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II

(Preparatory Acts)

COMMITTEE OF THE REGIONS

Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions "Scoreboard on Implementing the Social Policy Agenda"'

(2003/C 66/01)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: 'Scoreboard on Implementing the Social Policy Agenda', COM(2002) 89 final;

having regard to the decision taken by the European Commission on 19 February 2002 to consult the Committee under the first paragraph of Article 265 of the Treaty establishing the European Community;

having regard to its Bureau's decision of 6 February 2002 to instruct the Commission for 'Economic and Social Policy' to prepare the Committee's work on this subject;

having regard to the Communication from the Commission: 'Social Policy Agenda', COM(2000) 379 final;

having regard to the Communication from the Commission: 'Scoreboard on Implementing the Social Policy Agenda', COM(2001) 104 final;

having regard to the Committee of the Regions opinion on the Social Policy Agenda, (CdR 300/2000 fin) ⁽¹⁾;

having regard to the draft opinion CdR 167/2002 rev. of the Commission for Economic and Social Policy, adopted on 11 June 2002 (rapporteur: Mr Gustav — S — EPP, Member of Solna municipal council),

adopted the following opinion unanimously at its 46th plenary session on 10 October 2002.

1. The Committee of the Regions' views on the Communication

1.1. The Committee of the Regions regards it as very positive that the process instigated in Lisbon is continuing. It is pleased to note that the link between economic policy, employment policy and social policy is highlighted and that a European policy of solidarity is being established. The annual scoreboard on implementing the social policy agenda is one of the instruments for monitoring the development of this process.

1.2. The Committee of the Regions welcomes the change to the structure and content of the scoreboard made by the inclusion of a list of planned initiatives. This gives a better overview of the progress of work. The CoR is also very pleased that a considerable part of the scoreboard is devoted to the follow-up to social questions.

1.3. The CoR regrets that the scoreboard has reached the Committee so late: the Committee feels that the scoreboard should be sent in good time to allow an opinion to be issued before the spring meeting of the European Council.

⁽¹⁾ OJ C 144, 16.5.2001, p. 55.

1.4. The CoR welcomes the planned assessment of the social policy agenda. It is important to study how far the work on the social policy agenda has progressed and to review possible changes in the future. This is one aspect of that agenda's flexibility.

1.5. The Committee of the Regions welcomes the fact that the key role of the regional and local authorities is emphasised in the work on the social policy agenda. To bring Europe closer to its citizens and to make it more democratic and open, there is a need for continuing active cooperation on the part of regional and local authorities, and it is desirable for their role to be further strengthened, at local, regional, national and Community levels, particularly in the open method of coordination. In this way the EU would give practical application to the subsidiarity and proportionality principles. This also guarantees a varied approach to implementation, thereby supporting the public in their dealings with local and regional democracy. Exchange of experience and good practice at local and regional level ought to be encouraged.

1.6. The Committee of the Regions welcomes the evaluation of the open method of coordination for which the Commission planned in its 'annual policy strategy for 2003' ⁽¹⁾. The Commission calls for consultation with other institutions on this evaluation and on future proposals for implementation of the open method of coordination. The open method is essentially one of voluntary cooperation, and it is important for it to remain so.

1.7. The Committee of the Regions considers the social dialogue to be a key instrument, and welcomes the planned review. The social dialogue has involved closer cooperation between the social partners and a common platform for exchanging experiences. It has developed into an important part of EU development in the social sphere. However, it has come to be a many-faceted concept encompassing a number of dissimilar components; this is why the CoR welcomes a review.

1.8. The CoR emphasises the importance of gradually framing qualitative and quantitative indicators for follow-up and evaluation. Only indicators which are easy for Member States to interpret should be used. The indicators should be based as far as possible on already accessible data to avoid burdening local and regional authorities with further data collection.

2. The Committee of the Regions' recommendations on the Communication

General recommendations

2.1. The Committee feels that the scoreboard should give a clearer presentation of progress made in relation to the Lisbon strategy's objectives. Such a presentation would facilitate follow-up and focus attention on the practical results, besides making it easier for the individual citizen to study the result of the work on the social policy agenda.

