

# Official Journal

## of the European Union

C 113



English edition

### Information and Notices

Volume 55

18 April 2012

<u>Notice No</u>	Contents	Page
	I <i>Resolutions, recommendations and opinions</i>	
	RESOLUTIONS	
	<b>Committee of the Regions</b>	
	<b>94th plenary session held on 15 and 16 February 2012</b>	
2012/C 113/01	Resolution of the Committee of the Regions, to the Spring European Council 2012, on 'the Draft Treaty on stability, coordination and governance in the economic and monetary union' .....	1
2012/C 113/02	Resolution of the Committee of the Regions on 'the Europe Direct Information Centres' .....	5
	OPINIONS	
	<b>Committee of the Regions</b>	
	<b>94th plenary session held on 15 and 16 February 2012</b>	
2012/C 113/03	Opinion of the Committee of the Regions on 'a common system of financial transaction tax' .....	7
2012/C 113/04	Opinion of the Committee of the Regions on 'the new European Agenda for Integration' .....	11

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Price:  
EUR 4

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
2012/C 113/05	Opinion of the Committee of the Regions on ‘the future of the European Capital of Culture’ .....	17
2012/C 113/06	Opinion of the Committee of the Regions on ‘revision of the EGTC Regulation’ .....	22
2012/C 113/07	Opinion of the Committee of the Regions on ‘child poverty’ .....	34
2012/C 113/08	Opinion of the Committee of the Regions on ‘the Environmental Noise Directive — the way forward’	40
2012/C 113/09	Opinion of the Committee of the Regions on ‘modernisation of higher education’ .....	45
2012/C 113/10	Opinion of the Committee of the Regions on ‘Increasing the impact of EU Development Policy: an Agenda for Change’ .....	52
2012/C 113/11	Opinion of the Committee of the Regions on ‘legislative package on victims’ rights’ .....	56
2012/C 113/12	Opinion of the Committee of the Regions on ‘building a European culture of multilevel governance: follow-up to the Committee of the Regions’ White Paper’ .....	62



## I

*(Resolutions, recommendations and opinions)*

## RESOLUTIONS

## COMMITTEE OF THE REGIONS

94TH PLENARY SESSION HELD ON 15 AND 16 FEBRUARY 2012

**Resolution of the Committee of the Regions, to the Spring European Council 2012, on 'the Draft Treaty on stability, coordination and governance in the economic and monetary union' <sup>(1)</sup>**

(2012/C 113/01)

**Submitted by the EPP, PES, ALDE and EA political groups**

Following the European Council conclusions of 30 January 2012, the Committee of the Regions is conscious of the direct implications for regional and local authorities in the European Union of the prospective Treaty on stability, coordination and governance in the economic and monetary union (hereafter "the new treaty").

THE COMMITTEE OF THE REGIONS

**I. On the Treaty on stability, coordination and governance in the economic and monetary union**

1. is **fully committed to playing its part in addressing the challenges of the ongoing crisis** and supports the efforts to develop better coordination and governance of economic and monetary union to tackle the recession and the sovereign debt crisis, by guaranteeing sound and sustainable public finances;

2. stresses that stricter budget discipline and a clear reduction of debt levels must be complemented by rapid measures for growth and territorial cohesion, stimulating job creation and sustainable employment in order to create the conditions to re-launch the European economy and safeguard the future of the European integration project;

3. regrets that a new Treaty has been drafted outside the existing framework of primary EU law and with only minimal involvement of the European Parliament, in a process

dominated by inter-governmental negotiation and on issues which to a large extent had already been addressed via EU legislation according to the normal democratic procedures of the Union;

4. **remains committed to the "Community method"** as the most legitimate way to build the European Union as a common political space;

5. recalls the **urgent need for the EU to regain the trust of its citizens and to restore economic growth** while enhancing social, economic and territorial cohesion;

6. requires a clear reference in the new treaty to the respect of the subsidiarity and proportionality principles and requests the recognition of the legal competences of regional and local authorities in the issues of economic governance;

7. stresses that the proposals of the **"golden rule"** on the balance of public accounts proposed by the Contracting Parties concern not only public finances that are under the responsibility of central governments but **will also have an impact on public budgets of regional and local authorities**;

8. supports deeper economic integration and **more synergies between regional, local, national and EU budgets** in line with legal competences of regional and local authorities for financial autonomy;

<sup>(1)</sup> The resolution represents a contribution of the CoR to the Spring European Council 2012 and takes into account the Draft Treaty on stability, coordination and governance in the economic and monetary union and the Statement of the members of the European Council of 30 January 2012

9. is in favour of an independent and objective European rating agency, aiming to make rating agencies more efficient, accountable and reliable for the analysis they provide on public finances, including on debt obligations of European regional and local authorities; this would also balance the current domination of the few existing rating agencies and create a greater transparency over the rating evaluations;

10. calls on the Commission to take into consideration **the state of regional and local public finances in its** annual monitoring exercise of national public finances in the European Union and the Annual Growth Survey, on which the CoR can express its views;

**Legal nature of the new treaty and the negotiating process:**

11. urges the **Contracting Parties to ensure the coherence and primacy of European law** and to integrate the new treaty's substance into the EU Treaties at the latest five years after it enters into force;

12. considers that the new intergovernmental treaty must not include any sanction mechanism which would be directly linked to budget allocations for EU policies such as cohesion policy; recalls its opposition to any form of macroeconomic conditionality that would punish regional and local authorities for the economic and budgetary decisions taken by national governments;

13. regrets that it was not possible **to consult the Court of Justice** on whether the international agreement envisaged is compatible with the EU Treaties, and the respect of subsidiarity principle;

14. stresses that many of the measures proposed by the new treaty are already contained in, or could have been adopted as a complement to, the so-called "Six Pack" of measures to reinforce the stability and growth pact;

15. requests that, following the entry into force of the new treaty, **a Convention will be convened**, with the aim of incorporating the substance of the new treaty into the legal framework of the European Union; thus deems it of crucial importance **to involve the CoR as the assembly of regional and local authorities to this future Treaty change** in line with to the "ordinary procedure";

**Recommendations of local and regional authorities referring to the content of the new treaty:**

16. welcomes the goal of developing an "ever closer coordination of economic policies", and strongly reiterates the pivotal role of regional and local authorities in the European economy<sup>(2)</sup>; therefore urges the Contracting Parties to:

- a) **include a reference in the new treaty recognising the legal competences of regional and local authorities** for substantial areas of public finances and economic governance, in line with the subsidiarity principle as provided for under the EU Treaties;
- b) ensure that "debt issuance plans", the "economic partnership programmes" and the "Europlus pact commitments" will all be drawn up within Member States in **close partnership with regional and local authorities through sound multilevel governance** arrangements<sup>(3)</sup>,
- c) consult regional and local authorities prior to each Euro summit meeting, if appropriate;
- d) **involve the CoR in the future conferences as mentioned in the new treaty** between the European Parliament and national parliaments on issues of economic governance; and stress that **national parliaments should consult their relevant regional parliaments** and, where appropriate, involve them in the process;
- e) extend the provision regarding the respect of national parliaments' responsibilities to regional parliaments with legislative powers;
- f) ensure that **regional and local authorities are given the possibility to contribute to the exchange of best practices on major economic policy reforms**, with provision made for a system of benchmarking progress;
- g) note that the legal obligation to transpose into domestic law the requirement for central governments' budgets to be balanced or in surplus ("**balanced budget rule**") has serious **budgetary implications for regional and local authorities**;
- h) be aware that the implementation of such a rule without the establishment of parallel multilevel governance and partnership arrangements risks triggering a new process of centralisation at national level through a reinforced "top down" budgetary coordination within Member States.

**II. Towards growth-friendly consolidation and job-friendly growth**

17. highlights that **94.5 % of the EU budget is essentially devoted to investment at national, regional and local level** and stresses the need for deeper fiscal and economic integration and on the synergies between regional, local, national and EU budgets;

<sup>(2)</sup> Cf. RLAs 2/3rd share in the amount of total public investments in the EU.

<sup>(3)</sup> This could be a legal obligation inspired by the prospective European Code of conduct on the implementation of the partnership principle under regional policy.

18. stresses the strong added value of **cohesion policy**, not least its **leverage effect** for investments in growth and jobs in regions that are catching up, and points out that the **current priorities of the Structural Funds do not require a reorientation, but an enhanced procedure** for speedier and more efficient commitment and payment of the funds, including reinforced capacity building on the part of the beneficiaries;

19. demands that any decision on the reallocation of uncommitted Structural Funds is adapted to the specific socio-economic situation of each region, with the respect of subsidiarity and proportionality principles. In this context, the priorities must be defined by all relevant partners including Local and Regional Authorities;

20. calls on the European Commission and central governments to ensure that, in case of re-allocation **of funds from cohesion policy, regional and local authorities are fully involved** in the design and implementation of new policy actions for the creation of jobs and growth and in order **to avoid a renationalisation of policies**;

#### *Stimulating employment, especially for young people:*

21. welcomes the **assistance of the European Commission to the Member States** on how best to use the uncommitted resources of the Structural Funds and **intends to pro-actively contribute to this initiative** with policy recommendations and best practices developed at regional and local level in the fields of employment, education, training, and with expertise on optimal use of Structural Funds;

22. requests that all **additional measures for the national job plans be adopted in partnership with regional and local authorities**; endorses the idea put forward by the Commission that a "Youth Guarantee" which ensures that all young people are either in a job, in training or in education within four months of leaving school should be at the core of every national jobs plan; proposes enhanced promotion of young entrepreneurship as a possible career path for young people;

23. highlights the potential added value of the Progress programme for employment and social solidarity, provided that the programme is well communicated, easily accessible to beneficiaries and geared towards sustainable long term structural measures;

#### *Completing the single market and boosting the financing of the economy, in particular SMEs:*

24. welcomes the European Council's commitment to deliver on the Commission's proposals on the Single Market as soon as possible, in particular the modernisation of EU public procurement legislative framework in line with the Europe 2020 goals;

25. reiterates the **pivotal role of SMEs in the regional and local economy**; urges the development of additional measures to support an SME-friendly environment in Europe, especially as regard the access of SMEs to venture capital;

26. calls for the creation of **Small Business Act Partnerships** to further implement the Small Business Act (SBA) at regional level; **highlights** the importance of the European Entrepreneurial Region award scheme launched by the CoR in 2010 as a network of regions developing tailored regional strategies to boost entrepreneurship and to tap into the innovative potential of business;

27. urges the Commission to ensure that all legislation is first subject to comprehensive territorial impact analyses;

28. welcomes the Commission's proposal for a pilot for **Europe 2020 Project Bond Initiative** to be used for the implementation of Europe 2020 strategy.

#### III. **Contribution to the Spring European Council: time to overcome the "partnership gap" to deliver Europe 2020 Strategy**

29. welcomes the European Parliament's recognition that the quality of EU, national, regional and local public administration is a determining element of competitiveness and productivity, as is the effective provision of services of general interest;

30. insists that the **Europe 2020 Strategy should be given a full territorial dimension** and regrets that the Annual Growth Survey drafted by the European Commission seldom mentions the need to involve the local and regional authorities in the implementation of the National Reform Programmes;

31. stresses that the CoR's monitoring reports on the Europe 2020 shows a **"partnership gap" in Europe 2020 implementation** and laments the failure, in the majority of Member States, to ensure the timely, adequate and effective involvement of regions and cities in the preparation of National Reform Programmes;

32. draws attention to its **proposal that Territorial Pacts** be adopted in every Member State in order to guarantee multilevel governance and the partnership-based implementation of National Reform Programmes through an agreement between all public authorities legally competent;

33. calls on the Commission to swiftly propose the **European Code of Conduct for the partnership principle of cohesion policy** which should improve the effectiveness and governance of Europe 2020 strategy;

34. will address the **2012 country-specific recommendations drafted by the European Commission**, and the 2013 Annual Growth Survey, in order to scrutinise the level of participation of regional and local authorities; asks the **Council to adopt country-specific recommendations on the governance part of the strategy**;

35. asks its president to send this resolution to the EU institutions and the Member States.

Brussels, 16 February 2012.

*The President*  
*of the Committee of the Regions*  
Mercedes BRESSO

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**Resolution of the Committee of the Regions on 'the Europe Direct Information Centres'**

(2012/C 113/02)

## THE COMMITTEE OF THE REGIONS

1. considers Europe Direct Information Centres to be an important element of the European Union's communication policy. There is a growing public need for information about European Union affairs and increased demand for explanations of EU developments and action that are as up-to-date and broad-based as possible;

2. refers to the some 480 existing Europe Direct Information Centres across the EU, which are in many cases run by local or regional authorities but may also be operated by non-governmental organisations;

3. understands that the purpose of Europe Direct is not only to provide general information on the EU and deal with enquiries from the public, but also and in particular to create a positive perception of Europe;

4. thinks this should be achieved through information and awareness-raising events, websites, publications and interaction with local media;

5. underlines the decentralised approach of Europe Direct, which offers the possibility to provide information about Europe across the continent, take account of regional features and meet the resultant specific information needs in a targeted way;

6. therefore expressly welcomes the commitment of European Commission vice-president Viviane Reding who supports the continuation of Europe Direct information centres and has spoken out against any cuts to current levels of funding;

7. points out, however, that European Commission funding for Europe Direct in general covers only a small part of the real costs of Europe Direct Information Centres;

8. notes the considerable financial, staffing and administrative commitment of local and regional authorities to European public relations;

9. is concerned that the increasingly tight budgets of those who run Europe Direct Information Centres is threatening the centres' continued existence across the EU;

10. with an eye to the upcoming call for proposals to select Europe Direct host structures for the 2013-2016 period, fears that without extra EU funding a number of current local and regional partners will not be able to continue their work;

11. believes there is a risk that this may lead to significant setbacks in communicating European policy to civil society;

12. therefore expects an appropriate level of EU funding that reflects the importance of this partnership-based task;

13. stresses that providing information is a genuine task of the European institutions, because communicating basic information about the European Union's structures and policies is in their vital interest. This is clear not least from the fact that Article 49(6) of the Financial Regulation acts as the legal basis. The work of Europe Direct is thus also subject to basic European Commission criteria in terms of content and the administrative arrangements involved. The fact that those who run the centres also feel committed to the goal of communicating European policies and educating people about them and make their own significant contributions to this objective, is a key element in the success of Europe Direct Information Centres. Against that backdrop, there does appear to a good case for increasing current levels of funding;

14. calls on the European Commission to raise significantly the overall funding available for Europe Direct and to double the basic amount for each Europe Direct Information Centre (from the current figure of EUR 12 000 to EUR 24 000);

15. in the interests of freeing up capacity for substantive work, is in favour of cutting red tape, especially by simplifying the module system for managing funding earmarked for a particular purpose;

16. reiterates the clear need for Europe Direct to continue without any restriction. This requires not only the same level of funding, but rather an increase in the funding available;

17. believes that the procurement of more third-party funding is not an appropriate way to improve the situation, as this would call into question the neutrality of information provision. In addition, raising funding ties up the scarce capacity available to small bodies such as Europe Direct centres to a sizable, if not unwarranted degree;

18. is also sceptical about increased funding through public entities, since providing neutral information on EU affairs, as explained above, is essentially a task for the EU institutions;

19. finally, expressly calls on the European Commission not to jeopardise the effective and extremely successful Europe Direct tool by cutting the necessary budgetary funds or by limiting them to their current levels;

20. instructs the CoR president to submit the present resolution to the president of the European Council, the European Parliament, the European Commission and the Danish Presidency of the Council of the EU.

Brussels, 16 February 2012.

*The President*  
*of the Committee of the Regions*  
Mercedes BRESSO

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## OPINIONS

## COMMITTEE OF THE REGIONS

94TH PLENARY SESSION HELD ON 15 AND 16 FEBRUARY 2012

**Opinion of the Committee of the Regions on 'a common system of financial transaction tax'**

(2012/C 113/03)

## THE COMMITTEE OF THE REGIONS

- welcomes the submission of a Commission proposal for a Council directive on a common system of financial transaction tax in the EU, as requested by the CoR in its 2011 work programme;
- considers the introduction of a European financial transaction tax (FTT) to be a further important step towards the urgently needed re-establishment of the supremacy of democratic politics over the serious discrepancies which have occurred in the functioning of financial markets;
- highlights that the financial transaction tax is an important tool for ensuring that the financial sector plays its part in achieving greater solidarity and fairness, and for curbing speculation, as the CoR noted in its opinion on the new Multiannual Financial Framework post-2013;
- supports the objective of EU-wide application of the planned harmonisation and, should that not prove feasible despite all efforts made, calls for the immediate establishment of a European FTT system using the enhanced cooperation instrument, to encompass the euro area at the very least.

<b>Rapporteur</b>	Ralf CHRISTOFFERS (DE/PES), Minister for Economic and European Affairs of the State of Brandenburg
<b>Reference document</b>	Proposal for a Council Directive on a common system of financial transaction tax and amending Directive 2008/7/EC  COM(2011) 594 final

## I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

### General message

1. welcomes the submission of a Commission proposal for a Council Directive on a common system of financial transaction tax in the EU, as requested by the CoR in its 2011 work programme;

2. sees it as a strong political signal of the will and readiness of the European Union to meet the challenges of a globalised financial market and to fully strengthen in a lasting way the potential of the national economies for the benefit of the Member States and EU citizens;

3. considers the introduction of a European financial transaction tax (FTT) to be a further important step towards the urgently needed re-establishment of the supremacy of democratic politics over the serious discrepancies which have occurred in the functioning of financial markets;

4. highlights that the financial transaction tax is an important tool for ensuring that the financial sector plays its part in achieving greater solidarity and fairness, and for curbing speculation, as the CoR noted in its opinion on the new Multi-annual Financial Framework post-2013;

5. points to the European Commission impact assessment published in September 2011 and the highly imprecise 'Dynamic Stochastic General Equilibrium (DSGE)' models applied; highlights the fact that the Commission impact assessment does not come to strong conclusions but rather keeps the discourse vague and indecisive leaving various options open; concludes that the European Commission impact assessment is biased and imprecise; welcomes the Commission commitment for a new impact assessment to follow;

6. underlines the evident shortcomings in the UK stamp duty system, in particular with regards to inoculating the system against geographic relocation of transactions as well as the strong incentive given to shift towards derivatives;

### General political framework

7. agrees with the Commission that the proliferation of uncoordinated national tax measures makes harmonisation in

this area necessary in order to prevent fragmentation of the internal market in financial services, as well as for the operation of the internal market in this area and the prevention of distortions of competition;

8. welcomes the Commission's approach to harmonisation,

— ensuring that financial institutions are taxed appropriately in relation to other sectors of the economy and in terms of the costs of the recent crisis, and

— that tax mechanisms are created to discourage financial market participants from engaging in transactions which damage the economy as a whole, thus helping to prevent future crises;

9. supports the objective of EU-wide application of the planned harmonisation and, should that not prove feasible despite all efforts made, calls for the immediate establishment of a European FTT system using the enhanced cooperation instrument, to encompass the euro area at the very least;

10. given the particularly urgent need to introduce a common European FTT system, urges the legislative bodies of the European Union to make every effort, exercising all due care and political responsibility, to bring the legislative process to a speedy conclusion;

11. welcomes the fact that application of the directive will be subject to ongoing, structured monitoring procedures through the Commission's regular reporting obligation; regrets, however, that the Commission is required to report only to the Council, as this fails to take account of the Parliament's role in the legislative procedure, under which the directive is adopted by the Council with the participation of the European Parliament; also considers that this restriction undervalues the role of the Committee of the Regions, as the European Union's assembly of local and regional authorities, and the European Economic and Social Committee, whose main task under the Treaty is to advise the legislative institutions;

12. highlights the need to take particular account of the possible consequences of introducing a common financial transaction tax system on the tax revenues of municipalities and regions;

### **Purpose and scope of the financial transaction tax**

13. supports the linking of the taxation obligation to the financial institution's country of residence; this regulatory approach reduces opportunities for tax avoidance and better reflects the links between the financial markets and the real economy than would be the case if the tax obligation were to depend on the location of the transaction; refers to the need to also provide for rules that prevent or curb tax avoidance by way of relocation or spin-offs;

14. suggests that both "financial institutions" and "financial instruments" be defined in detail;

15. supports the broad scope of application of the FTT, which applies in principle to all kinds of transactions in financial instruments, including possible substitutes and over-the-counter (OTC) transactions;

16. endorses the exemption from the FTT of primary market transactions, as this will reduce undesirable effects of the tax on the real economy; regrets, however, that government secondary market transactions are not exempted, as governments are obliged to have recourse to financial instruments on the secondary markets for the conduct of fiscal policy;

17. regrets that not all kinds of currency transactions will be subject to the financial transaction tax, entailing the loss of significant potential revenues while also reducing the FTT's regulatory impact; in particular, considers that taxation of currency transactions within the framework of a comprehensive financial transaction tax does not impinge upon freedom of movement of capital, as the FTT, in view of its broad scope of application, would not target the cross-border dimension of currency transactions but simply tax them on the same basis as any other financial transaction;

18. believes that special credit institutions that lend only to the public sector should be exempt from the financial transaction tax;

### **Taxable amount, structure and rate of the FTT**

19. welcomes in principle the proposed method for establishing the taxable amount, including the use of the notional amount as the taxable amount in the case of derivatives; sees a need for clarification, however, particularly as regards ways of countering the real danger of the notional amounts being artificially reduced in the case of complex derivatives;

20. welcomes the fact that the rates proposed are minimum rates, allowing the Member States to set higher rates, which is fully in keeping with the subsidiarity principle; at the same time, however, requests that measures to implement the directive check whether higher tax rates in certain Member States do

not in fact generate the kind of damaging tax competition between Member States which the directive was specifically supposed to prevent;

21. refers to the need to treat all financial instruments subject to taxation equally in substantive terms, while taking into account actual differences in order to prevent unintended loopholes and to give sufficient consideration to the principle of fairness in taxation; therefore calls for the tax rates applied to shares, bonds and derivatives to be reviewed in light of the aforementioned considerations;

### **Payment of the FTT**

22. is critical of the powers to be conferred on the Commission under Article 290 TFEU to adopt delegated legal acts specifying the measures to be adopted by the Member States to prevent tax evasion, avoidance and abuse; measures to ensure effective implementation of the directive fall within the ambit of the Member States, which under Article 291(1) TFEU are required to adopt all measures of national law necessary to implement legally binding Union acts; a corresponding delegation of responsibility to the Commission would be allowed only if uniform implementing conditions were needed for this purpose; in that case, however, the adoption of implementing legislation under Article 291 TFEU would be the instrument provided for by the Treaty; however, most aspects of issues of fundamental importance, especially those concerning criminal penalties, should be left completely up to Member States;

23. stresses that the need for, and efficiency of, measures adopted by the Commission in accordance with this delegation of powers should also be a mandatory part of the Commission's regular reports on implementation of the directive;

### **Use of the proceeds of the FTT**

24. argues for the tax to be incorporated into the system of EU own resources as a new category and for its proceeds to be distributed between the Union and the Member States collecting the tax on a proportional basis, thus enabling the Member States' contributions to the system of own resources to be reduced in line with the amount of revenue realised from the FTT;

### **Need for further measures**

25. sees the need, in addition to the establishment of a European FTT system, for a more comprehensive reform of the conditions under which the financial markets operate in the EU, to allow any negative effects that they may have on the real economy to be counteracted;

26. points out that for this reason it would be advisable to ensure the appropriate collection and management of the information generated by an FTT;

27. is convinced that, in order to meet the challenges of a functioning internal market and economic and monetary union with a single currency, further measures are urgently needed going beyond the fiscal policy sector, ranging from significant strengthening of European coordination of national economic and fiscal policies to effective, institutionalised and democratically legitimate EU-level economic guidance;

28. believes that, going beyond this European initiative, globally coordinated action is needed, and therefore calls on the EU and the Member States to work at international level in the field of external relations with non-EU countries for a reform of financial market rules covering all G20 states and a comprehensive tax on financial transactions.

