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III

(Preparatory Acts)

COMMITTEE OF THE REGIONS

76th PLENARY SESSION HELD ON 8 AND 9 OCTOBER 2008

Own initiative opinion of the Committee of the Regions on 'Stepping up the fight against terrorism: involvement of regional and local authorities'

(2008/C 325/01)

THE COMMITTEE OF THE REGIONS:

- firmly agrees that the global threat faced from terrorism is a serious threat to democracy, human rights, and economic and social development across the international community;
- underlines that local and regional authorities will be central to the implementation of the EU Counter Terrorism Strategy. In particular these authorities will drive the delivery of the Prevent pillar and forthcoming counter terrorism and de-radicalisation initiatives across Member States;
- recognises the importance of the EU Anti-Radicalisation strategy which is implemented alongside the EU Counter Terrorism Strategy but stresses that these strategies must include space for localised implementation, drawing upon local experiences and understanding, developing clear frameworks for community intelligence and providing support and resource to local authorities to deliver counter violent radicalisation projects where necessary; underlines that the development of a regional and local public administration role in the prevention of terrorism and violent radicalisation should be conducted in partnership with the EU and governments of the Members States;
- recommends that public consultation at a local level be conducted in Members States to establish a multifaceted understanding of local experiences and concepts of terrorism and motivations towards extremism. Member States should ensure that consultation and engagement opens up participation to those who do not normally interact with local democracy;
- welcomes the second peer review of crisis management plans currently being carried out by the Commission; however calls upon the Commission to ensure that local and regional authorities play a full and active role in the review;
- calls upon the Union to ensure that all counter terrorist policy has direct consideration for equality and human rights and ensures that interventions do not result in a negative experience for certain communities fuelling alienation and motivations towards extremism.

Rapporteur: Lord Graham TOPE (UK/ALDE), Member of London Borough of Sutton and of the Metropolitan Police Authority

Reference documents

Communication from the Commission to the European Parliament and the Council: Stepping up the fight against terrorism

COM(2007) 649 final

Proposal for a Council Framework Decision amending the Framework Decision of 13.6.2002 2002/475/JHA on Combating Terrorism

COM(2007) 650 final

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

Stepping up the 'Prevent' pillar

1. firmly agrees that the global threat faced from terrorism is a serious threat to democracy, human rights, and economic and social development across the international community;

2. acknowledges that attention will inevitably focus on Al Qaeda inspired terrorism and the radicalisation across our communities into violent extremism; however recalls that many recent acts of terrorism have been committed by people born and raised within the country in which the act was committed or elsewhere within the EU, often in response to situations internal to the country where the attack took place, and may not have had religion as their principal motivation. Nevertheless, the CoR recognises that the threat faced from Al Qaeda inspired terrorism is a key security issue faced by the EU today;

3. feels that the EU's counter-terrorism activities must have a twofold focus: (i) a direct assault on terrorist activities; and (ii) preventive action. The earlier the chain of causes that result in terrorist activity can be broken the better. In this regard, it may be very useful to step up research into the causes and motives that induce people to support, finance or take part in terrorist activity;

4. acknowledges that religious factors cannot be ignored when dealing with terrorism. More must be done to spread the message that terrorist activity cannot be justified under any circumstances;

5. thinks therefore that the EU must take the initiative and back moves designed to mitigate terrorism through religious and cultural dialogue;

6. feels that EU cooperation with non-EU countries is a vitally important tool in the prevention of terrorism. Steps must be taken to bolster external cooperation strategies of this kind in a bid both to promote exchanges of information and to foster enhanced practical cooperation among police forces, and cooperation among customs administrations;

7. underlines that local and regional authorities will be central to the implementation of the EU Counter Terrorism

Strategy. In particular these authorities, alongside both national and regional law enforcement partners with powers to protect persons and property, will drive the delivery of the Prevent pillar and forthcoming counter terrorism and de-radicalisation initiatives across Member States;

8. draws attention to the considerable progress made in the delivery of the other three pillars: Protect, Pursue and Respond across Member States since the framework legislation of 2002. Furthermore welcomes proposals in the current initiative to step up the fight against terrorism; to establish a legal basis for aspects of the counter-terrorism strategy including the criminalisation of terrorist training, recruitment and public provocation to commit terrorist offences, the prevention of the use of explosives by terrorists, the use of airline passenger information in law enforcement investigations, preventing and penalizing the funding of terrorism, and in recognising the need for technological research and development to assist policing across the Union to protect citizens from terrorist attacks;

9. nevertheless states that, in stepping up the fight against terrorism, the EU should intensify investment into the development of the Prevent pillar in partnership with Member States, law enforcement agencies and regional and local authorities, together with the enforcement bodies accountable to them. Prevention of terrorism and violent extremism cannot be achieved through legislative means and enforcement alone. Furthermore, punitive measures alone will not be effective and efforts must focus on providing people who are particularly susceptible to radicalisation and recruitment to terrorism with positive prospects and a place in society;

10. believes that an essential approach to dealing with terrorism is prevention based on combating the factors that are closely linked to and encourage radicalisation and are likely to lead to terrorism;

11. recognises that terrorism is often global in nature and inspiration. However states that the impact of terrorism is experienced directly by citizens and communities in a real and individual way. Those planning and supporting acts of violent extremism live and act freely as European citizens and residents

within our communities, using and interacting with local services, local democracy and local people. Drawing upon experiences across the EU, Member States therefore recognise the need to fully analyse, elucidate and address the reasons, motivations and processes that lead European citizens into the pathway of violent extremism and the Al Qaeda movement;

12. believes that dealing with radicalisation requires targeted action at local level. The role of local and regional authorities, which have better access to susceptible groups, is particularly important in ensuring that people residing in the EU are as socially well-integrated as possible, without discrimination and under peaceful and democratic conditions;

13. recalls that in 2003 the Congress of the Council of Europe adopted specific recommendations on the role of local authorities in tackling terrorism;

Action Plan: the role of local and regional authorities

14. welcomes efforts made by the European Commission to focus attention on the Prevent Pillar of the counter terrorism strategy and welcomes plans to publish a Communication on combating violent radicalisation in 2008. However would note that Prevent is a significant cultural shift for counter terrorist agencies and requires the knowledge, experience and cooperation of local and regional authorities;

15. endorses the EU initiative declaring 2008 the European Year of Intercultural Dialogue, since this is an excellent way of encouraging effective dialogue, tolerance and understanding between different cultures and faiths;

16. underlines that the development of a regional and local public administration role in the prevention of terrorism and violent radicalisation should be conducted in partnership with the EU and governments of the Members States. Therefore recommends that a system of local and regional authority networks be established in each Member State in partnership with national governments, the police (with the involvement of regional bodies with exclusive powers to protect persons and property) and local communities to facilitate the exchange of good practice in relation to social integration, professional learning and understanding of violent extremism growing out of local districts and neighbourhoods;

17. recommends that public consultation at a local level be conducted in Members States to establish a multifaceted understanding of local experiences and concepts of terrorism and motivations towards extremism. Member States should ensure that consultation and engagement opens up participation to those who do not normally interact with local democracy;

18. intends to supplement the present Opinion by supporting the Commission and the Counter-Terrorism Coordi-

nator in establishing practical guidance setting out best practice across areas conducting engagement and partnership projects to counter radicalisation;

19. recommends that the CoR hosts an annual event to facilitate strategic learning through the exchange of experiences between local and regional authorities on a pan European level and to provide support to further develop local interventions for the prevention of terrorism and pathways to violent extremism;

Delivery

Learning from engagement and working in partnership

20. recognises the importance of the EU Anti-Radicalisation strategy which is implemented alongside the EU Counter Terrorism Strategy but stresses that these strategies must include space for localised implementation, drawing upon local experiences and understanding, developing clear frameworks for community intelligence and providing support and resource to local authorities to deliver counter violent radicalisation projects where necessary;

21. recommends adoption of the provisions of the Prüm Convention on stepping up cross-border cooperation to combat terrorism;

Community intelligence

22. calls upon Member States and the police to develop clear and safe systems for the exchange of information between local and regional partners (including local and regional policing units) with counter terrorist and anti-violent radicalisation units;

23. emphasises that systems in place to gather community intelligence must have clear consideration to security implications, fundamental rights of citizens and data protection in relation to the exchange of any information between local partners and the police. Citizens must be given the option of anonymously informing municipal authorities and police of potential terrorist attacks;

24. also, considers it essential that the boundaries between police, police agencies and local authorities in relation to community intelligence are clear; that systems are established to provide local and regional partners with the reassurance that participation will not result in harmful effects to community relations; that information sources are protected and that non-policing partners provide a voluntary supplementary role;

25. proposes that guidelines be devised by the European Union to support the development of information sharing and to ensure that systems are robust, fair and secure;

Counter radicalisation

26. calls upon Member States to support local and regional authorities to establish closer working relationships with police (including both national and regional forces) and criminal justice authorities to deliver counter radicalisation projects; and that projects are established and targeted from an informed picture using police intelligence alongside local and regional knowledge and experiences;

27. suggests that support be given to intercultural dialogue and implementation of social integration plans at local level, so as to avoid radicalisation and use of force;

28. recognises that the level of resources committed by Member States will vary according to the intelligence picture. However emphasises that continued engagement with communities remains necessary in order to scrutinise the effectiveness of current projects, to build a long-term relationship between the citizen, law enforcement agencies and governments in relation to counter terrorism, and to consider changing viewpoints and demographics. Resource and project focus should thus adapt accordingly;

29. recommends that Member States and local and regional authorities develop projects with communities to undermine violent extremist ideology and to support mainstream voices. Such projects should be supported by robust professional guidance and evaluated independently to assess effectiveness. Therefore, CoR proposes that Member States and local and regional bodies jointly identify mainstream community leaders to discredit violent radicals and support credible alternative messages to those of these extremists;

30. notes the well-known phenomenon that terrorism flourishes where people are disaffected with society and feel powerless and excluded. In a well-functioning democratic society, there is less of a risk that terrorist ideas and terrorist networks will gain a foothold and begin to grow. The CoR thus considers it vital that the promotion of democracy and compliance with civil and political rights should be a key element in any moves to combat terrorism;

31. recognises that terminology is a complex and sensitive issue, and requires considerable knowledge and exploration by those managing counter radicalisation initiatives;

32. recommends that Member States and regional authorities support vulnerable local institutions such as schools, further education centres, universities, mosques and religious institutions to identify violent radicalising activities on campus, to disrupt radicalisers and support those vulnerable to violent radicalisation in resisting extremist voices by providing positive and compelling alternatives;

33. recommends that Member States work closely with prison and probation/rehabilitation services to identify, disrupt and deter violent radicalisers held in detention;

34. believes that the delivery of such projects should be co-ordinated regionally with the police and police agencies and monitored by local and regional authorities or equivalent, reporting back to the central state to assess development;

35. considers it essential that to support such projects, the European Union, Member States and police should develop EU networks — including policing units accountable to regions with powers to protect persons and property, and counter-terrorist units — to establish best practice, guidance, support and training for practitioners responsible for local delivery;

Civic engagement and leadership

36. recognises that the leadership role of local and regional authorities is critical to the delivery of prevention of terrorism strategies across Member States;

37. recommends that local and regional authorities should increase the capacity of the community to resist violent extremists through providing strong leadership. Therefore recommends that authorities should seek to:

- demonstrate shared values across local communities, working with community groups, partnerships and leaders to build community cohesion;
- facilitate ways to rebut, or acknowledge and address, grievances that can contribute towards alienation and motivations towards violent extremism;
- effectively address hate crime by working closely with police and community support projects;
- provide a community mediation role when security operations are under way;
- provide support and guidance to community groups and organisations working to challenge violent extremist ideology;

38. believes that a transparent and accountable police service is fundamental to building trust and confidence in policing counter terrorism and generating public support for counter terrorist operations and national and local interventions to challenge violent extremism. Therefore CoR proposes that both Member States and regional authorities responsible for enforcement and protection of persons and property and with counter-terrorist units or commands consider ways in which accountability of policing can be strengthened locally, seeking support and learning from European and international partners where appropriate;

39. calls upon the Commission to propose ways in which it can support Member States to consider how counter terrorist policing can be mainstreamed across the policing service, facilitating learning between Member States and forces where appropriate;

40. recognises the importance of a police service that reflects the diversity of the population it serves in building trust and confidence and opening positive channels of communication between the police and the public. CoR therefore believes that positive discussions to promote diversity and equality of opportunity across policing should be facilitated at a local level across Member States;

Preparedness and civil contingencies

41. welcomes the second peer review of crisis management plans currently being carried out by the Commission;

42. however calls upon the Commission to ensure that local and regional authorities play a full and active role in the review. Learning from a review into the July 2005 London bombings, it should ensure that a clear division of responsibility and chain of command is established as a matter of urgency between different agencies and bodies called upon to prepare contingency plans and provide emergency services;

43. firmly supports the establishment of networks of associations providing support for victims of terrorist attacks and recognises the role of the CoR in facilitating learning across Member States;

44. welcomes plans to provide support to research and develop technical solutions to assist in the policing effort across the Union to protect citizens from terrorist attacks; calls upon the Union to support technological solutions across the four pillars, including making the internet a hostile place for extremists expanding developments outside law enforcement alone. CoR therefore calls upon Member States to provide adequate resources for such development projects;

45. calls upon Member States to set up coordination mechanisms in line with the law enforcement powers of local and regional authorities so that, within their remit, they may ensure public safety in crowded places, particularly in relation to designing out terrorism through planning processes;

46. calls upon the Union to ensure that all counter terrorist policy has direct consideration for equality and human rights and ensures that interventions do not result in a negative experience for certain communities fuelling alienation and motivations towards extremism.

Brussels, 8 October 2008.

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

Opinion of the Committee of the Regions on 'A freight transport package'

(2008/C 325/02)

THE COMMITTEE OF THE REGIONS

- sees a need to improve energy efficiency through technological innovation and development of environment-friendly transport alternatives. Transport should be steered towards the most environment-friendly and energy-efficient mode by internalising external costs;
- believes that a common language should be established within the EU for managing rail transport;
- considers that freight transport by rail shares much of the track used by passenger traffic. This can sometimes limit the capacity and reliability of both systems, not just in densely populated areas but also on interregional routes. The EU should, in cooperation with the Member States, draw up an inventory of such bottlenecks and work to eliminate them, seeking to make maximum use of existing and future infrastructure. In the long term, the EU and the Member States should encourage the construction of separate railway networks for freight and passenger transport, whenever a shortage of land is not an obstacle, starting with the most overloaded parts of the network;
- considers that urban transport planning, particularly for freight delivery systems, calls for the special attention of local authorities, by making the organisation of urban distribution more efficient in both environmental and economic terms;
- considers that by developing and improving inland ports, including multimodal facilities, local and regional authorities can play a key role in realising a sustainable freight transport policy;
- considers that better connections are needed between rail and maritime solutions, which in some places still lack efficiency; supports the development of logistic solutions by local and regional authorities in inland areas, by setting up logistics platforms and dry ports, which are a key tool for improving the global freight distribution system and fostering development and cohesion in inland areas;

Rapporteur: José CORREIA (EPP/PT), Mayor of Tavira

Reference document

Communication from the Commission: The EU's freight transport agenda: Boosting the efficiency, integration and sustainability of freight transport in Europe

COM(2007) 606 final

Communication from the Commission: Freight Transport Logistics Action Plan

COM(2007) 607 final

Communication from the Commission to the Council and the European Parliament: Towards a rail network giving priority to freight

COM(2007) 608 final

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

Introduction

1. The Commission communications on freight transport have been issued in the wake of political concerns set out in the 2001 White Paper on transport and the mid-term review published in 2006. As part of this work, 13 seminars and conferences and more than 30 external events were organised; 160 written contributions were submitted. The Commission received a further 500 reports on bottlenecks in logistics.

2. The White Paper review reflects the developments in the situation since 2001: ever-faster globalisation of production, uncertainty as regards energy supplies, faster global warming and the expansion of the European Union following the accession of the countries of Central and Eastern Europe. In the light of these developments, it is recommended that transport policy scope and instruments be extended in order to cope with these new challenges. There is in particular a need to boost the efficiency of various modes of transport, whether they are used on their own or in combination (co-modality).

Policy recommendations

Considers that,

3. in view of the guidelines flowing from the studies mentioned above, a series of political measures clearly stand out for further development. These include:

- Bringing down CO₂ emissions, contributing to compliance with the Kyoto Protocol;
- Reducing dependence on fossil fuels, with the gradual introduction of fuel from renewable sources;
- The CoR sees a need to improve energy efficiency through technological innovation and development of environment-friendly transport alternatives. There are many ways of achieving this. Transport should be steered towards the most

environment-friendly and energy-efficient mode by internalising external costs;

- The EU should devote special attention to the transport of hazardous goods. With regard to road transport, administrative procedures must be harmonised in order to avoid errors caused by transporters not understanding the language or complex legislative systems in other countries. Regarding the maritime transport of hazardous goods, the EU must review the rules governing the circumstances under which passenger transport may be combined with freight transport;
- Improving railway system technologies so that railways do not lose competitiveness in the face of other modes of transport;
- International rail transport operators face many problems and difficulties in managing transport in a rational and efficient way. One of these is that rail transport is handled in the language of the relevant Member State, which makes it difficult for train operators to manage traffic outside their national boundaries. The CoR believes that a common language should be established within the EU for managing rail transport, just as there is now an international language for air traffic control;
- Training requirements for train drivers vary across the EU, as do safety and load standards. These differences are a problem for cross-border rail operators. These rules should therefore be harmonised at EU level;
- Developing the use of information and communication technologies (ICT) by pushing ahead with the so-called internet for cargo and by making better use of satellite and radio frequency systems;
- Many players are involved in intermodal transport networks, which means that it may be unclear where responsibility towards the customer lies. This often undermines the reliability, safety and quality of transport. The EU has an important role to play in developing a clear structure and division of responsibilities in the transport system;

4. as well as:
- Lessening difficulties encountered in international rail traffic in relation to border crossings, be they caused by technical problems (different gauges, different voltage systems, different criteria for approval of rolling stock, etc.) or administrative hitches;
 - Creating a network purely for freight, in the long term, taking into account the high costs entailed in its implementation, and with a sound cost-benefit analysis;
 - Developing green corridors the main aim of which would be to cut down transportation times and improve service quality;
 - Freight transport by rail shares much of the track used by passenger traffic. This can sometimes limit the capacity and reliability of both systems, not just in densely populated areas but also on interregional routes. Freight and passenger transport are often in conflict with each other in a way that does not promote development towards more energy-efficient and environment-friendly transport systems. The EU should, in cooperation with the Member States, draw up an inventory of such bottlenecks and work to eliminate them, seeking to make maximum use of existing and future infrastructure. In the long term, the EU and the Member States should encourage the construction of separate railway networks for freight and passenger transport, whenever a shortage of land is not an obstacle, starting with the most overloaded parts of the network;
 - Improving intermodality, ensuring that there are real advances in system efficiency;
 - Examining the dimensions and length of trains and road vehicles with a view to increasing transport capacity while respecting the environment;
5. and:
- Doing away with the complexity of the customs side of maritime transport, Especially between EU ports;
 - Introducing the European train driver's card, so that qualified workers can work in any EU country more easily, with the variety of systems and equipment in use;
 - Equality before the law is important if competition is to exist under equal conditions. The regulation on driving and rest periods has harmonised the rules within the EU irrespective of the country in which a haulier is based. However, the possibilities of taking action against those who violate the terms of the regulation is different depending on whether the offence has been committed in the same country as that where the vehicle and driver are based or in another country. The Commission's proposal for a directive to facilitate the cross-border prosecution of traffic offences covers offences involving speeding, drink-driving, not wearing a seat belt and failing to stop at a red light. Breaches of the rules on driving and rest periods should also be included in cross-border cooperation on prosecuting traffic-related crimes;
 - Complying with rules on punctuality, especially in line with UIRR rules (International Union of combined Road-Rail Transport Companies);
 - The rules on train drivers night stopping in another country are disadvantageous for operators in peripheral countries carrying out long-distance international transport; The labour laws should therefore be reviewed so that operators in peripheral countries are given the same opportunities to carry out international rail transport as operators in central European countries;
 - The EU should pay particular attention to the increase in crime and terrorist acts against freight transport by road and rail; Organised cooperation between the Member States should be developed and the EU has an important role here; Building more safe rest areas, especially along the TEN-T network, is an important factor in boosting safety;
 - Combating traffic congestion, setting up more favourable train paths; and
 - Generally improving service quality and introducing a code of good conduct in the sector, aimed at generating more trust amongst users;
 - It is also important that the EU pays attention to crime which is linked above all to freight transport by road; It is common knowledge that the smuggling and illegal sale of tobacco and alcohol in particular are not exceptional occurrences at rest areas alongside transport links; To overcome this problem international cooperation is required, which should be initiated and coordinated by the EU;
 - strengthening the competitive position of inland waterways transport;
 - developing with the help of local authorities a durable network of waterways and ports based on linking networks and chains;
 - promoting innovation in inland waterways transport;
 - aiming for safe and sustainable inland waterways.
- Relations with local and regional authorities**
6. considers that with a view to the long term, reliable rail transport infrastructure with sufficient capacity needs to be created, in which freight traffic does not clash with other transport objectives or with other social interests, and that provides the conditions for supplying energy-efficient and environment-compatible transport;

7. considers that from a short-term point of view, the first thing to do is to identify and remove bottlenecks and lack of capacity in the system;

8. considers that freight transport, although viewed in terms of major national and international corridors, could not work without the contribution of local and regional authorities through whose areas the transport lines pass;

9. considers that urban and regional planning for freight distribution is therefore of major importance in creating freight transport flows that save energy and are eco-friendly. Thus, any new transport policy has to rely on the active support of all players able to make useful contributions to its effectiveness, especially those who, because they operate at grass roots level, are in a position to resolve problems locally;

10. efficient, environment-friendly freight transport is achieved in particular by using inland waterways wherever possible. This can also relieve pressure on connections between ports and hinterland;

11. in the intermodal transport system, terminals, trans-loading facilities and ports are an important part of the infrastructure; The planning and localisation of these is a responsibility for local and regional authorities; It is important that towns are involved at an early stage in the planning of such plants, which means that the EU and national authorities should create long-term and stable conditions for urban planning;

12. Since around 40 % of vehicles in the EU are used for the distribution and delivery of goods and services, and as most consumers are in cities, the large traffic flows that are created within cities need to be managed. The dissemination of best practices on urban freight transport policies should be envisaged;

13. notes that the creation of regional or city transport authorities in various Member States provides valuable support for tying in different wishes, requirements and outcomes. The CoR stresses that it is important to respect the subsidiarity principle here;

14. points out that local and regional authorities have an extra capacity for dialogue with producers and freight customers;

15. special attention is needed on the distribution of services and goods in cities, as smart planning of urban logistics is a key factor in urban mobility;

16. considers that in future, the location of terminals, centres of logistics distribution and shops themselves will require the growing involvement of local authorities;

17. emphasises that logistics at regional level will be a new policy which will develop rapidly in the future. It will become essential to decentralise the management of interconnections to regional authorities, the definitions of the major international corridors remaining within the remit of Member States;

18. considers that local authorities, with good urban policies, can help considerably in steps to speed up rail transport; such a contribution is invaluable;

19. considers that ancillary rail services, particularly terminals and sorting centres, warrant special attention from the structural funds;

20. considers that urban transport planning, particularly for freight delivery systems, calls for the special attention of local authorities, by making the organisation of urban distribution more efficient in both environmental and economic terms. To this end, efforts should be pursued to improve the ecological quality of vehicles and increase load factors so as to improve the ratio between number of journeys and tonnage of freight transported;

21. By developing and improving inland ports, including multimodal facilities, local and regional authorities can play a key role in realising a sustainable freight transport policy;

22. by using spatial planning policies, e.g. selection of business sites, local and regional authorities can promote inland waterways transport. Sites of water-related businesses, inland waterways and inland ports must then also receive strong support from the Structural Funds.

Conclusions and recommendations

23. highlights the fact that local and regional authorities play an increasingly important role in preparing logistics strategies for efficient and appropriate planning, infrastructure and coordination;

24. a large proportion of freight transport clogs up transport networks in central Europe even when the destination of the journey is not there. So, in view of the capacity problems on central European transport networks it is very important that the EU provide support for the expansion of links and corridors which do not overload or which relieve pressure on these networks. The east-west transport corridors in northern Europe are examples of such links, which at the same time contribute to the development of these regions. The future strategy for the Baltic Sea that is currently being prepared will, among other things, highlight the importance of efficient transport networks and multimodal solutions in creating a sustainable and competitive region; It is of the greatest importance that the EU also continues to set aside resources for this type of initiative, for example through Structural Fund and sector programmes;

25. draws attention to the fact that transport of freight by sea is of major importance for commodity-producing regions. Manufacturing industry needs a reliable supply of raw materials throughout the year. To ensure that sea transport remains viable even in winter, the use of ice-breakers should be made a priority and incorporated into the TEN-T;

26. believes that the Community should pursue an integrated approach when planning infrastructure within the European Union and between the EU and neighbouring countries and regions. The EU's freight transport package should therefore be designed in such a way that it is consistent with other transport and infrastructure plans already drawn up and adopted by the European Union, such as the TEN-T and the map of cross-border transport corridors;

27. recalls that in recent years, many regions have developed strategies of this kind in order to predict short-term future transport volumes and have drawn the appropriate conclusions. This entails increasingly intense cross-border and transnational cooperation on European logistical projects. One illustration of this trend is the Central and Eastern European chemical logistics initiative launched by the European Chemical Regions Network to enhance the long-term overall conditions for chemical industry production centres in Central and Eastern Europe through a coordinated strategy. Another example is the plan to build a rail corridor (EU4SeaRail) linking the Baltic, North, Mediterranean and Black Seas. Further important examples of transport corridors in Northern Europe are the Bothnian Corridor and the Northern Axis. The regions have also played a significant role in developing logistic areas enabling modal complementarity and interchange (particularly for freight) and allowing each transport mode to be used optimally, such as the PLAZA logistics platform in Aragon and its links with other platforms such as Eurocentre in Toulouse, or the various ports on the Iberian peninsula;

28. considers that efficient transport between the countries of Europe could contribute significantly to economic growth. It therefore urges the Commission to take account of these considerations in preparing the future review of the TEN directives in 2009-2010, encouraging, first and foremost, the implementation of projects that have already been approved and included in the network as priorities, particularly for route sections that make efficient freight transport difficult, such as those which cross borders or upland areas.

It should also be emphasised that the Committee of the Regions:

29. welcomes the efforts made to date, especially by the Finnish and German presidencies, to secure progress in this domain;

30. broadly endorses the analysis and measures advocated in the communications making up this rail transport package;

31. nevertheless, recommends that account be taken of the need for good links with local and regional authorities, as set out in the point above;

32. is aware that any new effective freight transport policy cannot work without the solid cooperation of all the local authorities and regional governments concerned; it urgently calls for such sound links to be set up and will do its best to contribute thereto;

33. recommends that additional efforts be made to make all the political authorities aware of this issue, taking into account the major importance of this sector for GDP and its direct and indirect impact on the economy and society in general;

34. a review of Directive 96/53 would not seem appropriate. The proper approach to more environmental solutions — meaning more trains, not necessarily more lorries — should be maintained;

35. points out that conurbations are the destination of a significant share of overall freight transport. Urban and regional planning of freight distribution is therefore of major importance in creating freight transport flows that save energy and are eco-friendly. The location of transfer facilities in relation to the general freight transport network is very important here. For this reason, there must be smooth interaction between the local and regional level and the general EU policy for freight transport logistics. The Committee considers that freight transport policy should be brought into line with the urban transport action plan;

36. in the light of energy costs, views innovation regarding biofuels to be of the greatest importance but feels that this should be carried out with due regard for the requirement to maintain a broad global balance in farming production; it and therefore urges the European Commission to step up studies in this area;

37. advocates liberalisation of all rail transport, subject to public interest coordination rules;

38. favours maximum progress being made on dedicated freight rail lines;

39. considers that transport networks should increasingly be integrated into logistics policies, bringing in local and regional authorities, developing the dry ports concept, and taking account of the obvious environmental concerns;

40. considers that better connections are needed between rail and maritime solutions, which in some places still lack efficiency; supports the development of logistic solutions by local and regional authorities in inland areas, by setting up logistics platforms and dry ports, which are a key tool for improving the global freight distribution system and fostering development and cohesion in inland areas;

41. highlights the need for future harmonisation of technological means and standards, so that rail transport can rapidly overcome the obstacles currently posed by differing electrical supply systems and variations in gauge;

42. is convinced that the Kyoto Protocol and its implications for transport policy are bound to have a highly visible impact on goods logistics;

43. considers that ideally, in the future high speed trains should cross the whole of Europe, providing connections from Lisbon to the entire Mediterranean, the Baltic and the new borders with third countries;

44. suggests that more detailed studies be carried out to identify and take the necessary measures to remove bottlenecks in existing infrastructure and regulations; considers that in order to make faster progress in identifying these problems and seeking solutions, networks should be set up for the exchange of knowledge and good practices between centres specialised in logistics and intermodality, at local and regional level;

45. considers that long-term strategies and action plans should be drawn up to expand the European corridors;

46. supports measures to ensure neutral competition conditions between the Member States;

47. is in favour of harmonising and simplifying rules and regulations, particularly the standards governing weights and measures, safety regulations regarding the securing of loads and parties' liability, equality before the law regardless of the place of

establishment of the transporter, a common language for traffic control and imports from non-EU countries;

48. considers that administrative obstacles should be surmounted by increasing the electronic transmission of documents wherever possible;

49. recommends greater transport efficiency regarding the development and use of capacity in each mode of transport, and the development and promotion of intermodality;

50. recommends greater efficiency of transport systems, enhancing logistics policy for ports and terminals for this purpose;

51. considers that information on the local conditions and features of ports should be made available via Internet.

Brussels, 8 October 2008

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

Opinion of the Committee of the Regions on 'Promotion of renewable energy'

(2008/C 325/03)

THE COMMITTEE OF THE REGIONS

- wishes to ensure support schemes are accessible to renewable producers at all scales, including small installations and believes that, for consistency, support for renewable energy should be accompanied by the phasing out of subsidies for the production and use of fossil fuels (with the exception of possible support for cogeneration plans used to provide district heating) and for the production and use of nuclear energy. An exception shall also be granted to cases where carbon capture and storage is applied to reduce the carbon dioxide quantities emitted by fossil fuel use;
- recommends ensuring maximum coordination between the principal European legislative acts in these areas, specifically the Directive on the energy performance of buildings, the Directive on energy efficiency and energy services, the third package liberalising energy and the various components of the 'energy-climate' package, including the Directive on renewable energy;
- urges the Commission to amend Article 4 to require the involvement of Local and Regional Authorities in the formulation of national action plans, and to take this factor duly into consideration when evaluating the national action plans;
- points out that setting a 10 % target for increased use of biofuels in transport will have the intended, positive outcome only if biofuels are produced from commodities obtained in a way that does not distort the natural balance of the environment, food supply or the economic balance of the market, or social balance.