2.2. The Committee welcomes the wide-ranging thrust of the social policy agenda, but the priorities must be clarified to ensure that the agenda can lead to practical results. There are still too many of them and they are expressed in too general terms. This also impedes follow-up as well as the possibility of interpreting the results.

The Committee of the Regions therefore proposes that the priorities in the agenda be clarified in the review of the agenda in 2003.

2.3. The CoR takes the view that the social policy agenda and the European welfare model are extremely important factors within the EU. To ensure that the development of the agenda and the European welfare model is successful, it is necessary for local and regional authorities to have the chance to find the solutions which work best for the citizen. The citizens' values and traditions must be taken into account before the system will be accepted.

There are substantial advantages to an approach based on the proximity principle and on decentralised rather than centralised responsibility. One argument for centralised responsibility is that of equality, but equality is not the same thing as uniformity. Centralised responsibility must build on generalisations which make the response to local needs less precise and work against commitment and the taking of responsibility on the part of the individual. Local responsibility strengthens the influence over the individual's own 'welfare' and increases the chances of mobilising commitment and resources.

The Committee of the Regions considers that better conditions should be created for local and regional solutions. Local and regional authorities shoulder the practical responsibility for policy in liaison with the general public. The Committee of the Regions proposes that this be dealt with in the review of the social policy agenda.

2.4. The Committee of the Regions takes the view that the evaluation of the open method of coordination should undertake a critical assessment of the overall application of this method in the social policy agenda. The evaluation should also pay special attention to local and regional experience of the method's application, especially with regard to the implementation of national action plans. The Committee of the Regions can contribute material on this experience.

⁽¹⁾ Annual policy strategy for 2003, SEC(2002) 217, p. 7.

In many of the Member States the open method of coordination touches on essential local and regional questions in terms of responsibility and powers. The subsidiarity principle should therefore determine how the method is implemented. There is a very urgent need for local and regional authorities to be involved nationally in an effective procedure for framing national positions and action plans and for drawing up indicators.

The Committee of the Regions advocates the introduction of a working method based on local and regional cooperation in a constructive consultation process at national government and EU level. This is in line with the Commission's discussion in the White Paper on forms of government in the EU ⁽¹⁾. In addition, it encourages lively dialogue on social issues among democratic representatives at all levels.

2.5. The CoR has pointed to the need to develop and boost consultation at Community level with national authorities which represent local and regional authorities/bodies. There are more than 80 000 municipalities, county councils and regions in the EU, which together employ more than 9,4 million full-time staff. They need to participate, through their European organisation, the CEMR, in the European consultation procedure on labour market questions. It is a problem that these employers, with their democratic roots in the local community, are not treated by the Commission as a fully-fledged partner in the social dialogue. The representativeness study ⁽²⁾ of public employers which Louvain University has carried out at the request of the Commission is a major contribution to increasing understanding of this important group of employers in the field of public enterprise.

More and better jobs

2.6. The Committee of the Regions agrees with the account given of the employment strategy. However, the Committee wishes to emphasise that it is important to strengthen the local and regional dimension and to bear in mind the 'bottom-up' approach to the employment strategy. There is a general feeling among municipal and regional bodies that the Member States have retained too tight a control on regional and local development questions. Thus it is not enough to recognise the importance of the local and regional levels; they must also be given the authority and tools to participate. Efforts to create jobs must be differentiated according to regional variations.

2.7. All the employment strategy guidelines, possibly excluding Guideline 12, concern matters for which local and regional bodies in the majority of the Member States have a responsibility by virtue of their different roles. The Committee therefore proposes that the employment guidelines for 2003 should include the role of local and regional bodies among the points for mainstreaming in the implementation of the European employment strategy.

2.8. The CoR shares the Commission's view that lifelong learning constitutes the tool for creating a high level of education in Europe, which in turn would lead to increased growth.

