for awarding authorities to make mistakes. This particularly affects the smaller local and regional authorities that do not have access to legal procurement specialists. The CoR would also remind the European Commission that public procurement is largely carried out by local and regional authorities rather than at national level;

1.3 **considers** that excessive penalties for breaches of the procurement rules, especially where the legal framework is complicated, could have negative consequences. For example, the awarding authorities might simply decline to tender services out, and opt to run them themselves instead. Another conse-

quence could be excessive focus on the lowest price. There is no disputing which tender comes in at the lowest price, whereas quality and similar parameters are easier to query;

1.4 **endorses** the proposal to introduce a ten-day standstill period in order to prevent awarding authorities from concluding contracts before the procurement decision has been communicated to competing suppliers. This procedure makes it possible to review the decision before it becomes final, which benefits both awarding authorities and suppliers. The Committee of the Regions also endorses the proposal to enable Member States to require anyone wishing to seek review to inform the awarding authority of the claimed infringement and of their intention to request a review. At the same time, the Committee of the Regions urges the Commission to examine, after one year, the impact of introducing such a ten-day period and thus determine the extent to which this has, as in a number of Member States, resulted in a marked increase in review cases;

1.5 **envisages problems**, however, with regard to the effect of contracts that are concluded in breach of the provisions. The proposed directive states that such agreements will be considered invalid, but the Committee of the Regions considers that this should be left to the Member States to decide, so that national legislation on contracts and damages can be adapted;

1.6 **questions** the Commission's assumption that the introduction of a ten-day rule could lead to an initial increase of a few per cent in the number of appeals. In Sweden, for example, appeals initially increased by 150 % after the introduction of a standstill period such as the one suggested, and the number of appeals has continued to grow ⁽¹⁾;

1.7 **considers** that the proposal to prevent illegal direct procurement is too far-reaching and prefers the current system that provides for damages. The Commission claims that illegal direct procurement is a big problem, but does not back this up with, for example, relevant statistics. The CoR calls on the Commission to provide details of the extent of illegal direct procurement. The on-line questionnaire referred to is far too inadequate to provide the basis for such a major upheaval. Mandatory publication of all public contracts above the threshold value and which an awarding authority considers may be concluded without a formal tender procedure and subsequent standstill period is a major encroachment on awarding bodies. This area includes agreements with in-house companies and certain agreements on inter-municipal cooperation. Previous Committee of the Regions opinions have highlighted the problems involved in procurement with in-house companies and the problems that arise in inter-municipal cooperation. The

Committee of the Regions takes the view that procurement legislation must not hinder these processes or render them unviable;

1.8 **takes the view** that the extent to which the remedies directives apply to procurement of services over the threshold value in Annex II B ⁽²⁾ is unclear. The Committee of the Regions considers that a review of procurement of 'B' services should be explicitly exempt from the scope of the remedies directives and it should be left entirely to the Member States to decide how to guarantee legal certainty for suppliers in the procurement of 'B' services. Several of these services, such as healthcare services and social services, are at the very heart of regional and local authority work. The European Union's competence within these areas is very limited and it should not be using the remedies directives to extend this competence through the backdoor. The CoR believes that the legal arrangements for procurement of 'B' services and services under the threshold value must be left exclusively to the Member States;

1.9 **endorses** the proposal to repeal the attestation mechanism and the conciliation procedure;

2. Recommendations of the Committee of the Regions

Recommendation 1

Commission's proposed amendments to Article 1(3) of Directive 89/665/EEC

Commission's proposed amendments to Article 1(3) of Directive 92/13/EEC

Text proposed by the Commission	CoR Amendment
The Member States shall ensure that the review procedures are available, under detailed rules which the Member States may establish, at least to any person having or having had an interest in obtaining a particular public contract and who has been or risks being harmed by an alleged infringement.	The Member States shall ensure that the review procedures are available, under detailed rules which the Member States may establish, at least to any person having or having had an interest in obtaining a particular public contract, who is able to fulfil the requirements of the tender , and who has been or risks being harmed by an alleged infringement.

Reason

To ensure that the review procedures are only available to suppliers who are actually able to perform the duties required by the awarding authority.

⁽¹⁾ Nämnden för offentlig upphandling (Swedish Public Procurement Agency), Annual Report 2003 and 2004.

⁽²⁾ Directive 2004/18/EC on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts.

*Recommendation 2***Commission's proposed amendments to Article 2(4) of Directive 89/665/EEC****Commission's proposed amendments to Article 2(4) of Directive 92/13/EEC**

Text proposed by the Commission	CoR Amendment
The Member States may provide that, when considering whether to order interim measures, the body responsible for review procedures may take into account the probable consequences of the measures for all interests likely to be harmed, as well as the public interest, and may decide not to grant such measures when their negative consequences could exceed their benefits.	The Member States may provide that, when considering whether to order interim measures, the body responsible for review procedures may take into account the probable consequences of the measures for all interests likely to be harmed, as well as especially the public interest, and may decide not to grant such measures when their negative consequences could exceed their benefits.

Reason

The public interest must be given greater emphasis.

Brussels, 13 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on financing SME growth

(2007/C 146/11)

THE COMMITTEE OF THE REGIONS

- strongly recommends the continuous use of SME impact assessments for any new EU legislation and policies that might directly affect how SMEs develop;
- recommends measures to provide SMEs with easy access to the intermediate financial institutions and organisations responsible for providing CIP and JEREMIE. The CoR also recommends that the EIB group be more proactive in communicating its role, added value and the methods of accessing the new instruments CIP and JEREMIE;
- strongly recommends that the European Commission include regional best practices in its further discussions at European level. Regions can stimulate the potential private capital available by creating and financing networks of 'informal capital', bringing private investors in contact with companies in seed and start-up phase;
- strongly recommends that financial measures be accompanied by complementary instruments. Regions are important providers of the necessary infrastructures for facilitating SMEs, such as cluster development and professional training. Regions also have valuable experience to offer in (ESF funded) incubator housing with common facilities and personnel policy, by supporting innovation, coaching and offering investment readiness programmes. There is also a need to include entrepreneurship in education programmes. It is precisely the complementarity of such measures which ensures that starters have a greater chance of success.

Reference document

Communication from the European Commission to the Council, the European Parliament, to the Economic and Social Committee and to the Committee of the Regions: Implementing the Community Lisbon programme: Financing SME growth — Adding European value

COM(2006) 349 final

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 — Financing SME Growth — Adding European Value — Modern SME Policy for growth and employment* COM(2006) 349 final;

Having regard to the decision of the European Commission of 29 June 2006 to consult the Committee of the Regions on the subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of the CoR Bureau of 25 April 2006 to instruct its Commission for Economic and Social Policy to draw up an opinion on this subject;

Having regard to its Draft Opinion CdR 338/2006 rev. 1 adopted on 15 December 2006 by its Commission for Economic and Social Policy (Rapporteur: **Mr Harry Dijkma** (NL/ALDE), Member of the Executive Council of the province of Flevoland;

Whereas:

23 million SMEs throughout Europe are responsible for the delivery of 67 % of the EU's GDP and the creation of 75 million jobs and that in certain sectors SMEs are accountable for delivering up to 80 % of total employment, with 99 % of all enterprises classified as micro-enterprises (consisting of 1 to 9 persons)

adopted the following opinion at its 68th plenary session, held on 13-14 February 2007 (meeting of 13 February)

1. The Committee of the Region's views**THE COMMITTEE OF THE REGIONS***Supporting the Lisbon process*

1.1 **welcomes** the European Commission's Communication on Financing SME Growth, which gives a clear analysis of the problems and instruments of the institutions of the Community and the Member States;

1.2 **supports** the spring council conclusions, emphasizing that an integrated financial market and sufficient access to finance are crucial for the growth of small and medium sized enterprises. The Lisbon process offers a framework for improving access to finance, through reforms at national and EU levels. The involvement of local and regional authorities is a key factor for the success of the Lisbon reforms. To support a true partnership between the different levels of government, the Committee of the Regions has undertaken a European-wide survey on the involvement of local and regional authorities in the development of the National Reform Programmes, an analysis of the local and regional authority dimensions in the NRPs and launched a Lisbon monitoring platform.