Rapporteur: Paula BAKER (UK/ALDE), Member of Basingstoke and Deane Borough Council

Reference document

Proposal for a Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources

COM(2008) 19 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General

1. welcomes the Renewable Energy Directive, because it believes that renewable energy generation can reduce greenhouse gas emissions, increase the security of energy supply, promote technology development, increase employment opportunities and contribute to regional development;

2. emphasises that, if the goals of the directive are to be achieved, it is imperative that a strategic alliance of regional and local authorities be established to ensure the bottom-up development of renewable energy;

3. urges a legislative framework that provides long term stability for investment decisions so that innovative renewable projects, using the wide range of technologies now available, can become competitive against conventional technologies;

4. welcomes the adoption of binding objectives for renewable energy. However, it points out that in order to ensure that the final objectives are effectively pursued without delay and achieved, the intermediary objectives as identified in Part B of Annex 1 to the draft directive must also be binding; and calls for local and regional authorities to be involved in discussions with Member States in the preparation of national Action Plans to ensure that there is adequate oversight of the intermediary objectives and that the implementing instruments to be adopted are defined at local level;

5. fully supports the Commission proposal that Member States develop electricity grid infrastructure to accommodate electricity produced from renewable sources and to give it priority access to the grid, but stresses access must be at a fair and competitive price, whether this is achieved by Feed-In-Tariff or otherwise;

6. similarly stresses the importance of grid infrastructure for gas, and heating from renewable sources and residual heat and to give these types of energy reasonable access to their relevant grid infrastructures;

7. believes that grid suppliers should make, and bear the costs of, reasonable adjustments to give access to renewable energy sources, these costs should not be spread across all energy consumers;

8. Supports the European Commission's initiative of urging national, regional and local authorities to apply policies promoting low energy and passive buildings. Although these

policies must be dealt with separately, they are necessary, of the utmost importance and relevant as regards meeting the objectives of the renewable energy directive. The Committee recommends that the provisions on this subject included in the draft Directive on renewable energy be duly taken into consideration during the forthcoming adjustment of the Directive on the energy performance of buildings. Generally, it recommends ensuring maximum coordination between the principal European legislative acts in these areas, specifically the Directive on the energy performance of buildings, the Directive on energy efficiency and energy services, the third package liberalising energy and the various components of the 'energy-climate' package, including the Directive on renewable energy. Particularly in view of achieving binding national targets, attention must focus on national implementation of the Directive on Renewable Energy;

Role of Local and Regional Authorities

9. considers that Local and Regional Authorities have experience and established competence to influence energy infrastructure and policies within their regions. Many European regions are already demonstrating a political commitment to promoting renewable energy in their regions; they have set concrete goals in this sphere and are pursuing them actively. They already influence energy infrastructure and policies by their actions in spatial planning, regional development, influencing the actions of individual citizens, and in many cases have fostered innovative applications of renewable energy (solar, ground source, biomass, hydroelectric power and wind) in relation to buildings and transport and other areas;

10. notes that the shift from non-renewable to renewable energy sources implies an increase in relatively small scale, local, energy production, which will also reduce long distance electricity transmission losses and will involve and impact upon the activities of all Local and Regional Authorities;

11. recognises that activities undertaken by local and regional authorities through which they may help achieve the goals of the directive include:

- spatial planning (through clear planning and development specifications as both a regulator and enabler);
- their ownership and management of public land and property (including street lighting, housing, transport, as well as public buildings and offices and captive fleets);
- provision of sustainable transport services and establishment of alternative means of transport (such as hire of electric cars and bicycles);

- provision of heating and cooling networks for private housing or large public buildings (swimming pools, schools, town or regional halls, etc.);
- regional development;
- measures to assist renewable energy companies including grants and access to finance;
- provision of grants and facilitating access to finance to make renewable energy accessible to individual households, public organisations and companies;
- communication with the citizen;
- provision of information and training (to citizens, to builders, equipment installers and repairers, to SMEs on support schemes);
- promoting energy research, development and technological innovation, especially as far as energy saving, efficiency and renewable energy are concerned;

12. urges the Commission to resist pressure to require Member States to set up centralised, single, administrative bodies dealing with applications and assistance for new renewable installations;

13. cautions against 'surplus energy' standards being applied retrospectively to public buildings;

14. In the light of the experience with NEEAPs, also calls on the Commission to allocate the necessary resources (including human resources) and to take the requisite steps (including legal action and financial sanctions) to ensure that the Member States submit high-quality National Action Plans for Renewables (NAPR) by the set deadlines, thus enabling the directive's objectives to be met;

15. points out that, additionally, Local and Regional Authorities control large budgets for public purchasing and procurement of energy consuming products and services; stresses that in the formative phases of a shift to a much more dominant renewable energy Europe, the significant role of Local and Regional Authorities in specifying, innovating and negotiating with the renewable energy sectors should be strengthened;

16. recognises that activities by Local and Regional Authorities to reduce the total demand for energy, by actions to improve energy efficiency, make an important contribution to achieving the aims of the Renewable Energy Directive;

National Action Plans

17. believes that, many of the actions (see for example Article 12) which will be included in the NAP will fall to Local and Regional Authorities to implement, Local and Regional Authorities have already undertaken significant action, and this experience should be utilised fully in the production, implementation and monitoring of NAPs;

18. therefore urges the Commission to amend Article 4 to require the involvement of Local and Regional Authorities in

the formulation of national action plans, and to take this factor duly into consideration when evaluating the national action plans;

19. recalling the experience of the national energy efficiency action plans (NEEAPs), it calls on the Commission to publish, in good time, guidelines for preparing NAPs, including a model. The involvement of local and regional authorities in drafting the NAPs will be clearly identified as a major part of the process of preparing NAPs in any model, guide or other form of recommendation published by the European Commission on the subject of NAPs;

Support Measures

20. urges the Commission to take steps to encourage take up of existing support schemes for renewable energy such as Structural Funds, access to EIB loans, the Intelligent Energy for Europe scheme under the Competitiveness and Innovation Framework Programme (CIP), the various schemes and initiatives under the 7th Framework programme for Research, and the Commission's plans set down in its Communication on the Strategic Energy Technology Plan COM (2007) 723 final;

21. wishes to ensure support schemes are accessible to renewable producers at all scales, including small installations and believes that, for consistency, support for renewable energy should be accompanied by the phasing out of subsidies for the production and use of fossil fuels (with the exception of possible support for cogeneration plants used to provide district heating), and for the production and use of nuclear energy. An exception shall also be granted to cases where carbon capture and storage is applied to reduce the carbon dioxide quantities emitted by fossil fuel use;

22. wishes the Commission to recognise the contribution of, and ensure that sufficient support is made available to encourage research and development to harness clean, renewable maritime energies such as from wind, waves, tide and ocean currents. Points out that national and regional aid programmes, which offer solutions tailored to national, regional and local situations, have shown that they are capable of successfully promoting renewable energy. Therefore, although additional support from the European level continues to be desirable, national and regional aid programmes must remain the principal tools for promoting this form of energy. Any European-level standardisation of the terms and conditions of aid programmes is to be avoided;

Guarantees of Origin

23. notes that the Commission proposal for EU wide Guarantees of Origin to validate electricity, heating and cooling from renewable sources conforms to the Committee of the Regions Opinion on Limiting global climate change ⁽¹⁾ which called for a green energy certificate to be introduced;

⁽¹⁾ CdR 110/2007 fin.

24. believes that the use of Guarantees of Origin also for trading and accounting is overcomplicated and suggests the Commission reconsiders and clarifies it, with a view to better guaranteeing the transparency and legal certainty of the system. It also suggests that at the same time, the Commission ensures that the system for trading in and marketing Guarantees of Origin does not jeopardise the implementation and efficiency of national or regional aid programmes, as well as considering a separate certificate for voluntary trading;

25. considers that the contribution made by microgeneration must be taken into account in order that this element of each Member States' overall energy package is properly recognised and supported;

Information and Training

26. notes that energy generation, distribution and use is changing rapidly and believes the rate of change will increase in coming years; therefore there must be widespread dissemination of information and training so that producers, installers and consumers of energy have appropriate understanding of new technologies allowing changes to take place efficiently and equitably;

27. supports the Commission proposal that Member States ensure that appropriate information, guidance and accreditation schemes are established;

28. stresses that Local and Regional Authorities have an important role in education and training, and are increasingly consulted by their citizens to improve the quality of information which is currently on offer; they will also be directly involved in implementing guidance on planning controls and standards for new buildings, therefore urges that Local and Regional Authorities are fully involved in the development and implementation of information, awareness, guidance, education and training schemes;

Biofuels

29. notes that Local and Regional Authorities have promoted biofuel use by, for example, collecting used cooking oils to produce bio-diesel for municipal vehicles, and the generation of biogas from sewage and other bio wastes also for use in municipal vehicles and the generation of wood pellet supplies, primarily for heat but also in conjunction with CHP schemes, from locally managed woodlands, and waste wood. Initiatives in various European regions to establish 'biofuel networks' must also be supported. These networks coordinate the production and consumption of biofuels at regional level. Provided that biofuels are sustainably produced, taking into account all economic, environmental and social aspects, such networks can contribute to the development of regional economies;

30. Believes that the 10 % target for renewable energy in transport is best met by increased use of electric vehicles powered by renewably generated electricity;

31. maintains that biofuels produced from wastes, by-products and residues have two climate change benefits as they reduce transport emissions and they remove materials from the waste stream, and thus represent good management of limited resources, of which biomass is an example. Nor do biofuels produced in this way compete with food production;

32. points out that increased use of biofuels in transport will have the intended, positive outcome only if biofuels are produced from commodities obtained in a way that does not distort the natural balance of the environment, food supply or the economic balance of the market, or social balance;

33. notes that emissions of air pollutants that are damaging to human health, from biofuel use in transport vary depending on the source. Biofuels therefore have the potential to contribute to an improvement or a deterioration in air quality, which local government has a key role in managing;

34. urges, therefore, that comprehensive research is undertaken on the tail-pipe emissions of different biofuels and that air quality impacts are considered alongside sustainability assessment, in a holistic manner;

35. recommends that NAPs (national action plans), which local and regional authorities will be involved in preparing, should include detailed provisions on the commodities from which biofuels will be produced. NAPs should take account of the specific nature of the natural resources and agricultural potential of each Member State;

36. urges that biofuels offering significant and quantified savings in greenhouse gas emissions are supported;

37. understands that cellulosic biomass⁽²⁾ and algae can be harvested with less interference to the food economy and less strain on land resources; as long as this is compatible with other marine activities; although production methods are still under development, green house gas savings of up to 90 % are claimed⁽³⁾. Furthermore, vehicle fuels can be produced from waste by generating biogas through anaerobic digestion, with a corresponding reduction in greenhouse gas emissions;

38. calls on the European Commission to develop further the environmental sustainability criteria for biofuels laid down in Article 15 of the draft directive. These criteria should, inter alia, provide a solution to the following questions, crucial to the general sustainability of biofuels:

- the question of inputs (intensive practices involving synthetic fertilisers and pesticides);
- the question of water saving in cultivation methods;
- the use of land which could be utilised for food crops.

⁽²⁾ Wood (such as willow, hybrid poplar, eucalyptus), tall perennial grasses (such as switchgrass and miscanthus, crop residues and municipal organic waste.

⁽³⁾ National Geographic October 2007 and Engineering & Technology May 2008.

Furthermore, following the examples of the above mentioned regional networks, it calls on the Commission to take into account the potential of regional production/consumption chains;

39. urges rigorous assessment of biofuel sustainability in step with technological change and amendment of the minimum GHG saving as technology develops;

40. believes that sustainability criteria need to be applied to EU produced and non-EU produced biofuels to give the public confidence in their purchasing decisions and in any schemes operated by their local authority;

41. biofuels must be produced sustainably and in a way which minimises the climate impact. Under no circumstances should permanently wooded areas be cleared in order to make way for energy crops which, de facto, fix smaller quantities of carbon dioxide;

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Article 3(3)

Text proposed by the Commission	CoR amendment
<p>3. Each Member State shall ensure that the share of energy from renewable sources in transport in 2020 is at least 10 % of final consumption of energy in transport in that Member State.</p> <p>In calculating total energy consumed in transport for the purposes of the first subparagraph, petroleum products other than petrol and diesel shall not be taken into account.</p>	<p>3. Each Member State shall ensure that the share of energy from renewable sources in transport in 2020 is at least 10 % of final consumption of energy in transport in that Member State. This energy may be produced only from commodities obtained in a way that does not distort the natural balance of the environment or the economic balance of the market in individual Member States.</p> <p>In calculating total energy consumed in transport for the purposes of the first subparagraph, petroleum products other than petrol and diesel shall not be taken into account.</p>

Reason

Because the production methods for biofuels offering high greenhouse gas savings are still in development and establishing a target at this point risks distorting the global market for food products.

Amendment 2

Article 4(1)

Text proposed by the Commission	CoR amendment
<p>1 Each Member State shall adopt a national action plan.</p> <p>The national action plans shall set out Member States' targets for the shares of energy from renewable sources in transport, electricity and heating and cooling in 2020, and adequate measures to be taken to achieve these targets, including national policies to develop existing biomass resources and mobilise new biomass resources for different uses, and the measures to be taken to fulfil the requirements of Articles 12 to 17.</p>	<p>1. <u>Each Member State shall adopt a national action plan on the basis of energy action plans, elaborated at local and regional level and coordinated with regional and land use policies; Member States shall actively consult and involve regional and local authorities, at an early stage, in the preparation of national action plans.</u></p> <p>The national action plans shall set out Member States' targets for the shares of energy from renewable sources in transport, electricity and heating and cooling in 2020, and adequate measures to be taken to achieve these targets, including the use of Green Public Procurement, through the introduction of ecological criteria encouraging the use of energy from renewable sources in the procurement of energy services by public authorities and the use of national policies to develop existing biomass resources and mobilise new biomass resources for different uses, and the measures to be taken to fulfil the requirements of Articles 12 to 17.</p>

Reason

Since many of the actions included in the National Action Plans will fall to Local and Regional authorities to implement, it is essential that they get involved in drafting the National Action Plans.

As part of the ETAP strategy for the dissemination of environmental technologies, the 25 Member States have adopted National Action Plans for Green Public Procurement (Italy approved its plan via an interministerial decree of 11 April 2008). GPP should be used to introduce ecological criteria (regarding the use of renewable energy sources) in the public procurement of energy services.

The draft Directive as it stand only makes limited references to the positive role that Local and Regional Authorities can play (Articles 12.1.a, 12.3 and 12.7). While recognising that the Commission's reasoning is to prioritise the achievement of the goal without prejudicing the ways Member States might choose to achieve it, the above amendment can help to increase the visibility and respect the competences of subnational Local Government in it, and crucially to encourage national authorities to actively engage with them when designing and implementing their National Action Plans.

*Amendment 3***Article 12(3)**

Text proposed by the Commission	CoR amendment
Member States shall require local and regional administrative bodies to consider the installation of equipment and systems for the use of heating, cooling and electricity from renewable sources and for district heating and cooling when planning, designing, building and refurbishing industrial or residential areas.	Member States shall require local and regional administrative bodies to consider the installation of equipment and systems for the use of heating, cooling and electricity from renewable sources and for district heating and cooling when planning, designing, building and refurbishing industrial, <u>commercial, office</u> or residential areas.

*Amendment 4***Article 13(1)**

Text proposed by the Commission	CoR amendment
1. Member States shall ensure that information on support measures is made available to consumers, builders, installers, architects and suppliers of heating, cooling and electricity equipment and systems and of vehicles compatible with the use of high biofuel blends or pure biofuels.	1. Member States shall ensure that information on support measures, <u>with involvement of local and regional authorities,</u> is made available to consumers, builders, installers, architects and suppliers of heating, cooling and electricity equipment and systems and of vehicles compatible with the use of high biofuel blends or pure biofuels.

Reason

Local and regional authorities should play an important role in training and information activities for the dissemination of renewable energy sources, to ensure that the targets of the 20-20-20 programme are reached.

*Amendment 5***Article 13(4)**

Text proposed by the Commission	CoR amendment
4. Member States shall develop guidance for planners and architects so that they are able properly to consider the use of energy from renewable sources and of district heating and cooling when planning, designing, building and renovating industrial or residential areas.	4. Member States shall, <u>with the involvement of local and regional authorities,</u> develop guidance for planners and architects so that they are able properly to consider the use of energy from renewable sources and of district heating and cooling when planning, designing, building and renovating industrial or residential areas.

Reason

Local and regional authorities should play an important role in training and information activities for the dissemination of renewable energy sources, to ensure that the targets of the 20-20-20 programme are reached.

*Amendment 6***Article 14(a)**

Text proposed by the Commission	CoR amendment
	<u>Without prejudice to the maintenance and safety of grids, Member States shall ensure that transmission system operators and distribution system operators in their territory guarantee that gas produced from renewable energy sources and residual heat are given priority access to their appropriate grids on reasonable conditions.</u>

Reason

Gas (biogas) and heating from renewable sources should ultimately be given access to the relevant grids, exploiting residual heat from industrial processes, the burning of waste etc. is a very effective way of saving primary energy.

Brussels, 8 October 2008

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

Opinion of the Committee of the Regions on 'Emission allowance trading'

(2008/C 325/04)

THE COMMITTEE OF THE REGIONS

- urges the Commission to speed up approval of legislation for including air transport in the ETS and to incorporate the maritime transport sector into the ETS without delay;
- is concerned that the directive does not encourage the reduction of greenhouse gas emissions in the waste management sector, an especially critical sector both for emissions and for land-use planning;
- recommends that at least 30 % of the revenues generated from the auctioning of allowances shall be earmarked by Member States for local and regional authorities in order to promote the use of renewable energies and energy efficiency in end uses, so as to meet the Community's objective of using 20 % renewable energy by 2020 and increasing energy efficiency by 20 % by 2020; to promote measures for reducing greenhouse gases in non ETS sectors, in particular in the transport and waste sectors;
- recommends measures to support certain energy intensive industries in the event of 'carbon leakage';
- no more than six months after this directive has entered into force, the Commission shall, after consulting with all relevant social partners and the Committee of the Regions, submit concrete proposals for preventing carbon leakage from energy-intensive sectors and subsectors.

Rapporteur: Pietro MARRAZZO (IT/PES), President of the Lazio Region

Reference document

Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading system of the Community

COM(2008) 16 final — 2008/0013 (COD)

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General recommendations

1. Notes that local and regional authorities make a key contribution to the success of European initiatives and play a critical role in implementing environmental, industrial and energy policies;

2. endorses the practical application of the 'polluter pays' principle in all Community policies relating to environmental protection and the climate; internalising the environmental cost of goods and services is an essential part of proper public policy guided by the principles of sustainable balanced and eco-compatible economic development;

3. therefore appreciates the efforts made to date by the European Commission to build an effective carbon market that succeeds in pinpointing the price of the pollution from a tonne of carbon dioxide within a free bargaining system;

4. welcomes the proposed adjustment and updating of the Emission Trading System (ETS), in line with the results achieved to date and the evidence uncovered during the first period under the system (2005-2007);

5. considers that despite the progress made, it is necessary to further increase the transparency and long-term reliability of the ETS and to remain attentive to the social and environmental repercussions that the proposed measures will have, especially at regional and local level;

Adjustments to the ETS:

Technical adjustments

6. notes that the simplification proposed by the Commission, including the possibility of excluding the smallest industrial installations and clarifying the concept of a combustion installation, will help to improve the reliability, efficiency and transparency of the carbon market as a whole;

7. nevertheless asks the Commission to specify the equivalent measures that can be adopted by Member States to pursue emission reductions in small installations, going beyond the generic reference to possible fiscal policy measures (carbon tax);

8. notes that with regard to the auctioning of quotas, it would be appropriate to move on from completely free allocation with a gradual changeover to public auctions; strongly supports the need to protect the poorer sections of the public from the possible rise in the price of industrial products and other energy sources, more specifically, electricity, also by helping them to increase their homes' energy efficiency;

9. agrees with the Commission on the proposed change to the approach taken to date with the adoption of National Allocation Plans (NAP) for each Member State and welcomes the decision to define common Community objectives, as part of a single, mutually supportive approach for the EU as a whole;

10. agrees with the Commission's proposal to include capture, transport and geological storage of greenhouse gases in the ETS and hopes in this respect that appropriate support will be given to research into related technologies that require further development and investment, provided that account is taken of the detrimental impact that carbon storage might have on the ecosystems in which it takes place;

11. recalls the important role that research in the energy-environment field can play when it comes to cutting emissions and making changes and hopes that the directive will prove an effective instrument for securing a steady source of financing for such activities;

12. stresses that the inclusion of new sectors and activities in the ETS must be assessed from the point of view not only of the risk that European industry may become less competitive on international markets, but also of the actual pollution produced by this sector, the potential for technological improvement of the sectors concerned and checks on the extent to which extra costs can be passed on to end users;

13. therefore urges the Commission to speed up approval of legislation for including air transport in the ETS and to incorporate the maritime transport sector into the ETS without delay (see point 65 of Opinion CdR 22/2008);

14. approves of the principle of cooperation and solidarity between Member States as introduced in the new ETS between countries that are technologically more advanced (whose industrial sectors are more energy efficient) and less-developed countries (whose economies have a higher energy consumption and need to increase their growth rates);

The international dimension of the fight against climate change

15. appreciates the efforts made by the EU to date in taking part in international negotiations on implementing the Kyoto protocol, most recently at the Bali conference, and in defining common global strategies, particularly for sharing the burden between wealthy and developing countries; therefore hopes that the results obtained to date will be further strengthened and developed by agreements at the forthcoming Poznan and Copenhagen international conferences;

16. calls for additional measures in the fight against climate change and an extension of the objectives set for the ETS in order to gear them to the target of a 30 % overall reduction in emissions following international agreements on the subject;

17. stresses the need for the proposed international agreement to lead to equal treatment world-wide for the various sectors concerned; consequently, minimum requirements should be established which an agreement must meet in order to constitute an international agreement along the lines proposed in the directive;

New sectors covered by regulations

18. stresses the need to have proper cost-benefit analyses on the inclusion of new production sectors in the ETS so as to prevent distortions of competition arising between dissimilar sectors as a result of limiting greenhouse gas production;

19. is concerned that the directive does not encourage the reduction of greenhouse gas emissions in the waste management sector, an especially critical sector both for emissions and for land-use planning;

20. notes that, alongside the emission allowance scheme, much needs to be done above all to effect a switch to environmentally sound modes of transport. National governments need to take responsibility here to expand rail and waterway infrastructure and promote intermodal transport generally;

Competitiveness of companies and consumer protection

21. notes that the risk of falling competitiveness among industrial sectors has yet to be fully assessed by the Commission and that adequate measures for supporting and defending European economies are not yet provided for by the new directive; stresses in that respect the importance of a stable and attractive environment for investments and the urgent need to address the dangers of transferring emissions to countries with less binding environmental standards and lower costs (carbon leakage); calls on the Commission to submit proposals to the European Parliament and the Council at the earliest possible opportunity for Community-wide, fully harmonised rules for the free allocation of certificates. These rules should take account of the situation in the energy-intensive sectors and subsectors where there is a considerable risk of carbon leakage;

22. calls for the efforts involved in the fight against climate change to be properly shared among the industrial operators involved and the end users, ensuring that the latter do not have to carry the entire burden of the additional cost of the strategies adopted in certain production sectors in particular;

23. notes that the Commission's proposal does not give sufficient attention to the need to avoid a negative impact on poorer sections of society, owing in particular to the possible effect of the directive on electricity prices; therefore calls on the Commission to monitor the markets more closely, to increase consumer confidence and limit the risk of market manipulation;

24. advocates rewarding the emissions reductions already achieved, when free emissions certificates are being allocated; in so doing, some installations which represent the benchmark in their production sector for the lowest greenhouse gas emissions per unit of production could be allocated 100 % free certificates.

The contribution of local and regional authorities

25. stresses that local and regional authorities are in the front line when it comes to dealing with the consequences of climate change and must therefore be properly involved in the adoption of any strategies to combat it and make changes;

26. calls on the Commission, when revising the ETS, to consider not only the consequences on competition at national and international level, but also the dangers for the competitiveness and attractiveness of the various regions within the EU;

27. therefore calls for due consideration to be given to the demands of regional development policies and notes that in order to promote a more transparent and effective carbon market, a number of industrial installations could be thoroughly restructured so as to rid the production system of the least efficient installations or those that are already in crisis; on that note, calls for action to support the process of industrial renewal and retraining of the workers concerned;

28. recognises, with regard to the strengthening and adjustment of the ETS, the need to improve the overall coherence of actions and to set more ambitious objectives which, pursuant to the international agreements under discussion, stipulate a target of a 30 % reduction in greenhouse gas emissions by 2020;

29. considers that more should be done to involve the public in the efforts made by the EU to address climate change, with the help of local and regional authorities; this awareness-raising activity should focus both on encouraging responsible personal behaviour and on helping the public understand the major industrial and technological issues that often lie behind the strategies adopted;

30. sees a need to step up the work of the local and regional authorities in the field of training and information for end users and operators of small and medium-sized businesses covered by the ETS directive.

II. PROPOSED AMENDMENTS

*Amendment 1***Article 1(5), (Article 9)**

Text proposed by the Commission	CoR amendment
<i>Article 9</i> Community-wide quantity of allowances The Community-wide quantity of allowances issued each year starting in 2013 shall decrease in a linear manner beginning from the mid-point of the period 2008 to 2012. The quantity shall decrease by a linear factor of 1,74 % compared to the average annual total quantity of allowances issued by Member States in accordance with the Commission Decisions on their national allocation plans for the period 2008 to 2012. The Commission shall, by 30 June 2010, publish the absolute quantity of allowances for 2013, based on the total quantities of allowances issued by the Member States in accordance with the Commission Decisions on their national allocation plans for the period 2008 to 2012. The Commission shall review the linear factor no later than 2025.	<i>Article 9</i> Community-wide quantity of allowances The Community-wide quantity of allowances issued each year starting in 2013 shall decrease in a linear manner beginning from the mid-point of the period 2008 to 2012. The quantity shall decrease by a linear factor of 1,74 % compared to the average annual total quantity of allowances issued by Member States in accordance with the Commission Decisions on their national allocation plans for the period 2008 to 2012. The Commission shall, by 30 June 2010, publish the absolute quantity of allowances for 2013, based on the total quantities of allowances issued by the Member States in accordance with the Commission Decisions on their national allocation plans for the period 2008 to 2012. The Commission shall review the linear factor no later than 2025. <u>The Commission shall review the Directive no later than 2018 with regard to the further development for the period after 2020.</u>

Reason

The proposed amendment to the Directive relates to the period between 2013 and 2020. Provisions for the period post-2020 are therefore out of place. Instead, the far-reaching amendments warrant a general review of the trade arrangements to date no later than 2018.

*Amendment 2***Article 1(7), (Article 10(3))**

Text proposed by the Commission	CoR amendment
At least 20 % of the revenues generated from the auctioning of allowances referred to in paragraph 2, including all revenues from the auctioning referred to in point (b) thereof, should be used for the following:	At least <u>50 %</u> of the revenues generated from the auctioning of allowances referred to in paragraph 2, including all revenues from the auctioning referred to in point (b) thereof, should be used for the following <u>by Member States and their local and regional authorities:</u>

*Amendment 3***Article 1(7), (Article 10(3)(f))**

Text proposed by the Commission	CoR amendment
f) to address social aspects in lower and middle income households, for example by increasing their energy efficiency and insulation;	f) to address social aspects in lower and middle income households, for example <u>by increasing with measures designed to compensate any increase in the price of electricity while also helping to increase their homes' energy efficiency and insulation;</u>

Reason

The aim is to include among measures for low-income households compensatory measures of a specifically economic nature.

Amendment 4

Article 1(7), (Article 10(3)), add a new paragraph 3a

Text proposed by the Commission	CoR amendment
	<p>3 a <u>At least 30 % of the revenues generated from the auctioning of allowances referred to in paragraph 2, including all revenues from the auctioning referred to in point (b) thereof, shall be earmarked by Member States for local and regional authorities in order to:</u></p> <p>a) <u>promote the use of renewable energies and energy efficiency in end uses, so as to meet the Community's objective of using 20 % renewable energy by 2020 and increasing energy efficiency by 20 % by 2020;</u></p> <p>b) <u>promote measures for reducing greenhouse gases in non ETS sectors, in particular in the transport and waste sectors;</u></p> <p>c) <u>fund information activities to encourage good habits among end users so as to offset possible increases in electricity prices;</u></p> <p>d) <u>fund training and information activities designed to encourage good practice on the part of small and medium-sized industries and operators.</u></p>

Reason

The aim is to give regional and local authorities a part to play in measures to reduce greenhouse gas emissions and secure the appropriate funding for them.

Regional and local authorities should be given a specific role to play in promoting the use of renewable resources and energy efficiency.

Funding should be found for regional and local activities to reduce greenhouse gas emissions in sectors that do not fall within the scope of the ETS directive, such as the waste and transport sectors.

Funding should be found for training and information activities aimed at the public and industry operators falling within the scope of the ETS directive.

Amendment 5

Article 1(7), (Article 10(5))

Text proposed by the Commission	CoR amendment
<p>5. By 31 December 2010, the Commission shall adopt a Regulation on timing, administration and other aspects of auctioning to ensure that it is conducted in an open, transparent and non-discriminatory manner. Auctions shall be designed to ensure that operators, and in particular any small and medium size enterprises covered by the Community scheme, have full access and any other participants do not undermine the operation of the auction. That measure, 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 [23(3)].</p>	<p>5. By 31 December 2010, the Commission shall adopt a Regulation on timing, administration and other aspects of auctioning to ensure that it is conducted in an open, transparent and non-discriminatory manner. Auctions shall be designed to ensure that operators, and in particular any small and medium size enterprises covered by the Community scheme, have full access and any other participants do not undermine the operation of the auction. <u>In order to avoid unwelcome speculative profits, access to gradual transition can be limited to only genuine market participants.</u> That measure, 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 [23(3)].</p>

Reason

Because of the foreseeable scarcity of certificates, there is a danger that speculation might lead to price rises out of all proportion to their value.

