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III

(Preparatory Acts)

COMMITTEE OF THE REGIONS

75TH PLENARY SESSION, HELD ON 18 AND 19 JUNE 2008

Opinion of the Committee of the Regions on Active inclusion

(2008/C 257/01)

THE COMMITTEE OF THE REGIONS considers that:

- For an optimal policy of active inclusion a fourth, cross-cutting pillar is needed: social participation.
- Active integration is the most important element of active inclusion. Active inclusion relies on the 'Work First Principle': every citizen without work should be integrated into work or education.
- A coherent policy mix should be primarily developed and carried out at regional and local level. The main responsibility for creating jobs lies with enterprises and social partners, as key players in the field, in cooperation with local and regional authorities.
- What is meant by sufficient income is different in each country, region or local community. Income support should be seen as adequate if structural poverty could be combated. This level can be defined as 'sufficient'. It is impossible to formulate a general rule about the *financial* level that constitutes sufficiency for the EU as a whole. National, regional and local authorities are together responsible for a policy which has adequate income support. At EU level this should be discussed within the Open Method of Coordination.
- For socially and economically deprived regions and cities in Europe, the implementation of best practice active inclusion policy mixes for the citizens furthest removed from the labour market requires financial support from the EU. The ESF's budget for local and regional authorities must therefore be directly accessible for active inclusion policies.
- Social, subsidised or sheltered employment, social enterprises and cooperatives are instruments that can play an important role in the policy mix at the local and regional level. These enterprises should not be judged by the normal competitive European market rules (for example less rigid rules regarding public procurement and state aid are needed).

Rapporteur: Henk KOOL (NL/PES), Deputy Mayor of The Hague, the Netherlands

Reference document

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on *Modernising social protection for greater social justice and economic cohesion: taking forward the active inclusion of people furthest from the labour market*

COM(2007) 620 final

POLICY RECOMMENDATIONS

General remarks

1. In 2006 in the 25 countries of the European Community, 80 million people (16 percent of the population) are at risk of poverty. Active inclusion and the fight against poverty rely heavily on the integration of people furthest from the labour market. The persistence of large numbers of people at risk of poverty and excluded from the labour market represents an inescapable challenge to the objective of social cohesion in the European Union Treaty.
2. The European Commission put forward three pillars to enhance the active inclusion of people furthest from the labour market: 1) adequate and sufficient income support, 2) active integration, 3) social services of high quality.
3. For an optimal policy of active inclusion a fourth, cross-cutting pillar is needed: social participation.
4. Active inclusion calls for an integrated and comprehensive approach to the four pillars.
5. Active integration (the second pillar) is the most important element of active inclusion. Active inclusion relies on the 'Work First Principle': every citizen without work should be integrated into work or education. The first (adequate and sufficient income support) and third pillar (social services of high quality) are supporting elements. The fourth pillar (social participation) is the last resort in the policy of active inclusion. Citizens who are not able to work should be helped with income and other measures to participate in society. We agree with the Commission that these pillars form an integrated, comprehensive approach. Each authority should therefore strive for the right balance between social welfare, social services, community services as well as financial and non-financial incentives to work.
6. The Member States and their local and regional authorities are primarily responsible for active inclusion strategy and policy. But to stimulate the development and exchange of these policies, common principles are put forward in line with the EU objective of social cohesion.
7. The main actors to develop and implement policies are the local and regional authorities. The EU's role is supportive. This definition of a comprehensive policy of active inclusion is proportional and based on the principle of subsidiarity.
8. The four pillars (income support, active inclusion policy, access to high quality social services and social participation) are interlinked and should reinforce each other. For each region, target group and individual person concerned, an optimal policy mix between these four pillars is required. Policies of active inclusion are tailor-made to allow for the differences between target groups *and* individual persons. Depending on the national economic model, the relative importance of these four pillars and the policy instruments selected in each pillar may differ among the Member States and the local and regional authorities.
9. The results of policies to integrate people furthest from the labour market are most clearly felt by regional and local governments. They also bear the consequences of weaknesses in these policies at local, regional, national or European level. A coherent policy mix should therefore be primarily developed and carried out at regional and local level. Local and regional authorities know the local circumstances, the characteristics of the labour market and the many actors that can play a key role in implementing a comprehensive approach to active integration.
10. Local and regional authorities should therefore create effective partnerships with other public authorities, private enterprises, social partners, NGOs and representatives of clients to implement a coherent policy mix.
11. Local and regional authorities need a large degree of policy freedom to develop and implement such policies, which should be designed and implemented in cooperation with other public and private bodies. European and national policies (fiscal, immigration, education, labour contracting, etc.) should be tailored to and consistent with the needs of local and regional policy development and implementation.

12. Hindrances and bottlenecks caused by European, national, regional and local legislation and practices should be eliminated.

Active integration

13. The most important instrument of active inclusion is improving active integration. To include all individuals, a comprehensive approach to active integration is needed. For each region, target group and individual an integrated policy mix is also needed. Regional and local governments are the main actors to develop and implement these coherent policy mixes with their partners (e.g. national government, employers, other public authorities, NGOs). The essence of a comprehensive and integrated policy mix lies in eliminating bottlenecks for as many people as possible in order to integrate them into the labour market. This can be done by providing advice, guidance and training for paid work and by creating employment for sheltered groups. Sheltered employment means employment for those who are not yet fit to enter into regular work at once.

14. An optimal policy and a comprehensive approach to active inclusion include the following elements:

- the encouragement for young people and creation of opportunities for them to obtain an initial qualification to enhance their chances in the labour market;
- the reintegration of people without a job into the workplace (Work First principle). At the same time, they should be offered education, training, counselling, access to childcare facilities etc.;
- the use of social, sheltered, subsidised work for the people further away from the labour market;
- the use of instruments of social participation (for instance voluntary work or sports activities) for those who, because of psychological and/or physical handicaps, are not fit for regular work or sheltered employment. At the same time, the socio-economic situation of those who need to be integrated into the labour market, should be improved, through income-support and access to social services of high quality;
- the central principle is that each person should have the possibility to participate in society.

15. The use of intensive personalised action plans helps to improve active integration.

16. Target groups are an important element of the comprehensive, integrated policy mix. At regional and local level public authorities should design and implement policies that are most effective for actively including all individuals regardless of their backgrounds, but tackling the specific barriers they face.

17. The main responsibility for creating jobs lies with enterprises and social partners, as key players in the field, in cooperation with local and regional authorities. At national and regional level, the central government has a facilitating responsibility for creating optimal economic conditions such as good education, effective job placement, tax measures and flexicurity (social security and flexible labour options). Local and regional authorities, social services and NGOs are the final link in the chain, particularly for those furthest away from the labour market. Naturally, individuals also have their own personal responsibilities.

18. Public, social and private employers should be strongly encouraged to improve existing jobs and create new quality jobs (offering sufficient income levels, good labour conditions and training/education). Practical (low-skilled) jobs are particularly needed. Private employers can be stimulated by national, local and regional authorities to create jobs by optimising the entrepreneurial climate for them.

19. Local and regional authorities are important employers themselves. As employers they should also implement the principles laid out in this document.

20. In the case of people who are far removed from the labour market because of physical or psychological disability, there may also be a need to create and fund social and subsidised work and work for sheltered groups. Local and regional authorities can play an important role here by stimulating social enterprises.

21. The coexistence of all kinds of jobs (temporary, flexible, part-time and full-time, as well as homeworking) can help those furthest away from the labour market to enter employment.

22. All kinds of formal and informal means of education and training, partial training schemes, accreditation of prior learning (APL) and a focus on lifelong learning, including further training, should be part of the coordinated effort to improve the qualifications of the people furthest removed from the labour market as well.

23. More efforts are needed by national, regional and local governments to improve the quality of education in line with the needs of the labour market. The local authorities should have a more active employment policy and the needs of the local market should best be considered. In Member States in which labour market policy is a local responsibility, local authorities should be encouraged by national governments, with help of the EU, to monitor the local labour market.

24. The comprehensive, integrated policy mix of active integration should include incentives to facilitate entrepreneurship among those furthest removed from the labour market themselves.

Income support

25. people furthest removed from the labour market need a sufficient level of income support and other forms of assistance to live a dignified life and to maintain a certain level of fitness to be able to reintegrate into the labour market. It is correct to underline that this is a fundamental principle in the European Union.

26. What is meant by sufficient income is different in each country, region or local community. Sufficiency is influenced by the level of income support, price levels, the characteristics of the household, taxes, duration of exclusion, cultural, social and historic factors, etc. Income support should be seen as adequate if structural poverty could be combated. This level can be defined as 'sufficient'. It is impossible to formulate a general rule about the *financial* level that constitutes sufficiency for the EU as a whole. National, regional and local authorities are together responsible for a policy which has adequate income support. At EU level this should be discussed within the Open Method of Coordination.

27. A common principle could be formulated at EU level stating that the difference between minimum incomes earned in the labour market and the level of income support should be large enough to encourage individuals and target groups to work. This difference is an important financial incentive in the comprehensive policy mix. 'Make work pay' is an important principle for the Commission, many Member States and regional and local governments. National, local and regional authorities should therefore take into account the risk of the poverty trap when developing and applying income support measures.

28. Income support should be provided only to those who are unable to earn a labour market income or who are only able to earn an income below subsistence level (e.g. because of their low productivity or their need to accept low income jobs). National, local and regional authorities should not hinder the functioning of the labour market and should engage in tight monitoring and serious claim assessment, acting as a strict gate-keeper for those seeking income support. At the same time, active policies should exist to reach all those in need of social insurance, income support and social participation.

29. Income support could take many forms and is ideally tailor-made at local and individual level. Examples of income support could be: income support at subsistence level for members of the labour force who are neither in employment nor studying, in-kind support to improve nutrition, clothing,

education, housing and healthcare, income support to supplement labour income (if income is based on low productivity levels), income support to overcome high costs of mobility, income support to increase one's qualifications and competences, support to start one's own business.

Social participation

30. Some of those furthest from the labour market suffer from multiple personal and physical handicaps. Integration into the labour market and even sheltered work is not a realistic option for them. Part of the comprehensive approach is that local and regional authorities also care for these citizens. Several instruments should be used to stimulate their social participation.

31. Local and regional authorities should use all kinds of financial and in-kind instruments to facilitate the social participation of those who are not working. These instruments stimulate social, cultural, sports, welfare and voluntary activities for those who would otherwise be at risk of social isolation.

Access to high quality social services

32. To make income support, active integration and social participation as effective as possible personalised action plans are needed. These ensure that the necessary supportive measures for an individual client are planned in time and guaranteed. Local and regional authorities need the means to create an infrastructure of quality services and to make personalised action plans.

33. The need for and characteristics of personalised action plans call for a wide variety of instruments for local and regional authorities.

34. Local and regional authorities should stimulate the use of instruments and management practices that can improve the quality of social services (for instance universal access to the Internet, one-stop front office, *lex silentio*, binding and appropriate deadlines for taking a decision on income or in-kind support).

Facilitating guidelines

35. To be successful, active inclusion policies must integrate local, regional, national and EU policies. They must include and combine minimum income, active labour market measures, education and social services. There are many pitfalls that can hinder the implementation of comprehensive, integrated policies at local and regional level. National, local and regional governments together should stimulate the implementation of a comprehensive approach.

36. For socially and economically deprived regions and cities in Europe, the implementation of best practice active inclusion policy mixes for the citizens furthest removed from the labour market requires financial support from the EU. The ESF's budget for local and regional authorities must therefore be directly accessible for active inclusion policies. A European budget to finance social participation is also needed. The Interreg approach is a good example of effective support from the European Union.

37. Social, subsidised or sheltered employment, social enterprises and cooperatives are instruments that can play an important role in the policy mix at the local and regional level. These enterprises should not be judged by the normal competitive European market rules (for example less rigid rules regarding public procurement and state aid are needed).

38. The comprehensive approach is mainly carried out by local and regional authorities for the local population. It should be legally possible for these authorities to focus their policies of active inclusion on the local population.

39. Local and regional authorities should play a leading role in implementing active inclusion policy measures. According to the EU principle of subsidiarity a common EU principle could be formulated stating that national and EU legislation and practices should follow the needs formulated at local and regional level (marginal taxes, benefit structures, stimuli for lifelong learning, financial incentives for employers, labour law, anti-discrimination law, differentiation of minimum wage levels etc.).

Open Method of Coordination

40. The Open Method of Coordination provides a framework of political coordination without legal constraints. In such a

framework the Member States agree to identify and promote their most effective policies in the field of active inclusion with the aim of learning from each other's experiences. The following policy recommendations are formulated to strengthen the Open Method of Coordination.

41. Many policies aimed at improving active inclusion and income support for people furthest removed from the labour market are not effective enough. High quality comparative studies and evaluations of regional and local policies of active inclusion are needed to improve the efficiency and effectiveness of these policies. The European Commission could stimulate such high quality studies.

42. Peer review by local and regional authorities and a network of regional and local observers (Progress) can enforce learning processes. The quality of the reviews and the quality and activities of the network of regional and local observers should be clearly defined from the start.

43. Differences in labour supply and demand, variations in pay levels and in income support across Europe create labour movements that can hinder the active inclusion of local people furthest from the labour market. OMC can be used to discuss the influence of these movements on the question of active inclusion.

44. The development and dissemination of best practices can be stimulated by annually selecting the best local and regional authorities for active inclusion and rewarding them with a European award. Examples of good practice could be systematised along the lines of the work carried out by ESF's thematic work groups.

Brussels, 18 June 2008.

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

Opinion of the Committee of the Regions on ‘The European year for combating poverty and social exclusion (2010)’

(2008/C 257/02)

THE COMMITTEE OF THE REGION

- stresses that in order to be effective, this campaign to address the issue of poverty and social exclusion should be seen as a long-term effort, and therefore emphasises the need for action taken during or before 2010 to have a permanent impact;
- calls for structured measures to be taken to bring about a decisive change in the campaign against poverty and all forms of social exclusion which both inhibit the freedom of individuals and harm society itself; and considers that it would be useful to make involvement in the European Year open not only to the Member States, but also to local and regional authorities or groupings of these as entities in their own right;
- draws attention to the need to focus in particular on the situation of children, because children who grow up in a situation of poverty and exclusion are drawn into a ‘cycle’ that is passed from one generation to the next, with serious long-term consequences, depriving them of the right to develop their full potential and threatening their personal development, education and general well-being;
- urges the Community institutions to pay close attention to the complex and multidimensional forms of poverty and social exclusion, so as to formulate coherent preventive measures and strategies focusing on social empowerment processes.

Rapporteur: Linetta SERRI (IT/PES), Member of Armungia Municipal Council (CA)

Reference document

Proposal for a Decision of the European Parliament and of the Council on the European Year for Combating Poverty and Social Exclusion (2010)

COM(2007) 797

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General comments on the Commission Communication

1. is very interested in the initiative launched to declare the year 2010 the European Year for Combating Poverty and Social Exclusion;

2. shares the concerns that motivated the decision to declare 2010 the European Year for Combating Poverty and Social Exclusion, since the conditions of poverty and exclusion in which 78 million European citizens live have to be dealt with above all by local and regional authorities;

3. stresses that in order to be effective, this campaign to address the issue of poverty and social exclusion should be seen as a long-term effort, and therefore emphasises the need for action taken during or before 2010 to have a permanent impact;

4. notes that local and regional authorities have a particular role to play in recognising and promoting effective access to social, economic and cultural services for people living in poverty or social exclusion. Local, regional and national authorities have basic responsibility for framing, funding and carrying out policies designed to guarantee the integration of people who are excluded;

5. shares the view that when implementing social policy, local, regional and national authorities have the basic responsibility for framing, funding and carrying out policies designed to guarantee integration of the people who are most excluded from the labour market. Service providers — private, public or public-private — play an essential role in implementing these policies at local level;

6. stresses that the Year for Combating Poverty must strengthen the integration of people who are poor and socially excluded, and of the organisations to which they belong. The year must affirm the principle of an inclusive society by creating a space in the public sphere where excluded people can be reached, based on developing the crucial contribution made by the organisations to which they belong;

7. believes it is necessary to strengthen experience-sharing between the Member States, local and regional authorities, and

international organisations involved in the fight against poverty, in a process of mutual learning;

Recommendations

8. endorses the proposal to reaffirm the importance of collective responsibility, involving not only decision-makers but also public and private actors;

9. notes that the commitment to fight poverty and social exclusion at every level of government, and the political commitment to prevent these phenomena, must be affirmed and continued;

10. calls for structured measures to be taken to bring about a decisive change in the campaign against poverty and all forms of social exclusion which both inhibit the freedom of individuals and harm society itself;

11. would like to see greater determination when it comes to implementing measures to ensure complementarity with other relevant Community action to promote social inclusion, such as the PROGRESS programme, the Structural Funds and the European Agricultural Fund for Rural Development (EAFRD), and in relation to action to combat discrimination and promote gender equality and fundamental rights, as well as action in the areas of education and training, culture and intercultural dialogue, youth, childcare and elderly care, citizenship, immigration and asylum, and research;

12. wishes all types of discrimination that encourage poverty and exclusion be tackled;

13. considers that it would be useful to make involvement in the European Year open not only to the Member States, but also to local and regional authorities or groupings of these as entities in their own right;

14. sees a need to strengthen the open coordination method in relation to social protection, social inclusion and the European employment strategy ensuring greater involvement for the regional and local level. The effectiveness of this method depends largely on the efforts of local and regional authorities in drawing up regional action plans to combat poverty and social exclusion and in promoting a broader approach that embraces the three major dimensions of active inclusion;

15. observes that when it comes to improving access to services, local and regional authorities deliver social services in most Member States. These levels of government are therefore in a better position to frame and apply new rules for managing services in order to facilitate access to them;

16. draws attention to the need to focus in particular on the situation of children, because children who grow up in a situation of poverty and exclusion are drawn into a 'cycle' that is passed from one generation to the next, with serious long-term consequences, depriving them of the right to develop their full potential and threatening their personal development, education and general well-being. More attention must be paid to large families and young families looking at potential risk factors of social exclusion;

17. notes that full participation of the younger generations is ensured primarily by access to training services — the PISA-OECD's latest survey identified a close link between low skills and social exclusion. The commitment and involvement of EU citizens is crucial to social cohesion and development in Europe;

18. urges the Community institutions to pay close attention to the complex and multidimensional forms of poverty and social exclusion, so as to formulate coherent preventive measures and strategies focusing on social empowerment processes;

19. calls for more account to be taken of the problems faced by local and regional authorities, especially those in border areas near points of entry to the EU, in relation to asylum requests and illegal immigrants.

II. Proposed amendments

Amendment 1

Article 2b)

Text proposed by the Commission	CoR amendment
<p>Ownership — Increasing public ownership of social inclusion policies and actions, emphasising everyone's responsibility in tackling poverty and marginalisation. The European Year shall foster awareness, participation and engagement, and create new opportunities for ordinary citizens to contribute.</p>	<p>Ownership — Increasing public ownership of social inclusion policies and actions, emphasising everyone's responsibility in tackling poverty and marginalisation. The European Year shall be intended to foster awareness, participation and engagement, and create new opportunities for ordinary citizens <u>residing in EU countries</u> to contribute.</p>

Reason

It is important to state explicitly and strongly that the Union is committed to taking measures that will actively transform European citizens' attitudes towards poverty and social exclusion.

Amendment 2

Article 2c)

Text proposed by the Commission	CoR amendment
<p>Cohesion — Promoting a more cohesive society by raising public awareness of the benefits for all of a society where poverty is eradicated and no-one is condemned to live in the margins. The European Year shall foster a society that sustains and develops quality of life, social well-being and equal opportunities for all regardless of their background, ensuring sustainable development and solidarity between and within generations and policy coherence with EU action worldwide.</p>	<p>Cohesion — Promoting a more cohesive society by raising public all citizens' awareness that an egalitarian society can exist which upholds rights and opportunities, of the benefits for all of a society where poverty is eradicated and no-one is condemned to live in the margins. The European Year shall foster a society that sustains and develops quality of life, social well-being and equal opportunities for all regardless of their background, ensuring sustainable development and solidarity between and within generations and policy coherence with EU action worldwide.</p>

Reason

It is essential that the Union's social policy commitments include all citizens, that the Union recognise full and equal citizenship rights for everybody, enabling people to participate and ensuring equal opportunities in application of Article 5(a) of the Lisbon Treaty: 'In defining and implementing its policies and actions, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.'

Amendment 3

Article 2d)

Text proposed by the Commission	Amendment
<p>Commitment — Reiterating the strong political commitment of the EU to the fight against poverty and social exclusion and promoting this commitment at all levels of governance. Building upon the achievements and possible shortcomings of the Open Method of Coordination on Social Protection and Social Inclusion, the European Year shall strengthen the political commitment to the prevention of and fight against poverty and social exclusion and give impetus to further development of the European Union's action in this field.</p>	<p>Commitment — Reiterating the strong political commitment of the EU and the Member States to the fight against poverty and social exclusion and promoting strong action by public authorities to combat poverty this commitment at all levels of governance. Building upon the achievements and possible shortcomings of the Open Method of Coordination on Social Protection and Social Inclusion, the European Year shall strengthen the political commitment to the prevention of and fight against poverty and social exclusion and give impetus to further development of the Member States' and the European Union's action in this field.</p>

Reason

Whereas Article 2c) focuses on responsibilities, Article 2d) must draw attention to the role of public authorities, emphasising that the fight against poverty should be waged through political engagement rather than actions targeting individual behaviour.

Amendment 4

Article 6.1

Text proposed by the Commission	CoR amendment
<p>Each Member State shall appoint a 'National Implementing Body' to organise its participation in the European Year and ensure coordination at national level. That National Implementing Body shall be responsible for defining the national programme and the priorities for the European Year and for selecting the individual actions to be proposed for Community funding. The national strategy and priorities for the European Year shall be set out in accordance with the objectives listed in Article 2.</p>	<p>Each Member State shall appoint a 'National Implementing Body' to organise its participation in the European Year and ensure coordination at national level. That National Implementing Body shall be responsible for defining the national programme and the priorities and programme for the European Year at national level and for selecting the individual actions to be proposed for Community funding. <u>This must be done in close coordination with the regional and local level.</u> The national strategy and priorities and strategy for the European Year shall be set out in accordance with the objectives listed in Article 2.</p>

Reason

It is important for national programmes to first define national priorities based on the extent of poverty in the country concerned; strategic planning must be based solely on a thorough understanding of the problem, since the fight against poverty is multisectoral and requires an approach based on targeted measures.

Amendment 5

Article 13

Text proposed by the Commission	CoR amendment
For the purpose of the European Year, the Commission may cooperate with relevant international organisations, in particular the Council of Europe, the International Labour Organisation and the United Nations.	For the purpose of the European Year, the Commission may cooperate with relevant international organisations, in particular the Council of Europe, the International Labour Organisation and the United Nations, <u>the World Health Organisation and the World Bank.</u>

Reason

Poverty has serious long-term consequences, prevents people from achieving their full potential, and jeopardises health, personal development and general well-being. The experience of the WHO can help to expand knowledge and exchange of good practice. The experience of the World Bank is also important, since its approach is increasingly based on empowerment.

Amendment 6

Annex

I. ACTIONS ON A COMMUNITY SCALE

1. Meetings and event

Text proposed by the Commission	CoR amendment
Organisation of meetings and events at Community level, intended to raise the awareness about issues related to the European Year and about poverty and social exclusion and to provide for a forum of exchange of ideas. They will gather relevant stakeholders and will be planned together with people experiencing poverty and civil society organisations representing them, to provide a good opportunity to address policy gaps and every day problems.	Organisation of meetings and events at Community level, intended to raise the <u>awareness among EU citizens</u> about issues related to the European Year <u>for combating and</u> about poverty and social exclusion and to promote provide for a forum of exchange of ideas. They will gather relevant stakeholders and will be planned together with people experiencing poverty and <u>by</u> civil society organisations representing them, to provide a good opportunity to address policy gaps and every day problems. <u>The aim is to establish active participation of the social partners in developing social empowerment measures and practices.</u>

Reason

The fight against poverty must involve the citizens of the EU so as to develop and *increase* their responsibility. The objective of the Year for Combating Poverty and Social Exclusion is to create conditions that limit the proliferation of social inequality, and measures and practices must therefore be based on social empowerment.

Amendment 7

Annex

2. Information and promotional campaigns involving

Third bullet

Text proposed by the Commission	CoR amendment
An information campaign at Community level with positioning at national level, based on both traditional and new communication channels and new technologies;	An information campaign at Community level with positioning at national, <u>regional and local level</u> , based on both traditional and new communication channels and new technologies, <u>with the aim of widening the distribution of information and stimulating public interest;</u>

Reason

The local level is important because local and regional authorities have a particular role to play in recognising and promoting effective access to social, economic and cultural services for people living in poverty or social exclusion. Local, regional and national authorities have basic responsibility for framing, funding and carrying out policies designed to guarantee the integration of people who are excluded.

Information campaigns can reach the maximum number of citizens if they are based on participation of public bodies at every level and use a language appropriate to the specific target audience.

*Amendment 8***Annex****2. Information and promotional campaigns involving**

Fourth bullet

Text proposed by the Commission	CoR amendment
The production of communication and media tools available throughout the Community to stimulate public interest;	The production of communication and media tools available throughout the Community to stimulate public interest;

Reason

Repeats what is said in the third bullet.

*Amendment 9***Annex****2. Information and promotional campaigns involving**

Fifth bullet

Text proposed by the Commission	CoR amendment
Appropriate measures and initiatives for publicising the results and raising the profile of Community programmes, actions and initiatives contributing to the objectives of the European Year;	Appropriate measures and initiatives for publicising the results and raising the profile of Community programmes, actions and initiatives raising the visibility of programmes, and providing information on measures, Community initiatives and outcomes contributing to the objectives of the European Year;

Reason

Self-explanatory.

*Amendment 10***Annex****2. Information and promotional campaigns involving**

Sixth bullet

Text proposed by the Commission	CoR amendment
Appropriate initiatives by educational institutions to disseminate information on the European Year;	Appropriate initiatives by educational institutions to raise awareness among the younger generation and disseminate the principles of the fight against poverty information on the European Year;

Reason

The sharing of responsibilities is strengthened by measures to increase participation in all sectors of society, especially the younger generation, in order to underpin application of the Lisbon Treaty, which in Article 149 aims at 'encouraging the participation of young people in democratic life in Europe'.