A better environment for risk capital investment

1.3 **acknowledges** that — despite considerable advances in recent years — it is clear that more action is required and more instruments need to be developed if Europe is to meet the goals

of the Lisbon agenda. European risk capital markets are still operating at levels below their full potential. This is a reflection of the failure of the market in (pre-)seed and early-stage equity finance due to problems both in the supply of, and in the demand for, risk capital. As a result, potential innovations are not being fully exploited leading to lower economic growth and lower levels of employment. Moreover, very few European early stage companies using innovative technologies have grown to become global leaders in their sector;

1.4 **welcomes** the intention of the Community institutions and the Member States to create the conditions allowing a sustainable threefold increase in investment by venture capital funds in seed and start-up companies by 2013;

1.5 **acknowledges** that both the capital and banking systems used in Europe still vary significantly among the Member States and that there is a need for further harmonisation to ensure that SMEs have a level playing field to harness the potential of the internal market to drive forward growth and employment;

1.6 **agrees** with the Commission that an exit strategy is of the utmost importance for any successful venture capital investment. The CoR concurs with the Commission that many European stock markets have established good alternatives to allow growth companies to raise capital and therefore welcomes measures facilitating EU wide access to financing through growth stock markets;

1.7 **acknowledges** that the existing gap in early-stage financing inhibits growth and innovation in the EU. The CoR agrees with the Commission that a further specialisation of funds and the development of special sectoral expertise is required for successful investments;

1.8 **agrees** with the Commission that professional venture capital managers should be able to raise capital and invest across borders in a single market without having to incur excessive tax costs or face heavy bureaucratic burdens. The Committee calls upon Member States to take appropriate measures to ensure fair competition on an equal footing for cross-border investments, which would harmonise tax costs and cut bureaucratic burdens on a reciprocal basis;

1.9 **welcomes** the new proposal for a European Patent ensuring reduced costs for SMEs. The high costs of the present European Patent hamper the rapid economic development of innovations.

More debt finance for SMEs

1.10 **acknowledges** that bank loans continue to be the main source of finance for small and medium sized enterprises. The Committee regrets that Basel II will raise the weighting on riskier commercial lending by 50 %, which will almost certainly increase the cost of borrowing for starting and innovating enterprises;

1.11 **regrets** that a key problem regarding SMEs' access to finance is the withdrawal of large banks from local markets in rural and under populated or economically weak areas. As a result, this leads to greater reliance on locally anchored banks which specialize in lending to SMEs. A change of regulation in this field could have an important impact on the availability of funding to SMEs;

1.12 **acknowledges** that Europe is characterised by a number of cultural traits, which also constitute a potential source of growth. Small and medium-sized enterprises should be encouraged to improve their attitude towards risk-taking and their entrepreneurial spirit, as a means of counteracting obstacles to growth.

The EU contribution to SME financing

1.13 **acknowledges** that there is a need for concrete, tailor-made solutions for the target group in order to provide risk capital. The options open to regional authorities to provide capital for risk capital funds are limited and the Committee therefore welcomes the opportunity for the ERDF to provide capital for regional risk capital funds. The provision of public funding against profitable conditions changes the risk-return

relation for private investors and makes them more willing to enter the venture capital market;

1.14 **welcomes** the EU instruments of the 7th Framework Programme for Research and Development, the Competitiveness and Innovation Framework Programme (CIP) and JEREMIE;

1.15 **welcomes** the opportunity provided for by the European Fund for Regional Development Regulation which would involve using EU co-funding to set up a knowledge voucher system to foster innovation-access to the market;

1.16 **acknowledges** that the European Investment Bank (EIB) and the European Investment Fund (EIF) are not equipped to have direct relations with SMEs, but to provide technical assistance and capital along with the instruments of JEREMIE and CIP via intermediate financial institutions and organisations in the Member States and their regions;

1.17 **acknowledges** that EU instruments are largely focused on starters and high flyers, despite the fact that 75 % of SMEs fall into a different category.

2. The Committee of the Regions' recommendations

THE COMMITTEE OF THE REGIONS

Supporting the Lisbon process

2.1 **recommends that** the Commission encourage a wide range of solutions for improving SMEs' access to finance, so that financing can be offered tailor-made to meet the financing needs of individual SMEs. The diversity of European SMEs is one of the main assets of the European economy;

2.2 therefore **strongly recommends** the continuous use of SME impact assessments for any new EU legislation and policies that might directly affect how SMEs develop.

A better environment for risk capital investment

2.3 **recommends** that the Commission and the Member States should make more use of the facilities for risk capital investments and risk sharing models, to create incentives for private investors to use risk capital instruments for SMEs;

2.4 **recommends** policies to address changes of culture and encourage risk taking, which will help achieve the Lisbon Agenda. The CoR also **recommends** that, in their policies, the Commission and Member States continue to remove the 'stigma of failure' related especially to the non-fraudulent bankruptcy issue.

More debt finance for SMEs

2.5 **believes** that the current diversity of credit institutions on the European retail banking markets reflects the variety of the demand for financial products and services by individuals, SMEs, corporations and local authorities. To ensure that this demand is continuously met, it therefore **recommends** that EC legislation should not favour any particular banking model, or type of customer, over another;

2.6 **recommends** that the experiences of local and regional authorities are taken on board in the process of exchanging knowledge and best practices in the thematic work conferences and Round Tables organized by the Commission. The exchange of knowledge between the key players in the Member States is of key importance for keeping up to date in the relatively small world of risk capital supply;

2.7 **foresees that** — due to the aging population — a larger number of firms will be put up for sale and that, accordingly, the financing of take-overs (buyout and buy-in) deserves attention.

The EU contribution to SME financing

2.8 **recommends** measures to improve SME — especially micro-enterprise — access to the co-operation programmes within the FP7;

2.9 **recommends** measures to provide SMEs with easy access to the intermediate financial institutions and organisations responsible for providing CIP and JEREMIE. The CoR also **recommends** that the EIB group be more proactive in communicating its role, added value and the methods of accessing the new instruments CIP and JEREMIE;

2.10 **recommends** continuous monitoring of the specific opportunities and challenges on the European finance market, such as the effects of demographic changes;

2.11 **recommends** a more important role for EIF in providing assistance for regional risk capital funds. EIF should therefore consider providing knowledge and experience to regional funds below a minimum size of 35 million euros;

2.12 **recommends** combining existing SME information shops at EU, national and regional level to create a transparent and easy accessible one stop information shop. The use of existing regional institutions and the internet functions of government services (E-government) should be encouraged.

Better governance

2.13 **strongly recommends** that the European Commission include regional best practices in its further discussions at European level. Regions can stimulate the potential private capital available by creating and financing networks of 'informal capital', bringing private investors in contact with companies in seed and start-up phase;

2.14 **strongly recommends** that financial measures be accompanied by complementary instruments. Regions are important providers of the necessary infrastructures for facilitating SMEs, such as cluster development and professional training. Regions also have valuable experience to offer in (ESF funded) incubator housing with common facilities and personnel policy, by supporting innovation, coaching and offering investment readiness programmes. There is also a need to include entrepreneurship in education programmes. It is precisely the complementarity of such measures which ensures that starters have a greater chance of success;

2.15 **recommends** that Member States and the EU step up their efforts to complete the single market, implement corresponding single market legislation and remove any unwarranted administrative impediments to cross border cooperation — including fiscal and export credit insurance barriers — to improve the competitiveness and openness of the European market in a global economy;

2.16 **recommends** encouraging the involvement of business angels in regional economic development across Europe and vice versa. It is well known that business angels prefer to do business in their own regions, that is within a ratio of 100 to 150 km of the 'angel's' place of residence. Business angel networks need greater visibility;

2.17 **recommends** the use of a regional revolving fund instrument, where public participation is channelled through a fund or funds structure to leverage private sector investment capability. The new state aid rules should enable regions to continue working with this sustainable instrument;

2.18 **recommends** that EU instruments on risk capital support regional and national instruments. Additional co-funding generates a higher volume and critical mass for the size of the fund and its success rate could be improved through such portfolio diversity. It should also enable cross-border investments, lead to the harmonisation of schemes and to lower market fragmentation in the EU.

Brussels, 13 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on Efficiency and equity in European education and training systems and the European Qualifications Framework for lifelong learning

(2007/C 146/12)

THE COMMITTEE OF THE REGIONS

- notes that exclusion from the educational system is the first step towards marginalisation followed by exclusion from the employment system and from cultural, social and civic life. It reiterates the importance of combating school drop outs which have negative effects on competitiveness and cohesion;
- recognises that in the long run pre-primary education and targeted early intervention programmes bring the highest rates of return over the whole lifelong learning process, especially for the most disadvantaged and recalls in this respect the necessity of the cross-sectoral approach in which key responsibilities are held by local and regional authorities;
- agrees that modernisation of higher education is a crucial factor in the rapidly evolving knowledge society. Higher education institutions are at the heart of the 'knowledge triangle' given their interlinked roles of education, research and innovation. Local and regional authorities play a key role in channelling funding towards the modernisation of higher education systems;
- expresses support for the double objective of improving transparency of qualifications while promoting increased mobility in the EU, but insists that qualifications frameworks should continue to be developed at national and regional level. Responsibility for reform must therefore remain in the hands of the competent authorities within the Member States.