Amendment 6

Article 1(8), (Article 10a(1))

Text proposed by the Commission	CoR amendment
<p>1. The Commission shall, by 30 June 2011, adopt Community wide and fully-harmonised implementing measures for allocating the allowances referred to in paragraphs 2 to 6 and 8 in a harmonised manner.</p> <p>Those 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 [23(3)].</p> <p>The measures referred to in the first subparagraph shall, to the extent feasible, ensure that allocation takes place in a manner that gives incentives for greenhouse gas and energy efficient techniques and for reductions in emissions, by taking account of the most efficient techniques, substitutes, alternative production processes, use of biomass and greenhouse gas capture and storage, and shall not give incentives to increase emissions. No free allocation shall be made in respect of any electricity production.</p> <p>The Commission shall, upon the conclusion by the Community of an international agreement on climate change leading to mandatory reductions of greenhouse gas emissions comparable to those of the Community, review those measures to provide that free allocation only takes place where this is fully justified in the light of that agreement.</p>	<p>1. The Commission shall, by 30 June 2011, adopt Community wide and fully-harmonised implementing measures for allocating the allowances referred to in paragraphs 2 to 6 and 8 in a harmonised manner.</p> <p>Those 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 [23(3)].</p> <p>The measures referred to in the first subparagraph shall, to the extent feasible, ensure that allocation takes place in a manner that gives incentives for greenhouse gas and energy efficient techniques — <u>including cogeneration</u> —, and for reductions in emissions, by taking account of the most efficient techniques, substitutes, alternative production processes, use of biomass and greenhouse gas capture and storage, and shall not give incentives to increase emissions. <u>No free allocation shall be made in respect of any electricity production. All other sectors may however benefit from free allocations.</u></p> <p>The Commission shall, upon the conclusion by the Community of an international agreement on climate change leading to mandatory reductions of greenhouse gas emissions comparable to those of the Community, review those measures to provide that free allocation only takes place where this is fully justified in the light of that agreement.</p>

Reason

It should be specified that sectors other than electricity production may enjoy free allocations (fully or in part).

Amendment 7

Article 1(8), (Article 10a(3)), add a new paragraph 3a

Text proposed by the Commission	CoR amendment
<p>Free allocation may be given to electricity generators in respect of the production of heat through high efficiency cogeneration as defined by Directive 2004/8/EC for economically justifiable demand to ensure equal treatment with regard to other producers of heat. In each year subsequent to 2013, the total allocation to such installations in respect of the production of that heat shall be adjusted by the linear factor referred to in Article 9.</p>	<p><u>Based on reference values for separate production of electricity and heat,</u> free allocation may be given to electricity generators in respect of the production of heat through high efficiency cogeneration as defined by Directive 2004/8/EC for economically justifiable demand to ensure equal treatment with regard to other producers of heat. In each year subsequent to 2013, the total allocation to such installations in respect of the production of that heat shall be adjusted by the linear factor referred to in Article 9.</p>

Amendment 8

Article 1(8), (Article 10a(5))

Text proposed by the Commission	CoR amendment
5. The maximum amount of allowances that is the basis for calculating allocations to installations which are only included in the Community scheme from 2013 onwards shall not exceed, in 2013, the total verified emissions of those installations in 2005 to 2007. In each subsequent year, the total allocation to such installations shall be adjusted by the linear factor referred to in Article 9.	5. The maximum amount of allowances that is the basis for calculating allocations to installations which are only included in the Community scheme from 2013 onwards shall not exceed, in 2013, the historical average of the total emissions of those installations in 2005 to 2007. In each subsequent year, the total allocation to such installations shall be adjusted by the linear factor referred to in Article 9.

Reason

It should be made clear that it will not be possible to verify emissions for the installations in question as they will not be covered by the ETS in the 2008-2013 period.

Amendment 9

Article 1(8), (Article 10a(6))

Text proposed by the Commission	CoR amendment
6. Five percent of the Community-wide quantity of allowances determined in accordance with Articles 9 and 9a over the period 2013 to 2020 shall be set aside for new entrants, as the maximum that may be allocated to new entrants in accordance with the rules adopted pursuant to paragraph 1 of this Article. Allocations shall be adjusted by the linear factor referred to in Article 9. No free allocation shall be made in respect of any electricity production by new entrants.	6. Five percent of the Community-wide quantity of allowances determined in accordance with Articles 9 and 9a over the period 2013 to 2020 shall be set aside for new entrants, as the maximum that may be allocated to new entrants in accordance with the rules adopted pursuant to paragraph 1 of this Article, <u>to be determined in accordance with forecasts of trends in Community industrial GDP in 2020. In any case, the maximum quantity to be allocated shall not exceed five percent of the Community-wide quantity of allowances determined in accordance with Articles 9 and 9a over the period 2013 to 2020.</u> Allocations shall be adjusted by the linear factor referred to in Article 9. No free allocation shall be made in respect of any electricity production by new entrants.

Reason

The quota for new entrants should be determined on the basis of the forecast for industry GDP growth in 2020. Five percent appears excessive given the growth forecast for Community industry GDP.

Amendment 10

Article 1(8), (Article 10a(8))

Text proposed by the Commission	CoR amendment
8. In 2013 and in each subsequent year up to 2020, installations in sectors which are exposed to a significant risk of carbon leakage shall be allocated allowances free of charge up to 100 percent of the quantity determined in accordance with paragraphs 2 to 6.	8. In 2013 and in each subsequent year up to 2020, installations in sectors which are exposed to a significant risk of carbon leakage shall be allocated allowances free of charge up to 100 percent of the quantity determined in accordance with paragraphs 2 to 6. <u>Installations that produce the lowest CO₂ emissions per production unit shall receive preference (benchmarks).</u>

Reason

The Commission proposal disadvantages those firms that have already voluntarily made efforts to reduce greenhouse gas emissions. When allocating free certificates, treating 'clean' installations on an equal basis with firms which have 'dirty' installations would lead to a distortion of competition between firms in the same sectors in the Community. It is therefore only fair to take into account emissions reductions which have already been achieved. The proposed benchmark model, which envisages 100 % free allocation only for the 'cleanest' firms, is feasible, transparent and competition-neutral.

Amendment 11

Article 1(8), (Article 10b)

Text proposed by the Commission	CoR amendment
<p>Measures to support certain energy intensive industries in the event of carbon leakage</p> <p>Not later than June 2011, the Commission shall, in the light of the outcome of the international negotiations and the extent to which these lead to global greenhouse gas emission reductions, and after consulting with all relevant social partners, submit to the European Parliament and to the Council an analytical report assessing the situation with regard to energy-intensive sectors or sub-sectors that have been determined to be exposed to significant risks of carbon leakage. This shall be accompanied by any appropriate proposals, which may include:</p> <ul style="list-style-type: none"> — adjusting the proportion of allowances received free of charge by those sectors or sub-sectors under Article 10a; — inclusion in the Community scheme of importers of products produced by the sectors or sub-sectors determined in accordance with Article 10a. <p>Any binding sectoral agreements which lead to global emissions reductions of the magnitude required to effectively address climate change, and which are monitorable, verifiable and subject to mandatory enforcement arrangements shall also be taken into account when considering what measures are appropriate.</p>	<p>Measures to support certain energy intensive industries in the event of carbon leakage</p> <p><u>No more than six months after this directive has entered into force, the Commission shall, after consulting with all relevant social partners and the Committee of the Regions, submit concrete proposals for preventing carbon leakage from energy-intensive sectors and subsectors.</u></p> <p>Not later than June 2011, the Commission shall, in the light of the outcome of the international negotiations and the extent to which these lead to global greenhouse gas emission reductions, and after consulting with all relevant social partners, submit to the European Parliament and to the Council an analytical report assessing the situation with regard to energy-intensive sectors or sub-sectors that have been determined to be exposed to significant risks of carbon leakage. This shall be accompanied by any appropriate proposals, which may include:</p> <ul style="list-style-type: none"> — adjusting the proportion of allowances received free of charge by those sectors or sub-sectors under Article 10a; — inclusion in the Community scheme of importers of products produced by the sectors or sub-sectors determined in accordance with Article 10a. <p>Any binding sectoral agreements which lead to global emissions reductions of the magnitude required to effectively address climate change, and which are monitorable, verifiable and subject to mandatory enforcement arrangements shall also be taken into account when considering what measures are appropriate.</p>

Reason

It is necessary to give regional and local authorities a role in pinpointing the sectors and subsectors likely to be exposed to carbon leakage, so as to limit the danger of these companies losing competitiveness and jobs, with particular reference to SMEs.

It is precisely investments in energy-intensive sectors which as a rule require a great deal of capital and long lead times. Therefore it is all the more important for the firms concerned to have reliable, predictable framework conditions in which to operate. The plan to wait until 2011 before considering how the particular situation of energy-intensive sectors can be taken into account does not meet these firms' legitimate demands for certainty for planning purposes. Uncertainty with regard to future framework conditions has already been seen to lead to the postponement of investments or even the relocation of investments to non-Member States. The Commission is therefore urged to consider this point and publish corresponding plans as soon as possible.

Amendment 12

Article 1(21) (Article 27(1))

Text proposed by the Commission	CoR amendment
<p>1. Member States may exclude, from the Community scheme, combustion installations which have a rated thermal input below 25 MW, reported emissions to the competent authority of less than 10 000 tonnes of carbon dioxide equivalent, excluding emissions from biomass, in each of the preceding 3 years, and which are subject to measures that will achieve an equivalent contribution to emission reductions, if the Member State concerned complies with the following conditions:</p> <p>(a) it notifies the Commission of each such installation, specifying the equivalent measures that are in place,</p> <p>(b) it confirms that monitoring arrangements are in place to assess whether any installation emits 10 000 tonnes or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year;</p> <p>(c) it confirms that if any installation emits 10 000 tonnes or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year or the equivalent measures are no longer in place, the installation will be re-introduced into the system;</p> <p>(d) it publishes the information referred to in points (a), (b) and (c) for public comment.</p>	<p>1. Member States may exclude from the Community scheme, also taking into account the opinion of the installation owner, combustion installations which have a rated thermal input below 25 MW, reported emissions to the competent authority of less than 10 000 tonnes of carbon dioxide equivalent, excluding emissions from biomass, in each of the preceding 3 years, and which are subject to measures that will achieve an equivalent contribution to emission reductions, <u>Member States shall decide those measures in cooperation with regional and local authorities, on the basis of appropriate guidelines adopted by the Commission.</u></p> <p><u>2. Installations covered by paragraph 1 may be excluded from the Community system #providing the Member State concerned complies with the following conditions:</u></p> <p>(a) it notifies the Commission of each such installation, specifying the equivalent measures that are in place,</p> <p>(b) it confirms that monitoring arrangements are in place to assess whether any installation emits 10 000 tonnes or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year;</p> <p>(c) it confirms that, <u>having consulted the regional and local authorities, if any installation emits 10 000 tonnes or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year or the equivalent measures are no longer in place, the installation will be re-introduced into the system;</u></p> <p>(d) it publishes the information referred to in points (a), (b) and (c) for public comment.</p>

Reason

The aim is to acquire information on emission reduction measures implemented at regional level, given that operating authorisation for small installations is the responsibility of the region.

Brussels, 8 October 2008.

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

Opinion of the Committee of the Regions on ‘The Commission’s legislative proposals for the post-health check common agricultural policy’

(2008/C 325/05)

THE COMMITTEE OF THE REGIONS

- expresses concern about the lack of financial means for rural development. For further investing in the New Challenges, the scope should not only be on the resources of Pillar 1 and therefore urges to relate this concern to other EU policies, especially cohesion policy;
- strongly suggests that synergies be fostered between rural development policy and other EU policies, particularly cohesion policy;
- supports the growing call to invest in research on agricultural issues and to apply research outcome, welcomes the suggestion of the EC to seek synergy with the Knowledge Framework;
- feels that in order to meet the new challenges, Europe must aim for a closed circle economy and therefore stimulate and support innovating agriculture as a whole;
- feels that in order to fight climate change, integrated food strategies should be encouraged;
- feels that when it lowers their carbon footprint, regions should be encouraged to develop and promote locally produced food and food-related products;
- suggests that the proposed increase of milk quota should already be raised to 2 % annually, but also suggests that the Commission should secure the position of farmers in vulnerable areas, might this position be harmed as a result of these increased milk quota;
- feels that Europe has the social responsibility to put maximum effort into the anchoring of the People, Planet and Profit principles into the outcome of current and future WTO negotiations;
- wishes to state that local and regional bodies in most EU Member States have gained considerable experience and expertise in rural development, and would welcome an invitation to accept broader responsibilities for implementing and targeting the EU policy for Agriculture and Rural Development.

Rapporteur: Ms Lenie DWARSHUIS-VAN DE BEEK (NL/ALDE), Member of the Executive Council of the Province of South Holland

Reference documents

Proposal for a Council Regulation establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers

Proposal for a Council Regulation on modifications to the common agricultural policy by amending Regulations (EC) No 320/2006, (EC) No 1234/2007, (EC) No 3/2008 and (EC) No [...]/2008

Proposal for a Council Regulation amending Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)

Proposal for a Council Decision amending Decision 2006/144/EC on the Community strategic guidelines for rural development (programming period 2007 to 2013) (presented by the Commission) {SEC(2008) 1885} — {SEC(2008) 1886}

COM(2008) 306 final — 2008/0103 (CNS) — 2008/0104 (CNS) — 2008/0105 (CNS) — 2008/0106 (CNS)

THE COMMITTEE OF THE REGIONS

Opinion's key points

1. looks at the strategic importance of farming and agri-food industries for Europe, considers the highly multinational sphere of action of companies and subscribes to quality production in all regions, agrees with the European Commission (EC) on the importance of a Common Agricultural Policy;

2. agrees that equipping ourselves with a system that guarantees the European population a certain level of self-sufficiency in food requires crisis management when necessary; recognises that in the case of food production, the market cannot always reconcile the issue of farmers' incomes with total public demand, which justifies the Common Agricultural Policy;

3. with respect to the recommendations already incorporated in the legislative proposals, stresses that many of the recommendations made in its outlook opinion on *The Common Agricultural Policy Health Check* (CdR 197/2007) are still valid; however, further simplification is necessary in addition to the legislative proposals submitted, in order to achieve actual relief from red tape for the regional authorities responsible for implementing the CAP and for farmers; here in particular, greater simplification in the area of cross compliance is necessary; in this context any extension of Annex III documentation must not lead to greater burdens; furthermore, when implementing the individual measures concerning the individual standards in accordance with Annex III, account should be taken of regional and natural conditions, which may be very different; attention should also be paid to existing regulations;

4. contrary to what is outlined in its outlook opinion, pleads for the abolition of compulsory set-aside to be accompanied by optional environmental protection measures for certain areas within Pillar II;

5. recommends that the proposals on increasing quotas in preparation for the end of the quota system be reconsidered in view of the current situation on the milk market; suitable instruments should be selected and the financial resources for them made available to the extent necessary, as these may prevent some of the enormous disadvantages caused by the abolition of quotas in less competitive and naturally disadvantaged regions;

6. Thinks that the CAP Health Check cannot merely extend the 2003 reform without addressing the new international food situation; calls for caution to be exercised so that, during the Health Check, existing market instruments (except for the instrument of compulsory set-aside) are not irreversibly abolished. Given the current volatility of worldwide food markets, it should be possible to reactivate these instruments even if they are not currently in use;

7. Agrees on the importance of the New Challenges and agrees that a powerful incentive is needed in all Member States in order to succeed in launching New Challenges operations;

8. however fears that the form of modulation proposed by the Commission means that in general farmers' incomes could be significantly reduced, depending on the region;

9. feels that the Commission should not underestimate the importance of the reliability of the agreed financial framework of the CAP until 2013;

10. suggests that some of the freed-up resources could also be invested in other measures besides the ones to be created for the New Challenges, like in new Pillar I support measures for the Community sheep and goat sector which is of such great social, economic and environmental importance, and which is currently at serious risk of a drastic reduction in livestock numbers across Europe, and also in existing farm-related Pillar II measures, in various new Pillar II measures meant to help

farmers adapt to the new Pillar I situation, or in other new Pillar II measures, meant to meet the costs of the various measures of multifunctional agriculture for the general public;

11. feels that the balance between objectives and measures could differ for regions which up to now have already implemented many measures for coping with New Challenges or have already used their resources to a large extent in accordance with the New Challenges;

12. feels that if European agricultural policy is to respect the fundamental aspects of European policy, the application of modulation must first be based on the conditions of production before global criteria for competition can be studied as a priority;

13. believes that decisions on modulation are best taken at the appropriate devolved level to better reflect the diversity of local and regional needs. Member States and regions should have the scope to direct funds to Pillar II measures based on actual needs;

14. in this opinion on the legislative proposals expresses concern about the lack of financial means for rural development in general and for the new challenges in particular accordingly states clearly that for further investing in the New Challenges, in the near future the scope should not only be on the resources of Pillar 1 and therefore urges to relate this concern to other EU policies, especially cohesion policy;

15. in this opinion focuses on the scope of the proposals for Regulation (EC) No 1698/2005 on rural development, aiming for maximum results on the new challenges;

16. in this opinion gives an opinion on the future CAP in global perspective, including issues with WTO relevance, such as intellectual property and EU quality and energy use labelling;

17. in this opinion asks the Commission to invite the CoR to contribute to further debates and policy-making and announces new CoR initiatives, such as organising a stakeholder conference and formulating a vision paper for agriculture and rural development in Europe, focusing on the impact of regional decision-making and the ongoing efforts to create better environmental conditions in agriculture;

18. emphasises the importance of the indigenous European agri-food industry and the critical significance of food safety and food security where the EU is now the biggest agricultural importer in the world;

19. To provide for a smooth transition from milk quota expiry in 2015, a 'soft landing' is required, the Committee would favour annual milk quota increases of minimum 2 %, at least for those regions and countries with greater production potential. With very significant volume and price fluctuations now occurring, market management mechanisms should remain in place until the quota system expires;

I. POLICY RECOMMENDATIONS

Common Agricultural Policy

20. feels that the Common Agricultural Policy is important today and has the potential to remain important in the near future, as the performance of the CAP will continue to be debated in the perspective of increasing global demand for food, feed, fuels and fibres;

21. expresses the view that in an increasingly globalised world European agriculture cannot do without a powerful European common policy with market regulation mechanisms which, whilst taking into account the geographic, social and economic diversity of the European regions, focuses on strategic objectives and consumer demand, offers possibilities for regional opportunity and involvement, especially on the new challenges, is economically, socially and environmentally sustainable and contributes to rural prosperity;

22. shares the view of the European Commission that climate change, bio-energy, water management and biodiversity represent major challenges for the future — including for agriculture; in this context one should examine what contribution the CAP can make to accompanying the necessary adjustments positively; asks that appropriate consideration be given in the Member States and regions to making payments in advance;

23. is concerned about the Commission's proposals to continue dismantling Community intervention measures, against a backdrop of market instability; considers that it is important to maintain market intervention instruments financed through the Community funds currently in existence;

24. will continue its work to ensure that the necessary review of the CAP does not result in any re-nationalisation of that policy — hereby meaning that although executing and co-financing of policy can be allocated to the regions and the Member States, CAP policy itself, including strategy and budget, must be secured on a common level. Advocates the maintenance until the end of the financial period of the funding ceiling for the CAP adopted in the 2007-2013 financial framework;

25. in the light of the present economic situation and the serious crisis affecting European countries, which is having a particularly harmful impact on rural society, recommends that the Commission avoid taking any steps that might serve to increase unemployment and intensify the loss of economic activity;

26. considers that all direct aid should be linked to maintaining agricultural activity, although it could be decoupled from actual production; in this context, the health check should not serve as an opportunity to further untie direct aid;

27. considers that both the historical and regional models should gradually move towards uniform, work unit-based aid at Community level, modulated in line with the goods and services supplied to society in the context of a multi-functional farming industry;

28. points out that the Commission's proposal to set a threshold under which aid would not be covered could become a regressive measure in social terms and, taking into account regional diversity, could have a major social impact on numerous regions; therefore, considers that simplification measures should be applied within the internal context of each Member State;

29. in light of the Commission's proposal to present a report before 30 June 2011 on the conditions for phasing out milk quotas, considers that any decision on the future of the quota system should be postponed until that date;

30. notes the Commission's own acknowledgement that ending the quota system, or simply allowing quotas to increase gradually, could eventually lead to lower prices;

31. suggests that in order to provide a safety net in response to excessive volume and price fluctuations, appropriate market management mechanisms should remain in place during the health check, and also after the expiry of the quota system;

32. recommends that for as long as considered useful, also after 2015, the market instruments for milk and dairy products should be kept stand-by;

33. urges the EC to establish an extraordinary Community budget fund, supplemented if necessary by State resources, with the aim of improving the viability of farms, situated in less competitive and/or naturally disadvantaged regions or circumstances;

34. suggests that Member States should be allowed to support these farms in various ways, like by re-appointing Less Favoured Areas, by offering Pillar 2 measures and/or by applying Article 68, thus providing a safety net;

35. calls for prudence, to ensure that during the health check, the market mechanisms for milk and dairy products are not eliminated; considers that those currently in place should be maintained;

36. believes that the impact of agriculture on the environment is a major challenge and the EU should make greener agriculture a priority; would therefore stress the importance of an ongoing dialogue on environmental conditions in agriculture;

Synergy, complementarity and demarcation of common policy

37. is concerned, that attempts to use the 'rural development' umbrella to incorporate an ever-growing number of issues could be problematic and would question whether a number of these challenges would be best addressed through rural development programmes;

38. in fact supposes a growing discrepancy between the means available in the second pillar and the impact of the objectives needed to be addressed, being as well the 'new challenges' as the 'current challenges', related to the economic, social and environmental quality of rural areas;

39. believes that the CAP is primarily intended for agriculture and should not be transformed into just another aspect of territorial cohesion policy. when the CAP takes due regard of regional specificities and different production systems, it also contributes to territorial cohesion; that any proposals for change as a result of the Health Check must have sufficient regard to the various regional specificities and production systems that exist within the European Union;

40. welcomes the proposal to make Article 69 of Regulation (EC) No 1782/2003 more flexible, but also considers this measure inadequate to deal with the dismantling of market mechanisms proposed by the Commission, in particular the implications of ending milk quotas;

41. puts forward the view that developing rural areas towards greater innovation, sustainability and quality of services for all inhabitants and economic stakeholders, goes far beyond just the framework of agricultural development;

42. supports the growing call to invest in research on agricultural issues and to apply research outcome, welcomes the suggestion of the EC to seek synergy with the Knowledge Framework;

43. urges the EC to ensure that the need to encourage innovation and modernisation of farms and other food-related enterprises, resulting from the necessity to address the new challenges related to establish new competitiveness is not hindered by state aid policy;

44. strongly suggests that synergies be fostered between rural development policy and other EU policies, particularly cohesion policy and would welcome any opportunity to contribute to upcoming consultations on debates, meant to explore these synergies;

Stronger appeal to regional decision-making

45. underlining that the carrying out of all CAP measures has a local impact, stresses that the regional level is best placed to create maximum results in implementing a common policy; however, distortions of competition between Member States and regions must be avoided;

46. wishes to state that local and regional bodies in most EU Member States have gained considerable experience and expertise in rural development, such as the execution of the PRODER and LEADER Programmes in the last decade and would welcome an invitation to accept broader responsibilities for implementing and targeting the EU policy for Agriculture and Rural Development;

47. wishes to point out that it is the regional level that is most appropriate for setting measures to cut the CAP's administrative costs; considers that the possibility of exempting farmers who receive aid below a certain threshold from the compulsory modulation would in some regions represent a significant reduction in these administrative costs;

48. points out that the shift from a historic towards a regional payment model, as encouraged by the Commission, will call for the need to apply far more geographically determined criteria and to address regional and local competences, such as water management, energy supply and spatial planning;

49. expresses the need to back up the implementation of rural development policy with increased technical and educational support;

50. stresses the need for local and regional authorities to provide more, comprehensive information for producers and consumers about agricultural issues in order to raise the awareness and sense of responsibility of the various social groups with regard to the importance of agriculture for our everyday lives and in order to draw attention to the important role which agriculture has played, plays and will continue to play in economic, social and environmental developments;

51. Suggests that an additional element for classifying enterprises under modulation threshold is to be defined and introduced, making it possible to distinct large centrally managed enterprises from locally but under cooperation managed enterprises and allowing Member States to apply supportive measures, thus creating a soft landing for these cooperations;

Global perspective, trade issues and the future of the CAP

52. notes that a strong increase in the quantitative demand for agricultural commodities and food, caused by the explosive increase in the world's population, combined with the increase of prosperity and purchasing power, will occur in the near future and be sustained for the years to come;

53. notes that the growth in population and purchasing power will also lead to a strong increase in the demand for high quality foods, processed foods, meat and dairy foods and that this in turn will lead to an increasing scarcity of food crops including grains, fibres and other agricultural feed stock and raw materials;

54. Is concerned that the proposed increase of milk quota by 1 % annually from 2009 to 2013 may not be sufficient and suggests that the proposed increase should already be raised to 2 % annually, but also suggests that the Commission should secure the position of farmers in vulnerable areas, might this position be harmed as a result of these increased milk quota;

55. Considers there to be a need for Community law to allow for a more ambitious framing of inter-professional relations, enabling, amongst other things, measures to be

implemented at the regional or State level to regulate the profit margins of each link in the food chain without this being taken to represent a change to the rules of competition;

56. considers that the CAP must continue to strive to achieve its objectives of providing EU citizens with quality food in sufficient quantities, with health guarantees, at fair prices, creating viable farms, preserving our rural heritage and protecting the rural environment and has evolved to meet challenges and changing needs, whilst at the same time establishing conditions of fair competition enabling European agriculture to maintain a strong presence on the world market;

57. urges, in order to establish an according global level playing field, that uniform phytosanitary, veterinary and environmental standards be applied to food products for consumption in the EU whether EU-produced or from 3rd countries and urges that border inspection authorities, the Food and Veterinary Office (FVO) and the European Food Safety Authority (EFSA) be provided with the necessary resources;

58. notes that the production of food remains the focus and main task of agriculture, notes that the cultivation of energy plants makes an additional contribution towards achieving the goals of the Community's energy and climate policy and represents a potential creation of value for agriculture and rural areas and suggests that the topic should be readdressed under the New Challenges;

59. feels that Europe has the social responsibility to put maximum effort into the anchoring of the People, Planet and Profit principles into the outcome of current and future WTO negotiations;

60. suggests that the Commission should get an agreement on intellectual property covering geographical indications (acknowledged regional products) before signing an WTO agreement on agriculture;

61. suggests, that the Commission should define a European Food Hallmark, based on currently prescribed criteria;

New challenges

62. wishes to emphasise that the new challenges facing the CAP cannot be addressed by the CAP alone; all Community policies must be used to tackle them;

63. feels that in order to fight climate change, integrated food strategies should be encouraged, thus reducing food mileage, covering waste and energy management and establishing a labelling system, based on criteria defining origin, quality and sustainability and indicating the total energy consumed by the time the product reaches the consumer;

64. feels that when it lowers their carbon footprint, regions should be encouraged to develop and promote locally produced food and food-related products;

65. Is aware that Article 28 and Article 29 of the EC Treaty prohibit quantitative restrictions on imports, exports or goods in transit and all measures having equivalent effect between Member States, but feels that the actions as mentioned under 60 and 61 of the opinion could be allowed, knowing that the Court of Justice allows actions that are in the common public interest, like fighting climate change; and there fore calls for further studying the options;

66. wishes to add, that aiming for a certain level of regional self sufficiency for certain products would not contradict with importing from other countries;

67. in this respect calls for export subsidies to be granted only if this is needed to relieve domestic markets and does not harm the expansion of markets in the developing countries;

68. emphasises the importance of the indigenous European agri-food industry and the critical significance of food safety, food security and R&D capacity of developing sustainability-linked technology, where the EU is now the biggest agricultural importer in the world;

69. feels that European agriculture can pre-eminently connect both the Lisbon (knowledge, research, innovation) and the Goteborg (sustainability) objectives and set a worldwide example;

Rural development and implementing second pillar objectives

70. feels that the CAP, with a tailored second pillar, must result in a rural development geared to all economic activities in rural area and the new farming conditions, as well as to a more comprehensive rural development covering all rural areas in the EU, as well as to the most vulnerable areas such as those with natural handicaps (sparsely populated areas whose location holds back their development, upland, island and outermost areas) as well as to the most dynamic areas, such as periurban areas responsible for feeding the majority of EU citizens and up to the challenge of knowledge development, and integrating them into the major EU geographical groupings;

71. notes that recent evidence suggests that the majority of the world's population is living in urbanised areas within city boundaries and that this population is dependent on rural land management efficiency for food and fresh water supplies and notes that urbanised areas in addition present a strong need for nature reserves and attractive and accessible landscape. If these are to be maintained in a sustainable way, sufficient support must be forthcoming for the income of the farmers who manage such areas, so that they can be competitive and keep their farms viable in spite of having to comply with more stringent requirements as a result of Community law;

72. emphasises that the multifunctional EU agriculture model must contribute to combating climate change, embody the concepts of sustainability, competitiveness, diversity, food

self-sufficiency, responsiveness to society, consumers and the public good where good farming practices, environmental protection and animal welfare are integral; these contributions of agriculture are in the public interest and represent a financial value that is worth promoting, if higher costs are not offset by fair prices on the open market; particular attention should also be given in this context to ensuring that the farming community benefits from economic and social progress;

73. calls for the deletion of Article 13(2), which lays down the obligation that 'Member States shall give priority to the farmers who receive more that EUR 15 000 of direct payments per year' in line with the conditions for participation in the farm advisory systems;

74. notes that climate change necessitates further water management measures including measures like water storage, controlling levels, preventing flooding, preventing shortage and managing fresh water supplies;

75. feels that Europe must stimulate and support the use and production of truly renewable energy in agriculture, not only focusing on (second generation) biocrops and biofuels, but also on solar energy,, wind energy, hydroelectric power, geothermal heat and cogeneration;

76. feels that in order to meet the new challenges, Europe must aim for a closed circle economy and therefore stimulate and support innovating agriculture as a whole, not only addressing knowledge institutions, but also promoting system, network and chain innovation and accordingly promoting modernisation of all enterprises which are a part of the food production, processing, waste management, transport and distribution chain;

77. feels that professional land management must be implemented to ensure that fertile agricultural land is kept in good condition in order to secure sustainable use for food production for the internal and external market;

78. feels that specific agricultural areas are of the utmost importance for preserving and restoring biodiversity and nature values and that these public interests represent a financial value, eligible for payments;

79. feels that specific agricultural areas are of the utmost importance for offering leisure possibilities and that these public interests represent a financial value, eligible for payments;

80. feels that specific agricultural areas are of the utmost importance for executing water management and that this public interest represents a financial value, eligible for payments;

81. is of the view that while the CAP has successfully adapted to different challenges since its inception, considers that the Commission and its agents must do more to better inform and engage with citizens about the purpose, achievements and priorities of the CAP and that this should be a future communication priority of the Commission;

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Article 6, and Annex III — 2008/0103 (CNS) — COM(2008) 306 final

Text proposed by the Commission	CoR amendment
<i>Article 6</i>	<i>Article 6</i>
Good agricultural and environmental condition	Good agricultural and environmental condition
<p>1. Member States shall ensure that all agricultural land, especially land which is no longer used for production purposes, is maintained in good agricultural and environmental condition. Member States shall define, at national or regional level, minimum requirements for good agricultural and environmental condition on the basis of the framework set up in Annex III, taking into account the specific characteristics of the areas concerned, including soil and climatic condition, existing farming systems, land use, crop rotation, farming practices, and farm structures.</p> <p>2. Member States other than the new Member States shall ensure that land which was under permanent pasture at the date provided for the area aid applications for 2003 is maintained under permanent pasture. The new Member States shall ensure that land which was under permanent pasture on 1 May 2004 is maintained under permanent pasture. However, Bulgaria and Romania shall ensure that land which was under permanent pasture on 1 January 2007 is maintained under permanent pasture.</p> <p>However a Member State may, in duly justified circumstances, derogate from the first subparagraph, provided that it takes action to prevent any significant decrease in its total permanent pasture area.</p> <p>The first subparagraph shall not apply to land under permanent pasture to be afforested, if such afforestation is compatible with the environment and with the exclusion of plantations of Christmas trees and fast growing species cultivated in the short term.</p>	<p>1. Member States shall ensure that all agricultural land, especially land which is no longer used for production purposes, is maintained in good agricultural and environmental condition. Member States shall define, at national or regional level, minimum requirements for good agricultural and environmental condition on the basis of the framework set up in Annex III, taking into account the specific characteristics of the areas concerned, including soil and climatic condition, existing farming systems, land use, crop rotation, farming practices, and farm structures.</p> <p>2. Member States other than the new Member States shall ensure that land which was under permanent pasture at the date provided for the area aid applications for 2003 is maintained under permanent pasture. The new Member States shall ensure that land which was under permanent pasture on 1 May 2004 is maintained under permanent pasture. However, Bulgaria and Romania shall ensure that land which was under permanent pasture on 1 January 2007 is maintained under permanent pasture.</p> <p>However a Member State may, in duly justified circumstances, derogate from the first subparagraph, provided that it takes action to prevent any significant decrease in its total permanent pasture area.</p> <p>The first subparagraph shall not apply to land under permanent pasture to be afforested, if such afforestation is compatible with the environment and with the exclusion of plantations of Christmas trees and fast growing species cultivated in the short term.</p> <p>The measures mentioned under Annex III are to be regarded upon as recommended suggestions. To secure good agricultural and environmental condition, Member States are invited to put forward more or different measures, fitting national, regional or local conditions.</p>

ANNEX III

Good agricultural and environmental condition referred to in Article 6

Issue	Standards
Soil erosion: Protect soil through appropriate measures	— Minimum soil cover
	— Minimum land management reflecting site-specific conditions
	— Retain terraces
Soil organic matter: Maintain soil organic matter levels through appropriate practices	— Standards for crop rotations where applicable
	— Arable stubble management
Soil structure: Maintain soil structure through appropriate measures	— Appropriate machinery use

Issue	Standards
Minimum level of maintenance: Ensure a minimum level of maintenance and avoid the deterioration of habitats	<ul style="list-style-type: none"> — Minimum livestock stocking rates or/and appropriate regimes — Protection of permanent pasture — Retention of landscape features, including, where appropriate, hedges, ponds, ditches trees in line, in group or isolated and field margins, — where appropriate, prohibition of the grubbing up of olive trees — Avoiding the encroachment of unwanted vegetation on agricultural land — Maintenance of olive groves and vines in good vegetative condition
Protection and management of water: Protect water against pollution and run-off, and manage the use of water	<ul style="list-style-type: none"> — Establishment of buffer strips along water courses, — respect of authorisation procedures for using water for irrigation.