*Amendment 11***Annex****3. Other actions**

First bullet

Text proposed by the Commission	CoR amendment
Community-wide surveys and studies to assess and report on the preparation, effectiveness, impact and long-term monitoring of the European Year. To facilitate a new consensus around political solutions, one such survey will also include a series of questions to gauge public opinion on policy to prevent and combat poverty and social exclusion, including social protection systems, and on the potential role of the Union in the fight against poverty and exclusion. This will be conducted in 2009 so that its results can be presented at the Opening Conference of the European Year;	Community-wide surveys and studies to assess and report on the preparation, effectiveness, impact and long-term monitoring of the European Year. To facilitate a new <u>broaden the basis for</u> consensus around political solutions, one such survey will also include a series of questions to gauge public opinion on policy to prevent and combat poverty and social exclusion, including social protection systems, and on the potential role of which the Union <u>undertakes to play</u> in the fight against poverty and exclusion. This will be conducted in 2009 so that its results can be presented at the Opening Conference of the European Year;

Reason

It is important to state explicitly and strongly that the Union is committed to taking measures that will actively transform European citizens' attitudes towards poverty and social exclusion.

*Amendment 12***Annex****3. Other actions**

Second bullet

Text proposed by the Commission	CoR amendment
Cooperation with the private sector, broadcasters and other media as partners in spreading information about the European Year as well as in actions aiming for long-term dialogue on social issues;	Cooperation with the private sector, broadcasters and other media as partners in spreading information about the European Year as well as in actions aiming <u>to develop</u> for long-term dialogue on social issues;

Reason

Self-explanatory.

Amendment 13

Annex

II. CO-FINANCING OF ACTIONS AT NATIONAL LEVEL

Point 7 f)

Text proposed by the Commission	CoR amendment
Training opportunities for civil servants, social partners, the media, NGO representatives and other actors to increase their knowledge of poverty and social exclusion phenomena, of European and national social inclusion policies and of the different policy tools available, to increase their capacity to deal with poverty-related issues, and to encourage them to play an active role in the fight against poverty and social exclusion;	Training opportunities <u>opportunities for national, regional and local level</u> civil servants, social partners, the media, NGO representatives and other actors to increase their knowledge of poverty and social exclusion phenomena, of European and national social inclusion policies and of the different policy tools available, to increase their capacity to deal with poverty-related issues, and to encourage them to play an active role in the fight against poverty and social exclusion;

Reason

Local, regional and national authorities have basic responsibility for framing, funding and carry out policies designed to guarantee the integration of people who are excluded, and it is important that civil servants should be prepared for these tasks.

Amendment 14

Annex

IV. PRIORITIES FOR THE EUROPEAN YEAR ACTIVITIES

Second paragraph

Text proposed by the Commission	CoR amendment
In line with the analysis carried out and the priorities identified in the Joint Social Protection and Social Inclusion Report, the European Year should focus around the following themes: — child poverty and the intergenerational transmission of poverty; — an inclusive labour market; — disadvantages in education and training, including digital literacy training; — poverty and the gender dimension; — access to basic services, including decent accommodation; — overcoming discrimination and promoting the integration of immigrants and the social and labour market inclusion of ethnic minorities; — addressing the needs of disabled people and other vulnerable groups.	In line with the analysis carried out and the priorities identified in the Joint Social Protection and Social Inclusion Report, the European Year should focus around the following themes: — child poverty and the intergenerational transmission of poverty; — <u>elderly people</u> ; — <u>active, integrated inclusion activities</u> ; — an inclusive labour market; — disadvantages in education and training, including digital literacy training; — poverty and the gender dimension; — access to basic services, including decent accommodation; — overcoming discrimination and promoting the integration of immigrants and the social and labour market inclusion of ethnic <u>and religious</u> minorities <u>and refugees</u> ; — addressing the needs of disabled people and other vulnerable groups.

Reason

Poverty is a condition that particularly affects the elderly, refugees and religious minorities. To ensure equal participation in political and social life, it is important to promote inclusive activities for these groups.

Amendment 15

Annex

5. CHARACTERISTICS AND OBJECTIVES

5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

Text proposed by the Commission	CoR amendment
<p>The European Year should stimulate debate and create solutions to ensure the meaningful participation in society of people experiencing poverty and social exclusion, the strengthening of the organisations in which they participate, and the development of stronger frameworks to ensure their involvement in activities designed to make a decisive impact on the eradication of poverty. It will help the Open Method of Coordination have more impact on the ground.</p>	<p>The European Year should stimulate debate and create solutions <u>that allow inclusion and</u> to ensure the meaningful participation in society of people experiencing poverty and social exclusion, the strengthening of the organisations in which they participate, <u>and should create conditions that encourage effective empowerment measures</u> and the development of stronger frameworks to ensure their involvement in activities designed to make a decisive impact on the eradication of poverty. It will help the Open Method of Coordination have more impact on the ground.</p>

Reason

Self-explanatory.

Brussels, 18 June 2008.

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

Opinion of the Committee of the Regions on European Grouping of Territorial Cooperation: New impetus for territorial cooperation in Europe

(2008/C 257/03)

THE COMMITTEE OF THE REGIONS

- stresses the need for rapid and consistent application of the regulation throughout EU territory, in keeping with the European spirit of the new instrument;
- underlines that by giving forms of territorial cooperation between institutional actors at different levels from two or more Member States a Community legal structure, the EGTC can trigger a process of horizontal European integration in which the principles of subsidiarity and proximity are applied;
- emphasises that the possibility of involving different institutional levels in a single cooperative structure opens up the prospect of new forms of multilevel governance, enabling European regional and local authorities to become driving forces in drawing up and implementing EU policy, helping to make European governance more open, participatory, democratic, accountable and transparent;
- states its intention to play a key information and promotion role with regard to the EGTC instrument, by means of political mobilisation, communication initiatives, establishing networks to pool experience and best practices, and research activity;
- calls on the Commission to launch a strategic debate on the EGTC in the forthcoming Green Paper on European territorial cohesion.

Rapporteur: Mercedes BRESSO (IT/PES), President of the Piedmont Region

THE COMMITTEE OF THE REGIONS

Challenges facing the continent and the need for European integration

1. warmly welcomes the adoption of the Regulation on a European Grouping of Territorial Cooperation (EGTC); this constitutes an effective response to the basic need to step up the European integration process while respecting regional diversity by adjusting current models of governance to the challenges that the European Union must face;

2. notes that the European Union is confronted with changes that are crucial to its future: obvious examples include the new Treaty of Lisbon signed on 13 December 2007, the recent enlargement of the Schengen area to nine new countries, the adoption of the euro by Cyprus and Malta at the beginning of 2008, and the current budget review;

3. is in principle pleased that the new Lisbon Treaty places territorial cohesion among the EU's objectives in Article 3 of the Treaty on European Union and states that particular attention shall be paid to cross-border regions; this is a clear acknowledgement that the harmonious and balanced development of a polycentric European territory must be promoted when EU policies are being drafted; calls on the Commission to table a proposal on the measures and activities at European level which could in the future be included under that objective;

4. recognises that the future of the European Union and its territories depends on achieving more powerful synergies between cohesion policies and strategies to promote competitiveness, and on developing sectoral policies that help, especially where the least-favoured territories are concerned, to address the challenges set by globalisation, by means of a cross-border, transnational and interregional approach; notes that cross-border, transnational and interregional cooperation has already brought and continues to create added value: European, political, institutional, economic and socio-cultural added value;

5. recalls that territorial cohesion lies at the heart of the European Union's Territorial Agenda. This illustrates the need for the territorial dimension to play a more decisive role in the future of EU cohesion and other Community policies;

6. considers that territorial cohesion is an essential factor in achieving the objectives of economic growth and solidarity, and

in achieving a highly competitive social market economy, aiming at full employment, social progress and sustainable development;

7. argues that territorial cohesion can simultaneously boost competitiveness and sustainability in Europe's regions, in keeping with the objectives of the new Lisbon Strategy updated by the Member States in 2008;

8. considers that territorial cooperation and first of all cross-border cooperation, is a key element for European integration and a political priority of the EU and recalls the special importance that territorial cooperation has in the case of outermost regions, islands and mountains;

9. calls on the Commission to launch a strategic debate on the EGTC in the forthcoming Green Paper on European territorial cohesion;

The political and strategic value of the EGTC

10. supports territorial cooperation as a key instrument of cohesion policy for resolving issues with a significant territorial dimension in economically, socially, culturally and environmentally crucial sectors;

11. emphasises that territorial cooperation provides an effective response to the need for funds in the 2007-2013 programming period to be allocated in a more geographically balanced way;

12. welcomes the fact that the 2007-2013 programming period provides for a significant increase in territorial cooperation within cohesion policy, by:

- mainstreaming the Interreg Community initiative as a first-rank political objective (Objective 3) of EU cohesion policy,
- stronger orientation of territorial cooperation initiatives to achieving the Lisbon and Göteborg objectives,
- consolidating territorial cooperation and cross-linkage with other EU thematic policies under the *Regions for economic change* initiative,
- enhancing cooperation structures, operational arrangements and capitalisation processes, in part by means of EU27 network programmes (Urbact, Interact, Espo),

13. views Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as an important legal instrument to strengthen cooperation between regional and local authorities in Europe through uniform Community rules directly applicable in all Member States;

14. considers that its foreseeable potential will also increase as a result of having a direct link with the *acquis communautaire*, which gives it greater force and makes it more likely to become incorporated into law; this link also makes it more far-reaching and dynamic than traditional cooperation instruments;

15. points out that the previous legal framework — which the regulation does not abolish — often produced uncertainty;

16. welcomes the fact that the Regulation on an EGTC has incorporated many of the developments introduced by the Council of Europe *acquis* regarding territorial cooperation. Indeed, the right of local and regional authorities to cooperate across national borders was first recognised by the Council of Europe, with the 1980 European Framework Convention on Transfrontier Cooperation between Territorial Communities or Authorities and its 1995 and 1998 Additional Protocols;

17. notes that the EGTC is an instrument introducing a European structure for cooperation, the purpose of which is to enable the traditional legal and administrative problems connected with implementing and running cross-border, transnational and interregional programmes and projects as well as territorial cooperation in general to be successfully tackled;

18. emphasises that the EGTC helps to bring stability and certainty to territorial cooperation, by setting up cooperative groups possessing legal personality as well as the means required to carry out projects and actions, with or without a financial contribution from the Community;

19. stresses that the EGTC can provide an efficient coordination and implementation platform for European, national and regional policies in a wide range of crucial areas such as infrastructure, company competitiveness, research and innovation, training, environmental protection and risk prevention, energy and transport networks, health and social issues, and sustainable and polycentric urban development;

20. recalls that European programmes such as Interreg have prompted the creation of numerous structures, understandings and agreements intended to flesh out forms of cross-border and interregional cooperation between territorial authorities in areas of common interest;

21. believes that the EGTC could be a new opportunity to provide legal structure for Euroregions and develop this concept in a consistent way. In the past, Euroregion cooperation initiatives have made a decisive contribution to enhancing real cooperation in a broad spectrum of activities, neighbourhood relations, bringing peoples closer together, knowledge transfer and the exchange of good practices;

22. stresses that the EGTC Regulation does not seek to suppress existing Euroregions in operation or constitute an additional administrative structure but to provide a credible option for trans-European territorial cooperation;

23. stresses that the EGTC provides a strong tool for pursuing decentralised cooperation throughout the European Union in a number of policy fields on the basis of stable structures capable to mobilise the involvement of citizens and take joint decisions that will be fully implemented and even lead to long term strategic cooperation;

24. suggests that the EGTC can and should be a primary working instrument, improving access to the credit market in order to finance infrastructure or services of common interest across different areas of the EU; this will in turn generate the revenue needed to secure the financial health of these measures;

25. emphasises that one measure to be implemented at the Community level would be to encourage the use of the EGTC as the preferred instrument for cooperation, due both to the substantial benefits resulting from the simplified management of cooperation policies, plans and projects and to a more widespread use of better administrative practices across the EU;

26. feels that the adoption of the EGTC instrument could ensure that existing cooperation structures both operate in a more coherent and effective manner, as part of an approach to rationalise funds rather than spread them too thinly, and also produce better quality results;

27. stresses that the EGTC will help considerably to make resource distribution and management more effective by involving regional and local authorities and regional economic and social stakeholders more closely;

28. underlines that by giving forms of territorial cooperation between institutional actors at different levels from two or more Member States a Community legal structure, the EGTC can trigger a process of horizontal European integration in which the principles of subsidiarity and proximity are applied;

29. argues that the EGTC will enable European regional and local authorities to become driving forces in drawing up and implementing EU policy, helping to make European governance more open, participatory, democratic, accountable and transparent;

30. emphasises that the possibility of involving different institutional levels in a single cooperative structure opens up the prospect of new forms of multilevel governance in which stakeholders would contribute, each according to their own remit, to the overall success of the undertaking;

A commitment to applying the regulation in keeping with the Community spirit

31. underlines that the choice of a regulation guarantees uniform rules for territorial cooperation in all the Member States, minimising the disparities caused by regulatory fragmentation; it would be the first time that a common instrument of such a wide geographic scope is introduced;

32. considers that the implementation of the regulation should be properly coordinated, so that the various legal acts drawn up by the Member States in order to apply Regulation (EC) 1082/2006 can be brought together without creating any incompatibility or obstacles;

33. highlights the need for rapid and consistent application of the regulation throughout EU territory, in keeping with the European spirit of the new instrument;

34. notes, in line with the procedures referred to in the introduction to the Regulation on an EGTC, the importance of involving henceforth third countries in the implementation of the new Community instrument, in the most appropriate ways;

35. takes note of the fact that some Member States have already adopted the regulation's implementing provisions, but reserves the right to analyse these measures carefully in order to gauge how far they comply with the objectives of achieving uniform rules and promotion of territorial cooperation;

36. regrets that most Member States have not yet taken steps to adopt the regulation's implementing provisions and urges the relevant authorities to do so without further delay and without placing barriers and red tape in the way of setting up EGTCs and making them fully functional;

37. points out that the EGTC was intended, not least, to simplify the procedures for running and implementing territorial cooperation initiatives, and therefore requires extensive cooperation within each Member State between the various national, regional and local authorities insofar as each is concerned;

38. therefore believes cooperation and exchange of information between Member States, together with direct involvement of regional and local authorities, to be essential;

39. recalls that with the Regulation on an EGTC, Community law is ushering in a new category of legal person that, in spite of the significant references to national law, must be treated in a substantially uniform way in the different Member States, in compliance with the principles of direct applicability and direct effect;

40. points out that Article 2 of the regulation sets forth a precise hierarchy to the effect that both Community law and the provisions laid down in the conventions and statutes of new EGTCs take precedence over the law of the Member State in which the EGTC is established, the latter applying solely in areas which are not or only partially covered by the regulation;

41. stresses that the provisions of the regulation which do not refer to national law apply directly whenever an EGTC is set up;

42. considers that the regulation confers a fully-fledged right upon the potential EGTC members situated in the territory of at least two Member States, that may be exercised immediately in order to set up an EGTC in compliance with the provisions of the regulation;

43. recalls that non-fulfilment by the Member States of their obligation to adopt the relevant implementing proposals inhibits the potential of the EGTC concept, and therefore calls on the European Commission to urge Member States to fulfil their pledged obligations in this matter;

44. is convinced that the European Commission can contribute decisively to making the EGTC fully operational, in accordance with the true spirit of the regulation;

45. calls upon the European Commission to press the Member States to adopt the necessary implementing measures, at the same time providing proper support to the competent national authorities by adopting guidelines, criteria for interpretation and technical details. To this end, the Commission could make use of the work carried out by the EGTC Expert Group set up by the Committee of the Regions;

46. urges that, in the event that cases of non-compliance should continue, the Commission consider the possibility of activating the necessary infringement procedures against any Member States that have not, without reason, fulfilled their obligations to adopt the implementing measures required under the regulation;

Promoting use of the EGTC

47. feels that specific Community information and training measures and any other appropriate measures, including legal, economic and financial incentives, can be used to promote the European Grouping of Territorial Cooperation;

48. in this regard, considers that basic economic-financial incentives can be broken down into two broad groups. It thus suggests that the first would require a specific programme with Community funding, allocated from the ERDF, which would contribute to the creation of new EGTCs or the conversion of prospective cooperation projects managed using conventional formats;

49. considers that the second group of economic-financial incentives would require calls for tender launched by the Commission to award a comparative advantage in the evaluation of projects to those projects including the setting-up of an EGTC and a forecast of sustainability when the project itself is concluded. This would help to promote an institutional short- and medium-term culture of cooperation which would seek new sources of funding in addition to the Community budget;

50. with regard to the legal measures that should be undertaken to help make the institution a success throughout the EU, the main responsibility should belong to the Commission, with the technical support of the Committee of the Regions;

51. proposes that the Commission step up information measures within its directorates-general in order to raise awareness of the EGTC's contribution to implementing EU sectoral policy;

52. states its willingness to work together with institutional stakeholders in the above-mentioned promotion measures;

The role of the Committee of the Regions

53. points out that it has specific consultative powers in the area of cross-border cooperation, under the terms of Article 265 of the EC Treaty:

— territorial cooperation, and the EGTC in particular, appear among the main priorities of the Committee of the Regions' current political mandate and the new cooperation protocol with the Commission,

— Article 5 of the regulation specifies that EGTC members are obliged to inform the Committee of the Regions of future conventions and the registration and/or publication of the statutes; this opens the way for a 'European register' of EGTCs to be held at the Committee of the Regions, as originally requested by the Committee itself in its 2004 opinion on the proposal for a regulation (CdR 62/2004),

54. states its intention to play a key information and promotion role with regard to the EGTC instrument by means of political mobilisation, communication initiatives, establishing networks to pool experience and best practices, and research activity;

55. emphasises that an EGTC Expert Group has been set up with the task of monitoring the adoption of national implementing provisions and of fostering the pooling of experience on setting up and operating EGTCs at territorial level;

56. undertakes to highlight the opportunities provided by the legislation of both Member States and non-EU neighbouring countries, in order to maximise the chances of cooperation between the territorial authorities of the European Union and those of third countries;

57. will intensify its cooperation with pan-European regional Organisation with specific and long experience in the field, of trans-European territorial cooperation;

58. stresses that close interinstitutional cooperation, involving the European institutions, national governments and regional and local authorities, is a prerequisite for the success of the EGTC and territorial cooperation.

Brussels, 18 June 2008.

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

Opinion of the Committee of the Regions on 'A global approach to migration: Developing a European policy on labour immigration in conjunction with relations with third countries'

(2008/C 257/04)

THE COMMITTEE OF THE REGIONS

- considers that the EU must equip itself as soon as possible with a genuine European immigration policy, respecting the powers of the different levels of government, while assuming those which are within its remit;
- welcomes the Commission's initiatives to establish mechanisms to facilitate regular labour migration, insofar as an imbalance exists between the implementation of restrictive measures to combat irregular migration and those intended to promote regular migration, and calls on the Commission to develop a comprehensive European migration policy, ensuring that European-level measures offer added value, as in the case of highly skilled labour;
- agrees that illegal employment is one of the main pull factors for irregular immigration and that, in consequence, the Member States must intensify and improve their work, so that all necessary measures to combat the irregular labour market are taken;
- regrets that the role of the Committee of the Regions is not mentioned in any of the reference documents, and voices its concern at the lack of attention to the territorial dimension, whereas until present the role of local and regional authorities in managing migration had been recognised, as had been the Committee of the Regions' consultative role in this sphere;
- argues that hand-in-hand with the development of the external dimension of the policy and of European instruments for managing immigration, the territorial dimension must also be strengthened, involving local and regional authorities in providing a global approach to migration. To this end, it must be ensured that the European Commission promotes a more proactive role for the Committee of the Regions at the initial stage of Community action;
- welcomes the initiative to promote circular migration, considering that this may make a positive contribution to the Member State labour markets and to development in the countries of origin.

Rapporteur: Anna TERRÓN I CUSÍ (ES/PES), Secretary for European Union Affairs, Government of Catalonia (the Generalitat)

Reference documents

Communication from the Commission on circular migration and mobility partnerships between the European Union and third countries

COM(2007) 248 final

Proposal for a Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals

COM(2007) 249 final

Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment

COM(2007) 637 final

Proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member States

COM(2007) 638 final

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General recommendations

1. considers that the European Union must equip itself as soon as possible with a genuine European immigration policy, respecting the powers of the different levels of government, while assuming those which are within its remit;

2. welcomes the Commission's initiatives to establish mechanisms to facilitate regular labour migration, insofar as an imbalance exists between the implementation of restrictive measures to combat irregular migration and those intended to promote regular migration, and calls on the Commission to develop a comprehensive European migration policy, ensuring that European-level measures offer added value, as in the case of highly skilled labour;

3. agrees that illegal employment is one of the main pull factors for irregular immigration and that, in consequence, the Member States must intensify and improve their work, so that all necessary measures to combat the irregular labour market are taken;

4. believes that when it comes combating the illegal labour market efforts must be directed primarily at those persons, employers or individuals, who recruit third-country nationals with irregular status in a Member State. Immigrants often find themselves in a very vulnerable position and may be exploited in an immoral or illegal way;

5. considers that a single permit is a valid tool for preventing the type of irregular immigration that has occurred, and recalls

that Article 41 of the Charter of Fundamental Rights of the European Union sets out the right to good administration;

6. considers cooperation with third countries to be crucial for a global and coherent view of immigration, as recognised by the European Council in its 2005 conclusions, recalling that 'migration issues are a central element in the EU's relations with a broad range of third countries, including, in particular, the regions neighbouring the Union' ⁽¹⁾;

7. points out that when it comes to setting up 'partnerships for mobility', priority should be given to third countries which are prepared to take action to tackle illegal migration and human trafficking;

8. welcomes the proposals to develop closer cooperation with third countries by means of 'mobility partnerships' or technical and/or financial assistance, and urges the Commission to devise new forms of cooperation, based on an approach of equality, with countries of origin and transit, creating a climate of trust in which these countries can cooperate in combating irregular immigration and introduce mechanisms to organise regular migration;

9. points to the key role that local and regional authorities play in negotiations and relations with countries of origin and transit, especially in areas such as development and cooperation. It recalls the substantial part local and regional authorities have played in ensuring that the Aeneas, Meda and Tacis programmes, amongst others, have functioned properly, and underlines the contacts with, and knowledge of, the countries of origin and transit acquired thanks to immigrant communities;

⁽¹⁾ Presidency Conclusions. Brussels European Council, 15 and 16 December 2005. Section IV, point 8.

10. regrets that the role of the Committee of the Regions is not mentioned in any of the reference documents, and voices its concern at the lack of attention to the territorial dimension, whereas until present the role of local and regional authorities in managing migration had been recognised, as had been the Committee of the Regions' consultative role in this sphere;

11. argues that hand-in-hand with the development of the external dimension of the policy and of European instruments for managing immigration, the territorial dimension must also be strengthened, involving local and regional authorities in providing a global approach to migration. To this end, it must be ensured that the European Commission promotes a more proactive role for the Committee of the Regions at the initial stage of Community action ⁽²⁾;

12. highlights the work of local and regional authorities in immigrant integration policies, and their role in ensuring that mechanisms for access to the labour market operate properly, and also points to the role they can play in training immigrant workers to join both European labour markets and the labour markets of their countries of origin in the event of return;

13. recalls that local and regional authorities play a key role in providing public services for immigrants (both regular and irregular), reception, health care, education and housing policies being prominent among these. As recalled by the Fifth Conference of Parliaments of EU Capital City Regions (April 2006), for some regions and local authorities immigrations has entailed and continues to entail a significant cost for public services. New methods should therefore be devised that would allow local and regional administrations to play a more important part in implementing national initiatives and strategies regarding access and entry to the labour market;

14. indicates that it prefers the term 'irregular immigration', since in many official languages the term 'illegal' clearly implies criminal behaviour, and in any case urges that use of the term 'illegal immigrant' be discarded;

15. notes that other EU policies that may affect migrants are mentioned, such as development policy, the European Employment Strategy and other social and economic policies, and therefore calls for closer coordination with all those policies affecting the immigrant population;

16. calls on the Commission to take account of the Member States' estimates of labour force requirements, on the basis of information supplied by the Member States to Eurostat and of lists of occupations that are difficult to fill, in order to gain a more detailed view of the actions and estimations of the different Member States. However, in doing so it should

⁽²⁾ In accordance with the Cooperation Protocol between the Committee of the Regions and the European Commission of November 2005.

respect national competences regarding the admission of third-country nationals to labour markets;

17. points to the importance of a reliable, up-to-date statistical system of enabling states to exchange experiences and information concerning employment and labour market policies on a voluntary basis, as set out in Directive (EC) No 862/2007 on Community statistics on migration and international protection ⁽³⁾;

18. highlights the important role that local and regional authorities can play in gathering information and statistical data, and draws attention to the contribution they could make to a European immigration portal, or to extending the services offered by the EURES network, for example. Regional and local authorities already operate many web portals which could complement such initiatives;

19. voices its concern at the lack of clear reference to the international agreements that the Member States have signed under International Labour Organisation auspices, and recalls that they must work in compliance with the Declaration on Fundamental Principles and Rights at Work (ILO, 1998), and the Plan of action on migrant workers (ILO, 2004) and, more broadly, with the fundamental rights of the person, as enshrined in current international conventions;

20. considers it to be extremely important to establish a network of local and regional authorities to develop common statistical tools and indicators that help to provide a more accurate picture of migration;

21. wishes to highlight the importance of promoting the establishment of permanent working groups and forums (conferences, seminars, etc.) for exchanging experiences and good practice in receiving migrants and in integrating them into society and into work;

22. supports the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families by the Member States;

Concerning circular migration and relations with third countries

23. welcomes the initiative to promote circular migration, considering that this may make a positive contribution to the Member State labour markets and to development in the countries of origin;

24. recognises that circular migration may forge a valuable link between the countries of origin and the host countries, and may serve to promote dialogue, cooperation and mutual understanding;

⁽³⁾ Recital (5) of Regulation No 862/2007 recognises that there is '... an increasing need for statistical information regarding the profession, education, qualifications and type of activity of migrants'. Recital (6) also states that 'Harmonised and comparable Community statistics on migration and asylum are essential for the development and monitoring of Community legislation and policies relating to immigration and asylum, and to the free movement of persons'.