## II. RECOMMENDATIONS FOR AMENDMENTS

### Amendment 1

Article 1(4)(d)

Text proposed by the Commission	CoR amendment
(d) transactions with the central banks of Member States.	(d) transactions with the <u>Member States</u> , central banks of Member States, <u>regional or local authorities or other public bodies</u>

### Amendment 2

Article 16

Text proposed by the Commission	CoR amendment
Every five years and for the first time by 31 December 2016, the Commission shall submit to the Council a report on the application of this Directive and, where appropriate, a proposal for its modification.	Every five years and for the first time by 31 December 2016, the Commission shall submit to the <u>European Parliament and the Council</u> a report on the application of this Directive and, where appropriate, a proposal for its modification. <u>It shall forward the report to the European Economic and Social Committee and the Committee of the Regions for information.</u>
In that report the Commission shall, at least, examine the impact of the FTT on the proper functioning of the internal market, the financial markets and the real economy and it shall take into account the progress on taxation of the financial sector in the international context.	In that report the Commission shall, at least, examine the impact of the FTT on the proper functioning of the internal market, the financial markets and the real economy and it shall take into account the progress on taxation of the financial sector in the international context. <u>It shall also carry out an evaluation of the delegated measures it adopts for the uniform implementation of the directive.</u>

Brussels, 15 February 2012.

*The President  
of the Committee of the Regions*  
Mercedes BRESSO

**Opinion of the Committee of the Regions on 'the new European Agenda for Integration'**

(2012/C 113/04)

## THE COMMITTEE OF THE REGIONS

- notes that full involvement of migrants in the economic, social and political life of their host cities and regions is essential to realising the Europe 2020 strategy objectives of economic, social and territorial cohesion;
- believes multilevel governance to be the most appropriate method for achieving optimum integration of migrants;
- commends the European Commission's position that integration policies must be developed at local level on a bottom-up basis;
- believes that territorial pacts provide a flexible framework for putting integration policies into effect because they permit implementation of measures and thematic priorities that are appropriate for each territorial unit and because they can reflect the division of powers between different levels of government, and the subsidiarity and proportionality principles;
- welcomes the European Commission's initiative on introducing European Integration Modules;
- considers it useful to form a strategic partnership between the CoR and the European Commission and European networks of cities and regions;
- this partnership could be created by setting up a network of local and regional authorities for integration, in which policy-making bodies from all levels of government, as well as civil society organisations, could take part. The CoR looks forward to the political, economic and operational support of the European Commission in fully implementing the strategic partnership it could be incorporated into the framework of existing mechanisms and initiatives.

<b>Rapporteur</b>	Dimitrios KALOGEROPOULOS (EL/EPP), Municipal Councillor of Aegaleo
<b>Reference document</b>	Communication from the Commission - European Agenda for the Integration of Third-Country Nationals COM(2011) 455 final

## I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

### Frame of reference

1. observes that immigration is currently a reality for all EU Member States and is especially topical following the Arab spring, which produced new population movements towards Europe;

2. notes that the increase in migrant numbers over the past decade has been accompanied by major changes in the categories of migrants, and in the pattern and form of migration flows;

3. points out that migrant integration strategies are bound up with European migration policy, which will only be effective if it is coherent and accompanied by support for development initiatives in migrants' countries of origin and transit;

4. believes that the surge in migration creates an urgent need to implement effective policies for the social, economic and cultural integration of legal migrants from third countries;

5. recalls that integration of migrants is primarily the responsibility of the Member States. National, regional and local authorities are responsible for implementing integration policies in areas such as education, health, housing and the labour market. Although the Lisbon Treaty is intended to strengthen the role of the European Union in policy relating to integration of third-country nationals, it does not seek to harmonise the legislative or regulatory provisions of the Member States;

6. notes that both the eleven Common Basic Principles adopted by the Council in 2004 and the Common Agenda for Integration published by the European Commission in 2005 define the integration of third-country nationals as a "dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States";

7. notes that the third European ministerial conference on integration, held in Vichy in November 2008, highlighted the need to involve local and regional authorities in planning, implementing and evaluating integration policies while also underscoring the essential role they play in helping migrants assimilate into local communities;

8. notes that in the conclusions of the European ministerial conference on integration held in Zaragoza, Spain, in April 2010, emphasis was placed on the need to highlight the positive effects of immigration at European level and to view integration and cultural diversity as drivers of development and social cohesion;

9. observes that in recent years the EU has created a whole range of useful tools that enable the Member States to shape their integration policies better and implement effective measures. The European Fund for the Integration of Third-Country Nationals was set up, as well as the European Integration Forum, which meets regularly to enable representatives of civil society and immigrants' organisations to engage in political dialogue. In addition, a European immigration portal has been set up with a large amount of information on integration, and three handbooks have been written containing useful examples of best practice;

10. believes that its own stakeholder consultation was valuable and is pleased that its findings and proposals were taken on board by the European Commission when drawing up the new European Agenda <sup>(1)</sup>;

11. observes that in its new European Agenda for Integration of Third-Country Nationals the European Commission views integration as an ongoing process that is the shared responsibility of different levels of government and that calls for sustained efforts and constant cooperation between stakeholders;

12. observes that the present opinion uses the framework provided by the CoR's own-initiative opinion on *Local and regional authorities at the forefront of integration policies* and is intended to present the CoR's response to future challenges, demonstrating the contribution made by local and regional authorities to framing and implementing policy on the integration of legal third-country migrants. It will also give the CoR's view on how a strategic partnership with the European Commission should be developed;

### Basic principles

13. believes that integration should be seen as the outcome of a process allowing third-country nationals to function without outside help and hold a position in society equal to that of nationals and European citizens;

<sup>(1)</sup> CdR 261/2011.

14. notes that integration is a two-way process that requires mutual commitment and entails rights and duties for both the host society and migrants. This presupposes a willingness on the part of migrants to take responsibility for fitting into the host society, and a willingness on the part of European Union citizens to accept and absorb migrants;

15. emphasises that integration should be perceived and recognised as a dynamic and ongoing process and not as an intermediary stage in the assimilation of migrants by the host society;

16. believes that policies for integrating migrants must be compatible with fundamental European values such as respect for human rights and diversity, combating discrimination and promotion of equal opportunities and tolerance. They must also be consistent with basic EU policies on cohesion, employment, development, external relations and freedom, security and justice;

17. believes that applying the principle of equal treatment is decisive for the quality of democratic systems, and is a key achievement and integral part of European Union culture;

### **Implementing integration policy**

18. notes that full involvement of migrants in the economic, social and political life of their host cities and regions is essential to realising the Europe 2020 strategy objectives of economic, social and territorial cohesion;

### **Method**

19. believes multilevel governance to be the most appropriate method for achieving optimum integration of migrants. This approach must be compatible with the subsidiarity principle governing cooperation between the EU, Member States and local and regional authorities;

20. commends the European Commission's position that integration policies must be developed at local level on a bottom-up basis;

21. stresses the need for a holistic approach, to take into account not only the economic and social aspects of integration but also issues relating to cultural and religious diversity, citizenship, political rights and the involvement of legal migrants in public and political affairs;

22. emphasises the need for a comprehensive approach and believes that efforts to integrate migrants include a wide range of policies, such as education, employment, social policy, public health, and economic, social and territorial cohesion;

23. believes that a concerted approach that includes local, regional, national and European stakeholders is required to

achieve results. It is essential to involve the relevant EU authorities, national, regional and local authorities, NGOs, the social partners, representatives of civil society, including migrants themselves, whether new arrivals or settled first- and second-generation migrants, together with credible stakeholders in the spheres of sport, culture and social cohesion;

24. believes that a sustained effort should be mounted for all migrants and considers that integration policies should not be exclusively targeted at recent arrivals in cities or regions. Integration measures should also address second- and even third-generation immigrants where needed in order to tackle discrimination effectively;

25. reiterates the importance for local and regional authorities of ensuring equal treatment of immigrants in respect of their access to the labour market, public goods and health and welfare services. This is a necessary condition for tackling discrimination, racism and xenophobia;

26. notes that integration policies should be framed with the particular characteristics and needs of specific vulnerable groups of third-country nationals in mind. These include people seeking and receiving international protection, unaccompanied minors, migrant women, elderly migrants, people with disabilities and people belonging to other vulnerable groups such as the Roma;

27. points out, however, that EU citizens, when moving to live and work in another Member State, may also require services to help them integrate, such as opportunities to study the language;

### **Means**

28. is in favour of encouraging measures to facilitate migrant access to the labour market and to vocational training. For migrants, securing a job is a fundamental step in the process of integrating smoothly into the host community;

29. draws attention to the role played by education in integration, especially learning the language of the host country, with the right to learn the mother tongue being upheld;

30. believes that educating the children of migrants should be a priority and applauds the encouragement of diversity in national education systems. With a view to strengthening diversity within education systems, the CoR calls on Member States and local and regional authorities to consider recruiting teachers from migrants' home countries, with the aim of making the education process function as a cultural bridge between the host community and third-country nationals and also as an impetus towards a productive and cohesive society;

31. supports efforts to secure recognition and accreditation of training and skills acquired by immigrants in their countries of origin. This will make it easier for migrants to enter the labour market and improve their opportunities for accessing education and training in the host country;

32. would point out that promoting equal opportunities for migrants in the fields of education, training and employment is the right way to prevent their social exclusion. The CoR also believes that the positive prospect of attaining an equal position in the host society is the best way of averting the type of violent incidents that have occurred in many European cities;

33. underscores the importance of migrants being actively involved in the systems and institutions of their host society and believes that full and unimpeded participation in political life at local and regional level is a key factor in creating a climate of mutual trust between immigrants and host societies;

34. notes that particular attention should be paid to migrant women, not just because they play a key role in educating children and passing on cultural models, but also because they are the most vulnerable to acts of exclusion, violence and discrimination;

35. considers cross-cultural dialogue to be of critical importance to integration and believes that local and regional authorities must continue adopting initiatives to promote such dialogue. The CoR thinks that improving people's understanding of migrants' culture is an effective way of helping to counter acts of racism and xenophobia;

36. notes that the media play a key role in raising public awareness about immigration and in curbing marginalisation, racism and xenophobia;

37. concurs with the European Commission's communication in recognising the external dimension of immigration policy and emphasises the need to cooperate with migrants' home countries on measures relating to preparations for their integration.

#### **Innovative instruments**

38. believes that the territorial pacts provide a flexible framework for putting integration policies into effect because they permit implementation of measures and thematic priorities that are appropriate for each territorial unit and because they can reflect the constitutional provisions of each Member State, the division of powers between different levels of government, and the subsidiarity and proportionality principles;

39. welcomes the European Commission's initiative on introducing European Integration Modules, and believes that these will help to promote best practice and provide another flexible instrument for framing national, regional and local integration

policies. The CoR hopes that mobilising existing expertise will serve local needs and be used to improve outcomes;

#### **Contribution of local and regional authorities**

40. is pleased that the new European Agenda is being presented as the joint responsibility of all levels of government concerned and recognises the important role played by local and regional authorities in implementing integration policies;

41. welcomes the European Commission's decision to ensure that local and regional stakeholders are involved in defining integration strategies under the EU programmes and to improve coordination of programming for existing EU funding and promote measures at local level;

42. notes that local and regional authorities play a decisive role in creating the right conditions for third-country nationals to access information and services relating to education, healthcare, employment, housing and other public services. Local and regional authorities are the linchpin that enables immigrants to develop a strong and constructive connection with the host society. This role creates extra costs for regions and municipalities that are often called upon to address integration issues;

43. points out that local and regional authorities operate as service providers and work closely with businesses, organisations and other levels of government to implement integration policies. Through these tasks they help to strengthen corporate social responsibility at local level;

44. draws attention to the role played by local and regional authorities in harnessing European experience and practice through exchange of best practice and publicising in particular the results of their contribution to implementing EU programmes (e.g. CLIP, ERLAIM, ROUTES, City2City, the Eurocities INTI project) and of cross-border regional networks;

45. believes that local and regional authorities play a decisive role in creating the conditions in which third-country nationals can access information and services relating to employment, education, healthcare, housing, culture and other public services, which enables them to build a strong link with their host society;

46. observes that local and regional authorities, because they are in touch with grassroots concerns, pay particular attention to cooperation, communication and exchanging information with the general public, migrant organisations and NGOs. In this way, they make a real contribution to developing a climate of trust, to maintaining cohesion in host communities and thus to demonstrating that migration is an aspect of development and progress;



### Monitoring of outcomes

47. welcomes the introduction of common European indicators, agreed on by the Member States in Zaragoza, and believes that they can become an effective tool in monitoring and evaluating integration policy;

48. highlights the particular importance of the European Fund for the Integration of Third-Country Nationals in framing and implementing integration policies and notes that although local and regional authorities play a crucial role in implementing integration policies they have not hitherto been active in setting funding priorities or evaluating outcomes. The CoR believes that its involvement in evaluating outcomes could help to identify more targeted approaches and provide support for more coherent integration strategies;

### Strategic partnership with the European Commission

49. welcomes the Commission's view that measures at local level are a key element of the integration strategy, and on the basis of the subsidiarity principle and the multilevel governance approach thinks that it would be useful if initiatives were taken to form a strategic partnership between the CoR and the European Commission and European networks of cities and regions, in order to tap the substantial experience of local and regional authorities, facilitate exchanges of good practice and perspectives, simplify and improve the coordination of measures and publicise outcomes more widely;

### Proposals for achieving the targets

50. believes that integration of migrants should be a basic priority of the Union and supports initiatives taken by it to put forward proposals, design new instruments and implement effective policies;

51. considers that in view of economic and demographic developments a common European strategy should be framed to ensure balanced management of immigration flows and promotion of integration;

52. favours concerted action and encouragement of cooperation and dialogue between those involved in integration at local, regional, national and European level;

53. calls on the Member States and regional authorities concerned to take measures to simplify the evaluation and recognition of migrants' professional skills;

54. recommends that language programmes be organised to meet the needs of particular migrant groups;

55. recommends encouraging specific ground-breaking integration measures at local and regional level to effectively address the demographic challenges facing certain regions;

56. urges local and regional authorities to encourage local businesses to strengthen corporate social responsibility at local level;

57. calls on the Member States and the Commission to offer political and financial support to local and regional authorities that play a critical role in implementing integration policies;

58. thinks that the integration process should start in the countries of origin and proposes building on existing cross-border cooperation initiatives between local and regional authorities on either side of the EU's external borders;

59. suggests that issues relevant to workforce migration and integration be discussed during contacts between representatives of local and regional authorities in the framework of the European Neighbourhood Policy. The Euro-Mediterranean Regional and Local Assembly (ARLEM), as well as the recently established Conference of Regional and Local Authorities of the Eastern Partnership and the EU (CORLEAP), would be useful instruments for exploring these issues;

60. believes that integration policies should concern circular as well as temporary migrants, while pointing out that circular migration cannot replace permanent migration, and recommends considering the scope for local and regional authorities in both countries of origin and host countries to get involved in mobility partnerships and the process of negotiating such partnerships;

61. reiterates its call for local and regional authorities to be actively involved at a very early stage in the framing of integration strategies and throughout their implementation;

62. asks for the CoR to be involved in setting priorities for EU funding for integration, and in evaluating the outcomes of integration programmes;

63. endorses the setting up of an immigration and asylum fund and calls for earmarking of the necessary resources to ensure adequate funding and effective promotion of integration at local and regional level, including funding for projects at regional level. In the more general context of expenditure in the sphere of home affairs, there is a need to ensure a careful balance between spending on security and borders and spending in areas such as integration of migrants and reception facilities for asylum seekers, spheres where local and regional authorities can provide obvious added value;

64. would like to play a more active part in coordinating measures at European level, and therefore asks, as the representative of local and regional authorities, to be invited to attend

European ministerial conferences on integration on a regular basis, suggests that its presence in the European Integration Forum be stepped up, and expresses its willingness to take on a key role in promoting the territorial pacts;

65. is ready to help with the setting up of a pan-European system for monitoring progress made in integration using joint indicators;

66. thinks that deployment of new instruments such as the territorial pacts should be simplified, and that provision should be made for them to be financed through the Structural Funds and the thematic programmes during the new programming period;

67. recommends introducing third-country national integration "prizes" that would be awarded to immigrants and/or

organisations involved in integration (local and regional authorities, businesses, organisations, associations, institutes, etc.). This initiative could be incorporated into the framework of existing events, such as the UN International Migrants Day;

68. wishes to develop a strategic partnership with the European Commission and European networks of cities and regions so as to facilitate integration of migrants and promote effective policies. This partnership could be created by setting up a network of local and regional authorities for integration, in which policy-making bodies from all levels of government, as well as civil society organisations, could take part. The CoR looks forward to the political, economic and operational support of the European Commission in fully implementing the strategic partnership and believes that it could be incorporated into the framework of existing mechanisms and initiatives.

Brussels, 15 February 2012.

*The President  
of the Committee of the Regions*  
Mercedes BRESSO

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**Opinion of the Committee of the Regions on 'the future of the European Capital of Culture'**

(2012/C 113/05)

## THE COMMITTEE OF THE REGIONS

- acknowledges that the ECOC is a valuable event that highlights the wealth, diversity and common aspects of European cultures, noting that the ECOC programme has made a special contribution to the emergence of a European identity during a period of rapid cultural growth for the European Union;
- points out that the growing prestige of the title has also given culture an important place on the political agenda of the Member States, regions and cities;
- reaffirms its belief that the concept of intercultural dialogue, allied with social and territorial cohesion, can help to instil the basic values of private, social and civic life, such as solidarity, responsibility, tolerance, respect; it can also foster the ability to communicate between individuals and groups with a different cultural background and help them live together in solidarity;
- notes that cities which have been awarded the title ECOC have seen their cultural sector significantly strengthened and a sustained increase in cultural participation, particularly among young people;
- stresses that the ECOC needs to be a process in which local audiences are developed through educational programmes, participatory actions and raised awareness on local and European issues.

**Rapporteur** Anton ROMBOUTS (NL/EPP), Mayor of 's-Hertogenbosch

## I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

### General context

1. welcomes the fact that the Commission is working on a new legal framework for the European Capital of Culture (ECOC) and has held an online consultation and public meeting in 2010-2011. Reiterates its commitment to contribute to the discussion exercise, as stated in the opinion on the *Proposal for a Decision of the European Parliament and of the Council amending Decision 1419/1999/EC establishing a Community action for the "European Capital of Culture" event for the years 2005 to 2019* <sup>(1)</sup>;

2. stresses the importance of continuing the ECOC programme beyond 2019;

3. acknowledges that the ECOC is a valuable event that highlights the wealth, diversity and common aspects of European cultures, noting that the ECOC programme has made a special contribution to the emergence of a European identity during a period of rapid cultural growth for the European Union;

4. points out that the growing prestige of the title has also given culture an important place on the political agenda of the Member States, regions and cities. Furthermore, research and investment in culture is an important means of ensuring prosperity and social cohesion in cities and regions as well as at national and European level;

5. considers that giving young people the opportunity to take part in a variety of cultural events broadens their horizons and helps them to overcome their prejudices and fear of what is foreign and unknown to them, thus contributing to multicultural dialogue;

6. reaffirms its belief that the concept of intercultural dialogue, allied with social and territorial cohesion, can help to instil the basic values of private, social and civic life, such as solidarity, responsibility, tolerance, respect, striving for social progress and understanding of social and cultural diversity. It can also foster the ability to communicate between individuals and groups with a different cultural background and help them live together in solidarity <sup>(2)</sup>;

7. recognises that the ECOC programme has had a far-reaching economic, social and cultural impact; the title gives a strong impetus to the creative sector, which plays an important economic role in Europe in its own right, and acts as an economic driver for other sectors;

8. notes that cities which have been awarded the title ECOC have seen their cultural sector significantly strengthened and a sustained increase in cultural participation, particularly among young people;

9. stresses that local and regional authorities have the best understanding of the realities and situations facing (candidate) European Capitals of Culture, and are best placed to help design and implement the ECOC in full respect of the subsidiarity principle; furthermore, in most Member States, local and regional authorities have direct responsibility for ensuring that cultural events are well organised and delivered and therefore have a wealth of knowledge and experience, which can help in finding innovative and creative approaches;

### Recommendations

#### A. Continuation and intensification of the capital of culture scheme

10. shares the European Commission's conclusion that the ECOC title remains highly valued, generates extensive cultural programmes and significant impacts <sup>(3)</sup>; to this effect, calls for the continuation of the initiative, which should continue to foster the participation of citizens and long-term development; notes that the post-2019 ECOC should seek to adopt a balanced approach to culture, which should be supported not only as a means to deliver tangible and quantifiable returns on investment, but also for its own intrinsic value;

11. suggests that the ECOC programme can contribute to building the Europe of the future. Trends such as nationalism, individualism and consumerism as well as crumbling social infrastructure all require attention. Globalisation, increased mobility and open borders broaden our view on the world. Europeans are also "citizens of the world" but at the same time there is a need to protect and maintain people's own, local cultures. Europe should be able to allow local culture to blossom at the same time as an inclusive European identity is being developed; industrial, social and environmental innovation is crucial for leveraging European competitiveness, which will help to strengthen territorial cohesion;

12. notes that the ECOC programme needs to be based on the local and regional cultural scene, thus the involvement of citizens and all public and private bodies operating in the area is crucial throughout the different stages of the project; stresses that the ECOC needs to be a process in which local audiences are developed through educational programmes, participatory actions and raised awareness on local and European issues.

<sup>(1)</sup> CdR 393/2003 fin.

<sup>(2)</sup> CdR 251/2008 fin.

<sup>(3)</sup> Ex Post evaluation of the 2010 European Capitals of Culture (Essen for the Ruhr, Pécs, Istanbul) COM(2011) 921 final.

European capitals of culture must be more closely involved in the actions and initiatives carried out by the EU in order to establish its current or future programmes in the cultural domain, gradually incorporating the possibility of even becoming areas where these activities take place;

13. recognises that the ECOC has proved effective in developing programmes which stimulate inclusion and intercultural dialogue, and notes that many of the previous Capital of Culture events have taken place in cities facing challenges of social cohesion and integration; access to culture is a major key to increased responsibility and citizenship, individual and collective welfare, social mobility, solidarity etc. Bearing this in mind, the ECOC programme must have the citizens and civil society at its core;

14. reaffirms its belief that the cultural sector plays an important part in attaining the objectives of the Europe 2020 strategy. It draws attention to the tremendous opportunities afforded by cultural tourism for the economic development of many regions. It nonetheless warns against placing one-sided emphasis on the purely economic importance of culture. Equally important is the importance of culture in creating a good and dynamic living environment, which is a prerequisite for development<sup>(4)</sup>;

15. supports the idea that the ECOC instrument should continue after 2019, and suggests that it should be broadened to enable it to focus more on the search for, and discovery of, Europeans' multifaceted cultural identity/identities. To this end the content of the programme should be more open to other, non-European cultures and partners to highlight the value and richness of European cultures even more effectively;

#### B. Multiannual context

16. notes that the ECOC has evolved over the past 25 years from a summer festival to an all-year cultural event including important elements of cultural, social and economic development. Some cities have extended the scope of ECOC to include a number of years before and after the event. This approach has proved highly successful in encouraging the local population to participate in the ECOC year itself, in stimulating cultural development and participation, and in building international awareness and cooperation;

17. repeats that the multiannual approach has proved successful as it helps to consolidate the gains made in the city and region, as well as the new (European) networks which have arisen in connection with the ECOC title. It also helps to ensure, especially in these times of financial pressure, that investment in culture remains on the political agenda in the longer term. The current "city and citizens" criterion requires

the event to be sustainable and an integral part of long-term cultural and social developments. Nevertheless, the majority of the ECOC still concentrates on organising cultural festivities in the course of the year. A more structured form of cooperation between the present, past and future European capitals of culture could make a positive contribution here;

18. reaffirms its belief that cities should use the event as a part of a long-term development strategy in order to promote more sustainable approaches to cultural development and enhance the impact and legacy of the ECOC cities as stated in the opinion on the *Proposal for a Decision of the European Parliament and of the Council establishing a Community action for the European Capital of Culture event for the years 2007 to 2019*; in order to take these strategies forward in the long term and thus meet the new challenges at the local and regional levels, we reaffirm the value of drawing up and developing consensual cultural policies in the medium and long term. This will only be feasible if they are underpinned by clear institutional will and the full involvement of social stakeholders, both public and private;

19. recognises that the title of ECOC is awarded for one specific year; recalls the importance of placing the activities in a multiannual context and making them part of a long-term policy, in cultural, economic, social and spatial development terms;

20. emphasises that the Member States must give the implementation of the ECOC project the necessary attention and above all ensure that it is sustainable. The Member State concerned should give each individual ECOC project the required support and incorporate it into its long-term policy and strategy;

#### C. Encouraging involvement of the surrounding region

21. recognises that the ECOC programme has also evolved in terms of the types of cities and regions involved. In the first phase, the cities which were designated by the Member States were generally the capital city or other major cities. Then, over time, the title has increasingly been awarded to smaller cities ("second cities" or regional cultural centres). The declining size of the applicant city made the involvement of the surrounding region increasingly necessary; towns and cities are meeting places; they are centres of trade, industry, education or government; they are located at the heart of a region they reflect the character of the region; notes that this development was recognised through the inclusion of the regional dimension in the ECOC programme after 2007; stresses, therefore, the added value of encouraging a regional approach to the title of

<sup>(4)</sup> CdR 172/2007 fin.