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the Council and to the European Parliament on *Efficiency and equity in European education and training systems* COM(2006) 481 final — SEC(2006) 1096;

Having regard to the Proposal for a Recommendation of the European Parliament and of the Council on *the establishment of the European Qualifications Framework for lifelong learning* COM(2006) 479 final;

Having regard to the Opinion on the *Integrated action programme in the field of lifelong learning*, CdR 258/2004 fin ⁽¹⁾;

Having regard to the report and recommendations that arose from the second test consultation of the subsidiarity/proportionality monitoring network (DI/CdR 2/2007), which currently numbers 49 partners and was set up in the context of the Committee opinions on *Better Lawmaking 2004* (CdR 121/2005 fin) and on *Guidelines for the application and monitoring of the subsidiarity and proportionality principles* (CdR 220/2004 fin);

Having regard to the Council decision of 19 October 2006 to request its opinion on this subject, under Article 265(1) of the Treaty establishing the European Community;

Having regard to the decision of the Bureau of 25 April 2006 to instruct its Commission for Culture, Education and Research to draw up an opinion on this subject;

Having regard to the draft opinion of the Commission for Culture, Education and Research, adopted on 30 November 2006, (CdR 335/2006 rev.1) (rapporteur: **Mr Geert Bourgeois**, Minister in the Flemish Government — BE/EPP);

adopted the following opinion at its 68th plenary session, held on 13-14 February 2007 (meeting of 14 February):

1. Communication from the Commission to the Council and to the European Parliament *Efficiency and equity in European education and training systems*

Planning for Efficiency and Equity

THE COMMITTEE OF THE REGIONS,

1.1 **thanks** the Commission for this contribution to the debate on the reform of education and vocational training systems, and **agrees** with the Commission that responsibility for this reform must remain in the hands of the competent authorities within the Member States;

1.2 **agrees** that investments in education and training take time to bear fruit and therefore when deciding on funding priorities, governments should allow for long-term planning at local, regional and national levels. In fact, several proposals set out in the Communication may have budgetary implications at regional and local level;

1.3 **acknowledges** the importance of long-term planning but stresses the need to include local and regional authorities in devising and implementing any lifelong learning strategies;

1.4 **agrees** with the need for a culture of evaluation within education and training systems but stresses the importance of fostering awareness of the efficient use of resources ⁽²⁾, **draws** attention to the fact that lifting the financial obstacles to access

to early age education are an important but not sufficient policy measure. As pre-primary education in most countries is not part of compulsory education, parents send their children to pre-primary education on a voluntary basis;

1.5 **considers** that targeted policy measures should seek not only increased enrolment of children at pre-school age but also incentives and supporting parent-oriented measures to encourage regular attendance in pre-primary education, especially for children from a disadvantaged social background or who live in upland, rural or sparsely populated areas;

1.6 **stresses** that effective early childhood education requires well-trained pedagogical staff and therefore calls for increased effort on the level of teacher training;

1.7 **encourages** in this respect the promotion of exchanges of best practice and of cross-border networks between localities and regions in improving evaluation and promoting quality assurance;

1.8 **notes** that exclusion from the educational system is the first step towards marginalisation followed by exclusion from the employment system and by extension from cultural, social and civic life. In this respect, it **reiterates** ⁽³⁾ the importance of combating school dropouts which have negative effects on competitiveness and cohesion ⁽⁴⁾;

⁽¹⁾ OJ C 164, 5.7.2005, p. 59.

⁽²⁾ CdR 21/2000 fin.

⁽³⁾ Conclusions of the CoR conference in Helsinki At the sources of knowledge — Competitiveness through basic education on 29 September 2006.

⁽⁴⁾ <http://www.cor.europa.eu/en/presentation/educ.asp>.

1.9 **welcomes** the focus of the Communication on evidence-based policy planning using solid research results as a reference.

Pre-primary education: Focusing on learning at an early age

THE COMMITTEE OF THE REGIONS,

1.10 **recognises** that research evidence, including from the important work undertaken by the OECD in this field, has shown that in the long run pre-primary education and targeted early intervention programmes bring the highest rates of return over the whole lifelong learning process, especially for the most disadvantaged;

1.11 **recalls**, however, the necessity of the cross-sectoral approach in which key responsibilities are held by local and regional authorities and **regrets** the absence of their recognition in the Communication.

Primary and secondary education: Improving the quality of basic education for all

THE COMMITTEE OF THE REGIONS,

1.12 **acknowledges** that EU Member States and competent regions have different education systems with different approaches; however **agrees** that an early differentiation of pupils according to ability at an early age can condition their future career and life paths;

1.13 **supports** inclusive lifelong learning opportunities for all recognising the right to go to school and participate in education schemes;

1.14 **suggests** that postponing tracking until upper secondary level, combined with the possibility to transfer between school types can be one of the instruments to reduce segregation and promote equity without diminishing efficiency and can also help develop the natural potential and abilities of each pupil;

1.15 **has consistently called** for measures for pupils with special needs to be supported, as early on as possible in the system. It **stresses** the importance of arresting marginalisation at primary school level and underlines the value of exchanging experience in this area; it **underlines** the need for universally challenging learning and for schools that can stimulate all pupils. This applies equally to those with a more difficult background and to the more advanced;

1.16 **draws** particular **attention** to the needs of the immigrant population, who often have problems integrating into the education system. This may be due to gaps in the education they received in their countries of origin, or to an insufficient knowledge of the language of the host country. In order to ensure that immigrants receive proper treatment, specific training of teaching staff is also necessary;

1.17 **is of the opinion** that the motivation, skills competences and salaries of teachers and trainers, the availability of guidance services and infrastructure factors like appropriate teaching group sizes are important contributory factors in achieving high quality learning outcomes;

1.18 **regards** as important the development of a caring learning environment which boosts individual motivation, the effort to learn and confidence to achieve. It also **underlines** the need to ensure the involvement of parents in the education process noting that students with weak home and peer support are at greater risk of social exclusion;

1.19 **stresses** that the measures adopted to secure greater equity and improve the way in which the needs of particular groups are met should remain consistent with the effort to improve the efficiency or quality of the education system; these should involve mechanisms to help the learning process to keep the appropriate speed;

1.20 **highlights** the need to strike a balance in education systems between basic general training and the possibilities for specialisation. This general knowledge base should always include European culture and history. Moreover, the different education and training systems should devote sufficient attention to key competences for lifelong learning, as defined and adopted in the Recommendation of the European Parliament and of the Council on key competences for lifelong learning.

Higher education: Improving investment while widening participation

THE COMMITTEE OF THE REGIONS,

1.21 **agrees** that modernisation of higher education is a crucial factor in the rapidly evolving knowledge society. Higher education institutions are an essential element of the 'knowledge triangle' of education, research and innovation given their inter-linked roles;

1.22 **points out** therefore that higher education institutions should open themselves up more to new groups of learners, to emphasise lifelong learning and to offer wider access to academic education, as essential conditions for meeting demographic and structural changes over the next few decades;

1.23 **recognises**, however, that the growth in student numbers and increasing costs of high-quality education and research need to be matched by increased public and, where appropriate, private funding. Local and regional authorities play a key role in channelling funding towards the modernisation of higher education systems, especially through targeted use of European structural funds;

1.24 **recalls** that access to higher education must be as inclusive as possible, not only in order to secure the future of a Europe of knowledge, but also to serve as a basis for the social cohesion of Europe as a whole. **Reaffirms** the broad mission of higher education encompassing its contribution to personal fulfilment and democratic citizenship as well as its role in revitalising cultural heritage ⁽³⁾;

1.25 **notes** that the Communication focuses on the issue of tuition as a means to enhance funding and to stimulate a responsive attitude of students and families towards higher education achievement. Tuition should not become a factor for exclusion on the basis of financial resources. Nevertheless, **it stresses that** tuition is never an isolated issue but, on the contrary, is always embedded in the larger context of a variety of factors related to financial incentives or obstacles to participation in higher education. It therefore **calls** for a broader, context-related approach, taking into account national, regional and local particularities of the funding and tax systems, rather than focussing on the issue of tuition only.

Vocational education and training: Improving quality and relevance

THE COMMITTEE OF THE REGIONS,

1.26 **agrees** with the European Commission that as our population ages, the persistently high level of youth unemployment in the EU is unacceptable, in view of the increased demand for a highly qualified workforce;

1.27 **calls** for vocational education and training systems to be recognised and promoted in countries where they are underdeveloped, so that they meet the requirements of the many young people seeking reliable access to the labour market, and the needs of the labour market itself;

⁽³⁾ CdR 154/2005 fin.