Reason

For reasons of subsidiarity, the European Commission should impose on objectives, but not on measures. Sub-European levels of government should be allowed to define appropriate effective and efficient measures themselves.

A specifically inefficient measure — establishing buffer strips along water courses — should already be taken out of the Annex III.

To protect water courses against pollution and run-off, supportive measures are favoured. Establishment of buffer strips along water courses could in certain cases be useful in order to reach the GAEC objective. However, prescribing buffering zones in general for all water courses would not be efficient and would cost too much productivity.

For example, several Member States use a dense web of small and mainly manmade ditches for drainage and water level management. Establishing buffer strips here could take up to 50 % of the surface area of the parcels surrounded by these ditches. Objectives on water and soil quality could be reached in various ways.

Amendment 2

Article 25(3) — 2008/0103 (CNS) — COM(2008) 306 final

Text proposed by the Commission	CoR amendment
(3) Notwithstanding paragraph 1 and in accordance with the conditions laid down in the detailed rules referred to in Article 26(1), Member States may decide not to apply a reduction or exclusion amounting to EUR 100 or less per farmer and per calendar year, and which includes any reduction or exclusion applied to payments under Article 51(1) of Regulation (EC) No 1698/2005.	(3) Notwithstanding paragraph 1 and in accordance with the conditions laid down in the detailed rules referred to in Article 26(1), Member States may decide not to apply a reduction or exclusion amounting to EUR 100 or less per support scheme, farmer and per calendar year covered by the application., and which includes any reduction or exclusion applied to payments under Article 51(1) of Regulation (EC) No 1698/2005.

Reason

In general, regional and municipal authorities are responsible for carrying out CAP measures. The above change is needed if genuine administrative simplification of procedures is to be achieved. That is why the individual support rules should be considered separately.

Amendment 3

Article 47 — 2008/0103 (CNS) — COM(2008) 306 final

Text proposed by the Commission	CoR amendment
<p style="text-align: center;"><i>Article 47</i></p> <p>Regional allocation of the ceiling referred to in Article 41</p> <p>1. A Member State having introduced the single payment scheme in accordance with Chapters 1 to 4 of Title III of Regulation (EC) No 1782/2003 may decide, by 1 August 2009 at the latest, to apply the single payment scheme from 2010 at regional level under the conditions laid down in this section.</p> <p>2. Member States shall define the regions according to objective and non-discriminatory criteria such as their institutional or administrative structure and/or the regional agricultural potential.</p> <p>Member States with less than three million eligible hectares may be considered as one single region.</p> <p>3. Member States shall subdivide the ceiling referred to in Article 41 between the regions according to objective and non-discriminatory criteria.</p>	<p style="text-align: center;"><i>Article 47</i></p> <p>Regional allocation of the ceiling referred to in Article 41</p> <p>1. A Member State having introduced the single payment scheme in accordance with Chapters 1 to 4 of Title III of Regulation (EC) No 1782/2003 may decide, by 1 August 2009 at the latest, to apply the single payment scheme from 2010 at regional level under the conditions laid down in this section.</p> <p>2. Member States shall define the regions according to objective and non-discriminatory criteria such as their institutional or administrative structure and/or the regional agricultural potential.</p> <p>Member States with less than three million eligible hectares may be considered as one single region.</p> <p>3. Member States shall subdivide the ceiling referred to in Article 41 between the regions according to objective and non-discriminatory criteria.</p> <p>4. Member States shall do as stated in sub 1, 2 and 3 in consultation with its sub-national levels of government.</p>

Reason

Speaks for itself

Amendment 4

Article 68 — 2008/0103 (CNS) — COM(2008) 306 final

Text proposed by the Commission	CoR amendment
<p style="text-align: center;"><i>Article 68</i></p> <p>General rules</p> <p>1. Member States may decide by 1 August 2009 at the latest to use from 2010 up to 10 % of their national ceilings referred to in Article 41 to grant support to farmers:</p> <p>(a) for:</p> <p style="padding-left: 20px;">(i) specific types of farming which are important for the protection or enhancement of the environment,</p> <p style="padding-left: 20px;">(ii) for improving the quality of agricultural products, or</p> <p style="padding-left: 20px;">(iii) for improving the marketing of agricultural products;</p> <p>(b) to address specific disadvantages affecting farmers in the dairy, beef, sheep and goatmeat and rice sectors in economically vulnerable or environmentally sensitive areas,</p> <p>(c) in areas subject to restructuring and/or development programs in order to avoid abandoning of land and/or in order to address specific disadvantages for farmers in those areas,</p>	<p style="text-align: center;"><i>Article 68</i></p> <p>General rules</p> <p>1. Member States may decide by 1 August 2009, 2010 or 2011 at the latest to use from 2010, 2011 or 2012 up to 10 % of their national ceilings referred to in Article 41 to grant support to farmers:</p> <p>(a) for:</p> <p style="padding-left: 20px;">(i) specific types of farming which are important for the protection or enhancement of the environment, including animal welfare,</p> <p style="padding-left: 20px;">(ii) for improving the quality of agricultural products, or</p> <p style="padding-left: 20px;">(iii) for improving the marketing of agricultural products;</p> <p>(b) to address specific disadvantages affecting farmers in the dairy, beef, sheep and goatmeat, potatoe starch, flax and rice sectors in economically vulnerable or environmentally sensitive areas,</p> <p>(c) in areas subject to restructuring and/or development programs in order to avoid abandoning of land and/or in order to address specific disadvantages for farmers in those areas,</p>

Text proposed by the Commission	CoR amendment
(d) in the form of contributions to crop insurance premiums in accordance with the conditions set out in Article 69,	(d) in the form of contributions to crop insurance premiums in accordance with the conditions set out in Article 69,
(e) mutual funds for animal and plant diseases in accordance with the conditions set out in Article 70.	(e) mutual funds for animal and plant diseases in accordance with the conditions set out in Article 70.
2. Support for measures referred to in paragraph 1(a) may only be granted:	2. Support for measures referred to in paragraph 1(a) may only be granted:
(a) if	(a) if
(i) as regards support for the specific types of farming referred to in its point (i), it respects the requirements for agri-environment payments set out in the first subparagraph of Article 39(3) of Regulation (EC) No 1698/2005,	(i) as regards support for the specific types of farming referred to in its point (i), it respects the requirements for agri-environment payments set out in the first subparagraph of Article 39(3) of Regulation (EC) No 1698/2005,
(ii) as regards support for improving the quality of agricultural products referred to in its point (ii), it is consistent with Council Regulation (EC) No 509/2006, Council Regulation (EC) No 510/2006, Council Regulation (EC) No 834/2007 and Chapter I of Title II of Part II of Regulation (EC) No 1234/2007 and	(ii) as regards support for improving the quality of agricultural products referred to in its point (ii), it is consistent with Council Regulation (EC) No 509/2006, Council Regulation (EC) No 510/2006, Council Regulation (EC) No 834/2007 and Chapter I of Title II of Part II of Regulation (EC) No 1234/2007 and
(iii) as regards support for improving the marketing of agricultural products referred to in its point (iii), it respects the criteria laid down in Articles 2 to 5 of Council Regulation (EC) No 3/2008 and	(iii) as regards support for improving the marketing of agricultural products referred to in its point (iii), it respects the criteria laid down in Articles 2 to 5 of Council Regulation (EC) No 3/2008 and
(b) only for coverage of the additional costs actually incurred and income foregone in order to fulfil the objective concerned.	(b) only for coverage of the additional costs actually incurred and income foregone in order to fulfil the objective concerned.
3. Support for measures referred to in paragraph 1(b) may only be granted:	3. Support for measures referred to in paragraph 1(b) may only be granted:
(a) upon full implementation of the single payment scheme in the sector concerned in accordance with Articles 54, 55 and 71.	(a) upon full implementation or towards full implementation within three years, of the single payment scheme in the sector concerned in accordance with Articles 54, 55 and 71.
(b) to the extent necessary to create an incentive to maintain current levels of production.	(b) to the extent necessary to create an incentive to maintain current levels of production.
4. Support under the measures referred to in paragraph 1(a), (b) and (e) shall be limited to 2.5 % of the national ceilings referred to in Article 41 Member States may set sub-limits per measure.	4. Support under the measures referred to in paragraph 1 (a), (b) and (e) shall be limited to 2.5 % of the national ceilings referred to in Article 41 Member States may set sub-limits per measure.
5. Support for measures referred to:	5. Support for measures referred to:
(a) in paragraph 1(a) and (d) shall take the form of annual additional payments,	(a) in paragraph 1(a) and (d) shall take the form of annual additional payments,
(b) in paragraph 1(b) shall take the form of annual additional payments such as headage payments or grassland premia,	(b) in paragraph 1(b) shall take the form of annual additional payments such as headage payments or grassland premia,
(c) in paragraph 1(c) shall take the form of an increase of the unit value and/or the number of the farmer's payment entitlements,	(c) in paragraph 1(c) shall take the form of an increase of the unit value and/or the number of the farmer's payment entitlements,
(d) in paragraph 1(e) shall take the form of compensation payments as specified in Article 70.	(d) in paragraph 1(e) shall take the form of compensation payments as specified in Article 70.
6. The transfer of payment entitlements with increased unit values and of additional payment entitlements referred to in paragraph 5(c) may only be allowed if the transferred entitlements are accompanied by the transfer of an equivalent number of hectares.	6. The transfer of payment entitlements with increased unit values and of additional payment entitlements referred to in paragraph 5(c) may only be allowed if the transferred entitlements are accompanied by the transfer of an equivalent number of hectares.

Text proposed by the Commission	CoR amendment
<p>7. Support for measures referred to in paragraph 1 shall be consistent with other Community measures and policies.</p> <p>8. Member States shall raise the funds needed to cover the support referred to:</p> <p>(a) in paragraph 1(a), (b), (c) and (d) by proceeding to linear reduction of the entitlements allocated to farmers and/or from the national reserve,</p> <p>(b) in paragraph 1(e) by proceeding, if necessary, to linear reduction of one or several of the payments to be made to the beneficiaries of the relevant payments in accordance with this title and within the limits set out in paragraphs 1 and 3.</p> <p>9. The Commission, in accordance with the procedure referred to in Article 128(2), shall define the conditions for the granting of the support referred to under this section, in particular with a view to ensure consistency with other Community measures and policies and to avoid cumulation of support.</p>	<p>7. Support for measures referred to in paragraph 1 shall be consistent with other Community measures and policies.</p> <p>8. Member States shall raise the funds needed to cover the support referred to:</p> <p>(a) in paragraph 1(a), (b), (c) and (d) by proceeding to linear reduction of the entitlements allocated to farmers and/or from the national reserve,</p> <p>(b) in paragraph 1(e) by proceeding, if necessary, to linear reduction of one or several of the payments to be made to the beneficiaries of the relevant payments in accordance with this title and within the limits set out in paragraphs 1 and 3.</p> <p>9. The Commission, in accordance with the procedure referred to in Article 128(2), shall define the conditions for the granting of the support referred to under this section, in particular with a view to ensure consistency with other Community measures and policies and to avoid cumulation of support.</p> <p>10. When deciding on the use from 2010 up to 10 % of their national ceilings, Member States shall do so in consultation with its sub-national levels of government.</p>

Reason

Article 68 is still under a lot of discussion. Many Member States and regions would need more time to decide upon the level and the way they would want to implement it. Also they might want to add more objectives under the general rules. Finally, to make further decoupling less painful, a more gradual change, including supportive measures should be possible under Article 68.

Amendment 5

Article 1, (6), 2.b — 2008/0105 (CNS) — COM(2008) 306 final

Text proposed by the Commission	CoR amendment
<p>b) Pursuant to the conditions laid down in the detailed rules referred to in paragraph 4 of this Article, Member States may decide not to apply a reduction or cancellation amounting to EUR 100 or less per farmer and per calendar year, and which includes any reduction or exclusion applied to direct payments under Article 25 of Regulation (EC) [No XXXX/2008 (new Regulation on direct support schemes)].</p>	<p>b) Pursuant to the conditions laid down in the detailed rules referred to in paragraph 4 of this Article, Member States may decide not to apply a reduction or cancellation amounting to EUR 100 or less per farmer, per measure and per calendar year covered by the application, and which includes any reduction or exclusion applied to direct payments under Article 25 of Regulation (EC) [No XXXX/2008 (new Regulation on direct support schemes)].</p>

Reason

In general, regional and municipal authorities are responsible for carrying out CAP measures. The above change is needed if genuine administrative simplification of procedures is to be achieved. That is why the individual support rules should be considered separately.

Amendment 6

ANNEX II — 2008/0105 (CNS) — COM(2008) 306 final

ANNEX II

Indicative types of operations related to priorities referred to in Article 16a

Priority: Climate change		
Types of operations	Articles and measures	Potential effects
Improve efficiency of nitrogen fertiliser use (for ex. reduced use, equipment, precision agriculture), improvement of manure storage	<p>Article 26: modernisation of agricultural holdings</p> <p>Article 28: Adding value to agricultural and forestry products</p> <p>Article 29: Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector</p> <p>Article 39: agri-environment payments</p>	Reduction of methane (CH ₄) and nitrous oxide (N ₂ O) emissions
Improvement of energy efficiency	<p>Article 26: modernisation of agricultural holdings</p> <p>Article 28: Adding value to agricultural and forestry products</p> <p>Article 29: Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector</p>	Reduction of carbon dioxide (CO ₂) emissions by saving energy.
Reducing foodmiles	<p>Article 26: modernisation of agricultural holdings</p> <p>Article 28: Adding value to agricultural and forestry products</p> <p>Article 29: Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector</p> <p>Article 53: diversification into non-agricultural activities</p> <p>Article 54: support for business creation and development</p> <p>Article 56: basic services for the economy and rural population.</p>	Reduction of carbon dioxide (CO ₂) emissions by saving energy.
Soil management practices (for ex. tillage methods, catch crops, diversified crop rotations)	Article 39: agri-environment payments	Reduction of nitrous oxide (N ₂ O); carbon sequestration.
Land Use change (for ex. conversion of arable land to pastures, permanent set aside, reduced use/restoration of organic soils)	Article 39: agri-environment payments	Reduction nitrous oxide (N ₂ O); carbon sequestration.

Priority: Climate change

Types of operations	Articles and measures	Potential effects
Extensification of livestock (for ex. reduction stocking density, increase grazing)	Article 39: agri-environment payments	Reduction of methane (CH ₄).
Afforestation	Articles 43 and 45: first afforestation of agricultural and non-agricultural land	Reduction of nitrous oxide (N ₂ O); carbon sequestration.
Forest fire prevention	Article 48: restoring forestry potential and introducing prevention actions	Carbon sequestration in forests and avoid carbon dioxide (CO ₂) emissions.

Priority: Renewable energies

Types of operations	Articles and measures	Potential effects
Biogas production — anaerobic digestion plants using animal waste (on farm and local production)	Article 26: modernisation of agricultural holdings Article 28: Adding value to agricultural and forestry products Article 29: Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector Article 53: diversification into non-agricultural activities	Substitution of fossil fuel; reduction of methane (CH ₄)
Perennial energy crops (short rotation coppice and herbaceous grasses)	Article 26: modernisation of agricultural holdings	Substitution of fossil fuels; carbon sequestration; reduction of nitrous oxide (N ₂ O).
Processing of agricultural/forest biomass for renewable energy	Article 28: adding value to agricultural and forestry products Article 29: Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector	Substitution of fossil fuels.
Installations/infrastructure for renewable energy using biomass	Article 28: Adding value to agricultural and forestry products Article 29: Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector Article 53: diversification into non-agricultural activities Article 54: support for business creation and development Article 56: basic services for the economy and rural population	Substitution of fossil fuels.

Priority: Renewable energies

Types of operations	Articles and measures	Potential effects
Improvement of waste management related to reuse of materials	<p>Article 26: modernisation of agricultural holdings</p> <p>Article 28: Adding value to agricultural and forestry products</p> <p>Article 29: Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector</p> <p>Article 53: diversification into non-agricultural activities</p> <p>Article 54: support for business creation and development</p> <p>Article 56: basic services for the economy and rural Population</p>	Substitution of fossil fuels.
Usage and production of solar energy, wind energy, geothermal heat and cogeneration	<p>Article 26: modernisation of agricultural holdings</p> <p>Article 28: Adding value to agricultural and forestry products</p> <p>Article 29: Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector</p> <p>Article 53: diversification into non-agricultural activities</p> <p>Article 54: support for business creation and development</p> <p>Article 56: basic services for the economy and rural population</p>	Substitution of fossil fuels

Priority: Water Management

Types of operations	Articles and measures	Potential effects
Water saving technologies, water storage	Article 26: modernisation of agricultural holdings	Improve the capacity to use water more efficiently.
Water saving production techniques	<p>Article 28: Adding value to agricultural and forestry products</p> <p>Article 29: Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector</p> <p>Article 30: infrastructure</p>	

Priority: Water Management

Types of operations	Articles and measures	Potential effects
Managing flooding risks	<p>Article 28: Adding value to agricultural and forestry products</p> <p>Article 29: Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector</p> <p>Article 39: agri-environment payments</p> <p>Article 41: non-productive Investments</p>	Improve the capacity to use water more efficiently.
Wetland restoration Conversion of agricultural land into forest/agro-forestry systems	<p>Article 39: agri-environment payments</p> <p>Article 41: non-productive investments</p> <p>Article 43 and 45: first afforestation of agricultural and non-agricultural land</p>	Conservation of high-value water bodies; protection of quality water.
Development of semi-natural water bodies	Article 57: conservation and upgrading of the rural heritage	Conservation of high-value water bodies; protection of quality water.
Soil management practices (for ex. catch crops)	Article 39: agri-environment payments	Contributing to the reduction of losses of different compounds to water, including phosphor.

Priority: Biodiversity

Types of operations	Articles and measures	Potential effects
No application of fertiliser and pesticides on high nature value agricultural land Integrated and organic production	<p>Article 39: agri-environment payments</p> <p>Article 28: Adding value to agricultural and forestry products</p> <p>Article 29: Cooperation for development of new products, processes and technologies in the agriculture and food sector and in the forestry sector</p>	Conserved species-rich vegetation types, protection and maintenance of grasslands.
Perennial field and riparian boundary strips Construction/management of biotopes/habitats within and outside Natura 2000 sites Land Use Change (extensive grassland management, conversion of cropland to pasture, long-term set aside) Management of high nature value perennials	<p>Articles 38 and 46: Natura 2000 payments</p> <p>Article 39: agri-environment payments</p> <p>Article 41: non-productive investments</p> <p>Article 47: forest-environment payments</p> <p>Article 57: conservation and upgrading of the rural heritage</p>	Protected birds and other wildlife and improved biotope network; reduced entry of harmful substances in bordering habitats.
Conservation of genetic diversity	Article 39: agri-environment payments	Conserved genetic diversity.

Reason

The New Challenges will become an important and possibly lucrative part of the farming business.

In order to stimulate farmers to take the lead in making their enterprises both competitive and sustainable, finding solutions for sustainable farming and taking an active role in executing new environmental measures, they should have the opportunity to apply all relevant existing EAFRD measures, also the measures meant to enhance innovation, develop new technologies and develop new strategies. These are not enlisted by the Commission yet. Enlisting them will encourage member states to put them forward.

Brussels, 8 October 2008.

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

Opinion of the Committee of the Regions on 'Pre-commercial Procurement: Driving innovation to ensure sustainable high quality public services in Europe'

(2008/C 325/06)

THE COMMITTEE OF THE REGIONS

- welcomes Commission communication as a satisfactory first introduction to the basic concept of pre-commercial procurement and the way in which it can be organised, although there are certain oversights with regard to the actual implementation of the procedure proposed;
- emphasises that where local and regional authorities choose pre-commercial procurement in order to promote innovation as a way of addressing problems they are seeking to resolve through the effects of this instrument, they will have to face various challenges that are not adequately analysed in the communication;
- thinks that the European Commission should provide a clear and detailed guide, as well as training opportunities, to contracting local and regional authorities on how to use pre-commercial procurement of R&D services so that European law is not infringed;
- also considers the guidance and training that must be provided to be all the more urgent given that pre-commercial procurement raises serious questions of intellectual and industrial property rights, a legal issue to which even the legal services of central governments have not yet paid particular attention;

Rapporteur: Dimitrios TSIGKOUNIS (EL/EPP), Mayor of Leonidio (Arcadia)

Reference document

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Pre-commercial Procurement: Driving innovation to ensure sustainable high quality public services in Europe

COM(2007) 799 final

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General comments on the role of local and regional authorities

1. calls for consideration to be given in the forthcoming debate to the role played by local and regional authorities in addressing major social problems, e.g. ensuring high-quality affordable healthcare geared to an ageing population, responding to climate change, improving energy efficiency, ensuring higher quality education and better access to it, and more effective management of security threats;

2. since new, innovative solutions are likely to be called for in addressing the problems, since solutions either are not commercially viable owing to technological requirements or, where they exist, do not yet satisfy requirements — meaning that new R&D is imperative — proposes that local and regional authorities be actively involved in developing the new framework for pre-commercial public procurement and that their opportunities for effectively managing and implementing this new type of procurement be strengthened;

3. maintains that including R&D in public procurement with a view to promoting innovative solutions allows local and regional authorities to make a key contribution to the medium and long-term profitability and effectiveness of the services they provide, and to promoting the competitiveness of European industry through innovation;

4. considers that since a significant proportion of such spending falls to local and regional authorities, those authorities must be fully prepared to play a major role in promoting R&D across Europe;

5. calls on the European Commission to take into account the political priorities of the Committee for the period 2008-2010, which include: implementing the Lisbon strategy for growth and employment; addressing the challenges of climate change; diversification and sustainable use of energy resources; improving citizens' quality of life, which includes cross-border cooperation on civil protection and access to better healthcare services; promotion by local and regional authorities of solidarity, and intercultural and interfaith dialogue, and promotion of all forms of local culture and traditions; taking part in dialogue on a common migration and asylum policy,

especially in terms of exchanging best integration practice; prioritising the single market and strategically enhancing the quality of public services. These are matters relevant to local and regional authorities which are likely to be included as particularly promising within the sphere of public procurement in order to support R&D in information and communication technologies, these being the priority choice for pre-commercial procurement;

6. welcomes Commission communication COM(2007) 799 final as a satisfactory first introduction to the basic concept of pre-commercial procurement and the way in which it can be organised, although there are certain oversights with regard to the actual implementation of the procedure proposed;

7. emphasises that where local and regional authorities choose pre-commercial procurement in order to promote innovation as a way of addressing problems they are seeking to resolve through the effects of this instrument, they will have to face various challenges that are not adequately analysed in Commission communication COM(2007) 799 final;

8. believes that existing procurement legislation is already quite complicated, and that many local and regional authorities have particular problems implementing it correctly, so that they would be very hesitant to add another complicated mechanism, like this European Commission initiative, to their administrative system and procedures; therefore urges that the public procurement legislation not be applied to pre-commercial procurement;

9. proposes that the Commission look into the possibility of whether the procurement directive could be amended so that innovations might, for example, be generated within the framework of partnership projects. The rigid procurement process is a major obstacle to new innovations. The requirement of fair and non-discriminatory treatment derived from the Treaty establishing the European Community should not be interpreted in such a way that, in practice, precludes companies and procuring entities from benefiting from companies' R&D efforts;

10. believes that designing and drawing up very technical versions of public tenders to promote innovation calls for particular knowledge and skills which local and regional authorities do not generally have, considering that even in many national central governments such knowledge and skills are found in only a small number of departments;

11. thinks that the various selection stages of the pre-commercial procurement process for R&D services similarly require a level of technical knowledge and understanding of the issues concerned that cannot generally be provided by local and regional authorities;

12. notes that even if pre-commercial procurement of R&D services ultimately proves successful, it will still be difficult to mobilise and activate citizens politically at local and regional level. One factor that makes decision-making by local and regional authorities particularly problematic is that the public cost of organising pre-commercial procurement of R&D services is immediate and affects the ongoing management period, whereas the benefits are usually seen in the medium term and it may be some time before the general public becomes aware of them, usually longer than the time between two consecutive elections at local and regional level;

13. is concerned that should the advisability of publishing a pre-commercial procurement tender for R&D services have been politically controversial, it is likely that following an election that produces a new local and regional authority consisting of parties that have expressed such objections, they will raise doubts about whether the procurement procedure will continue for a product that is already on the market, ultimately obscuring the real benefits that were sought by the contracting authority with the original pre-commercial procurement tender for R&D services;

14. believes that a major political problem would arise for local and regional authorities if the successful bidders in a pre-commercial procurement procedure for R&D services were not based in the area where the contracting local or regional authority had its seat, or if they were even based in another Member State;

15. suspects that if a pre-commercialisation tender for R&D services is unsuccessful, an eventuality which cannot be ruled out, especially in certain areas of R&D where the success rate is still quite low, local and regional authorities will find it very difficult to justify their action and convince the general public that even with this outcome it was better to issue the tender than to invest in existing, commercially proven technology;

16. in view of the above-mentioned problems which local and regional authorities may face in relation to pre-commercial procurement of R&D services, proposes that the European Commission and the Member States should design and implement a series of measures that it considers essential to ensure that pre-commercial procurement of R&D fulfils its purpose at local and regional level, which will have a major impact on the wider R&D performance of the European Union compared with its competitors in the global market;

17. notes that it should be borne in mind that if the introduction of pre-commercial procurement procedures for R&D services at local and regional level is not smooth and efficient,

which seems likely, then R&D may be deprived of funding at European Union level;

18. thinks that the European Commission should provide a clear and detailed guide, as well as training opportunities, to contracting local and regional authorities on how to use pre-commercial procurement of R&D services so that European law is not infringed;

19. also considers the guidance and training that must be provided to be all the more urgent given that pre-commercial procurement raises serious questions of intellectual and industrial property rights, a legal issue to which even the legal services of central governments have not yet paid particular attention;

20. urges the Member States and the European Commission to develop support structures which local and regional authorities can use whenever they decide to practise pre-commercial procurement of R&D services, to obtain clear and practical information and real assistance, especially regarding the most appropriate distribution of risks and benefits between the contracting authority and the successful candidates;

21. given that pre-commercial procurement of R&D services entails clearly identifiable short-term risks at the local and regional level of the contracting authority, whereas the long-term benefits are difficult to identify and often vague, which causes understandable concern for local and regional authorities, emphasises that the Member States and the European Commission must provide clear support at various levels so as to ensure that all those concerned understand that occasional failures are a necessary part of such a procedure which involves seeking innovative solutions to chronic or more recent problems faced by European societies;

22. notes that because pre-commercial procurement tenders for R&D services are open to candidates from all the Member States, they may unavoidably lead to at least partial transfer of resources for R&D funding from one region of a Member State to that of another Member State. At European Union level obviously this is not a problem, but at local or regional level it is a factor that may significantly hamper the funding of pre-commercial procurement of R&D services;

23. urges the European Commission to demonstrate that pre-commercial procurement can be useful for the regional authority managing the tender procedure, even where candidates are not based in the region;

24. urges the European Commission to encourage and strengthen large groupings of local and regional authorities which agree to conduct a pre-commercial procurement procedure jointly so as to reduce the risks that would be faced by a single local or regional authority organising the same procedure in a Member State;

25. recognises that creating intra-European networks and establishing regular contacts between local and regional authorities with similar needs in the different Member States represent the only binding elements in inter-governmental/interregional cooperation and coordination relating to pre-commercial procurement of R&D services;

26. supports funding of measures to develop and consolidate pre-commercial procurement of R&D services at local and regional level by re-allocating European Union budget resources that may be provided by the revision of the Common Agricultural Policy;

27. believes that the single European R&D area (European Research Area, or ERA) could potentially be transformed and strengthened if pre-commercial procurement of R&D services was incorporated into the existing public procurement process;

28. believes that the strategy of promoting pre-commercial procurement of R&D services would be substantially facilitated by utilising knowledge-intensive and technologically innovative local and regional universities, research centres and above all

small and medium-sized enterprises (SMEs) as part of a new framework of cooperation with local and regional authorities in the Member State where they are located and networking through them with local and regional authorities in other Member States and counterpart universities, research centres and small and medium-sized companies;

29. emphasises that the creation in the various local and regional authorities of information/database points on the local and regional problems that need to be urgently addressed with innovative solutions, and providing information on local R&D capacity, can bring closer together regions facing the same problems, as well as research centres and companies with complementary or supplementary potential for finding innovative solutions through cooperation;

30. proposes that funding through the European Regional Development Fund, the Cohesion Fund and the European Social Fund should be targeted at measures relating to R&D via pre-commercial procurement in areas covered by the funds.