ECOC, including consideration of a regional level designation with the region as the primary cultural focus under the responsibility of the principal city of that region;

22. stresses that in the future the applicant city should be encouraged even more strongly to involve the surrounding region - or even euroregion in case of border cities - in the ECOC programme through partnership agreements safeguarding joint endeavours in all phases of the initiative; recognises the importance of a firm governance system ensuring the sustainability of political and financial commitment. Strong cross party political support including guarantee of the budget, artistic independence and involvement of citizens should be key factors in the governance system;

23. points out the vital role of networks and creative cities in the context of an open, innovative ecosystem in modern economies, as cities, regions, universities/research institutes and businesses increasingly cooperate with each other on strategic issues in order to gain economies of scale and scope, to generate knowledge spillovers and to coordinate infrastructure planning; calls for local and regional authorities to be closely involved in the preparation of legal frameworks and funding programmes;

24. recalls the importance of the European dimension of the event <sup>(3)</sup>; agrees that the ECOC programme aims to promote European cooperation, highlight the richness of European culture and involve and mobilise citizens; repeats that encouraging the active involvement of surrounding regional territories in the ECOC programme would promote this objective and ensure that the positive effects are felt in a (broader) regional context;

25. reiterates that the European Commission should be alert to new developments in the ECOC scheme, studying them closely and giving them its backing; recalls that the European Commission, when drawing up its programmes, should take due account of the cultural potential of urban and regional partnerships - which are so important for society as a whole - and to take on board new, qualitative developments <sup>(4)</sup>;

#### D. Encouraging participation in the preselection

26. acknowledges that the ECOC is one of the most successful EU programmes, as it provides the unparalleled opportunity for the host city and the surrounding region and even for the candidate cities to undertake a cultural, social and economic "leap forward", achieving in a few years a transformation that normally takes a generation;

27. encourages therefore stimulating a broad range of candidates to participate in the selection for the ECOC title; notes that experience from recent years shows that merely

applying for selection has positive effects for candidate cities in terms of economic spin-offs and image. Competing for the title also gives rise to new (international) networks and improved cooperation between partners within a region;

28. recognises the problems which have arisen for the Member States and for the European jury system, resulting from having to deal with a growing number of applicant cities; increasing costs of bidding, and organisational issues related to the competition; urges the Commission to see the increasing number of candidates as a positive development and to adapt the selection procedure to reflect this after 2019;

29. stresses that the European Commission, the Member States and the candidate cities should work in close partnership in order to increase public awareness of the title in the cities and regions. The Commission should continue to develop the brand value of the ECOC title, Member States should broadly publicise the competition at the national level and the cities have a particular responsibility to use their direct contact with citizens to explain and communicate the benefits of the initiative. Indeed, without a clear understanding of the objectives of the ECOC title by citizens, it is difficult for a city to seek public support for its application. This can deter some potential candidates from bidding for the title;

30. points out that a stronger framework for the competition is desirable; suggests that the "competition" be arranged in such a way that all applicant cities contribute to the development of culture at European, national and/or regional level. The activities envisaged as part of the application process could be designed to show how each city or region would contribute to cultural policy goals, and could also include a commitment from all the cities to continue this work in the years leading up to the ECOC (regardless of the eventual "winner"). A clearer framework for the competition would help to reduce friction between cities and regions, and help candidates to contribute to wider EU and national agendas. In essence, this amounts to stimulating a healthy sense of "cooperating to compete";

31. urges the Commission to encourage the Member States to provide all possible support, through their national authorities and institutions, for the city selected as capital of culture;

#### E. Selection procedure

32. supports the system of rotation for Member States in which the title of ECOC is currently awarded (since 2007), acknowledging that this system guarantees equal chances for smaller cities and Member States to hold the title in spite of budgetary constraints;

<sup>(3)</sup> CdR 393/2003 fin.

<sup>(4)</sup> CdR 172/2007 fin.

33. calls on the European Commission to consider reintroducing in the new ECOC legal basis the possibility for cities in non-Member States to apply for the title; the experience of Istanbul 2010 points to this direction <sup>(7)</sup>;

34. reaffirms that the CoR representative on the Selection Panel must continue to be one of its elected members, as has been standard practice in the past; recognises, however, that participation in the panel is not an honorary position, and that it entails a considerable workload and a significant responsibility vis-à-vis bidding cities; requests that the Commission confirm the role of the Committee of the Regions in the Monitoring Panel and that this panel continue to play an active role in ensuring that the synergies between the cultural programmes of the designated cities are developed in the programme preparation phase <sup>(8)</sup>; thinks that it would be preferable to set more objective assessment criteria, from which bidding cities that are rejected can draw lessons and on which future bidding cities can base their bids.

Brussels, 15 February 2012.

*The President*  
*of the Committee of the Regions*  
Mercedes BRESSO

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<sup>(7)</sup> Ex Post evaluation of the 2010 European Capitals of Culture (Essen for the Ruhr, Pécs, Istanbul), COM(2011) 921 final.

<sup>(8)</sup> CdR 251/2005 fin.

**Opinion of the Committee of the Regions on 'revision of the EGTC Regulation'**

(2012/C 113/06)

## THE COMMITTEE OF THE REGIONS

- is pleased that the European Commission proposal is consistent with the philosophy of the provisions of Regulation (EC) No 1082/2006 and helps to improve the establishment and functioning of European groupings of territorial cooperation (EGTCs);
- requests that the criteria for approving a convention or rejecting a request to set up an EGTC be clarified;
- wishes to strengthen its role, by extending its current responsibilities for keeping the register of EGTCs and running the Platform to include notification via the "EGTC form" and publishing in the Official Journal of the EU;
- draws the attention of the European Commission to the fact that it is very difficult or even impossible to establish beforehand in the convention a full list of European, national and regional laws that will apply to the activities of the EGTC;
- proposes that EGTCs that have already been established should benefit from the provisions of the new regulation, which are more favourable than those of Regulation No 1082/2006 which currently apply to EGTCs;
- urges that the list of undertakings that can participate in an EGTC be extended to include undertakings entrusted with the operation of services of general economic interest.



<b>Rapporteur</b>	Michel DELEBARRE (FR/PES), Mayor of Dunkirk
<b>Reference document</b>	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and implementation of such groupings  COM(2011) 610 final – 2011/0272 (COD)

## I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS,

1. is pleased that the European Commission proposal is consistent with the philosophy of the provisions of Regulation (EC) No 1082/2006 and helps to improve the establishment and functioning of European groupings of territorial cooperation (EGTCs);

2. welcomes the attention paid by the European Commission to incorporating the advances contained in the Treaty of Lisbon and, in particular, the objective of territorial cohesion;

3. is pleased that the proposal from the European Commission has taken into account many of the recommendations in previous CoR opinions <sup>(1)</sup>;

### State of play with European groupings of territorial cooperation

4. notes that 25 EGTCs have been created in less than four years, grouping together more than 550 local and regional authorities in 15 Member States and affecting more than 22 million Europeans;

5. is pleased that, as of 1 October 2011, more than half of the Member States had authorised the creation of EGTCs (Austria, Belgium, Cyprus, France, Germany, Greece, Hungary, Italy, Luxembourg, the Netherlands, Portugal, Romania, Slovakia, Slovenia and Spain);

6. points out that dozens of EGTCs are being planned or considered by the Member States;

7. considers that use of EGTCs should be voluntary: only territories or networks that will gain a real benefit from setting up an EGTC are using this tool to perpetuate and formalise their cooperation efforts;

8. believes that it should always be possible to implement European territorial cooperation measures on the basis of political, technical and administrative coordination between the partners in a project managed by a "lead partner";

9. calls on the European Commission to take more account of the EGTC as a preferred tool for implementing European

territorial cooperation policy and to incorporate the EGTC more effectively into legislation relating to cohesion policy for the period 2014-2020;

10. highlights the wide range of EGTC partnerships, tasks and spheres of action that have been and are being set up, which demonstrates the great potential and the flexibility of this cooperation instrument;

11. feels that one possible advantage of using an EGTC for multi-level governance projects is that it enables all the relevant actors to be involved in the governance of a cross-border or Euro-regional territory;

12. emphasises the versatility of the EGTC tool and its potential for managing infrastructure and services of general economic interest for the benefit of European citizens in territories involving several Member States;

13. regrets that there is still little mention of the EGTC in the EU's sectoral policies apart from cohesion policy; furthermore, stresses the EGTC's potential as a tool for responding to initiatives and calls for tender, and for implementing programmes of the European Union, as well as the need to recognise the EGTC as a structure that is eligible for such initiatives and tenders;

14. notes that the level of the EGTC's integration into European and national legal systems is low;

15. has identified 79 authorities, designated by the 27 Member States, which are entitled to receive and process requests to set up EGTCs;

16. notes that questions on the interpretation of Regulation (EC) No 1082/2006 may receive different answers from these authorities, as shown in the matter of the law governing EGTC staff or EGTCs whose members have limited liability;

17. supports the conclusions of the European Commission in its report on the application of Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC);

<sup>(1)</sup> CdR 308/2007 fin and CdR 100/2010 fin.

18. is aware that the purpose of the proposed regulation is to enable the EGTC to be made more attractive and effective in order to take territorial cooperation measures while limiting the legal and financial risks for future members, prospective employees and contractors of the EGTC, and not taking a position on the choice of legal regime applying to the EGTC;

19. considers that work must be continued on the CoR's EGTC Platform<sup>(2)</sup> (see [www.cor.europa.eu/egtc](http://www.cor.europa.eu/egtc)), so that EGTCs can be monitored and exchanges can take place concerning best practices and the challenges that both existing EGTCs and those being set up have to face and so that greater use can be made of the EGTC in the EU's sectoral policies; suggests that the EGTC Platform should, as of 2014, be given a role similar to that of the urban development platform proposed by the Commission in its proposal for a regulation on the European Regional Development Fund;

20. trusts that this work will be included in the Cooperation Agreement between the European Commission and the Committee of the Regions;

21. stresses the importance of immediately adopting this specific regulation, which has no particular implications for the EU budget, without waiting for adoption of the entire legislative package on post-2013 cohesion policy. This would enable the regulation to enter into force as soon as possible, providing fresh impetus for the development of new EGTC projects in a secure legal framework;

### Analysis of the proposal for a regulation

22. supports the philosophy behind the European Commission's proposals that enable the provisions of Regulation (EC) No 1082/2006 to be brought into line with the practices of existing EGTCs and improve the way they operate;

23. stresses that such proposals can strengthen the European legal basis of EGTCs by providing uniform solutions on a European scale;

24. welcomes the increased scope of EGTCs and their partnerships, especially the inclusion of public undertakings within the meaning of Directive 2004/17/EC;

25. with this in mind, proposes that the list of undertakings that can participate in an EGTC be extended to include undertakings entrusted with the operation of services of general economic interest as defined in the decision<sup>(3)</sup> on the application of Article 106(2) of the Treaty on the Functioning of the European Union<sup>(4)</sup>;

<sup>(2)</sup> 127th meeting of the CoR Bureau, 26 January 2011, item 6. Ref. Cdr 397/2010.

<sup>(3)</sup> C(2011) 9380 final, adopted on 20 December 2011

<sup>(4)</sup> This article concerns state aids in the form of compensation for a public service granted to certain undertakings responsible for managing services of general economic interest.

26. supports the European Commission's proposal to simplify the procedure for setting up an EGTC, based on approval of the convention alone within a deadline of six months;

27. believes that relaxing the rule that the tasks of an EGTC should be commensurate with its members' skills will contribute to the development of new forms of multi-level governance;

28. recommends, in this connection, that the criteria for approving a convention or rejecting a request to set up an EGTC be clarified;

29. emphasises that an EGTC acts on behalf of its members and does not exercise their powers. The EGTC is not a tool for merging members' powers but rather for implementing cooperation projects or programmes;

30. is pleased that the proposal for a regulation contains provisions on the national rules applicable to the contracts of EGTC staff, effectively setting a higher standard that will prevail over the various national laws existing in this area;

31. welcomes the introduction of specific provisions at the external borders of the EU and the inclusion of overseas territories in EGTC partnerships;

32. supports the possibility of creating a "bilateral" EGTC consisting of members drawn from a single Member State and members from a single non-EU state or an overseas territory;

33. feels that, for this provision to be fully implemented, the establishment of such an EGTC must not be left to the discretion of each Member State but that the relevant scenarios must be set out objectively in the regulation;

34. considers as a step forward the proposal to publish information about new EGTCs in the C series (information and notices) of the OJEU, using a template annexed to the proposal for a regulation, and not in the S series (public procurement notices), as is currently the case;

35. nevertheless points out that the EGTC cannot request such publication directly;

36. therefore recommends that the Committee of the Regions, which is responsible for keeping the register of EGTCs and running the EGTC Platform, should ensure such publication, and not the European Commission as proposed in the draft regulation;

37. believes, like the European Commission, that it is useful to make provision for an EGTC to establish tariffs and fees for the use of any infrastructure that it manages;

38. considers that this provision should be extended to include services of general economic interest that EGTCs may have to manage or provide;

39. wishes to see a legal solution provided that covers all EGTCs as regards the signing of cooperation agreements between EGTCs located on the same border or in the same transnational cooperation area for the purposes of carrying out a joint project;

40. considers that EGTCs must also be able to sign cooperation conventions with a legal entity that wants to cooperate on a project in certain areas but without forming part of the EGTC for all of its tasks;

41. draws the attention of the European Commission to the fact that it is very difficult or even impossible to establish beforehand in the convention a full list of European, national and regional laws that will apply to the activities of the EGTC;

42. endorses the proposals of the European Commission for clarifying the provisions relating to the EGTC's liability status, including the introduction of an insurance scheme;

43. points out, nevertheless, that the concept of "limited liability" derived from the system of "limited liability companies" only exists in a minority of EU countries;

44. considers that only the potential creditors of an EGTC have an interest in knowing in advance the extent of the financial commitments of the EGTC's members;

45. proposes that EGTCs that have already been established should benefit from the provisions of the new regulation, which are more favourable than those of Regulation No 1082/2006 which currently apply to EGTCs;

46. calls on the European Commission and the Member States to propose a non-mandatory model for the convention and statutes to be annexed to the regulation, in order to facilitate and speed up the procedures for authorising the establishment of EGTCs;

## II. RECOMMENDATIONS FOR AMENDMENTS

### Amendment 1

Article 1(3)

Add a point (f)

Text proposed by the Commission	CoR amendment
	(f) <u>undertakings entrusted with the operation of services of general economic interest and financed by public service compensation in accordance with the criteria defined in the proposal for a decision on the application of Article 106(2) of the Treaty on the Functioning of the European Union to state aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest</u> <sup>(1)</sup> ;

(<sup>1</sup>) COM(2011) 146 final.

### Reason

See point 24 of this opinion.

### Amendment 2

Article 1(4)

Text proposed by the Commission	CoR amendment
2. An EGTC may be made up of members drawn from the territory of only one Member State and of one third country or overseas territory, where that Member State considers such an EGTC consistent with the scope of its territorial cooperation or bilateral relations with the third country or overseas territory.	2. An EGTC may be made up of members drawn from the territory of only one Member State and of one third country or overseas territory, where <del>that Member State considers such an EGTC</del> <u>the objective and tasks laid down in the draft convention transmitted to the Member State are consistent with the scope of its</u>

Text proposed by the Commission	CoR amendment
	<p>(a) <u>the territorial cooperation <del>of the Member State with the third country or overseas territory</del>; or</u></p> <p>(b) <u>a European territorial cooperation programme with the third country or overseas territory</u>; or</p> <p>(c) <u>the bilateral relations of the Member State with the third country or overseas territory.</u>"</p>

### Reason

The criteria for authorising or refusing the establishment of an EGTC whose members come from a single Member State and a single third country or overseas territory must be objective and correspond to one of the three scenarios set out in the amendment. The creation of such an EGTC must not be left to the discretion of each Member State.

### Amendment 3

#### Article 1(5)(a)

Text proposed by the Commission	CoR amendment
<p>3. Following notification under paragraph 2 by a prospective member, the Member State concerned shall approve the convention, taking into account its constitutional structure, and the prospective member's participation in the EGTC, unless it considers that such participation is not in conformity with this Regulation, other Union law concerning the activities of the EGTC or national law concerning the competences of the prospective member or that such participation is not justified for reasons of public interest or of public policy of that Member State. In such a case, the Member State shall give a statement of its reasons for withholding agreement or shall suggest the necessary amendments to the convention to enable the prospective member's participation.</p>	<p>3. Following notification under paragraph 2 by a prospective member, the <u>competent authority designated by each</u> Member State concerned shall approve the convention, taking into account its constitutional structure, and the prospective member's participation in the EGTC, unless, <u>in one of the following scenarios</u>, it considers that such participation :</p> <p>(a) is not in conformity with this Regulation, other Union law concerning the activities of the EGTC; or</p> <p>(b) <u>is not in conformity with</u> national law concerning the competences of the prospective member, <u>in accordance with the provisions of Article 7(2)</u>; or</p> <p>(c) <del>that such participation</del> is not justified for reasons of <del>public interest or of</del> public policy of that Member State.</p> <p>In such a case, the <u>competent authority designated by each</u> Member State shall give a statement of its reasons for withholding agreement or shall suggest the necessary amendments to the convention to enable the prospective member's participation.</p>

### Reason

Notification is sent to one of the 79 competent authorities in the EU designated by the 27 Member States, which must be referred to in the regulation.

In the proposal for a regulation, the competence of one member in each Member State is sufficient to justify the participation of all the members from that same Member State (Article 7(2)). The provisions of Article 4(3) on checking that the competences of members are in keeping with the objective of the EGTC must be brought into line with those of Article 7(2).

Withholding approval on the grounds that it is against the public interest is redundant in the sense that the participation of a member is already examined to see whether it is in conformity with the Regulation, the scope of the EGTC being defined in Article 1(2).

**Amendment 4**

## Article 1(6)

Text proposed by the Commission	CoR amendment
<p>Article 5 is replaced by the following:</p> <p>"Article 5</p> <p>Acquisition of legal personality and publication in the Official Journal</p> <p>1. The convention and the statutes and any subsequent amendments thereto shall be registered or published, or both, according to the applicable national law in the Member State where the EGTC concerned has its registered office. The EGTC shall acquire legal personality on the day of registration or publication, whichever occurs first. The members shall inform the Member States concerned, the Commission and the Committee of the Regions of the registration or publication of the convention.</p> <p>2. The EGTC shall ensure that, within ten working days from the registration or publication of the convention, a request is sent to the Commission following the template set out in the Annex to this Regulation. The Commission shall then transfer this request to the Publications Office of the European Union for publication of a notice in the C series of the <i>Official Journal of the European Union</i> announcing the establishment of the EGTC, with the details set out in the Annex to this Regulation."</p>	<p>Article 5 is replaced by the following:</p> <p>"Article 5</p> <p>Acquisition of legal personality and publication in the Official Journal</p> <p>1. The convention and the statutes and any subsequent amendments thereto shall be registered or published, or both, according to the applicable national law in the Member State where the EGTC concerned has its registered office <u>and then published in the other Member States where the EGTC has members</u>. The EGTC shall acquire legal personality on the day of registration or publication <u>in the Member State where the EGTC concerned has its registered office</u>, whichever occurs first. The members shall inform the Member States concerned, <del>the Commission</del> and the Committee of the Regions of the registration or publication of the convention.</p> <p>2. The EGTC shall ensure that, within ten working days from the registration or publication of the convention, a request is sent to the <u>Committee of the Regions</u> <del>Commission</del> following the template set out in the Annex to this Regulation. The <u>Committee of the Regions</u> <del>Commission</del> shall then transfer this request to the Publications Office of the European Union for publication of a notice in the C series of the <i>Official Journal of the European Union</i> announcing the establishment of the EGTC, with the details set out in the Annex to this Regulation."</p>

**Reason**

The Committee of the Regions, which is in charge of keeping the register of EGTCs and running the EGTC Platform, has the job of ensuring that the convention is published in the C series, as such publication cannot be requested by the EGTCs themselves.

Cooperation and exchange of information between the Committee of the Regions and the European Commission must be part of the cooperation agreement between the two institutions.

Moreover, the publication of the convention and the statutes only in the Member State where the EGTC concerned has its registered office would be discriminatory and would make it harder to fulfil the requirement for transparency and the public's right to information.

**Amendment 5**

## Article 1(8)(b)

Text proposed by the Commission	CoR amendment
<p>(b) In paragraph 4, the following sub-paragraph is added:</p> <p>"However, the assembly referred to in Article 10(1)(a) of an EGTC may define the terms and conditions of the use of an item of infrastructure the EGTC is managing, including the tariffs and fees to be paid by the users."</p>	<p>(b) In paragraph 4, the following sub-paragraph is added:</p> <p>"However, the assembly referred to in Article 10(1)(a) of an EGTC may define the terms and conditions of the use of an item of infrastructure the EGTC is managing <u>or of a service of general economic interest</u>, including the tariffs and fees to be paid by the users."</p>

**Reason**

EGTCs must be allowed to define the tariffs and fees for services of general economic interest that they organise without management of related infrastructure.

**Amendment 6**

Article 1(8)

Add a point (c)

Text proposed by the Commission	CoR amendment
	<p>(c) <u>In paragraph 5 the following sub-paragraph is added:</u></p> <p><u>"Each EGTC may sign a convention with another EGTC or any body which may become a member of an EGTC in order to conduct a European territorial cooperation project that does not fall within the joint tasks of the EGTCs or signatory bodies concerned.</u></p> <p><u>The convention shall include at the very least the objectives of cooperation, sharing of tasks between the signatories, the duration and estimated amount committed by the signatories, and the law applicable to the convention."</u></p>

**Reason**

All EGTCs must be able to draw on a European legal basis for concluding partnerships with other EGTCs or other legal entities for the purposes of carrying out joint cooperation projects.

**Amendment 7**

Article 1(9)(h)

Text proposed by the Commission	CoR amendment
<p>(h) the specific Union or national law applicable to its activities, while the latter may be the law of the Member State where statutory organs exercise their powers or where the EGTC carries out its activities;</p>	<p><del>(h) the specific Union or national law applicable to its activities, while the latter may be the law of the Member State where statutory organs exercise their powers or where the EGTC carries out its activities;</del></p>

**Reason**

It is almost impossible to draw up beforehand a list of the European, national and regional legislation that the EGTC will have to apply when carrying out its tasks and covering the entire territory of its activities.

**Amendment 8**

Article 1(12)(b)(2a)

Text proposed by the Commission	CoR amendment
<p>2a. If the liability of at least one member of an EGTC is limited or excluded as a result of the national law under which it is established, the other members may also limit their liability in the convention.</p> <p>The name of an EGTC whose members have limited liability shall include the word "limited".</p>	<p>2a. If the liability of at least one member of an EGTC is limited or excluded as a result of the national law under which it is established, the other members may also limit their liability in the convention.</p> <p><del>The name of Tenders and contracts concluded by an EGTC whose members have limited liability shall include the word "limited".</del> <u>must mention that the EGTC has "limited" liability and/or the members who have limited liability, together with the references of any insurance contract taken out by the EGTC.</u></p>

Text proposed by the Commission	CoR amendment
<p>The requirement for the publicity of the convention, statutes and accounts of an EGTC whose members have limited liability shall be at least equal to those required for other legal entities with limited liability of its members established under the laws of the Member State where that EGTC has its registered office.</p> <p>In the case of an EGTC whose members have limited liability, the Member States may require that the EGTC shall take appropriate insurance to cover the risks specific to the activities of the EGTC.”</p>	<p>The requirement for the publicity of the convention, statutes and accounts of an EGTC whose members have limited liability shall be at least equal to those required for other legal entities with limited liability of its members established under the laws of the Member State where that EGTC has its registered office.</p> <p>In the case of an EGTC whose members have limited liability, the Member States may require that the EGTC shall take appropriate insurance to cover the risks specific to the activities of the EGTC.”</p>

### Reason

Only potential creditors of an EGTC have an interest in knowing in advance the extent of its members' financial commitments; the word "limited" added to the name of the EGTC does not indicate the extent of its members' financial commitments or any insurance schemes which may cover the EGTC.