1.28 **supports** the Commission's proposal for clear and diverse pathways through vocational education and training to further learning and employment and **welcomes** the specific reference to involving the local and regional level in encouraging stakeholder partnerships to enhance the quality and relevance of public training programmes for the unemployed and disadvantaged learners;

1.29 **points out** that training of teachers and trainers should be updated in order to serve the needs of an increasingly mature learners' public. Specific pedagogical methods and material need to be developed while paying attention to flexible modes of delivery adapted to learners combining their training with professional and family duties. In this context educational and training policies will interfere with social policy issues where local and regional authorities can play a catalyst role;

1.30 **stresses** the need for generalised application of structured mechanisms for the validation of prior learning, especially for knowledge and competences acquired outside the formal education system. This validation should serve a double purpose: facilitating employability/social inclusion and providing access to further learning on the basis of prior learning experiences;

1.31 **welcomes** in this respect the European Commission's communication on 'Adult learning: It is never too late to learn' and agrees that in the light of the demographic change in Europe, more emphasis should be placed on the education of adults, with well-targeted, efficient investments;

1.32 **points out**, in this respect, that in many European countries the regional and local level has key responsibilities in the field of adult education and it has a direct interest in the development of workforce skills. It therefore **calls for** the local and regional level to be involved more closely in actions concerning the education of adults at EU level.

2. Proposal for a Recommendation on the establishment of the European Qualifications Framework for lifelong learning

THE COMMITTEE OF THE REGIONS,

2.1 **appreciates** the need for a specific European framework for learning qualifications complementing arrangements for professional qualifications, not least because a EQF for lifelong learning will make the transition between the different

education and training paths more transparent and visible. Nevertheless, learning qualifications play an important role in the transition from learning environment to working life and can therefore not be disconnected from issues of preparation for the labour market;

2.2 **draws the Commission's attention** to the need to carry out a systematic analysis of the impact of its legislative proposals at local and regional level, in particular for fields such as education and vocational training, for which the regional and local authorities are responsible in several Member States. This impact analysis should be published online in full and in all the official languages of the Union;

2.3 **welcomes** the Commission's Framework of Qualifications, and supports its double objective of improving transparency of qualifications and promoting mobility in the European Union; **stresses**, however, that the EQF in itself does not deliver qualifications but that qualifications frameworks are developed at the national/regional level. Local and regional competent authorities are therefore to be involved in the exercise of linking up national/regional qualifications frameworks to the EQF;

2.4 **agrees** with the Commission that national and European qualifications frameworks will facilitate the validation of learning in all contexts. It **welcomes** this inclusive approach as it **recalls** the need for the recognition of formal, non-formal and informal education in lifelong learning and **agrees** that this is of particular importance for promoting equal opportunities by recognising the key competences and skills of the least advantaged ⁽⁶⁾;

2.5 **considers** the EQF to be a useful tool for increasing mutual trust between national and regional education systems in Europe which will contribute to mobility, competitiveness and employment, encouraging the exchange of knowledge and competences across the EU;

2.6 however, **calls** on the Commission to clarify the relationship between qualifications levels, Directive 2000/36/EC and the provisions for the certification of formal and informal learning, which already exist or are currently being established at national and regional level ⁽⁷⁾;

2.7 notwithstanding the broader perspective of lifelong learning strategies encompassing the objectives of social inclu-

sion and employability as well as personal fulfilment, **welcomes** the output-oriented approach of the Commission to learning outcomes, i.e. the description of qualifications in terms of knowledge and competence;

2.8 **considers** that qualifications should be comparable independent of learning context and provider. The learning outcomes approach makes it easier to compare qualifications across different countries and education and training systems, facilitating the role of local and regional educational authorities in the EU;

2.9 moreover, learning outcomes and descriptors can function as reference points for quality assurance, thus enhancing European cooperation in quality assurance and mutual recognition of evaluation decisions; **welcomes** therefore the explicit link in the recommendation between the EQF as a transparency tool and the general principles on quality assurance, as these quality assurance principles can play an important role in creating mutual trust as a basis for international recognition of qualifications;

2.10 **calls** for the promotion of a framework for cooperation and dissemination of best practice in order to establish a real exchange of experience on a continuous basis. This would enable the positive developments taking place within the Member States in particular at local and regional level to be capitalised on. It therefore **recommends** the promotion of more Europe-wide networks disseminating best practice in promoting access to training in particular through local and regional partnerships;

2.11 **emphasises** that the EQF should respect the diversity and strengths of regions and localities in the EU. As a reading grid or translation device, the EQF will not replace but complement national and regional qualifications frameworks;

2.12 **believes** that applying the EQF will almost certainly lead to further actions at Community level and **stresses** that, in this case, an in-depth subsidiarity and proportionality analysis must be carried out on these subsequent actions;

2.13 **calls** for clear descriptors to be used and a clear coordination between existing regional qualifications frameworks and the EQF.

⁽⁶⁾ CdR 31/2006 fin.

⁽⁷⁾ European Parliament resolution on the creation of a European Qualifications Framework (2006/2002 (INI)).

2.14 Recommendations to the Member States

Text proposed by the Commission	CoR amendment
<p>HEREBY RECOMMEND THAT MEMBER STATES</p> <p>(...)</p> <p>2. Relate their national qualification systems to the European Qualifications framework by 2009 ... by developing a national qualification framework, where appropriate according to national legislation and practice.</p> <p>(...)</p> <p>5. Designate a national centre to support and coordinate the relationship between the national qualifications system and the European Qualifications Framework.</p> <p>This centre's tasks should include: (...)</p> <p>(a) ensuring the participation of all relevant national stakeholders including, according to national legislation and practice, higher education and vocational education and training institutions, social partners, sectors and experts on the comparison and use of qualifications at the European level;</p>	<p>HEREBY RECOMMEND THAT MEMBER STATES</p> <p>(...)</p> <p>2. Relate their national/<u>regional</u> qualification systems to the European Qualifications framework by <u>2010</u> in particular by referencing in a transparent manner their qualification levels to the levels set out in Annex I, and by developing a national/<u>regional</u> qualification framework, where appropriate according to national/<u>regional</u> legislation and practice.</p> <p>(...)</p> <p>5. Designate a national/<u>regional</u> <u>coordination point</u> to support and <u>in conjunction with other relevant national/regional authorities</u> coordinate the relationship between the <u>national/regional</u> qualifications systems and the European Qualifications Framework.</p> <p>In those Member States where it would be constitutionally impossible to set up a regional coordination point, the national point should ensure appropriate and sufficient representation of regions with legislative powers.</p> <p>In all events, national/<u>regional</u> coordination points should be built on existing structures wherever possible. If the creation of a new structure cannot be avoided, then the administrative costs should be kept to a minimum.</p> <p>Ultimately, the decision to set up national or regional coordination points should come from the authority responsible in each Member State.</p> <p>This <u>coordination point's</u> tasks should include: (..)</p> <p>(a) ensuring the participation of all relevant national, <u>regional and local</u> stakeholders including, according to national legislation and practice, higher education and vocational education and training institutions, social partners, sectors, experts on the comparison and use of qualifications at the European level, while <u>coordinating</u> with local and regional authorities;</p>

Rationale

Importance should be given to the local and regional level as in many Member States local and regional authorities are vested with direct responsibilities and powers in the field of education and training, **including the establishment of qualifications frameworks**. They are responsible for the delivery of educational and training services which provide a structure for lifelong learning through the provision of pre-school, school, youth, adult and community services.

If the Commission expects a contact point at Member State level, it can only fulfil the role of coordination point ensuring cooperation at all levels.

Due to the large consultation process when linking up national/regional qualification frameworks to the EQF and the fact that the Recommendation will be adopted no earlier than the end of 2007, beginning of 2008, the deadline of 2010 is more realistic than that of 2009.

2.15 *Endorsement of the Commission's intention*

Text proposed by the Commission	CoR amendment
<p>ENDORSE THE COMMISSION'S INTENTION TO:</p> <p>2. Establish a European Qualifications Framework advisory group (including representatives of the national centres, the European social partners and other stakeholders, as appropriate) in order to monitor, co-ordinate and to ensure the quality and overall coherence of the process of relating qualifications systems to the European Qualifications Framework;</p> <p>3. Monitor the action taken in response to this Recommendation ...</p>	<p>ENDORSE THE COMMISSION'S INTENTION TO:</p> <p>2. Establish a European Qualifications Framework advisory group (including representatives of the national/<u>regional</u> centres, the European social partners and other stakeholders, as appropriate) in order to monitor, co-ordinate and to ensure the quality and overall coherence of the process of relating <u>national/regional</u> qualifications systems to the European Qualifications Framework;</p> <p><u>Assess, in cooperation with the Member States, ...</u></p>

Rationale

As qualifications frameworks are developed at national/regional level the Commission has to be supported by the Member States in the assessment exercise.

2.16 *Definitions*

The CoR regrets that there is no mention of regional qualifications frameworks alongside national qualifications frameworks. In contrast to what the Commission proposal's definition seems to suggest it has to be observed that in some Member States regional qualifications frameworks are defined autonomously and can therefore not be seen as mere 'sub-frameworks' of the national qualifications framework.