25. warns that circular migration must function properly if it is not to become a channel for irregular immigration, by establishing effective channels to ensure migrants' return and facilitating circularity. At the same time, it understands that circular migration cannot replace permanent migration, nor restrict Member States' initiatives regarding immigrant integration policies;

26. advocates a closer connection between immigration policy and other policies of EU scope, with a view to improving the economic and social environment of the countries of origin and contributing 'to reducing the incentives for irregular migration' (*);

27. applauds the mobility partnerships with third countries and recognises the importance of promoting association agreements with the countries of origin. The Commission emphasises in its Communication that the division of competences between the EU and Member States should be taken into account when concluding mobility partnerships. These must contain instruments for the joint management of migration flows, measures to combat irregular immigration and facilitate the readmission and return of irregular migrants, and mechanisms to foster the economic development of these countries;

28. notes the importance of concluding readmission agreements with third countries as part of their commitments, and points to the need to make repatriation of this kind easier while respecting immigrants' rights and internationally-recognised rights;

29. calls for acknowledgement of the role of local and regional authorities in international cross-border cooperation; and encourages the facilitation of local and regional participation in the European Neighbourhood Policy urging local and regional authorities to work together with the regional authorities in the countries of origin, making use, to this end, of the programmes established by the European Commission and in particular the joint pilot scheme for regional cooperation between the outermost regions and neighbouring third countries; as it recalls that these authorities are the most aware of the economic and social impact of immigration and the corresponding repercussions in the regions of origin;

30. recalls that the effects of circular migration on the countries of origin must be analysed, and the impact on them of remittances must be examined. It urges that, in the light of these studies, the necessary instruments be introduced to facilitate the transfer of remittances;

31. calls for consideration to be given to involving the towns and regions of origin and destination of migration flows in the mobility partnerships, since they can facilitate mobility for immigrants and exert a positive influence on the social integration of immigrants;

32. underlines the need to promote mechanisms that encourage mobility within the EU for immigrant workers legally residing and working in a Member State;

33. stresses that third countries which participate in partnerships for mobility must endeavour to effectively promote the return and reintegration of migrants by taking active measures to promote the creation of production infrastructure and decent employment conditions. Host country authorities should remind mobility partner countries of origin of this, and provide them with advisory and other support, without such support involving financial outlay;

34. agrees with the idea of long-period multiple entry visas to facilitate circular mobility, and supports initiatives geared to boosting the activity on Member State labour markets of those third-country nationals previously admitted as students and those who, having taken part in circular migration mechanisms, have met the conditions for return;

35. calls on the Commission to strive to ensure that, following their return to their countries of origin, circular migrants may transfer their accumulated pension rights;

36. takes a positive view of incentives for cooperation with third countries that are complementary with other measures and promote the participation of local and regional authorities in development projects;

37. supports the idea of setting up common visa application centres in third countries, and urges that this initiative should not lead to more red tape, but rather simpler and more straightforward procedures;

Concerning action against irregular work

38. backs the Commission's intentions to combat illegal work by third-country nationals. The application of economic, administrative or, when deemed to be of sufficient seriousness, criminal nature sanctions to secure compliance with EU rules is a matter for the national level, except for sanctions designed to secure the effectiveness of EU law;

39. points to the need to assess whether the word 'employer' or 'entrepreneur' is appropriate in each language version of the directive and considers that, where the legal system of a Member State makes a distinction between the two words, it would be preferable to use 'employer' rather than 'entrepreneur', in order to distinguish the spirit of enterprise from criminal behaviour and to cover situations in which a person may provide regular employment without having the legal status of an entrepreneur;

(*) COM(2007) 248 final.

40. argues that action against irregular work must take the form of penalties for those who employ illegally, but also of stepping up labour inspections, improving channels for legal recruitment, and examining alternative systems that enable best practices to be promoted. The results of labour inspections should be made public to allow consumers and potential employees to make informed choices;

41. considers that action against irregular work, one of the main pull factors for continuing irregular migration flows, must be a priority in EU measures concerning immigration policy, and that the legal basis of the directive should focus on action against irregular work leading to a reduction in irregular immigration rather than the other way round;

42. recalls that local and regional authorities, in accordance with the national legislation, can play an important part in implementing labour market control and supervision measures, and that there may be a need to expand human and material resources in order to increase the number of inspections;

43. considers that, as part of the efforts to combat irregular work, particular attention should be given to countering illegal smuggling of migrants and human trafficking, and condemns the role of the mafias and organised criminal networks in sustaining irregular immigration in general, and labour exploitation in particular: this has become a profitable criminal activity;

44. supports the initiatives to combat irregular work, and urges that joint initiatives be promoted between the various levels of administration (national, regional and local) and social actors (principally employers and trade unions, but also NGOs and associations defending rights) in this area. It calls for awareness-raising and information campaigns to be launched in specific employment sectors with the aim of dissuading those who recruit workers by irregular means and informing them of the benefits of employing legally;

45. agrees that it would make no sense to exclude individuals who take on irregular workers within the scope of the directive, but warns that it is impossible to prevent such situations without providing straightforward, additional arrangements for the regular recruitment of staff who are in short supply on the labour market;

46. highlights the importance of making temporary, and especially seasonal, employment more flexible and rapid, and also of defining paths for seasonal immigration in accordance with the 2005 Policy Plan on Legal Migration, as factors that can help to prevent the continuation of irregular recruitment;

47. draws attention to the extremely vulnerable employment and personal circumstances of many immigrant women in the European Union, and urges that greater attention be devoted to this question;

48. supports the decision not to impose sanctions on third-country nationals covered by the proposal, although the requirement for a return or removal decision^(?) may be interpreted as a penalty, and welcomes the economic sanctions to be imposed on offenders, and in particular the payment of the costs of return, to which the board and lodging of the immigrant pending the conclusion of the return procedure could be added; emphasises that the European Union should guarantee the consistency of legislative instruments relating to return measures, and their compliance with fundamental human rights;

49. urges that the necessary measures be taken to guarantee that returned migrants receive any outstanding pay;

50. calls for better protection on the part of the competent Member State authorities for abused workers, and asks that consideration be given to the possibility of granting long-term residency to them, especially in the most serious cases, in line with the provisions of Directive 2004/81/EC on the resident permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;

Concerning highly qualified workers

51. welcomes initiatives advocating the promotion of legal channels for immigration into the EU, together with attempts to harmonise the various and complex mechanisms for access to the Member State labour markets;

52. believes that there is a need for measures such as the 'Blue Card' with the aim of making the EU more attractive to migration flows of qualified and highly qualified workers, meeting the needs of the European labour markets, and ensuring the implementation of the Lisbon Strategy; however the Commission is asked to provide a clearer definition of what is meant by 'qualified' and 'highly qualified' migrants; further suggests that the definition should take into account a migrant's standard of education, work experience, language skills and other relevant factors;

53. points out that the contribution of unskilled or semi-skilled workers to the labour markets of some European countries should not be underestimated, and reminds the Commission –after it has analysed and evaluated employment possibilities for unskilled and semi-skilled workers– of the Council's commitments concerning the alignment of admission procedures for labour market reasons, as set out in the Policy Plan on Legal Migration;

54. considers that the 'Blue Card' should not only be granted to qualified workers applying for admission to EU territory, but also to those already resident in a Member State;

^(?) COM(2005) 391 and COM(2007) 248.

55. considers it essential to obtain reliable, basic information on the need for qualified labour on the Member State employment markets, and asks the Commission to work on an effective, uniform method to compile and present statistics in this area in keeping with Regulation (EC) No 862/2007;

56. calls on the Member States to promote the involvement of local and regional authorities in deciding on the volume of admissions of third-country nationals for highly qualified job vacancies, and regrets that this is not explicitly mentioned in the draft directive;

57. is concerned that the mobility for employment purposes of highly qualified workers may be affected by the requirement to live in the first Member State for at least two years, and urges the Commission to seek alternative formulas to ensure labour mobility and to meet the needs of the national labour markets;

58. takes a positive view of the entry conditions regarding members of the families of highly qualified workers: this can be a decisive element in recruiting highly qualified personnel, as illustrated by the experience of other countries such as Australia, Canada and the United States;

59. recalls the importance of preventing a brain drain from the developing countries, and is concerned to note that, according to the ILO, skilled worker admission programmes (amongst which it points to the Commission's recent initiatives on circular migration) 'tend to intensify brain drain concerns' ⁽⁶⁾;

60. requests that the brain drain and its effects on the countries of origin be analysed using reliable data and statistics, in order to devise joint responses with the countries of origin that prevent, as far as possible, the risks and repercussions it entails;

61. urges the Commission to take all appropriate measures to promote 'brain circulation' as an alternative to the 'brain drain', a concept under which migrants return to their countries of origin and share the benefits of the skills they acquire in the destination countries ⁽⁷⁾, and which allows relations between the communities of origin and of destination to be forged and deepened;

Brussels, 18 June 2008.

Concerning the single residence and work permit

62. welcomes the proposal for a single application for a combined residence and work permit, and calls for administrative procedures geared to processing these permits to be upgraded;

63. applauds all proposals that simplify EU access procedures for work purposes, and calls for the permit application and approval procedures to be streamlined in order to guarantee that the system operates efficiently;

64. considers the single permit to be a useful tool in countering the irregular situations that have occurred and which represent a large-scale problem in the countries of the EU, undermining the right to good administration recognised by the European Union's Charter of Fundamental Rights;

65. welcomes the recognition of a common set of rights for all holders of the single permit, and recalls that these rights should be recognised as being connected with the international framework of labour protection provided by the ILO;

66. recalls that, as recognised in opinion CdR 233/2006 ⁽⁸⁾, it is important to improve mechanisms for recognising the equivalence of immigrants' occupational qualifications and, more broadly, professional skills, with the aim of facilitating their entry onto the labour market best matching their skills;

67. warmly welcomes the inclusion of guarantees in procedure for submitting the single application for the combined permit, particularly regarding the requirement to give reasons for rejecting an application, and the possibility of seeking remedy in the event of rejection;

68. stresses that the Member States, in compliance with the principle of subsidiarity, must involve local and regional authorities in drawing up their immigration policies, especially in areas regarding integration and the labour market, so that they can take part in deciding on the number of third-country nationals to be admitted to their territory, and on their employment profiles.

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

⁽⁶⁾ *Securing the benefits, diminishing the risks of worker mobility*. Issue paper for Session 3: Migration for work, within borders and internationally. ILO forum, 2007.

⁽⁷⁾ ACP-EU Joint Parliamentary Assembly. Draft Report on migration of skilled workers and its effect on national development. ACP-EU/100.012/B/2007.

⁽⁸⁾ Opinion of the Committee of the Regions on the *Policy plan on legal migration, Fight against illegal immigration, Future of the European Migration Network*, CdR 233/2006 of 13.2.2007.

Opinion of the Committee of the Regions on the European Instrument for Democracy and Human Rights (EIDHR) Strategy Paper 2007-2010

(2008/C 257/05)

THE COMMITTEE OF THE REGIONS

- is convinced that the values of democracy and human rights as they are proclaimed in the Charter of Fundamental Rights attached to the Treaty of Lisbon has constituted the cornerstone of the European integration process, and that the improvement in the protection of human rights in the EU area will enhance the credibility of the promotion of democracy and human rights in the EU's external relations.
- points out that democracy and human rights are, above all, issues of global concern and constitute public goods and that in many societies the local authorities are the closest duty bearers to the individual person in implementing these rights. As the instrument is primarily focused on public institution-building, it could place more emphasis on local and regional institutions.
- also draws attention to the possibility of the Committee of the Regions' election monitoring strategy finding its place in the framework of Objective 5 in order to enhance the construction of a grassroots democracy and of a feeling of ownership of the democratic process among the populations.
- finds support for election observation to be an important part of the development of democracy and feels that particular emphasis should also be placed on monitoring local and regional elections in third countries in future EU election observation strategies.
- considers that EU observation of national elections should pay more attention to the impact assessment of the promotion of democracy at the local and regional levels.

Rapporteur: Ms Heini UTUNEN (FI, ALDE), Member of the City Council of Jyväskylä

Reference document

European Commission Strategy Paper 2007-2010 for programmes financed through the European Instrument for Democracy and Human Rights (EIDHR) and annexes (EIDHR financial allocations 2007-2010)

C(2007) 3765

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

A. General recommendations

1. Notes that the CoR is convinced that the values of democracy and human rights as they are proclaimed in the Charter of Fundamental Rights attached to the Treaty of Lisbon has constituted the cornerstone of the European integration process, and that the improvement in the protection of human rights in the EU area will enhance the credibility of the promotion of democracy and human rights in the EU's external relations.

2. Finds it of crucial importance that the European Union believes that democracy and human rights are universal values that should be vigorously promoted around the world and supports the work in achieving them in third countries.

3. Recalls that the Committee of the Region's consistent position has been that there could not be genuine democratic governance without substantial transfer of power and competences to the local and regional level; by cooperating to produce tangible solutions to concrete everyday problems, local and regional authorities can build trust between peoples, confidence in local democracy and faith in intercultural dialogue. They can offer more local ownership and more sustainable capacity building for democracy and human rights promotion.

4. Points out that democracy and human rights are, above all, issues of global concern and constitute public goods and that in many societies the local authorities are the closest duty bearers to the individual person in implementing these rights. As the instrument is primarily focused on public institution-building, it could place more emphasis on local and regional institutions.

5. Recognises the unique role of the EIDHR in contributing to the development and consolidation of democracy and the rule of law in third countries worldwide and also its role in the creation of a consistent and coherent approach to EU action in this particular field.

6. Considers the EIDHR as a visible asset for Europe which reinforces the European profile in the field of promoting democracy and human rights in third countries. The CoR emphasises

that the intention of the EU to promote democracy does not imply that the EU should or could export a model or impose it on third countries. The EIDHR serves as a possibility to spread common principles of individual freedom more effectively. Points out that the European Charter of local self-government adopted by the Council of Europe has served as a key source of inspiration and guide for many new democracies in Europe in their efforts to establish effective local self-government. The draft European Charter for regional democracy of the Congress of Local and Regional Authorities could serve the same purpose;

7. Stresses that taking into account the strategy's objective to provide assistance regardless of the consent of third-country governments, the CoR considers that democratically elected local and regional authorities in the countries concerned should be defined as partners for the achievement of the EIDHR's goals, by being explicitly included in the list of actors on the same level as civil society organisations.

8. Recalls that the CoR has already set up several instruments for the implementation of its policy in the countries it has established contacts with; in particular, the creation of three Working Groups, on the Western Balkans, Turkey and Croatia, as well as the organisation of a cycle of conferences on the European Neighbourhood Policy, have allowed a regular political dialogue and sharing of best practices with local and regional level representatives from third countries.

9. Prefers a more long-term strategic approach on the instrument and its objectives. The priority areas have been changing during every programming period and thus the long-term development and assessment of the programme and its initiatives is difficult. The detailed evaluation and precise reporting of the finalised programmes helps further develop future programmes.

10. Pays attention to the need to streamline the application procedures for funding through the EIDHR and urges a simplification of the concrete running of the programme so that it would enable the less organised structures to take advantage and to work fully and flexibly with the instrument. As the EIDHR remains an instrument of relatively modest size, working in a selective and strategic fashion is crucial to its success.

11. Recommends that the evaluation and reassessment of the Strategy should be from the perspective of local and regional authorities and subsidiarity in third countries. The administration of the EIDHR must not increase the bureaucracy in such a manner that it becomes an obstacle especially for the projects which are distinctive for the local actors. Maximum flexibility should be allowed to avoid the discrimination that the heavy structures would cause.

B Thematic recommendations

12. The Committee of the Region's commitment towards democracy, good governance, European values and human rights justifies its involvement in the Strategy as a whole. However, among the proposed five objectives, a specific emphasis could be given in the multi-annual planning for 2010-2013 to the involvement of local and regional authorities in Objective 2. The CoR also draws attention to the possibility of the Committee of the Regions' election monitoring strategy finding its place in the framework of Objective 5 in order to enhance the construction of a grassroots democracy and of a feeling of ownership of the democratic process among the populations.

Objective 1

Enhancing respect for human rights in countries and regions where they are most at risk

13. Points out that while the support of this Objective is directed mainly towards non-governmental organisations, it should be recognised that in some countries and regions human rights defenders and even municipal civil servants can be under a certain risk due to their position and daily work. The effort should be made to mobilise support on their behalf.

Objective 2

Strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interests and in consolidating political participation and representation

14. Holds that participatory and inclusive democracy at a local and regional level is the best way in the long term to build a citizens' need-oriented and well-functioning democracy, based on good governance and benefiting from the citizens' confidence and support.

15. Calls for inclusive democracy models by ensuring for instance the political representation of both men and women, the indigenous population (where relevant), and local minorities; in addition, participation by local minority populations, persons with disabilities and children and young people are fields in

which it appears crucial to share best practices and supporting local authorities in strengthening public involvement.

16. Notes that the key element of good governance, based on broad political representation and participation, is a recognition that the best decisions are taken as near to the citizens as possible.

17. Points out that the democratic processes of accountability — starting from the local and regional level — are vital in ensuring transparency of governing, and play a key role in combating corruption and alleviation of poverty.

18. Believes that by developing people-to-people contacts on a less formal level, and by giving priority to finding solutions for the daily problems of citizens on a practical basis, local and regional authorities play a significant role in strengthening local cooperation among conflicting interest groups.

19. Considers that civil society, local NGOs and community-based organisations (CSOs) for fundamental freedoms and human rights as well as local human rights defenders can achieve the best results in implementing political, economic and social rights at the local level when their work is recognised and free from threats, harassment and insecurity and that the local level is especially relevant for the promotion of democratic values and political awareness of the citizens if they are able to work together with empowered local and regional authorities.

20. Highlights the added value of the local approach when it comes to transborder cooperation on various subjects, including conflict settlement. The positive role which local initiatives — such as 'diplomacy of the cities' through promotion of intercultural dialogue and confidence building measures at local level — can play in conflicting contexts deserves special mention. Therefore global campaigns for democracy and human rights should be even more strongly envisaged, for example by applying a transnational approach which contains a clear local and regional perspective.

Objective 3

Supporting actions on human rights and democracy issues in areas covered by EU Guidelines, including on human rights dialogues, on human rights defenders, on the death penalty, on torture, and on children and armed conflict

21. Recalls that although human rights dialogues are generally carried out with state authorities, issues of democracy have clearly also to be dealt with by local and regional level actors. A functioning democratic system cannot be created and maintained without local and regional involvement and ownership of it — both contribute in every way to the development of this system.

22. As the UN definition of human rights defenders is 'persons and organisations engaged in promoting and defending human rights and fundamental freedoms', the role of local level decision-makers and activists can clearly be seen.

23. Urgently points out that a significant number of cases of torture take place in local prisons and police stations. Therefore a strong effort has to be made to implement national law and international commitments at the local level. Support should therefore also be directed towards local NGOs monitoring the authority's actions and to training the authorities.

24. Supports the guideline on children's rights and sees the relevance of local authorities in the areas of education and access to adequate education and health care, including work on reproductive health rights especially for girls.

25. Endorses the European Commission communication *A special place for children in EU external action* COM(2008) 55 final, in which children are given a special place in EU external action, and points out the need to promote the mainstreaming of the interests of children and children's rights in all EU external action.

Objective 4

Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy

26. Welcomes the cooperation agreements already existing with such actors as the Council of Europe, the Organisation for Security and Cooperation in Europe and the International Criminal Court and would highly appreciate it if importance should be attached to facilitating local democracy and increasing the capacity of local and regional authorities to implement civil, political, economic and social rights.

27. Stresses the right of children to participate, influence and have their voices heard in matters affecting them in accordance

with their age and maturity (as provided in Article 12 of the UN Convention on the Rights of the Child), especially when decisions about local matters are taken.

Objective 5

Building confidence in democratic electoral processes, in particular through election observation

28. Is convinced by having experienced and by actively advancing local and regional democracy, devolution and self-governance in Europe that guaranteeing the respect of established local and regional competences by national and European authorities is crucial for the promotion of genuine democracy and human rights worldwide.

29. Stresses that election monitoring has become one of the CoR's effective tools in its external policy over the past two years; acknowledges the experience and long standing commitment which the Congress of Local and Regional Authorities has shown in this area. It welcomes the fact that it has been given the opportunity to contribute to the CLRAE's efforts to promote and advance local and regional democracy.

30. Finds support for election observation to be an important part of the development of democracy and feels that particular emphasis should also be placed on monitoring local and regional elections in third countries in future EU election observation strategies.

31. Considers that EU observation of national elections should pay more attention to the impact assessment of the promotion of democracy at the local and regional levels.

32. Underlines that the forthcoming Strategy for the period 2010-2013 should take into account the role that local and regional authorities could play in that initiative especially from the point of view of local election processes and European expertise in monitoring them in third countries.

Brussels, 18 June 2008.

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

Opinion of the Committee of the Regions on 'Multilingualism'

(2008/C 257/06)

THE COMMITTEE OF THE REGIONS

- highlights that throughout the European Union, the regional and local tiers bear responsibility for the protection and promotion of linguistic diversity. They are ideally placed to build a constructive partnership with language-teaching institutions in order to devise teaching and training courses that meet specific local needs and demands;
- believes that, given the importance of linguistic diversity in the European Union, the intention when creating a multilingual society must be to maximise the benefits of diversity and minimise its drawbacks;
- believes that everyone in the EU, while preserving his own mother tongue(s) as the badge of his own cultural heritage, must in the course of his life additionally acquire an active and passive knowledge of a shared second language and a third language chosen on the basis of cultural affinity or the social and economic mobility requirements of the country or region of origin;
- highlights that with a view to achieving the objective of 'mother tongue plus two', the regions must play a leading role, especially in implementing the education programmes;
- proposes that all regions be encouraged to set up local multilingualism forums which would monitor local social, economic and educational trends and put forward measures to raise public awareness and motivation in relation to lifelong learning of 'mother tongue plus two'.

Rapporteur: Roberto PELLA (IT/EPP), Member of Biella Provincial Council and Vice Mayor of Valdengo

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. congratulates the European Commission on the powerful impetus given to the multilingualism agenda by the creation on 1 January 2007 of a portfolio dedicated to it and assigned to Commissioner Leonard Orban. Given the importance of this portfolio and the challenge which it represents, it should be strengthened so that it can develop and effectively achieve the objectives assigned to it;

2. underscores the priority that multilingualism has in the European policy agenda — a priority which embraces every area of Europe's social, economic and cultural life.

3. endorses the work programme set out by Commissioner Orban, who considers multilingualism to be instrumental in achieving a more integrated Europe and increased dialogue between cultures;

4. believes that, given the importance of linguistic diversity in the European Union, the intention when creating a multilingual society must be to maximise the benefits of diversity and minimise its drawbacks, rather than merely exploiting diversity as the means to an end;

5. draws attention to the study of the high-level group on multilingualism set up in 2005 and endorses the action it calls for, namely:

- more work to raise awareness, especially through information campaigns targeted at parents, young people and organisations in education and culture;
- initiatives to improve people's motivation to learn new languages, especially through extracurricular, leisure and informal activities;
- greater attention to the cultural and linguistic potential of immigrants as part of the goal of both integrating migrants into the host society and enabling them, through their multilingualism, to achieve their full individual potential;
- and extending European multilingual activity to the languages of third countries in order to maximise European competitiveness;

6. points to the findings of the on-line consultation initiated in September 2007, which makes the following key points regarding action on multilingualism:

— language learning is a key element for retaining or raising the individual's chances of employment;

— the best way to encourage language learning is to begin early in the education process and to provide incentives for spending time studying and working abroad;

— making teaching methods as effective as possible requires above all work on non-standard methods of transferring linguistic competence that take the needs of the individual on board;

— linguistic diversity is best respected at local, national and European level by learning more about the culture behind the languages to be learned or encountered;

— language makes a big impact on the economy, since it is easier to do business with a foreign company if one knows the language of the country in which it is located;

— a good way of improving language skills at work is to promote language courses in the workplace, provided it is viable for the workplace in question;

— the use of more official languages in the work of the European Union and the administrative costs this entails is seen as desirable to boost the institutions' multilingual ethos;

7. highlights and endorses the proposals of the group of intellectuals for intercultural dialogue established at the European Commission's behest and chaired by Amin Maalouf, affirming in particular:

— that in bilateral relations between the peoples of the European Union, preference should be given to the use of the languages of these peoples;

— that it is important for the European Union to champion the idea of a foreign language chosen by the individual;

8. stresses that the promotion and safeguarding of cultural and linguistic diversity is a top priority. In the European Union, linguistic diversity should be also understood as the recognition and use of:

— the official languages of the EU;

— the official languages of the EU Member States;

— the minority languages spoken but not officially recognised in the EU Member States.