Universities and colleges ought to design courses in close cooperation with industry to meet the needs of the labour market. Cooperation should be on a reciprocal basis and form an integral part of both education and research. Development of skills tailored to the labour market's need for them is one way to reduce unemployment as well as contributing expertise to sectors lacking in manpower. Lifelong learning for all, from kindergarten to college and in adult education, is a powerful force for achieving equality, personal development, democracy, a balanced labour market and hence increased growth.

The continuing work on lifelong learning requires the involvement of the CoR as representative of the local and regional levels in Europe.

2.9. The Committee of the Regions supports the Commission's drive to encourage mobility of labour. Some regions in Europe are seriously lacking in manpower while other regions have high unemployment. The Committee of the Regions points to the possibility of using e-learning to provide additional information on labour markets in other countries (including language training) and thus contribute to increased mobility in Europe.

Anticipating and managing change

2.10. The CoR endorses the objective of developing the Community strategy for the working environment. In that context, it is particularly important to study not only the physical working environment, but even more the psycho-social working environment. The Committee of the Regions proposes that measures to improve the psycho-social working environment be strengthened in the social policy agenda when it is reviewed in 2003.

⁽¹⁾ European governance — a White Paper, COM(2001) 428 final.

⁽²⁾ 'Institutional representativeness of local public sector trade union and employers' organisations in the EU' — Final report, Catholic University of Louvain, Institute of Labour Sciences (Project V/001/97)

The effects of changes in the age pyramid at workplaces, together with less flexible forms of work organisation, should be looked at more closely by those concerned. Best practice in the workplace and cooperation between the social partners to develop the working environment are essential factors for success in achieving the goals proposed in the Community strategy.

Promoting social integration

2.11. The Committee of the Regions supports the Commission's drive to combat poverty and social exclusion. This work is particularly important in view of the large number of people who are dependent on social security benefit for long periods. The CoR wishes to emphasise that it is important for the objectives not to be specific.

2.12. The Committee wishes to stress the importance of combating illiteracy as part of the drive to combat poverty and social exclusion.

2.13. The Committee of the Regions points out, with reference to its earlier comments on indicators, that only those which are easy for Member States to interpret should be used and that as far as possible the indicators should be based on already accessible data. The Committee would stress in particular that the poverty and social exclusion indicators are interpreted differently in the Member States but that it is important to develop a set of commonly agreed indicators bringing in other key stakeholders in the debate, such as the Committee of the Regions at a European level and regional and local government at national level. The indicators must be adapted to each Member State's requirements.

2.14. The CoR welcomes the designation of 2003 as the European Year for people with disabilities and will seek to play an active role in the Year. The CoR considers that the opportunity should be taken during the Year to introduce a specific Directive on equal treatment of people with disabilities, along the lines of the race Directive.

Modernising social protection

2.15. Europe's social protection is good — one of the best in the world — but there are difficulties which must be debated. One of these is the large number of people who are dependent on social security for long periods. At a time when large parts of Europe are facing a shortage of manpower in several sectors, it is particularly important for all labour resources to be deployed and for the social security system to encourage participation in the labour market.

The Committee of the Regions proposes, before the evaluation of the social policy agenda in 2003, that this growing problem should be tackled in the drive to modernise social protection.

2.16. Demographic trends in Europe will influence the pension system, and the Committee of the Regions agrees there is a need to maintain reasonable pensions, safeguard a solidarity-based pension system and guarantee financial stability. The Committee wishes, however, to stress that this is a national matter, and calls for further discussion before the open method of coordination is applied in this sphere.

2.17. The Committee of the Regions believes that cooperation and exchange of experience are important in the fields of care for the elderly and the health and medical service. Any attempts at harmonisation should, however, be ruled out and Member States should have sole responsibility for provision of health care, using their own organisational and financial methods.

The Committee of the Regions calls for a wide-ranging discussion of the advantages and disadvantages of applying the open method of coordination in the fields of care for the elderly and the health and medical service. It is important for further coordination in this area to lead to positive results. In many of the Member States, the local and regional authorities are responsible for public health, care of the elderly and the health and medical service. The Committee of the Regions and the local and regional authorities responsible for these fields wish to participate in and contribute to the development work, and their influence on Community policy in these fields must be guaranteed.