2.17 *Annex I: descriptors*

The CoR acknowledges that the list of descriptors strikes a delicate balance between the different contexts in which learning qualifications can be acquired.

It draws attention to the necessity of safeguarding the compatibility of the definition of the descriptors for level 5 to 8 with the descriptors from the overarching qualifications framework for the European Higher Education Area already approved by the Ministers in charge of higher education in the context of the Bologna process in 2005. In this context it is important to note that the Bologna qualifications framework has defined the levels not only in terms of learning outcomes **but also in terms of ECTS credit ranges**, thus making comparison easier.

The CoR therefore welcomes the Commission's intention to develop a credit transfer system for vocational education and training and, in the long run, considers a credit transfer system valid for the whole range of lifelong learning as a necessary tool to make the implementation of the EQF more efficient.

2.18 *Annex II: common principles for quality assurance*

Although the CoR stresses the triangular relationship between transparency (EQF), quality assurance and recognition of qualifications, it would like to suggest that Annex II is too general to replace existing elaborated systems, principles and standards developed for European cooperation in quality assurance in specific sectors of education and training. Moreover, some of the principles seem to be less appropriate in the context of evaluation of school education. The CoR therefore would like to recall the guiding role of the Recommendation of the European Parliament and of the Council of 12 February 2001 on *European*

cooperation in quality evaluation in school education (OJ L 60, 1.3.2001, p. 51-53), the Recommendation on *further European cooperation in quality assurance in higher education* of 15 February 2006 (OJ L 64, 4.3.2006, p. 60) and the Council Conclusions on *Quality Assurance in Vocational Education and Training* of 18 May 2004 (doc. 9599/04).

Brussels, 14 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE

**Opinion of the Committee of the Regions on the mid-term review of the European Commission's
2001 Transport White Paper**

(2007/C 146/13)

THE COMMITTEE OF THE REGIONS

- considers as the primary objective of the European Transport Policy is to lay the foundations for effective and sustainable trans-European transport. This involves focusing on the weak points of the TEN-T network at cross-border level, above all by improving the situation in border zones, vestiges of the Iron Curtain that divided Europe, as well as the borders of the current EU27 with the candidate countries (Croatia, Turkey), and EU borders with neighbouring states and regions, such as the Mediterranean countries of North Africa and the transport node of the Straits of Gibraltar
- would also like to emphasise that the objectives of the European Transport Policy should primarily be achieved through the creation of a legal and an institutional framework that would enable various stakeholders (market players, etc.) to operate with parity in the transport sector. Regulation and intervention from public funds must be accepted only where necessary due to the failure of the market and must be bearable for the budgets of the Member States, regions and cities
- considers it a matter of priority to rebalance the modal distribution of land transport, avoiding the concentration of traffic flows almost exclusively on Europe's roads. At the same time, the Committee considers it necessary to deploy strategies to promote intermodality and multimodality in such a way as to ensure the overall efficiency of transport systems.

THE COMMITTEE OF THE REGIONS,

Having regard to the White Paper on European transport policy issued in 2001, which established the broad outlines of this policy up to 2010 and also provided for a mid-term review of its implementation in 2006, and to the Communication on Freight Transport Logistics in Europe — The key to sustainable mobility (COM(2006) 336 final);

Having regard to the decision of the Bureau of 25 April 2006 to instruct the COTER Commission to draw up an opinion on this subject;

Having regard to the Communication from the Commission to the Council and the European Parliament of 22 June 2006: *Keep Europe moving — Sustainable mobility for our continent: Mid-term review of the European Commission's 2001 Transport White Paper*;

Having regard to its previous opinions, in particular — *White Paper European Transport Policy for 2010: time to decide* (CdR 54/2001 fin) ⁽¹⁾; *TEN-T corridors: lever for growth and instrument for EU cohesion* (CdR 291/2003 fin) ⁽²⁾; *Low cost companies and regional development* (CdR 63/2004 fin) ⁽³⁾; *Community guidelines on financing of airports and start-up aid to airlines departing from regional airports* (CdR 76/2005 fin); *Safety of all modes of transport, including the issue of financing* (CdR 209/2005 fin); *Third package of legislative measures in favour of maritime safety* (CdR 43/2006 fin);

Having regard to its draft opinion (CdR 119/2006 rev. 2) adopted on 11 December 2006 by its Commission for Territorial Cohesion Policy (rapporteur: **Mr Jan Zahradník (EPP/CZ)** (President of the Regional Council of South Bohemia (Hejtman Jihočeského kraje));

adopted the following opinion at its 68th plenary session, held on 13-14 February 2007 (meeting of 14 February):

Having regard to

cross-border regions, regions surrounding large conurbations and in industrial heartlands.

1) the outcome of the public consultations conducted by the Commission in connection with the Mid-term review of the White paper on European transport policy;

The renewed Lisbon Strategy,

2) the observations submitted by the representatives of Europe's regions and cities in these public consultations;

— which acknowledges that GDP growth has not reached the levels anticipated;

3) worldwide developments, progress in European integration and the growth of the European transport sector over the last five years, which has been characterised by a number of new aspects, in particular:

— which attaches particular importance to the development of the transport sector as a key vector for economic growth;

European Union enlargement in 2004 and 2007, in which:

— which views the EU's transport policy as a determining factor for supporting the competitiveness of the EU;

— twelve new Member States joined the European Union and increased its geographical area by approximately 1 100 000 km² (36 % of the area of the EU15);

— which continues to treat mobility as a key objective of the EU's transport policy.

— the transport infrastructure of the new Member States was, and continues to be, of an incomparably lower standard than in the EU15;

Insufficient funding,

— the establishment of the internal market in these Member States has led to a soaring rise in the volume of traffic, particularly in the road haulage;

— where the level of expenditure on transport infrastructure in all EU Member States has fallen below 1 % of GDP and the 2007-2013 financial perspective allocates funds of EUR 8 billion to the sector (despite the Commission's estimated requirement of at least EUR 20 billion);

— the transport networks in the new Member States are not ready to cope with these new conditions, particularly in

— where the 30 priority TEN-T projects alone require an estimated EUR 250 billion (0.16 % of Europe's GDP) and the implementation of all European projects requires a further EUR 600 billion.

⁽¹⁾ OJ C 192 of 12.8.2002, p. 8.

⁽²⁾ OJ C 109 of 30.4.2004, p. 10.

⁽³⁾ OJ C 318 of 22.12.2004, p. 7.

The globalisation of the world economy,

- which is marked by a growth in trade between Europe and Asian markets in particular and has led to new requirements in terms of capacity, orientation, compatibility, and the modal structure of the European transport network;
- where only the air and sea transport sectors are truly global.

The risk of terrorism,

- where the terrorist attacks in New York, Madrid and London have demonstrated the vulnerability of transport systems, whose security and reliability are under threat.

And having regard to the interests of Europe's regions and cities in the light of familiar facts, especially that:

- their integration into the trans-European transport system and the TEN-T network is a vital precondition for taking full advantage of the free market and will have a direct impact on their competitiveness and economic performance;
- the development of transport infrastructures facilitates trade, which is a driver of economic growth, contributes to territorial cohesion and enables the construction of a Europe that is close to its citizens and their municipalities;
- the only effective way of interconnecting the enlarged EU and improving territorial cohesion is to supply the missing links and remove the obstacles hampering the main axes of the trans-European TEN-T network, to extend the main corridors of this network to neighbouring countries and regions and to tackle existing weaknesses in cross-border regions;
- although this is trans-European transport, its positive and negative impact can also be felt at local and regional level since it is closely connected to regional development and urban planning;
- conversely, regional and urban transport is responsible for a significant proportion of all adverse effects of transport, such as CO₂ emissions, noise pollution and losses due to the rate of accidents;
- regional and local authorities hold a direct remit for establishing and developing regional and urban transport systems, creating the conditions for their more effective operation, and improving their safety and reliability;
- a joint approach at all levels, from the EU institutions to local government, and one which is founded on the principle of effective subsidiarity, cooperation, the pooling of information and appropriate economic stimulus

programmes, can lead to improvements in urban and regional transport.

1. General observations

1.1 The Committee of the Regions shares the Commission's view that mobility must lie at the heart of the key objectives of both EU transport policy and the renewed Lisbon Strategy, through the development of efficient, safe, sustainable and reliable forms of transport, with a particular emphasis on co-modality.

1.2 The Committee of the Regions notes that transport is part of the bedrock of the European integration process, namely the freedom of movement of persons and goods. It is also closely related to the EU's intended development path, namely economic growth. It therefore goes against the idea of European integration to contemplate regulating this sector through unsystematic restrictions and limitations, because there are no simple solutions here. Instead new legislative measures must be adopted to liberalise differentially the various branches of the transport sector in accord with local and regional conditions harmonise the conditions applicable to the different modes of transport and promote their interoperability and cooperation.