### Amendment 9

#### Article 1 (14a)

Text proposed by the Commission	CoR amendment
	<p><u>The European Commission instructs the EGTC Platform overseen by the Committee of the Regions to track the activities of existing EGTCs and those in the process of being set up, organise an exchange of best practice, identify common issues and propose that EGTCs be more effectively integrated into the EU's various sectoral policies.</u></p>

### Reason

A proposal to add a new article to the EGTC regulation No 1082/2006 (this article would become Article 17 of that regulation). The proposed amendment is in keeping with the amendment tabled to point 19.

### Amendment 10

#### Article 2

Add a new point after point 1

Text proposed by the Commission	CoR amendment
	<p><u>2. When EGTCs set up before the entry into force of this Regulation change their convention and/or statute, they may opt to be subject to the provisions of this Regulation by indicating this in the records of the body which is empowered to modify their convention and statutes.</u></p>

### Reason

EGTCs that have already been created must be able to benefit from the provisions of the present proposal for a regulation, which are more favourable than those of Regulation (EC) No 1082/2006.

### Amendment 11

#### ANNEX

*The proposed amendments to the text put forward by the European Commission are highlighted in yellow.*

**Amendment**

ANNEX

**Template of the information to be submitted under Article 5(2)****ESTABLISHMENT OF A EUROPEAN GROUPING OF TERRITORIAL COOPERATION (EGTC)**

Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006

(OJ L 210, 31.7.2006, p. 219)

*The name of an EGTC whose members have limited liability shall include the word 'limited' (Article 12(2))**The asterisk\* denotes mandatory fields.*



I.1) NAME, ADDRESS AND CONTACT POINT(S)

<b>Registered name*:</b>		
<b>Registered office*:</b>		
Town*:	Postal code:	Country*:
<b>Contact point(s):</b> For the attention of:	Telephone:	
E-mail:	Fax:	
<b>Internet address(es) of the Grouping</b> (if applicable)		

I.2) DURATION OF THE GROUPING\*:

<b>Duration of the Grouping:</b>	
<input type="checkbox"/>	indefinite period
<input type="checkbox"/>	until: <input type="text"/> / <input type="text"/> / <input type="text"/> (dd/mm/yyyy)
<b>Date of registration/publication</b> :	<input type="text"/> / <input type="text"/> / <input type="text"/> (dd/mm/yyyy)
<b>Date of publication:</b>	<input type="text"/> / <input type="text"/> / <input type="text"/> (dd/mm/yyyy)

II. OBJECTIVES\*

NUTS-code	<input type="text"/>	NUTS-code	<input type="text"/>
NUTS-code	<input type="text"/>	NUTS-code	<input type="text"/>

III. ADDITIONAL DETAILS ON NAME OF THE GROUPING (if applicable)

<b>Name in</b> (please, indicate an appropriate <b>country/language</b> version)														
<b>BE</b>	BG	<b>CZCS</b>	<b>DKDA</b>	DE	<b>EEET</b>	<b>GAIE</b>	EL	<b>EN</b>	ES	FR	IT	<b>CY</b>	LV	LT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>LU</b>	HU	MT	NL	<b>AT</b>	PL	PT	RO	<b>SISL</b>	SK	FI	<b>SESV</b>	<b>UK</b>	Other: _____	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Full name</b> (if applicable): _____														
<b>Abbreviated name or acronym</b> (if applicable): _____														

----- Section III is to be used as many times as needed -----

IV. MEMBERS\*

IV. 1) Total number of members in the Grouping\*:

**IV. 2) Nationalities of the Members of the Grouping\*:**

BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	IT	CY	LV	LT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	Other:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**IV. 2.3) Member information\***

**Official name\*:**

**Postal address:**

Town:	Postal code:	Country*:
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**Contact point(s):**

For the attention of:

E-mail:

Fax:

**Internet address(es) (if applicable)**

**Type of member\*:**

Member State

National authority

Regional authority

Local authority

Body governed by public law

Public undertaking

Association of:

- Member State(s) Total:\*
- National authority(ies) Total:\*
- Regional authority(s) Total:\*
- Local authority(s) Total:\*
- Body(s) governed by public law Total:\*
- Public undertaking(s) Total:\*

Third country or overseas territory



**Opinion of the Committee of the Regions on 'child poverty'**

(2012/C 113/07)

## THE COMMITTEE OF THE REGIONS

- reinforces how Local and Regional Authorities are at the forefront of work to tackle child poverty and exploitation, and highlights their crucial responsibility in preventing marginalisation and social exclusion; agrees that child poverty is a multi-dimensional phenomenon that requires a multi-dimensional response, and proposes that improvements in a small number of key areas such as agreeing minimum income and quality standards can be vital to tackling child poverty;
- emphasises the importance of paid work, but also notes that employment alone does not guarantee a route out of poverty and that further action is required to combat in-work poverty;
- emphasises that all Member States should recognise that child poverty and social exclusion are key barriers to overcome if they are to achieve their Europe 2020 targets in relation to employment rate, investment in research and development, and energy and sustainable development;
- expresses its concern that the economic and financial crisis, and the response of some Member States, is leading to increased levels of absolute poverty, an increase in in-work poverty levels and rising youth unemployment.

**Rapporteur** Ms Doreen HUDDART (UK/ALDE), Member of Newcastle City Council

## I. POLICY RECOMMENDATIONS

### THE COMMITTEE OF THE REGIONS

#### General Introductory Comments

1. supports the Commission's intention to publish a Recommendation to Fight Child Poverty and Promote Child Well-Being in 2012 and welcomes the opportunity to contribute this Outlook Opinion to further the aims of the European Platform against Poverty and Social Exclusion; endorses the three policy areas identified as part of the Recommendation on: *Adequate Resources*; *Access to Services*; and *Active Participation of Children and Young People*; notes that, whilst there have been strong political statements by EU Heads of State to prioritise child poverty, this has not always translated into consistent resources, action, targets, and monitoring across all EU member states;

2. reinforces how Local and Regional Authorities are at the forefront of work to tackle child poverty and exploitation, and highlights their crucial responsibility in preventing marginalisation and social exclusion; agrees that child poverty is a multi-dimensional phenomenon that requires a multi-dimensional response, and proposes that improvements in a small number of key areas such as agreeing minimum income and quality standards can be vital to tackling child poverty;

3. draws attention to the fact that child poverty is not a peripheral or residual issue that will just disappear with economic growth<sup>(1)</sup>; increased growth during the period 2000-2008 did not have a substantial impact on levels of child poverty; that child poverty was a badge of shame for EU society before the economic crisis and is concerned that some member states responses to the crisis may unintentionally increase levels of child poverty; acknowledges that there are particular groups of children who are at high risk of more severe or extreme poverty but emphasises that children themselves form a particular group within society that is often at higher risk of poverty than the general population;

4. One definition of poverty is:

*Individuals, families and groups in the population can be said to be in poverty when they lack the resources to obtain the types of diet, participate in the activities, and have the living conditions and amenities which are customary, or at least widely encouraged or approved, in the societies to which they belong. Their resources are*

<sup>(1)</sup> *Can Higher Employment Levels Bring Lower Poverty in the EU? Regression based simulations of the Europe 2020 target*, Discussion Paper 6068, Institute for the Study of Labor (Bonn).

*so seriously below those commanded by the average individual or family that they are, in effect, excluded from ordinary patterns, customs and activities;*<sup>(2)</sup>

5. notes that the most widely used measure of poverty across Member States and in the EU is the "below 60 % of median household income" level; but notes the need to use a range of criteria to measure absolute poverty, and that measures such as social inclusion, access to services, educational attainment and life expectancy at birth be included as established by the Human Development Index<sup>(3)</sup>. Welcomes the greater visibility given to poverty and social exclusion in the Europe 2020 Strategy, and agrees that the social dimension should be at the heart of this strategy while recalling that poverty is a threat to 20 million children living in the EU;

6. emphasises that poverty can have devastating effects on children and their experience of childhood as well as their future life chances; welcomes the references to tackling child poverty as a priority of the flagship initiative of *The European Platform Against Poverty and Social Exclusion*, however, regrets the limited commitment to doing this and the lack of a specific target relating to child poverty within the initiative;

7. welcomes the commitment to publish a Recommendation and a Communication on Child Poverty and Child Well-Being in June 2012; supports the proposed framework for the Recommendation on Child Poverty and Well-Being; recognises the importance in this context of involving children themselves living in poverty and welcomes the inclusion of Active Participation within the framework, while proposing that the Recommendation and the Communication should emphasise the value of humanitarian organisation such as UNICEF and the role of local and regional authorities in providing services to ensure children are protected from poverty and the accompanying material deprivation;

8. notes that the most vulnerable in our society have been hardest hit by the current financial crisis and evidence suggests that children and particularly young people are disproportionately affected<sup>(4)</sup> while pointing out that some children from vulnerable population groups such as street children, single, large, migrant, or ethnic minority families for example Roma are even more at risk of marginalisation, poverty and social exclusion; highlights that while globalisation and increased co-operation between countries can have significant

<sup>(2)</sup> *Poverty in the United Kingdom*, Peter Townsend, 1979.

<sup>(3)</sup> The Human Development Index is calculated on the basis of a country or region's gross national income per capita, expected years of schooling, mean years of schooling and life expectancy at birth.

<sup>(4)</sup> *How the economic and financial crisis is affecting children & young people in Europe*, EUROCHILD, 2011.

benefits to the lives of individuals, they are often unevenly distributed; efforts should be made so that no one will be excluded from the benefits altogether;

9. notes that a strong policy focus on child poverty in recent years within the EU and supportive political statements by EU Heads of States has not led to significant reductions in the levels of child poverty; and emphasises that political support for tackling the issue needs to be translated into consistent resources, action and targets across all EU member states;

10. emphasises the importance of paid work, but also notes that employment alone does not guarantee a route out of poverty and that further action is required to combat in-work poverty<sup>(5)</sup>;

11. emphasises that all Member States should recognise that child poverty and social exclusion are key barriers to overcome if they are to achieve their Europe 2020 targets in relation to employment rate, investment in research, development, energy and sustainable development;

12. agrees that, in one of the richest regions in the world in the 21st Century, it is unacceptable that 20 million children are in, or at risk of, poverty, and that<sup>(6)</sup> poverty is not simply about being on a low income and going without - it is also about being denied power, respect, good health, education and housing, basic self-esteem and the ability to participate in social activities;

13. emphasises that the UN General Assembly also recognises the particular nature of child poverty. Furthermore, the UN underscores that child poverty means more than simply a lack of money. Child poverty can only be understood as the denial of a number of rights contained in the UN Convention on the Rights of the Child, which recognises the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (Article 27). Most situations of child poverty involve the infringement of the rights to survival, protection, development and participation enshrined in the CRC;

14. points out that according to several studies, an effective policy for redistributing resources to families with children plays an important role in mitigating poverty amongst children. Social transfers reduce child poverty by no less than 44 % in the EU as a whole;

### EU Policy

15. wishes to highlight that there needs to be a greater understanding of the cost-benefit advantages of investing in

<sup>(5)</sup> See, for example, *A Living Wage for Newcastle*, <http://www.newcastle.gov.uk/news-story/a-living-wage-newcastle>.

<sup>(6)</sup> *Poverty: the facts*, 5th Edition, Flaherty, J, Veit-Wilson, J and Dornan, P, Child Poverty Action Group, 2004.

tackling child poverty<sup>(7)</sup> and exploitation, social exclusion and wider social inequalities; notes the benefits to wider society of greater equality and reduced marginalisation, exclusion and poverty within societies and emphasises the financial and economic and social advantages of investing in children and families at an early stage<sup>(8)</sup>;

16. supports the Council's conclusions on Tackling child poverty and promoting child well-being of 17 June 2011, which call for combating Child Poverty to be a priority; and supports the Social Protection Committee Opinion of 15 February 2011 which calls for the combating of child poverty to be prioritized in all relevant areas;

17. agrees that there is already a sizeable evidence base on child poverty within the EU; is concerned to note that child poverty levels in member states vary between 11 % and 33 %; and recommends that resources should be used to understand, disseminate and utilise this evidence base, and share best practice across member states;

18. expresses its concern that the economic and financial crisis, and the response of some members states, is leading to increased levels of absolute poverty, an increase in in-work poverty levels and rising youth unemployment<sup>(9)</sup>;

19. highlights the importance of policies aiming to break the poverty cycle passed on from generation to generation. For this to happen there is a need for cross-cutting policies that involve education and social measures aimed not only at ensuring employment for parents, but which aim directly at the children;

20. calls for greater recognition from the Commission and from Member States that poverty is a shared responsibility and a challenge for society as a whole, and not to be viewed as a stigma or failure of people who happen to be poor or socially excluded;

21. reiterates the call for the Commission to ensure Structural funds include opportunities to improve social housing to strengthen its role in social inclusion policies and confirm that the public service functions of social housing are to be defined at Member State level;

22. agrees that a holistic and integrated approach, encompassing the needs of the different groups, and the particular challenges faced, is required to alleviate and prevent poverty;

<sup>(7)</sup> *Estimating the cost of child poverty*, Hirsch, D., Joseph Rowntree Foundation, 2008.

<sup>(8)</sup> See, for example, *Early Intervention: Smart Investment, Massive Savings*, Cabinet Office (UK), 2011.

<sup>(9)</sup> *How the economic and financial crisis is affecting children & young people in Europe*, EUROCHILD, 2011.

### Adequate Resources

23. supports the view that income poverty is one of the most visible signs of social deprivation which affects children in different ways to adults<sup>(10)</sup>; it is however merely one of many factors of child poverty that needs to be addressed; agrees that there is a lack of understanding of the minimum standards that are necessary if children's rights are to be met; encourages the EU and its member states to evaluate the possibility of addressing the problem in key areas such as income support, access to services and children's participation;

24. notes that countries which spend most on social benefits tend to have lowest child poverty figures; agrees that member states should, where necessary, consider improving child benefits as an expression of intergenerational solidarity, which recognises the inherent value of childhood and an investment in Europe's future;

25. welcomes the proposal to develop a framework of guaranteeing an overall adequate minimum income for all children, taking into account the income of the whole of the household, parents as well as children;

26. stresses the importance of preventive public policies investing in sensible child welfare policies supporting the upbringing of empowered individuals, capable of integrating in society and into the labour market, rather than focusing on the consequences of their social exclusion and poverty;

27. reiterates the importance of resources other than transfers; parental participation in the labour market can only help lift children out of poverty if wages are adequate to do this, and can conciliate the diverse work patterns of parents; invites member states to welcome the proposal to add a recommendation on legislation relating to adequate income and ensuring "decent" work<sup>(11)</sup> and proposes that employment protection legislation should form part of this recommendation; highlights, however, that some people are not available to the labour market and are unable to work and transfers need to recognise this;

28. recognises that universal child benefits are the most effective way of providing income support to families with children and that these should be coupled with targeted benefits for those most in need<sup>(12)</sup>;

29. calls for greater clarification on "adequate" and encourages Member States and the Commission to agree on

<sup>(10)</sup> *Child poverty – family poverty: Are they one and the same?*, EUROCHILD Policy Position, 2011.

<sup>(11)</sup> See, for example, *The low-pay, no-pay cycle: understanding recurrent poverty*, Shildrick, T et al, *Joseph Rowntree Foundation*, 2010.

<sup>(12)</sup> See, for example, *Child benefits in the European Union*, J. Bradshaw, *Poverty* (139), CPAG, 2011.

EU standards, or establish an agreed methodology for determining the costs of a child and for defining adequate resources to prevent and combat child poverty; proposes that any definition should include consideration of: adequate for *who*, adequate for *how long*, adequate for *what*, and *who says* what is adequate<sup>(13)</sup>;

30. strongly supports the suggestion that member states should be urged to use great care when increasing conditionality and using sanctions in the benefits system so as to avoid penalizing children and leaving them without the necessary resources; notes that this approach often adds to the stigmatization of those families and children living in poverty and the perception that poverty is caused by personal failings or shortcomings; notes that the economic crisis has led to significant increases in unemployment, stagnating household incomes and a rising cost of living in many member states; highlights the important role that advice services can play in maximising household income and notes that in some member states these services may be under threat;

31. agrees that a good work/life balance for parents is critical to the well-being of children and society, as both income poverty and "time poverty" can harm children's development; agrees that precarious employment, unsociable working hours and low paid jobs for parents can have a detrimental impact on adult life and child development<sup>(14)</sup>;

### Access to Services

32. welcomes the emphasis on ensuring all children have access to good quality services at a crucial stage in their development and notes that health, education, parenting and family support, housing and protection are key services which are most often delivered by local and regional authorities;

33. recognises the importance of early childhood education and childcare and of the quality of early childhood services; highlights that effective and early intervention and support throughout childhood and adolescence (and at *critical moments* in particular<sup>(15)</sup>) can have a significant beneficial impact on child development; notes that some local and regional authority services such as nurseries, schools, libraries and after-school clubs are vital to improving child well-being but, in many member states, will be under threat from austerity programmes;<sup>(16)</sup>

<sup>(13)</sup> "What do we mean by 'adequate' benefits?" J Veit-Wilson, Chapter 14 in J Strelitz and R Lister [eds], *Why Money Matters. Family income, poverty and children's lives*. Save the Children, London, pp 125-132.

<sup>(14)</sup> See, for example, *Precarious work: risk, choice and poverty traps*, R. MacDonald, in *Handbook of Youth and Young Adulthood: New perspectives and agendas*, A. Furlong, 2009.

<sup>(15)</sup> *Understanding youth exclusion: critical moments, social networks and social capital*, Shildrick, T.A. & MacDonald, R., *Youth & Policy*, 2008.

<sup>(16)</sup> Id.

34. welcomes the proposal to strengthen the role of education in preventing and breaking the poverty cycle by removing all financial barriers to education, ensuring equal opportunities, and by providing necessary additional support to compensate for any disadvantage; recognises the importance of equal access to education related provisions, which are invariably provided by local and regional authorities, such as free-school meals, free books and education materials, financial support for participation in school trips and cultural activities for children from low income families and those at risk from poverty;

35. underscores the role that childcare can play in tackling child poverty. For the children themselves, childcare can enable them both to enjoy interaction with other children and childcare workers and to benefit from this. Children's cognitive, linguistic, emotional and social development can improve as a result, and the effects appear to be long-lasting;

36. highlights the devastating impact that poverty can have on children's health<sup>(17)</sup>; is concerned that there is, according to the Commission Communication on health inequalities a limited focus on children's access to health with a general lack of awareness and insufficient policy priority and commitment on tackling health inequalities; proposes that the importance of improving children's health, including mental health is emphasised in the Recommendation and Communication; agrees that children should be specifically targeted within broader efforts to reduce health inequalities and that universal access to health care for poor and socially excluded groups should be assured, including for all children;

37. shares concern that environmental issues such as pollution, traffic, contaminated land and unsafe drinking water often disproportionately affect children living in poverty; welcomes the proposal to make every effort to avoid the ghettoisation of children experiencing poverty and social exclusion and to promote a social mix in housing; welcomes the proposal to include children and their families and communities in planning; suggests that the introduction of minimum standards for housing children, taking into account the primacy of children's rights, should be considered in the Recommendation;

38. agrees that member states should ensure that children are not removed from their families due to the families lack of resources to care for the children and acknowledges that guaranteed adequate resources would ensure that this did not happen; cautions against adding to the stigmatization associated with poverty by linking poverty too closely with familial abuse and highlights the important role of local and regional authorities in child protection;

### Active Participation of Children and Young People

39. strongly supports the emphasis on the active participation of children and young people in the proposed Recommendation; agrees that there are obstacles to participation for all children and that these are multiplied for children who are disadvantaged and it is likely that traditional approaches to consultation may fail to engage with them, however, an active participatory approach should be encouraged in families, communities, NGOs and the private sector in order to reinforce commitment in all society;

40. proposes that children's participation should include opportunities to contribute to and influence decisions that affect their lives, involvement in sport and recreational activities to improve health, social life and personal development and participation in cultural opportunities to build skills, raise awareness of cultures and cultural diversity to build a more inclusive, less discriminatory society;

41. calls on national governments together with local and regional authorities to play their part in ensuring that children and young people have the right environment for learning, development and recreation, together with a wide range of opportunities, which is a prerequisite for their active participation;

42. agrees that one barrier to tackling child poverty is the lack of public and political awareness about the issue and its impact on children and their families and wider society; is concerned that this is reinforced by limited and in some cases negative media coverage of poverty, little awareness of or support for children's rights and by a lack of long term vision and pre-occupation with short-term electoral gains (young people are not voters); notes that in many countries it is not part of the political culture to focus on children or to see a child as a whole person;

43. highlights the work that takes place in and by local and regional authorities to ensure that children are included in decision making processes about issues that affect their lives; however there is still much to be done in order to guarantee the rights of children to be heard in any matters affecting them in accordance with Article 12 of the UN Convention on the Rights of the Child;

### Recommendations

44. recommends the introduction of a specific target relating to child poverty as a priority of the flagship initiative of *The European Platform Against Poverty and Social Exclusion*; and the adoption of a comprehensive strategy against child poverty and social exclusion that includes national, regional and local levels and fit into the broader Europe 2020 as well as the set-up of a monitoring framework based on sound indicators, also linked with the existing reporting mechanism under the UNCRC;

<sup>(17)</sup> See, for example, *Health Consequences of Poverty for Children*, Spencer, N., *End Child Poverty*, 2008.



45. reiterates the need for specific reporting from Members States on child poverty and proposes - subject to the development of diagnostic tools to assess the severity of risk and hardship which are recommended for use by local and regional authorities, that this be included in Members States' reporting requirements under the Europe 2020 strategy; highlights that the CoR Quick Survey of 19 April 2011 found that many respondents viewed the potential introduction of obligatory priorities in future regional programmes as a positive development that could raise the profile of poverty and social exclusion at local, regional and national levels;

46. recommends that the allocation of Structural Funds takes cognisance of the importance of projects and services which fight child poverty and promote the well-being of children and their families; particularly where minors or young people are subject to physical or mental disorders, exploitation, substance misuse, immigration, crime and other factors which

increase their vulnerability; and, improves the participation of these children and families, and tackles negative perceptions and stigmatisation of poverty;

47. recommends that Local and Regional Authorities need to be actively involved in shaping decisions and policies on support for families, the provision of services and the active participation of children and young people as they are key players in the implementation of national and European policies locally;

48. recommends that in order to share best practice, the Commission develops and sustains an on-going dialogue with the CoR and allocates funds to enable CoR to publish, in collaboration with organisations such as Eurocities and Eurochild, reports documenting successful projects to tackle child poverty from across Local and Regional Authorities in the Member States.

Brussels, 15 February 2012.

*The President  
of the Committee of the Regions*  
Mercedes BRESSO

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**Opinion of the Committee of the Regions on ‘the Environmental Noise Directive — the way forward’**

(2012/C 113/08)

## THE COMMITTEE OF THE REGIONS

- welcomes the real benefits brought by the directive but is disappointed that neither the END nor the report on its implementation make any specific reference to local and regional authorities and the crucial role which they play in combating excessive noise;
- notes that noise pollution is primarily a local problem, but one that largely requires a European solution, and calls in this connection for the EU to develop an ambitious emissions policy for noise, in the form of European measures to tackle the problem at source;
- proposes that following a thorough assessment of the impact on local and regional authorities, the Commission set trigger or target values based on WHO health recommendations;
- highlights the need for linkages and complementarity between the different legislative instruments regulating materials associated with noise at source and for legislative gaps to be filled, specifically concerning vehicles – especially cars and lorries – roads, railways and airports, by drawing up an overarching legal framework;
- highlights the importance of providing regional and local authorities with financial support and technical guidance, as well as ancillary EU and national measures, for dealing with EU policy on noise pollution;
- calls for noise and noise pollution concerns to be incorporated into all relevant policy files and initiatives, especially in a future Seventh EU Environment Action Programme and a second EU Action Plan on the Environment and Health, as well as in sustainable transport initiatives under the EU regional development programmes and land-use policies;
- suggests that the Commission extend the concept of multilevel governance to other areas such as noise. The Covenant of Mayors could be the benchmark in this regard.