2.18. The Committee of the Regions emphasises that the wording 'orientations in the field of health and care for the elderly' must not be inconsistent with Article 152(5) ⁽¹⁾ which reads 'Community action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care.'

Promoting gender equality

2.19. A sustainable society has to be based on gender equality. There must be greater involvement of women in decision-making, and the impact of decisions on women and men should be assessed. Gender equality is a priority area for both the CoR and the Commission. The CoR reiterates its call for annual statistics to be provided on gender-balance in all spheres of governance, and also asks that gender difference be included as a parameter in the research and the data analyses carried out in all the sectors covered, in order that objective comparisons can be made and best practice be identified.

⁽¹⁾ Treaty establishing the European Community.

The CoR considers that as well as gender and race, all other social groups referred to in Article 13 of the EC Treaty should be afforded legal protection from discrimination, i.e. on grounds of age, disability, religion or belief, and sexual orientation, and calls for specific initiatives to be taken to this effect.

Strengthening the social policy aspects of enlargement and of the European Union's external links

2.20. The Committee of the Regions feels it is important to take account of the challenges which the enlargement of the EU can involve, especially on social issues. It therefore endorses the work of evaluating and monitoring the social situation and the adoption of the *acquis* in the social sphere in the applicant countries.

Brussels, 10 October 2002.

*The President
of the Committee of the Regions*
Albert BORE

Opinion of the Committee of the Regions on:

- the ‘Communication from the Commission to the Council and the European Parliament: Towards an integrated European railway area’,
- the ‘Proposal for a Directive of the European Parliament and of the Council on safety on the Community’s railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification’,
- the ‘Proposal for a Directive of the European Parliament and of the Council amending Council Directive 96/48/CE and Directive 2001/16/EC on the interoperability of the trans-European rail system’,
- the ‘Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/440/EEC on the development of the Community’s railways’,
- the ‘Proposal for a Regulation of the European Parliament and of the Council establishing a European Railway Agency’, and
- the ‘Recommendation for a Council Decision authorising the Commission to negotiate the conditions for Community accession to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999’

(2003/C 66/02)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council and the European Parliament: Towards an integrated European area (COM(2002) 18 final);

having regard to the proposals for Directives on safety on the Community’s railways, (COM(2002) 21 final — 2002/0022 (COD)), the interoperability of the trans-European rail system (COM(2002) 22 final — 2002/0023 (COD)), amending Council Directive 91/440/EEC on the development of the Community’s railways (COM(2002) 25 final — 2002/0025 (COD));

having regard to the proposal for a Regulation of the European Parliament and of the Council establishing a European Railway Agency (COM(2002) 23 final — 2002/0024 (COD));

having regard to the Recommendation for a Council Decision on negotiating the conditions for Community accession to the Convention concerning International Carriage by Rail (COTIF) (COM(2002) 24 final);

having regard to the Commission Decision of 24 January 2002 and the Council Decision of 21 and 22 February 2002, to request the Committee of the Regions' opinion on this subject under Article 265 (1) and Article 71 of the Treaty establishing the European Community;

having regard to its Bureau's decision of 6 February and 12 March 2002, to entrust the Commission for Territorial Cohesion Policy with the task of drawing up the relevant opinion;

having regard to its earlier Opinion on the Proposal for a Directive of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system (COM(1999) 617 final — 1999/0252 COD) (CdR 94/2000 fin) ⁽¹⁾;

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

having regard to its earlier opinion on the Proposal for a Regulation of the European Parliament and of the Council on the granting of Community financial assistance to improve the environmental performance of the freight transport system (COM(2002) 54 final — 2002/0038 (COD)) (CdR 103/2002 fin);

having regard to the Draft Opinion adopted by the Commission for Territorial Cohesion Policy on 24 June 2002 (CdR 97/2002 rev.) (rapporteurs: Mr Soulage -F/PES, Member of the Regional Council of Rhône-Alpes, and Mrs Clucas — UK/ELDR, Liverpool City Council),

adopted the following opinion at its 46th plenary session (meeting of 10 October 2002).