1.3 In the view of the Committee of the Regions, **the primary objective of the European Transport Policy** is to lay the foundations for effective and sustainable trans-European transport. This involves:

- developing an unregulated transport market,
- developing a homogeneous trans-European transport network (TEN-T),
- completing missing links and removing obstacles hampering the main trans-European transport networks TEN-T,
- connecting the main axes of this network to those of neighbouring countries and regions, which will encourage territorial cohesion, even in peripheral regions at the EU's borders,
- focusing on the weak points of the TEN-T network at cross-border level, above all by improving the situation in border zones, vestiges of the Iron Curtain that divided Europe, as well as the borders of the current EU27 with the candidate countries (Croatia, Turkey), and EU borders with neighbouring states and regions, such as the Mediterranean countries of North Africa and the transport node of the Straits of Gibraltar

- ensuring that regions and cities enjoy widespread and easy access to trans-European transport networks, thus increasing territorial cohesion,
- boosting trans-European networks and develop major infrastructures that will improve connections between (at least) the most populated regions of each Member State and the rest of the EU, with the aim of fully developing the internal market and raising awareness of Europe.
- making effective use of all available transport modes in trans-European networks in order to fully exploit the capacity, interoperability and synergies of existing infrastructure,
- building new infrastructures for trans-European transport in those areas where existing facilities, though meeting the above condition, are inadequate, so as to resolve problems in congested areas,
- removing physical, technical and organisational barriers which prevent the maximum flow of goods and people, or their transport between Member States,
- meeting the demands of trans-continental transport as effectively as possible by taking into account the current expanse of the EU and geographical distribution of all its Member States,
- organising transport in an effective manner, allocation of capacities in sensitive areas (sensitive regions) through market based instruments, such as trade in transit rights,

1.4 The Committee of the Regions believes that the EU Transport Policy also has a secondary role: to adopt a joint approach for resolving problems that would be addressed less effectively at the level of the individual Member State, region or city, in accordance with the principle of subsidiarity, in particular by:

- softening the impact that transport has on the natural environment, e.g. by honouring commitments made under the Kyoto protocol on CO₂ emissions,
- ensuring the energy sustainability of transport and using alternative sources of energy, including biofuels,
- raising safety standards, and reducing the risk of road transport accidents,
- promoting innovative approaches in the transport sector,
- allowing the EU as a whole, and thus each Member State, to adapt to changes on the global transport market.

1.5 The Committee of the Regions would also like to emphasise that the objectives of the European Transport Policy should primarily be achieved through the creation of a legal and an institutional framework that would enable various stakeholders (market players, etc.) to operate with parity in the transport sector. Regulation and intervention from public funds must be accepted only where necessary due to the failure of the market and must be bearable for the budgets of the Member States, regions and cities.

1.6 Taking into account the findings of the 2001 White Paper, the Committee of the Regions believes that in order to achieve the objectives of the European transport policy, it is necessary that:

- the future instruments of the European transport policy have a clearly defined structure that reflects the above priorities,
- the package of instruments and measures established in line with these priorities be structured in accordance with the principle of true subsidiarity to create coherent sets specific to each level of public administration, i.e. based on their powers or responsibility,
- sufficient financial resources be allocated for the implementation of these instruments and measures, and at all levels where transport has an impact on the EU's economic performance and its citizens' quality of life.

1.7 The Committee considers it essential that the necessary means be made available to enable regional government to participate in the drafting of European transport policy. The mid-term review of the White Paper does not clearly define the role to be played by the regions in this context.

1.8 The Committee of the Regions believes that in its present form the Mid-term review of the White Paper does not identify plainly enough any clear priorities for each proposed initiative and is concerned that the document could prove to be less effective as a result. It therefore recommends reordering the list of actions (Work Book — Selection of Main Actions) by presenting them not in chronological order but in the order of priority of the various objectives and the relevant areas of responsibility, in accordance with the principle of subsidiarity. The Committee of the Regions considers that coordinators must be appointed who have responsibility for particular actions. It also believes that the objective of these initiatives lies not in the publication of a document but in the real changes that its rigorous implementation would lead to.

1.9 Furthermore, the Committee of the Regions calls for examination of whether the same results could be obtained through the application of market mechanisms in the transport sector before adopting any more regulations or any more action on the part of the public authorities.

1.10 In the light of the above points, the Committee of the Regions proposes that the 2006 White Paper include the subheading *Time to Act* to echo that of the 2001 White Paper *Time to Change*. The only method of ensuring that these results will be achieved is to systematically transpose the decisions adopted at European level into the transport policies of the individual Member States and, in turn, of the regional and city administrations until they have been effectively implemented.

2. Land transport

2.1 The Committee of the Regions considers it a matter of priority to rebalance the modal distribution of land transport, avoiding the concentration of traffic flows almost exclusively on Europe's roads. At the same time, the Committee considers it necessary to deploy strategies to promote intermodality and multimodality in such a way as to ensure the overall efficiency of transport systems.

2.2 The Committee of the Regions particularly welcomes the Commission's proposal to step up efforts to remove the technical and operational obstacles hampering international rail transport as well as to support positive, effective unification and standardisation of rolling stock;

2.3 Furthermore, the Committee of the Regions believes that to increase the competitiveness of rail transport vis-à-vis land transport and to ensure it takes its fair share of the global volume of traffic, it is particularly necessary to harmonise the conditions governing the rail and land transport sectors, as outlined in the 2001 White Paper.

2.4 Experience shows that the process of liberalisation has a significant impact on the legal relationship between the rail operator and its clients, suppliers, service users and staff, as well as on ownership. The Committee of the Regions therefore recommends working out of an assessment of the impact of liberalisation measures already taken in certain member states and drafting a common approach at European level for liberalising individual rail operators, based on the experiences of certain Member States. It also recommends introducing a minimum legal framework for ensuring an appropriate and balanced protection of the rights of all stakeholders affected by liberalisation of the network based transport sector (transport providers, users and regulators, or public administrative or monitoring bodies and employees).

2.5 The Committee of the Regions notes that land transport continues to play a vital role for cities and regions and that for

many regions it constitutes the sole means of ensuring accessibility and mobility. Intermodal links are especially important for the optimisation of the overall transport system.

2.6 Against the current background of cut-backs in public investment, the Committee considers that it is right to promote the high-speed rail routes included in TEN-T as priority projects. But high-speed rail links complementary to TEN-T also deserve support. Efforts should therefore be made to identify and develop high-speed rail projects which, although not included in TEN-T, are parallel and complementary sustainable transport projects and which should therefore be considered for EU financing.

2.7 The Committee of the Regions welcomes the European Commission's proposal for intelligent payment systems for the use of infrastructure and also its ideas on the allocation of capacity in conurbations and sensitive regions by means of market-based instruments, such as trade in transit rights.

2.8 Although the initiatives set out in the White Paper to promote more sustainable modes of transport, such as rail and maritime transport, should be firmly supported, it also has to be recognised that many regions do not have suitable rail or maritime transport infrastructure. In this case, a shift of road transport towards environmentally more sustainable modes would require significant investment in such infrastructure.

3. Air transport

3.1 The Committee of the Regions welcomes the new surge in the development of regional airports and low-budget airlines which has made air transport more affordable for passengers in recent years, thereby providing them with a viable alternative to long-distance land transport. At the same time, however, the negative side effects of this trend must not be forgotten.

3.2 In line with its previous opinions, the Committee of the Regions wishes to stress the importance of regional airports for regional development and territorial cohesion (establishing links between regions, increasing mobility, taking advantage of the benefits of free circulation, economic development, the rehabilitation of peripheral and less developed regions). It therefore welcomes the Commission's initiative to create conditions allowing the further development of air transport in the inter-regional air transport market.

3.3 Equally, the Committee of the Regions reiterates its earlier calls to strike a balance between the need for transparency and admissibility regarding state aid and the ability of local and regional authorities to finance regional airports and develop new routes allowing them to link their regions with the rest of the European market.

3.4 In the light of the special situation of the outermost regions, in which maritime and air transport are their only link with the rest of the European Union and the world, they should be allowed necessary exemptions from any measures to combat the impact of the air and maritime transport sectors on climate change. These regions' emissions of greenhouse gases are less than 0.5 % of the EU total for these sectors and they in no way threaten to compromise the international agreements entered into by the European Union in this field.

4. Waterborne transport

4.1 The Committee of the Regions warmly welcomes the Commission's recommendations to continue developing short sea shipping and 'motorways of the sea' as an alternative to land transport. It draws attention to the fact that it has previously urged that:

4.2 the operational programmes for 2007-2013 provide for implementing projects supporting maritime transport (combating pollution, ensuring safe transport, managing the infrastructure of waterways);

4.3 greater efforts be made to increase capacity and develop infrastructure allowing land access to port facilities, the construction of logistics distribution networks, with a particular emphasis on port infrastructures in island areas;

4.4 the EU's island areas be connected to the 'motorways of the sea' system in order to improve their access to the single market.