<b>Rapporteur</b>	José MACÁRIO CORREIA (PT/EPP), Mayor of Faro
<b>Reference document</b>	Report from the Commission to the European Parliament and the Council on the implementation of the Environmental Noise Directive in accordance with Article 11 of Directive 2002/49/EC  COM(2011) 321 final

## I. POLICY RECOMMENDATIONS

### THE COMMITTEE OF THE REGIONS

#### A. *General comments*

1. asserts the importance of combating noise pollution and of building on the European noise policy adopted on 25 June 2002 in the form of Directive 2002/49/EC of the European Parliament and of the Council, known as the Environmental Noise Directive (END);

2. welcomes the real benefits brought by the directive in terms of drawing up noise maps, establishing common indicators, assessing the exposure of the EU population to noise and establishing the bodies competent to draw up action plans;

3. welcomes the Commission Report on the implementation of the directive as a good starting point for a necessary revision of the END;

4. regrets that certain Member States failed to produce the required noise maps by the set deadline, and that an infringement procedure had to be launched in the case of Malta;

5. is disappointed that neither the END nor the report on its implementation make any specific reference to local and regional authorities and underlines the crucial role which they play in combating excessive noise; therefore wishes to be fully involved in developing future policies;

6. notes that noise pollution is primarily a local problem, but one that largely requires a European solution, and calls in this connection for the EU to develop an ambitious emissions policy for noise, in the form of European measures to tackle the problem at source;

7. reiterates the need to draw up objectives to combat noise experienced by people in built-up areas, in public parks or other quiet areas in an agglomeration, in quiet areas in open country and near schools, hospitals and other noise-sensitive buildings and areas;

8. notes that the Commission in its listing of health impacts of noise omits to clearly spell out one of the most common impacts of noise exposure, which is tinnitus and hyperacusis (extreme sensitiveness to noise) often caused by a drop in hearing capacity due to exposure to high noise levels. At least

10 % of the population suffer from tinnitus and/or hyperacusis, a phenomenon that is increasing among young people due to high noise levels. Information to the general public concerning health-related problems due to exposure to noise is therefore of greatest importance;

9. notes that in the listing of prior and future EU initiatives in the field there is no mention of actions to reduce the high noise levels in some public places such as discos;

10. highlights the need to take account of recent data from the World Health Organization (WHO) concerning the noise values/bands applied in noise maps according to which, reporting bands of  $L_{\text{NIGHT}}$  indicator values should be lowered to 40 dB and the social costs of road, rail and air traffic noise should also be factored in; urges that recent WHO data should also be incorporated into the exposure-cost curves used to calculate the social costs of traffic noise;

11. calls for noise and noise pollution concerns to be incorporated into all relevant policy files and initiatives, especially in a future Seventh EU Environment Action Programme and a second EU Action Plan on the Environment and Health, as well as in sustainable transport initiatives under the EU regional development programmes and land-use policies;

#### B. *Tackling noise at source*

12. highlights the need for linkages and complementarity between the different legislative instruments regulating materials associated with noise at source and for legislative gaps to be filled, specifically concerning vehicles – especially cars and lorries – roads, railways and airports, by drawing up an overarching legal framework;

13. recognises the importance of remedying a number of shortcomings in the current directive, and deems it necessary and appropriate to develop comparative methodologies for noise measurement, use of networks for noise measurement and observation, including standardisation criteria, trigger or target values, reporting and assessment methods and enforcement;

14. asserts the need to tackle noise at source and the cost-effectiveness of noise prevention, making use of technical advances and the observance of emission limits for noise pollution control as opposed to minimising its effects;

15. emphasises the advantages of reducing traffic noise at source as a means of lowering council and highway authorities' expenditure, specifically on placing anti-noise walls and insulation;

16. stresses the importance of incorporating noise pollution reduction into land-use and town planning policies, particularly in order to limit road traffic and neighbourhood noise at source;

17. stresses the importance of including noise reduction in the goals for a competitive and resource-efficient transport system identified by the Commission in its White Paper entitled *Roadmap to a Single European Transport Area - Towards a competitive and resource efficient transport system* and suggests the application and evaluation of certain measures in the area of sustainability, energy efficiency and air quality with a view to achieving noise reduction. The Committee suggests that an action plan be drawn up to ensure the implementation of the White Paper, setting out a timeline, measures and evaluation deadlines;

18. the Committee is of the opinion that an ambitious European noise emissions policy should include at least the following measures:

- for new vehicles: emissions standards for all types of vehicles and machines (used on and under the ground, on or under water, in the air etc.);
- for existing vehicles: measures to replace old vehicles and machines with low-noise models and to retrofit rail-mounted vehicles with noise reduction technologies;
- review the test methods used. The Committee recommends the development of new test methods for vehicles and machines which test emissions in real life conditions;
- develop and improve low-noise tyres;

19. calls for the transport sector to incorporate noise pollution reduction targets, possibly by means of market-based instruments such as charges for access to or use of a (road, rail, maritime or air) network, to ensure polluters bear the cost of the noise they cause;

20. recommends a concerted strategy and more ambitious noise-reduction goals in the review of Directive 70/157/EEC on Noise from Motor Vehicles, in Directive 2001/43/EC on tyre noise and in proposals related to noise from category L vehicles regulated by Directive 97/24/EC and calls for measures to be adopted to guarantee, in principle, those living near airports a quiet night for at least 7 hours;

21. welcomes recent developments concerning the new labelling system for tyres, which will give consumers, fleet

managers and public authorities the opportunity to choose the best performers in terms of noise; suggests in this context that the labels should allow consumers also to balance the noise-performance of a given tyre with its fuel-consumption characteristics; furthermore, suggests that such labels should also be linked to clear European standards for vehicles which are capable, together with the use of the appropriate road-surfacing technologies, of reducing road noise levels by half (10dB); recalls, however, the special situation with regard to the possible use of certain tyres, spiked or non-spiked, for example, in winter or other extreme conditions, designed to ensure road safety in emergency situations, which prevails in the northern Member States;

22. notes that development of quiet surfacing materials should take into account local climate and weather conditions as well as improvements in the surfacing's durability against anti-skid treatments (salting, studded tyres).

23. points to the importance of Directive 2000/14/EC on the noise emission in the environment by equipment for use outdoors;

24. acknowledges the need to replace or adapt existing rolling stock as quickly as possible, and at the latest by 2020 and to provide incentives for the use of quieter equipment. Market-based instruments such as rail track access charges should be used to ensure polluters pay for the noise costs they cause. Additional measures, such as a ban on using rolling stock which has not been fitted with the least-noisy technologies, should be envisaged in the medium term, in case the market-based instruments prove insufficient. The CoR points in particular here to the review of EU rail noise policy, as well as the pilot projects already up and running in Germany and the Netherlands on rail noise;

25. draws attention to the importance of improving urban areas by encouraging quieter transport modes, including hybrid and electric cars and quieter and more sustainable public transport;

26. recommends the adoption of urban planning measures such as trams and other forms of public transport including underground systems, promoting cycling and walking, restricting car traffic and vehicle speed, greening public procurement and providing local and regional authorities with the right incentives and appropriate information on EU funding mechanisms;

### C. Challenges to be tackled by the future END

27. calls for a revision of Annex V of the directive, which sets out the minimum requirements for Noise Action Plans in bullet form, as well as Annex VI, which defines which information needs to be sent to the European Commission for this purpose, with a view to ensuring more widespread and more effective compliance with the directive and being able to compare outcomes between the Member States;

28. suggests adopting the standardisation at EU level of tools and methodologies facilitating the drawing-up and/or actual implementation of Noise Action Plans and involving a wide range of stakeholders, from research institutes and universities to local and regional authorities, under the coordination of a single EU agency;

29. points out in this connection that in certain cases the body responsible for drawing up the noise action plan is not responsible for implementing it as well and requests that more attention be devoted to this issue;

30. suggests that the Commission extend the concept of multilevel governance to other areas such as noise. The Covenant of Mayors could be the benchmark in this regard;

31. calls for the CNOSSOS-EU (Common Noise Assessment Methods in Europe) project to be swiftly finalised, with a view to introducing a harmonised assessment method for all noise maps for road, railway and industrial noise and for aircraft noise;

32. proposes that following a thorough assessment of the impact on local and regional authorities, the Commission set trigger or target values based on WHO health recommendations, obliging Member States to take action as soon as a certain level of noise is reached;

33. has reservations regarding European immission standards for noise pollution if they are treated in separation from a comprehensive noise emission policy. Local and regional authorities must apply these European standards, although the local and regional measures available for doing so are often insufficient. Any introduction of such immission standards should therefore be conceived within the framework of an overall European noise policy that clearly links emissions and immissions policy. The following measures are therefore proposed:

— the drafting of a Thematic Strategy for noise setting out a European policy on noise (with a timetable, measures and assessment times);

— ensuring that the aspirations of the Environmental Noise Directive are in line with those of EU measures for reducing noise at source;

— the development of an EU emissions policy, which should take place before the revision of the directive. After all, it will take several years before EU measures on reducing noise at source have any effect;

— the revision of the END directive;

34. highlights the importance of reinstating the guideline values already contained in the Green Paper on Future Noise

Policy and confirmed as protection targets by recent WHO studies, which have been left out of the current directive and notes that noise from a number of different sources has a cumulative effect and that long-term WHO targets should be taken as a base when planning new projects;

35. recommends greater synergies between noise and air quality policies, (both the EU Air Quality Directive and the END lay down obligations as regards action plans) thus boosting more effective joint policy action;

36. suggests, following a thorough assessment of the impact on local and regional authorities, the setting of targets for reducing exposure to noise, as has been done for atmospheric and climate pollution, including a target for reducing the number of people exposed to night noise levels of 55 dB by at least 15 % by 2023;

37. believes that it is worth considering a reduction to an  $L_{DEN}$  of 40 dB and an  $L_{NIGHT}$  of 35 dB when drawing up future noise maps;

38. calls for some of the concepts contained in the directive to be clarified, specifically "agglomeration" and "quiet areas";

#### D. *Role of regional and local authorities*

39. highlights the importance of providing regional and local authorities with financial support and technical guidance, as well as ancillary EU and national measures, for dealing with EU policy on noise pollution;

40. reiterates the value of creating a network for regional and local authorities to exchange information, swap experience and adopt best practices, providing updated information that is available in all languages;

41. recommends that more and better information be provided to local and regional authorities, as well as support tools and guidance on the visualisation, in combined maps, of cumulative noise from different sources. On the basis of subsidiarity, it should be up to each local authority to decide on the best way of conducting information campaigns;

42. proposes launching regional and local level awareness and information campaigns on noise and holding public consultations and hearings to provide a more in-depth understanding of the situation and to clarify the issue for people;

43. suggests more partnerships between local and regional authorities and local NGOs and citizens' associations, particularly by awarding prizes and awards, which could also contribute to highlighting creative or cost-effective measures implemented across the EU;

**E. Final recommendations**

44. stresses that noise limit values are needed not only in order to secure a high level of protection but also to avoid distortions of competition in the single market on account of noise protection rules. It is, however, essential to comply with the principle of subsidiarity with regard to setting trigger and/or target values, implementing the directive and considering introducing additional measures in case of exceeding noise limit

values, taking into account the impact of those measures on local and regional authorities as well as the diversity of climate and other conditions in Europe;

45. highlights the importance of proportionality in terms of creating additional costs and administrative burdens for companies and public administrations, which must be weighed up against environmental benefits.

Brussels, 16 February 2012.

*The President  
of the Committee of the Regions*  
Mercedes BRESSO

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**Opinion of the Committee of the Regions on 'modernisation of higher education'**

(2012/C 113/09)

## THE COMMITTEE OF THE REGIONS

- welcomes the European Commission's intention to play a more active role in supporting higher education institutions and the various national, regional and local authorities in implementing the agenda for the modernisation of higher education;
- shares the European Commission's view that total investment in higher education in Europe is too low, and acknowledges that both Member States and, in many cases, regional governments must take responsibility for increasing public investment in higher education;
- urges the European Commission to pay even closer attention, when drafting specific programmes and lines of action, to one of the priorities that it has itself set for Member States and higher education institutions: increasing participation and boosting the "social dimension" of higher education to that end;
- believes that the relevance of higher education can also be seen in the extent to which higher education institutions meet typically regional or local needs, thus making a real contribution to local or regional development;
- notes that a great deal still needs to be done to expand and consolidate opportunities for learning mobility and cross-border cooperation, and thus to increase the added value of such opportunities significantly;
- reiterates that local and regional authorities have key responsibilities in education and training, just as in youth and employment policies, and therefore points out that such authorities have a vital role to play in implementing the modernisation agenda, in full respect of the subsidiarity principle.

<b>Rapporteur</b>	Mia DE VITS (BE/PES), Member of the Flemish Parliament
<b>Reference document</b>	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on <i>Supporting growth and jobs – an agenda for the modernisation of Europe's higher education systems</i>
	COM(2011) 567 final

## I. POLICY RECOMMENDATIONS

### THE COMMITTEE OF THE REGIONS

#### 1. General comments

1. welcomes the communication on *Supporting growth and jobs – an agenda for the modernisation of Europe's higher education systems*, in which the European Commission sets out the key policy issues in reforming higher education. The CoR appreciates the additional impetus that the European Commission thus wishes to give to the reforms that started with the Bologna process and the creation of the European Higher Education Area and the European Research Area but are still far from complete; it also appreciates the fact that the Commission is giving these reforms a prominent place in the broader framework of the Europe 2020 strategy and its flagship initiatives;

2. endorses the approach that the European Commission has taken in the communication, first summarising the key policy objectives that both Member States and higher education institutions need to achieve by the end of the decade, and then setting out how it can support them in implementing this modernisation agenda;

3. agrees that the main responsibility for delivering reforms in higher education, a policy area where the EU has coordinating and supporting competences, rests with Member States and education institutions themselves, even though the challenges and policy responses transcend national borders. The CoR also reiterates that local and regional authorities have key responsibilities in education and training, just as in youth and employment policies, and therefore points out that such authorities have a vital role to play in implementing the modernisation agenda, in full respect of the subsidiarity principle;

4. notes that the proposed strategy for modernising higher education does not appear to raise any issue regarding its compliance with the principles of subsidiarity and proportionality.

5. notes that education, including higher education, must above all give people a broad, general basis for developing their talents to the maximum and growing into strong, open and multi-faceted individuals who can assume their responsibility in society to the full. Education does undeniably also have economic value, but this is not its only value, and approaching

education from an economic perspective will therefore inevitably always be unsatisfactory. Nonetheless, in certain contexts an economic approach may be useful and even necessary;

6. despite this, fully agrees that education and training must be given a key role in achieving smart, sustainable and inclusive growth in Europe, and notes that European higher education institutions can still find ways to fulfil their social role;

#### 2. Key issues for Member States and for higher education institutions

2.1 *Increasing attainment levels to provide the graduates and researchers Europe needs*

7. agrees with the analysis that average attainment levels in Europe need to reach the target of 40% of young people completing higher education or equivalent studies by 2020 in order to meet the requirements of the projected and necessary growth in knowledge-intensive jobs, to give young people better prospects for good jobs and thus also to reduce unemployment, particularly youth unemployment;

8. is convinced that the widespread use of innovative ICT solutions by higher education providers can contribute to making higher education more easily accessible and to increasing participation rates, for example for students living in sparsely-populated areas, on islands, in mountain regions and in the outermost regions;

9. specifically agrees with the position that, to this end, a broader cross-section of society needs to be attracted into higher education, where regrettably certain sections of the population are still significantly under-represented. The CoR notes that this under-representation – which has persisted unacceptably among university teaching staff in particular – not only raises social issues, but is also, from an economic point of view, a waste of talent;

10. therefore suggests monitoring not just Member States' progress in increasing participation – and, just as crucially, success – in higher education, but also the extent to which they can attract students from under-represented groups and "non-traditional" students, in a way that breaks with conventional role models and thus combats stereotypical study choices and the resulting segregation of the labour market. In view of demographic changes, the CoR is convinced that the substantial increase in participation that is needed cannot be achieved over



the long term unless Member States and higher education institutions can allow this social dimension to permeate to the very heart of their higher education policy. It therefore considers it essential to set specific objectives also in this regard, tailored to the particular context in each Member State and in their different regions; stresses, however, that increased participation also requires increased funding for Europe's higher education institutions in order to guarantee top standards of research and teaching;

11. supports the European Commission's call to ensure that financial support reaches potential students from lower income backgrounds and, in this connection, finds it concerning that a number of Member States have decided to raise tuition fees, or are considering doing so, despite the fact that all EU Member States have ratified the International Covenant on Economic, Social and Cultural Rights, Article 13 of which states, *inter alia*, that "higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education". The CoR fears that increasing tuition fees will also increase the financial threshold to higher education, just at a time when many students and their families are suffering the impact of the financial and economic crisis;

12. points out that factors other than ability to pay (such as the thought given to choosing a course, adequate prior education or action to make up for this if lacking, study and careers counselling, redirecting students to a more suitable path or course at an early stage to avoid them dropping out of higher education, a more student-centred approach to higher education, etc.) may play a decisive role in access to and success in higher education, and urges Member States and higher education institutions also to pay appropriate attention to these factors. It is regrettable that policy information on these issues is not gathered and disseminated among the Member States systematically enough, as is done for other aspects of higher education, and the Observatory on the Social Dimension in Higher Education currently being developed as part of the Bologna process must therefore be given the support it needs;

13. welcomes the measures proposed by the European Commission, such as developing national qualification frameworks providing clear (and, where necessary, additional) progression routes between different levels of education, and focusing on learning outcomes and on knowledge and skills gained in practical contexts (*inter alia* by recognising skills and competences previously acquired elsewhere, including in informal and non-formal education) instead of more formal, traditional criteria such as study duration and the number of contact hours in a programme of study. The CoR feels that such measures may be effective tools in evaluating competences more accurately and assigning people to the correct skills level, or in putting them on an appropriate and feasible path to higher-level qualifications;

14. strongly urges the European Commission itself to also consistently maintain its progressive approach to flexible

learning pathways and forms of learning, including when applying the current Directive on the recognition of professional qualifications and when drafting its successor;

## 2.2 Improving the quality and relevance of higher education

15. agrees that higher education would greatly benefit from closer contact with the world of work and labour market institutions, in as much as it is designed to provide the knowledge and key transferable skills necessary for success in highly skilled jobs. At the same time, the CoR feels that the world of work could take on more responsibility with regard to higher education, for example by providing sufficient high-quality internships for students and lecturers, by engaging in dialogue with higher education institutions concerning the careers of the future and associated training requirements, by capitalising on the general transferable skills of lecturers, etc.; research partnerships between companies and universities should also be more widely set up;

16. is convinced that local and regional authorities are in the best position to promote and moderate this dialogue, as they generally have excellent contacts with both higher education institutions and the world of work;

17. believes that the relevance of higher education can also be seen in the extent to which higher education institutions meet typically regional or local needs, thus making a real contribution to local or regional development. In the CoR's view, such deep regional roots are one way in which higher education institutions can adapt their mission and strategic priorities and strive for excellence, and it therefore draws attention to and supports the diversity and distinctiveness of Europe's higher education institutions;

18. calls for ICT solutions to be widely introduced at all European higher education institutions; the development of a common IT platform by higher education institutions and the relevant national, regional and local authorities could lead to an increase in the attainment rate;

## 2.3 Strengthening quality through mobility and cross-border cooperation

19. agrees that well-thought-out mobility and cross-border cooperation are important to the quality of education and to the personal development – in various ways – of the people who benefit from such opportunities. The CoR notes that, in part thanks to the momentum of the Erasmus programme and further strengthened by the Bologna process, Member States and higher education institutions have made significant progress in this respect. These programmes and this cooperation are a huge asset, as they have given many people a clear and positive image of "Europe";

20. nonetheless notes that a great deal still needs to be done to expand and consolidate opportunities for learning mobility and cross-border cooperation, and thus to increase the added value of such opportunities significantly. The European Commission quite rightly lists a number of obstacles at different policy levels, many of which are embedded in a specific national context. The CoR feels that this complexity should not prevent Member States, local and regional authorities and higher education institutions, each within their own area of competence, from addressing these problems without delay;

21. urges the introduction of the Diploma Supplements at all Higher Education institutions as they represent a very important step towards comparability of diplomas and make the recognition of diplomas much easier;

22. draws attention to a number of existing initiatives for cross-border quality assurance in higher education and, in view of their structural impact on the higher education systems of the Member States and regions concerned, would put them forward as models for cross-border cooperation;

23. calls on the relevant national authorities, which are in many cases regional or local authorities, to make the recognition of academic qualifications easier and faster in order to reduce a significant burden to mobility for students and academics; this procedure should not entail any unreasonable costs for applicants and should last no longer than four months;

#### 2.4 *Making the knowledge triangle work*

24. fully acknowledges the need to further develop and make better use of the "knowledge triangle" between education, research and business, and completely agrees with the European Commission's assessment that higher education institutions and research institutes can drive economic development in the territories where they are located, harness regional strengths on a global scale and act as the centre of a knowledge network serving the local economy and society;

25. recognises that this is particularly true if local and regional authorities act strategically in providing support and deliberately select a number of priority areas based on their region's specific strengths and needs, the formation of knowledge and innovation clusters involving the local and regional authorities, universities and local companies, including start up businesses, should be strongly encouraged;

26. notes that the Commission's communication focuses closely on business, the potential for marketable products and services, as well as the knowledge market; stresses that higher education institutions and research institutes also have a social

duty towards – public bodies and the non-profit sector, such as (compulsory) schooling, the medical and paramedical sector, and social and welfare services;

#### 2.5 *Improving governance and funding*

27. shares the European Commission's view that total investment in higher education in Europe is too low, and acknowledges that both Member States and, in many cases, regional governments must take responsibility for increasing public investment in higher education. The CoR therefore urges Member States and, where relevant, regional governments, despite the budgetary pressures they are facing, not to mortgage the future but to set investment on a long-term growth trend, rather than making cuts in sectors that are the foundation of tomorrow's growth. The CoR thinks that the European Commission can take practical action in this respect by using the European Semester to ensure that cuts do not affect those sectors that are crucial to implementing the Europe 2020 strategy;

28. sees education as a public good, and therefore agrees with the European Commission that public investment is, and absolutely must remain, the primary basis for sustainable higher education;

29. endorses efforts to diversify funding, for example using public-private partnerships for the financing of infrastructure, but points out that tapping one of the possible alternative sources – i.e. increasing the share of private funding by raising tuition fees – may increase pressure on households. The CoR is afraid that this pressure on households could lead for example to lower participation, to undesirable shifts in the social make-up of the student population and to the creation or exacerbation of imbalances in mobility flows between Member States or regions. With a view to encouraging equal opportunities for all and the pursuit of excellence, the CoR calls for improved study grant and loan policies based on income and academic performance;

30. agrees with the development of new funding mechanisms, or further honing of existing ones, that are performance-related, support a variety of strategic choices and diversity in the profiles of institutions and promote excellence in all forms. At the same time, experience has shown that such mechanisms must be introduced carefully and cautiously, not least to ensure that the methods and indicators used really do further the desired objectives and take full account of the sought-after diversity between and within institutions;

31. points out that greater autonomy does not release higher education institutions from their accountability or responsibility towards their local area. Nonetheless, the CoR acknowledges that increasing institutions' autonomy does often have a positive impact in terms of attracting private capital, thus contributing to the desired increase in higher education investment;

### 3. The EU contribution: incentives for transparency, diversification, mobility and cooperation

32. welcomes the European Commission's intention to play a more active role in supporting higher education institutions and the various national, regional and local authorities in implementing the agenda for the modernisation of higher education. The CoR sees this support – in all its forms – as vital in ensuring the necessary convergence between the agendas of the various governments and higher education institutions while allowing for the desired degree of diversity and profiling;

33. urges the European Commission to pay even closer attention, when drafting specific programmes and lines of action, to one of the priorities that it has itself set for Member States and higher education institutions: increasing participation and boosting the "social dimension" of higher education to that end;

#### 3.1 *Supporting reform through policy evidence, analysis and transparency*

34. notes that it has been shown, for example in implementing the Bologna process, that the use of relatively simple comparative scoreboards to monitor the status of a reform agenda can be very effective in providing information and generating interest, and recommends that greater use be made of such tools. The CoR notes in this context that scoreboards at Member-State level often cannot show the different dynamics at work within various regions, and therefore cannot do justice to the policies pursued at local and regional level, particularly in fields that are primarily or solely local or regional competences;

35. supports the European Commission's U-Map project, which aims to improve understanding of the different profiles of higher education institutions, and U-Multirank, which is a performance-based, multi-dimensional ranking and information tool. Care should be taken to ensure that this does not entail any disproportionate extra red tape for higher education institutions. It seems self-evident that the strength of regional roots and involvement in the local environment is one of the dimensions on which higher education institutions should be classified and ranked;

36. welcomes the European Commission's intention to work with Eurostat to improve data on higher education learning mobility and employment outcomes, and points out that such data is not just of interest to students and graduates in higher education, but can also help school pupils in choosing what and where to study;

37. urges the European Commission to consider carefully what exactly its objectives are in establishing a European

Tertiary Education Register and whether they can be achieved through other existing initiatives, before starting to develop an instrument of this kind;

#### 3.2 *Promoting mobility*

38. fully endorses the emphasis on promoting mobility and refers the European Commission to the comments that it made in the "Mobility initiatives" section of its opinion of 27 and 28 January 2011 on the *Youth on the Move flagship initiative* <sup>(1)</sup>, which are still absolutely valid;

39. is also convinced that focusing on improving knowledge of languages will not only increase the potential for exchanges but also improve their quality, believes that the European Commission could play a supportive role in that regard, and recalls the objective of the European multilingualism policy that every European should have knowledge of two languages other than his mother tongue;

40. supports the European Commission in its desire to improve students' access to masters degrees in other Member States, regardless of their social background, and emphasises the need to provide this category of students with more financial support. The CoR also takes note of the European Commission's proposal to work with the European Investment Bank to develop a student loan guarantee facility at European level. Neither of these steps must result in access to mobility becoming an economic good. The development of such a facility should be additional to existing grant schemes such as "Erasmus", which have long since proved their worth <sup>(2)</sup>;

41. regrets that the lack of mobility of national loans constitutes a barrier to student mobility; insists on the obligation to award loans and grants without any discrimination on grounds of nationality;

42. acknowledges that some mobility flows can present a challenge to certain countries and, occasionally to a greater extent, to certain regions. For subjects, such as medicine, that give the right to perform particular services, the CoR is in favour of permitting such access conditions as are necessary, taking the regional level into account, to ensure the availability of medical care in the region. The CoR is also willing to contribute to a fine-grained analysis of this issue and to help to find permanent solutions that suit all parties concerned and that maintain the European *acquis*;

43. nonetheless believes that specific measures must be taken to ensure equal access to mobility for students in the interest of their studies, irrespective of their socio-economic situation or the geographical location of the region they come from;

<sup>(1)</sup> CdR 292/2010 fin.