Brussels, 8 October 2008.

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

Opinion of the Committee of the Regions on the 'European Quality Assurance Framework for Vocational Education and Training' and the 'European Credit System for Vocational Education and Training'

(2008/C 325/07)

THE COMMITTEE OF THE REGIONS

- agrees that there is a broad consensus in the EU on the need to modernise and improve vocational education and training in Europe. Quality assurance in vocational education and training is a key part of this aim
- considers that the difficulties in recognising learning outcomes from different Member States, however, have put a brake on mobility in the EU and hinder genuine lifelong learning experiences
- highlights that in many Member States the regional and local level is responsible for vocational education and training
- welcomes the Commission's two recommendations, as they aim to propose solutions to the social and economic challenges of a globalising, knowledge-based world economy and they also aim to increase mobility within the European Union and encourage skills exchange. Consequently the CoR believes that it is necessary to develop areas which are important for citizens and activities which local and regional authorities are responsible for
- considers that the main users of the European Quality Assurance Reference Framework will be national/regional and local authorities in charge of quality assurance and improvement in education and training
- asks that local and regional competent authorities be involved in the exercise of linking up national/regional qualifications frameworks to ECVET
- highlights that the actual implementation and take-up of the system will be the real measure of its success. Local and regional authorities will be useful partners to promote this through their networks and to make ECVET credible and usable.

Rapporteur: Kent JOHANSSON (SV/ALDE), Member of the Regional Executive Board, Västra Götaland Region

Reference documents

Proposal for a Recommendation of the European Parliament and of the Council on the establishment of a European Quality Assurance Framework for Vocational Education and Training

COM(2008) 179 final, 2008/0069 (COD)

Proposal for a Recommendation of the European Parliament and of the Council on the establishment of the European Credit System for Vocational Education and Training (ECVET)

COM(2008) 180 final, 2008/0070 (COD)

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. notes that vocational education and training are critical factors for achieving the Lisbon strategy's objectives of raising economic growth, competitiveness and social inclusion. Education and training, skills and lifelong learning form part of the CoR's key policy priorities;
2. considers that the difficulties in recognising learning outcomes from different Member States, however, have put a brake on mobility in the EU and hinder genuine lifelong learning experiences;
3. agrees that there is a broad consensus in the EU on the need to modernise and improve vocational education and training in Europe. Quality assurance in vocational education and training is a key part of this aim;
4. highlights the fact that in many Member States the regional and local level is responsible for vocational education and training. Vocational training is financed from a variety of sources, although in most Member States it is financed by the government both at national and regional level, with a high rate of incidence of regional and local funding;
5. sets out its views on two communications relating to European cooperation in the field of vocational training. It endorses both communications and welcomes the proposals contained in them. In the case of the first one, on the *European Credit System for Vocational Education and Training*, the consultation process is well advanced while in the case of the other one, on the *European Quality Assurance Reference Framework*, the process is at an earlier stage. For this reason further consultations will be important and would be welcomed;
6. welcomes the Commission's two recommendations, as they aim to propose solutions to the social and economic challenges of a globalising, knowledge-based world economy we live in. They also aim to increase mobility within the European Union and encourage skills exchange, and consequently the CoR believes that it is necessary to develop areas which are important for citizens and activities which local and regional authorities are responsible for;
7. notes that the European Credit System for Vocational Education and Training (ECVET) is a tool for describing qualifications in terms of units of learning outcomes with associated points, with a view to transferring and accumulating learning outcomes. It will aim to provide a methodological framework which is meant to facilitate transfer of credit for learning outcomes from one qualifications system to another, or from one learning pathway to another;
8. considers that the main users of the European Quality Assurance Reference Framework (EQAF), on the other hand, will be national/regional and local authorities in charge of quality assurance and improvement in education and training. As opposed to ECVET, the Framework aims at increasing transparency and consistency of policy developments in vocational education and training;
9. agrees with the Commission that participation in the implementation of ECVET and EQAF must be voluntary but stresses that there is a need to create frameworks and guidelines for administering the scheme. User groups (ECVET users group and ENQAVET) must also have representatives with a direct mandate from local and regional level. Similarly, the private sector and the social partners should also be represented;
10. points out that, irrespective of whether a particular country participates in the implementation of ECVET or EQAF or not, regions which have a statutory responsibility for the education system should have direct access to the joint forums engaged in developing the systems;
11. stresses that it is of critical importance in future development work to achieve a good balance between the following two considerations: on the hand, the desire to increase citizen's mobility by improving the portability of credit systems and enhancing the quality of activities; on the other hand, the need to develop the diversity of the education systems which local and regional authorities in Member States are responsible for;
12. underlines the fact that ECVET and EQAF are part of a broader range of initiatives in the education field, which also includes the European Credit Transfer System (ECTS), Europass, the European Quality Charter for Mobility (EQCM), the Europe-wide principles for the recognition and validation of non-formal learning and the European Qualifications Framework for lifelong learning (EQF);

13. has pointed out in its past opinions that the constantly evolving requirements of the workplace involving new systems of work and adaptation to new technologies call for a continuously trained workforce. Vocational training, following a lifelong learning approach, can prove to be essential instruments in developing this, which is the core element of sustainable economic and social development ⁽¹⁾. Specifically in the light of the demographic development a more effective use of the existing workforce has to be made;

14. stresses that specific financial resources will be needed for the testing and further development of the systems;

The European Credit system for Vocational Education and Training (ECVET)

15. notes that cross-border learning and professional activity have a long history in Europe. They have been very important for the development of the craft sector, manufacturing, trade and business, laying the ground for rising prosperity at local, regional and national level;

16. believes that cross-border learning and professional activity will take on great importance in a highly globalised economy and that up-to-date tools are needed to support mobility in this area; further believes that ECVET is one such tool;

17. thinks that identification of skills needs takes place increasingly at regional level; has highlighted the fact that local and regional development is, of course, based on different starting conditions and circumstances but this should by no means be considered to be isolated from developments in the world at large; as old jobs disappear in regions and local communities, jobs are needed in new areas of production so as to prevent stagnation, social exclusion in the form of unemployment for example, high levels of sick leave and high levels of premature and unwanted exits from the labour market ⁽²⁾;

18. points out that the labour market in Europe needs to be characterised by a high degree of flexibility coupled with reliable social security as outlined in the European Commission's document on 'Common Principles of Flexicurity' ⁽³⁾;

19. has agreed with the European Commission in the past that national and European qualifications frameworks facilitate the validation of learning in all contexts ⁽⁴⁾;

20. has welcomed the European Commission's Framework of Qualifications (EQF), and supported its double objective of improving transparency of qualifications and promoting mobility in the European Union;

21. similarly to its request in connection to EQF, asks that local and regional competent authorities be involved in the exercise of linking up national/regional qualifications frameworks to ECVET;

22. reinforces the European Commission's recognition of ECVET as '*culturally and technically adapted to the (...) regional contexts*', and recalls that regional authorities themselves often have a role in identifying, developing and implementing qualification systems and lifelong learning in formal, informal and non-formal contexts;

23. points out that, when examined from a life-long learning perspective, a large part of vocational training takes place in knowledge-intensive businesses or business networks and increasingly on a cross-border basis;

24. notes that there are also many good examples today of cooperation in the area of vocational training between professional associations and regions in different countries which also include joint planning and mutual recognition ⁽⁵⁾. These initiatives should be encouraged and their potential tapped;

25. stresses that various stakeholders should participate in a recognition system, not only the public sector but also private players, businesses and the social partners;

26. welcomes the establishment of an ECVET users group that updates and coordinates the processes. Insists, however, on including regional and local authorities, as well as local companies and social partners, as members of the users' group in order to allow direct access to ECVET for them, respecting at the same time national rules and regulations;

27. highlights the fact that it is often local and regional authorities that are able to put in place effective operational actions in VET;

28. notes that ECVET is a unit-based credit system, providing a way of measuring and comparing learning achievements, and transferring them from one institution to another;

29. welcomes the fact that it is compatible with all qualifications systems, especially with the European Credit Transfer System that supports and facilitates the mobility of university students within Europe and further afield;

30. highlights however that the actual implementation and take-up of the system will be the real measure of its success. Local and regional authorities will be useful partners to promote this through their networks and to make ECVET credible and usable;

31. believes that the effective use of ECVET requires that practical examples of how the system works are needed once it is up and running. This would help to encourage a broader range of users to exploit the opportunities offered by ECVET;

⁽¹⁾ CdR 226/98 fin.

⁽²⁾ CoR opinion of 14 June 2006 on the Proposal for a Recommendation of the European Parliament and of the Council on key competences for lifelong learning.

⁽³⁾ See opinion CoR 274/2007 on Commission document COM(2007) 359 final.

⁽⁴⁾ CdR 335/2006 fin.

⁽⁵⁾ For example, the European class in truck maintenance www.anfa-auto.fr.

The European Quality Assurance Framework for Vocational Education and Training (EQAF)

32. notes that greater efficiency in socio-economic terms in vocational education and training is determined by ensuring that vocational education and training is better geared to meet the constantly changing labour market demands of the knowledge society, in particular promoting a highly qualified workforce able to rise to the challenge of globalisation;

33. stresses that education and training systems should not, as is sometimes the case, be developed in isolation from the enterprise, social and innovation environment of a locality or region as growth, competitiveness and the employment prospects of an area are increasingly dependent on the skills of its current and future workforce, as well as on the extent to which vocational education and training, and retraining, contribute to the ongoing completion and enhancement of skills;

34. highlights the fact that it is therefore essential to link EQAF with the needs of the local labour market and calls for the accreditation of VET centres as part of this process;

35. recognises the added value that EQAF brings in carrying forward education and training policy across the EU in particular the promotion of mutual learning, mobility and exchanges of best practice;

36. welcomes the arrangements for an improvement cycle for EQAF and stresses that quality indicators should not be regarded as guidelines but rather as reference points which can be continually developed in various ways, for example in bilateral or multilateral contexts;

37. emphasises that EQAF should not be restricted to being a statistical system or some kind of monitoring tool but should instead be seen as an instrument for ongoing quality development at different levels and by different players and stakeholders;

38. believes that use of the reference framework should not be confined solely to national level, but that similar processes should also be encouraged at local and regional level. The same also applies to learning systems which are outside public education systems so as to ensure that they too can be improved and developed on an ongoing basis;

39. feels that consideration must be given to the shape of the reference framework and to how detailed it needs to be in order to meet its objectives. The Committee thinks that the indicators must not be so detailed that implementation of the reference framework and follow-up would result in education systems being subject to indirect control;

40. emphasise that the reference indicators proposed by the Commission

— are to be considered as a toolkit for the purpose of helping to evaluate and improve the quality of vocational training systems in accordance with national legislation and procedures;

— do not introduce any new standards, but are intended to assist the Member States' efforts whilst maintaining the diversity of approaches between Member States;

— are to be applied on a voluntary basis, are purely advisory and are not therefore to be used as a means of comparing the quality and efficiency of the various national systems in Europe.

It would therefore be a strength that the various users can select the indicators that are most relevant to the needs of their particular quality assurance system;

41. stresses that the local and regional dimension must be reinforced in particular through support for local and regional networks in this field and regrets that the Recommendation does not give adequate recognition of the importance of the involvement of local and regional authorities more explicitly;

42. calls for a stronger direct involvement of the local and regional level in ENQAVET, the European Network on Quality Assurance in VET. Regions and businesses involved in EQAF should be encouraged to network and these networks should be supported;

43. suggests the use of a label of quality for VET establishments, similarly to the ranking that already exists for higher education institutions;

44. feels that improvements in vocational education and training are a considerable advantage for both individuals and society. Raising overall skills levels helps to improve economic indicators, such as productivity and unemployment, and social indicators, such as civic participation, criminality and healthcare costs;

45. vocational training has the potential to promote social inclusion of groups which are at a disadvantage on the labour market, such as migrants and older people, and early school leavers;

46. stresses that attention should be focused not only on groups within education systems but also on individuals who do not have access or have limited access to them or who fall out of them.

Brussels, 8 October 2008.

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

**Opinion of the Committee of the Regions on the ‘Barcelona Process: Union for the Mediterranean
— implications for regional and local authorities’**

(2008/C 325/08)

THE COMMITTEE OF THE REGIONS

- underlines the importance of the *Barcelona Process: Union for the Mediterranean* initiative which has put the Mediterranean at the top of the European agenda and stimulated discussions and thinking commensurate with the stakes involved;
- is convinced that initiatives from either side of the Mediterranean that focus exclusively on a diplomatic approach will not achieve sustainable solution for as long as local democracy is not put at the heart of the debate, in terms of both strengthening it and of direct cooperation between regions and towns on both sides of the Mediterranean under the *Barcelona Process: Union for the Mediterranean*;
- recalls that the territorial level is an level of governance from which solutions may be devised simultaneously adjusting to and responding to the challenges posed by globalisation, in close cooperation with other institutional levels. Local and regional authorities, particularly in Europe, have increasingly asserted themselves as a valid link in devising such solutions;
- consequently repeats its call for local and regional authorities to be recognised as key partners in the Barcelona Process and Euro-Mediterranean cooperation;
- resolves to promote the establishment of a **Euro-Mediterranean Regional and Local Assembly (ARLEM)**, made up of a number of members of the Committee of the Regions, representatives of European and international associations engaged in Euro-Mediterranean cooperation, and an equal number of representatives of regional and local authorities from the southern and eastern shores of the Mediterranean, as a permanent platform for dialogue, exchange and cooperation, and calls for its recognition as a consultative body within the future governance of the *Barcelona Process: Union for the Mediterranean*, on the pattern of the Euro-Mediterranean Parliamentary Assembly with regard to national parliaments.

Rapporteur-general: Mr Isidoro GOTTARDO, Member of the Sacile Municipal Council

Reference document

Referral from the French Presidency of the Council of the European Union on the *Barcelona Process: Union for the Mediterranean — implications for regional and local authorities* and the Communication from the Commission to the European Parliament and the Council on the *Barcelona Process: Union for the Mediterranean*

(COM(2008) 319 final

I. GENERAL COMMENTS

THE COMMITTEE OF THE REGIONS

1. Underlines the importance of the *Barcelona Process: Union for the Mediterranean* initiative which has put the Mediterranean at the top of the European agenda and stimulated discussions and thinking commensurate with the stakes involved; hails both the pragmatic nature and the political vision of the project launched by the French Presidency of the Council of the European Union and supported by 16 partner countries from the southern and eastern Mediterranean;
2. Welcomes the success of certain measures and initiatives that the *Barcelona Process* has thus far produced; regrets, nevertheless, the lack of significant progress in the area of peace, security and human and social development, as well as the lack of involvement of local and regional authorities;
3. Emphasises that the *Barcelona Process: Union for the Mediterranean*, in its new guise, should enable what was a purely intergovernmental cooperation system to become a project for dialogue between the citizens of the three shores and in particular for cooperation between the countries of the southern and eastern Mediterranean, bringing together their local and regional authorities in a framework of practical and agreed projects as part of an overall strategy based on citizens' needs and on solidarity;
4. Considers that one of the conditions for successful cooperation between Euro-Mediterranean countries and for a stronger partnership through the *Barcelona Process: Union for the Mediterranean* is that new catalysing issues be identified in order to make the practical benefits comprehensible to citizens by turning declarations of principle into tangible measures, which entails strong involvement of local and regional elected leaders and clear, active communication;
5. Notes that stronger action on the part of local and regional authorities and civil society in public policy is often limited by the weakness of local democracy and the lack of any real process of decentralisation in southern and eastern Mediterranean countries;
6. Similarly, notes that decentralisation and participatory local governance do not always go hand-in-hand. In some States, both within the EU and beyond its borders, local and regional authorities share the challenge of increasing participation in elections and of promoting public participation and involving the associative sector in drawing up strategies and in developing major urban or regional projects;
7. Is convinced that initiatives from either side of the Mediterranean that focus exclusively on a diplomatic approach will not achieve sustainable solution for as long as local democracy is not put at the heart of the debate, in terms of both strengthening it and of direct cooperation between regions and towns on both sides of the Mediterranean under the *Barcelona Process: Union for the Mediterranean*;
8. In this spirit, welcomes the declaration by the Heads of State and Government of the Euro-Mediterranean Partnership, meeting in Paris on 13 July, underscoring 'the importance of the active participation of civil society, local and regional authorities and the private sector in the implementation of the *Barcelona Process: Union for the Mediterranean*';
9. Nevertheless, considers that it would not be appropriate to give equal status to those who hold democratic legitimacy, such as local and regional authorities, and those who do not, such as civil society and the private sector;
10. Also agrees with the Heads of State and Government of the Euro-Mediterranean Partnership that to 'increase co-ownership of the process, set governance on the basis of equal footing and translate it into concrete projects, more visible to citizens' will allow relations between the three shores of the Mediterranean to be made 'more concrete and visible through additional regional and sub-regional projects, relevant for citizens of the region';
11. Expresses the willingness and commitment of local and regional authorities to enrich the *Barcelona Process: Union for the Mediterranean*;
12. Recalls experiences with introducing European policies, most of which require the commitment, resources and action of local authorities in order to implement them, and also highlights the solid experience and know-how of European local and regional authorities in tackling and management urban and rural matters concerning the environment, energy, transport, civil protection, migration, economic development and many other priorities for the *Barcelona Process* which remain valid, such as intercultural dialogue, education and the human and social dimension; therefore regrets that the development projects accompanying the conclusions of the Paris summit were not subject to prior consultation with the regional and local authorities, in spite of their necessary involvement in the future implementation phase, and emphasises the need in the future to correct this intergovernmental approach through the clear involvement of all the levels of governance concerned;

13. In keeping with earlier opinions on this subject, stresses the importance of involving local and regional authorities not only during the implementation phase, but throughout the cooperation process, from crafting strategies, implementation and through to monitoring and evaluation of results. This applies in particular to fields where local and regional authorities have broad and direct powers, such as urban and spatial planning, water management, waste management and treatment, the environment and the local impact of climate change, local economic development, the management and enhancement of the cultural and historic heritage, local tourism development, basic public health, integration policies and social cohesion;

14. Welcomes the imminent launch of the new CIUDAD programme within the existing European Neighbourhood and Partnership Instrument, which seeks to promote cooperation in urban development and dialogue in the Mediterranean region; agrees that the priority areas include environmental sustainability, energy efficiency, sustainable economic development and reduction of social disparities, fields where local and regional authorities have broad and direct powers, and where solid experience and know-how can be provided by the European local and regional authorities;

15. Points out that the financial aspects of the *Barcelona Process: Union for the Mediterranean* have not yet been specified and that local and regional authorities can serve as technical and financial as well as political partners in framing and implementing strategies and projects that meet both the real needs of citizens and the objectives of the *Barcelona Process: Union for the Mediterranean*; also notes that the *Barcelona Process: Union for the Mediterranean* makes no changes whatsoever to the programming or financial aspects of the Mediterranean dimension of the European Neighbourhood Policy;

16. Recalls that the territorial level is a level of governance from which solutions may be devised simultaneously adjusting to and responding to the challenges posed by globalisation, in close cooperation with other institutional levels. Local and regional authorities, particularly in Europe, have increasingly asserted themselves as a valid link in devising such solutions;

17. Consequently repeats its call for local and regional authorities to be recognised as key partners in the *Barcelona Process* and Euro-Mediterranean cooperation;

18. Recognises the role and experience of the various networks and associations of local, regional national, European and international authorities engaged in decentralised Euro-Mediterranean cooperation, as well as their know-how

and on-the-spot knowledge⁽¹⁾. For this reason, efforts must be more shared and the objectives of decentralised cooperation projects must be brought closer into line with those of the Euro-Mediterranean partnership in order to maximise the results;

19. Restates its support for the declaration of the representatives of the local and regional authorities of the Mediterranean and Europe, meeting on 23 June 2008 at the Forum of local and regional authorities of the Mediterranean in Marseille;

20. And against this backdrop, shares the willingness of local and regional elected representatives and their representative associations to create an institutional instrument ensuring that they enjoy permanent political representation and can contribute actively to the *Barcelona Process: Union for the Mediterranean*, a powerful instrument for territorialisation, thus reiterating the call made by the Committee of the Regions in earlier opinions on the subject;

21. Intends in consequence to set up a Euro-Mediterranean Regional and Local Assembly (ARLEM) made up of members representing, on an equal footing, regional and local elected representatives of the European Union and of the Mediterranean partner countries, on the pattern of the Euro-Mediterranean Parliamentary Assembly (EMPA) created to represent the parliamentary dimension;

II. POLICY RECOMMENDATIONS

22. Urges the governance bodies of the *Barcelona Process: Union for the Mediterranean* not only to grant political recognition to local and regional authorities, but to incorporate them formally and effectively into the cooperation process and into the *Barcelona Process: Union for the Mediterranean*;

23. Therefore calls for the definition, in the new working documents, of the role of local and regional authorities as full partners in the cooperation process under the newly relaunched *Barcelona Process: Union for the Mediterranean*;

24. Strongly urges that local and regional authorities, alongside central governments, take part if possible from an early stage in preparing association agreements, strategic documents and action plans that are conceived on a bilateral basis between the European Union and the southern and eastern Mediterranean partner countries, and in particular within the framework of the European Neighbourhood Policy;

⁽¹⁾ Numerous networks, associations and centres are involved in practical actions, studies and research on the Euro-Mediterranean countries and cooperation. Their work should be catalogued so that it can become known and lessons be drawn from it, in order to build all new initiatives on the basis of these achievements. One example would be the 'World Report of United Cities and Local Governments on decentralisation and local democracy', describing the situation in the partner countries of the *Barcelona Process: Union for the Mediterranean*.

25. And therefore calls upon the Euro-Mediterranean governments to set up mechanisms for structured national dialogue and consultation with sub-state (regional and local) agents, the social partners and civil society, by bringing in networks and associations of local and regional authorities;

26. Resolves to promote the establishment of a **Euro-Mediterranean Regional and Local Assembly (ARLEM)**, made up of a number of members of the Committee of the Regions, representatives of European and international associations engaged in Euro-Mediterranean cooperation, and an equal number of representatives of regional and local authorities from the southern and eastern shores of the Mediterranean, as a permanent platform for dialogue, exchange and cooperation, and calls for its recognition as a consultative body within the future governance of the *Barcelona Process: Union for the Mediterranean*, on the pattern of the EMPA with regard to national parliaments;

27. Urges the European Commission to harmonise, coordinate and closely link the new approach with the various Community programmes, projects and instruments ⁽²⁾ and with the existing Euro-Mediterranean counterparts ⁽³⁾ in order to harness the relevant experiences, avoid duplication of activities and accumulate progress;

28. Proposes a feasibility study on adjusting existing structural support instruments to the Mediterranean setting, which would essentially comprise a policy of economic and social cohesion through which cooperation between the local and regional authorities of the European Union and of the Mediterranean countries would be based on a territorial dimension;

29. Urges the governance bodies of the *Barcelona Process: Union for the Mediterranean* to take this opportunity provided by the renewal of this process to move ahead with the reform of

local governance and decentralisation in certain countries of the southern and eastern Mediterranean, and to initiate decentralisation process in others;

30. Proposes that priority be given to strategies for the institutional reinforcement of local and regional authorities and that administrative modernisation programmes and local and regional human resources training projects be introduced;

31. Considers that giving greater responsibility to local and regional elected representatives will contribute to the emergence of multi-level governance bringing together different institutional levels in the process of deciding, preparing, implementing and evaluating public policies and development policies;

32. Suggests that local human, technical and academic resources be mobilised when implementing projects, and that public participation be maximised, so that they take ownership of the cooperation process and the ensuing projects;

33. Considers, lastly, that the dynamics of the *Barcelona Process: Union for the Mediterranean* could offer all the actors at the various levels opportunities for learning, for new relations and for new means of mutual recognition, at the same time helping the various actors involved (central and decentralised administrations, local and regional authorities, civil society, etc.) to get to grips with a new approach to development and local democracy, and;

34. instructs its president to submit this opinion to the French Presidency of the EU, the Co-Presidency of the Union for the Mediterranean, the European Commission, the European Parliament and the European Economic and Social Committee, the Euro-Mediterranean Parliamentary Assembly and to the Heads of State of the southern and eastern Mediterranean countries.

Brussels, 9 October 2008

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

⁽²⁾ For example, interregional cooperational funds, and EU enlargement policy towards candidates for accession such as Croatia and Turkey.

⁽³⁾ For example, the European Neighbourhood Policy, Community programmes such as Erasmus Mundus or the Framework Programme for Research and Development; the 5+5 dialogue between the Mediterranean countries of the EU and the Maghreb countries.

Opinion of the Committee of the Regions on 'Governance and partnership at national, regional and project basis in the field of regional policy'

(2008/C 325/09)

THE COMMITTEE OF THE REGIONS

- calls for local and regional authorities not to continue to be put into the same category as civil society and economic and social partners when it comes to partnerships, since they are elected bodies directly accountable to the EU's citizens;
- points out that the absence of an EU-wide methodology for employing partnerships in the preparation, implementation, monitoring and evaluation of territorial development programming and planning documents makes it impossible to judge whether the process involved a partnership in reality or in name only and what its real effect was;
- recommends that the EP and the European Commission assess the possibilities of using the capacity of national and/or regional authorities in monitoring the implementation of operational programmes and spending under the Structural and Cohesion Funds, in order to verify the costs incurred and the results achieved;
- is convinced that the Committee of the Regions should be given a greater role in the preparation, implementation and monitoring of EU policies, through the active involvement of Committee members in local and regional level dialogue;
- is committed to planning and implementing initiatives to disseminate best practices in using partnership in setting policy priorities in the Member States.

Rapporteur: Mr Vladimir KISSIOV (BG/EPP), Member of Sofia Municipal Council

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General remarks on partnership with respect to governance at national, regional and local level and project planning in the field of regional policy

1. wholly supports the initiative to examine and analyse partnership with respect to governance at national, regional and local level and project planning in the field of regional policy, in the preparation and implementation of programme and planning documents for territorial development;

2. welcomes the efforts being made by the Member States and regional and local authorities towards the establishment and systematic introduction of partnerships between state, regional and local institutions and representatives of civil society, the social partners and business in the preparation of planning documents for developing and implementing regional planning and development policies;

3. especially welcomes the fact that, in the Member States, governments are making efforts to promote a dialogue with regional and local authorities in determining not only goals, priorities and resources for territorial development, but also how it is implemented, in the context of European and national policies;

4. stresses the leading role of towns and regions in the preparation of strategy documents, programme implementation and monitoring and the implementation of EU policies;

5. calls for local and regional authorities not to continue to be put into the same category as civil society and economic and social partners when it comes to partnerships, since they are elected bodies directly accountable to the EU's citizens. For this reason, any partnership between national Member State institutions, EU bodies and local and regional authorities are on a qualitatively different level than other forms of partnership. The role of local and regional authorities, which are elected by the public and entrusted with state duties, must be clearly enshrined in general rules and documents;

6. is convinced that the principles of good governance can be put into practice in the field of local and regional policy through greater involvement of representatives of civil society and economic and social partners.

Main concerns regarding governance in the field of structural policy

7. supports a comprehensive approach to structural policy governance within the European Union's multilevel system;

8. believes it is crucial for good governance in the field of regional policy that policy instruments are applied in an integrated manner, all stakeholders are actively involved, and there

is a clear focus on efficient and effective policy implementation which is based on horizontal and vertical integration of the various instruments so that clear and measurable results are achieved;

9. acknowledges the role of European structural policy in providing effective support to the process of administrative decentralisation taking place in various EU countries as part of the development of regional planning and indicator-based management processes which have greatly contributed to improving public initiatives at local and regional level;

10. believes that the current governance model in the field of structural policy provides a solid basis for the future direction of that policy;

11. points out that the absence of an EU-wide methodology for employing partnerships in the preparation, implementation, monitoring and evaluation of territorial development programming and planning documents makes it impossible to judge whether the process involved a partnership in reality or in name only and what its real effect was.

Political dimensions of partnership in the management of regional policy

12. regards as a success the moves to strengthen partnership with a view to developing a more sustainable policy for closer and stronger vertical and horizontal integration of governance and partnership at national, regional and local level;

13. sees the efforts made by governments in the new Member States to introduce the principles of good governance into the process of drawing up and implementing programme documents as a democratic achievement;

14. considers that national and regional authorities, along with the administrative authorities should draft and adopt a methodology for the use of partnerships in regional policy in relation to programme and planning documents. The methodology should clearly define the operation and minimum extent of partnership in all stages: preparation, implementation, monitoring and evaluation. Two levels of partnership which are quite distinct in terms of their quality, need to be taken into account:

— elected bodies directly accountable to the EU's citizens — i.e., local and regional authorities; economic and social partners and civil society;

— economic and social partners and civil society.