The Union and its Member States should promote linguistic diversity in their respective fields of activity;

9. Throughout the European Union, the regional and local tiers bear responsibility for the protection and promotion of linguistic diversity. The regional and local levels are also responsible for education, training and adult education, as well as being one of the social partners and coordinating regional and local growth and development;

10. When training continues throughout the career, the concepts of 'knowledge' and 'learning' grow in importance, partly because the world of work with its diverse opportunities requires better language skills;

11. Regional and local authorities are ideally placed to build a constructive partnership with language-teaching institutions in order to devise teaching and training courses that meet specific local needs and demands;

12. maintains, therefore, that regional and local authorities are the best equipped to satisfy the various local language needs, without prejudice to any support they might receive from central/national authorities;

General comments

13. considers that Europe must build its social and economic cohesion by making the most of the opportunities afforded by mobility, globalisation, European culture and the sense of European citizenship;

14. A key way this can be achieved is by eliminating the linguistic hurdles that countries and individuals have to face, since:

- a) knowledge of foreign languages greatly enhances professional, educational, cultural and personal mobility. The European Union will never be a true union if its people fail to achieve a greater level of internal mobility;
- b) knowledge of languages markedly improves competitiveness by enabling new contacts to be made, practices to be exchanged, products to be sold and services to be provided. Globalisation opens up commercial and labour markets. Knowledge of foreign languages is one of the requirements for setting up partnerships and establishing closer partnerships with other Community countries and companies and thus being able to use the opportunities of globalisation;
- c) language is the most immediate expression of culture and helps to improve communication between the people of Europe. 'European culture' cannot be based on the acceptance and passive establishment of a mosaic made up of the cultures of the Member States (a multicultural society), but is consolidated through the comprehensive cultural encounter

between citizens and the affirmation of the value of differences and of cultural identity (an intercultural society);

- d) promoting active citizenship, the institutional involvement of the regions, consulting and listening to the people and social inclusion are all needed to ensure more effective European action on the legislation front which must be increasingly supported and shared by the regions and individuals. The European Community must therefore speak the language of its own citizens in its documents and in its external and inter-institutional relations so that they can be understood, so that local institutions (local and regional authorities) are able to interact and so that members of the public can get the message and participate in the life of Europe and act as a sounding board for the strategic objectives proposed;

15. Regarding the open-coordination method in respect of multilingualism, the Commission must be at pains to involve not only the national level of administration, but also the local and regional ones, since it is often these that bear most responsibility for implementing the relevant measures in their area;

16. In this connection, attention must also be given to the respect and dignity of non-official languages spoken by minorities, which — no less than the official languages — constitute an element of the diversity of regional culture that must have its place in European programmes of inclusion;

Recommendations and key actions

17. considers it important to enshrine the aims of Europe's multilingual policies in the 'mother tongue plus two' objective;

18. believes that everyone in the EU, while preserving his own mother tongue(s) as the badge of his own cultural heritage, should in the course of his life additionally acquire an active and passive knowledge of a shared second language and a third language chosen on the basis of cultural affinity or the social and economic mobility requirements of the country or region of origin;

19. The choice of the third language must be made not only from what are considered the official languages of the EU, but also from European minority languages and, above all, non-European languages that offer major cultural, economic and social opportunities for the growth of Europe's competitiveness;

20. proposes that the following key recommendations be adopted as priorities in Europe's multilingual policy and implemented in order to motivate the population, preserve diversity and put local and regional bodies centre-stage in the choice of approaches to learning;

Regional involvement

21. Local and regional authorities are key players, not just because many of them have political and administrative powers in the sphere of education and training, but also because of their ability to better monitor the situation of public multilingualism and trends in the application of relevant Community directives and programmes. It is at regional and local level that powers acquired and measures carried out are tested, which can give a strong impetus to European political action;

22. With a view to achieving the objective of 'mother tongue plus two', the regions must play a leading role, especially in implementing the education programmes;

23. In any country, each region may have its own specific historical, civic, cultural, social and economic characteristics;

24. Regional diversity must be encouraged, which means that regions must be called upon to provide language on the basis of studies and research, surveys of cultural traditions carried out by local authorities and regions, the wishes of the general public, and the socio-economic outlook and requirements of the region;

25. It would thus be possible to monitor consistency between local needs and current educational programmes and to take advantage of flexibility at local and regional authority level to adjust educational initiatives that have not produced the results hoped for;

26. The language selected must be freely chosen. In case a Member State has more than one official EU language, the learning of the other language(s) has also to be encouraged;

27. believes that the multilingualism policy should also include a significant external component. Promoting European languages beyond the EU is of interest both culturally and economically. In the same way, the EU should be open to languages from third countries, such as Chinese, Arabic, Indian languages, Russian, etc.

28. We would therefore propose that all regions be encouraged to set up local multilingualism forums which would monitor local social, economic and educational trends and put forward measures to raise public awareness and motivation in relation to lifelong learning of 'mother tongue plus two';

29. Programmes to include migrants must also be strongly promoted. Knowledge of the relevant languages they and their children need in order to develop their full potential in Euro-

pean society must be encouraged and facilitated, while ensuring that their right to preserve their language of origin is fully respected. The languages they should learn and acquire are the official EU language of the territory as well as the co-official languages of the areas or regions where they live, as laid down in with their constitutional provisions;

30. In short, local, regional and national institutions must encourage the education system to include a broad range of languages in the education curriculum. Education systems should cover a broad range of languages tailored to regional social, economic and cultural requirements;

31. believes that language skills are a key factor in competitiveness. Studies have shown that European businesses lose markets by not having the relevant language skills;

32. thus calls on the Commission to keep up its efforts in this area;

Better linguistic integration

33. As far as smaller languages and languages spoken by a minority are concerned, it should be remembered that these help to boost the basic European cultural value of diversity and should therefore not only not be placed at a disadvantage in this process but should be a particular object of protection;

34. The designation 'minority' or 'smaller' must not become a reason for discrimination against the language;

35. proposes the promotion of debates to establish more appropriate terms that better reflect the actual situation;

36. Thus it is important to continue the process of officially recognising minority languages which represent firmly rooted European traditions and cultures;

37. This would allow official recognition by the EU, so that it would translate its own texts into more languages than the current 23, thus fostering direct dialogue between Europe and its citizens;

38. The European process of officially recognising languages and regional diversification will enhance social inclusion;

39. welcomes the conclusions of the European Council of 13 June 2005 allowing the use within the EU bodies and institutions of languages other than those recognised as official languages under Regulation 1/1958;

40. Languages that are not recognised as official languages, either at European or local or regional level, must nevertheless continue to be covered by programmes to protect cultural identity;

Intergenerational solidarity

41. There is also the problem of how to support citizens in the lifelong learning process;

42. Although it may be easier to 'direct' language learning at school and help today's young people not to later lose the intercultural linguistic awareness acquired at their desks, the problem becomes more complex with generations who have left the education system a long time ago and have never followed a multilingual training process. It is also important to secure access to language learning for the older generation, many of whom have never engaged with other languages, either in their everyday lives or for professional reasons. This would enhance their means of expression in their old age, leading to a more fully engaged European citizenship on their part;

43. It is therefore necessary to promote systems of learning that are not only affordable (the cost of language courses often hinders the delivery of education to older people), but also available to people who have mobility problems or cannot make the active commitment required in terms of time;

44. points out that efforts must be made to learn as correctly as possible a foreign language, especially in view of the ever growing migrant community;

45. It is important to stress, therefore, that less rigorous ways of learning do exist which enable people to acquire rudimentary language skills with which they can understand and be understood. These methods of learning should be promoted by national, regional and local educational institutions and funded by the EU to disseminate learning opportunities and bridge the generation gap in language learning;

46. This also means supporting alternative forms of learning through multimedia by promoting media transmissions in the original language with subtitles (e.g. TV programmes, films, news), as well as broader use of computer language courses or online translation programs. In other words, a sort of lifelong 'self-learning';

47. In young people and children, on the other hand, the motivation to learn new languages must be kindled at an early age. Language learning should begin as early as possible — so that children become familiar with the sounds of a foreign language — because this makes it easier for them to learn the language faster and more comprehensively;

48. Progress in language acquisition at primary and secondary school should be developed. The education process must provide more opportunities to speak a foreign language at primary school and to learn a third language at secondary school;

49. University education must provide facilities for perfecting or further improving a person's linguistic skills, which also means boosting the Erasmus and Socrates programmes;

50. But universities must open their doors not just to mature students who want to brush up their language skills but also to businesses, which must be helped and encouraged in enabling their staff and management to take on the challenge of learning new 'commercial' languages by promoting partnerships between businesses and universities;

51. It is also necessary to develop translation and interpreting courses that involve not just institutions (from the general public to the regions and the European Parliament: promoting and rewarding cities that can present their own websites and external documentation in several languages is a good incentive for local institutional multilingualism), but also points of contact with the general public;

Interdisciplinarity

52. Multilingualism can be promoted on the basis not just of education and training but through recreational activities;

53. For example, learning more languages through sport or culture is a way of raising awareness among a wide range of people, from children to adults;

54. Music songs are already in themselves a global and multilingual market: it would be useful, for example, to promote events such as EuroMusic Open Day focusing on lyrics in songs;

55. Circulation of literary works in bilingual editions (original and translation) should be stepped up, not just on the initiative of individual publishing houses but also through public partnerships set up to encourage local and regional governments to promote private multilingual initiatives;

EU institutions

56. accepts the need for 'institutional' multilingualism within the EU. EU institutions should therefore ensure without delay that at least passive interpreting from EU official languages is provided to enable participants in discussions to express their views in their own languages;

57. feels that preserving cultural diversity means guaranteeing a system of formal and informal translation into all official European languages. It is absolutely necessary in encouraging multilingualism that bilateral communication takes place in the languages of the participants at informal meetings too;

58. For formal meetings and for working and official documents there must be translation into all the official Member State languages. Respecting each Member State as a cornerstone of the EU, the EU in return must be accessible by giving each of them, in accordance with their respective constitutional provisions, the documents through which an active European citizenship can be exercised;

EU external borders

59. Multilingualism must not be limited to developing social and economic mobility within the EU, but should also allow

European citizens to become open to markets and cultures outside Europe;

60. This is also important in the light of current trends that are pushing the EU towards increasingly closer economic and cultural contacts with markets such as China, Russia and Japan;

61. Improved EU external competitiveness thus also depends on upgrading education and training courses in non-EU languages;

62. The selected third language can also be chosen from all the languages that European countries use in their contacts, bearing in mind especially the languages of emerging non-EU countries and the cultural profile of countries with which Europe is building up its trade relations.

Brussels, 19 June 2008.

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

Own-initiative opinion of the Committee of the Regions 'For a Green Paper — Towards a European Union policy for upland regions: A European vision for upland regions'

(2008/C 257/07)

THE COMMITTEE OF THE REGIONS

- recalls the fundamentally positive response from Commission President Barroso to the question asked by the European Association of Elected Representatives from Mountain Areas calling for a Green Paper on *European policies for upland areas* during the Structured Dialogue at the Committee of the Regions plenary session on 7 December 2006;
- notes that upland regions are, on the one hand, areas with permanent natural and geographical handicaps and, on the other, regions with natural and human assets conducive to growth and job creation;
- calls for the European Union to put in place a truly integrated European policy for all upland regions whilst respecting their diversity;
- would support active development by the European Commission and the Member States of the EU of the general objectives of the renewed Lisbon and Gothenburg strategies through a European action plan for the competitiveness and sustainable development of upland areas;
- recommends that the European Commission takes into consideration three major policy areas:
 - (a) improving the attractiveness and accessibility of upland areas for accommodating businesses and people, where this can be done without environmental damage, inter alia by improving land transport and telecommunication links, increasing connections to TENs, and promoting innovation and creativity by making best use of knowledge, human resources and entrepreneurship;
 - (b) considering upland areas on the basis of their own resources, taking into account their specificities, to enable them to overcome the extra costs associated with their permanent natural handicap and to maintain Services of General Interest;
 - (c) developing clusters and centres of competitiveness to bring together and consolidate the various sectors of activity with a view to sustainable development.

Rapporteur: Mr Luis DURNWALDER (IT/EPP), Regional councillor and President of the Bolzano autonomous province

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. recalls the fundamentally positive response from Commission President Barroso to the question asked by the European Association of Elected Representatives from Mountain Areas calling for a Green Paper on *European policies for upland areas* during the Structured Dialogue at the Committee of the Regions plenary session on 7 December 2006;

2. highlights the recognition in the Lisbon Treaty (Article 158), in the definition of the objective of territorial cohesion, of the need for upland areas to be given special attention, along with other regions which suffer from permanent natural or geographical handicaps;

3. recalls that uplands are essential to the life and activity of the entire population of the European Union through their natural resources, their cultural resources such as linguistic diversity and particular skills, and their economic resources such as agriculture, industry and tourism;

4. notes that, as a whole, upland areas are to be found in 21 Member States of the European Union and account for 35,69 % of Europe's surface area and 17,73 % of its population (!);

5. notes that upland areas account for 26 % of the land surfaces of the Earth and 10 % of its population, and are a key part of the sustainable development of the planet, as recognised by Chapter 13 of Rio's Agenda 21;

6. notes that the accessibility of mountain areas is of key importance for completing a true single market and for making the free movement of people, goods and services a reality;

7. points out that upland areas are even more diverse when one looks at the cohesion of mountain massifs defined as supra-regional cross-border or transnational areas taking in mountain areas, valley floors and foothills, urban and rural areas;

8. reiterates that the mountain environment has an incredible amount of biodiversity and is particularly fragile and sensitive to climate change; as a consequence, it constitutes a real early-warning system;

9. states that upland areas have traditionally been in the vanguard of potentially innovative sustainable development in the face of permanent natural handicaps;

(!) Study on *Mountain Areas in Europe: Analysis of mountain areas in EU member states, acceding and other European countries*, Nordregio on behalf of DG Regio, January 2004.
http://ec.europa.eu/regional_policy/sources/docgener/studies/pdf/montagne/mount1.pdf.

10. recalls that local and regional authorities have significant experience in sustainable development in upland areas;

11. recalls the efforts of the European Parliament, the Committee of the Regions and the European Economic and Social Committee to encourage more attention to be paid to upland regions in European policies through opinions and studies;

12. notes that, to date, there is no European policy or integrated Community strategy on upland areas along the lines of the ones put in place for maritime regions or urban areas;

To improve the governance of the European Union

13. points out that local and regional authorities in upland areas set great store by their autonomy and by compliance with the subsidiarity principle, reflecting a bottom-up approach to European governance;

14. notes that upland regions are, on the one hand, areas with permanent natural and geographical handicaps and, on the other, regions with natural and human assets conducive to growth and job creation;

15. points out the need to bring European policies together into an integrated sustainable development strategy that can take account of the diversity of massifs;

16. highlights the urgent need for balanced and fair work by the EU to make best use, in a sustainable manner, of the diversity of European urban, coastal, sparsely populated and mountainous areas;

17. recalls the importance of the role and the work of upland populations in managing landscapes and the balance of the upland environment;

18. supports the work by regional and local authorities and the networks that bring them together to exchange good practice in relation to the renewed Lisbon and Gothenburg objectives and aimed at economic, social and territorial cohesion;

19. recalls the relevance of the Lisbon strategy and the 2007-2013 cohesion policy guidelines for upland areas, as for other areas, as drivers of Europe's global competitiveness;

20. recalls the central role of the cross-border and transnational dimension of European policies in European integration;

21. highlights the need to bring the political and administrative side of Europe closer to the daily lives of ordinary people;

An integrated approach for upland areas as a general guiding principle

22. emphasises the added value at European level of working at the level of upland regions (the Alps, the Pyrenees, the Carpathian Mountains, the Iberian Sierras, the Balkans, the Mediterranean mountains including those on islands, the Nordic mountains, the central mountains, etc.) taking account of their cross-border and transnational dimension;

23. highlights the importance of upland areas in terms of their natural and cultural resources;

24. recalls the significant number of national and regional integrated policies for upland areas;

25. takes note of the work of the Alpine Convention and the launch of the Carpathian Convention;

26. pays tribute to the work of the Euroregions and Working Communities in their role as mediators and driving forces in border areas;

27. would like a real European strategy for upland areas so as to complement at inter-sectoral level the progress expected from the Green Paper on Territorial Cohesion that is currently being prepared;

The various policies as instruments of an integrated policy for upland areas

28. notes that a European policy for upland areas would involve a large number of sectoral policies that are already covered in part by European legislation but have never been coordinated under an integrated approach;

29. lists below some major policy areas that an active policy on upland areas needs to cover:

- Economic, social and territorial cohesion, including inter-regional, cross-border and transnational cooperation;
- Agriculture and rural development;
- Tourism;
- Industry and SMEs;
- Climate change, renewable energy and natural resources (water, air, high-altitude sunshine, wood, biomass);
- Environment, biodiversity and natural and cultural landscapes;
- Transport and ICT, local accessibility and TENs;

— Competition, Single Market, Services of General Interest and PPP;

— Research and innovation;

— Cultural and linguistic diversity, education and training.

For a European Union action plan for upland regions

30. calls for the European Union to put in place a truly integrated European policy for all upland regions whilst respecting their diversity;

31. would support active development by the European Commission and the Member States of the EU of the general objectives of the renewed Lisbon and Gothenburg strategies through a European action plan for the competitiveness and sustainable development of upland areas;

32. advises the European Institutions to take account of the characteristics of individual area in their work towards 'better lawmaking';

33. calls on the European Commission to recognise the diverse and positive contribution that local and regional authorities make in the field of sustainable development of mountain areas and to include this in the new European policy for upland areas;

34. recommends that the European Commission takes into consideration three major policy areas:

- a. improving the attractiveness and accessibility of upland areas for accommodating businesses and people, where this can be done without environmental damage, inter alia by improving land transport and telecommunication links, increasing connections to TENs, and promoting innovation and creativity by making best use of knowledge, human resources and entrepreneurship;
- b. considering upland areas on the basis of their own resources, taking into account their specificities, to enable them to overcome the extra costs associated with their permanent natural handicap and to maintain Services of General Interest;
- c. developing clusters and centres of competitiveness to bring together and consolidate the various sectors of activity with a view to sustainable development;

35. recommends that the European Commission makes upland regions pilot areas for innovation, the knowledge society and sustainable development;

36. would like upland areas to be able to continue to develop innovation based on their traditions and improve the competitiveness of their SMEs;

37. suggests that the European Commission and the Member States of the EU consider the different needs of different areas as regards employment and training;

38. recommends that the European Commission develop, based on the experience of Nature Parks, an integrated management method for isolated high and medium mountain areas which can combine policies for conserving natural resources, particularly through the Natura 2000 networks, with policies for the enhancement and balanced development of upland regions;

39. advises the European Union to take account of the specific needs of particular areas when framing the Europe-wide organisation of its civil security, given the concentration of natural hazards and the very different constraints, and hence techniques, for the deployment of civil protection and rescue services in upland areas;

40. calls for consideration to be given, as part of the CAP reform, to the strategic role of upland agriculture, pastoralism and winegrowing in maintaining landscapes, the quality of water and the production of high-quality produce with a high degree of territorial traceability. This more locally-oriented Common Agricultural Policy would benefit high-quality, low-yield production, which is a key element of European agriculture and of the utmost importance in environmental terms;

41. calls on the European Commission, the European Parliament and the Council of the European Union to offer a balanced, comprehensive package of measures suitable for backing up steps to phase out the milk quota regime, especially in upland and middle mountain regions. These measures should be financed with resources from market organisation measures which are no longer used, but should not be at the expense of direct payments. In order to maintain agriculture, extensive farming and dairy production in upland areas and middle mountain regions, a more economically-oriented measure in the second pillar should be developed, aimed inter alia at creating market opportunities, thus supporting those types of farming in areas with natural and geographical handicaps, which produce significant benefits for nature and the environment;

42. calls on the European institutions to take into account in their policies the key role of upland forests and sustainable forest management in view of the highly effective protection they provide for the areas of forest concerned and, in particular, residential areas, and their resulting contribution to conserving resources and biodiversity, with a view to combating climate change and preserving air and water quality and the countryside and to the socio-economic development of upland regions;

43. maintains that there is currently too little economic activity related to forestry in Europe, both in terms of its environmental role and of its economic products (energy, construction, raw materials);

44. calls on the European institutions to include in their analysis of European territories the energy needs and renewable energy production capacities (hydro-electric, solar, wind,

biomass and wood) of mountain areas, and their ability to construct buildings to passive house standard;

45. calls on the European institutions, national and regional public banks, and the European Carbon Fund or Bluenext to take into consideration the positive contributions to the quality of the environment (forests, meadows and mountain pastures) made by upland areas in terms of carbon sinks, which could be financially rewarded through the carbon certificate or credit systems;

46. recalls that the energy, transport and ITC TENs must include a genuine territorial dimension and thus take account of the geographical, environmental and human situations of the regions they cross if they are to become genuine European networks for pan-continental communication and exchanges supported by the local population;

47. intends to take an interest in experiments in local and sustainable integrated transport in upland towns as part of the European debate on sustainable urban mobility;

48. stresses the need for a permanent link between upland populations and large population centres in order to achieve the renewed European objectives for growth and jobs;

49. calls on the European Commission to do everything possible to reduce the digital divide and enable all areas and all European citizens to access high-speed, and in the near future very high speed, connections via cable or satellite, inter alia under the i2010 European initiative on e-inclusion;

50. recommends that the upland dimension of certain international geopolitical issues, such as those relating to water and natural resources, respect for cultural diversity and education, sustainable economic development and migratory flows, be included in foreign and neighbourhood policy;

51. advises the European Commission to territorialise its communication strategy so as to draw closer to the daily lives of European citizens;

52. suggests that a stronger territorial dimension be given to European policies, the Community decision-making process and comitology so as to improve European democracy;

53. calls on the European Parliament to identify the budgetary impact on each upland area of the European Union's activities;

54. recommends that cohesion policy be coordinated on a partnership basis in upland regions so as to avoid fragmentation and improve the strategic dimension of structural measures;

55. suggests that the operational programming of other Community policies that have a territorial impact also be coordinated at this relevant level, i.e. upland regions, so as to define cross-sectoral, integrated and partnership-based strategies;

56. supports the measure adopted by the Council of Ministers responsible for spatial planning to study the impact of climate change on upland areas as part of the Territorial Agenda action plan, and calls on the European Commission to take account of this issue in its work and legislative proposals;

57. supports the key role of cohesion policy in this European strategy on upland regions and the leading role of the territorial cohesion objective and Interreg programmes;

58. calls on the Member States and their parliaments, as part of their procedures for adopting the regulation on the EGTC, to consider the vital importance of a common legal instrument to promote territorial cooperation in upland regions;

59. highlights the need to take account in competition and single market policies the crucial role of Services of General Interest and Public-Private Partnerships in upland economies, and of overcoming the permanent economic and social costs in these areas with permanent natural handicaps in order to avoid depopulation and make best use of their assets;

60. calls on the European Commission to consult all the stakeholders and observers involved in the Alpine Convention and the Carpathian Convention in order to study their governance and objectives and to decide, on that basis, whether or not

to ratify the protocols of the former and to sign and ratify those of the latter, and, if so, to play a leading role in these transnational Conventions;

61. proposes that a European year be dedicated to upland areas and that a biennial European conference of upland regions be organised by the Commission, in conjunction with the Committee of the Regions, along the lines of the 2002 conference;

62. calls on the European Parliament and the Council, during the hearings prior to their appointment, identifiably to entrust competence for upland areas to a single Commissioner, who would coordinate the activities of the College on this cross-cutting territorial issue, in addition to his other competences;

63. calls on the European Commission to make proposals in a Green Paper on the future of European policies on upland regions as a precursor to an integrated, partnership-based European strategy for upland areas led by the European Commission, the Member States and regional and local authorities, supported by socio-economic and environmental players, and involving national and European associations representing regional authorities from upland areas.

Brussels, 19 June 2008.

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

Opinion of the Committee of the Regions on Communicating Europe in Partnership

(2008/C 257/08)

THE COMMITTEE OF THE REGIONS

- believes that it is essential to strengthen communication with the European public by engaging them in a permanent dialogue in order to establish a debate which is democratic and based on trust and solidarity so as to promote a truly European spirit and make it easier to espouse active European citizenship;
- stresses the joint responsibility of national, regional and local elected representatives to integrate a European dimension into their actions; requests, accordingly, that a communication partnership be encouraged between EU institutions, national governments, national parliaments and local authorities in order to provide the public with a better knowledge of Europe and to convey clear and objective messages on the measures taken at EU level;
- welcomes the new 'Debate Europe' phase of Plan D, which maintains the 'going local' approach and which provides an additional means through which people can be reached, get connected and act in partnership in the wake of European elections and in the context of the ratification of the Lisbon Treaty;
- welcomes the Commission's decision to co-fund a new series of Plan D civil society projects, and agrees with the focus placed on decentralised calls and actions supporting local projects; strongly welcomes the fact that these calls place the involvement of members of the Committee of the Regions and facilitation of dialogue with local political decision-makers at the forefront of the objectives; however, calls on the Commission to ensure that local and regional authorities themselves are eligible under such calls for proposals;
- proposes that the Europe Houses should not be limited to the Member States' capital cities alone and that local and regional authorities and other cities should also be able to establish such institutions, in line with a fixed set of criteria; in this sense welcomes the Commission's intention to go 'even more local' by encouraging debates beyond Europe's capital cities with the Commission Representations and the second generation of Europe Direct centres foreseen for 2009;
- is ready to actively contribute and participate in initiatives launched by other institutions, including citizens' summits which could be organised by EU Presidencies.