1. General comments

1.1. The Committee of the Regions is pleased to see the efforts made to promote and implement an integrated European railway area — a necessary precondition for renewing the dynamism of a transport mode which is essential in terms of a sustainable transport policy in the European Union, as described in the White Paper.

1.2. As regards the future measures planned to reinvigorate the rail market, presented in the second part of the Communication Towards an integrated European railway area, the Committee of the Regions shares the Commission's views on the need to improve the quality of service provided by rail freight enterprises, particularly through transport contracts which pay more attention to customers' expectations, through incentives and through penalties for poor quality service. However, while price, speed and quality are unavoidable factors in making railways more attractive, the Committee of the Regions stresses the need for an overall approach to all transport modes, in order to formulate a consistent, complete framework for organisation, regulation and pricing of freight transport, which may serve, above all, to promote the attractiveness of rail, inland waterway and short sea shipping transport, as well as combined transport.

1.3. Such an approach makes it necessary to consider the transport chain as a whole, from point of origin to final

destination, paying particular attention to the level of service provided throughout the journey, through the multimodal platforms for loading and final distribution, but also to the accessibility from peripheral regions to main rail routes, eliminating bottlenecks. There are regional concerns over heavy traffic in transit corridors such as mountainous areas, urban areas and environmentally sensitive areas.

In this respect, it can be very helpful to set up interregional cooperations for each corridor, who could manage the removal of bottlenecks in a unitary way, directly involving local populations, carrying out the necessary infrastructure work directly, and starting with the main railway line, in preparation for initiatives designed to link up with national rail networks.

1.4. However, it is important that the priority allocation of train paths to long-distance rail freight should remain compatible with two goals: that of reducing the overall journey time of the freight services concerned, and that of increasing the attractiveness of passenger rail services, particularly those serving large conurbations. Effective use of the train paths available presupposes a harmonisation of speeds, together with an effort to detect all sources of immobilisation (shunting and marshalling operations, etc.). That is why the Committee of the Regions reaffirms its support for the priority given to the implementation of the Trans-European Rail Freight Network — the backbone of an integrated system based on the quality of service provided.

⁽¹⁾ OJ C 317, 6.11.2000, p. 22.

⁽²⁾ OJ C 107, 3.5.2002, p. 51.

1.5. The COR notes that the share of rail freight has declined as the needs of freight customers for higher quality, more timely deliveries, etc have increased. It is the view of the CoR that measures to improve the quality of service delivered by railway undertakings are paramount and that without such accompanying measures rail freight will continue to decline.

1.6. The essential requirements as regards the areas crossed — and also with a view to boosting rail's share of the transport market — are improvement of the environmental performance of this mode of transport (noise and atmospheric pollution) and the maintenance of a high standard of safety. The Committee of the Regions will be particularly attentive to these aspects, which are of direct concern to local people and local authorities, encouraging the direct participation of those authorities in interregional cooperations that deal with these issues at first hand.

1.7. In the field of international passenger transport, the development of high-speed services connecting the regions is an initiative to be encouraged with a view to sustainable development; however, this must be part of a scheme providing the regions with a high quality service based on the timetable frequencies.

1.8. It is also necessary to encourage the development of cross-frontier services for the commuter market, which is far from negligible. It must be made easier for the regions concerned to reach agreements with one another to guarantee a high level of quality and the viability of services.

1.9. The Committee of the Regions welcomes the proposals for mutual recognition of training of railways staff, without which the Committee of the Regions does not believe that a true EU wide railways system can be developed. It is noted, however, that Article 12 of the proposed Safety Directive does not set specific requirements for language training or competency for safety critical or front line staff operating international train services.

1.10. The Committee of the Regions would like to see further proposals from the Commission for specific training and certification of competency in appropriate languages for safety critical and front line staff involved in operation of international rail services.

1.11. The Committee of the Regions welcomes the need to reinforce the investment in the railways across the EU, but wishes to emphasise that particular regard has to be given to the economic, social and territorial cohesion of such investment. The Committee of the Regions wishes to emphasise that the development of the Union's rail infrastructure should benefit in particular lagging and peripheral regions, while having regard to EU competition and state aids rules. Investment which would further concentrate economic development in the heart of Europe would not be acceptable to the Committee of the Regions.