<sup>(2)</sup> Cf. point 20 of the Committee of the Regions' opinion on the "Youth on the Move" flagship initiative (CdR 292/2010 fin), adopted at the Committee's 88th plenary session on 27 and 28 January 2011.

44. also acknowledges that there are concerns regarding the quality of certain kinds of education offered under franchise agreements of a cross-border nature, and urges all Member States to take the necessary action, for example in terms of quality control of the education provided by their own higher education institutions beyond their own borders, so that all Member States can continue to have complete trust in each other's institutions;

45. agrees that there are still too many barriers to cross-border mobility for researchers, and urges Member States to be pro-active in improving rules on fringe benefits and social entitlements, so as to give researchers greater certainty on these aspects of a post abroad and thus make them less reluctant to take part in cross-border mobility;

### 3.3 *Putting higher education at the centre of innovation, job creation and employability*

46. looks forward to the adoption of the Strategic Innovation Agenda, and hopes that rapid progress can be made on setting priorities for the development of the EIT and on launching new KICs;

47. is interested to see the development of "knowledge alliances" between universities and businesses, but wonders whether it might also be useful – or even necessary – to develop similar alliances between universities and non-profit bodies and organisations. The CoR is thinking here, for example, of the challenges facing Europe in relation to an ageing population, the decline in the number of young people, multiculturalism and climate change;

48. welcomes the European Commission's intention to develop a quality framework for traineeships and is convinced that the Commission and Member States' authorities from national, regional or local level must then focus on actively monitoring the implementation of that framework; the proposed setting up of a centralised platform for traineeship offers in Europe can be an excellent means for providing easy access to traineeship offers and for inciting young people to apply for traineeships in other Member States;

### 3.4 *Supporting the internationalisation of European higher education*

49. agrees with the European Commission that internationalisation and cross-border cooperation cannot remain limited to within the European Union, and that there is a whole world of opportunities outside the EU's borders. The CoR would point in particular here to the huge potential for cooperation between neighbouring regions inside and outside the EU. In this regard, the EU should promote cooperation between European universities and centres of higher education in third countries, with the aim, inter alia, of strengthening their governance and educational programmes using the experience gained by our centres. Mobility and exchange programmes involving students and teachers from universities in border regions and in the neighbouring third countries should therefore be encouraged, as support for the export of best practices;

50. looks forward to seeing more specific proposals on how the European Commission intends to support the establishment and development of internationalisation strategies by Europe's higher education institutions, and trusts that the Commission will hold discussions with all stakeholders on this. The CoR stresses that local and regional authorities must also be involved in such discussions, as there is often a close interplay between higher education institutions' internationalisation strategies and the development strategies of the region where they are located;

### 3.5 *Strengthening the long-term impact and complementarity of EU funding*

51. welcomes the proposal to increase funding for current education, training and youth programmes and simplify their administration from 2014 as part of the Erasmus for All programme, and hopes that this new programme will not only broaden the various opportunities for exchange and cooperation, but also reinforce their quality;

52. is equally enthusiastic about the European Commission's proposal to bring the EU's current research and innovation programmes together under the new Horizon 2020 framework programme;

53. offers the European Commission the support of regional and local authorities – in view of their close links with higher education institutions – in encouraging such institutions to make the most of the opportunities provided by Erasmus for All and Horizon 2020;

54. points out, as it has in previous opinions, that this integration of existing programmes into new programmes must be done carefully to ensure that valuable elements of the existing programmes are not lost during the reorganisation;

55. welcomes the link that the European Commission makes between (higher) education, on the one hand, and EU cohesion policy, the European Regional Development Fund and the European Social Fund, on the other. In order to ensure that these funds are used as effectively and efficiently as possible by recipients, the CoR calls for the European Commission to be pro-active in finding and disseminating examples of best practice in the Member States and regions;

### 3.6 *Next steps towards smart, sustainable and inclusive European higher education*

56. trusts that the European Commission will maintain its much appreciated dialogue with all stakeholders, including local and regional authorities, when establishing specific programmes and lines of action;

57. takes note of the proposal to set up a high-level group to analyse key topics for the modernisation of higher education and trusts that when it sets up this group the European Commission will take adequate account of the specific challenges it mentions in the communication; requests that the CoR be represented at this high-level group;

58. urges the European Commission to pay attention, when framing the modernisation agenda, to the need for synergies between all the flagship initiatives that are relevant to the agenda, and also to take account of the opinions that the CoR has issued on those flagship initiatives.

Brussels, 16 February 2012.

*The President*  
*of the Committee of the Regions*  
Mercedes BRESSO

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**Opinion of the Committee of the Regions on 'Increasing the impact of EU Development Policy: an Agenda for Change'**

(2012/C 113/10)

THE COMMITTEE OF THE REGIONS

- shares the Commission's political will to continue to lead the fight against poverty in the world, particularly by contributing to the achievement of the MDGs, despite the economic, social and financial crisis;
- agrees with the Commission that, although the EU has made a major contribution to MDG achievement, there is still a long way to go, and this means rethinking the future of EU development policy;
- calls once again for the review of EU development policy and the European Consensus to emphasise the place, role and added value of regional and local authorities in these areas and policies; the CoR will continue to work closely with the Commission, increasing the use of tools such as the "Atlas of Decentralised Cooperation" and the web portal and helping to organise the annual conference on decentralised cooperation;
- calls for RLAs to be recognised as playing a more central, differentiated role in EU development policy, both because of their political expertise in areas such as devolution of powers, strengthening institutions and local governance, and because of the substantial added value that they can bring to third countries in these fields and in key sectors such as agriculture, fisheries and aquaculture, which are important when it comes to the initiatives the EU intends to support relating to food security;
- agrees with the Commission that the EU should continue to recognise the particular importance of supporting development in its own neighbourhood and in Sub Saharan Africa, and therefore calls for the potential of the ARLEM and the CORLEAP to be taken into consideration.

<b>Rapporteur</b>	Jesús Gamallo ALLER (ES/EPP), Director-General for External Relations and Relations with the European Union, Regional Government of Galicia
<b>Reference document</b>	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Increasing the impact of EU Development Policy: an Agenda for Change  COM(2011) 637 final

## I. POLICY RECOMMENDATIONS

### THE COMMITTEE OF THE REGIONS

#### General comments

1. acknowledges the value of the recent Commission Communication on *Increasing the impact of EU Development Policy: an Agenda for Change*. This communication presents various proposals to increase the impact of development cooperation policy in the coming decade, continuing to pursue the EU's objective of poverty elimination in the context of sustainable development and Millennium Development Goal (MDG) achievement;

2. shares the Commission's political will to continue to lead the fight against poverty in the world, particularly by contributing to the achievement of the MDGs, despite the economic, social and financial crisis;

3. agrees with the Commission that, although the EU has made a major contribution to MDG achievement, there is still a long way to go, and this means rethinking the future of EU development policy with a view to combating poverty effectively, channelling aid to partner countries where its impact will be greatest and focusing development cooperation on support for human rights, democracy and other key elements of good governance, in the context of inclusive, sustainable development;

4. calls once again for the review of EU development policy and the European Consensus to emphasise the place, role and added value of regional and local authorities in these areas and policies, as already requested in Opinions CdR 312/2008 <sup>(1)</sup>, CdR 116/2010 <sup>(2)</sup> and CdR 408/2010 <sup>(3)</sup>; in this connection, and in order to promote exchange and provide a platform for RLA political expression in the area of development cooperation, the CoR will continue to work closely with the Commission, increasing the use of tools such as the "Atlas of Decentralised Cooperation" and the web portal and helping to organise the annual conference on decentralised cooperation;

5. welcomes the Commission's emphasis on stakeholder-based efforts, but regrets the fact that European regional and local authorities (RLAs) are not singled out as key development players but are merely mentioned together with other bodies;

6. calls for RLAs to be recognised as playing a more central, differentiated role in EU development policy, both because of their political expertise in areas such as devolution of powers, strengthening institutions and local governance, and because of the substantial added value that they can bring to third countries in these fields and in key sectors such as agriculture, fisheries and aquaculture, which are important when it comes to the initiatives the EU intends to support relating to food security. The particular role of the outermost regions must be taken into account – they are active borders and platforms of the EU in the world and can boost the effectiveness of EU development policy, as stated in Opinion CdR 408/2010;

7. agrees with the Commission regarding the need to select the right mix of policies, tools and resources to be effective and efficient in the fight against poverty, and calls for joint criteria and guidelines in order to define unambiguously how to measure the effect and impact of development policies. The EU should contribute to the work of bodies like the OECD's Development Assistance Committee and other global players;

#### Human rights, democracy and other key aspects of good governance

8. agrees with the Commission that all dimensions of good governance are essential for inclusive and sustainable development, and that institution-building in the partner countries and improving their levels of effectiveness, democracy, respect for human rights and the rule of law constitute one of the key tasks of any development strategy;

9. points out that experience has shown that decentralisation processes play a crucial role in achieving more democratic institutions which better respect the rule of law and human rights, have better governance and are closer to the needs and interests of the people, and that RLAs should have a key place in these processes;

10. agrees with the Commission that there is scope for the EU to work more closely with both civil society and local and regional authorities, but stresses that it must forge closer ties with civil society organisations and regional and local authorities through regular structured dialogue. It regrets that in this connection emphasis is not placed on the key role that RLAs should play as democratic, representative bodies. For example, they could set up partnerships of excellence with local and regional authorities in developing countries, and the Committee of the Regions therefore urges the Commission to create a specific financial instrument that will encourage the creation of such partnerships. The CoR also asks the Commission to set goals for support to local authorities under specific programmes so that the country strategies can

<sup>(1)</sup> CdR 312/2008 fin *Local authorities: actors for development*.

<sup>(2)</sup> CdR 116/2010 fin *Spring package: EU action plan for achieving the Millennium Development Goals*.

<sup>(3)</sup> CdR 408/2010 fin *EU development policy in support of inclusive growth and sustainable development – Increasing the impact of EU development policy*.

produce a wider range of initiatives that promote decentralisation. By this token, the CoR welcomes the proposal to provide more support for decentralisation in line with the funding and objectives relating to social cohesion and human rights;

### **Inclusive and sustainable growth for human development**

11. supports the Commission in its proposal to promote inclusive, sustainable growth, focusing on sectors such as social protection, health and education, which bring about inclusion, or agriculture and clean energies, which bring about sustainability, although it regrets that there is no reference in this connection to the need to improve redistribution of the fruits of progress, ensuring fair redistribution of income;

12. stresses that RLAs are key players in ensuring local and sustainable growth, and that their contribution is therefore crucial if this development is to be viable, and stresses the importance of the relations established between Europe's local authorities and their counterparts in the beneficiary countries for implementation of the principle of ownership enshrined in the Paris declaration;

13. agrees that support should be provided to tackle competitiveness gaps, as part of the EU's Economic Partnership Agreements and other free trade agreements, but reiterates the need for compliance with the basic rules of the EU's trade agreements concerning the rules of origin of products from partner countries, because of the damage to the smooth operation of the internal market associated with certain exemptions from legislation;

14. points out that the Commission should explain more clearly what is meant by "new ways of engaging with the private sector", given that Europe has little experience in this area of cooperation compared with other multilateral donors such as the World Bank, and that existing assessments of co-financing projects with the private sector have shown that it is difficult to establish clear indications of development in a large proportion of the initiatives financed;

15. agrees with the Commission regarding the need for support for the agricultural sector in order to provide the foundations for sustainable growth, but adds that rural development and food security are fundamental aspects of the development process, as stated in point 39 of Opinion CdR 408/2010;

16. agrees with the Commission that the EU should support sustainable practices, giving priority to locally-developed practices and focusing on smallholder agriculture and rural livelihoods, formation of producer groups and the supply and marketing chain, and continue working on strengthening nutritional standards, food security governance and reducing food price volatility at international level. However, it calls for account to be taken, here too, of the regions' capacities and experience in designing basic infrastructure for the distribution of food products, in studying soil productivity and managing crops in harmony with local conditions, in caring for fragile local ecosystems and in drawing up plans to guarantee supply;

17. agrees that the EU should provide technology and expertise as well as development funding in the energy sector, promoting in particular more intensive use of renewable energies, combining European expertise with the specific conditions in certain partner countries needed for use of this kind of energy;

18. stresses once again the need for an international Covenant of Mayors and Regions to be signed, aimed at providing energy for everyone under the joint programmes and with an appropriate and specific financial instrument, as called for in point 37 of Opinion 408/2010;

### **Differentiated development partnerships**

19. agrees with the Commission that the EU should continue to recognise the particular importance of supporting development in its own neighbourhood and in Sub-Saharan Africa, and therefore calls for the potential of the Euro-Mediterranean Regional and Local Assembly (ARLEM) and the annual Conference of Local and Regional Authorities for the Eastern Partnership (CORLEAP) as forums for local and regional authorities from the Member States and partner countries to meet and dialogue to be taken into consideration;

20. agrees with the Commission regarding the criteria for allocating EU development aid, but calls also for the bonds of historical and cultural proximity and the tradition of carrying out joint preparatory work to be taken into account;

21. points out, however, that 70 % of the world's population below the poverty line live in middle-income countries, and therefore stresses the need to implement the new policy of concentrating the aid effort on certain countries gradually and cautiously, defining transparent criteria and objectives for decision-making;

### **Coordinated EU action**

22. agrees with the Commission that joint programming of EU and Member States' aid would reduce fragmentation and increase effectiveness, but stresses the need to develop coordination beyond mere joint planning, given that coordination of aid is one of the principles of the Paris Agenda, forms part of the European Consensus on Development and is a principle enshrined in primary legislation (Article 210 TFEU);

23. welcomes the Commission's reference to the need for progress in the division of labour between European donors, with a view to greater coordination and coherence. However, it stresses, as explained in Opinion CdR 408/2010, that the division of labour should be viewed not only in terms of national donors but also as between these and subnational (regional and local) donors, given the important role that these play in different EU cooperation systems. It therefore calls on the Commission to set up reference points for local and regional authorities in the European External Action Service and in the DEVCO Directorate-General, both in the EU and in



partner countries. In addition, it considers that it is essential to establish a specific funding line that is available to EU local and regional authorities;

24. believes it is necessary to seek coherence and avoid overlaps in initiatives, in order to help enhance development cooperation policy and make it more effective; to this end, progress is needed in distributing responsibilities between players, taking into account their areas of specialisation and expertise and highlighting the key contribution of regional and local authorities;

25. welcomes the Commission's appreciation of and backing for the budget support instrument, which helps bring about alignment with partner countries, as recommended in the Paris declaration. However, it calls for a careful assessment of the conditions for budget support, including the options for decentralising parts of that support, to be included in the dialogue. To this end, it points out that the recommendations resulting from the Commission's structured dialogue include

incorporating indicators related to local governance into all the terms of partnerships established by between donors and national governments;

#### **Improved coherence among EU policies**

26. agrees with the Commission regarding the need to safeguard development policy coherence and continue to evaluate the impact of its policies on development objectives;

27. agrees with the Commission regarding the need to ensure a smooth transition from humanitarian aid and crisis response to long-term development cooperation;

#### **Embracing the Agenda for Change**

28. supports the Commission in calling on the Council to endorse the *Agenda for Change*, which equips the EU with more effective development cooperation policy with greater impact and supports the changes needed in partner countries to bring about faster progress towards poverty reduction and the MDGs; it calls for RLAs to be involved in this.

Brussels, 16 February 2012.

*The President  
of the Committee of the Regions*  
Mercedes BRESSO

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**Opinion of the Committee of the Regions on 'legislative package on victims' rights'**

(2012/C 113/11)

## THE COMMITTEE OF THE REGIONS

- supports the idea of improving the situation and rights of crime victims. This is an important element of implementing the Stockholm programme and action plan to build a genuine area of freedom, rights and security in Europe, which in turn is a key element of European integration and an objective of the EU;
- welcomes the fact that local authorities and regions are being involved in these efforts. They have a crucial role in providing many of the services and structures to support victims of crime, and the proposed minimum standards at EU level will inevitably continue to have an impact at local and regional level after the adoption of the Commission's package on victims' rights;
- stresses that the legislative package on victims' rights proposed by the Commission will have an important impact at local and regional level, notably with regard to its financial consequences;
- considers it important that solutions must be found to balance the rights of victims while guaranteeing the presumption of innocence in criminal proceedings as well as the individual rights of suspects and condemned criminals;
- suggests that the EU should play a more active role in coordinating tasks among the Member States.

<b>Rapporteur</b>	Per Bødker ANDERSEN (DK/PES), Deputy Mayor of Kolding and Member of the Town Council
<b>Reference documents</b>	Commission Communication Strengthening victims' rights in the EU COM(2011) 274 final  Proposal for a Directive of the European Parliament and of the Council on establishing minimum standards on the rights, support and protection of victims of crime  COM(2011) 275 final  Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters  COM(2011) 276 final

## I. OVERARCHING POLICY CONSIDERATIONS

### THE COMMITTEE OF THE REGIONS

1. supports the idea of improving the situation and rights of crime victims. This is an important element of implementing the Stockholm programme and action plan to build a genuine area of freedom, rights and security in Europe, which in turn is a key element of European integration and an objective of the EU as set out in Article 3(2) TEU. The proposals on improved protection apply particularly to especially vulnerable victims, mainly children;

2. notes in this context that the development of common minimum standards within the area of freedom, security and justice, adds to building a cohesive European Union and therefore urges all Member States to participate in these policies for the benefit of all citizens;

3. welcomes the fact that local authorities and regions are being involved in these efforts. They have a crucial role in providing many of the services and structures to support victims of crime, and the proposed minimum standards at EU level will inevitably continue to have an impact on the local and regional level after the adoption of the Commission's package on victims' rights;

4. is convinced that a high level of protection of victims is important in order to minimise the overall impact of crime, by helping victims to overcome the physical and/or psychological impact of the crime;

5. points out that rules on the rights of victims have various consequences of a social, criminological but also a financial nature, for which balanced solutions need to be found. When improving the situation of victims, a series of economic aspects in particular at the local and regional level must be considered, along with aspects relating to legal certainty;

6. recalls that regulating the rights of victims can have an impact on the status of suspects or defendants. The Committee considers that solutions should be sought that, whilst focusing on the interests of the victim, do not jeopardise the legal protection of suspects or the accused. Respect for the human dignity of suspected and accused persons – even where a very serious crime is involved – is a key element of the rule of law, which is one of the founding principles of European integration and a prerequisite for sustainable, robust solutions, even for victims. This includes the presumption of innocence unless and until proven guilty, and the right to due process. Unless the rights of suspected or accused persons are protected, the creation of an area of freedom, security and justice in the EU will not be possible. With this in mind, the Committee of the Regions points out that the duty to ensure such a balance also extends to local and regional elected representatives;

7. welcomes the fact that the Commission's package on victims' rights is essentially a set of minimum rules that establishes a minimum level of rights, but leaves open the possibility to each Member State to go beyond these standards. The Committee would like to recall that under no circumstances these EU standards should weaken the rights of victims in any Member State. Balanced solutions must be sought in each national and regional context which is appropriate to their specificities, culture and traditions. This is in line with Article 82(2) TFEU which states that the differences between Member States' legal systems and traditions must be taken into consideration and it reflects the subsidiarity and proportionality principles set out in Article 5(3) of the EU Treaty;

8. reiterates that the need for balanced solutions includes the requirement to differentiate victim support and procedural rights according to the severity and significance of the problem to be solved. Protecting the rights of victims is a very broad field that encompasses different kinds of criminality and a number of diverse measures of a legal, social, economic, medical and psychological nature. The Committee of the Regions calls for tailored solutions that consistently take account of the proportionality principle so that there is a sensible relationship between problem and solution;

## II. THE SIGNIFICANCE OF THE PACKAGE ON VICTIMS' RIGHTS FOR THE LOCAL AND REGIONAL LEVEL

9. stresses that the legislative package on victims' rights proposed by the Commission will have an important impact on the local and regional level, notably with regard to its financial consequences. This is not only true of the regions in the EU Member States with federal structures, but also for the local level because in many cases it is the municipal police and other municipal authorities who are the first point of contact for victims of crime. Moreover, it will often be local authorities that have to look after particularly vulnerable victims such as children, minors and people with disabilities. Therefore the Committee of the Regions points out that adequate financial solutions need to be found in the different national contexts, in order to ensure that the protection of victims can be improved in line with the proposals, and local and regional authorities are enabled to meet their obligations;

10. highlights the crucial importance of efforts to strengthen the cooperation between various authorities across borders with the aim to improve the protection of victims. Such cooperation schemes, in which local and regional authorities naturally play a key role, should be strengthened both vertically (relations between local/regional authorities and national authorities) and horizontally (relations between different regional and/or local authorities). These structures are especially important when criminal proceedings have cross-border aspects and a victim is resident in another EU Member State.