Rapporteur: Ms DU GRANRUT (FR/EPP), Regional Councillor for Picardy

Reference documents

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Communicating Europe in partnership

COM(2007) 568 final

Commission Working Document: Proposal for an Inter-institutional Agreement on Communicating Europe in Partnership

COM(2007) 569 final

Communication from the Commission: Communicating about Europe via the internet. Engaging the citizens

SEC(2007) 1742

Communication from the Commission: Debate Europe — building on the experience of Plan D for Democracy, Dialogue and Debate

COM(2008) 158 final

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

I. Communicating Europe: a joint responsibility

1. supports the European Commission's initiative to devise a new strategy for communication with the European public, in accordance with the wishes of the European Council, by involving the European institutions and the Member States more closely and recognising the importance of action taken at local and regional level;

2. believes that it is essential to strengthen communication with the European public by engaging them in a permanent dialogue in order to establish a debate which is democratic and based on trust and solidarity so as to promote a truly European spirit and make it easier to espouse active European citizenship;

3. reiterates its belief in the crucial need to encourage, via a decentralised dialogue, a debate on our common values, the achievements of the European venture and the impact of Community policies on people's lives, and the challenges for the EU's future, as well as to promote better knowledge of European issues among the people of Europe;

4. stresses the joint responsibility of national, regional and local elected representatives to integrate a European dimension into their actions; requests, accordingly, that a communication partnership be encouraged between national governments, national parliaments and local authorities in order to provide the public with a better knowledge of Europe and to convey clear and objective messages on the measures taken at EU level;

5. requests therefore that the European Commission provide the instruments whereby people can truly participate; highlights,

in this respect, the role of primary means of communication, especially the internet as a means of bringing government closer to citizens and as a fundamental communications tool, including for local and regional authorities;

6. is pleased that the Commission intends to strengthen the principle of partnership between the European institutions and the Member States; strongly emphasises the need to recognise its vital role in this process, as well as that of local and regional authorities; notes that the Commission concedes that the public's lack of knowledge about the European Union is primarily due to a lack of involvement on the part of the Member States, whilst acknowledging the positive effects of decentralised cooperation, as well as the need to act at local and regional level;

7. welcomes the new 'Debate Europe' phase of Plan D, which maintains the 'going local' approach and which provides an additional means through which people can be reached, get connected and act in partnership in the wake of European elections and in the context of the ratification of the Lisbon Treaty;

8. calls on the European Commission to include the requirement to communicate in the formulation of every European policy, particularly policies which have a direct impact on the regions, such as the Structural Funds; and believes that the revised EU budget should provide a chapter for communication with citizens;

9. believes that it would be useful to capitalise on the ratification phase of the Lisbon Treaty and the forthcoming European elections to encourage a true debate on Europe; to this end, it has set up a specific working group to optimise its members' capacity to communicate with the public on Europe;

II. Strengthening the policy of partnership for coherent and integrated decentralised communication

10. notes the content of the declarations by Commissioner Wallström regarding the territorial approach and the essential role of local and regional authorities in reaching out to the public and explaining the general thrust and benefits of the EU's political action on economic development, territorial cohesion, the environment, security and social advancement during the many events organised as part of Plan D throughout the European Union;

11. reaffirms, in this context, its intention to build on the terms of the cooperation agreement with the European Commission, particularly in the light of its addendum on communications policy, in order to organise discussions and events on issues touching the public's everyday life such as employment, security, migration, fundamental rights, environmental conservation and energy supply, thereby demonstrating the added value of Community policy when combined with the powers of local elected representatives;

12. asks for contact persons in each Commission representation, who were appointed in accordance with the CoR-Commission cooperation agreement and are responsible for the local and regional rollout of the communication activity themes outlined by the Interinstitutional Group on Information, to become truly operational information relays between the Commission and the members of the CoR. They should facilitate the involvement of local and regional authorities in decentralised events and in the official visits of Members of the Commission to the Member States;

13. notes that while a new communication strategy requires that the EU institutions and bodies become more interactive, it should also be fuelled by contributions from the grass roots, which can only be evaluated and passed on by authorities who not only have a good knowledge of the EU's decision-making process, but also have a duty of responsibility towards and are close to their fellow citizens; emphasises the terms of the protocol on the application of the principles of subsidiarity and proportionality outlined in the Lisbon Treaty which require the Commission to take account of the financial and administrative impact on local and regional authorities when drafting legislative proposals;

14. notes that engagement with local and regional stakeholders and local and regional authority participation in the Commission's formal consultations on new legislation strengthens the activities of towns and regions as information and communication channels within the European Union and is

part of multi-level governance. This two-way exchange of information could involve the regional offices, local and regional authorities in Brussels as well as national and European associations of local and regional elected representatives;

III. Communicating Europe: act locally by involving the citizens and getting local and regional representatives involved

15. draws attention to the need to ensure that information on the EU is tailored more towards the different target groups in question and takes a form appropriate to the local situation;

16. asks that lessons be drawn from the events organised by local and regional authorities under Plan D as outlined in the two progress reports on the implementation of decentralised communication by the Committee of the Regions;

17. welcomes the Commission's decision to co-fund a new series of Plan D civil society projects, and agrees with the focus placed on decentralised calls and actions supporting local projects; strongly welcomes the fact that these calls place the involvement of members of the Committee of the Regions and facilitation of dialogue with local political decision-makers at the forefront of the objectives; however, calls on the Commission to ensure that local and regional authorities themselves are eligible under such calls for proposals;

18. stresses that in order to make the 'Debate Europe' phase of Plan D efficient in every Member State, greater synergies need to be sought between MEPs, local and regional elected representatives, spokespersons of national governments, heads of the representation offices of the European Parliament and the Commission and representatives of national associations of local and regional authorities;

19. proposes that the Europe Houses, public institutions which aim to attract the general public with a large range of activities, should not be limited to the Member States' capital cities alone and that local and regional authorities and other cities should also be able to establish such institutions, in line with a fixed set of criteria; in this sense welcomes the Commission's intention to go 'even more local' by encouraging debates beyond Europe's capital cities with the Commission Representations and the second generation of Europe Direct centres foreseen for 2009;

20. emphasises that communication with young people should seek to disseminate information which makes young people realise that it would be in their interests to become involved in European integration;

21. calls on all spheres of government to ensure that, during the course of their school career, young people are given a basic grounding in EU affairs allowing them to understand the EU's powers, how it functions, its activities and the opportunities it offers for both their personal and professional future and the 21st century challenges;

22. recommends that Member States' communication actions be implemented in collaboration with local and regional representatives, for instance through the organisation of decentralised events in the regions and regular discussions with local and regional assemblies on current EU policies, if possible with an MEP and representative of one of the Commission's directorates-general, as is the case for national parliaments;

23. notes that local and regional politicians could be vital in launching a two-way communication process aimed at informing the public about the role and real nature of the Union, eliciting a reaction from the public to such information and bringing Europe closer to the regions which such politicians represent; similarly they are in a good position to pass on the views of the grass roots, i.e. public, local and regional opinion, to those responsible for preparing and deciding on EU policy;

24. stresses the role that political parties can play in local and regional communications promoting the European project, and calls on local and regional elected representatives to educate young politicians on European affairs so that tomorrow's decision-makers can integrate the European dimension into their activity;

25. believes that it is essential to present the text of the Lisbon Treaty in a clear and trustworthy way, setting out its benefits, the logic behind it and its improvements as regards the transparency, efficiency and legitimacy of the EU's action and citizen involvement in policy-making;

26. recommends that local and regional councils organise a special session open to members of the Committee of the Regions and the European Parliament from the same constituency, dedicated to the achievements of European integration and the workings of the EU institutions for instance on Europe Day (9 May);

27. announces the following priority actions planned by the Committee of the Regions for 2008 in the field of communication:

- organisation of a forum on 'the cities of the future' (8-10 April 2008);
- holding of the 3rd Annual Forum on Communication (17-19 June 2008);

- organisation of the sixth Open Days event (6 to 9 October 2008), which will welcome some 5 500 participants to Brussels, and involve some 220 towns and regions across Europe, as part of the European Week of Regions and Cities. In 2008, this initiative will also include more than 150 local events across the partner regions;

- the holding of a Forum on Intercultural Dialogue (25 to 27 November);

- publication of a monthly electronic newsletter on the CoR's political news, aimed at the regional media, local politicians and the representatives of associations, and a monthly newsletter in hard copy form on the CoR's political and consultative activity, the European institutions and the regions, sent to 25 000 regional decision-makers;

- welcoming 600 local and regional journalists a year to the CoR in Brussels in connection with the political activity of the CoR's members, for special events, or in cooperation with other European institutions;

28. wishes to cooperate closely with the European Commission to draft a '*working plan*' based on communication initiatives within the framework of inter-institutional cooperation, and by increasing the number of operational management partnerships with the Member States on a bilateral basis;

29. is ready to actively contribute and participate in initiatives launched by other institutions, including citizens' summits which could be organised by EU Presidencies;

IV. Integrating the Committee of the Regions into the future inter-institutional framework for communication

30. is convinced that an inter-institutional information and communication framework could bolster the principle of partnership between the EU institutions and bodies, the Member States and the local and regional authorities; such a framework should be adequately funded;

31. emphasises the benefits of its participation in the Interinstitutional Information Group (G.I.I.), plans to present its annual programme on decentralised communication on a yearly basis and therefore asks to be involved in the preparation of the annual inter-institutional programme on this matter;

32. is in favour of assessing the activities of the G.I.I. to identify any possible improvements and to see whether a group should be created to coordinate the measures implementing the general guidelines laid down by the G.I.I.; the CoR would be happy to participate in this;

33. is delighted at the opportunity to take part in an annual inter-institutional debate on communication and, accordingly, asks that it be recognised alongside the European Commission, European Parliament and Council as a key partner in a decentralised communications strategy;

V. Reinforcing information channels: local and regional media, TV, radio and the internet

34. stresses that in order to achieve the objective of increasing EU citizens' knowledge of EU affairs, there is a need to increase the number and effectiveness of existing information channels and to make them more accessible. Cooperation between local and regional authorities and media should be improved and new technologies deployed;

35. expresses satisfaction at this year's launch of the European Commission's pilot information network project, which will seek to get national parliaments more involved in the European debate and requests that it be associated with this initiative, along with local and regional elected representatives;

36. asks the European Commission to link up the websites of its representations in the 27 Member States with the websites of national associations of local and regional authorities, cities and regions and that the information provided be tailored to local audiences, particularly information on the implementation of European policies;

37. recommends that the *Europa* site contain a separate page on the role of local and regional authorities in the European

decision-making process highlighting the fact that almost 75 % of European legislation is implemented at local and regional level; this page should also include a link to the Committee of the Regions' website and the websites of any European and national associations of local and regional authorities which so wish;

38. stresses the importance of the European Commission's *e-participation* initiative, which aims to enable the public to participate in formulating policies, particularly at local and regional level, and, accordingly, invites local and regional authorities to develop their local websites in a way that allows citizens to express their opinions as part of an online process of consultation and interaction, in particular their expectations regarding European policies;

39. urges the European Commission to include videos produced by the Committee of the Regions on the *EU Tube* website;

40. lastly, requests that the European Commission provide a platform for discussion with local and regional elected representatives on the *Europa* website to respond to questions from the public, e.g. as part of the *Debate Europe* forum, as this initiative could help increase the interaction between CoR members and the public in their respective Member States;

41. underlines the importance of there being a wide range of different information and communication channels so that all EU citizens have an opportunity to acquire information on the EU on an equal footing.

Brussels, 19 June 2008.

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

Opinion of the Committee of the Regions on the 'European year of creativity and innovation (2009)'

(2008/C 257/09)

THE COMMITTEE OF THE REGIONS

- welcomes the European Commission's initiative to designate 2009 as the European Year of Creativity and Innovation. Europe's creative potential is the key to meeting the Lisbon objectives and thus to becoming the world's most innovative, knowledge-based economy;
- notes that, in the European cities and regions and at local level, culture, creativity and innovation are the key sources of growth, investment and new jobs;
- highlights the particular importance of early, pre-school learning and primary education for the development of basic competences, i.e. the knowledge, skills and attitudes that equip people to live and work in modern European society, and to acquire additional knowledge;
- stresses that the initiative makes an ideal follow-on to the Year of Intercultural Dialogue. Linking up the themes of a number of different European 'years' helps ensure that the activities do have an impact in the medium and long term;
- notes the absence of any specific funding for the Year of Creativity and Innovation. If creativity is seen as a vital ingredient of European social development, it should not be restricted to the fields of education and culture alone. Interdisciplinary thought engenders new and creative solutions.

Rapporteur: Gerd HARMS (DE/PES), Plenipotentiary of the Land of Brandenburg for federal and European affairs and state secretary in the Brandenburg state chancellery

Reference document

Proposal for a Decision of the European Parliament and of the Council concerning the European Year of Creativity and Innovation (2009)

COM(2008) 159 final — 2008/0064 (COD)

I. POLITICAL RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. welcomes the European Commission's initiative to designate 2009 as the European Year of Creativity and Innovation. Taken in a very broad sense, as the Commission rightly does in its proposal, creativity is the ability to find new solutions in the most varied fields of human activity and is the *sine qua non* of technical, cultural and social innovation. Europe's creative potential is the key to meeting the Lisbon objectives and thus to becoming the world's most innovative, knowledge-based economy;

2. endorses the Commission's analysis of the fundamental conditions needed for the development of creativity and innovation. It would thereby highlight the particular importance of early, pre-school learning and primary education for the development of basic competences, i.e. the knowledge, skills and attitudes that equip people to live and work in modern European society, and to acquire additional knowledge;

3. backs the Commission's view as to the importance of education in encouraging creativity, and considers that creativity should not be restricted only to pre-school learning and a child's early years at school. Artistic subjects should remain important throughout the school career. Nor must creativity be restricted to so-called 'creative subjects'. Creative problem-solving abilities and innovative thinking must be an integral part of all formal education processes. In this connection, the CoR would draw particular attention to the importance of multilingualism;

4. stresses the need to ensure not only the promotion of excellence and high achievement, but also proper education and training for the people in every region as the foundation for individual and collective prosperity and for the ability of regions to innovate;

5. notes that, in the European cities and regions and at local level, culture, creativity and innovation are the key sources of growth, investment and new jobs. To succeed in European and global competition, regions must develop their creative potential and capacity for innovation. Regional and local authorities are generally responsible for facilitating lifelong learning, pursuing an active labour market policy, developing regional innovation

strategies and fostering innovative and creative economic sectors;

6. emphasises again the major importance of local authorities and regions in developing innovative environments. Relevant here are local innovation policies, technology centres, business incubators, science parks and venture capital;

7. makes clear that this applies not only to the creative sector and knowledge-based modern industries. On the contrary, creative solutions are needed to the social, environmental and economic challenges facing modern societies at all levels;

8. welcomes in particular the explicit recognition of the role of regional and local authorities in the Commission legislative proposal, which notes that

— the challenges of the European Year of Creativity and Innovation can only be met by a combination of measures at European, national, regional and local level;

— by being involved in the European Year of Creativity and Innovation, local and regional authorities will be able to organise their activities more effectively and more efficiently; and

— such involvement helps foster implementation of the planned measures at European and national level;

9. endorses this assessment and advocates the broad involvement of local and regional authorities in the European Year of Creativity and Innovation;

Detailed assessment of the initiative

10. backs the objectives of the European Year of Creativity and Innovation (Article 2). The comprehensive approach underpinning these objectives makes it possible to go beyond art and artistic aspects alone and take a broad view of how Europe's creative potential is developed and harnessed. During the European Year of Creativity and Innovation, the CoR feels that steps must be taken above all to promote and draw attention to interdisciplinary activities involving lifelong learning facilities, cultural bodies and players, business, science and civil society. It is also necessary to promote creative learning based on the search for and development of knowledge, as opposed to imitation and memory-based learning;

11. stresses that the initiative makes an ideal follow-on to the Year of Intercultural Dialogue. Linking up the themes of a number of different European 'years' helps ensure that the activities do have an impact in the medium and long term. Activities undertaken as part of the European Year of Intercultural Dialogue are designed to promote a more open, tolerant and flexible European society and tie in closely with creativity and innovation. Coming into contact and engaging with other cultural expressions and trends can act as a fillip to creativity and open up new pathways to resolving homegrown issues;

12. notes that the Commission proposal makes specific reference to the key lifelong learning competences called for by European Parliament and the Council. The CoR would refer to its opinion on this recommendation ⁽¹⁾, in which it highlighted the special significance of mathematical and scientific competences. In that opinion, the CoR also underscored the importance of encouraging women to take up these disciplines through the tools of lifelong learning. In future, European societies will have to do even more to encourage young people, and young women in particular, to train in scientific and technological disciplines and to study engineering and take up work in that sector;

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

14. advocates better education and training, in order to optimise the value of Europe's greatest resources — its young people. This education should focus particularly on studying technology, so as to boost European research, development and innovation, but care should also be taken to provide sufficient training in humanities and values; it is important to give the teaching of European history and culture the attention it deserves within the education system;

15. has repeatedly stressed the particular importance of promoting research, training young scientists, supporting scientists' mobility and backing European-level scientific cooperation. The development of a research-friendly climate and the promotion of patents — together with the effective protection they provide — encourage innovative processes in both society and economy;

16. emphasises the need to create standards and protection rights for intellectual property and the development of a European charter for the handling of intellectual property;

17. in this connection, would also highlight the key importance of the Structural Funds, and in particular the Regional

Development Fund, in supporting the practical application of scientific findings in innovative products and processes;

18. deplores the tardy publication of the initiative. Such a short run-up period risks compromising the venture's success. It is thus particularly important that the Commission should now make every effort to involve as many partners in the process as possible;

19. highlights the specific role played by the audiovisual media in developing creative environments. In many European regions, successful economic clusters are being established thanks to a combination of talent promotion, outstanding education and training centres and the media sector. Such developments should be given special recognition during the European Year of Creativity and Innovation;

20. bemoans the Commission's failure to mention the wide range of possibilities available under the European mobility programmes. Mobility during education and training — inter-regional exchanges across Europe — can be particularly helpful in unleashing young people's potential for creativity and innovation;

21. also criticises the absence of any provision for monitoring the success of the initiative and the failure to lay down the basic parameters under which the objectives are to be met;

22. feels that the European Year of Creativity and Innovation can only succeed if the Commission as a whole takes up the challenge involved and if the opportunities are fully exploited in all the directorates-general. Strong support is also needed from the Member States and from towns, regions and local authorities. The CoR therefore calls for the inclusion not only of education policy but of other policy areas as well in actively helping shape the European Year of Creativity and Innovation;

23. points out that fostering creativity and innovation is an integral part of many regional and local development plans. In giving practical shape to the European Year of Creativity and Innovation, care should be taken to avoid any suggestion that Commission initiatives are the only way to tap into these resources. The focus, not least in the European Year of Creativity and Innovation, should be on highlighting successful approaches pursued in the local authorities, regions and Member States and support should be given to disseminating examples of best practice. All Commission initiatives should comply with the subsidiarity principle;

24. draws attention to the rich experience of local and regional authorities and civil society organisations, as expressed, for instance, in local and regional policy activities and during

⁽¹⁾ CdR 31/2006 fin.

the *Open Days* organised by the CoR. This experience is indicative of the many and varied ways of developing and supporting the creativity and innovation that is such a mark of our European local authorities and regions;

25. notes the absence of any specific funding for the Year of Creativity and Innovation. On the question of funding the activities, the Commission proposal makes explicit reference only to the Lifelong Learning Programme 2007-2013 and the Culture Programme 2007-2013, albeit the issues at stake here — creativity and innovation — go far beyond the confines of these schemes. Other issues also need to be addressed, including, not least, the scientific dimension, cooperation between industry and science, European mobility, rural development and social policy. If creativity is seen as a vital ingredient of European social development, it should not be restricted to the fields of

education and culture alone. Interdisciplinary thought engenders new and creative solutions;

26. Point 4.4 of the Commission proposal speaks of '*refocusing communication activities on the themes of the Year*', yet the proposed measures give no further indication of how this is to be done. The CoR makes clear that any such measures must be coordinated between the Community, the national, the regional levels and the local levels;

27. supports the Commission and offers to work with it in giving practical shape to the European Year of Creativity and Innovation. The cities, regions and local authorities are the natural partners for this venture and are the birthplace of many creative solutions. The CoR expects the Commission to involve it fully in the activities and to brief it comprehensively on all measures at an early stage.

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Article 2(1)

Text proposed by the Commission	CoR amendment
The overall objective of the European Year of Creativity and Innovation shall be to support the efforts of the Member States to promote creativity, through lifelong learning, as a driver for innovation and as a key factor for the development of personal, occupational, entrepreneurial and social competences and the well-being of all individuals in society.	The overall objective of the European Year of Creativity and Innovation shall be to support the efforts of the Member States <u>and the local and regional authorities</u> to promote creativity, through lifelong learning, as a driver for innovation and as a key factor for the development of personal, occupational, entrepreneurial and social competences and the well-being of all individuals in society.

Reason:

The Member States may be the Commission's consultative partners, but key issues are at stake here that fall directly within the remit of local and regional authorities.

Amendment 2

Article 3, second paragraph

Text proposed by the Commission	CoR amendment
In addition to activities co-financed by the Community in accordance with Article 6, the Commission or the Member States may identify other activities as contributing to objectives of the Year and permit the use of the name of the Year in promoting those activities insofar as they contribute to achieving the objectives set out in Article 2.	In addition to activities co-financed by the Community in accordance with Article 6, the Commission, or the Member States <u>or the local and regional authorities</u> may identify other activities as contributing to objectives of the Year and permit the use of the name of the Year in promoting those activities insofar as they contribute to achieving the objectives set out in Article 2. <u>Other, non-governmental players should, within the framework of the declared objectives, be encouraged to take part in the activities of the European Year.</u>

Reason

Use of the 'European Year' name must not be restricted to the Member States alone. A large number of stakeholders must be involved in fleshing out the European Year venture.

*Amendment 3***Article 5**

Text proposed by the Commission	CoR amendment
The Commission shall convene meetings of the national coordinators in order to coordinate the implementation of the European Year of Creativity and Innovation at European level and to exchange information on implementation thereof at national level.	The Commission shall convene meetings of the national coordinators in order to coordinate the implementation of the European Year of Creativity and Innovation at European level and to exchange information on implementation thereof at national level. <u>Representatives of the Committee of the Regions and the European Economic and Social Committee shall be invited to attend these meetings.</u>

Reason

CoR and EESC involvement is the only way to ensure that the concerns and submissions of the local and regional authorities are taken into consideration properly and systematically.

Brussels, 19 June 2008

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

Opinion of the Committee of the Regions on 'Telecommunications reform package'

(2008/C 257/10)

THE COMMITTEE OF THE REGIONS

- wants to ensure that the new regulatory framework does not harm Member States' cultural and media policy objectives and takes into account the specific needs in rural areas, regions with low population density, outermost regions and conurbations, as well as those of cultural or ethnic minorities;
- objects to harmonisation measures of radio frequency spectrum management proposed by the European Commission. Member States should remain in charge, whilst assuring consistency with international agreements; this will involve preserving a sufficiently wide spectrum band for broadcasters to ensure their mission content;
- discards the new remedy proposed on functional separation of undertakings and the veto right of the Commission on certain corrective measures taken by the national regulatory authorities. It urges national regulatory authorities, when analysing and defining relevant markets, to take local or regional cultural or linguistic differences into account;
- appreciates the Commission's efforts to improve consumer protection and user rights, in particular, by giving consumers more information about prices and supply conditions, by improving data protection and security and by facilitating access, including emergency services; nonetheless, voices concern about the possible economic and financial impact of these proposals for local and regional service operators;
- believes that the creation of a European Electronic Communications Market Authority, combined with a substantial transfer of market regulation powers from Member State level to the European Commission, will lead to an imbalance in the distribution of powers between national and European regulatory authorities; therefore advocates a Body of European Regulators in Telecommunications which would embed today's European Regulators' Group into European law.

Rapporteur: Marc SCHAEFER (LU/PES), Member of Vianden Municipal Council

Reference documents

'Better Regulation Directive'

Proposal for a Directive of the European Parliament and of the Council amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and services, and 2002/20/EC on the authorisation of electronic communications networks and services

COM(2007) 697 final — 2007/0247 (COD)

'Citizens' Directive'

Proposal for a Directive of the European Parliament and of the Council amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on consumer protection cooperation

COM(2007) 698 final — 2007/0248(COD)

Proposal for a Regulation of the European Parliament and of the Council establishing the European Electronic Communications Market Authority

COM(2007) 699 final — 2007/0249 (COD)

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Reaping the full benefits of the digital dividend in Europe: A common approach to the use of the spectrum released by the digital switchover

COM(2007) 700 final

I. POLITICAL RECOMMENDATIONS

borne in mind that local and regional authorities may have to invest in the development of ICT and infrastructure, particularly in conurbations;

THE COMMITTEE OF THE REGIONS

1. welcomes the Commission's aim of opening up the telecommunications markets to competition and of boosting investment in high-speed networks (all technologies, including fixed, mobile and satellite), as well as its aim of ensuring optimised spectrum management in the internal market in the context of audiovisual service digitisation;

2. must ensure that the new regulatory framework does not contain any measures which could risk having a negative impact on the objectives of the Member States' cultural and media policies;

3. must also ensure that the interests of cultural or ethnic minorities as well as the needs of the regions are taken into account when establishing new regulatory mechanisms (particularly with regard to spectrum management);

4. would like the proposed regulatory framework to include mechanisms promoting the development of broadband internet access in rural areas or regions with low population density and in the outermost regions; in this context it should, however, be

5. appreciates the Commission's efforts to improve consumer protection, particularly with regard to data protection, security and the provision of broader access to electronic communications services and emergency services for all users, including the disabled; nonetheless, voices concern about the possible economic and financial impact of these proposals, especially for local and regional service operators;

6. appreciates the Commission's efforts to develop pan-European services, provided that such services are developed by taking into account national and regional differences and the technological and economic needs of economically weaker market players;

7. draws the Commission's attention to the geographical diversity of the national, regional and local markets which may necessitate a certain degree of variety and diversity in the regulatory mechanisms and procedures e.g. geographical segmentation;

8. is sceptical regarding the potential added value of some of the planned new measures, as they will affect all Member States, regardless of their specific circumstances or progress achieved at national or regional level. Indeed, in the context of the regulation of the telecommunications markets and spectrum management, the idea of transferring more powers to EU level raises serious concerns for the CoR;

9. believes that the Commission's proposals open the way forward to the more consistent application of the EU's rules in order to complete the single market for electronic communications;

Better Regulation Directive

10. welcomes the Commission's recommendation⁽¹⁾ to substantially reduce the number of markets susceptible to ex-ante regulation; as a result, where regulation remains necessary, it will become more efficient and simpler both for operators and for national regulatory authorities;

11. appreciates the Commission's proposals to set up more effective mechanisms for coordinating and harmonising the regulatory frameworks of the individual Member States as well as procedures for coordination, negotiation and consultation between the different national regulatory authorities;

12. shares the Commission's view that the efficient management of spectrum is important for facilitating access for operators and for fostering innovation and cultural diversity;

13. shares the Commission's opinion regarding the need to ensure co-location and facility sharing for providers of electronic communications networks provided that such sharing is technically possible and that the costs of such an operation may be allocated in a fair manner;

14. endorses the Commission's view on the importance of harmonisation of numbering within the Community where this promotes the functioning of the internal market or supports the development of pan-European services. However, the CoR believes that the Member States are more competent to take the necessary measures to carry out such harmonisation, which may be conducted within the framework of the 'European Regulators' Group';

15. believes that the Member States should remain solely competent for defining spectrum allocation in the case of services that enable linguistic and cultural diversity and ensure media pluralism;

16. believe that there is no need to impose functional separation as an additional measure supporting market liberalisation and is of the opinion that the most effective method of competition is that based on infrastructure; moreover, it believes that the existing regulatory framework already allows separation measures including, inter alia, functional separation;

17. believes that the document should retain all references to procedures provided for by international agreements pertaining to radio frequency spectrum management as these agreements are already in place and constitute a regulatory framework which is broader than that of the European Union;

Citizens' Directive

18. endorses the Commission's efforts to strengthen and improve consumer protection and user rights in the electronic communication sector, in particular, by giving consumers more information about prices and supply conditions, and facilitating access to and use of e-communications, including emergency services, for disabled users;

19. appreciates the proposals which seek to enhance the protection of individuals' privacy and personal data in the electronic communications sector, in particular through strengthened security-related provisions and improved enforcement mechanisms;

20. draws the Commission's attention to the needs of consumers in economically disadvantaged or rural areas, or in regions where access is difficult in geographical terms, the outermost regions or regions which have a low population density;

21. draws the Commission's attention to the fact that certain measures for ensuring network security and consumer protection require coordination and implementation at international rather than EU level;

22. draws the Commission's attention to the fact that a number of the measures proposed in the Directive in question will require considerable investment in technical infrastructure (e.g. for access to a single emergency telephone number, or identifying caller location); it would appear that such investments will be beyond the means of small-scale service operators such as local or regional operators;

23. appreciates the Commission's efforts to promote the portability of numbers between fixed and mobile networks;

24. wishes to draw the Commission's attention to the specific needs of rural areas which often have a very limited infrastructure based on the network of the traditional operator alone, and would like to see the formulation of specific measures e.g. via structural funds drawn up for these regions; also wishes to draw attention to the structural limitations and additional costs of electronic communications which outermost regions are permanently faced with. For this reason, consideration should be given to specific measures to place citizens from these areas on an equal footing with those from the rest of Europe;

25. believes that the 'must-carry' rules for broadcasting services must be extended to all additional services and be the subject of regular reviews;

⁽¹⁾ Commission recommendation (2007) No 5406, OJ L 344, 28.12.2007, p. 65.