1.12. The Committee of the Regions notes the importance of high quality rail services to the protection of the environment, especially in mountainous regions and other regions of outstanding natural beauty. It calls on the Commission to produce proposals for infrastructure charging for both rail and road which properly take into account the environmental impacts of each mode, with a view to reducing the overall level of noise and adverse environmental impacts from transport, and encouraging the electrification of railways serving environmentally sensitive regions so that the use of electric traction can be maximised for traffic flows through these regions.

1.13. In connection with the proposals for infrastructure charging, the Committee of the Regions does, however, also expect that the impact which the imposition of varying levels of charges on users would have on transport prices and consequently on the competitiveness of EU-based enterprises will be carefully analysed and that an appropriate framework for ensuring fair territorial conditions of competition will be established as quickly as possible.

2. Comments on the various proposals

2.1. Rail transport safety

2.1.1. While the Committee of the Regions welcomes the move to improve safety on the EU railways, the Committee of the Regions would wish to emphasise that such a system should not lead to minimum standards, acceptable to all member states. The Committee strongly supports moves to improve and the setting of challenging safety standards to ensure that EU citizens and SMEs can have confidence in the EU railways systems.

2.1.2. The Committee of the Regions agrees there is a need to harmonise safety regulations for the whole of the European Union, with a view to a gradual opening-up of rail networks to a number of operators for international freight services.

2.1.3. The definition of common standards, the clear allocation of powers and responsibilities to governments, infrastructure managers and rail operators, and transparency as regards the standards required and the capabilities of operators, are essential factors for ensuring a high level of safety in this transport mode.

2.1.4. The creation of national safety authorities to regulate and monitor safety, and their coordination at European level, are steps in the right direction. While in the longer term it is desirable to establish a single Community safety certificate, it is important to ensure that in this transitional phase the national certificates issued by each government guarantee that national rules are respected, that rolling stock conforms to standards and that staff holding the certificate are competent.

2.1.5. The Committee of the Regions wishes to draw the attention of the Commission to the problems in terms of safety, negative impact on passengers and lack of clear accountabilities which could result from the privatisation and subsequent fragmentation of the rail industry, as recently experienced in the UK.

2.1.6. With a view to protecting areas and the people living in them, the Committee of the Regions trusts that the local and regional authorities, which are responsible for local policies on transport and land-use, will be fully associated with the definition of common safety targets (CST), with regard to the exposure of inhabitants to risks inherent in rail freight traffic, particularly as regards journeys through sensitive or densely populated areas, and for sections of rail networks where passenger trains operate.

2.1.7. The Committee of the Regions welcomes the proposals set out in Chapter V of the Safety Directive for independent investigations of accidents and incidents on the railways. The Committee of the Regions agrees strongly with the statement that such investigations shall in no case be concerned with apportioning blame or liability.

2.1.8. The Committee of the Regions is strongly of the view that factual investigation of an accident should not be hindered or delayed by judicial proceedings, to ensure any safety issues arising from this factual investigation can be considered and recommendations implemented as soon as reasonably practicable. Indeed, the Committee of the Regions is of the view that there must be two separate processes, i.e. a factual investigation of the cause of the accident, which would make appropriate recommendations to prevent or mitigate future occurrences, and, where necessary, a judicial process to apportion criminal liability.

2.1.9. It is therefore desirable, when drawing up the CST and the common safety methods (CSM) relating to risks to the community, that there should be a clear statement that local and regional authorities are associated with drawing up the national targets and methods, which fall within the scope of national safety authorities.

2.1.10. It is also important for the draft directive to state clearly that the local and regional authorities concerned (on an equal footing with the other actors concerned) must receive information on the surveys and the results. Similarly, it must be possible for them to participate in the work involved in these surveys if they so desire.