4.5 Furthermore, the Committee of the Regions welcomes the Commission's proposal to develop a common European maritime space, to assist the development of the single market in this area.

4.6 The Committee of the Regions also welcomes the legislative measures planned for ports and expresses an interest in taking part in the discussions ahead of their drafting. Moreover, it wishes to stress the importance of the links between ports and the towns or regions where they are located.

4.7 The Committee of the Regions gives its backing to cities and regions with important maritime ports that wish to connect their land transport infrastructure to the TEN-T networks and integrate the 'landbridges' or transcontinental long-distance land transport routes.

4.8 Moreover, the Committee of the Regions notes that inland shipping has long been underrated as an alternative to land transport and welcomes the Commission's proposal to create a programme supporting its development. Equally, with

regard to the Commission's call for improved coordination between the various EU policies (transport policy, energy and environmental policy), the Committee of the Regions points to a fundamental conflict which often exists in the approach to building internal waterways. Thus the requirement to build waterways and develop inland shipping as a viable alternative to land transport is often compromised by the impossibility of implementing these measures due to regulations based on the excessive application of environmental restrictions.

4.9 The Committee believes that the measures to be pursued regarding motorways of the sea should include a sound analysis of the impact on existing port systems and should define the ways in which any such negative impact would be remedied, setting out how discriminate aid will be determined in order to resolve the various remoteness and insularity issues that will arise.

4.10 The Committee believes that future regulations governing the development of aid for motorways of the sea should formally involve the regions.

5. Urban and regional transport systems

5.1 The Committee of the Regions notes that the principle to apply in urban transport more than anywhere else is that the best transport is no transport at all. This is not about measures for the transport sector alone but also legislation for town planning and regional development, as well as housing policy. This is all the more true in the case of the new Member States, where there is often a need to implement instruments that enable people to move house for work-related reasons, to liberalise the housing market, etc.

5.2 The Committee of the Regions welcomes the Commission's proposal to draft a Green Paper on Urban Transport and, in its capacity as a representative of Europe's cities and regions, it declares its willingness to take part in discussions with stakeholders prior to its adoption.

5.3 At the same time, it notes that the greater the extent to which urban and regional transport systems meet local needs, the more effective they are. Accordingly, unlike trans-European transport, it is very difficult to envisage every possible EU action or standardisation in this particular field. In accordance with the principle of subsidiarity, the EU's role should primarily involve sharing know-how and creating a programme for the transfer and implementation of tried and tested methods or for the screening of innovative approaches (transport organisation, intelligent systems, environmentally friendly and energy efficient fuels, mobility as a condition for regional development etc.).

5.4 In view of the fact that transport problems are particularly concentrated in large towns, conurbations and peri-urban areas, and that the large-scale urbanisation of these zones makes building and modernisation of transport infrastructure very expensive, close attention should be given at all levels to the development of this infrastructure and equipping it with modern technology, including support of infrastructure that is not part of the TEN-T network as such. It is important to encourage clean urban transport systems in order to help reduce the pollution levels suffered by our cities, and thus improve the quality of life of their inhabitants. The Committee of the Regions recommends that the Commission also includes these factors in its analysis when drafting the Green Paper on urban transport.

5.5 The Committee of the Regions requests that the Commission put particular emphasis on transport in urban areas and that it duly check whether careful attention is paid to urban transport and allocation of adequate financial resources in each operational programme for 2007-2013. The Committee of the Regions points out that urban transport is as important as the trans-European transport network, as most transport routes begin and end in towns and so it is towns themselves that are the worst bottlenecks. High quality urban transport is therefore a prerequisite for EU competitiveness and consequently for the whole Lisbon Strategy, in terms of the mobility of both goods and labour.

5.6 The Committee of the Regions believes that in order to reduce the congestion of access routes into major cities, large interchanges should be developed on the edges of cities, with sufficient parking spaces ('park and ride') to enable people driving into the city to park their vehicles and then take public transport, without any significant increase in journey time.

6. Optimising infrastructure and network accessibility

6.1 In the interest of ensuring sustainable trans-European transport, the Committee of the Regions believes that the most pressing task, along with completing the TEN-T European transport network and building new infrastructure, is to make it easier to tap unused capacity in the existing infrastructure to the full.

6.2 The Committee of the Regions warmly welcomes the fact that the Commission considers the need to reduce congestion and improve transport accessibility to be a priority task. In its opinion, this is a necessary pre-condition for taking full advantage of the opportunities provided by the freedom of movement, and for achieving greater territorial cohesion.

6.3 Nonetheless, the Committee of the Regions does not agree with the Commission's findings that Europe has a dense transport network with a generally high quality infrastructure. The Committee of the Regions wishes to draw attention to the differences between the transport infrastructures of EU15 and EU10 countries. At the same time, it notes that, owing to the

upsurge in transport in the new Member States following the EU's enlargement in 2004, the state of their network is constantly deteriorating, causing the gap between the EU15 and the EU10 to widen even more. For this reason, the Committee of the Regions also recommends carrying out a detailed and rigorous assessment of the transport infrastructure of the EU27 as part of the work on the mid-term review of the White Paper, so as to provide the EU institutions with a better basis for taking decisions in this field.

6.4 The Committee of the Regions also warns of the possibility of new bottlenecks forming on the main transport axes in border zones and isolated peripheral regions located at the EU's new external borders. For this reason, it is very important to complete the process of revamping the TEN-T networks, which proposes expanding these systems to encompass the EU's neighbouring countries and regions.

6.5 The Committee of the Regions also firmly supports regional projects focusing on the development of transport infrastructure, in particular those with a cross-border dimension, and calls on the Commission to continue to grant them favourable conditions through programmes that are eligible for funding under cohesion policy for 2007-2013 and inter-regional cooperation programmes.

6.6 The Committee of the Regions also encourages the Commission to use financial support instruments (TEN-T budget, EIB, EBRD, PPP etc.) and institutional instruments (European coordinator) to create a support programme for the rapid elimination of cross-border bottlenecks and the completion of missing links as part of the 30 priority EU TEN-T projects identified in 2004 as well as those which may subsequently have been identified as necessary, in order to ensure the uniform nature of the TEN-T networks. Transport policies dealing with this issue at national level have long proven to be ineffective, which has had a particularly adverse effect on regional development, territorial cohesion and the ability to take full advantage of the opportunities provided by the freedom of movement and cross-border cooperation. Moreover, funding mechanisms should be provided for other projects which complement TEN-T projects, particularly those designed to improve accessibility: road and rail links, port access, logistics centres linked to modal interchanges, urban access, etc.

6.7 At the same time, the Committee of the Regions also draws attention to the need to rebalance the west-east and north-south axes of the TEN-T corridors. In order to ensure the more effective use of the capacity of the maritime ports in the Adriatic and the Baltic, the Committee also proposes taking account of the findings of the INTERREG IIIB A-B Landbridge project, which covers this very issue, when extending the TEN-T networks in the future. This project involves regions in Italy, Austria, the Czech Republic, Germany and Poland and, further afield, regions in non-EU Member States such as Norway and Croatia.

7. Interoperability and standardisation of modes of transport

7.1 The Committee of the Regions cautiously welcomes the principle of co-modality as defined in the mid-term review of the White Paper on European Transport and shares the opinion that each mode of transport has a specific role to play in the European transport system. The only means of optimising transport naturally is through true interoperability between the various modes of transport under fair market conditions. In reality, there is only one 'transport service' (the demand for transport services), which relies on the best available transport solutions (modes of transport). The only way to improve the European transport situation is to establish equal conditions for all modes of transport, and not favour one particular mode over another. The unwelcome fact that road transport is very successful even in those segments of the transport market where rail, waterborne and combined transport would be less environmentally damaging is due not only to insufficient harmonisation between the various modes, external costs, unresolved interoperability in the rail sector and the sector's incomplete transformation, but also the inadequate technical level of rail and combined transport. For this reason, research and development must be supported not only in telematics and information systems, but also in rail transport and combined transport technologies, and effective standardisation, unification and harmonisation.

7.2 However, the Committee would like to reiterate its commitment to a proactive EU modal-transfer policy towards the least polluting modes of transport, in light of the EU's Kyoto Protocol commitments.

7.3 Following the line of argument mentioned in paragraph 7.1., the Committee of the Regions proposes continuing in drafting and implementing the rules for internalisation of external costs in transport. The goal is establishing a common European framework to create an open-access, toll-based road infrastructure and revitalised fare-based railroads, which are a necessary condition for full intra-modal competition. The fees should not only be used to cover the costs of construction and maintaining infrastructure (although in economies in transition this will be a considerable source of revenue), but should also serve as an instrument that responds automatically to infrastructure needs, thereby increasing user rates and taking account of the full internal and external costs — including the environmental costs — of each mode of transport. Last but not least, fees will be factored into the price of products and so should also serve as a natural market regulator of excessive demand for transport, the best transport being no transport at all.