In this context, the Committee of the Regions regrets that the provisions for the coordination of cooperation efforts contained in Article 25 of the draft directive have not changed since the 2001 and are addressed exclusively to the Member States;

11. believes that local and regional authorities already have wide-ranging experience and expertise in connection with support and care for victims of crime. Drawing on and exchanging this expertise – including during the legislative phase – could help achieve the objectives the Commission has set and should therefore be supported;

## III. CONCRETE PROPOSALS

12. suggests that the role of regions, cities and towns in connection with the package on victims' rights be addressed more directly. If the EU legislator believes that regional and local authorities also have an important role to play, this should be stated more clearly, for example in the recitals of the draft directive (see Amendment No 2);

13. calls for thought to be given to how and/or whether the expertise of regional and local authorities can feed in to the efforts to improve support and care for victims of crime. Such

efforts should in any case go hand in hand with greater emphasis on training for police officers, social workers and other professional groups at local level, who are often the first point of contact for victims;

14. considers it important that solutions must be found to balance the rights of victims while guaranteeing the presumption of innocence in criminal proceedings as well as the individual rights of suspects and condemned criminals. Therefore suggests that this be explicitly mentioned in recital 7 of the proposed directive (see Amendment No 1);

15. considers that regions, cities and towns should be involved in the search for possible means of enhanced cross-border cooperation between different countries' local and regional authorities. The designation of points of contact for regions and/or municipalities as a frame of reference for information about the respective activities of different entities is crucial in this respect;

16. suggests that the EU should play a more active role in coordinating tasks among the Member States – including at local and regional level. This could happen, for example, through the establishment of a mechanism for coordination at EU level that would be tasked with promoting cooperation between different Member States' local authorities, through both general studies and the coordination of specific procedures, for example by facilitating contact between the competent local and regional authorities in other Member States. This structure could also create and manage a best-practice data base as proposed by the CoR in its opinion on the Stockholm programme action plan <sup>(1)</sup>;

17. consideration should also be given to appropriate means which would enable victims themselves to have access to practical information and support at EU level. An EU telephone helpline for victims could probably improve the situation of victims of crimes committed abroad – not just while they are abroad and need help and support of various kinds, but also once they have returned home and are in contact with the authorities of the country in which the crime was committed;

18. would also like to draw attention to the significant experience and relevant expertise of private and other stakeholders in this field. The CoR therefore calls for not only natural persons but also legal persons and non-governmental victim protection and victim support associations at national and regional/local level to be involved in the efforts to improve the situation of victims. This could happen through coordination efforts at EU-level for experience analysis involving various private and other stakeholders who could contribute to the improvements for cooperation;

<sup>(1)</sup> Opinion of the Committee of the Regions *Delivering an area of freedom, security and justice for Europe's citizens – action plan implementing the Stockholm programme*, 87th plenary session of CoR, 1 and 2 December 2010, by rapporteur Holger Poppenhäger (DE/PES), Minister of Justice of the Free State of Thuringia.

19. considers it particularly important that the need for support and care of children and minors in connection with crimes is taken into account. It believes that the minimum requirements for assistance to children and minors who have been the victims of a crime should be included as unambiguously as possible in EU legislation and should not be limited to general statements of intent;

20. underlines that criminological and victimological knowledge about children and minors as victims of crime is developing and new insights should be taken into account in the drafting and updating of EU legislation. In particular, scientific evidence suggests that an approach which is more sensitive to the different stages of development of children and their corresponding needs than that chosen by the European Commission, would be advisable <sup>(2)</sup>.

Solutions that are more tailored to age and type of crime could pave the way for stricter, more targeted minimum rules for special categories of victim, e.g. special support for young children or for children or minors who have been the victims of particularly serious crimes;

21. points out that the definition of victims in Article 2 of the proposed directive is very broad. Any natural person, who is exposed to *any* crime – even petty offences – is considered a victim according to the directive. This broadly-worded definition gives even the victims of minor offences access to a range of procedural rights set out in the directive. This could prove rather expensive and it is questionable whether such an inclusive rule represents a balanced, appropriate solution for the situation of victims;

22. recalls in this context that there have also been other areas of European legislation in the area of justice and home affairs where the practical application of the instruments for comprehensive cooperation has proved much more expensive than originally planned because of a lack of sound criteria for differentiation: for example, in the most recent evaluations of the European Arrest Warrant, the Commission has warned against the use of the Arrest Warrant in cases involving minor offences because the instrument has been used excessively by some Member States;

23. therefore recommends that the Commission considers a more differentiated approach tailored to the problems faced and calls for appropriate limits to be placed on victims' rights so that proportionality between the rights of victims and the severity of the crime is ensured. The CoR therefore suggests including a general proportionality principle in the directive so as to ensure that the victims of minor offences are excluded from certain of its parts.

#### IV. RECOMMENDATIONS FOR AMENDMENTS

##### Amendment 1

###### Recital 7

Text proposed by the Commission	CoR amendment
— This Directive respects the fundamental rights and observes the principles which are recognised in particular by the Charter of Fundamental Rights of the European Union.	— This Directive respects the fundamental rights – <u>including the rights of suspects and defendants in criminal proceedings</u> – and observes the principles which are recognised in particular by the Charter of Fundamental Rights of the European Union.

#### Reason

The presumption of innocence and the respect for the fundamental rights of all are key achievements of the European rule of law and should therefore be made explicit in the context of the protection of victims rights.

<sup>(2)</sup> See "Protecting children and preventing their victimization From policy to action, From drafting legislation to Practical Implementation" of Dr Ezzat A. Fattah Professor Emeritus School of Criminology Simon Fraser University, Burnaby, Canada. "Key-note Speech" held at "Children in the Union – Rights and Empowerment, (CURE Hotel Sheraton, Stockholm, Sweden), 3-4 December 2009 – A conference of the Swedish Presidency of the European Union on child victims in the criminal justice procedure".

**Amendment 2**

New Recital 24a)

Text proposed by the Commission	CoR amendment
	<p>— <u>Local and regional authorities and their services are in many cases at least partly responsible for victim support and the first point of contact for victims of crime. Local and regional authorities are therefore key partners in implementing legislation to improve the protection of victims and the use and exchange of their experience in this field is an important element of providing information to citizens and stakeholders.</u></p>

**Reason**

The key role of local and regional authorities both as service providers and channels of information should be recognised explicitly in the recitals of the draft directive.

**Amendment 3**

New Recital 25 a)

Text proposed by the Commission	CoR amendment
	<p>— <u>Procedural rights of victims according to this directive must be appropriate and necessary in order to achieve the objective, which is intended and there must be a reasonable balance between the procedural rights of a victim and the severity of the offence committed</u></p>

**Reason**

There have been areas of European legislation in the area of justice and home affairs where the practical application of the instruments for comprehensive cooperation has proved much more expensive than originally planned. The broadly-worded definition of victims in the proposed directive gives even the victims of minor offences access to a range of procedural rights set out in the directive. It is questionable whether such an inclusive rule represents a balanced, appropriate solution for the situation of victims.

**Amendment 4**

Article 25

Text proposed by the Commission	CoR amendment
<p><b>Cooperation and coordination of services</b></p> <p>1. Member States shall cooperate to facilitate more effective protection of victims' rights and interests in criminal proceedings, whether in the form of networks, directly linked to the judicial system or by means of links between organisations which provide support to victims, including through the support of European networks dealing with victims' matters.</p> <p>2. Member States shall ensure that those authorities working with or providing support to victims work together to ensure a coordinated response to victims and to minimise the negative impact of the crime, the risks of secondary and repeat victimisation and the burden on the victim due to interactions between the victim and criminal justice agencies.</p>	<p><b>Cooperation and coordination of services</b></p> <p>1. Member States, <u>and where appropriate, local and regional authorities</u>, shall cooperate to facilitate more effective protection of victims' rights and interests in criminal proceedings, whether in the form of networks, directly linked to the judicial system or by means of links between organisations which provide support to victims, including through the support of European networks dealing with victims' matters.</p> <p>2. Member States shall ensure that those authorities working with or providing support to victims <u>(including local and regional authorities)</u> work together to ensure a coordinated response to victims and to minimise the negative impact of the crime, the risks of secondary and repeat victimisation and the burden on the victim due to interactions between the victim and criminal justice agencies.</p>

**Reason**

Local and regional authorities play an important role in facilitating victims' rights. Therefore, cooperation between various authorities should be strengthened both vertically (relations between local/regional authorities and national authorities) and horizontally (relations between different regional and/or local authorities). These structures are especially important when criminal proceedings have cross-border aspects and a victim is resident in another EU Member State.

Brussels, 16 February 2012.

*The President*  
*of the Committee of the Regions*  
Mercedes BRESSO

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**Opinion of the Committee of the Regions on 'building a European culture of multilevel governance: follow-up to the Committee of the Regions' White Paper'**

(2012/C 113/12)

THE COMMITTEE OF THE REGIONS

- believes, that a renewed Community method is needed which involves a more inclusive process and the establishment of multilevel governance;
- welcomes the political consensus expressed regarding its view of European governance and the support of the European institutions for its initiative;
- has taken the initiative of creating a Multilevel Governance Scoreboard at European Union level which will help to measure annually to what extent the main principles and mechanisms of this type of governance have been taken into account in the European Union's political cycle, focusing on the regional dimension of the policies and strategies analysed;
- believes that with a view to consolidating CoR monitoring activities, special attention could be paid to multilevel governance at the next conference on subsidiarity;
- over the coming months will draw up its European Union Charter for Multilevel Governance, which should lead to greater participation by local and regional authorities in the exercise of European democracy. Its drafting process will be participatory and inclusive, promoting a sense of ownership of the Charter on the part of local and regional elected representatives.



**Rapporteur** Mr Luc VAN DEN BRANDE (BE/EPP), President of the Flanders-Europe Liaison Agency

## I. POLITICAL RECOMMENDATIONS

### THE COMMITTEE OF THE REGIONS

1. confirms the political commitment expressed in its White Paper on Multilevel Governance adopted on 17 June 2009 <sup>(1)</sup> and therefore, having proposed a political project for **Building Europe in partnership**, intends to ensure that this objective is achieved by standing firm against any counter-tendency, as this will further European integration <sup>(2)</sup>;

#### A. General principles of multilevel governance

2. sees the principle of multilevel governance as based on coordinated action by the EU, the Member States and regional and local authorities according to the principles of subsidiarity and proportionality and in partnership, taking the form of operational and institutionalised cooperation in the drawing-up and implementation of the European Union's policies;

3. believes, therefore, that a **renewed Community method** is needed which involves a more inclusive process and the establishment of multilevel governance; this would make the European Union's actions more effective by establishing a new culture of interinstitutional and political cooperation, which will promote participation in the European process by elected representatives from all levels, including, in any case, those from regions with legislative powers;

4. welcomes the political consensus expressed regarding its view of European governance and the support of the European institutions for its initiative, and firmly believes that building a genuine **European culture of multilevel governance** is dependant upon three factors:

— consolidating the bases and principles for this mode of governance within European and national institutional and political frameworks;

— implementing multilevel governance by means of the relevant mechanisms and instruments;

<sup>(1)</sup> CoR White Paper on Multilevel Governance, CdR 89/2009 fin.

<sup>(2)</sup> In its resolution on the political priorities for 2011 (CdR 361/2010 fin), the CoR indicates that it "intends to continue developing a European culture of multilevel governance (MLG), and will follow up the White Paper on MLG to evaluate its implementation and monitor the state of multilevel governance within the European Union." This process is reinforced by dialogue with European local and regional associations and the main European think-tanks.

— ensuring that the various tiers of governance, in particular local and regional authorities, are in a position of financial independence and able to pool resources efficiently as a result of fairer distribution of public funds;

5. points out that the Lisbon Treaty has undeniably firmly integrated multilevel governance into the operation of the European Union by enhancing its position within the institutional architecture and enshrining the objective of territorial cohesion and the subnational dimension of the subsidiarity principle;

6. believes that the best way to ensure that the general interests of Europe, the Member States and local and regional authorities are given priority is, therefore, now to take an unambiguous view of the **subsidiarity principle as complementing European added value** and multilevel governance as a flexible and participatory form of governance consolidating the European Union's values and its ethic of responsibility and mutual support, with a view to tackling the realities of a globalised, increasingly interdependent and competitive world;

7. considers that any reflection on European governance allows the key issue of respect for the subsidiarity principle to be discussed in the framework of a dynamic political and legislative process and stresses that the subsidiarity principle and the principle of multilevel governance are inseparable: the one relates to the remits of the various tiers of government; the other focuses on their interaction;

8. believes that placing **subsidiarity and proportionality** in the multilevel governance context also means acknowledging the need to make European political action cross-cutting and joined up. The success of those global strategies at the heart of today's European agenda is increasingly dependent on the quality of shared governance in Europe and on strict respect for the subsidiarity principle, which means that decision-making is not concentrated in one tier of authority only and ensures that policy is created and applied at the most appropriate level;

9. is presenting its proposals against the current backdrop of European integration, which calls for more responsibility and solidarity on the part of European, national and regional political leaders in accordance with the **principle of mutuality** <sup>(3)</sup>;

<sup>(3)</sup> According to this principle, it should be the obligation of each level of government as it participates in joint decision-making to foster the legitimacy and capacity of the others (Landy and Teles, *Beyond devolution: from subsidiarity to mutuality*). In other words, governance at different levels should not be seen as competing activity. Instead, the different levels should work towards mutual strengthening.

**B. Consolidating the values and principles of multilevel governance: Arogross and Strengthening**

*Towards a new understanding of the principle of institutional balance*

10. emphasises that the **principle of institutional balance** <sup>(4)</sup>, which lies at the heart of the European Union's structure, is a crucial guarantee of European democracy, and believes that, since the entry into force of the Lisbon Treaty enhanced the Committee's institutional and legal status, allowing it to defend its prerogatives before the Court of Justice, this principle must be fully respected in the Committee's case;

11. believes that the drafting of a **European Union Charter for Multilevel Governance**, which will seek to incorporate a shared understanding of European governance into the European Union's core values, will represent a key stage in the implementation of its political project;

12. points out that there is no coherent European administrative law guaranteeing minimum standards in the application of consultation, coordination and participation procedures for regions and cities, and therefore calls upon the Commission in due course to draw up an act on European administrative procedures, establishing more participatory procedures in accordance with the key values and principles of this future Charter;

13. considers that the ongoing review of its cooperation agreement with the Commission should take greater account of the legitimacy and responsibility of local and regional authorities in the operation of the European Union and, in the general interest of the overall European decision-making process, guarantee respect for the principles of subsidiarity and proportionality, two governing principles of European Union action, and affirm multilevel governance as a guiding principle;

14. believes that this review should be accompanied by a dynamic process which leads to the adoption together with the European Commission of a rolling action plan identifying the initiatives most likely to have a territorial impact and the ex-ante and ex-post analysis which the CoR could provide by harnessing the expertise of its members and the local and regional authority platforms it chairs (the Europe 2020 monitoring platform, subsidiarity monitoring network, EGTC platform, etc.) <sup>(5)</sup>;

<sup>(4)</sup> This principle consists of a system for distributing powers among the different Community institutions, assigning a precise role to each institution in the institutional structure of the Community and in the accomplishment of the tasks entrusted to the Community. The Court ensures respect for the rule of law by monitoring observance of the institutional balance, i.e. each of the institutions must exercise its powers with due regard for the powers of the other institutions (see Case 9/56, *Meroni v. High Authority*, (1957 and 1958) ECR pp. 133-152, and Case 70/88, *European Parliament v. Council* (190) ECR pp. I-2041-2072, paras 21 and 22).

<sup>(5)</sup> Joint press release by Mr José Manuel Barroso and Ms Mercedes Bresso, 29 June 2010 (see MEMO/10/287 at <http://europa.eu/rapid/>).

15. urges the European Parliament to increase its commitment as an institution to applying the principles and mechanisms of multilevel governance and the integrated approach, and supports its proposal to create a European multilevel governance label <sup>(6)</sup>;

16. welcomes the initiative of the Council of the European Union to assemble the first informal ministerial meeting on multilevel governance in March 2010 <sup>(7)</sup>, the conclusions of which explicitly invite the Committee of the Regions to "facilitate an ongoing political evaluation of progress made in multilevel governance within the framework of the European Union", and calls upon future presidencies to continue this approach; notes, moreover, that the Committee's more systematic attendance at Councils and meetings of an intergovernmental nature testifies to the progress made in relation to this type of governance;

17. welcomes the prospects for closer links with the Presidency of the European Council and its understanding of the impact of strategic decisions taken by Heads of State and Government on local and regional authorities, and believes that, in this context, a meeting should be arranged prior to each spring European Council;

18. intends to establish more systematic dialogue with the Court of Justice regarding respect for the subsidiarity and proportionality principles and the objective of territorial cohesion in terms of the proper transposition of European law and its impact on local and regional authorities as well as respect for the four freedoms, and with the Court of Auditors on the good governance of European funds and the impact of their management on territorial cohesion and the competitiveness of cities and regions;

*A partnership approach for smart regulation*

19. supports the new recommended approach involving the idea of a smart regulation based on an EU policy cycle in which legislation is constantly adapted to new challenges and circumstances with a thorough evaluation of its implementation, but believes that more account should be taken of its regional and local impact <sup>(8)</sup>;

<sup>(6)</sup> Resolution of the European Parliament of 14 December 2010 (Ms Manescu) on Good governance in EU regional policy: procedures of assistance and control by the European Commission (2009/2231(NI)) (P7\_TA(2010) 0468)).

<sup>(7)</sup> Informal territorial policy ministers meeting held in Malaga on 17 March 2010 at the request of the Spanish Presidency, following on from the Territorial Dialogue in Palma on 18 January 2010.

<sup>(8)</sup> Committee of the Regions Opinion on Smart regulation - CdR 353/2010.

20. reiterates its call for the forthcoming review of the inter-institutional agreement on Better Legislation to include a specific protocol covering certain provisions with which it would be fully involved, in particular those relating to impact analyses and *ex-post* evaluation of legislation;

21. intends to increase its involvement in the monitoring process of the Better Legislation action plan, in particular by ensuring that its annual subsidiarity monitoring report makes a recognised contribution to the Commission's annual Better Legislation report;

22. calls for a review of the guidelines for the impact assessments proposed by the Commission which would facilitate the drawing-up of regular *ex-ante* and *ex-post* territorial impact assessments and the development of territorial and inclusive governance indicators. The Committee will present specific proposals in this regard based on experience of the current cooperation with the Commission;

23. fully supports the necessary objective of the work of the high level group on administrative burdens (the Stoiber Group) and emphasises its commitment to this group with a view to reducing the burdens faced by local and regional authorities;

24. laments the scant involvement of local and regional authorities in comitology and strongly urges the Commission to correct this deficit, which jeopardises the proper application of European legislation at regional and local level;

*A response to enhance citizens' ownership of European integration*

25. welcomes the recommendations of the reflection group charged by the European Council to help the European Union anticipate and more effectively meet long-term challenges over the period 2020-2030, proposing a new "**compact**" and recognising the validity of "governance at several tiers where the competences are shared – rather than split" and which "can and must inform EU policymaking and relations at all levels between individuals and generations and between localities, regions and Member States", and welcomes the group's recommendation to encourage "its consultation and involvement to strengthen political citizenship in Europe and thus to help citizens to take ownership of the European venture" <sup>(9)</sup>;

26. believes that an annual assessment should be carried out of the **state of affairs with regard to regionalisation and decentralisation in the European Union**, which would

<sup>(9)</sup> Extracts from the report from the Reflection Group to the European Council, entitled *Project Europe 2030 – Challenges and Opportunities*, March 2010. Report submitted on 8 May 2010 to the President of the European Council, Mr Herman Van Rompuy.

provide a measure of progress observed towards local and regional authorities' political, judicial and fiscal autonomy. This would be useful, in particular, as part of the Committee's commitment to monitoring subsidiarity and should fall within the framework of deeper cooperation with the Congress of Local and Regional Authorities of the Council of Europe;

27. is in favour of the setting-up of an Erasmus for local and regional elected representatives within the context of institutional cooperation with the European Parliament and the Commission, and welcomes the funding of a pilot project as proposed by the European Parliament;

28. stresses the contribution that it intends to make to the implementation of the new instrument of direct democracy, the EU citizens' initiative; in particular offers to use its own and its members' information channels and networks to increase awareness about the ECI and to support the Commission in any way deemed useful for example during the *ex-ante* assessment of the acceptability of proposed initiatives in terms of their impact on the subsidiarity and proportionality principles; moreover, it could be helpful in gathering and disseminating information about planned or ongoing European Citizens' Initiatives and in the organisation of participatory debates both in Brussels and elsewhere <sup>(10)</sup>; finally it would like to be fully involved in, and offer its support for, the hearings to be organised by the European Parliament in response to successful ECIs;

29. calls for the establishment of cooperation with the Commission on moving this process forward on the same basis as with other institutions; this instrument should be promoted in partnership, in particular encouraging debates within local and regional authorities and regional parliaments and enlisting the support of local and regional media;

30. considers that incorporating the Charter of Fundamental Rights of the European Union into EU primary legislation and the prospect of the European Union acceding to the European Convention on Human Rights would help foster **multilevel protection of fundamental rights**, and therefore asks to be involved in the interinstitutional dialogue which the Council of the European Union calls for on the Commission's annual report on the application of the Charter, stating that the "effective application of the Charter should be underpinned by actions of all EU institutions and bodies, offices and agencies" <sup>(11)</sup>;

<sup>(10)</sup> Opinion of the Committee of the Regions on the European Citizens' Initiative - CdR 167/2010 fin. Proposal for Regulation of the European Parliament and of the Council on the citizens' initiative - COM(2010) 119 final.

<sup>(11)</sup> Council conclusions on the Council's actions and initiatives for the implementation of the Charter of Fundamental rights of the European Union - 3092nd GENERAL AFFAIRS Council meeting, Brussels, 23 May 2011.

31. intends to enhance its cooperation with the Agency for Fundamental Rights via an annual dialogue on multilevel protection and promotion of fundamental rights, and will take further initiatives with a view to the European Year of Citizens in 2013;

32. calls for decentralised communication measures in European municipalities and regions regarding the European Union's activities and their impact on citizens, and stresses the urgent need to provide for sufficient financial resources to support its initiatives amongst regional and local media which enjoy a large audience among the public;

### **C. Transposing multilevel governance into the European union's strategy and policy**

*The principle of multilevel governance as a guiding principle for all European policies and strategies with a strong regional impact*

33. believes that the proposed framework for the governance of the Europe 2020 strategy, along with the framework for cohesion policy reform, should ensure a two-fold change in paradigm:

- multilevel governance must be fully incorporated into legislative and regulatory provisions of policies which have a strong regional impact, and must be a priority for future cohesion policy,
- the principle of multilevel and multistakeholder partnership must be reinforced in its implementation;

*A new governance framework for European growth*

34. notes that, against the background of Europe's current budgetary crisis, the economic and social impact of which is the main concern of the general public, the issue of the added value provided by the European Union and the means by which it is able to achieve this, is particularly crucial;

35. supports the convention-based approach, in which it must be involved, proposed by the European Parliament and implemented by the Polish Presidency, in order to identify, in partnership, the European Union's spending priorities and their funding for 2014-2020;

36. wishes to be involved in this process, given the crucial contribution of regional and local authorities - which represent 16 % of the European Union's GDP and 58 % of Europe's public investment - to the Union's economic recovery<sup>(12)</sup>;

37. would stress, in this regard, the worrying situation of the public finances available to local and regional authorities, which is detrimental to the recovery of the European economy and is

therefore jeopardising the success of the Europe 2020 strategy, and believes therefore that a general stock-taking exercise should be carried out regarding local and regional public finances in connection with the next multiannual financial framework;

*Implementing the Europe 2020 strategy and the seven flagship initiatives in partnership by means of territorial pacts*

38. notes that all of the European institutions clearly acknowledge the need to establish multilevel governance in order to achieve the key objectives of the Europe 2020 strategy and its seven flagship initiatives;

39. supports, in particular, the recommendation of the European Council, which recognised in its conclusions of 25 March 2011<sup>(13)</sup> that subscribing to the Europe 2020 strategy objectives in the light of the implementation of the European Semester entails the close involvement, amongst other key economic and political stakeholders, of the Committee of the Regions and the regions themselves;

40. is pleased that, in some Member States, national reform programmes take better account of the potential of partnership between the different levels of government; laments, however, the clear lack of credible mechanisms and procedures to implement the principle of multilevel governance with a view to ensuring the effective integration of policies and synchronisation of the timetables and budgets of different levels of government in accordance with the subsidiarity principle;

41. therefore, urges Member States to involve local and regional authorities fully both in the drawing-up and implementation of national reform programmes and in stability and convergence programmes, since the disparity between the overall objectives of the Europe 2020 strategy and the contributions described in the NRPs can only be removed through partnership between the different levels of government<sup>(14)</sup>;

<sup>(13)</sup> With regard to the Conclusions of the European Council of 24 and 25 March 2011 -EUCO 10/1/11 REV 1, the Committee of the Regions, in the context of the work of its Europe 2020 platform, has found that, on the basis of the information contained in the NRPs:

in two-thirds of Member States (19 of 27), regional and local authorities have played a role in the drawing-up of the NRP;

in the majority of Member States, RLAs were consulted, and in eight of them, RLAs participated directly in the drawing-up of the NRP;

in the NRPs of thirteen Member States (including the five with the largest populations) initiatives based on multilevel governance were mentioned;

two Member States (BE, PT) have adopted targets differentiated by region;

one Member State (RO) has said that it will adopt the CoR's proposal on territorial pacts, mentioning it explicitly;

certain Member States have set themselves the objective of implementing an "integrated approach" and enhancing "synergies" between the different levels of government by means of more effective coordination/dialogue structures.