The partners involved differ from each other with regard to their sphere of operation, specialisation, skills and potential contribution. This methodology should also take account of the fact there are various levels of decentralisation in the individual Member States and ascertain whether their local and regional bodies are the managing authority for some operational programmes;

15. considers that, through their good practices, older EU Member States, particularly those which are highly decentralised, have made a substantial contribution to the improvement of the system of partnership in relation to good governance at national, regional and local level and project planning in the field of regional policy and could share best practices with other countries;

16. argues that the inclusion of networks of partners in the elaboration and implementation of regional development policies provides considerable opportunities for the various actors and participants to express their interests and increases people's trust in government. It must be ensured, however, that the partners concerned have the right mandate to act, as well as the necessary expertise and capacity, and that their participation will make a real contribution. They must also have the necessary funding to play a proper role in the discussions. This funding could form part of the technical assistance and should also cover the drafting of truly warranted studies and research at EU, national and local level;

17. calls on the European Commission, since this is something not included in a number of operational programmes, to authorise and encourage regional and local authorities, their national and supranational associations and other relevant partners to use technical assistance resources in the present programming period; this will enable them to carry out studies and analyses at local, regional, national and EU level to identify the needs and priorities for a new cohesion policy;

18. is convinced of the increasing importance of strengthening partnership in relation to governance and project planning at all stages of EU policy making in the field of local and regional development — preparation, implementation and monitoring and evaluation;

19. considers that governance and partnership in the preparation, implementation, monitoring and evaluation of EU territorial development policy should be given an increasingly significant place in the EU's communication strategy;

20. calls on the European Parliament and the European Commission to make broader use of partnership and governance and the open method of coordination in developing EU policies, so as to include a maximum number of stakeholders, especially local and regional authorities, as the level of government where a significant proportion of Community policies are usually conducted. Calls on the Commission to ensure that all regional and local authorities who are interested and have the skills required to manage European regional development programmes are designated Managing Authorities of operational programmes;

21. insists that a connection be made between the issues of governance and partnership at national and regional level in

preparing national, regional and local strategy and planning documents and the consideration and launch of initiatives to overcome challenges such as climate change, urban transport, the development of life sciences and biotechnology, scientific and research activities and innovation in EU and other regions.

Encouraging partnership in relation to governance

22. considers that, in the context of preparing the new economic, social and territorial cohesion policy, especially for regions with severe and permanent natural or demographic handicaps, it will be of crucial importance to ensure that particularly the local and regional authorities and their national and supranational associations, but also economic and social partners and civil society have an input at the earliest possible stages in formulating national positions and priorities and preparing documents and that their views be given appropriate weight;

23. considers it appropriate to continue the thorough examination of the Member States' practices and experience of using partnerships to set priorities for local, regional, national and supra-national development. The evaluations will support the implementation of simpler and more efficient forms of communication between the partners at local and regional level;

24. considers that, given the varying degrees of decentralisation in the Member States, there are also differences in the process of consultation and in the way governance is conducted in relation to project planning;

25. recognises the need for the participants in governance and partnership at national and regional level in the Member States over the next planning EU period to be prepared for doing so through tried and tested and effective methods for consultation with partners and civil society players, such as the handbooks on good practice, public-private partnerships and cooperation with civil society partners in consultations on future local and regional development planning;

26. in accordance with the Lisbon Strategy's objective of developing a knowledge-based economy, recommends targeted measures to involve universities, scientific and research institutes and technology centres in the preparation of national positions and documents for the new programming period, not only at the national, but also at regional and local levels;

27. considers it imperative that, as part of overall efforts to strengthen administrative capacity, the priority be to introduce targeted measures to include young people at the earliest stages in the preparation, discussion and programming of territorial development policies. This would have a profound and long-lasting impact on the implementation of EU policies as well as encouraging young people to take an active role in civic life;

28. recognises the need to continue to enhance active partnership (at the initiative of local and regional authorities, and of non-governmental organisations) in the process of governance. To this end, considers that the Member States need to take action, adapted to their specific national circumstances, to encourage their communities of partners to organise themselves, so as to increase the involvement, responsibility and interest of civil society stakeholders;

29. recommends that the EP and the European Commission assess the possibilities of using the capacity of national and/or regional authorities in monitoring the implementation of operational programmes and spending under the Structural and Cohesion Funds, in order to verify the costs incurred and the results achieved. This would help both to simplify procedures and to reduce their cost;

30. considers that there is a need to develop institutional instruments to facilitate the implementation of horizontal and vertical approaches. These might include platforms, regional-level policy management and round tables, which facilitate communication within sector-based networks at political and administrative levels;

31. considers that the role of the European Groupings of Territorial Cooperation should be taken into account, and given fresh impetus, in the field of governance in regional policy. These new groupings are not simply an instrument for managing EU funds; above all they are a horizontal cooperation tool available to civil society in neighbouring regions;

32. considers that, in evaluations of partnership in governance and project planning, the focus should increasingly be placed on qualitative rather than quantitative indicators. It is therefore essential that central, regional and local authorities' partners in the process of governance not be assessed in the same way, but categorised according to their capabilities and potential contribution;

33. given the difficulty of ensuring that regional policies have a public impact, it is of the utmost importance that the requisite interfaces be developed at the different levels where policies connect with the various sectors involved;

34. one of the major tasks of local, regional and central authorities must be to strengthen and bring about continuous improvements in administrative capacity. Annual evaluations of administrative capacity must be changed from a formality into

an analysis of what has been achieved, which should then be made public and serve as the basis for future capacity-building.

The role of the Committee of the Regions

35. is convinced that the Committee of the Regions should be given a greater role in the preparation, implementation and monitoring of EU policies, through the active involvement of Committee members — in their capacity as representatives of the interests of local and regional authorities — in local and regional level dialogue with the public and civil society organisations. This is a prerequisite for the successful planning of territorial development as well as for building and extending administrative and communication capacity at local and regional level, with a view to overcoming the administrative deficit often cited in EU documents as an obstacle to development;

36. will draw up annual recommendations for improving regional and local-level partnership, which will be incorporated as a matter of course into the annual high-level discussions;

37. will support initiatives conducted by Member States, the European Parliament and the European Commission with a view to developing partnership with local and regional authorities, not only during the phase of monitoring the implementation of policies but also, and most importantly, during their drafting;

38. considers that partnerships with NGOs and employers at lower levels of government should be supported, promoted and developed through diverse initiatives, particularly at the planning stage and during the implementation of specific measures;

39. is committed to planning and implementing initiatives to disseminate best practices in using partnership in setting local, regional, national and supra-national policy priorities in the Member States. Local authorities must be involved in communication, since they are best placed to explain what the European Union means for people's everyday lives;

40. will take all the necessary steps to make best use of the mechanisms for coordinating and implementing European, national and regional policies available through the European Grouping of Territorial Cooperation (EGTC), as a means of decentralised international cooperation which can also be used for involving different partner groups more effectively in governance.

Brussels, 9 October 2008.

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

Opinion of the Committee of the Regions on 'Industrial emissions'

(2008/C 325/10)

THE COMMITTEE OF THE REGIONS

- emphasises that the reduction of industrial emissions is most important in the case of air pollution; the Industrial Emissions Directive is an important European measure enabling member states to meet their emissions targets by 2020;
- believes that with respect to air pollution the Directive is not ambitious enough and is disappointed with the weak emissions limit value (see Appendix I) for large combustion plants; the Committee would also like to point out that there is still a significant difference between the emission limit values contained in the proposal and those set out in the corresponding BREF (Best Available Technique Reference) document for large combustion plants; these values should be brought into line and strengthened;
- strongly advises the inclusion of a practical revision system which enables the partial revision of the Directive (e.g. the technical chapters and emission limit values) via the co-decision procedure; is furthermore concerned with future adaptations of legislation that will be carried out according to the Seville process (see Appendix I), which is not a legal procedure provided for in the Treaty and is not subject to democratic scrutiny;
- strongly disagrees with the Commission's proposal to establish criteria for granting derogations on the basis of local conditions under the comitology procedure;
 - the criteria for granting derogations should have been defined in the Directive itself (and thus decided by a co-decision procedure) and should not be defined in the future at the EU level via the comitology procedure, in which Committee of the Regions and other representatives of local and regional authorities are not consulted;
 - with reference to the subsidiarity principle, the weighing of local environmental conditions against environmental costs and benefits as well as technical feasibility should be defined by local and regional authorities via local and regional democratic processes.

Rapporteur: Mr Cor LAMERS (NL/EPP), Mayor of Houten

Reference documents

Communication from the Commission: Towards an improved policy on industrial emissions

COM(2007) 843 final

and the

Proposal for a Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)

COM(2007) 844 final — 2007/0286/COD

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General recommendations

1. notes that local and regional authorities in various EU Member States play a critical role in implementing environmental and industrial policies, and have wide competences in prevention policies and enforcement of pollution control.

2. strongly supports pollution prevention and the polluter pays principle, and therefore appreciates this aim of the Industrial Emissions Directive.

3. emphasises the importance of source-based measures. It is essential that the causes of pollution be identified and emissions dealt with at source, in the most economically and environmentally friendly manner.

4. notes that in both urban and rural areas, the quality of air, water and soil are issues directly affecting citizens' daily lives. Large industrial installations in the EU still account for the release of a considerable proportion of key pollutants.

5. notes that clean air and water policies have a cross-border dimension and therefore require action at EU level. It therefore welcomes the Industrial Emissions Directive because it is a European instrument to decrease industrial emissions at source.

Environmental benefits

6. strongly believes that the proposal includes measures which are necessary and have a considerable potential for achieving environmental benefits. In this perspective, it appreciates the improved use of the BREF documents (Best Available Technique Reference Documents, see Appendix 1) as proposed by the Directive, since this will result in increased environmental benefits.

7. emphasises that the reduction of industrial emissions is mostly important in the case of air pollution. The Industrial Emissions Directive is an important European measure enabling member states to meet their emissions targets by 2020. The inclusion of a lower category of large combustion plants, from 20 to 50 megawatts (MW). is therefore an important aspect of the new Directive.

8. believes that with respect to air pollution the Directive is not ambitious enough:

— it is disappointed with the weak emissions limit value (see Appendix 1) of the large combustion plants. Also we would like to point out that there is still a significant difference between the emission limit value of the proposal and that of the corresponding LCP BREF document (Best Available Technique Reference Document of large combustion plants, see Appendix 1). These values should be synchronised and strengthened;

— it disagrees with the five-year implementation period for large combustion plants and proposes an implementation period of three years which is similar to the other chapters of the Directive.

9. is therefore concerned that the Directive might lead to mostly short-term benefits. It is very much concerned about the possible limited long-term benefits (see paragraph 17).

The current IPPC system

10. stresses that the IPPC (Integrated Pollution Prevention and Control) permits (see Appendix 1) should remain based on an integral approach taking into consideration the environment, production, technical feasibility, cost effectiveness and equally important, local conditions.

11. agrees with the European Commission that the IPPC Directive is currently not properly implemented in all Member States. The IPPC Directive has been rather difficult to implement and the BREF documents have not always been used, also due to their rather technical and difficult nature.

12. has noticed that permits reflect more the centralized and homogenized stated standards and requirements. Even though this seems positive, it is therefore becoming more difficult to detect what companies do, produce, treat or optimize by looking at the permits.

13. holds the opinion that the Industrial Emissions Directive (which includes a review of the IPPC Directive) was presented only weeks after the implementation deadline of the current IPPC legislation, which was set at 31 October 2007. The review therefore occurs before the present IPPC legislation has had a chance to demonstrate its workability and efficiency, and more important, before its effect in terms of emission reductions could be fully assessed.

The consolidation of seven Directives into one

14. believes that the consolidation of seven Directives into one Directive is a very ambitious approach, a step-by-step approach or a framework Directive with daughter Directives might have been preferable. A framework Directive would also present an opportunity for other, directly linked Directives, like the Suburban Wastewater Directive, to be included, without jeopardizing future revisions of the framework Directive.

15. is in favour of the principle of Better Regulation. The Commission's proposal to consolidate seven Directives seems to correspond with this principle. To a certain extent, the new Directive simplifies permit issuing procedures. It believes, however, that the different parts of the Directive have not been consolidated completely and, because there are still considerable differences between the Directive and the BREF documents, not all practical difficulties will be solved.

16. questions whether current inconsistencies and ambiguities in definitions are solved within this proposal. For example, it is unclear what effect the new definition of BAT (from best available technology to best available technique) will have. Taking into account the wider perspective of a technology instead of the sole technique, will connect better to business investment, will benefit a fair level playing field and thus will lead to more creative solutions for environmental challenges.

17. is seriously concerned the consequences that consolidation might have on future revisions. The proposal now includes several different areas of technical expertise. The length and especially the complexity will make it very difficult, if not impossible to revise the Directive in the future, and to adapt legislation to future needs and to technological developments by setting more stringent operational requirements e.g. emission limit values.

18. understands that the Commission proposes to deal with the problem of difficult future revisions via the linkage between the Directive and the BREF documents. The Directive sets minimum standards which have to be met and the BREF documents, which can easily be revised, will keep the system up to date according to technological developments and stricter associated emissions limit levels (BAT-AEL, see Appendix I). It has serious concerns about future differences which might arise between the BAT-AELs (in revisable BREF documents) and the emission limit values (in the Directive). There is a significant risk that the system might become outdated and thus might contribute little to future environmental developments.

19. strongly advises the inclusion of a practical revision system which enables the partial revision of the Directive (e.g. the technical chapters and emission limit values) via the co-decision procedure. It is furthermore concerned with future adaptations of legislation that will be carried out according to the Seville process (see Appendix I), which is not a legal procedure foreseen by the Treaty and is not subject to democratic scrutiny.

The new status of the BREF documents

20. is satisfied with the recent improvements of the BREF documents and values them as useful reference documents. The main part of the BREF documents is however only available in English, which might cause difficulties for regional and local supervisory and permit issuing authorities. It therefore requests translation of the essential chapters of the BREF documents (for example those which establish the best available technique (BAT, see Appendix 1) for a specific industry) in all EU languages.

21. finds it unjustified that the BREF documents are not used more often in the EU, and recommends an improved use of them. We therefore agree with the new status of the BREF documents, and the further obligation to use them in the permit procedure. It interprets the new status of the BREF documents as more binding, since these documents (which are at present solely reference documents, which have to be consulted, but are not obligated) shall be in all practical terms now obligatory.

22. perceives that there are possibilities for improvements in the BREF documents. Innovations and improvement according to the production process are sometimes lacking. For example, monitoring variations in sampling are presently used to penalize companies, whereas they could also be used to improve techniques. Another example miss-match between the volatile organic compounds chapter in the Directive and the corresponding BREF document. As a result, it is feared that the cleanest approach might not always be prioritised. Innovations to improve the local environment should always be promoted by local authorities if possible and the quality of the BREF documents should be sufficient enough to aid competent authorities.

23. believes the new status of the BREF documents will enhance policy consistency with a view to issuing pollution permits and in turn will contribute to establishing a level playing field for competing European companies.

24. finds the Seville process (see Annex 1) a necessary and well-established process. In Seville BREF documents are created and updated on the basis of meetings between European Commission officials and experts from the Member States, industries and NGOs. The cooperation between these parties is vital to establish new best available techniques and to create new or revised BREF documents. Therefore this process should be further extended in the Directive as is presently the case.

25. has noted that representatives of the local and regional authorities are not part of the Seville process and requests an invitation for these representatives to the Seville process. As permitting authorities and/or bodies in charge of inspections, regional and local authorities have important knowledge about best available techniques, and consequently the Seville process can be improved through the participation of representatives of local and regional authorities.

26. would like to indicate that the new status of the BREF documents might have a negative impact on the Seville process (see Appendix I). Reaching consensus on best available techniques will be more challenging due to the new character of the

BREF documents, as Member States, industries and NGOs might adopt a more strategic behaviour when determining a BREF. Due to production costs, industries would benefit from less innovating standards in the BREF documents. In this case, the Seville process might become a slow and opaque political process instead of a search for the best technical solutions.

27. believes this situation might result in weaker documents. As a result, we will be left with an outdated and weak instrument, which does not stimulate innovation and would not improve environmental quality, but actually weakens the implementation of the new Industrial Emissions Directive.

Policy making: Flexibility and local environmental conditions

28. agrees with the aims of the new Industrial Emissions Directive to enhance policy consistency with a view to issuing pollution permits.

29. would like to point out that local and regional authorities have competences in issuing permits that vary from Member State to Member State. For example, in Denmark both local authorities and the national government are responsible for issuing permits. In the Netherlands, municipalities and provinces issue licenses to the polluters, whereas in the United Kingdom, air pollution from major sources is dealt with by the central government. The dominant pattern of the involvement of local and regional authorities in this policy throughout the EU is that standard-setting takes place at the national level and enforcement at the sub-national level.

30. points out that the innovation of cleaner production occurs in local communities. The development of cleaner production takes place between several parties, such as NGOs, companies and competent authorities. At present local authorities often only monitor. The Directive should also offer possibilities for the cooperation between the different parties (local administrations and companies) which would enable them to stimulate innovation. Good examples of this can be found both in the Netherlands and Denmark, as well as in East European countries like Romania.

31. emphasises the need for some flexibility. Local circumstances vary and installations, even when producing similar products, operate differently throughout the EU due to differences in local conditions. Local and regional authorities create tailor made solutions for their geographical area. On the regional and local level there is always a concern for a balance between the adequate protection of the environment and economic motivations. Even if the improvement of the environment is the general policy objective, in every day life regional and local authorities decide between different environment parameters and often make trade-offs between the environmental impacts of different measures. When issuing permits the granting of derogations from emission values associated with best available technologies (BAT-AEL) is especially important for regions in those Member States where there has been a tradition of voluntary agreements with the industry and where the administrative discretion has not been drastically circumscribed by legislation.

32. strongly believes, however, that flexibility should be limited; there should be a balance between maintaining a fair level playing field and local decision-making. Therefore it is pleased with the incorporation of emission limit values in the Directive itself, which will lead to a general environmental protection throughout the EU. Flexibility might lead to misuse, and therefore it is very pleased that the local consideration procedure comprises sufficient guarantees to prevent this, as permit issuers can only derogate on the basis of an impact assessment (Article 16(3)) and are obliged to make the justification available to the public (Article 26(3f)).

33. strongly disagrees with the Commission's proposal to establish criteria for the granting of derogation based on local conditions in accordance with the comitology procedure (Article 16(3)) for the following reasons:

- Criteria for granting derogations should have been defined in the Directive itself (and thus decided by a co-decision procedure) and should not be defined in the future at the EU level via the comitology procedure in which Committee of the Regions and other representatives of local and regional authorities are not consulted.
- Due to the wide variety of local and regional conditions it is very difficult if not impossible to establish uniform criteria on the EU level.
- It strongly believes that the derogation procedure, as mentioned in paragraph 29 comprises sufficient guarantees to prevent misuse.
- With reference to the subsidiarity principle, the weighing of local environmental conditions against environmental costs and benefits as well as technical feasibility should be defined by local and regional authorities via local and regional democratic processes.

Innovation and cleaner technologies

34. supports the idea of stimulating innovation, but questions whether the new Directive lays down solid foundations for such a development.

35. welcomes the fact that permits will have to be reviewed often. A rolling adaptation of permit requirements will contribute to the uptake of cleaner technologies and thus reduce the environmental impacts of industrial emissions. To ensure that innovation really takes place, two conditions will have to be met. The first condition is legal certainty to ensure that investment capital is available. Business cycles will have to be respected and common practice in Member States is to maintain permit conditions for an eight-year period. The provisions regarding the adaptation of permit conditions to new or updated BREF documents (Article 22(3)) will have to reflect this. The second condition will be to ensure derogation opportunities that allow for adequate testing of emerging or new technologies. It is its view that the time constraint imposed in Article 16(5) may be too rigid in some cases, at least within four years after a new BREF document has been made available.

36. is concerned that the new status of the BREF documents might hamper industrial innovation, due to the limited rewards for sustainability. European industries will not be encouraged to become or remain the world's forerunners in new, clean technologies and it will be harder to address the still existing environmental problems within the EU.

37. prefers that the Directive be implemented in a way which would not indirectly motivate significant relocations of existing industry towards 'pollution havens' abroad.

38. would like to point out that although the inclusion of a lower category of large combustion plants, from 20 to 50 megawatts (MW) is an important aspect of the new Directive, with respect to farms however it is questionable whether the inclusion of more small livestock farms will lead to sufficient environmental benefits in order to justify the administrative burden.

Administrative costs

39. holds the opinion that Better Regulation, in addition to streamlining legislation, also requires cost efficiency and a reduction of administrative burden. It questions whether the present proposal meets these latter requirements.

40. is concerned with the numerous requirements applying to inspections, monitoring, review of permit conditions and reporting of compliance.

41. sees inspections as an important part of proper implementation of the Directive. It welcomes that this is acknowledged in this Directive. It is however questionable to what extent this should be elaborated within the Directive itself, instead of in the Recommendation for Minimum Criteria for Environmental Inspections, the RMCEI. This would also limit possible deviations between the Directive and the (presently under revision) RMCEI.

42. believes that the proposal indicates that the yearly reporting on compliance with best available techniques (Article 8) should include a comparison with the best available techniques (Article 24). This seems to be an unnecessary admin-

istrative burden. Since all permit requirements must be based on best available techniques, reporting on compliance with the permit requirements would be sufficient. Most monitoring data are filed up with uncertainties, reporting on these data will this not lead to constructive improvements in the used techniques. Therefore it is questionable whether this would contribute to Better Regulation.

43. notes that Member States report every three years on compliance with the Directive. Even though this is done only every three years, this is a significant administrative burden on local and regional authorities. We therefore strongly suggest that Member States keep an internal data file with all relevant data which the Commission consult at all times. This should replace a reporting system and will be in line with Better Regulation.

44. notes that upon definitive cessation of the activities, the operator shall return the site to its initial state as described in the baseline report (Article 23). It interprets this as a cleaner state of the soil in comparison to before the start of the activity. It also considers that soil contaminations should be remediated in accordance with the next level of the future functional use of the site. This would be more in line with the 'polluter pays principle'.

45. believes that the proposal demands regular soil and ground water monitoring before and during the time the installation is operating. However, a permit will already be based on a sufficient soil and groundwater protection. In particular cases there can and should be reasoning for additional monitoring, but this should not be obligatory for all cases.

46. agrees that the public should be given sufficient information about IPPC installations. It stresses that the information should always be accessible, but only upon request.

47. cannot endorse the proposed use of comitology to establish several criteria, such as soil and ground monitoring and criteria for risk-based analyses. It holds the views that these criteria should be established in the Directive itself and debated now in relation with the on-going legislative procedure.

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Article 6

Granting of a permit

Text proposed by the Commission	Amendment
The competent authority shall grant a permit if the installation complies with the requirements of this directive.	The competent authority shall grant a permit if the installation complies with the requirements of this Directive Regardless of other requirements flowing from national or Community regulations, the competent authorities shall grant a permit with conditions stipulating that the installation should comply with the requirements of this Directive.

Reason

The approach adopted in the proposal for amending the IPPC Directive runs counter to the objectives of the Water Framework Directive and is therefore inconsistent with existing Community legislation. The rules and regulations set out in Article 11(3) of the WFD for achieving the management goals are based on a comprehensive national management requirement.

Amendment 2

Article 16(3)

Emission limit values, equivalent parameters and technical measures

Text proposed by the Commission	CoR amendment
<p>By derogation from the second subparagraph of paragraph 2, the competent authority may, in specific cases, on the basis of an assessment of the environmental and economic costs and benefits taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions, set emission limit values that exceed the emission levels associated with the best available techniques as described in the BAT reference documents.</p> <p>Those emission limit values shall however not exceed the emission limit values set out in Annexes V to VIII, where applicable.</p> <p>The Commission may establish criteria for the granting of the derogation referred to in this paragraph.</p> <p>Those 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 69(2).</p>	<p>By derogation from the second subparagraph of paragraph 2, the competent authority may, in specific cases, on the basis of an assessment of the environmental and economic costs and benefits taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions, set emission limit values that exceed the emission levels associated with the best available techniques as described in the BAT reference documents.</p> <p>Those emission limit values shall however not exceed the emission limit values set out in Annexes V to VIII, where applicable.</p> <p>The Commission may establish criteria for the granting of the derogation referred to in this paragraph.</p> <p>Those 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 69(2).</p>

Reason

The Committee of the Regions strongly disagrees with the Commission's proposal to establish criteria for the granting of derogation based on local conditions in accordance with the comitology procedure (Article 16(3)). Criteria for granting derogations should have been defined in the Directive itself (and thus decided by a co-decision procedure) and should not be defined in the future at the EU level via the comitology procedure in which the CoR and other representatives of local and regional authorities are not consulted. Due to a large variety in local and regional conditions it is very difficult if not impossible to establish uniform criteria on the EU level. The derogation procedure comprises sufficient guarantees to prevent misuse, as permit issuing authorities can only derogate on the basis of an impact assessment (Article 16(3)) and are obliged to make the justification available to the public (Article 26(3f)). With reference to the subsidiarity principle, the weighing of local environmental conditions against environmental costs and benefits as well as technical feasibility should be defined by local and regional authorities via local and regional democratic processes.

Brussels, 9 October 2008

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

Opinion of the Committee of the Regions on ‘The European Job Mobility Action Plan (2007-2010)’

(2008/C 325/11)

THE COMMITTEE OF THE REGIONS

- strongly supports the Commission’s view that ‘worker mobility is a key instrument for an efficient functioning single market and is essential for allowing more people to find better employment, a key objective of the Lisbon Strategy’;
- underlines that ‘mobility’ in this context must be understood and promoted both in terms of geographical mobility (both within and between EU Member States) as well as economic and social mobility and mobility between jobs;
- shares the Commission’s objective of fostering greater awareness of the possibilities and advantages of mobility among the wider public and underlines the particular role that local and regional authorities can play in disseminating the relevant information;
- calls for removal of all legal and administrative barriers to the free movement of labour by the end of this Action Plan in 2011:
 - this to include removal of all remaining barriers to the free movement of workers from the 10 Member States who joined in 2004 and from Bulgaria and Romania;
 - that no restrictions should apply to new Member States when they join the EU;
- recommends that local and regional authorities should increase the possibilities for short or medium-term work placements for individuals from other Member States;
- considers that local and regional authorities must have the legal authority to carry out these roles on job mobility especially in the dissemination of information at the local and regional level to both employees and employers. Similarly it is also important that they are given the competences to do this, where appropriate, by national and European bodies.

Rapporteur: Dave QUAYLE, Member of Trafford Metropolitan Borough Council (UK/PES)

Reference documents

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — 'Mobility, an instrument for more and better jobs: The European Job Mobility Action Plan (2007-2010)'

COM(2007) 773 final

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General remarks

1. Strongly supports the Commission's view that 'worker mobility is a key instrument for an efficient functioning single market and is essential for allowing more people to find better employment, a key objective of the Lisbon Strategy';

2. Underlines that 'mobility' in this context must be understood and promoted both in terms of geographical mobility (both within and between EU Member States) as well as economic and social mobility and mobility between jobs;

3. Stresses that in the spirit of the agreed principles of flexibility, mobility should be exercised as a choice of the workers and must be supported in order to minimise the risks associated with it and to maximise the benefits for both workers and employers;

Follow up from the 2002 Action Plan

4. Supports making education and training systems more responsive to the labour market and to preparing people for mobility via language learning and skills development;

5. Supports removing legal and administrative barriers and promoting the cross-boarder recognition of qualifications;

6. Supports the setting up of a one-stop mobility information portal based on the EURES job vacancy system;

Job Mobility Action Plan 2007-2010

7. Supports intentions to improve existing legislative and administrative practices regarding worker mobility in order to make sure that exercising the right to mobility does not entail a loss of social security protection or other disproportionate risks;

8. Acknowledges the need to ensure policy support for the objective of job mobility from authorities at all levels: local, regional, national and European;

9. Agrees the need to reinforce EURES as an instrument to facilitate mobility of workers and their families;

10. Shares the Commission's objective of fostering greater awareness of the possibilities and advantages of mobility among

the wider public and underlines the particular role that local and regional authorities can play in disseminating the relevant information;

11. Welcomes the creation of the 'European Job Mobility Partnership', an initiative hosting a network of stakeholders committed to developing job mobility in the EU (Action 14) and the inclusion, within the PROGRESS Programme, of support for the financing of pilot activities, exchange of good practices, disseminating results on new developments and the emergence of innovative schemes. (Action 15);

12. Calls for removal of all legal and administrative barriers to the free movement of labour by the end of this Action Plan in 2011:

(i) this to include removal of all remaining barriers to the free movement of workers from the 10 Member States who joined in 2004 and from Bulgaria and Romania;

(ii) that no restrictions should apply to new Member States when they join the EU;

13. In order to secure the success of this strategy such that mobility becomes a reality for all workers who wish to seek employment in another Member State:

(i) information on job vacancies in other Member States should be provided through EURES, national employment services, and at the local and regional level through local or regional authorities;

(ii) Member States should be encouraged to include geographic and job-to-job mobility as a priority in their national employment and life long learning strategies. (Action 5);

(iii) workers must be made aware of their right to seek employment in other Member States and the practicalities how they can go about doing this, and what they need to do to safeguard their social security rights in this process;

(iv) employers, particularly those in SMEs at the local level, must be made aware that they can recruit workers from other Member States, subject to strict compliance with current labour law and employment and social protection provisions, and of the potential benefits of doing so;

(v) greater emphasis must be placed on language learning and the promotion of multilingualism;

- (vi) there should be greater cross border recognition of qualifications including vocational qualifications;
- (vii) the social partners must be involved in all aspects of job mobility;
- (viii) portability of pension provision (Action 4) and more flexible social security provisions in and between Member States are essential;
- (ix) appropriate training of local, regional and national civil servants, which are working in the area on all issues related to workers mobility, has to be ensured to enable them to provide employees seeking work in other countries with quick and right information and to assist them in communicating with the competent authorities of the host country in relation to the exercise of their right to social protection;

14. Considers that to ensure that this mobility does not lead to tensions and social instability in host communities, it is necessary:

- (i) to support the European Commission in promoting the concept of 'fair mobility';
- (ii) ensure that we continue to combat both undeclared work and social dumping (Action 6);
- (iii) support the general principle that migrant workers receive the same pay and working terms, and equivalent conditions as the worker in the same job or industry in the host Member State;
- (iv) support the concept of social solidarity and inclusion between migrant workers and those in the host Member State;

The role of regional and local authorities in promoting job mobility

15. Considers that local and regional authorities have a key role in providing information in conjunction with other national and European agencies about job vacancies in other Member States and the practicalities of accessing these;

16. Believes that it is necessary to ensure that local employers, especially those in SMEs, understand their right to access workers from across the EU, and in addition provide practical help and advice if they wish to do so;

17. Acknowledges that local and regional authorities are often the main providers of education at primary and secondary level and considers that this should include language training, the promotion of multilingualism and the development of inter-cultural skills which are necessary to prepare people for living and working in different cultural environments;

18. Stresses that local and regional authorities promote and provide lifelong learning (often in partnership with other agencies);

19. Draws attention to the fact that local and regional authorities are major employers and should be encouraged to seek workers to fill job vacancies throughout the Member States of the EU. Recommends that local and regional authorities should also increase the possibilities for short or medium-term work placements for individuals from other Member States;

To carry out these tasks and be generally involved in job mobility, local and regional authorities need the following:

— The legal and competence base

20. Considers that local and regional authorities must have the legal authority to carry out these roles on job mobility especially in the dissemination of information at the local and regional level to both employees and employers. Similarly it is also important that they are given the competences to do this, where appropriate, by national and European bodies;

— The resources

21. Strain can be placed on local and regional authorities when a large number of migrant workers take up work and residence in their area, in particular if this change occurs suddenly. This is particularly true in social services, education, health care and housing; as a consequence resources must be made available to deal with this. This is not only helpful to the new arrivals but also lessens the potential for tension between the migrant workers and the host community. The CoR therefore supports efforts to acquire the statistical evidence about the needs of different parts of the labour market and exchange this information at European level, in order to improve planning and management of labour movement. National, regional and local authorities, in conjunction with each other, need to plan in advance on how to shape such social services so as to better handle the influx of European migrants. This is partly because inter-European labour migration will increase significantly in the future, and partly because failure to plan, and consequent social strain and poor community relations, will damage inter-European migration and could compromise even European unity itself;

22. Resources must also be made available to provide information concerning job mobility and the expansion of language learning;

— Awareness and access to 'good practice'

23. Stresses the willingness of the CoR to continue to be active on the issue of job mobility both in its promotion and also in seeking out good practice and to then making sure it is widely available to other local and regional authorities;

24. Encourages local and regional authorities to join with the appropriate institutions in the other Member States to develop 'good practice' in this field and then to promote it nationally and across the Member States (Actions 7 and 15);

As regards EURES

25. Supports the Commission in its aims to develop and strengthen EURES 'as the one stop instrument to facilitate mobility of workers and their families'. However in respecting subsidiarity this must be integrated with structures at the national, regional, and local level;

26. Agrees with the Commission that a key task for EURES is to 'raise awareness on the principle of equal treatment and respect of labour standards within the European labour market' (Action 9);

27. Agrees that EURES should 'enhance its services to meet the needs of specific categories of workers (long-term unemployed, younger workers, older workers, women, etc.)' (Action 10).