European Electronic Communications Market Authority

26. believes that the creation of a European Electronic Communications Market Authority would effectively represent an addition to the current institutional arrangement for the regulation of electronic communications markets, would not be compatible with the principles of subsidiarity and proportionality and would risk adding another level of complexity rather than simplifying the process which is the subject of this package of proposals;

27. therefore is in favour of a Body of European Regulators in Telecom. Such a body could take on many functions outlined in the proposal for a European Electronic Communications Market Authority (EECMA) and share many of the elements that the Commission's draft proposal has assigned to the Authority without taking on the nature of an agency and thus avoiding some of the potential problems with the EECMA.

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

'Better Regulation Directive', Article 1 Amendments made to Directive 2002/21/EC (framework directive), Point 2(e), Article 2, addition to point (s)

Text proposed by the Commission	CoR amendment
(s) 'harmful interference' means interference which endangers the functioning of a radionavigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio-communications service operating in accordance with the applicable Community or national regulations;	(s) 'harmful interference' means interference which endangers the functioning of a radionavigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio-communications service operating in accordance with the applicable Community or national regulations, <u>and in accordance with international frequency plans;</u>

Reason

Radio frequency spectrum management is widely regulated by the international agreements and frequency plans established by the European Conference of Postal and Telecommunications Administrations (CEPT) and the International Telecommunications Union (UIT). This is particularly important in the case of broadcast services (e.g. GE-06). The definition of 'harmful interference' should, therefore, be amended accordingly.

Amendment 2

'Better Regulation Directive', Article 1 Amendments made to Directive 2002/21/EC (framework directive), Point 8, amendment of Article 8

Text proposed by the Commission	CoR amendment
(a) In paragraph 1, the second subparagraph is replaced by the following: 'Unless otherwise provided in Article 9 regarding radio frequencies, Member States shall take the utmost account of the desirability of making regulations technologically neutral and shall ensure that, in carrying out the regulatory tasks specified in this Directive and the Specific Directives, in particular those designed to ensure effective competition, national regulatory authorities do likewise.'	(a) In paragraph 1, the second subparagraph is replaced by the following: 'Unless otherwise provided in Article 9 regarding radio frequencies, Member States shall take the utmost account of the desirability of making regulations technologically neutral and shall ensure that, in carrying out the regulatory tasks specified in this Directive and the Specific Directives, in particular those designed to ensure effective competition, national regulatory authorities do likewise, <u>whilst ensuring media and cultural pluralism.</u> '

Text proposed by the Commission	CoR amendment
(b) In paragraph 2, points (a) and (b) are replaced by the following: '(a) ensuring that users, including disabled users, elderly users, and users with special social needs derive maximum benefit in terms of choice, price, and quality; (b) ensuring that there is no distortion or restriction of competition in the electronic communications sector, in particular for the delivery of content;'	(b) In paragraph 2, points (a) and (b) are replaced by the following: '(a) ensuring that users, including disabled users, elderly users, and users with special social needs derive maximum benefit in terms of choice, price, and quality; (b) ensuring that there is no distortion or restriction of competition in the electronic communications sector, in particular for the delivery of content;'
(c) In paragraph 3, point (d) is replaced by the following: '(d) working with the Commission and the Authority so as to ensure the development of consistent regulatory practice and the consistent application of this Directive and the Specific Directives.'	(c) In paragraph 3, point (d) is replaced by the following: '(d) working with the Commission and the Authority so as to ensure the development of consistent regulatory practice and the consistent application of this Directive and the Specific Directives.'
(d) In paragraph 4, point (e) is replaced by the following: '(e) addressing the needs of specific social groups, in particular disabled users, elderly users and users with special social needs;'	(d) In paragraph 4, point (e) is replaced by the following: '(e) addressing the needs of specific social groups, in particular disabled users, elderly users and users with special social needs, <u>as well as ethnic, cultural or social minorities in rural areas or areas with a low population density;</u> '
(...)	(...)

Reason

Cultural and media pluralism should also be considered alongside the needs of linguistic, ethnic, social or regional minorities.

With regard to the deletion of the reference to the authority proposed by the Commission in its proposal for a regulation COM(2007) 699 final — 2007/0249 (COD), see Amendment 20 below.

Amendment 3

'Better Regulation Directive', Article I Amendments made to Directive 2002/21/EC (framework directive), Point 9, amendment of Article 9

Text proposed by the Commission	CoR amendment
<i>Article 9</i>	<i>Article 9</i>
Management of radio frequencies for electronic communications services	Management of radio frequencies for electronic communications services
1. Member States shall ensure the effective management of radio frequencies for electronic communication services in their territory in accordance with Article 8. They shall ensure that the allocation and assignment of such radio frequencies by national regulatory authorities are based on objective, transparent, non-discriminatory and proportionate criteria.	1. Member States shall ensure the effective management of radio frequencies for electronic communication services in their territory in accordance with Article 8. They shall ensure that the allocation and assignment of such radio frequencies by national regulatory authorities are based on objective, transparent, non-discriminatory and proportionate criteria.

Text proposed by the Commission	CoR amendment
<p>2. Member States shall promote the harmonisation of use of radio frequencies across the Community, consistent with the need to ensure effective and efficient use thereof and in accordance with Decision No 676/2002/EC (Radio Spectrum Decision).</p> <p>3. Unless otherwise provided in the second subparagraph or in the measures adopted pursuant to Article 9c, Member States shall ensure that all types of radio network or wireless access technology may be used in the radio frequency bands open to electronic communications services.</p> <p>Member States may, however, provide for proportionate and non-discriminatory restrictions to the types of radio network or wireless access technology used where this is necessary to:</p> <p>(a) avoid harmful interference,</p> <p>(b) protect public health against electromagnetic fields,</p> <p>(c) ensure maximisation of radio frequencies sharing where the use of frequencies is subject to a general authorisation, or</p> <p>(d) comply with a restriction in accordance with paragraph 4 below.</p> <p>4. Unless otherwise provided in the second subparagraph or in the measures adopted pursuant to Article 9c, Member States shall ensure that all types of electronic communications services may be provided in the radio frequency bands open to electronic communications. The Member States may, however, provide for proportionate and non-discriminatory restrictions to the types of electronic communications services to be provided.</p> <p>Restrictions that require a service to be provided in a specific band shall be justified in order to ensure the fulfilment of a general interest objective in conformity with Community law, such as safety of life, the promotion of social, regional or territorial cohesion, the avoidance of inefficient use of radio frequencies, or, as defined in national legislation in conformity with Community law, the promotion of cultural and linguistic diversity and media pluralism.</p> <p>A restriction which prohibits the provision of any other service in a specific band may only be provided for where justified by the need to protect safety of life services.</p>	<p>2. Member States shall promote the harmonisation of use of radio frequencies across the Community, <u>which could help achieve economies of scale and simplify the interoperability of services to the benefit of the consumer</u>, consistent with the need to ensure effective and efficient use thereof and in accordance with Decision No 676/2002/EC (Radio Spectrum Decision).</p> <p>3. Unless otherwise provided in the second subparagraph or in the measures adopted pursuant to <u>the Radio Spectrum Decision (676/2002/EU)</u>Article 9c, Member States shall, <u>where possible</u>, ensure that all types of radio network or wireless access technology may be used in the radio frequency bands open to electronic communications services, <u>in accordance with National Frequency Allocation Tables and UIT regulations</u>.</p> <p>Member States may, however, provide for proportionate and non-discriminatory restrictions to the types of radio network or wireless access technology used where this is necessary to:</p> <p>(a) avoid harmful interference,</p> <p>(b) protect public health against electromagnetic fields,</p> <p>(c) ensure maximisation of radio frequencies sharing where during their use of frequencies is subject to a general authorisation, or</p> <p>(d) comply with a restriction in accordance with paragraph 4 below.</p> <p>4. Unless otherwise provided in the second subparagraph or in the measures adopted pursuant to Article 9c <u>the Radio Spectrum Decision (676/2002/EU)</u>, Member States shall <u>ensure</u>, where possible, <u>facilitate the provision of</u>that all types of electronic communications services may be provided in the radio frequency bands open to electronic communications <u>in accordance with National Frequency Allocation Tables and UIT regulations</u>. The Member States may, however, provide for proportionate and non-discriminatory restrictions to the types of electronic communications services to be provided.</p> <p>Restrictions that require a service to be provided in a specific band shall be justified in order to ensure the fulfilment of a general interest objective in conformity with Community law, such as safety of life, the promotion of social, regional or territorial cohesion, the avoidance of inefficient use of radio frequencies, or, as defined in national legislation in conformity with Community law, the promotion of cultural and linguistic diversity and media pluralism.</p> <p>A restriction which prohibits the provision of any other service in a specific band may only be provided for where justified by the need to protect safety of life services <u>or the provision of a service of general interest, as defined by national legislation and in accordance with Community regulations, such as the promotion of cultural and linguistic diversity and media pluralism</u>.</p>

Text proposed by the Commission	CoR amendment
5. Member States shall regularly review the necessity of the restrictions referred to in paragraphs 3 and 4.	5. Member States shall regularly review the necessity of the restrictions referred to in paragraphs 3 and 4 <u>and are solely competent for establishing any exceptions thereto.</u>
6. Paragraphs 3 and 4 shall apply to allocation and assignment of radio frequencies after 31 December 2009.	6. Paragraphs 3 and 4 shall apply to allocation and assignment of radio frequencies after 31 December 2009 <u>the date of the entry into force of the current directive in the Member States.</u>

Reason

The measures and procedures for spectrum management as defined in the **Radio Spectrum Decision (676/2002/EU)** already enable realistic and fair spectrum management which ensures both technology and service neutrality.

The agreements drawn up at CEPT and UIT level must be respected. These agreements already currently allow the efficient use of radio spectrum.

Measures should be envisaged to protect and promote services allowing the development of cultural and linguistic diversity as well as media pluralism. This will, inter alia, mean ensuring that local and regional level broadcasting and electronic communications services have access to the spectrum.

The Member States must remain in charge of spectrum management at national level; this will involve ensuring that broadcasters have a spectrum band which is sufficiently wide to allow them to broadcast their mission content.

Amendment 4

'Better Regulation Directive', Article I Amendments made to Directive 2002/21/EC (framework directive), Point 10, amendment of Article 9 (a)

Text proposed by the Commission	CoR amendment
<p style="text-align: center;"><i>Article 9a</i></p> <p style="text-align: center;">Review of restrictions to existing rights</p> <p>1. For a period of five years starting on [1 January 2010], Member States shall ensure that holders of rights to use radio frequencies which were granted before that date may submit an application to the competent national regulatory authority for a reassessment of the restrictions to their rights in accordance with Article 9(3) and</p> <p>Before adopting its decision the competent national regulatory authority shall notify the right holder of its reassessment of the restrictions, indicating the extent of the right after reassessment, and allow him a reasonable time limit to withdraw his application.</p> <p>If the right holder withdraws his application, the right shall remain unchanged until its expiry or till the end of the 5 year period, whichever is the earlier date.</p>	Delete Article 9a

Text proposed by the Commission	CoR amendment
<p>2. Where the right holder mentioned in paragraph 1 is a provider of radio or television broadcast content services, and the right to use radio frequencies has been granted for the fulfilment of a specific general interest objective, an application for reassessment can only be made in respect of the part of the radio frequencies which is necessary for the fulfilment of such objective. The part of the radio frequencies which becomes unnecessary for the fulfilment of that objective as a result of application of Article 9(3) and (4) shall be subject to a new assignment procedure in conformity with Article 7(2) of the Authorisation Directive.</p> <p>3. After the five-year period referred to in paragraph 1, Member States shall take all appropriate measures to ensure that Article 9(3) and (4) apply to all remaining assignments and allocations of radio frequencies which existed at the date of entry into force of this Directive.</p> <p>4. In applying this Article, Member States shall take appropriate measures to guarantee fair competition.</p>	

Reason

This article is not compatible with the subsidiarity principle. Holders of rights to services which are restricted to a single Member State or region should not be subject to spectrum management decisions taken at Community level.

Amendment 5

'Better Regulation Directive', Article I Amendments made to Directive 2002/21/EC (framework directive), Point 10, addition of Article 9 b

Text proposed by the Commission	CoR amendment
<p style="text-align: center;"><i>Article 9b</i></p> <p>Transfer of Individual Rights to use radio frequencies</p> <p>1. Member States shall ensure that undertakings may transfer or lease to other undertakings individual rights to use radio frequencies in the bands for which this is provided in the implementing measures adopted pursuant to Article 9c without the prior consent of the national regulatory authority.</p> <p>In other bands, Member States may also make provision for undertakings to transfer or lease individual rights to use radio frequencies to other undertakings.</p> <p>2. Member States shall ensure that an undertaking's intention to transfer rights to use radio frequencies is notified to the national regulatory authority responsible for spectrum assignment and is made public. Where radio frequency use has been harmonised through the application of the Radio Spectrum Decision or other Community measures, any such transfer shall comply with such harmonised use.</p>	Delete Article 9b

Reason

This article brings no real added value as the current system already makes provision for the voluntary transfer or sub-letting of individual rights to use radio spectrum.

Amendment 6

'Better Regulation Directive', Article I Amendments made to Directive 2002/21/EC (framework directive), Point 10, addition of Article 9c

Text proposed by the Commission	CoR amendment
<p style="text-align: center;"><i>Article 9c</i></p> <p style="text-align: center;">Radio Frequency Management Harmonisation Measures</p> <p>In order to contribute to the development of the internal market, for the achievement of the principles of this Article, the Commission may adopt appropriate implementing measures to:</p> <ul style="list-style-type: none"> (a) harmonise the identification of the bands for which usage rights may be transferred or leased between undertakings; (b) harmonise the conditions attached to such rights and the conditions, procedures, limits, restrictions, withdrawals and transitional rules applicable to such transfers or leases; (c) harmonise the specific measures to ensure fair competition where individual rights are transferred; (d) create an exception to the principle of services or technology neutrality, as well as to harmonise the scope and nature of any exceptions to these principles in accordance with Article 9(3) and (4) other than those aimed at ensuring the promotion of cultural and linguistic diversity and media pluralism. <p>These measures designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 22(4). In the implementation of the provisions of this paragraph, the Commission may be assisted by the Authority in accordance with Article 10 Regulation [.../EC].'</p>	<p>Delete Article 9c</p>

Reason

The CoR believes that it is crucial to involve the European Conference of Postal and Telecommunications Administrations (CEPT), the International Telecommunications Union (UIT) and the ECC in all spectrum management harmonisation measures, as is currently the case.

Amendment 7

'Better Regulation Directive', Article I Amendments made to Directive 2002/21/EC (framework directive), Point 11 b), article 10, new version of Paragraph 4

Text proposed by the Commission	CoR amendment
<p>Member States shall support harmonisation in numbering within the Community where that promotes the functioning of the internal market or supports the development of pan-European services. The Commission may take appropriate technical implementing measures on this matter, which may include establishing tariff principles for specific numbers or number ranges. The implementing measures may grant the Authority specific responsibilities in the application of those measures.</p> <p>The measures designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 22(4).'</p>	<p>Member States shall support harmonisation in numbering within the Community where that promotes the functioning of the internal market or supports the development of pan-European services. The Commission may take appropriate technical implementing measures on this matter, which may include establishing tariff principles for specific numbers or number ranges. The implementing measures may grant the Authority specific responsibilities in the application of those measures.</p> <p>The measures designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3). On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 22(4).'</p>

Reason

The Member States are best qualified and informed to take the necessary technical measures.

Amendment 8

'Better Regulation Directive', Article I Amendments made to Directive 2002/21/EC (framework directive), Point 13, new version of Article 12

Text proposed by the Commission	CoR amendment
<p style="text-align: center;"><i>Article 12</i></p> <p>Co-location and facility sharing for providers of electronic communications networks</p> <p>1. Where an undertaking providing electronic communications networks has the right under national legislation to install facilities on, over or under public or private property, or may take advantage of a procedure for the expropriation or use of property, national regulatory authorities shall be able to impose the sharing of such facilities or property, including entries to buildings, masts, antennae, ducts, manholes and street cabinets.</p> <p>2. Member States may require that the holders of the rights referred to in paragraph 1 share facilities or property (including physical co-location) or take measures to facilitate the coordination of public works in order to protect the environment, public health, public security or to meet town and country planning objectives only after an appropriate period of public consultation, during which all interested parties shall be given an opportunity to express their views. Such sharing or coordination arrangements may include rules for apportioning the costs of facility or property sharing.</p>	<p style="text-align: center;"><i>Article 12</i></p> <p>Co-location and facility sharing for providers of electronic communications networks</p> <p>1. Where an undertaking providing electronic communications networks has the right under national legislation to install facilities on, over or under public or private property, or may take advantage of a procedure for the expropriation or use of property, national regulatory authorities shall be able to impose the sharing of such facilities or property, including entries to buildings, masts, antennae, ducts, manholes and street cabinets, <u>provided that such measures are technically feasible.</u></p> <p>2. Member States may require that the holders of the rights referred to in paragraph 1 share facilities or property (including physical co-location) or take measures to facilitate the coordination of public works in order to protect the environment, public health, public security or to meet town and country planning objectives only after an appropriate period of public consultation, during which all interested parties shall be given an opportunity to express their views. Such sharing or coordination arrangements may include rules for apportioning the costs of facility or property sharing.</p>

Text proposed by the Commission	CoR amendment
3. Measures taken by a national regulatory authority in accordance with paragraph 1 shall be objective, transparent, and proportionate.	3. Measures taken by a national regulatory authority in accordance with paragraph 1 shall be objective, transparent, and proportionate <u>and must enable costs to be shared fairly.</u>

Reason

The costs of such measures must be shared fairly. In addition, such measures must be technically feasible and offer consumers a real benefit. For example, when a cable distribution cable is shared by a number of users, the variety of services available to consumers is considerably reduced.

Amendment 9

'Better Regulation Directive', Article I Amendments made to Directive 2002/21/EC (framework directive), Point 16 (c), Article 15, new version of paragraph 3

Text proposed by the Commission	CoR amendment
3. National regulatory authorities shall, taking the utmost account of the Recommendation and the Guidelines, define relevant markets appropriate to national circumstances, in particular relevant geographic markets within their territory, in accordance with the principles of competition law. National regulatory authorities shall follow the procedures referred to in Articles 6 and 7 before defining the markets that differ from those identified in the Recommendation.	3. National regulatory authorities shall, taking the utmost account of the Recommendation and the Guidelines, define relevant markets appropriate to national <u>or regional</u> circumstances, in particular relevant <u>geographic</u> markets within their territory, in accordance with the principles of competition law. National regulatory authorities shall follow the procedures referred to in Articles 6 and 7 before defining the markets that differ from those identified in the Recommendation.

Reason

Regional rather than just national variations should also be provided for.

Amendment 10

'Better Regulation Directive', Article I Amendments made to Directive 2002/21/EC (framework directive), Point 17 (a), Article 16, new version of paragraph 1

Text proposed by the Commission	CoR amendment
1. National regulatory authorities shall carry out an analysis of the relevant markets listed in the Recommendation, taking the utmost account of the Guidelines. Member States shall ensure that this analysis is carried out, where appropriate, in collaboration with the national competition authorities.	1. National regulatory authorities shall carry out an analysis of the relevant markets listed in the Recommendation, taking the utmost account of the Guidelines. Member States shall ensure that this analysis is carried out, where appropriate, in collaboration with the national competition authorities. <u>Such studies must take account of local or regional cultural or linguistic differences.</u>

Reason

Local and regional studies must be possible and provided for accordingly.

Amendment 11

'Better Regulation Directive', Article 1 Amendments made to Directive 2002/21/EC (framework directive), Point 20, new version of Article 19

Text proposed by the Commission	CoR amendment
<p style="text-align: center;"><i>Article 19</i></p> <p style="text-align: center;">Harmonisation measures</p> <p>1. Without prejudice to Article 9 of this Directive and to Articles 6 and 8 of Directive 2002/20/EC (Authorisation Directive), where the Commission finds that divergences in the implementation by national regulatory authorities of the regulatory tasks specified in this Directive and the Specific Directives may create a barrier to the internal market, the Commission may, taking the utmost account of the opinion of the Authority, if any, issue a recommendation or a decision on the harmonised application of the provisions in this Directive and the Specific Directives in order to further the achievement of the objectives set out in Article 8.</p> <p>(...)</p>	<p>Delete the new version of Article 19.</p>

Reason

Should be completely deleted or at the very least substantially modified as the CoR believes that the authority referred to several times in this paragraph is contrary to the principles of subsidiarity and proportionality.

Amendment 12

'Better Regulation Directive', Article 2 Amendments made to Directive 2002/19/EC (Access directive), Point 9, addition of Article 13 a)

Text proposed by the Commission	CoR amendment
<p style="text-align: center;"><i>Article 13a</i></p> <p style="text-align: center;">Functional separation</p> <p>1. A national regulatory authority may, in accordance with the provisions of Article 8, and in particular the second subparagraph of Article 8(3), impose an obligation on vertically integrated undertakings to place activities related to the wholesale provision of access products in an independently operating business unit.</p> <p>(...)</p>	<p>Delete Article 13a</p>

Reason

The CoR believes that the most effective form of competition is that based on infrastructure and the market. Functional separation should, therefore, only be imposed as a last resort measure in cases where all other measures or trade agreements have no effect. The current regulatory framework already allows national regulatory authorities to impose this type of measure.