<sup>(14)</sup> Opinion of the Committee of the Regions on The role of local and regional authorities in achieving the objectives of the Europe 2020 strategy – CdR 72/2011 rev. 1, and Resolution of the Committee of the Regions on Stronger involvement of local and regional authorities in the Europe 2020 strategy – CdR 199/2010 fin.

<sup>(12)</sup> Opinion of the Committee of the Regions on Mobilising private and public investment for recovery and long term structural change: developing Public Private Partnerships – CdR 21/2010 fin.

42. also calls upon the European Commission to enhance the monitoring of the "governance" component of Member States' national reform programmes and annual progress reports so that the Council of the European Union can adopt explicit recommendations to encourage Member States to extend and strengthen partnerships between different levels of government in the implementation of NRPs;

43. reiterates the **objective of multilevel contracting** which should accompany the implementation of the seven initiatives and the establishment of innovative mechanisms<sup>(15)</sup> such as the local digital agendas and stakeholder arrangements proposed in the context of the Digital Agenda for Europe (DAE)<sup>(16)</sup>, the Smart Specialisation Platform launched by the European Commission and the achievement of the objectives of the *Youth on the move* and *Innovation Union* flagship initiatives, increasing consistency between all actors and strategies at all levels<sup>(17)</sup>;

44. regrets that there has been little direct involvement of local and regional authorities at all stages of the open coordination method for implementing the Europe 2020 strategy and strongly urges that they be integrated into that process;

45. points out the added value of an **integrated approach**, particularly in terms of enhancing, in accordance with the subsidiarity principle, the synergies between the EU's sustainable development strategy and the Europe 2020 strategy and the use of structural funds for energy investments; also the integration of the objective of mitigating the effects of climate change and adapting to these changes into all of the EU's existing strategic frameworks, particularly agricultural and rural development policy;

#### *A new paradigm for future cohesion policy*

46. points out that the results of the consultation on the Commission's 5th cohesion report echo its calls, and those of all local and regional authorities, for the principle of partnership to be reinforced, an approach confirmed by the Council, which recognises the importance of multilevel governance in achieving the objectives of the Europe 2020 strategy by means of the new cohesion policy<sup>(18)</sup>;

47. welcomes the fact that the 2020 Territorial Agenda, adopted by the Council in May 2011, recommends using multilevel governance to bring about territorial cohesion, calling on the European Commission to take account of the

<sup>(15)</sup> Resolution of the Committee of the Regions "For a better tool-box to implement the EU 2020 Strategy: the integrated guidelines for the economic and employment policies of the Member States and the Union" – CdR 175/2010 fin.

<sup>(16)</sup> Commission working document – SEC (2011)708 ([http://ec.europa.eu/information\\_society/digital-agenda/scoreboard/docs/scoreboard.pdf](http://ec.europa.eu/information_society/digital-agenda/scoreboard/docs/scoreboard.pdf)). To this end, in its opinion CdR 104/2010 fin, the CoR called for a proactive role for the Committee, RLAs and their associations in the European Digital Agenda Governance Cycle.

<sup>(17)</sup> CdR 373/2010 fin.

<sup>(18)</sup> Council conclusions on the fifth report on economic, social and territorial cohesion – 3068th session of the General Affairs Council, Brussels, 21 February 2011. Opinion of the Committee of the Regions on the Contribution of cohesion policy to the Europe 2020 strategy – CdR 223/2010 fin.

territorial dimension in its impact assessments and asking the Committee of the Regions to supply input from local and regional authorities;

48. is pleased to note that, with regard to post-2013 cohesion policy, the Commission has responded to the Committee's expectations by taking into account the principles and mechanisms of multilevel governance and the **integrated and multifunctional approach**<sup>(19)</sup>, incorporating into its draft for the new general regulation on the Structural Funds and the Cohesion Fund the following requests:

- to include an explicit reference in the new article to partnership and multilevel governance, two principles which must be respected at all stages in the procedure for partnership contracts and operational programmes,
- to incorporate these general principles into the other relevant articles of the regulation concerning partnership contracts and operational programmes,
- to include a request to Member States to indicate in their annual report any progress made with regard to respect for the principles of partnership and multilevel governance,
- to provide for the possibility of developing functional operational programmes;

49. welcomes the Commission's proposal to create a common strategic framework combining the different instruments for EU action in the area of regional development (EAFRD, Structural Funds, ERDF and ESF, Cohesion Fund, EFF); and calls, also in this context, for local and regional authorities to be practically involved in the drawing up of partnership contracts;

50. calls upon the European legislator, therefore, to confirm these provisions and consolidate them by means of:

- the presence of representatives of local and regional authorities in the Member State's delegation negotiating the content of the partnership contract with the European Commission;
- fully incorporating the principles of partnership and multilevel governance into the future European Code concerning the objectives and criteria for those principles;
- a dialogue between the European Commission and the Committee of the Regions on the governance dimension of their annual reports in order to assess the progress and obstacles observed in each of the Member States before the adoption by the Council of its recommendations;

<sup>(19)</sup> Outlook opinion of the Committee of the Regions on The Future of Cohesion Policy (CdR 210/2009 fin).

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and the European Investment Bank – Conclusions of the fifth report on economic, social and territorial cohesion: the future of cohesion policy – COM (2010) 642 final.

— creation in the future of a cooperation index to measure the level of participatory governance within Member States;

51. sees **territorial cooperation** as an integral part of regional policy, with the European Grouping of Territorial Cooperation acting as a genuine crucible for multilevel governance <sup>(20)</sup>;

52. welcomes the fact that the proposed review of the EGTC regulation presented by the European Commission in October 2011 reflects the desire to implement the objective of territorial cohesion and includes a certain number of proposals framed upstream by the CoR, particularly as regards drawing up bilateral EGTCs with third-country bodies <sup>(21)</sup>. Draws attention to the EGTC's potential as a structure for cooperation in EU sectoral policies other than just regional policy;

53. underlines the role of the CoR's EGTC platform in promoting the instrument and providing operational support for the establishment of new EGTCs, particularly through the exchange of good practices;

54. calls upon the Commission, in relation to the development of macro-regional strategies, to pay particular attention to:

— strict compliance with the principle of multilevel governance within the bodies responsible for consultation, drafting, implementation and monitoring in the field of macro-regional strategies,

— the establishment of monitoring instruments and financial programmes which, being based on local and regional development plans and strategies, ensure a multilevel approach with a view to developing these macro-regions also as "territorial clusters",

— the structural involvement of regional and local authorities in the final architecture of these strategies to avoid a possible concentration of governance at national level,

— showing the European added value of these strategies, particularly by means of a White Paper;

#### *Building the Single Market in partnership*

55. welcomes the twelve levers for growth, competitiveness and social progress proposed in the Single Market Act and supports the Council's call for governance of the Single Market to be strengthened, urging the European Commission to continue its work to that end <sup>(22)</sup>;

<sup>(20)</sup> Own-initiative opinion of the Committee of the Regions on New perspectives for the revision of the EGTC regulation – CdR 100/2010 fin.

<sup>(21)</sup> Own-initiative opinion of the Committee of the Regions on New perspectives for the revision of the EGTC regulation – CdR 100/2010 fin.

<sup>(22)</sup> Council conclusions on the Single Market Act – priorities for re-launching the Single Market – 3105th session of the Economic and Financial Affairs Council, Brussels, 12 July 2011. Opinion of the Committee of the Regions on the Single Market Act – CdR 330/2010 fin.

56. notes that the European Parliament, in its report on governance and partnership in the Single Market, stated "that Single Market rules are frequently implemented by local and regional authorities; calls on the Commission and Member States to further develop and broaden partnership with local and regional authorities from cohesion policy to Single Market policies" <sup>(23)</sup>;

57. calls, therefore, for overall implementation of the Single Market Act to be monitored to ensure that the initiative is coordinated and to build the Single Market in partnership; considers that such a task should fall to the monitoring platform of the EU 2020 strategy, one of whose components is the revitalisation of the Single Market;

58. stresses the contribution of its "Enterprising European Region" label to developing a strategic vision of integrated territorial development, based on the principles of the Small Business Act <sup>(24)</sup>; and also calls for the creation of "Small Business Act Partnerships" to implement the SBA at regional level and the establishment of "SME envoys" at national level and at regional and local level, and wishes to be involved in the SBA advisory group to be set up;

59. reiterates the need for regional and local authorities and regions with legislative powers in particular to be involved in the participatory mechanisms for the full transposition and application of the Single Market legislation;

#### *The future environmental, climate change and energy policies* <sup>(25)</sup> <sup>(26)</sup>

60. urges international institutions and the European Union to take account of the added value offered by regional and local authorities in global environmental and sustainable development governance, including the implementation of Multilateral Environmental Agreements, such as the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD), as well as the Rio+20 Agenda for a green economy and sustainable development governance <sup>(27)</sup>;

<sup>(23)</sup> Report on governance and partnership in the Single Market (2010/2289 (INI)).

<sup>(24)</sup> Draft opinion of the Committee of the Regions on Review of the Small Business Act for Europe – CdR 151/2011 rev. 1.

<sup>(25)</sup> See detailed recommendations issued in its Outlook Opinion CdR 164/2010 fin on *The role of local and regional authorities in future environmental policy* on how to apply a multilevel-governance approach within all phases of EU environmental policy making.

<sup>(26)</sup> See, amongst other documents, the Commission White Paper "Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system" – COM(2011) 144 final.

<sup>(27)</sup> Opinion of the Committee of the Regions on EU and international biodiversity policy beyond 2010, CdR 112/2010 fin, Opinion of the Committee of the Regions on International climate policy post-Copenhagen – CdR 245/2010 fin. Draft Opinion of the Committee of the Regions on the Contribution of the EU's local and regional authorities to the UN Conference on Sustainable Development 2012 (Rio+20), CdR 187/2011 rev. 1.

61. argues that a constructive way of engaging between local and national levels on climate adaptation measures is via outcome-type agreements whereby each governance level can voluntarily commit to work towards a climate mitigation outcome and jointly take ownership and responsibility for their respective contributions <sup>(28)</sup>;

62. points to the growing importance of sectoral or cross-sectoral energy and climate "alliances" between regions and companies. These alliances should be explicitly encouraged with a view to further developing and applying low-carbon technologies as soon as possible with partnerships between local- and regional-level decision-makers, and small and medium-sized businesses (SMEs);

63. notes that urban areas produce 75 % of carbon emissions and underlines that effective global action requires a multilevel governance approach involving a coordination of efforts between the local, regional, national and supra-national levels of government based on the principle of subsidiarity; in this respect, emphasises its proposal for a Territorial Pact of Regional and Local Authorities on the Europe 2020 Strategy as an efficient tool in tackling climate change;

64. emphasises the need to consider carefully the impact of the strategic guidelines and legislative instruments related to the 2020 Energy Strategy in terms of the administrative and financial burdens for local and regional authorities and to ensure respect for the subsidiarity and proportionality principles, and strongly supports the creation of innovative instruments for the implementation of this strategy <sup>(29)</sup>;

65. restates its commitment to the Covenant of Mayors working towards the common objective of reducing CO<sub>2</sub> emissions, and recommends that this be extended beyond reducing CO<sub>2</sub> emissions to other areas of the sustainable economy, such as water management, extended geographically to the Union for the Mediterranean and the Eastern Partnership with the political platforms which it has set up, i.e. ARLEM and CORLEAP, and to world level by means of a worldwide covenant of mayors;

*The future common agricultural policy, fisheries policy and maritime policy*

66. believes that the establishment of a multilevel governance framework is crucial for the successful reformulation of the CAP after 2013, in order to ensure that local and regional authorities are involved in choosing the guidelines and methods for its implementation and management and that

synergies are established between the rural development policy and other EU policies, particularly cohesion policy <sup>(30)</sup>;

67. in order to enhance the upstream involvement of local and regional authorities in the drawing-up of the common agricultural policy and rural development policy, the Committee wishes to be fully involved in the preparatory work of the European Commission's advisory groups;

68. considers that an integrated approach should be taken in the new fisheries policy in order to ensure the viability of fisheries and the sustainable use of fisheries resources; is in favour of the decentralisation of decision-making with a view to reducing the inconsistencies caused by European micro-management, employing the comitology procedure in the decision-making process in certain cases, and of the EU legislation entrusting the management of certain fisheries activities to the Member States, the regions and the sector itself;

69. calls for coordination between sectoral policies that are relevant to the use of marine areas and the establishment of a single European fund for fisheries and maritime affairs, combining all existing instruments in these sectors in a single framework, and thus supports the establishment of a European maritime platform, bringing together the local and regional authorities and relevant stakeholders in order to provide an instrument which can help to share responsibilities and disseminate good practice <sup>(31)</sup>;

*Implementation of the Stockholm Programme with local and regional authorities*

70. points out the importance of its involvement in the implementation of an action plan regarding the Stockholm Programme and in the drawing-up of assessment methods in order to ensure that more account is taken of the experiences of local and regional authorities;

71. believes, in particular, that the involvement of local and regional authorities in the drawing-up of a European framework for legal immigration, the establishment of measures to combat illegal immigration, the protection of the fundamental rights of immigrants and the implementation of development cooperation with countries of origin, will enhance the legitimacy of the EU's actions and provided that the principle of subsidiarity is strictly observed;

72. calls for territorial impact assessments to evaluate the requirements imposed on regional and local authorities as a result of legally-applicable measures laid down at European or national level;

<sup>(28)</sup> Opinion of the Committee of the Regions on "International climate policy post-Copenhagen" – CdR 245/2010 fin.

<sup>(29)</sup> Outlook opinion of the Committee of the Regions on The role of regional and local authorities in the future environmental policy – CdR 164/2010 fin; and Outlook opinion of the Committee of the Regions on Climate change mainstreaming and the future EU budget – CdR 104/2011 fin.

<sup>(30)</sup> Own-initiative opinion of the Committee of the Regions on The future of the CAP after 2013 - CdR 127/2010 fin.

<sup>(31)</sup> Opinion of the Committee of the Regions on The development of an integrated maritime policy and marine knowledge 2020 – CdR 339/2010 fin.

73. is pleased to note that its participation in the annual interministerial conferences on integration and its contributions to the European Integration Forum, to the Commission's handbook on integration, by presenting the best practice of local and regional authorities, and to the setting of the annual and multiannual priorities of the European Integration Fund, have led to the recognition of the multilevel approach in the 2nd European Agenda for Integration <sup>(32)</sup>, which recommends:

- "territorial pacts" between relevant stakeholders at different levels,
- the involvement of local and regional actors in the definition of integration policies within the framework of EU programmes,
- that consultative processes be reinforced with strategic meetings with the Committee of the Regions,
- the development of a flexible European toolbox with "European modules" to support national and local policies and practices;

*Multilevel governance mechanisms to support the EU enlargement strategy*

74. is in favour of adjusting the instrument for pre-accession assistance (IPA) to bring it into line with the needs of the local and regional authorities of beneficiary countries and the development of territorial cooperation, in particular of EGTCs, which are crucial tools for consolidating the pan-European dimension of multilevel governance;

*A neighbourhood policy consolidated by multilevel governance*

75. points out that the Euro-Mediterranean regional and local assembly (ARLEM) and the Conference of local and regional authorities for the Eastern Partnership (CORLEAP), which bring together local and regional elected representatives of the European Union and of the countries of the Union for the Mediterranean and of the Eastern Partnership respectively, supplement the institutional framework for these two processes;

76. believes that multilevel democracy and an inclusive approach are crucial to their success, and notes that these two political initiatives, which enhance the territorial dimension of the neighbourhood policy, respond to the clear need to establish permanent political and administrative structures at local and regional level, to make effective use of financial instruments and to set up mechanisms to bolster the economic, social and territorial development of the partner countries, particularly by means of interregional cooperation;

77. is taking steps to ensure that ARLEM is closely involved in the governance of the Union for the Mediterranean, thereby

enabling the local and regional authorities of the three sides to take part in the political dialogue within its various bodies and to benefit from access to the mechanisms and instruments set up to enhance cooperation;

78. wishes, in the context of consolidating the institutional platform set up with CORLEAP, to establish permanent dialogue with the European Commission and the partner countries in order to identify specific methods to enable the local and regional authorities of the Eastern Partnership countries to participate in the work of the partnership's four platforms, to be involved in the preparation of association agreements, strategic documents and actions plans and, in particular, to implement and assess national indicative programmes;

*Multilevel governance and globalisation: new developments likely*

79. advocates the territorial approach in the review of European development policy and greater participation by local and regional authorities in the context of the Millennium Goals <sup>(33)</sup>; stresses the need for support to be provided in order to develop the financial and technical capacities of the local and regional authorities of partner countries;

80. points to the added value of decentralised cooperation and, in particular, initiatives such as the conference on decentralised cooperation - which is aimed at facilitating political dialogue and exchange between the local and regional authorities of the EU, developing countries and the EU institutions - the decentralised cooperation portal and the decentralised cooperation exchange, instruments which must be consolidated in the context of institutional cooperation at European level;

81. is pleased that major contributions from several international organisations to the consultation process for the White Paper on multilevel governance <sup>(34)</sup> have demonstrated the extent to which this European-level approach is of interest to them in developing the regional aspect of their actions and establishing partnerships with other regions of the world while promoting compatibility between sectoral policies;

82. highlights, in the context of the role played by local and regional authorities in global governance mechanisms:

- the trend towards taking greater account of the territorial impact of globalisation on local and regional authorities, particularly among international organisations, and the emergence of a reflection on a global policy of balanced development and territorial cohesion at world level <sup>(35)</sup>,
- the relevance of para-diplomacy amongst local and regional authorities, particularly towns, and diplomacy practised by regions with legislative powers,

<sup>(32)</sup> Commission Communication: European Agenda for the integration of third-country nationals - COM(2011) 455 final.

<sup>(33)</sup> Opinion of the Committee of the Regions and European Commission Green Paper on EU development policy in support of inclusive growth and sustainable development - Increasing the impact of EU development policy - CdR 408/2010 fin.

<sup>(34)</sup> Consultation report on the White Paper of the Committee of the Regions on multilevel governance - CdR 25/2010 fin.

<sup>(35)</sup> See the activities of the Forum of regional governments and global associations of regions (FOGAR).



- the contribution of dialogue and exchange of experiences with other large regional areas with sub-national chambers, such as the West African Economic and Monetary Union (UEMOA) and the regional chamber of MERCOSUR,
- the existence of new channels of cooperation and political dialogue proposed by certain international organisations in respect of the Committee of the Regions and local and regional authorities (OECD, ILO, UNEP, UNDP, UNHABITAT, UNESCO, FAO, etc.)<sup>(36)</sup>;

83. concludes, therefore, that the trend towards decentralisation and the increased influence of sub-national players within the global community will inevitably lead to their involvement in global governance mechanisms and thus foster the emergence of a new kind of multilateralism;

#### D. Further stages in the implementation of multilevel governance

84. has taken the initiative of creating a **Multilevel Governance Scoreboard at European Union level** which will help to measure annually to what extent the main principles and mechanisms of this type of governance have been taken into account in the European Union's political cycle, focusing on the regional dimension of the policies and strategies analysed. The first edition will indicate the progress and obstacles identified in the European decision-making process with regard to four key strategies and policies in the European Union's 2010 political programme: the Europe 2020 Strategy, the 2011-2020 Energy Strategy, the Stockholm Programme and the Spring Agenda<sup>(37)</sup>;

<sup>(36)</sup> The Committee of the Regions reiterates that the Rio+20 Summit mandates UNEP, or the Sustainable Development Council (SDS) to create a standing committee for subnational and local governments as a new structure that adequately reflects multilevel governance and offers a permanent mechanism of consultation of and cooperation with subnational governments and local authorities across the world. The Committee of the Regions could serve as a model in this respect. Also the fact that within the so-called UN Rio Conventions, subnational governments and local authorities have recently been given increased recognition of their special status as governmental institutions, including for example their recognition as "governmental stakeholders" in the Cancun Agreement, and Decision X/22 of COP 10 CBD - Plan of Action for Subnational Governments, Cities and Other Local Authorities - is promising. The CoR has reiterated that subnational governments and local authorities need to have a place in the institutional framework for sustainable development alongside national governments and UN entities. In its draft opinion, CdR 187/2011 rev. 1 on the Contribution of the EU's local and regional authorities to the UN conference on Sustainable Development 2012 (Rio+20), the CoR deplors that in the current international governance architecture, despite their specific role in governance, their representation at UN bodies is often putting them on the same level as civil society and business as other major groups.

<sup>(37)</sup> This first scoreboard is based on a study by the EIPA.

85. Notes in relation to its first Scoreboard that:

- the developed methodology<sup>(38)</sup> reveals the emergence of a multilevel governance system at EU institutional level where information is fluent and provided (mostly) in an open and transparent multilevel way, where consultation mechanisms are normally well in place and involve all levels, etc. However, in the evaluation of additional MLG mechanisms and practices, important shortcomings are detected. This refers especially to the use of mechanisms and innovative instruments that translate MLG requirements into the content of policies;
- concerning the comparative scoreboard, the political process around the making of the Europe 2020 strategy has achieved the highest overall score. This means that practices have been detected that correspond more to the Multilevel Governance indicators which were formulated for assessing the quality of Multilevel Governance. The lowest scores have been given for the Multilevel Governance in the framework of the Spring Package 2010 on the Millennium Goals. Here, the lack of transparency of the stakeholder's involvement process in particular has made scoring difficult and led to low scores. In general, for all four policy dossiers there exists a clear potential for better Multilevel Governance practices<sup>(39)</sup>;

<sup>(38)</sup> Six categories under two headings of concrete practices for MLG (I. Procedures: Information & consultation; Stakeholder involvement and Responsiveness; II. Content of EU policies: Territorial/integrated/place based policy; Smart regulation mechanisms and Innovative instruments for implementation and partnership) are defined. What can be considered as "good practice" with respect to these six practices referring to the general MLG principles and objectives is also defined, and establishes indicators in order to measure or assess the implementation of practices.

<sup>(39)</sup> Concerning the different scores for "procedures" and "content", the different sub-scores for the category group "procedures" and "content" reveal that, with the exception of the spring package, MLG practices are far better developed under the "procedures" grouping (information/consultation, stakeholder involvement, responsiveness) as compared to the "content" grouping (innovative instruments for implementation, smart regulation mechanisms, territorial/integrated approach). Both Europe 2020 and energy/climate attain the minimum threshold of a 3/6 score for the "procedures" grouping. However, the scoreboard also reveals that the overall positive score for Europe 2020 is mainly attained due to the relatively high score attained under its MLG "procedures" practices. When we look more in detail at the three components of each subgroup, the diagrams of the scoreboard reveal that – with the exception of the spring package – the relative higher scores for the first subgroup, "procedures", as compared to the "content" subgroup, can be explained by (very) high scores for "information/consultation" and, to some extent, by a mere satisfactory score for "Stakeholder involvement". However, in general, "responsiveness" does score relatively low. In the second subgroup, "content of EU policies" only Europe 2020 could attain a somehow satisfactory score for "smart regulations mechanisms" and "innovative instruments for implementation". The same holds true for energy/climate and the spring package as far as "territorial/integrated approach" practice is concerned. All other practices score relatively low.

86. believes that with a view to consolidating CoR monitoring activities, special attention could be paid to multilevel governance at the next conference on subsidiarity, in order to analyse the trends observed in the first Scoreboard and their impact on the European decision-making process;

87. over the coming months will draw up its **European Union Charter for Multilevel Governance**, which should lead to greater participation by local and regional authorities in the exercise of European democracy. Its drafting process will be participatory and inclusive, promoting a sense of ownership of the Charter on the part of local and regional elected representatives.

Brussels, 16 February 2012.

*The President*  
*of the Committee of the Regions*  
Mercedes BRESSO

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