2.2. *Interoperability of networks*

2.2.1. The Committee of the Regions agrees that the lack of interoperability of the Union's railways is a major impediment to the further development of a truly European railway system. The provisions for mutual rolling stock safety

certification are welcomed, as is the current trend towards purchasing standardised designs of rolling stock capable of operation across national borders where loading and track gauge constraints permit. While awaiting the adoption of the various Technical Specifications for Interoperability (TSI), attention must be given to mutual recognition procedures between Member States to avoid dysfunctions which can prejudice the safety of traffic, particularly in the case of mixed traffic (passengers and freight).

2.2.2. The Committee of the Regions welcomes the current moves to work pro-actively with the candidate countries and beyond to achieve interoperability.

2.2.3. The Committee of the Regions approves the guidelines proposed for defining the TSI, and the establishment of a system for the registering of infrastructure and rolling stock, which is necessary for greater transparency.

2.2.4. The Committee of the Regions also takes the view that the adoption of the TSI is likely to harmonise the supply of rolling stock, and hence to broaden the choice of supplies and increase the size of production runs; this would encourage a reduction in the price of rolling stock, thereby improving the productivity of the sector.

2.2.5. The CoR is, however, concerned at the absence of a clear, realistic timetable for adoption and implementation of the TSI, particularly with a view to extending the TSI to the entire conventional network. Article 2 of the draft directive on interoperability proposes the amendment of Article 1 of Directive 2001/16/EC by adding a paragraph which would introduce such an extension with effect from 1 January 2008.

2.2.6. Local and regional authorities are often associated with the funding of infrastructure and rolling stock, including on the conventional network, and it is important to assess the cost of technical standardisation, both in terms of interoperability and in terms of safety. In particular, it is important that this financial burden should not be such as to jeopardise the priorities laid down earlier, particularly in terms of overcoming bottlenecks and of creating access links with the trans-European freight network for peripheral regions. The Committee of the Regions hopes that a prior study will be made of the financial impact of such an extension to the conventional network, so as to define realistic priorities for generalising interoperability. It must be borne in mind that, because of the mixture of passenger and freight traffic on railway networks, the application of TSI will equally concern national and regional passenger transport, and will therefore involve upgrading the rolling stock concerned.

2.2.7. Although the draft directive stipulates that taking the TSIs into account applies in the first place only to new infrastructure (including repair and maintenance work) and to the acquisition of new equipment, the real opening up of the conventional network will be effective only when the technical standardisation of infrastructure and rolling stock has been carried out. Given the present pace of renewal and works, the suggested acceleration of the timetable laid down at the time of the first rail package does not seem advisable.

2.2.8. Adoption of the TSIs is thus a precondition for ensuring that the adaptation of rolling stock (or the replacement of older rolling stock) is in line with the new interoperability rules. Similarly, a reasonable timescale, of the order of five years, must be provided for the planning of the necessary investment, which can be a particularly heavy burden for certain regions.

2.3. *Establishing a European Railway Agency*

2.3.1. The Committee of the Regions endorses the establishment of a technical agency responsible for helping the Commission and the Member States to harmonise the rules on safety and interoperability of the networks, with a view to creating a truly integrated railway area in Europe.

2.3.2. It is, however, necessary to ensure that the resources available to this agency would be commensurate with the tasks entrusted to it, and that its power of investigation would be compatible with the laws of the various Member States.

2.3.3. The Committee of the Regions recommends that the European Railway Agency be remitted to ensure that liberalisation should not lead to a reduction in safety expenditure or in investment in fixed infrastructure on the rail network, and is applied in a way which maintains the full range of network benefits for passengers and freight customers.

2.3.4. The Committee of the Regions notes with concern the impact on Channel Tunnel freight traffic of the failure by the French and UK governments to prevent asylum seekers attempting to reach the UK through the Channel Tunnel, which has led to a significant reduction in the number of cross channel freight services.

2.3.5. In view of likely increases in asylum seekers and increased labour mobility from within the EU, the Committee of the Regions would wish to see an examination of the need for an international group of experts, possibly within the proposed European Railway Agency, to examine security issues and common policing methods across the Union's railways as is the case for aviation.