7.4 The Committee of the Regions believes that new intelligent payment systems are the way forward for improving traffic flow, making effective use of existing infrastructure and preventing congestion. Support should only be given to those payment systems that are transparent, fair, booked in the

accounts, enable external costs in particular to be invoiced and have a simple tariff that is also sufficiently variable to make the best use of the infrastructure in terms of space and time. This fee should be of an equivalent value across Europe and not simply divert transport from toll roads to free-of-charge transport routes. In this respect, the Committee of the Regions would like to reiterate its support for the Galileo project which, if it is correctly introduced in all EU Member States, could provide such a system.

7.5 To increase support for the Galileo satellite navigation system and its uniform use in transport throughout Europe, or at least to better promote the idea, especially among the new Member States, the Committee of the Regions recommends that the European Council locate the GNSS Supervisory Authority in one of the new Member States and thus put them more at the centre of such forward-looking projects (while also fulfilling its informal promise in 2003 to locate European agencies in the new Member States).

8. Logistics

8.1 The Committee of the Regions emphasises that in order to improve the interoperability of individual modes of transport it is also essential to adopt measures to promote the use of logistics. Public transport logistics is a crucial link in ensuring interoperability between modes in freight transport and is also an important link in ensuring interoperability between modes and the trade and industry sector. The right environment must be created to ensure the development and efficiency of transport logistics at European level.

8.2 The Committee of the Regions offers its assistance in developing the proposed framework strategy for freight logistics in Europe since the development of this segment has a significant impact on regional development. Accordingly, it is involved in numerous local authority projects, as well as regional development strategies and urban projects, and also plays a role in the conception of urban and regional transport systems and the development of regional airports, ports on internal waterways or public logistics centres, which should to all intents and purposes be considered as transport infrastructures forming part of the networks to which they provide services.

8.3 The Committee of the Regions welcomes the intention of the European Commission to adopt an action plan on freight logistics in 2007. The Committee of the Regions is of the view that the formulation of a framework strategy for freight logistics in Europe should also be accompanied by an assessment of how a transport policy can promote a shift of freight from road to rail; using more effective, economical, natural and market respected tools than before. These measures, which could be fiscal or legislative, should be supported by targeted assistance, capable of acting as a catalyst.

9. Safety

9.1 The Committee of the Regions expresses concern that the number of road-related deaths is still unacceptably high in the EU25, despite a steady long-term improvement in these figures. It wholeheartedly supports the Commission's proposal to tackle the issue of road safety in a comprehensive manner, by focusing on user conduct, vehicle construction and technology, and the quality of infrastructure.

9.2 The Committee of the Regions notes that, given the continued increase in the mobility of persons and goods across the whole EU area, it is logical to assume that the Member States will continue their discussions on standardising and homogenising national road traffic rules and regulations to make them easier to understand for drivers and other infrastructure users. This will also help increase safety, reduce the number of accidents and balance the competitiveness of commercial transport provision.

9.3 The Committee of the Regions is also in favour of standardising road signs, at the very least on the main trans-European routes, by ensuring their technical uniformity and introducing multilingual signs for guaranteeing greater safety, including drawing on developments in telematic systems.

10. Security

10.1 The Committee of the Regions notes the urgent need to guarantee the security of transport systems in view of the terrorist threat and supports a common approach to carrying this out.

10.2 The Committee of the Regions urges the EU and the Member States to adopt a joint approach in this field, given the limited powers and opportunities that local and regional authorities have in this field.

10.3 At the same time, the Committee of the Regions requests that EU bodies provide stakeholders in good time with any proposals for measures in the field of system security that could have a direct impact on the organisation and joint financing of regional and urban transport systems in order to allow them to sufficiently debate and comment on the issue.

11. Freight transport logistics in Europe — the key to sustainable mobility

11.1 The Committee of the Regions welcomes the European Commission's initiative to create a strategic framework within which to explore the methods and means by which the EU can help to improve the European transport system. However, it

notes that logistics is not in itself the goal, but merely one of the instruments by which this may be achieved. It is not the sole instrument, since it can only work if lower elements of the transport system are developed, among them infrastructure, telematics (information systems in transport), interoperability and appropriate transport modes. For this reason, we draw attention to earlier points in this opinion regarding what we consider to be fundamental steps towards improving the conditions for European transport as a whole.

11.2 The Committee of the Regions welcomes the Commission's acknowledgement of the essentially commercial dimension of logistics. More than anything, it is the operation of market forces that encourages better use of transport units and efficient use of transport links. In other words, it is an instrument for improving the management of transport and ensuring its efficient use. The question of quality marks must also be left to businesses in the transport sector or sectoral organisations at European level.

11.3 However, the Committee of the Regions takes the view that, should market forces prove inadequate, legislative measures are also a warranted means of achieving the desired goal of mobility and freight logistics geared towards sustainability. A key prerequisite for rail freight transport is also a comprehensive system for modal interchanges of standardized equipment of freight transport. In order to create this possibility and thus ensure that the network is used to full capacity economically, in the event of market forces proving inadequate, back-up framework conditions should be introduced, such as incentives or legislation as a deliberate, albeit temporary, effort to give priority to the modes that appear inevitably to be supported in accord with tenable specific environmental local and regional conditions.

11.4 Consistent with its earlier points, the Committee of the Regions considers logistics to be a key instrument that encourages regions and cities to adopt measures to ensure fast and efficient transport through their territories with the fewest possible drawbacks. The Committee also considers it important to develop city logistics to improve the environment in urban agglomerations by using all good practices in congestion elimination.

11.5 As pointed out earlier in this opinion, the role of towns and regions in the development of logistics lies primarily in providing the right conditions for transport and logistical facilities and in supporting the creation of logistics centres. On this particular front, the Committee of the Regions thinks EU action could take the form of Cohesion policy instruments and the transfer of knowledge and good practices.

11.6 The Committee of the Regions considers it crucially important to identify the impediments to better use of logistics and, hence, to improvement of the European transport system. These impediments include: inadequate infrastructure (bottlenecks, non-existent connections, inadequate connection of transport nodes and other elements of the transport system, absence of public logistics centres), insufficient compatibility of transport units (especially between EU 15 and EU 10+ countries) and obstacles of a technical and organisational character (transfer of information between transport operators, common consignment note, etc.). The European Commission's DG TREN should play a positive role in identifying these obstacles.

11.7 The Committee also considers it crucial to develop new transport management and information systems (including ERTMS and Galileo). At the same time, however, it stresses the need to address the security of data systems, especially where an open architecture environment is used.

11.8 The Committee of the Regions welcomes the European Commission's undertaking to examine vocational training and the certification of common European standards covering the knowledge and experience of workers in logistics. At the same time, it points out that this needs to be approached in partnership with businesses in the logistics sector and the transport sector generally or with their umbrella organisations at European level.

11.9 The Committee of the Regions also welcomes the European Commission's intention to take steps in relation to statistical data on the evolution of logistics. As part of its approach, the Commission should establish a set of indicators which would track and represent the development, performance, use and so on of logistics networks.

11.10 The Committee of the Regions also points out the need to focus at EU level not only on priority TEN-T projects, but also on modernising and developing important transport

nodes. In order to make better use of logistics and to improve European transport systems all the more, the 'last mile' phenomenon must also be overcome. To do this, reloading facilities and facilities at the end of the logistics chain must be developed, in particular linking major logistical hubs to all types of transport link.

11.11 The Committee of the Regions also regards as crucial the Commission's initiative on common European standards for intermodal loading units in the EU. It would be very useful, for example, if the EU were able to cut the number of configurations of various types of containers and semi-trailers in order to make the most of permitted dimensions.

11.12 The Committee of the Regions points out that using various forms of transport in the same transport network requires more than just a change in thinking: frequently, physical barriers are also involved. The new Member States, in particular, lack not only the right transport links and reloading facilities to allow combinations, but also the right transport units. One way of improving matters in this area would be for the European Investment Bank to adopt a favourable credit policy or for Community aid to be given for purchasing vehicles and for building terminals.

11.13 Finally, the Committee of the Regions recommends that checks be made on the feasibility of the idea of an action plan to support the creation of dedicated freight transport rail networks. Nevertheless, it would like to draw attention to the situation of the new Member States. However promising the idea may be, it is reasonable to doubt whether there will be sufficient investment to implement it. Member States and representatives of the transport industry must focus their endeavours, with EU support, on coordinating international freight timetables — to ensure, for example, that transit takes place predominantly during the night, when there is little passenger transport.

Brussels, 14 February 2007.

The President
of the Committee of the Regions
Michel DELEBARRE