Amendment 13

'Better Regulation Directive', Article 3 Amendments made to Directive 2002/20/EC (Authorisation directive), Point 3, new version of Article 5

Text proposed by the Commission	CoR amendment
<i>Article 5</i>	<i>Article 5</i>
Rights of use for radio frequencies and numbers	Rights of use for radio frequencies and numbers
<p>1. Member States shall not make the use of radio frequencies subject to the granting of individual rights of use but shall include the conditions for usage of such radio frequencies in the general authorisation, unless it is justified to grant individual rights in order to:</p> <p>(a) avoid a serious risk of harmful interference; or</p> <p>(b) fulfil other objectives of general interest.</p> <p>2. Where it is necessary to grant individual rights of use for radio frequencies and numbers, Member States shall grant such rights, upon request, to any undertaking providing or using networks or services under the general authorisation, subject to the provisions of Articles 6, 6a, 7 and 11(1)(c) of this Directive and any other rules ensuring the efficient use of those resources in accordance with Directive 2002/21/EC (Framework Directive).</p>	<p>1. Member States shall not make the use of radio frequencies subject to the granting of individual rights of use but shall include the conditions for usage of such radio frequencies in the general authorisation, unless it is justified to grant individual rights in order to:</p> <p>(a) avoid a serious risk of harmful interference; or</p> <p>(b) fulfil other objectives of general interest.</p> <p>2. Where it is necessary to grant individual rights of use for radio frequencies and numbers, Member States shall grant such rights, upon request, to any undertaking providing or using networks or services under the general authorisation, subject to the provisions of Articles 6, 6a, 7 and 11(1)(c) of this Directive and any other rules ensuring the efficient use of those resources in accordance with Directive 2002/21/EC (Framework Directive).</p>
<p>Without prejudice to specific criteria defined in advance by Member States to grant rights of use of radio frequencies to providers of radio or television broadcast content services with a view to pursuing general interest objectives in conformity with Community law, such rights of use shall be granted through objective, transparent, non-discriminatory and proportionate procedures, and, in the case of radio frequencies, in accordance with the provisions of Article 9 of Directive 2002/21/EC (Framework Directive). The procedures shall also be open, except in cases where the granting of individual rights of use for radio frequencies to the providers of radio or television broadcast content services can be shown to be essential to meet a particular obligation defined in advance by the Member State which is necessary to achieve a general interest objective in conformity with Community law.</p>	<p>Without prejudice to specific criteria defined in advance by Member States to grant rights of use of radio frequencies to providers of radio or television broadcast content services with a view to pursuing general interest objectives in conformity with Community law, such rights of use shall be granted through objective, transparent, non-discriminatory and proportionate procedures, and, in the case of radio frequencies, in accordance with the provisions of Article 9 of Directive 2002/21/EC (Framework Directive). The procedures shall also be open, except in cases where the granting of individual rights of use for radio frequencies to the providers of radio or television broadcast content services can be shown to be essential to meet a particular obligation defined in advance by the Member State which is necessary to achieve a general interest objective in conformity with Community law.</p>
<p>When granting rights of use, Member States shall specify whether those rights can be transferred by the holder of the rights, and under which conditions. In the case of radio frequencies, such provisions shall be in accordance with Article 9b of Directive 2002/21/EC (Framework Directive).</p>	<p>When granting rights of use, Member States shall specify whether those rights can be transferred by the holder of the rights, and under which conditions. In the case of radio frequencies, such provisions shall be in accordance with Article 9b of Directive 2002/21/EC (Framework Directive).</p>

Text proposed by the Commission	CoR amendment
<p>Where Member States grant rights of use for a limited period of time, the duration shall be appropriate for the service concerned in view of the objective pursued and defined in advance.</p> <p>Any individual right to use radio frequencies that is granted for ten years or more and that may not be transferred or leased between undertakings as allowed by Article 9b of the Framework Directive shall, every five years and for the first time five years after its issuance, be subject to a review in the light of the criteria in paragraph 1. If the criteria to grant individual rights of use are no longer applicable, the individual right of use shall be changed into a general authorisation for the use of radio frequencies, subject to prior notice of not more than five years from the conclusion of the review, or shall be made freely transferable or leaseable between undertakings.</p> <p>3. Decisions on rights of use shall be taken, communicated and made public as soon as possible after receipt of the complete application by the national regulatory authority, within three weeks in the case of numbers that have been allocated for specific purposes within the national numbering plan and within six weeks in the case of radio frequencies that have been allocated for electronic communications within the national frequency plan. The latter time limit shall be without prejudice to any applicable international agreements relating to the use of radio frequencies or of orbital positions.</p> <p>4. Where it has been decided, after consultation with interested parties in accordance with Article 6 of Directive 2002/21/EC (Framework Directive), that rights for use of numbers of exceptional economic value are to be granted through competitive or comparative selection procedures, Member States may extend the maximum period of three weeks by up to three weeks.</p> <p>With regard to competitive or comparative selection procedures for radiofrequencies, Article 7 shall apply.</p> <p>5. Member States shall not limit the number of rights of use to be granted except where this is necessary to ensure the efficient use of radio frequencies in accordance with Article 7.</p> <p>6. National regulatory authorities shall ensure that radio frequencies are efficiently and effectively used in accordance with Article 9(2) of Directive 2002/21/EC (Framework Directive). They shall also ensure competition is not distorted as a result of any transfer or accumulation of radio frequencies usage rights. For such purposes, Member States may take appropriate measures such as reducing, withdrawing or forcing the sale of a right to use radio frequencies.</p>	<p>Where Member States grant rights of use for a limited period of time, the duration shall be appropriate for the service concerned in view of the objective pursued and defined in advance.</p> <p>Any individual right to use radio frequencies that is granted for ten years or more and that may not be transferred or leased between undertakings as allowed by Article 9b of the Framework Directive shall, every five years and for the first time five years after its issuance, be subject to a review in the light of the criteria in paragraph 1. If the criteria to grant individual rights of use are no longer applicable, the individual right of use shall be changed into a general authorisation for the use of radio frequencies, subject to prior notice of not more than five years from the conclusion of the review, or shall be made freely transferable or leaseable between undertakings.</p> <p>3. Decisions on rights of use shall be taken, communicated and made public as soon as possible after receipt of the complete application by the national regulatory authority, within three weeks in the case of numbers that have been allocated for specific purposes within the national numbering plan and within six weeks in the case of radio frequencies that have been allocated for electronic communications within the national frequency plan. The latter time limit shall be without prejudice to any applicable international agreements relating to the use of radio frequencies or of orbital positions.</p> <p>4. Where it has been decided, after consultation with interested parties in accordance with Article 6 of Directive 2002/21/EC (Framework Directive), that rights for use of numbers of exceptional economic value are to be granted through competitive or comparative selection procedures, Member States may extend the maximum period of three weeks by up to three weeks.</p> <p>With regard to competitive or comparative selection procedures for radiofrequencies, Article 7 shall apply.</p> <p>5. Member States shall not limit the number of rights of use to be granted except where this is necessary to ensure the efficient use of radio frequencies in accordance with Article 7.</p> <p>6. National regulatory authorities shall ensure that radio frequencies are efficiently and effectively used in accordance with Article 9(2) of Directive 2002/21/EC (Framework Directive). They shall also ensure competition is not distorted as a result of any transfer or accumulation of radio frequencies usage rights. For such purposes, Member States may take appropriate measures such as reducing, withdrawing or forcing the sale of a right to use radio frequencies.</p>

Reason

The current system, which defines the rules with general authorisations and by attaching requirements to individual licenses appears to function well. The new proposals appear to be relatively complex, if not confusing.

Amendment 14

'Better Regulation Directive', Article 3 Amendments made to Directive 2002/20/EC (Authorisation directive), Point 5, addition of Article 6 b

Text proposed by the Commission	CoR amendment
<p style="text-align: center;"><i>Article 6b</i></p> <p style="text-align: center;">Common selection procedure for issuing rights</p> <p>1. The technical implementing measure referred to in paragraph 6a(1)(f) may provide for the Authority to make proposals for the selection of undertaking(s) to which individual rights of use for radio frequencies or numbers are to be granted, in accordance with Article 12 of Regulation [...].</p> <p>In such cases, the measure shall specify the period within which the Authority shall complete the selection, the procedure, rules and conditions applicable to the selection, and details of any charges and fees to be imposed on the holders of rights for use of radio frequencies and/or numbers, in order to ensure the optimal use of spectrum or numbering resources. The selection procedure shall be open, transparent, non-discriminatory and objective.</p> <p>2. Taking the utmost account of the opinion of the Authority, the Commission shall adopt a measure selecting the undertaking(s) to which individual rights of use for radio frequencies or numbers shall be issued. The measure shall specify the time within which such rights of use shall be issued by the national regulatory authorities. In so doing, the Commission shall act in accordance with the procedure referred to in Article 14a(2).</p>	<p style="text-align: center;"><i>Article 6b</i></p> <p style="text-align: center;">Common selection procedure for issuing rights</p> <p>1. <u>Without prejudice to the Member States' competences regarding the promotion of cultural and media policies, cultural and linguistic diversity and media pluralism,</u> the technical implementing measure referred to in paragraph 6a(1)(f) may provide for the <u>Body of European Regulators in Telecom</u> Authority to make proposals for the selection of undertaking(s) <u>which provide pan-European services or electronic communications services</u> to which individual rights of use for radio frequencies or numbers are to be granted, in accordance with Article 12 of Regulation [...].</p> <p>In such cases, the measure shall specify the period within which the Authority <u>Body of European Regulators in Telecom</u> shall complete the selection, the procedure, rules and conditions applicable to the selection, and details of any charges and fees to be imposed on the holders of rights for use of radio frequencies and/or numbers, in order to ensure the optimal use of spectrum or numbering resources. The selection procedure shall be open, transparent, non-discriminatory and objective.</p> <p>2. Taking the utmost account of the opinion of the Authority, <u>Taking into account of the opinion of the Body of European Regulators in Telecom,</u> the Commission shall adopt a measure selecting the undertaking(s) <u>which provide pan-European services or electronic communications services</u> to which individual rights of use for radio frequencies or numbers shall be issued. The measure shall specify the time within which such rights of use shall be issued by the national regulatory authorities. In so doing, the Commission shall act in accordance with the procedure referred to in Article 14a(2).</p>

Reason

It is vital that the Member States have sole responsibility for cultural and media policy and in particular for defining the frequency spectrum allocated to broadcast services and for individual licenses issued to operators of such services.

With regard to the deletion of the reference to the authority proposed by the Commission in its proposal for a regulation COM (2007) 699 final — 2007/0249 (COD), see Amendment 20 below.

Amendment 15

'Better Regulation Directive', Article 3 Amendments made to Directive 2002/20/EC (Authorisation directive), Point 7, deletion of Article 8

Text proposed by the Commission	CoR amendment
(7) Article 8 is deleted.	(7) Article 8 is deleted.

Reason

Article 8 of the existing directive, which refers to international agreements currently in force, must not be removed but be kept in its entirety.

Amendment 16

'Better Regulation Directive', Annex II, addition of Annex II to Directive 2002/20/EC (Authorisation directive)

Text proposed by the Commission	CoR amendment
<p>Conditions which may be harmonised in accordance with point (d) of Article 6a, paragraph 1</p> <p>(1) Conditions attached to rights of use for radio frequencies</p> <p>(a) the duration of the rights of use of the radio frequencies;</p> <p>(b) the territorial scope of the rights;</p> <p>(c) the possibility to transfer the right to other radio frequencies users, as well as the conditions and procedures relating thereto;</p> <p>(d) the method of determining usage fees for the right of use of the radio frequencies;</p> <p>(e) the number of rights of use to be granted to each undertaking;</p> <p>(f) conditions listed in Part B of Annex I.</p> <p>(...)</p>	Delete Annex II

Reason

This annex considerably limits the Member States' powers in the area of spectrum management and ignores the existing legal framework at international level (International Telecommunications Union, UIT) which is currently in force.

Amendment 17

'Citizens' Directive', Article I, Amendments made to Directive 2002/22/EC (Universal Services directive), point 7, article 9, new version of paragraphs 2 and 3

Text proposed by the Commission	CoR amendment
<p>2. Member States may, in the light of national conditions, require that designated undertakings provide tariff options or packages to consumers which depart from those provided under normal commercial conditions, in particular to ensure that those on low incomes or with special social needs are not prevented from accessing or using the network access referred to in Article 4(1), or the services identified in Articles 4(3), 5, 6 and 7 as falling under the universal service obligations and provided by designated undertakings.</p>	<p>2. Member States may, in the light of national <u>regional or local</u> conditions, require that designated undertakings provide tariff options or packages to consumers which depart from those provided under normal commercial conditions, in particular to ensure that those on low incomes or with special social needs are not prevented from accessing or using the network access referred to in Article 4(1), or the services identified in Articles 4 (3), 5, 6 and 7 as falling under the universal service obligations and provided by designated undertakings.</p>
<p>3. Member States may, besides any provision for designated undertakings to provide special tariff options or to comply with price caps or geographical averaging or other similar schemes, ensure that support is provided to consumers identified as having low incomes, disability or special social needs.</p>	<p>3. Member States may, besides any provision for designated undertakings to provide special tariff options or to comply with price caps or geographical averaging or other similar schemes, ensure that support is provided to consumers identified as having low incomes, disability or special social needs <u>in geographical regions where access is difficult</u>.</p>

Reason

The CoR would like to draw attention to the needs of consumers in rural areas or regions with low population density.

Amendment 18

'Citizens' Directive', Article I, Amendments made to Directive 2002/22/EC (Universal Services directive), point 16, new version of Article 26

Text proposed by the Commission	CoR amendment
<i>Article 26</i>	<i>Article 26</i>
Emergency services and the single European emergency call number	Emergency services and the single European emergency call number
<p>1. Member States shall ensure that, in addition to any other national emergency call numbers specified by the national regulatory authorities, all end-users of services referred to in paragraph 2, including users of public pay telephones, are able to call the emergency services free of charge and without having to use any means of payment, by using the single European emergency call number '112'.</p>	<p>1. Member States shall ensure that, in addition to any other national emergency call numbers specified by the national regulatory authorities, all end-users of services referred to in paragraph 2, including users of public pay telephones, are able to call the emergency services free of charge and without having to use any means of payment, by using the single European emergency call number '112'.</p>
<p>2. Member States shall ensure that undertakings providing a service for originating national and/or international calls through a number or numbers in a national or international telephone numbering plan provide access to emergency services.</p>	<p>2. Member States shall ensure that <u>national or pan-European</u> undertakings providing a service for originating national and/or international calls through a number or numbers in a national or international telephone numbering plan provide access to emergency services.</p>
<p>(...)</p>	<p>(...)</p>

Reason

This paragraph imposes a number of important technical obligations involving substantial investments which will be beyond the means of local or regional operators.

Amendment 19

'Citizens' Directive', Article I, Amendments made to Directive 2002/22/EC (Universal Services directive), point 19, article 31, new version of paragraph 1

Text proposed by the Commission	CoR amendment
<p>1. Member States may impose reasonable 'must carry' obligations, for the transmission of specified radio and television broadcast channels and accessibility services, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or television broadcasts to the public where a significant number of end-users of such networks use them as their principal means to receive radio and television broadcasts. Such obligations shall only be imposed where they are necessary to meet general interest objectives as clearly and specifically defined by each Member State in its national law and shall be proportionate and transparent.</p> <p>The obligations referred to in the first subparagraph shall be reviewed by the Member States at the latest within one year of <time-limit for implementation of the amending act>, except where Member States have carried out such a review within the previous 2 years.</p> <p>Member States shall review 'must carry' obligations at least every three years.</p>	<p>1. Member States may impose reasonable 'must carry' obligations, for the transmission of specified radio and television broadcast channels and <u>audiovisual media services as well as all complementary services and</u> accessibility services, on undertakings under their jurisdiction providing electronic communications networks used for the distribution of radio or television broadcasts to the public where a significant number of end-users of such networks use them as their principal means to receive radio and television broadcasts. Such obligations shall only be imposed where they are necessary to meet general interest objectives as clearly and specifically defined by each Member State in its national law and shall be proportionate and transparent.</p> <p>The obligations referred to in the first subparagraph shall be reviewed by the Member States at the latest within one year of <time-limit for implementation of the amending act>, except where Member States have carried out such a review within the previous 2 years.</p> <p>Member States shall review 'must carry' obligations at least every three years <u>on a regular basis</u>.</p>

Reason

The 'must-carry' rules must be extended to cover additional broadcasting-related services such as programme guides, Radio Data System services and road traffic information.

Amendment 20

Proposal for a Regulation of the European Parliament and of the Council establishing the European Electronic Communications Market Authority

Text proposed by the Commission	CoR amendment
<p>COM (2007) 699 final — 2007/0249 (COD)</p>	<p>The CoR is in favour of a Body of European Regulators in Telecom. The CoR asks the EC to work out this Body of European Regulators in Telecom by transforming the proposal for an Electronic Communications Market Authority. It has to take into account:</p> <p>The CoR asks that this body would have the added value of contributing to the effectiveness of the regulatory system since, unlike today with the European Regulators Group, the Commission would have the explicit obligation of consulting and taking utmost account of Body of European Regulators in Telecoms' views.</p> <p>The Body of European Regulators in Telecom would continue to be comprised of representatives from each of the Member States' National Regulatory Authorities (as in the European Regulators Group today) and National Regulatory Authorities from non-EU countries would have observer status (as in the European Regulators Group today).</p>

Text proposed by the Commission	CoR amendment
	The Body of European Regulators in Telecom would be fully accountable and transparent to the relevant EU institutions. The chairperson of the Board of Governors and the executive director could be addressed by Parliament and its relevant committees. With the objective of guaranteeing transparency all members of the Board of Governors, and the Executive Director would have to submit an annual declaration of interest.

Reason

The Commission text provides for the replacement of the current European Regulators' Group by a new authority, termed an 'Authority' by the European Commission, which will have full legal personality. The mission of this body will, inter alia, consist of assisting the European Commission and national regulators in carrying out their missions by providing expert opinions and establishing guidelines, principally by determining and analysing national markets and identifying ex ante solutions to be applied. This authority will also play an important supporting role for the Commission by drawing up and implementing EU spectrum management policy. Decisions would be taken within this authority by a simple majority. This institutional reform will go hand in hand with a substantial transfer of market regulation powers from Member State level to the European Commission and lead to a clear imbalance in the distribution of powers between national and European regulatory authorities. This model will thus seek to establish the idea of a 'single European regulator' for the telecommunications sector following the example of the U.S. Federal Communications Commission.

The establishment of a Body of European Regulators in Telecom, based on Article 95 of the EC Treaty, would embed today's European Regulators' Group into European law by formally constituting an advisory body, whose functions and responsibilities are expressly attributed to it by a Regulation. This would provide the Body of European Regulators (ERG) in Telecom with a greater degree of efficiency and legitimacy than the ERG has today. This would enhance and solidify its position by virtue of its functions and obligations being clearly established in a regulation, whilst it would however be able to maintain the benefits of acting as an effective network of cooperating NRAs. Advisory bodies have been created or recognised by Regulation in the past. For example, Regulation (EC) 1/2003 created the advisory committee of national competition authorities and more recently the EP gave first reading to a Regulation recognising a co-ordinating body for national accreditation bodies [COD 2007/0029]. The Body of European Regulators in Telecom would be an independent expert adviser to the Commission and would remain independent from the different European governments. In order to guarantee its independence, the Regulation should ensure that NRA's are properly financed by Member States without being subject to political constraints

The 'Better Regulation' directive COM(2007) 697 final — 2007/0247 (COD)) and the 'Citizens directive' (COM(2007) 698 final — 2007/0248 (COD)) should also be amended in order to transform all references to this authority proposed by the Commission into references to a Body of European Regulators in Telecom.

Brussels, 19 June 2008.

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

Opinion of the Committee of the Regions on the 'Action Plan on Adult learning — It is always a good time to learn'

(2008/C 257/11)

THE COMMITTEE OF THE REGIONS

- recalls that in many Member States, the regional and local level is responsible for adult learning and it is at local and regional level that education and training decisions are taken and put into practice. Therefore, the actions proposed in the Action Plan should also be carried out at local and regional level where appropriate;
- notes that adult learning, in particular, makes an essential contribution to employability, mobility, social inclusion and personal development through the promotion of the acquisition of key competences for all;
- recognises that the benefits, affirmation, and unblocking of personal potential of adult learning has a significant 'value added' effect on many other aspects of participants' social, vocational, civic, cultural, and economic lives. Adult learning programmes, based on partnership principles and processes are a major source of individual and community empowerment;
- supports and will actively contribute to seeking to ensure that the necessary financial, human, administrative and other resources are provided to realise the ideal of increased and deeper participation by European citizens in adult learning;
- wishes to ensure that local and regional providers and stakeholders are involved as partners at all stages, in particular, at policy development, governance structures and delivery systems;
- regrets that although the European Commission calls for ensuring adequate levels of investment in, and better monitoring of, the adult learning sector, both the public and private sectors currently provide inadequate funding in the field.

Rapporteur: Mary SHIELDS (IE/UEN-AE), Member of Cork City Council

Reference document

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions :Action Plan on Adult learning — It is always a good time to learn

COM(2007) 558 final

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

GENERAL COMMENTS

1. welcomes the broad concept and process of adult learning in the Commission Communication on an 'Action Plan on Adult Learning: It is always a good time to learn' and endorses the central and key focus on the 'adult learner' in the document;

2. recalls that education and training are critical factors for growth and development at local and regional level as well as achieving the Lisbon Strategy's objectives. Adult learning, in particular, makes an essential contribution to employability, mobility, social inclusion and personal development through the promotion of the acquisition of key competences for all;

3. Adult learning is of major importance for Europe's future. Flexicurity recognises that the traditional culture of 'a job for life' is over. In addition, technology is changing faster and faster, requiring continual 're-education' at all ages to keep pace with skills requirements, and life expectancy will also increase. In this future environment, adult learning is vital, for individual betterment as well as for the economic success and social cohesion of Europe;

4. refers to the main tasks of adult education, as identified by the OECD: to improve competences, promote self-fulfilment and more solidarity in society, and enhance social (community) action;

5. endorses the key benefits of adult learning to European citizens; community development; economic prosperity and competitiveness; promotion of social inclusion; personal empowerment; and the promotion of socio-civic integration as an integral phase in a developmental life path, and welcomes the identification of three *key elements* as being vital to an effective and efficient adult learning sector: Policies, Governance and Delivery systems;

6. agrees that adult learning should fall within the framework of lifelong learning, so that the policies planned in the area are in line with the strategies drawn up for lifelong learning;

7. supports the identification of, and implementation schedule for, five key areas on which to focus the measures included in the proposed Action Plan;

8. considers that the proposed Action Plan has the potential to integrate and elevate adult learning for target groups, financial and resourcing implications, research and professional development, and managing the diversity of European learning traditions;

9. agrees that the holistic integration of these aspects (in Point 4) and the linked Action Plan positively positions adult learning in Europe in a proactive, reflective, learner(s)-driven, and policy-inspired phase of expanded development;

10. recalls that in many Member States, the regional and local level is responsible for adult learning and it is at local and regional level that education and training decisions are taken and put into practice. Therefore, the actions proposed in the Action Plan should also be carried out at local and regional level where appropriate;

11. notes with approval the sustained use of the concept of 'adult learning' in the text. The broad and inclusive concept of 'adult learning' *per se* indicate the value of personal engagement in learning; the myriad of formal/informal learning events in citizens' lives; emphasises the developmental benefits of engaging positively with our changing European environment and realities; and 'manage' effectively our diverse destinies;

12. considers that the development of diverse adult learning will be more effective and efficient when learners are viewed as acquirers/transmitters/creators of 'knowledge' and recognises that the proposed Action Plan seeks to operationalise this concept in a coherent manner;

13. believes that adult learning encompasses a multifaceted conceptualisation of inter-related elements, knowledge skills and attitudes, perceptions, understandings, etc. Adults have many and varied life experiences, their learning is enriched when they

are involved, show self-responsibility in learning, and feel accepted, engaged, and supported in 'mutually respectful' learning environments. The social relationships of all participants (learners, teachers, facilitators, administrations etc.) play a very significant role in personal capacity for effective adult learning engagements;

14. recognises that the benefits, affirmation, and unblocking of personal potential of adult learning has a significant 'value added' effect on many other aspects of participants' social, vocational, civic, cultural, and economic lives, as well as enhancing its cross-generational and intergenerational aspects. Adult learning programmes, based on partnership principles and processes are a major source of individual and community empowerment;

15. recalls the importance the CoR attaches to the acquisition of key competences by all European citizens, especially in terms of their ability to lead an independent lifestyle and gain self-esteem. The EU's key competences is ideally suited as a reference framework for the development of such competences, not least at regional and local level. Adults must be able to update their key competences throughout their lives and special focus must be given to target groups that have been identified as priority groups in a national, regional or local context. Local and regional initiatives to inform, involve and motivating these groups will make an important contribution here, with a view to providing a range of education geared to the needs of people in the area;

16. supports the breadth and depth of adult learning activities (formal/informal) in the proposed Action Plan, the range of learning dimension, and the formative approaches to learning evaluation which reflect a Multiple Intelligences (MI) construct and process;

17. supports and will actively contribute to seeking to ensure that the necessary financial, human, administrative and other resources are provided to realise the ideal of increased and deeper participation by European citizens in adult learning;

Learning Partnerships

18. notes that, when properly organised, adult learning can actively contribute to integration. It is a way of integrating immigrants into their new home country and offers the resident population an opportunity to learn new cultures and languages;

19. welcomes the reference throughout the communication on the importance of 'partnership' as an animating principle and process aspect of socio-personal engagement(s) in adult learning. Learning partnerships are symbiotic processes and are

already reflected in a diverse range of educational responses to adult learning throughout Europe;

20. underlines that a learning partnership approach:

- has a rich motivational value for individual learners and groups of learners;
- provides a firm basis for parity of esteem of all stakeholders;
- forges two-way communication and mutual respect;
- contributes to the professionalisation of the adult learning process; and
- is a crucial factor in promoting higher and deeper participation levels with a range of 'excluded' persons and groups;

21. supports learning partnership's very valuable contributions to future adult learning in Europe and suggests to the Commission that 'action planning' be based on identification of appropriate principles and aims; delineation of good practice partnership aspects from existing adult learning in Europe; integrate these findings in learning materials; and co-design and co-develop appropriate quantitative and qualitative evaluation procedures;

22. considers that this empowering 'cascade process' could feature as an enduring aspect of European adult learning. This is consistent with underlying EU aims and endorses the role and contributions of local and regional stakeholders in an integrated process;

Participation/Non Participation in Adult Learning

23. welcomes the importance attached in the communication to broaden and deepen participation in a spectrum of life long learning 'events' by all European citizens, and in particular by targeted 'non/low participation'/excluded persons and groups, such as low-literacy persons, older people, socially excluded groups, disabled persons, early school leavers, low skilled workers, older workers, migrant workers, etc.;

24. recognises in this respect that exclusion from, and non participation in, the learning process constitutes a significant first step towards future marginalisation, often followed by patterned 'exclusion' from employment, socio-civic and cultural life;

25. supports the contention that an integrated approach is necessary to redress patterned under-representation in adult learning of a wide range of individuals and groups and to establish a culture of learning on a continuous basis for all citizens;

26. considers, furthermore, that this is not an easy, cheap or rapid challenge and is best seen as a form of personal and socio-educational investment and engagement which requires it to be embedded at personal, professional, local, regional and national levels;

27. wishes to ensure that local and regional providers and stakeholders are involved as partners at all stages, in particular, at policy development, governance structures and delivery systems, as responsibility for the delivery of adult education systems resides at regional and local levels in many Member States and the local/regional commitment to workplace skills development, community integration, civic literacy, cultural integration, adaptation to changing socio-personal circumstances is well demonstrated;

28. urges the social partners to ensure that adult learning needs are taken into account in collective agreements;

29. notes that gender equality must also be taken into account when developing adult learning. Whilst there are regions where attention needs to be focused on women, there are many countries where it is actually male participation in adult learning which is lower, especially in Community development type programmes;

An Efficient Adult Learning Sector — Policy

30. supports the European Commission's view that there exists a key need for local and regional authorities to engage in positive, symbiotic adult learning interventions with other stakeholders, in order to provide learning opportunities *with and for* 'at risk' individuals and groups;

31. stresses that adult education is a key instrument for joining up various policy areas at local and regional level, for example in linking educational, social, labour market, growth and integration issues;

32. agrees that work based learning provides a very positive and 'ready-made setting' for such interventions which has the potential to enhance personal-organisational learning, skills development, foster the growth of 'learning organisations' and a climate of continuous learning and lead to the development and implementation of effective strategies for dealing with change at several levels;

33. further considers that the workplace provides a rich forum where potential participants in adult learning are already

in situ and that the actions necessary to encourage participation in workplace learning will be influenced by a wide range of variables ⁽¹⁾;