Brussels, 9 October 2008.

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

Opinion of the Committee of the Regions on 'Media literacy' and 'Creative content online'

(2008/C 325/12)

THE COMMITTEE OF THE REGIONS

- asks the Council and the European Parliament to further develop EU media literacy policy (with strategic objectives and progress monitoring) and to adopt a Recommendation on media literacy, taking into account this CoR opinion and the subsidiarity principle. A specific strand on media literacy should be added to the future MEDIA programme. In parallel or as an alternative, pilot programmes should be launched that will receive EU funding;
- stresses that the reports as set out in Article 26 of the Audiovisual Media Services Directive and the related activities of the Commission and Member States must allow for the differences and progress made in media literacy at regional level in Europe and provide examples of good practice by local and regional authorities and other stakeholders;
- urges national, regional and local authorities to support media literacy and to facilitate civil society involvement in particular. It recommends local and regional authorities to develop collaborative projects on media literacy in formal and non-formal education and training, targeted at citizens, especially children and young people, the disabled and social groups that are at risk of exclusion;
- encourages local and regional authorities to play a key role in managing their cultural and linguistic heritage by means of creative content online — promoting new business models in creative industries and media, promoting creative works that are (co-)financed by media organisations or even in practising eGovernment;
- is critical of the European Commission's failure to take into account the cultural and social implications of the emerging creative content online sector: the scope of the proposed Recommendation and of the 'Content Online Platform' need to add cultural diversity.

Rapporteur: Evangelia SCHOINARAKI-ILIAKI (EL/PES), Prefect of Heraklion

Reference documents

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: A European approach to media literacy in the digital environment

COM(2007) 833 final

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Creative content online in the Single Market

COM(2007) 836 final

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

A. Media literacy ⁽¹⁾

1. tasked with promoting social cohesion at regional level, a key aspect of which is digital convergence, welcomes the publication of the Commission communication on media literacy in the digital environment and in particular its comprehensive definition of media literacy, which includes the ability and opportunity to access and use media as well as the acquisition of knowledge about their functioning and critical evaluation of their content;

2. endorses the goals and priorities set by the Commission in its communication and notes in particular that for the CoR media literacy means:

- a) supporting active and creative use of media by citizens, especially by younger people in their dual roles as consumers and producers of creative content and developing and maintaining media literacy among older people and people of working age;
- b) supporting a critical approach towards all media on the part of the general public;
- c) promoting plurality in the media;
- d) contributing to the debate about commercial advertising and issues of respect for and protection of private life;
- e) promoting active involvement of citizens, bearing in mind that the media play a decisive role in framing Europe's audiovisual heritage, local and regional identity, intercultural dialogue and democracy;
- f) promoting social inclusion;

⁽¹⁾ After consulting a large number of citizens and specialist bodies, the rapporteur considers the Greek translation of the term 'media literacy' as 'γραμματισμός' to be unsatisfactory because it does not make the meaning of the term clear to ordinary people. She therefore proposes that the term be replaced in the text of the opinion by 'αγωγή' ('media education'). (Translator's note: it has been decided to leave the English version unchanged, in line with the Commission text.)

g) ensuring equal access to new media and technologies, given that telecommunications and the media are acquiring an increasingly crucial role in almost all spheres of life;

3. would refer to the Council Conclusions of 21 May 2008 ⁽²⁾ in this context:

- recalling that promoting media literacy has been a priority for the CoR since 2004;
- recognising the efforts made by the Council to promote media literacy despite differences in practice and progress among Member States;
- agreeing with the Council on the importance of pooling information and good practice on the development of media literacy, while noting that this can also tie in with measures taken by local and regional authorities, which can play an important role in this field;
- believing that media literacy can be promoted through additional financing for existing and new initiatives alike;

Promotion of media literacy at EU level

4. notes that the CoR asked the Commission as far back as 2004 ⁽³⁾ to pay particular attention to promoting media literacy in all the EU Member States and to ensuring a minimum level of information content for each of them. Consequently it commends the Commission for initiating a Community media policy with this communication;

5. encourages the Commission to further develop its media literacy policy (programmes with strategic objectives and progress monitoring) in collaboration with all the EU institutions and with local and regional authorities, and to step up its cooperation with UNESCO and the Council of Europe in this area;

⁽²⁾ Council Conclusions on a European approach to media literacy in the digital environment — 2868th Education, Youth and Culture Council meeting, Brussels, 21 May 2008.

⁽³⁾ CdR 67/2004 fin.

6. asks the Council and the European Parliament to adopt a recommendation on media literacy, as mentioned in the communication, taking into account this CoR opinion, the subsidiarity principle, and the remits established at local and regional level in the EU in relation to media literacy;

7. is pleased that the Commission is required to submit reports, as set out in Article 26 of the new Directive on audiovisual media services, but notes that these reports and the related activities of the Commission and Member States must allow for the differences and progress made in media literacy at regional level in Europe and provide examples of good practice by local and regional authorities and other stakeholders;

8. commends the stepping up of Commission action aimed at harnessing the know-how acquired through local and regional programmes on media literacy issues throughout the EU by promoting platforms for dialogue, events and networks for exchanging best practice;

9. calls on the EU institutions to add to the future MEDIA programme a specific strand on media literacy, since the current version of this programme makes only a small contribution to this area. In parallel or as an alternative, the Commission is asked to launch pilot programmes for media literacy that will receive EU funding;

10. stresses that existing EU programmes and initiatives, e.g. to improve internet security, are very limited in effect with regard to developing and exchanging good practice in media literacy, and calls on the Commission when renewing these programmes to adapt them so as to include issues of media literacy;

Promoting media literacy at national, regional and local level

11. urges national, regional and local authorities to support plans, programmes and initiatives relating to media literacy, with the following main objectives:

(a) collaboration between all stakeholders, in particular the audiovisual industry (cinema, television, radio, providers and producers of internet content), media organisations, educational bodies, regulatory authorities, research and cultural institutes, and social organisations;

(b) running of services to promote media literacy;

(c) evaluation of progress in promoting media literacy at local and regional level;

(d) implementation of information strategies on media literacy issues, promoting 'media desks' (information centres on the MEDIA programmes) and setting up information centres for media literacy issues that will operate at regional level);

(e) provision of incentives and promotion of policies on the production and dissemination of European content and development of media by civil society;

(f) involvement in national and Community cooperation networks;

12. calls on public authorities to facilitate civil society involvement in particular, given that only a small number of civil society organisations are currently taking part in the debate on media literacy, while also supporting greater participation of regulatory authorities in the Member States and the regions;

13. welcomes the Commission's explicit reference to the key role played by local and regional authorities in supporting initiatives in the non-formal education sector, while noting that in many cases local and regional authorities are also responsible for incorporating media literacy into the formal education system at all levels;

14. urges local and regional authorities to incorporate issues of media literacy into the training of teachers and trainers, school curricula and lifelong learning, and to promote educational media and skills in the use and production of multimedia by schoolchildren and students;

15. encourages local and regional authorities to develop long-term public and private collaborative projects on media literacy in both the formal and non-formal education and training sectors (e.g. publishers of local or regional newspapers promoting study of the press and electronic journalism in schools, cinema festivals involving media literacy activities and campaigns on media literacy issues by public audiovisual channels and hardware and software companies);

16. urges the Member States to promote media literacy further by implementing the recommendation of the European Parliament and the Council on film heritage and the competitiveness of related activities of the film industry ⁽⁴⁾, and the recommendation of the European Parliament and the Council on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry ⁽⁵⁾;

⁽⁴⁾ Recommendation No 2005/865/CE.

⁽⁵⁾ Recommendation No 2006/952/CE.

Media literacy in commercial communication (advertising)

17. reiterates the position set out in its opinion on the new Directive on audiovisual media services ⁽⁶⁾, where it asked that the possibility be considered of banning advertising during children's and news programmes, which regrettably was not taken on board, and disagreed with the Commission's approach, whereby promoting media literacy is considered a more appropriate method than banning advertising ⁽⁷⁾. Obviously there is a need for better public education, especially of children and young people, when it comes to developing a correct and critical approach to the media, but the CoR has expressed doubt regarding the ability of children to distinguish programmes from advertising or to correctly assess advertisements, for which reason it supports the option of regulating and stepping up regulatory provisions in the Member States;

18. shares the Commission's view that there is an urgent need to develop and exchange good practice in this particular area. This applies to both developing and applying of codes of practice and, where applicable, self-regulatory and co-regulatory frameworks. At the same time, there is a need to protect consumer rights in relation to content services, to ensure that services are of adequate quality in terms of reliability and validity;

19. would like to see media literacy programmes at all levels of government with public/private funding, provided of course that they are transparent, so that the interests of those taking part (especially private sector actors) are easily discernible;

Media literacy in relation to audiovisual works and internet content

20. urges local and regional authorities, supported by the Member States and the EU, to promote activities based on the priorities set out in the Commission communication. These activities are targeted at citizens, especially children and young people, the disabled and social groups that are at risk of exclusion:

- (a) familiarising people with Europe's cultural heritage and increasing interest in European audiovisual works;
- (b) providing opportunities for citizens to learn about the production of audiovisual services and works from close up, and to acquire creative skills, and to express their views on and reflect on their cultural identity;
- (c) understanding the significance of intellectual property rights;
- (d) critical appraisal of internet content and better use of search engines by users;

⁽⁶⁾ CdR 106/2006 fin.

⁽⁷⁾ Cf. statement by Commissioner Reding and Commission press release IP/07/1970.

- (e) promoting digital inclusion, as emphasised by the CoR in its opinion on the subject ⁽⁸⁾;

21. emphasises the need for Europe's audiovisual heritage to be taken into account in the education and cultural policies of the Member States, cities and regions, and for young content creators to be supported and encouraged, since they are effectively the future of Europe's audiovisual sector. In this context the CoR has already taken a position with earlier recommendations ⁽⁹⁾ to increase financial support for and promotion of regional and local audiovisual festivals in order to further development of works by young European content creators and on improving training of audiovisual professionals in countries and regions with a low audiovisual output and/or with a limited geographical and linguistic range;

B. Creative content online in the single market ⁽¹⁰⁾

22. welcomes the Commission communication on creative content online in the single market and shares the Commission's view that the transfer of creative content services to the internet environment is a major change; digital technologies facilitate the creation of audiovisual works and make it possible to distribute creative content in an audiovisual market without borders, while at the same time increasing access to creative content via tools, networks and services. This content covers audiovisual *creative works* online such as films, television, music, radio, internet games, internet publications, educational content online, and content created by users;

23. stresses that more measures must be taken to fully activate the potential of European creative content, with the aim of boosting the production, availability and circulation of high-quality, innovative European works, enhancing Europe's cultural diversity and European competitiveness;

24. notes that existing challenges must be met not just by the EU, the Member States, companies that produce and distribute content, network operators, right holders, consumers and independent regulatory authorities, but also by local and regional authorities;

25. calls on local and regional authorities to play a key role in managing their cultural and linguistic heritage, promoting new business models in local creative industries and local media, promoting creative works that are (co-)financed by media institutes and organisations or even in practising eGovernment with multi-channel service delivery;

⁽⁸⁾ CdR 5/2008 fin.

⁽⁹⁾ CdR 303/2004 fin.

⁽¹⁰⁾ After consulting a large number of citizens and specialist bodies, the rapporteur considers the Greek translation of the term 'online' as 'επιγραμματικό' to be unsatisfactory, because it does not make the meaning of the term clear to ordinary people. She therefore proposes that the term be replaced in the text of the opinion by 'διαδικτυακό' ('internet'). (Translator's note: it has been decided to leave the English version unchanged, in line with the Commission text.).

26. supports the two key initiatives announced by the Commission in its communication, (a) the proposal for a Recommendation of the European Parliament and the Council on creative content online and (b) the creation of a stakeholders' discussion and cooperation platform, the 'Content Online Platform', in order to develop dialogue on addressing the issue, and asks that local and regional representation be ensured;

Creative content online and cultural diversity

27. is critical of the European Commission's failure to take into account the cultural and social implications of the emerging creative content online sector and to propose measures that are essential to promote cultural diversity and ensure universal access to the benefits of ICTs; as already pointed out in the opinion on the i2010 strategy ⁽¹¹⁾, the CoR considers that policies relating to new services and new digital media, as well as creative content, must not be framed on the basis of economic criteria alone, but must take cultural and social factors into account. In view of this, creative content must promote social cohesion and inclusion, particularly in the case of groups at risk of exclusion (women, young people, people with disabilities);

28. observes that where policies and legislation on creative content online are concerned, a balance must be found between its importance as a cultural good and as an economic asset. The increased interplay between culture, audiovisual media and ICTs makes it necessary to develop a cohesive policy for industry, creative content businesses and online content;

29. asks the Commission to include protection of cultural diversity under the heading of online content and to this end consider:

- (a) broadening the scope of the proposed recommendation of the European Parliament and the Council on creative content online and of the 'Content Online Platform' to include cultural diversity;
- (b) the way in which the EU intends to implement the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions in this context. In its opinion on *A European agenda for culture* the CoR called on the European Commission to make progress — based on the principle of subsidiarity — in taking measures to implement this global convention ⁽¹²⁾;
- (c) the way in which the EU applies the cultural compatibility clause (Article 151(4) ECT) in this policy area;
- (d) information pooling between the Member States and exchange of best practice in this sphere;

⁽¹¹⁾ CdR 252/2005 fin.

⁽¹²⁾ CdR 172/2007 fin.

30. wishes to preserve cultural diversity and identity in a pluralistic European society in the future digital world, and therefore reiterates its previous calls ⁽¹³⁾ in relation to:

- (a) maintaining content and services in all languages, given the increased use of a single language in creative content online;
- (b) supporting digitalisation, dubbing, subtitling and multilingual copies of European audiovisual works;
- (c) ensuring that providers of offline media services promote production of and access to European and independent works;
- (d) 'positive discrimination' in EU support measures in favour of countries with a small capacity for creative content online and/or a limited geographical and linguistic range;
- (e) taking on board the needs of users in different languages areas in developing digital libraries, whose digital data should be available beyond national borders notwithstanding rights of use;

Specific actions

31. shares the Commission's concern in relation to the question of orphan works and the fact that many artists still hesitate to give their rights for internet distribution for fear of losing control as a result of illegal copying. This is a barrier to creating new markets for European creative works and cultural diversity in the digital environment, and the Committee therefore calls on the Member States and local and regional authorities to facilitate dialogue between stakeholders with the aim of finding appropriate solutions for terms of contract between right owners and internet distributors, and to strengthen their commitments in relation to implementing the 2006 European Film Online Charter;

32. sees a contradiction between the possibility for providers of online content services to reach the general public at global level and the traditional association of intellectual property rights with limited territorial scope, and similarly between the cultural policy objective of increasing the exchange and distribution of European creative content online and the fact that many rights holders only try to get licences in very few Member States where the licence is of economic interest to them;

33. voices its satisfaction with the Commission's proposal to further clarify options for improving existing mechanisms, including multi-territorial licensing, before dealing with this complex issue in the announced proposal for a Recommendation;

⁽¹³⁾ CoR 106/2006 fin, CdR 33/2006 fin, CdR 252/2005 fin, CdR 303/2004 fin and CdR 67/2004 fin.

34. acknowledges — as it did in a previous opinion ⁽¹⁴⁾ — the Commission's contribution to developing a framework for digital rights management (DRM) and inviting stakeholders to joint discussions, where digital rights owners are encouraged to agree on the degree of interoperability;

35. considers that while a major part of Europe's older cultural heritage is already free of copyright restrictions and thus available online, a reform of copyright legislation relating to more recent cultural heritage is highly relevant ⁽¹⁵⁾;

36. supports the Commission's proposal to initiate cooperation procedures ('codes of conduct') between access/service providers, content producers, right holders, and in particular consumers, so as to guarantee consumer-friendly measures for adequate protection of copyrighted works and the fight against piracy and illegal copying;

37. calls on local and regional authorities to support formal and informal educational and awareness-raising activities on the importance of copyright for creative content;

38. recommends that as part of the Year of Creativity and Innovation (2009) measures should be planned at local and regional level to raise awareness and understanding of access to creative content online, respect for intellectual property rights and combating piracy;

39. believes that measures launched by the European institutions to strengthen and promote the production and availability of creative content online must be accompanied by corresponding initiatives in relation to media literacy.

Brussels, 9 October 2008

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

⁽¹⁴⁾ CdR 252/2005 fin.

⁽¹⁵⁾ CdR 32/2006 fin.

Own initiative opinion of the Committee of the Regions on 'Citizens' rights: Promotion of fundamental rights and rights derived from European citizenship'

(2008/C 325/13)

THE COMMITTEE OF THE REGIONS:

- emphasises the significant role played by the Charter of Fundamental Rights, a cornerstone of the process of guaranteeing fundamental rights and a crucial point of reference for the definition and interpretation of the rights which the EU is required to respect and highlights the specific function of the Charter of Fundamental Rights as an instrument at the service of all individuals;
- emphasises that the exercise of the rights arising from citizenship also involves the obligation to comply with certain 'duties' as regards local and regional communities;
- insists on the responsibility of all levels of governance to help build a 'culture of fundamental rights' by raising citizens' awareness of their rights; emphasises the need therefore for a joint campaign promoting citizens' rights, with such promotion constituting an integral part of the European Commission's information and communication policy; and is of the view that in this connection, specific resources must be channelled and actions planned with the effective involvement of local and regional authorities;
- intends to build upon the existing fruitful inter-institutional cooperation on fundamental rights, confirmed at the seminar in Reggio Emilia in September 2008, and will consider seriously the Commission's proposal to organise a joint yearly event highlighting the citizens' oriented approach to fundamental rights and benchmarking at different levels of governance;
- reiterates the request for a representative of local and regional authorities to take part in the agency's Management Board;
- calls on the Commission systematically to invite the President of the Committee of the Regions to take part in the work of the Group of Commissioners on Fundamental Rights, Anti-discrimination, and Equal Opportunities, which issues policy guidelines and monitors the consistency of initiatives in this field.

Rapporteur: Sonia MASINI (IT/PES), President of the Province of Reggio Emilia

Reference document

Report from the Commission — Fifth Report on Citizenship of the Union

(1 May 2004-30 June 2007)

COM(2008) 85 final

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General comments

1. points out that the Treaty on European Union acknowledges that the Union is founded on the principles of freedom, democracy and the rule of law, as well as on respect for personal rights and the fundamental freedoms common to the constitutional traditions of the Member States and guaranteed by the European Convention for the protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950;

2. emphasises the significant role played to date by the Charter of Fundamental Rights of the European Union, proclaimed on 7 December 2000 in Nice by the Parliament, the Council and the Commission, in highlighting the importance and scope of the rights laid down in it; although so far not legally binding, the charter is a cornerstone of the process of guaranteeing fundamental rights and a crucial point of reference for the definition and interpretation of the rights which the EU is required to respect;

3. highlights the unique position held by the charter among the instruments on human rights, insofar as it brings together in one single text the universal personal rights (civil and political rights) derived from the historical development of the rights of freedom and integrity of the person in Europe, as well as the economic and social rights derived from Europe's experience of establishing a 'social market economy', together with a number of highly innovative provisions (such as rights of older and disabled people) relating to the European welfare model;

4. highlights the specific function of the Charter of Fundamental Rights as an instrument at the service of all individuals;

5. is therefore pleased that, with the entry into force of the Treaty of Lisbon, the Charter of Fundamental Rights, in the amended version adopted on 12 December 2007 in Lisbon, should become legally binding; points out in particular that it would have 'the same legal value as the Treaties', which, as stipulated by the European Court of Justice, form the European Union's 'constitution';

6. points out that, although the rights derived from citizenship represent a major step forward, difficulties persist regarding their application (Fifth Report from the Commission on Citizenship of the Union); in particular, many communities feel distanced from the EU institutions, and this feeling must be

fought and overcome; stresses in this connection that regions and local authorities can make a contribution in this area as well by acting as a bridge between the institutions and the public;

7. stresses that fresh impetus must be infused into the promotion of the Charter of Fundamental Rights, with a view to its becoming legally binding; therefore, a campaign of European civic education could be undertaken, particularly in educational establishments; in relation to this, stresses the role of the regions and local authorities, including the dissemination of information, the exchange of experiences and project ideas;

8. notes that while the Union guarantees universal rights to anyone (whether a European citizen, from a third country or stateless) who falls under its jurisdiction, it attributes specific rights to 'European citizens' with whom there is the special link of citizenship;

9. points out that universal fundamental rights and the rights of EU citizens must be recognised and applied not only by the EU institutions and bodies, including the CoR, but also by national authorities and regional and local authorities;

10. recalls the principle laid down in the preamble to the Charter of Fundamental Rights, whereby the common values of the EU must be developed while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; is pleased with this explicit reference to regional and local autonomy and grassroots democracy;

11. points out that under the Treaty establishing the European Community, EU citizenship involves duties as well as rights;

12. draws particular attention to the duty of EU citizens to comply with the laws of the EU and of the State in which they reside and to respect the cultures of other people;

13. notes that many of the rights laid down in the charter refer to powers largely devolved in a number of EU States to local and regional authorities (for example, areas such as education, healthcare and environmental protection, social policies, housing policy, local police and transport), or concern issues of general importance for all public authorities (good administration, transparency and access to documents; the rights of children, older and disabled people);

14. therefore emphasises that fundamental rights must be protected at various levels and is pleased with the reference to this principle made in the context of the drafting of the European Parliament's Catania report on the situation of fundamental rights in the European Union;

15. emphasises that it is primarily at regional and local level that citizens come into contact with the public administration and make use of administrative structures and services;

16. points out that the promotion of human and citizens' rights requires active policies: a right becomes 'active' only when objective conditions so permit;

17. notes that, in this connection, the Union must pursue its policies for stronger economic, social and territorial cohesion; welcomes the fact that the Treaty of Lisbon includes 'territorial cohesion' among the objectives of the European Union;

18. welcomes the adoption of the Protocol on services of general economic interest, appended to the Treaty of Lisbon, underlining the importance for citizens of organising services which are efficient, accessible to all and close to individual needs, as well as the essential role and the wide discretion of regional and local authorities in organising, providing and commissioning such services;

19. points out that, in accordance with the Charter of Fundamental Rights, the Union respects cultural, religious and linguistic diversity; welcomes the reference in the Treaty of Lisbon to the respect for cultural and linguistic diversity among the Union's objectives, subject, of course, to the established democratic rules;

20. draws attention to the key role of non-governmental organisations, the natural partners of local and regional authorities, in the full application of individual rights;

21. notes that local and regional authorities, being close to citizens and their needs and views, have the most immediate and realistic understanding of the application of the rights laid down by the Union and consequently emphasises the potential role of the CoR as an observatory monitoring the concrete conditions for the application of such rights, and calls on the Commission and the European Parliament to capitalise on this potential role by ensuring that when acts are adopted they reflect regional and local authorities' interpretations of situations;

22. calls on the Commission systematically to invite the President of the Committee of the Regions to take part in the work of the Group of Commissioners on Fundamental Rights, Anti-discrimination, and Equal Opportunities, which issues policy guidelines and monitors the consistency of initiatives in this field;

23. notes the adoption of Decision 2007/252/EC establishing the specific programme on fundamental rights and citizenship

for the period 2007-2013 and calls on the Commission to involve it in the review of the programme for the period 2014-2020;

Universal personal rights

24. reiterates that the principle of respect for fundamental personal rights is central to all EU action, such rights deriving from the constitutional traditions common to the Member States, the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations, the European Convention on Human Rights and the other conventions adopted at international level (in particular within the United Nations) and ratified by the EU Member States;

25. notes that the European model for the protection of fundamental rights, as set out in particular in the charter, is amongst the most advanced since it incorporates civil and political rights as well as economic, social and cultural rights, and is based on its own order and system of values which, in the area of universal rights, respects diversity and dialogue between different cultures, religions and beliefs within the scope of the rules established by the democratic European systems;

26. draws attention to the possible tensions which might arise between the respect for the individual right to privacy and the guarantee of other fundamental rights such as security, and calls for this issue to be discussed in greater depth, taking into account the experiences of local and regional authorities and their key position as regards the protection of data stored by them regarding resident citizens;

27. emphasises that the Union must also promote democracy and human rights in third countries and, in this connection, refers to the opinion on the 2007-2010 strategy paper on the European instrument for democratisation and human rights (EIDHR), for which Heini Utunen was rapporteur;

28. reiterates the need to respect fundamental rights and the rule of law in the context of policies to establish an area of freedom, security and justice and in parallel, points out that the Union must thus guarantee a high level of security for citizens;

29. is pleased that the Treaty of Lisbon does away with the Union's pillar structure and that, in consequence, actions in the field of the area of freedom, security and justice are made subject to the general rules for EU policies, in particular as regards the judicial review performed by the Court of Justice;

30. welcomes the innovative measures set down in the Treaty of Lisbon, which enhance the European Parliament's role in framing, implementing and assessing policies for the area of freedom, security and justice, and recognise the role played by national parliaments in the mechanisms for assessing the results achieved in this field;

31. intends to build upon the existing fruitful inter-institutional cooperation on fundamental rights, confirmed at the seminar in Reggio Emilia in September 2008, and will consider seriously the Commission's proposal to organise a joint yearly event highlighting the citizens' oriented approach to fundamental rights and benchmarking at different levels of governance;

32. is pleased that the European Union's Fundamental Rights Agency has been established and has launched its activities;

33. confirms that both the Committee of the Regions and local and regional authorities wish to play an active role in the work of the Fundamental Rights Agency and its multi-annual programming, and is pleased with the forms of cooperation already underway;

34. reiterates the request for a representative of local and regional authorities to take part in the agency's Management Board;

35. would be pleased to cooperate with the agency, by collecting and disseminating good practices and particularly significant experiences for the protection and promotion of fundamental rights at local and regional level, or forwarding relevant data collected at local and regional level;

36. stresses that local and regional authorities are in a unique position to play an active role in the promotion of the rights of children, as well as to help monitor the conditions for the enjoyment of these rights;

37. recalls that it has pointed out that local and regional authorities play a key role in the application of the fundamental rights of women and the principle of equal opportunities for all;

38. emphasises, with particular reference to migrant women, that integration means sharing and respecting the fundamental rights and duties of the individual, which are part of the European legal *acquis*, and reiterates the importance of reception policies founded on the recognition of cultural diversity stemming from people's freedom of choice (CdR 396/2006);

39. stresses that the media have an important role to play in publicising infringements of human and civil rights, but that they should also publicise good practices and particularly significant experiences in safeguarding human and civil rights;

Rights deriving from EU citizenship

40. points out that, as stipulated by the European Court of Justice, citizenship constitutes the fundamental status of the individual, a political player in the process of European integration;

41. is therefore pleased that the Treaty of Lisbon enshrines the general provisions on EU citizenship in the new Treaty on

European Union, specifically in the title containing provisions on democratic principles, which reiterates the principle whereby decisions shall be taken as openly and as closely as possible to the citizen (grassroots democracy);

42. deplores the fact nonetheless that there is no explicit reference to the key role played in this respect by local and regional authorities;

43. stresses that freedom of movement and residence is of key importance among the rights attributed by European citizenship, being a contributing factor in enhanced mutual knowledge between EU communities;

44. notes the progress achieved in implementing this freedom, thanks to the adoption and entry into force of Directive 2004/38 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States;

45. urges Member States to work together to ensure security for citizens and fight crime;

46. strongly emphasises, *inter alia* in light of the experience of applying Directive 2004/38, the fundamental responsibilities assumed by local and regional authorities in connection with the management of problems relating to the movement and in particular the residence of European citizens. This refers not only to the administrative formalities and practices inherent in residence but also and particularly to reception policies;

47. deplores the fact therefore that the Fifth Report from the Commission on Citizenship of the Union makes no reference to the special responsibilities of local and regional authorities as regards reception;

48. recalls that under Directive 2004/38, EU citizens other than workers or self-employed persons have the right to reside in a State other than the State of which they are nationals, provided they are not a problem for or a burden on the social assistance system of the host Member State and, for periods longer than three months, provided they have sufficient resources for themselves and their family members as well as comprehensive sickness insurance cover in the host Member State;

49. notes the European Court of Justice's interpretation of these conditions and underlines the impact of this interpretation on the responsibilities of local and regional authorities as well as the financial burdens which may result;

50. points out that the national authorities have the right and duty to combat abuse of the rights conferred by the directive and fight fraud, as in the case of fictitious marriages or partnerships or illegal behaviour;

51. welcomes the Commission initiative to promote knowledge of the new rules set out in Directive 2004/38, including the publication of the Guide to Directive 2004/38/EC, and calls on the Commission to capitalise on the special position of local and regional authorities which enables them to act as channels for the dissemination of such information;

52. emphasises that the exercise of the rights arising from citizenship also involves the obligation to comply with certain 'duties' as regards local and regional communities;

53. stresses the importance of the right of European citizens to vote and to stand as candidates in the Member State in which they reside, in both local and European Parliament elections;

54. stresses in this respect that local political institutions reflect a 'European' electorate, and are thus the first truly European governmental bodies;

55. is pleased with the increase in turnout for European Parliament elections by EU citizens living in a State other than their State of origin, but expresses concern about the gradual overall decline in turnout for European elections;

56. reiterates its call for information and education activities concerning European elections to be stepped up, capitalising fully on the strengths of local and regional authorities;

57. reiterates its interest in the development of European political parties (CdR 280/2004) and highlights the key role that should be played by local and regional elected representatives with reference to the functioning of these parties and the framing of associated strategies, inter alia in order to establish a link between the various tiers of government (European, national, regional and local);

58. is pleased that the Treaty of Lisbon makes it possible for EU citizens, numbering not less than one million and nationals of a significant number of Member States, to take the initiative of inviting the Commission to submit legislative proposals;

59. stresses the fundamental role assumed by the European Ombudsman, inter alia in the light of experience, with a view to redressing cases of maladministration on the part of EU institutions and bodies;

60. is pleased that citizens are now able to submit petitions to the European Parliament and complaints to the Ombudsman electronically;

61. recalls that EU citizens in the territory of a third country in which the Member State of which they are a national is not represented are entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State, and emphasises the importance of such a provision as a point of principle, insofar as it is intended to acknowledge an external dimension of EU citizenship;

62. shares the Commission's view regarding the inadequacy of the Community *acquis* in the field of diplomatic and consular protection, welcomes the presentation by the Commission of an action plan for the period 2007-2009 with the aim of developing the *acquis*, and calls on the Council and Member States to adopt the actions needed in this respect, inter alia at international level;

63. on this subject underscores the powers and experience of local and regional authorities in this area (such as tourism, health policy, burial and cremation) and therefore urges the EU institutions to consult the CoR when framing and adopting decisions in this area;

64. is pleased that the Treaty of Lisbon acknowledges the international personality of the Union and hopes that the Union may also protect citizens at international level;

65. notes the data set out in the Fifth Report from the Commission on Citizenship of the Union (1 May 2004-30 June 2007), according to which EU citizens would like to be better informed about their rights, but in fact less than one third of them feel that they are well informed about the rights deriving from EU citizenship;

66. insists on the responsibility of all levels of governance to help build a 'culture of fundamental rights' by raising citizens' awareness of their rights; emphasises the need therefore for a joint campaign promoting citizens' rights, with such promotion constituting an integral part of the European Commission's information and communication policy;

67. is of the view that in this connection, specific resources must be channelled and actions planned with the effective involvement of local and regional authorities.

Brussels, 9 October 2008.

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

Opinion of the Committee of the Regions on 'Safer Internet Programme (2009-2013)'

(2008/C 325/14)

THE COMMITTEE OF THE REGIONS

- believes that the actions carried out so far need to be adapted to new requirements given the emergence of new technologies and services which generate fresh hazards and increase existing ones;
- recommends that at least an outline consensus on 'illegal content' be reached by comparing criminal law norms and seeing what they have in common. Actions should support the compilation of a European blacklist of illegal content and the promotion of its use by internet providers;
- calls for activities aimed at increasing the awareness among end-users to explicitly include local authorities and government, which are closest to the target groups and have the greatest potential for disseminating information and implementing concrete programmes and projects;
- recommends that awareness-raising centres should follow defined strategies in approaching children, parents and teachers and ensure that their measures are of a good quality. The programme has to support a more active media involvement in campaigns to raise awareness as well;
- believes that it is particularly important to have the closest possible collaboration between hotlines, law enforcement bodies and internet providers, and secure the involvement of other players, such as the appropriate social organisations and NGO's;
- urges actions to create teaching materials in information technology and media skills to cover safe online environments. Actions should also be aimed not only at protecting children but also at instilling an active mastery of safe internet use (empowerment).

Rapporteur: Ján ORAVEC (SK/EPP), Mayor of the City of Štúrovo

Reference document

Proposal for a Decision of the European Parliament and of the Council establishing a multiannual Community programme on protecting children using the Internet and other communication technologies

COM(2008) 106 final — 2008/0047 COD

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General comments

General remarks on the programme

1. shares the view that in the period since the inception of the Safer Internet Action Plan, both the technologies and related uses have changed considerably. Children are active users of online technologies, and increasingly so. Protecting them from harmful content, curbing the distribution of illegal content and educating them to have a critical and aware approach to the internet represents a huge problem which politicians and law-makers, industry, end-users and particularly parents, carers and teachers have to tackle in a pro-active fashion;

2. agrees that among the most serious risks to children related to online technologies are: cases where they are harmed directly, as victims of sexual abuse, which is documented through photographs, films or audio files and then transmitted online; direct contact by people who befriend them in order to commit sexual abuse ('grooming'), or when they become victims of bullying in the online environment ('cyber-bullying');

3. takes note of the findings of the final evaluation of the Safer Internet Action Plan;

4. values EU programmes for a safer internet as the only pan-European initiatives addressing child protection in the online environment;

5. agrees that the actions carried out have been effective, but believes they need to be adapted to new requirements given the emergence of new technologies and services which generate fresh hazards and increase existing ones;

6. welcomes the fact that the new programme facilitates collaboration and the pooling of experience and best practices at all levels regarding child safety on the internet and thus enhances European added value;

7. is conscious of the difficulty of achieving a consensus definition of the terms 'illegal content' and 'harmful content', which are judged differently in different countries and cultures;

8. recommends, however, that at least an outline consensus on illegal content be reached by comparing criminal law norms and seeing what they have in common;

9. believes that the measures proposed will help to protect children using the internet and other communication technologies, will react to new developments and will curb distribution of illegal content online, especially online distribution of child sexual abuse material, grooming and bullying;

10. hopes that further activities will be aimed at stimulating and encouraging the development and application of technical solutions for dealing with illegal content and harmful conduct online, as well as at promoting cooperation and exchange of best practice among a wide range of stakeholders at local, regional, European and international level;

11. recommends holding annual guidance meetings for stakeholders at national, European and international level, enabling them to discuss current challenges and issues, exchange best practices and promote cooperation;

12. is disappointed that activities aimed at increasing the awareness of the public, in particular children, parents, carers and educators, about opportunities and risks related to the use of online technologies and means of staying safe online, do not explicitly include local and regional authorities, which are closest to the target groups and have the greatest potential for communicating important information and implementing concrete programmes and projects;

13. supports the creation and further development of a knowledge base to be used in tackling present and emerging risks and the consequences of internet use;

14. recommends coordinating investigation activities in relevant fields within and outside the EU and developing knowledge concerning the (evolving) ways children use online technologies, associated risks and the possible harmful effects the use of online technologies can have on them, including technical, psychological and social issues as well as giving positive examples of educating children to adopt a critical approach to the media;

15. fully supports linking efforts to the Safer internet plus programme, which should be improved;

16. calls on Community institutions and Member State governments to give tackling this issue the attention it deserves within the powers available to them;

17. hopes that implementing measures thoroughly will help to reduce the threat to children using the internet and other communication technologies.

II. PROPOSED AMENDMENTS

Amendment 1

Annex I — Action line 1

Text proposed by the Commission	CoR amendment
1. Providing the public with contact points for reporting online illegal content and harmful conduct. Activities should ensure that these contact points are effective and visible for the public, liaise closely with other actions at national level, and cooperate at European level to deal with cross-border issues and to exchange best practice.	1. Providing the public with contact points for reporting online illegal content and harmful conduct. Activities should ensure that these contact points are effective and visible for the public, liaise closely with other actions at national level, and cooperate at European level to deal with cross-border issues and to exchange best practice. <u>Support should be given to publicising hotlines among end-users and the potential of local government to disseminate important information should be exploited.</u>

Reason

Contact points and hotlines can only fulfil their function if the maximum number of end-users are aware of their existence. For this reason, they need maximum publicity and local governments are very well equipped for this.

Amendment 2

Annex I — Action line 1

Text proposed by the Commission	CoR amendment
2. Tackling harmful conduct online, in particular grooming and bullying. Activities will aim to tackle online grooming, the process by which an adult befriends a child with the intention of committing sexual abuse, and bullying. Actions will deal with technical, psychological and sociological issues related to these issues and will promote cooperation and coordination between stakeholders.	2. Tackling harmful conduct online, in particular grooming and bullying. Activities will aim to tackle online grooming, the process by which an adult befriends a child with the intention of committing sexual abuse, and bullying. Actions will deal with technical, psychological and sociological issues related to these issues and will promote cooperation and coordination between stakeholders. <u>It is particularly important to have the closest possible collaboration between hotlines, law enforcement bodies and internet providers on the one hand, and secure the involvement of other players, such as the appropriate social organisations and NGO's, on the other.</u>

Reason

If effective countermeasures are to be taken, there must be a rapid and constant stream of information from hotlines to other players in the fight against illegal content and harmful conduct.

*Amendment 3***Annex I — Action line 1**

Text proposed by the Commission	CoR amendment
3. Stimulating application of technical solutions for dealing adequately with illegal content and harmful conduct online. Activities should encourage the development or adaptation of effective technological tools to deal adequately with illegal content and tackle harmful conduct online, for general use by stakeholders.	3. <u>Supporting and stimulating</u> application of technical solutions for dealing adequately with illegal content and harmful conduct online. Activities should encourage the development or adaptation of effective technological tools to deal adequately with illegal content and tackle harmful conduct online, for general use by stakeholders. <u>Actions should further support the coordination of work to compile a European blacklist of illegal content and the promotion of its use by internet providers.</u>

Reason

New technical solutions need to be not just encouraged, but also supported. A European blacklist could help in preventing or possibly reacting to illegal content.

*Amendment 4***Annex I — Action line 2**

Text proposed by the Commission	CoR amendment
3. Stimulating the involvement of children and young people in creating a safer online environment. Actions will aim to involve children and young people with the aim of better understanding their views and experiences concerning the use of online technologies and on how to promote a safer online environment for children.	3. Stimulating the involvement of children and young people in creating a safer online environment. Actions will aim to involve children and young people with the aim of better understanding their views and experiences concerning the use of online technologies and on how to promote a safer online environment for children. <u>Actions should further include the creation of teaching materials in information technology and media skills to cover safe online environments and the dangers of illegal content and harmful conduct. Actions should also be aimed not only at protecting children but also at instilling an active mastery of safe internet use (empowerment).</u>

Reason

A trained teacher can use interactive teaching methods to alert children to the dangers of internet use, while at the same time learning from their reactions about their views and experiences with online technologies.

*Amendment 5***Annex I — Action line 2**

Text proposed by the Commission	CoR amendment
4. Increasing information about adequate tools for dealing with harmful content online. Activities will aim to increase information about the performance and effectiveness of tools for dealing with potentially harmful content online and to equip users with information, instruments and applications adequately supporting them in dealing with harmful content across different platforms.	4. Increasing information about adequate tools for dealing with harmful content online <u>and informing end-users about available means of filtering harmful content.</u> Activities will aim to increase information about the performance and effectiveness of tools for dealing with potentially harmful content online and to equip users with information, instruments and applications adequately supporting them in dealing with harmful content across different platforms.

Reason

Information about suitable or new means of tackling harmful content is important not only for specialists in the field, but for practically every end-user so that they can do their best to respond appropriately and as effectively as possible to new dangers.

*Amendment 6***Annex I — Action line 3**

Text proposed by the Commission	CoR amendment
1. Raising public awareness and disseminating information on safer use of online technologies. The activities will promote public awareness by providing adequate information about possibilities, risks and ways to deal with them in a coordinated way across Europe. Activities will encourage cost-effective means of distributing awareness information to a large number of users.	1. Raising public awareness and disseminating information on safer use of online technologies <u>and supporting a more active media involvement in campaigns to raise awareness.</u> The activities will promote public awareness by providing adequate information about possibilities, risks and ways to deal with them in a coordinated way across Europe. Activities will encourage cost-effective means of distributing awareness information to a large number of users.

Reason

Both local and national media have a vital role to play in disseminating information on safer use of online technologies. Their inclusion in the process and in campaigns to raise awareness should therefore be encouraged.

*Amendment 7***Annex I — Action line 3**

Text proposed by the Commission	CoR amendment
2. Providing contact points where parents and children can receive answers to questions about how to stay safe online. Activities will be aimed at empowering users to make informed and responsible choices by providing them with advice on relevant information and precautions to be taken to remain safe online.	2. Providing contact points where parents and children can receive answers to questions about how to stay safe online. Activities will <u>should</u> be aimed at empowering users to make informed and responsible choices by providing them with advice on relevant information and precautions to be taken to remain safe online. <u>Actions should be aimed at making public awareness of these contact points as great as possible.</u>

Reason

Contact points can only fulfil their role if the public at large or the end-users are aware of them and therefore know where to go for information and answers to their queries.

*Amendment 8***Annex I — Action line 3**

Text proposed by the Commission	CoR amendment
3. Encouraging enhancement of efficient and cost-effective awareness-raising methods and tools. Actions will be aimed at improving relevant awareness-raising methods and tools with a view to making them more efficient and cost-effective in a long-term perspective.	3. <u>Requiring awareness-raising centres to follow defined strategies in approaching children, parents and teachers.</u> Encouraging enhancement of efficient and cost-effective awareness-raising methods and tools. Actions will <u>should</u> be aimed at improving relevant awareness-raising methods and tools with a view to making them more efficient and cost-effective in a long-term perspective; <u>in so doing, efforts should be made to ensure that these measures are of a good quality.</u>

Reason

Awareness-raising centres play one of the most important roles in increasing public awareness, since the information they provide will be passed on, directly or through various information channels, to the public at large. They must therefore be able to point out dangers and offer responses. It is vital here to coordinate and collaborate closely with experts in media skills and media literacy.

Brussels, 9 October 2008.

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

Opinion of the Committee of the Regions on the Commission Communication on 'A strong European Neighbourhood Policy'

(2008/C 325/15)

THE COMMITTEE OF THE REGIONS

- Recalls its conviction that a prosperous and secure neighbourhood can only be achieved through an efficient co-operation at the local and regional level. Local and regional authorities are best placed to identify and address citizens' needs and provide adequate services;
- Stresses the need to set up regional fora of sub-national authorities, in line with the regional approach of the ENP (Mediterranean dimension, Northern Dimension, Atlantic dimension and Black Sea dimension) and to promote regional and decentralised cooperation;
- Welcomes the proposal presented at a meeting of EU foreign ministers on 26 May 2008 to build closer ties with the EU's neighbours to the east; namely Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine;
- Welcomes the relaunch of the Euro-Mediterranean Partnership and stresses the importance to give it a territorial dimension and to support dialogue between local and regional authorities of EU Member States and ENP partners in the Southern Mediterranean;
- Welcomes the new European Neighbourhood and Partnership Instrument (ENPI), which began operating in 2007, and especially its cross-border dimension, which allows cooperation with regions bordering the EU (financed by the European Regional Development Fund and the ENPI);
- Urges the European Commission to create a new thematic fund in the EU Budget (in addition to the European Integration Funds) to help local authorities in the EU Member States with particularly high migrant influx from third countries to deal effectively with current challenges that migrant population places on local services;

Rapporteur: Councillor Sharon TAYLOR (UK/PES), member of Stevenage Borough Council

Reference document

Communication from the Commission 'A strong European Neighbourhood policy'
(COM(2007) 774 final)

POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

Political dialogue and decentralisation reforms

1. Recalls its conviction that a prosperous and secure neighbourhood can only be achieved through an efficient co-operation at the local and regional level. Local and regional authorities are best placed to identify and address citizens' needs and provide adequate services;
2. Calls on ENP countries to adhere to and propagate good election practices and to welcome international monitors to observe their elections in order to increase transparency of election process and consequently improve level of confidence of citizens in democratic processes;
3. Calls on wider promotion of public awareness of the ENP amongst the citizens of both the EU and the ENP countries, with the greatest possible involvement of local and regional authorities through specific programmes or actions;
4. in line with the regional approach of the ENP (Mediterranean dimension, Northern Dimension, Atlantic dimension and Black Sea dimension) and to promote regional and decentralised cooperation, boosting partnership and development programmes by means of integrated measures in the relevant regions. Representatives of the CoR should be included in the work of each Forum;
5. Welcomes Swedish-Polish joint proposal for the 'Eastern Partnership' to the European Council;
6. Wishes to be associated with the EC in the process of elaboration and evaluation of the ENPI programmes in order to promote a better integration of those issues concerning the territorial dimension within the operation framework of the ENPI;
7. Calls on the European Commission to support further programmes that work on development and support of free and professional media in the ENP countries;
8. Calls on the European Commission to put greater emphasis on local economic development in countries' individual Action Plans and allocate appropriate funds through ENPI;
9. Underlines that Monitoring Committees of the cross-border cooperation programmes are an important consultation mechanism to resolve any difficulties that may arise in relation to the operational modalities including management of funds;
10. Calls on governments of the partner countries to work towards increasing transparency and accountability, as well as towards creating sufficient administrative capacity, and calls on the Commission to monitor closely the overall level of corruption and corruption prevention measures in those partner countries where corruption is still an impediment to the progress of democracy, transparency and accountability and to take into account the degree of progress made in these areas when giving support and aid;
11. Calls on governments of Israel, Georgia, Tunisia and Ukraine to ratify UN Convention against Corruption and join the rest of the ENP countries that have already done so;
12. Welcomes the opening of a European Commission office in Minsk, Belarus and hopes that office will be able to work towards strengthening civil society and local and regional democracy and improving general public awareness about European Union, its institutions and shared values;
13. Calls on the European Commission to urgently provide more effective support for civil society in Belarus, independent and professional media, as well as political parties committed to democracy and reforms;
14. Recalls that one of the key principles of the ENP is that it remains distinct from the process and policy of EU enlargement as well as from the issue of EU membership. However, it should not prejudice any possible future developments of partner countries and the EU;
15. Calls on the EU Member States and the European Commission to offer the possibility of European perspective to Ukraine and Moldova in upcoming new agreements following conclusions of 10 years long Partnership and Cooperation Agreements;
16. Welcomes the proposal presented at a meeting of EU foreign ministers on 26 May 2008 to build closer ties with the EU's neighbours to the east; namely Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine;
17. Recognises the French presidency's efforts to renew dialogue and multilateral cooperation with neighbouring countries from the south and east of the Mediterranean, thus helping to strengthen the Barcelona Process;
18. Welcomes continuing work on implementation of the agreed action plans as they represent excellent tools to foster countries' domestic reforms and urges the EU to work on drafting action plans for all other remaining countries;

19. Welcomes review of action plans entered into force in early 2005 and call for development of Enhanced Agreements with Moldova and Israel;
20. Calls on the European Commission to include members of civil society in the ENP countries, where possible, in the process of monitoring the progress of ENP Action Plans in order to acquire direct and impartial assessment of certain implementation aspects of individual Action Plans;
21. Calls on the European Commission to include representatives of local and regional authorities of members states in the process of monitoring the preparation and implementation of individual countries' Action plans;
22. Recommends to carefully define priorities for cross-border cooperation in the North and East as well in the South in order to maximise synergies and work more effectively towards objectives set up in Action Plans where agreed;
23. Reaffirms that more technical and political support is needed to ensure continuous cross-border and international cooperation between the EU Member States and neighbourhood countries over the shared border;
24. Welcomes the new European Neighbourhood and Partnership Instrument (ENPI), which began operating in 2007, and especially its cross-border dimension, which allows cooperation with regions bordering the EU (financed by the European Regional Development Fund and the ENPI);
25. Welcomes the start of the implementation process of the cross-border cooperation (CBC) programmes under the European Neighbourhood and Partnership Instrument and stands ready to cooperate in overseeing the programmes. Calls on Commission and Participating Parties to ensure the finalisation and the timely adoption of all CBC programmes. Stresses the need to ensure that all of the resources earmarked for cross-border cooperation under the ENP are harnessed, redistributing them, if necessary, among programmes that are already up and running in the neighbouring region;
26. Welcomes the increased funding of cross-border cooperation at the EU's external borders for the 2007-2013 period. However calls on the European Commission to further increase, in the framework of the new EU cohesion policy, INTERREG funding after 2013 for trans-border cooperation between local and regional authorities of the EU Member States and ENP countries to tackle joint problems specific for the regions to which these countries belong;
27. Calls on Member States and participating countries to make full use of TAIEX and twinning instruments in order to provide targeted policy and/or legal advice to local and regional authorities of ENP countries in the context of legislative approximation to '*acquis communautaire*';
28. Reiterates its support for the emerging Black Sea Euro-Region intended to promote cooperation at the local and regional level between the countries of Black Sea basin thus promoting local democracy, stability, good governance and sustainable development;
29. Welcomes the existing thematic EU funding streams, in which ENP countries can already be involved, like FP7 and DAPHNE;
30. Calls on local and regional authorities of European Economic Area countries (Iceland, Norway and Liechtenstein) to use their significant experience in building democratic institutions in enlargement countries and help local and regional authorities in ENP countries to increase their democratic capacities and develop their economies;
31. Calls on the European Commission and Member States to set up a mechanism for exchange of information on individual and collective efforts in supporting civil society in ENP countries in order to avoid duplication and increase synergies between future programmes;
32. Welcomes the continuation of *Tempus*, *Erasmus Mundus* and other programmes for academic cooperation in 2007-2010 period as they offer students from ENP countries an opportunity to study;
33. Calls on European Commission to support further cooperation between research institutions and think-tanks in ENP countries and EU Member States as they provide a forum for debate on issues that could be sensitive for their governments;
34. Notices that with increased mobility and use of transport, production of CO₂ and green-house effect gasses will increase and calls on ENP countries to consider environmental policies as fundamental to sustainable economic development. Local and regional authorities in ENP countries have an important role to play in developing communication and planning that takes account of climate change issues. Local and regional authorities in EU Member States should welcome a two way dialogue on these issues;
35. Welcomes the relaunch of the Euro-Mediterranean Partnership and stresses the importance to give it a territorial dimension and to support dialogue between local and regional authorities of EU Member States and ENP partners in the Southern Mediterranean. Considers that, as a tool for supporting this process, the European Neighbourhood and Partnership Instrument should be adapted to take account of the renewed Barcelona process;
36. Calls for the development of fora of local and regional authorities of EU Member States and ENP partners for the Eastern dimension;
37. Recalls the support given in the Political Declaration on 'Cross-border co-operation in the Northern Regions of Europe' (CoR 313/2006) for the initiative of the European Parliament to organise a Northern dimension parliamentary forum and reiterates the proposal that a suitable permanent body be established to discuss issues of local and regional importance in the Northern dimension policy;

38. Welcomes the European Commission attaching appropriate significance to extending important transport corridors into the EU's neighbouring countries as part of the ENP; an integrated and sustainable transport network is crucially important for taking forward the economic component of the ENP;

Mobility & Migration

39. Reiterates that mobility and contacts between people are reinforcing the capacity of ENP countries to benefit from economic integration, while progress on mutual understanding would be exceptionally difficult without increasing opportunities for ENP citizens to travel to the EU;

40. Welcomes the possibility for further exchanges between EU Member States, enlargement countries and ENP countries of local and regional government trainees and seconded officials;

41. Urges EU Member States to improve the process of issuing visas in order to increase the mobility of citizens. Particular attention should be paid to students, cultural and academic exchange and representatives of civil society. Promotion of people to people contacts will be improved if costs of visas and the amount of red tape are reduced;

42. Calls on EU Member States to improve the effectiveness of consular services in ENP countries and encourages the establishment of common Schengen visa application centres in the countries;

43. Welcomes the conclusion of visa facilitation and readmission agreements with Ukraine and with Moldova; urges the European Commission to draw on its experience with countries that have recently acceded the EU and start negotiating similar agreements with other ENP countries;

44. Stresses that mobility is only possible in a secure environment; this requires that the new Mobility Partnership system will make it the joint responsibility of all countries to tackle challenges posed by migration. For this reason, the ENP countries must also be reminded of their obligation to do more for security and justice. The new system should cover steps to combat illegal migration and provide with more opportunities for legal migration from ENP countries to the EU;

45. Reiterates its belief that local and regional authorities are on the front line of managing issues caused by migration. This applies to illegal migration when local and regional authorities have to manage reception and deal with the outcomes of illegal employment. It also applies to legal migration when local and regional authorities are responsible for provision of local services;

46. Acknowledges cooperation between FRONTEX⁽¹⁾ and local authorities in preventing illegal migration and calls for further closer cooperation with local and regional authorities in bordering Member States;

⁽¹⁾ FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) is the European Union agency for external border security.

47. Calls on the European Commission to encourage and contribute to the development of practical solutions to reinforce management of the southern maritime external borders and improve the capacity of the Community, its members and its local and regional authorities to deal with critical situations such as the mass influx of illegal immigrants⁽²⁾, with the cooperation of the countries of origin;

48. Urges the European Commission to create a new thematic fund in the EU Budget (in addition to the European Integration Funds) to help local authorities in the EU Member States with particularly high migrant influx from third countries to deal effectively with current challenges that migrant population places on local services;

49. Calls on the European Commission to envisage the necessary means that will enable local authorities in the countries of migrants' origin, that particularly suffer from the out-migration of the skilled workforce, to develop opportunities which attract skilled and educated people and ensure local economic and cultural development;

50. Calls on the European Commission to increase, in the framework of the new EU cohesion policy, INTERREG funding after 2013 for trans-border cooperation between local and regional authorities of the EU Member States and ENP countries to tackle joint problems specific for the regions that countries belong;

51. Calls on EU Member States to use 'Local Border Traffic Regulations' which allows EU Member States to conclude bilateral agreements with neighbouring third countries and improve cross-border contacts; EU Member States should fast track and simplify visa processing for applicants who have previously complied with visa requirements;

Human rights and trafficking

52. Notes considerable progress in the improvement of human rights and democracy since the beginning of the ENP and Euro-Mediterranean Partnership programme and urges governments of ENP countries to continue embracing universal human rights and the principles of democracy as they constitute the core values of the EU;

53. Urges the European Commission to continue working with local and regional authorities and civil society of the ENP countries in order to improve human rights, minority rights, women and children rights. Calls on Governments of ENP countries to display greater openness for the contributions from civil society;

54. Welcomes measures undertaken by all ENP countries to enhance women's participation in political, social and economic life and to promote equal rights for women and men, but notices, that discrimination against women and domestic violence are still very present; therefore calls on participating countries to increase efforts in promotion of women's rights;

⁽²⁾ CdR 64/2007 fin EN/o.

55. Recognises that trafficking of human beings between some ENP countries and the EU Member States is still a particularly serious problem;

56. Calls on the Government of Belarus to ratify the European Convention for the Protection of Human Rights and Fundamental Freedoms and relevant protocols and start constructive dialogue with the EU and full participation in the ENP;

57. Reiterates the importance of the social dialogue and calls on Jordan, Lebanon and Morocco to ratify ILO fundamental conventions on the freedom of association and collective bargaining;

58. Urges the European Commission to prioritise the protection of the victims of trafficking in its Neighbourhood Policy, in line with the respect for human rights, the core principle of the EU;

59. Points out that, regional and local authorities play an important role in combating trafficking of human beings. Recommends therefore, in accordance with the respective national legal frameworks, that local and regional authorities in the ENP countries draw up and implement local and regional anti-trafficking action plans and strategies in close co-operation with central governments and the other Member States to prevent trafficking and protect victims;

60. Calls on local and regional authorities of EU members states to help local and regional authorities in ENP countries to develop action plans which could include the setting up a specialised department resource centre or support unit at regional and/or local level dedicated to action against human trafficking, awareness raising campaigns, specialised training for police and professionals coming in contact with trafficked persons, greater educational opportunities for women and children, etc.;

61. Welcomes the fact that all ENP countries have signed the UN Convention against Trans-national Organised Crime and calls on governments of Israel, Morocco and Jordan to sign and ratify the first and second protocols that concern human trafficking and smuggling of migrants;

62. Endorses the presidency conclusions of the European Council meeting of 1 September on the conflict in Georgia and at the same time notes that local and regional authorities can

play crucial role in conflict transformation and post-conflict reconstruction; Calls on governments of Georgia, Russia and authorities in South Ossetia to urgently make necessary steps that will enable safe and sustainable return of all refugees and internally displaced persons following the war in South Ossetia;

Regional conflicts

63. Reiterates that the EU has a direct interest in working with ENP countries in order to contribute to the resolution of so called 'frozen conflicts' ⁽³⁾ as they can undermine European's own security through regional escalation, unmanageable migratory flows, disruption of energy supply, etc.;

64. Reiterates that ENP will have difficulties reaching its full potential unless the conflicts that make regional cooperation extremely difficult or impossible are resolved. People and local communities on both sides of the borders suffer the most from inabilities of their central governments to engage in dialogue and constructive conflict resolution;

65. Calls on the EU to get more actively involved in resolution of so called 'frozen conflicts' through support for various confidence building programmes, conflict management, people to people contacts, 'city diplomacy', as well as building capacities of civil society organisations in breakaway territories. The EU should keep the issue of conflicts on the agenda when meeting with relevant international institutions and countries;

66. Calls on the European Commission to support border management programmes and confidence building measures between local communities on the both sides of the border of the 'breakaway' regions. Fostering convergence between political, economic and legal systems will enable better social inclusion and infrastructure rehabilitation. Particularly important are local income generation projects;

67. Calls on the European Commission to draw experience from the recent EU enlargement process and make good neighbourly relations a precondition for full exploitation of benefits and potential of the ENP. The Commission should encourage countries concerned with 'frozen conflicts' to make fresh and genuine efforts to find mutually acceptable and sustainable solutions.

Brussels, 9 October 2008

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

⁽³⁾ Conflicts in Transnistria, Abkhazia, South Ossetia, Nagorno-Karabakh, Middle East and Western Africa are referred to as 'frozen conflicts'.

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.