An Efficient Adult Learning Sector — Research

34. agrees with the Action Plan consultation process statement that 'compared to other areas of learning, the contribution and benefits of the adult learning sector are not well researched, debated or published' and considers that an integrated and focussed research process could guide the achievement of the five key messages in the adult learning communication;

35. welcomes the benefits that quality, focussed research will make to the realisation of the Action Plan objectives, as it feels that a 'feed back loop' of learning, insights and materials for all stakeholders would strengthen the basis of the effective and efficient delivery of adult learning;

36. further considers that better European research in the 'participants' area would move from the dependency on comparative data and analysis from other systems, especially the USA, in order to guide appropriate responses to the participation issue in the European Union;

37. proposes that in order to guide various elements of the Action Plan, the following research should be conducted in a 'feedback loop' process on issues such as: the identification and role of possible factors influencing participation/non participation in European adult learning; including general contextual and social background factors, related behavioural/situational factors and related personal attitudes and dispositions, European learners' motivational orientations, learning styles, and attitudes to adult learning, the return on investment (financial, personal, community, regional, vocational, etc.) of engagement in adult learning and the perceptions, attitudes/insights of low participating target groups in Europe; the profile of teachers involved in formal adult education processes and their initial and ongoing training;

An Efficient Adult Learning Sector — Governance

38. notes that the consultation process associated with the communication identified the importance of good governance in adult learning as being characterised, *inter alia*, by a focus on

⁽¹⁾ Variables include: (i) previous educational experience/perceptions of the target groups; (ii) participants' motivational orientations and 'learning styles' (iii) the extent and nature of partnership in the learning fora; (iv) the range and quality of adult support systems, guidance, peer learning; (v) validation and recognition of formal and non-formal adult workplace learning; (vi) the relationship of adult learning to participants' socio-personal needs, and (vii) the employment of wide-ranging innovative learning approaches, especially aspects such as peer mentoring and support, a positive psycho-social learning environment, etc.

the adult learner; innovative approaches to learning; effective learning needs analysis; local and regional planning; and the need for a planned and systematic approach at all levels and within all elements of adult learning, formal and informal;

39. welcomes the centrality accorded the adult learner in the governance section and notes with approval the value attached to local and regional contributions in an adult learning partnership framework;

An Efficient Adult Learning Sector — Delivery

40. agrees that the challenge for adult learning in an expanded Europe of 27 Member States is to 'deliver a service' that can, at the same time, incorporate adult learners' motivations, interests and needs changed/changing labour market demands; societal requirements; and seek to redress and overcome, with interrelated actions, multi-dimensional barriers to participation;

41. points out that effective networking with second level schools not only makes for cost-effective learning provision but is also important in familiarising young people with adult learning. In this way, young people become aware of adult education centres at an early age and, when the time comes, they are then able to use such centres effectively to meet their own needs;

42. believes that by pooling resources intended for the education and training of young people and adults it is possible to respond in a comprehensive and flexible manner to the changing labour requirements of the workplace, the specific needs of adult education and the demand for qualified teachers and to improve the cost-effectiveness of the education system;

43. welcomes the series of measures outlined in the consultation process relating to participation in adult learning, as they reflect international good practice and suggests:

- an initiative in Community-Workplace Adult Basic Skills (CWABS), to better utilise community and workplace settings for adult learning;
- support for a European network of local and regional adult learning providers and animators/advisers;
- widening the access to higher education awards by facilitating 'one level higher' qualifications with innovative measures to facilitate continued learner participation in full or part time learning;

44. regrets that although the European Commission calls for ensuring adequate levels of investment in, and better monitoring of, the adult learning sector, both the public and private sectors currently provide inadequate funding in the field;

45. calls for a higher level of funding to existing and future programmes in order to maintain their potential impact in the adult learning sector;

ACTION PLAN

Analyse the effects of reforms in all sectors of education and training in member states on adult learning

46. notes the close relationship of adult learning to other (well developed) sectors of the educational process and to the fact that engaging in a formal/informal adult learning event is never a *tabula rasa* event in citizens' lives but part of a self-improvement process which has added-value for society;

47. welcomes the development of National Qualification Frameworks (NQF) and mainstreaming of the adult learning sector and believes that focussed analysis of such trends in the Action Plan will bring coherence and added status to adult learning in Europe;

Improve the quality of the adult learning sector

48. accepts the importance of the professionalisation of adult learning personnel, including the provision of on-going training specific to adult education. These personnel are the 'front line' contact and learning point for many adult learners. The quality of their learning, services and learning methodologies is vital in the effective translation of the European policy *rhetoric* of increased and deepened participation in adult learning into the *reality* of growth in this area;

49. believes that teaching staff's knowledge of the workplace should be ensured through interaction and flexible cooperation with the world of work;

50. looks forward with interest to the identification of European good practice in the forthcoming study *Adult learning professions in Europe* which will serve as a coherent basis for 'professional' development. The inclusive nature of the list of stakeholders and adult learning contributors is welcomed;

Increase the possibility for adults to go one step up and achieve at least one higher level qualification

51. believes that this 'one step up' measure could have a very positive effect on adult's motivation and learners' continued participation in a life long process. It addresses, *inter alia* changing demographic patterns in Europe, actively listening to 'the voice of the learners themselves' and quality adult learning information, guidance services and resources. An important element for many adult learners is the personal feeling of self-affirmation and positive wellness associated with 'success' in learning (formal/informal);

52. believes that the Action Plan could make a positive contribution to the production of good practice projects for reaching target groups, and attach greater value to the results from projects such as Grundtvig, and proposes better use of the media in promoting the availability and suitability of adult educational programmes, especially amongst the hard-to-reach groups;

Speed up the process of assessing and recognising non-formal and informal learning for disadvantaged groups

53. underlines that the broadening of adult learners *per se* in an inclusive and developmental way recognises and endorses the diverse range of abilities, 'intelligences,' skills, socio-personal competences, experiences etc. of all European citizens. These are the rich contributions that adult learners bring to the learning table. It is important to organise lifelong learning opportunities in such a way as to ensure that wherever possible new knowledge, skills and attitudes can be related by learners to their immediate surroundings and matched to individual needs;

54. welcomes the Action Plan proposals such as the identification of good practice in recognition and validation of non formal/informal learning, emphasises on peer learning, and co-production of generic learning materials, as this recognition and legitimisation will be of positive motivational value to the sector, most especially the adult learner her/himself; validation must therefore be carried out at local and regional level, with the involvement of the various employment sectors in both the identification of needs and validation;

55. recognises that the inclusive recognition of previous 'learnings' should be of particular value in broadening and deepening the participation of *older European persons*. Research data show that older people are not a visible cohort in European learning systems and demographic trends clearly indicate the urgency of treating this group in a targeted and focussed way;

56. believes that non/low engagement by this cohort has major implications for the group itself, as well as health, socio-civic, economic, cultural, inter-generational, and European cohesion considerations. Good principles and practice in *Educational Gerontology* must seek to build effective adult learning partnerships with this group, recognise and validate their learning needs, aspirations, achievements, experiences, motivations, learning styles, expectations, etc. and challenge the myths and stereotypes regarding older adult learning;

57. calls for the co-delivery of appropriately funded and quality learning opportunities to take due cognisance of cognitive, physical, motivational, dispositional, and attitudes to learning, etc. of this increasingly important adult learning group in Europe;

58. is in favour of giving more people a chance to benefit from the *use and influence of Information Communications Technology (ICT)* in the field of adult learning;

59. highlights that there is a significant body of evidence that the rapid expansion of e-learning in Europe may risk generating a new form of social inequality, i.e. digital exclusion. Research data suggest that people with access to the Internet and its sustained (learning) usage, while generally increasing in European society, are still relatively low among the various at-risk groups;

60. advises that inequities in access to ICT reinforce, rather than ameliorate, existing barriers to participation in adult learning. The term 'digital divide' indicates sharp disparities and substantial imbalance in generational, geographical, socio-economic, gender, unequal access to, and use of, ICT. 'Blended methods', the quality of e-learning experiences, barriers to participation in e-learning, etc. are all important aspects of efficient and effective adult learning in Europe. The real concern is to take advantage of the opportunities provided by new technologies and use local and regional learning facilities to ensure that more people can benefit from them;

Improve the monitoring of the adult learning sector

61. accepts that the failure to demonstrate the benefits of adult learning is a significant weakness in this area and has major personal, social, economic, policy, resourcing, and structural implications;

62. considers that it is not a 'black box' process of quantitative input-output data and findings but rather a research-led qualitative and 'communications' engagement which could elevate the status and value of adult learning *per se* in personal, local, regional, and national 'mind sets' and activities. The quest for shared understandings, 'first principles', etc. will assist in this area and the actions set out in the communication in this regard are welcomed.

Brussels, 19 June 2008.

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

Opinion of the Committee of the Regions on 'Clusters and cluster policy'

(2008/C 257/12)

THE COMMITTEE OF THE REGIONS ISSUES THE FOLLOWING RECOMMENDATIONS:

- calls on the European Commission to draw up a framework programme to facilitate cooperation and networking between all the administrations involved, and to draft guidelines for setting up and interlinking clusters — including across borders. Cooperation between clusters is a promising way to strengthen Europe's innovative capacity and attract global attention from investors and innovators, which is why cross-border cooperation between cluster organisations should not be restricted to Europe alone, but should be global, with a view to achieving an end goal of 'world level clusters';
- considers that there should be a general strategic framework bringing together the approaches of the various stakeholders: public administrations, universities, research centres and businesses, so as to implement the three abovementioned processes in a coordinated manner:
 - to make it possible to create the necessary conditions for encouraging the setting up and development of clusters;
 - to encourage the implementation of initiatives proposed by clusters;
 - to interlink clusters both nationally and across borders, in order to cooperate and exchange experiences;
- in this context, proposes that the first step in developing the strategic framework should be to set up a High Level Expert Group which would study the matter and set down guidelines for the integration and harmonisation of criteria for the Council and the Commission.

Rapporteur: Antonio GONZÁLEZ TEROL (ES/EPP), Director-General for European affairs, Autonomous Community of Madrid

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

Whereas the Competitiveness Council, which met on 4 December 2006, identified clusters as one of nine priorities for innovation action at European level;

Whereas the Slovenian Presidency has called on the Committee of the Regions to draw up an opinion by the end of June so that its views may be taken into account in the Communication on cluster policy being drafted by the European Commission (July 2008);

Having regard to the Presidency Conclusions of the European Council held in Brussels on 13 and 14 March 2008, which stated that 'efforts towards improving the framework conditions for innovation should be better coordinated, including through improved science-industry linkages and world-class innovation clusters and development of regional clusters and networks', and called for the 'facilitation of increased participation of innovative SMEs in clusters and in public procurement';

General comments

1. calls on the forthcoming French presidency to continue encouraging reports, studies and political debates on clusters, and to explore new initiatives that could be developed as part of the strategy on cluster policy being drawn up by the Commission;

2. understands the term 'cluster' to mean a geographical concentration of companies specialised in one sector, which are linked with specific suppliers and other enterprises in interrelated industries, and which compete but also cooperate with one another. This sector encompasses a large number of industries, a cross-fertilisation of disciplines and activities. Clusters are fully developed once they are able to harness their interdependence to bid for complementary business, generating synergies which bring growth to the whole sector, from which all the cluster members benefit. The term 'coopetition' is used to define the business strategy particular to clusters which straddles competition and cooperation, maximising competitiveness. There must be mutual trust between the cluster members, and they must share certain objectives and priorities so as to achieve full coordination in a multi-level context;

3. acknowledges the EU's weakness in turning ideas into new products and services, and recognises that new public policies must be adopted in order to facilitate networking between the different social players involved in creating, transmitting and applying knowledge. In concrete terms, new linkages must be developed between public administrations, universities, research centres and businesses;

4. considers that investment in R+D, is necessary but has so far not been sufficient. To encourage innovation in Europe, it is important to join forces and gear investment in research specifically towards strategic areas;

5. highlights that simply concentrating businesses geographically does not guarantee that clusters — or network economies, synergies or improved competitiveness — will ensue. A critical mass or sufficient production quantity must be reached, below which clusters cannot be said to exist. Qualitative aspects and external conditions must also be taken into consideration, particularly mutual trust and a sound relationship between businesses, so that joint action can be successfully taken on a sustainable footing;

6. considers that there is not enough statistical data to measure these two aspects, and suggests that the European Cluster Observatory conduct a study on the conditions needed for these aspects, which determine the existence of a cluster, to be taken into account; offers its support, on the basis of its experience and proximity to the regions;

7. agrees that clusters are important innovation drivers, contribute to the competitiveness and sustainable development of industry and services, and boost the economic development of regions by creating wealth and jobs, thus contributing to territorial cohesion, one of the EU's stated objectives in the Lisbon Treaty;

8. considers that, in many cases, public authorities and private bodies should be involved in encouraging the setting up of clusters and helping to keep them on the cutting edge of their sectors;

9. The public sector can also play a significant role in addressing the challenges faced by cluster initiatives by:

— assisting in objective setting and monitoring performance;

- facilitating the cluster initiative process over time, as it develops and matures (as set out in the point below);
- integrating the cluster initiative in a broader policy agenda.

10. also believes that it should be the role of the public sector to create an environment in which clusters can flourish, for instance by:

- ensuring that there is highly-skilled human capital;
- simplifying administrative procedures for setting up and developing clusters;
- encouraging the creation of centres of information and integrated service centres;
- supporting cooperation between educational bodies and clusters, particularly by creating joint centres for specialised training. It would be useful if each Member State had at least one centre for specialised cluster training;
- guaranteeing the availability of suitable financial instruments to meet the requirements of the cluster, and ensuring good relations between entrepreneurs, innovation centres, investors and funding sources;
- facilitating coordination channels both within the cluster and with other clusters, and relations between clusters and public administrations;
- fostering the development of opportunities for clusters externally, promoting their activity internationally and encouraging the creation of cross-border networks. The right public policy can help create a brand image of the region — and the cluster — so as to increase its opportunities for external growth;
- promoting R+D and innovation in its sphere of influence, paying specific attention to the key factors for starting up and developing innovative initiatives which, in addition, could help to leverage the private sector;
- supporting and stepping up private initiatives, bearing in mind that the three levels of administration — Community, national and regional — must be interlinked, with the regions playing a key role in defining and implementing policies to support clusters.

Nonetheless, highlights that the public authorities must avoid making two important mistakes:

- they should avoid creating clusters from scratch where they do not exist: clusters tend to evolve naturally, and creating them artificially is likely to end in failure;
- for the same reasons, they should avoid artificially extending the lives of clusters when markets and technologies have superseded them;

11. considers that, in order to compete on the global market, clusters need to build a strong network linking businesses, universities and public authorities, and a constant innovation process that enables them to continue generating new synergies. This is the only way to ensure the future viability of clusters. It should be borne in mind that, although excellence is a feature of clusters, not all clusters can achieve the same level of development or international scope. Excellence in this context is created gradually, over time, via specific financial resources, good governance and structural, market-oriented reforms, allowing for the necessary factor mobility (venture capital and researchers);

12. considers that, faced with the current globalisation of markets, it is essential to create 'global value chains' (GVC) through clusters in order to improve coordination between enterprises and overall competitiveness. While innovation is a basic feature of all clusters, not all of them operate in high-tech sectors: some are medium- or low-tech;

13. points out that clusters are particularly useful for SMEs, as they provide a context which encourages links with universities and large businesses, and enables them to access international trade networks;

14. warns, however, that some countries and regions are too focused on SMEs, overlooking the fact that if not enough large companies are present, the economic impact of clusters can be limited;

Contributing to the Lisbon Agenda

15. considers that, at present, the free movement of factors of production and the high costs in developed economies encourage relocation, which must be confronted by orienting production systems towards activities with greater added value, above all activities requiring intensive R+D and innovation;

16. considers that the **Lisbon Agenda** was a response to the new challenges of globalisation, with the aims of enhancing human capital in the EU, giving more consistency to innovation policies, creating a legislative framework to encourage this, promoting the creation and growth of innovative enterprises and improving interfaces within the innovation system. Achieving these aims will help us to move towards a society open to innovation and knowledge and, therefore, competitive — if not in terms of costs then in terms of added value;

17. stresses that, for regions to be more competitive, it is important to boost those sectors which are capital-intensive, clearly innovative, with highly specialised human resources;

18. points out that there is a shortage of private spending on R+D in Europe; but, considers that there is no point simply increasing public R+D spending if enterprises themselves do not adopt these goals and drive the necessary initiatives. However, it is important for national public spending on R&D to be at a level high enough for it to be effective. This is the only way for such spending to be channelled, via research and innovation, to the market. Public R+D spending should leverage private R+D and innovation in order to substantially increase the percentage of GDP devoted to it by Europe's regions. To achieve this, there are four main areas for action:

- encourage the **development of clusters** or conglomerates of businesses and public institutions around highly innovative activities;
- boost the creation of suitable venues for these activities, where knowledge (universities) and business (enterprises) stand side-by-side: science and technology **parks**;
- step up instruments, both financial and otherwise, to support the **creation of new innovative businesses**;
- encourage networking between different centres of knowledge and R+D and innovation, promote forums for exchanging knowledge, and boost the creation of networks of regions which excel in innovation;

Developing the Community dimension

19. welcomes the developments promoted by the European Commission through a number of programmes and networks which have led to real progress in designing and establishing clusters, enabling experiences to be exchanged;

20. does not question the European Commission's support for the development of new, improved clusters at national or regional level; considers, however, that there is a need for information on identifying and developing good practices, and for centres to pinpoint those tools which could be systematically used or consulted, and which should be made readily available to operators. Points out, that in this regard the Committee is currently launching a study on Clusters and clustering policy: a guide for regional and local policymakers;

21. nonetheless, calls on the European Commission to draw up a framework programme to facilitate cooperation and networking between all the administrations involved, and to draft guidelines for setting up and interlinking clusters — including across borders. Cooperation between clusters is seen

as a promising way to strengthen Europe's innovative capacity and attract global attention from investors and innovators, which is why cross-border cooperation between cluster organisations should not be restricted to Europe alone, but should be global, with a view to achieving an end goal of 'world level clusters';

22. considers that cooperation between clusters is of vital interest for SMEs: importantly, it facilitates information, technical exchanges, and the possibility of sharing research infrastructure and production resources;

23. notes that there is a discrepancy between many clusters' desire to develop their own business in their own regions or countries, and the huge opportunities offered by exchanging information and best practices with neighbouring clusters from other States;

24. urges the Commission to remove all barriers to trade and investment within Europe. The completion of the internal market is a key means for opening up markets to competition;

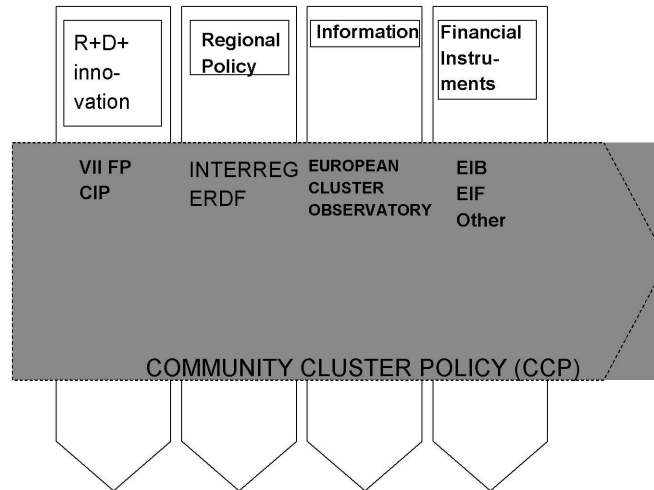
25. points out that barriers to trade, together with differing legislation, social protection, administrative and tax systems, can be a significant hindrance to cross-border cooperation. Lastly, language barriers also mean that clusters tend to manage and carry out their activities within the borders of their own countries, limiting their international links;

CoR recommendations

26. recommends that the European Commission remedy the fragmented nature of the measures devoted to cluster promotion in the EU, and considers that these should be grouped under one specific line of action to promote clusters and support inter-cluster cooperation;

27. as a necessary support for the ever-expanding tasks assigned by the Commission to regional authorities in the promotion, coordination and exploitation of cluster initiatives, the CoR considers that the Commission should also give the regions a clearer picture of the research and innovation initiatives which it administers directly (principally the 7th FP and the CIP). Similarly, special attention should also be paid to ensuring proper coordination with the autonomous agencies set up by the Commission in the research and innovation field and with the JTI (Joint Technology Initiatives).

28. calls for the adoption and harmonisation of criteria to boost clusters at European level, which the CoR believes would be a key addition to existing cooperation policies at all levels, so as to create a **single, structured approach** rather than the partial approach taken by the various European cluster initiatives currently existing in a variety of areas (R+D, interregional cooperation policy, technology/competition tracking, project funding support, etc.);



29. stresses that all the measures promoted through this integrated approach should focus on growth and competitiveness, and on priority areas of action which must go beyond simply exchanging experiences and information to include joint projects and initiatives, inter-project exchanges of staff and beneficiaries, development of Community networks and institutions, etc.;

To this end, proposes:

1. THE IMPLEMENTATION OF A **COMMON STRATEGIC FRAMEWORK** FOR CLUSTERS

considers that there should be a **general strategic framework** bringing together the approaches of the various stakeholders: public administrations, universities, research centres and businesses, so as to implement the three abovementioned processes in a coordinated manner:

- to make it possible to create the necessary conditions for encouraging the setting up and development of clusters;
- to encourage the implementation of initiatives proposed by clusters;
- to interlink clusters both nationally and across borders, in order to cooperate and exchange experiences;

in this context, proposes that the first step in developing the strategic framework should be to set up a High Level Expert Group which would study the matter and set down guide-

lines for the integration and harmonisation of criteria for the Council and the Commission. The group should be fully independent and chaired by a person of European renown in the field. It should include representatives from all the spheres involved: politics, administrations (particularly regional), businesses with experience in managing clusters, universities, research and technology institutes, financial bodies and other possible funding bodies (business angel networks, venture capital funds, etc.);

believes that this strategic framework would benefit from the various cluster initiatives already in existence in specific fields, and would bring them together, creating action lines to facilitate the processes involved in the development of clusters:

INCUBATION PHASE

- creation of environmental conditions needed for development;
- provision of financial aid to make it easier to interconnect small and large enterprises in the same area and harness potential synergies;
- involvement of 'driver' enterprises;
- relations with research centres in the sector;

START-UP PHASE

- development of relationships of trust;
- interlinking of businesses from different clusters so as to create cross-border meta-clusters;
- creation of own organisational structure and brand image;
- development of strategic cooperation agenda;

GROWTH PHASE

- creation and development of own projects;
- incorporation of clusters in European technology platforms;
- alliances between clusters, interregional cooperation platform;
- dissemination of results of cooperation between clusters, ensuring that the project results reach other regions;
- new products as a result of joint initiatives;

MATURITY PHASE

- own patents and innovations;
- appearance of commercial sub-clusters;
- strategic partnerships for economic development;
- attraction of new investment to the region;

2. INITIATIVES TO PROMOTE THE CREATION OF A STRATEGIC FRAMEWORK BRINGING CREDIBILITY TO THE PROCESS

acknowledges that **cooperation between enterprises** in clusters must be encouraged, promoting the creation of a first-level network of cluster networks, enabling them to share services and best practices at European and global level, for instance by:

- developing and rolling out cooperation tools so as to share the knowledge acquired by regional clusters;
- promoting events/meetings/match-days with the various players, particularly enterprises, in the different clusters;
- drafting a joint annual activity report for all European clusters;
- promoting the development of shared services in the fields of training, information, etc.;

stresses that it is key for public administrations to encourage **early demand projects**, by:

- linking observatories and technology tracking bodies in different regions by setting up a European system for tracking industrial research and innovation, and improving information on intellectual capital, so as to anticipate possible supply-side solutions and value-adding technologies;
- encouraging cooperation with European technology platforms;
- implementing joint public projects between several regions (common specifications and procurement processes);
- promoting common regulations in different areas to encourage or anticipate development of innovative technologies;

stresses that it is essential to combine existing information into a single **European Cluster Information Platform (INFOCLUSTER)** and include features that are useful to enterprises and are only partially covered at present; in this context, considers that the most suitable body to perform the role of information platform would be the European Cluster Observatory:

- a regional information system which sets out the current range of infrastructures and research centres, enterprises active in R+D and innovation, universities and other bodies, research areas promoted, key technical and political contacts, etc. This resource would facilitate networking between knowledge centres and clusters. It could be managed by the European Commission in cooperation with the CoR, which could provide contacts with regions and clusters existing at regional level;

- a dynamic European competition barometer in which each cluster could compare itself with similar ones, and find out its position in relation to the competition;

- a cluster policy map showing national and regional policies in each geographical area, in all fields (R+D and innovation funding, financial support instruments, training and exchange programmes, etc.) for the exchange of information;

- various reports on the best knowledge-sharing practices applied by enterprises or clusters;

considers it necessary to promote **cooperation between financial instruments for innovation** (capital/debt/direct aid) in regions or countries, in order to facilitate investment in major projects involving several regions from different European countries via clusters, which could benefit from greater leverage from European funds such as the EIB and EIF;

believes that it is possible for clusters to **share resources and services** so as to have joint access to higher-quality services:

- specialised job exchange and programmes for researcher exchanges and training in the private sector;
- mobility of enterprises sharing incubator facilities and services;
- exchange of technical skills, research structures and production facilities so as to achieve economies of scale and scope;
- European system for research tracking, industrial innovation and improved information on intellectual capital;

Brussels, 19 June 2008.

3. EX-ANTE, EX-DURANTE AND EX-POST **ASSESSMENT MEASURES** TO SERVE AS GUIDANCE FOR FUTURE INITIATIVES

considers that assessment is a means of research that can use specific techniques and answer questions such as: have the needs of the cluster have been met? Has a suitable policy been designed and properly implemented? Will it have the desired effect? Can unachieved objectives be re-examined? Can the effectiveness of the policy be increased?

sees assessment as a tool that should be used throughout the implementation process and that should, among other benefits, increase the credibility of the cluster policy.

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

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.