2.3.6. The Committee of the Regions would like to see further proposals from the Commission regarding the role of the proposed European Railway Agency in relation to independent investigations into serious and fatal accidents, with a view to ensuring that a common database of recommendations are held at the European level. Also, the Committee of the Regions would expect further proposals from the Commission regarding whether recommendations from independent investigations should be implemented across the Union.

2.4. *Community accession to the Convention concerning International Carriage by Rail (COTIF)*

2.4.1. The Committee of the Regions endorses the recommendation for a Council decision authorising the Commission to negotiate the conditions for accession to the COTIF, although the Community's accession would depend on the entry into force of the Vilnius Protocol.

2.5. *Amendment of Directive 91/440/EEC on the development of the Community's railways*

2.5.1. The Committee of the Regions notes the desire on the part of the Commission and the Parliament to speed up the process of opening up the rail freight market (including the national market) throughout the conventional network, thereby casting doubt on the timetable negotiated when the first rail package was adopted, and on the definition of the trans-European rail freight network, even before the planned assessment of the impact of this first major reform takes place, and when the 2001 directives have not been fully transposed into national law.

2.5.2. The Committee of the Regions takes the view that there is no urgent need to change the priorities established earlier: on the one hand, these do not prevent countries from opening up the rail freight market if they so desire, and their networks could be rapidly brought in line with the TSIs; on the other, they allow a realistic adaptation period for traditional operators in certain Member States. The arrangements put in place by the first rail package authorise each state to decide on the opening up of its national freight market in accordance with its internal situation and the prospects for development of rail freight. Earlier opening up of the national markets would tend in some cases to weaken the financial situation of the traditional operators now involved in comprehensive restructuring, and this would have a negative impact on jobs.

2.5.3. The Committee of the Regions points out that the promotion of rail freight is part of an overall approach in which the various measures, particularly those specified in the 'Marco Polo' programme, must be taken together, whether they concern the charges for using road and rail infrastructure, harmonisation of and respect for social legislation, the implementation of interoperability and of common safety rules, or overcoming the capacity constraints and access problems of peripheral regions. An early, generalised opening up of national freight markets independently of the other

conditions mentioned above is not likely to improve the competitiveness of rail in relation to other transport modes, and could lead to a process whereby traditional operators are replaced by new ones on the more profitable markets, thus weakening the former, although certain aspects of it could be positive (e.g. the development of small local operators at regional level). However, this trend could strengthen the discrimination against the weaker regions in terms of access to efficient services.

2.5.4. Consequently, the Committee of the Regions is not in favour of changing the timetable laid down when the first rail package was adopted, and thinks it preferable to concentrate on the implementation of the trans-European international freight network as originally defined.

2.5.5. The Committee of the Regions thinks it preferable for the timetable for implementing this directive to respect the original provisions, i.e. for it to depend on approval of the Commission report assessing the application of the earlier directives (report to be published by 15 March 2005 under Article 14 of Directive 91/440/EEC).

3. Proposed changes

The Committee of the Regions therefore proposes the following changes:

3.1. *To the draft directive on rail safety*

3.1.1. Add to Article 4(1):

'For the drawing up of national safety rules covering risks to the community, the local and regional authorities concerned shall be associated with defining the objectives and methods for which national safety authorities are responsible.'

3.1.2. Modify Article 12(1) as follows:

'Train drivers, safety critical staff and staff accompanying the trains of a ...'

3.1.3. Modify Article 12 (2, first and second sentence) as follows:

'Member States shall ensure that railway undertakings applying for a safety certificate have fair and non-discriminatory access to training facilities for train drivers, safety critical staff, and staff accompanying the trains ...',

and

'The services offered must include necessary route knowledge, operating rules, the signalling and control command system and, safety and emergency procedures applied, and relevant languages on the routes operated'.

3.1.4. Modify Article 21(3) as follows:

'3. The investigation shall be accomplished under as much openness as possible, allowing for all parties to be heard and sharing the results. The relevant infrastructure manager and railway undertakings, the safety authority, the local and regional authorities concerned, victims and their relatives, owners of damaged property, manufacturers, the emergency services involved and representatives of staff and users shall be informed of the investigation and its results and be given, as far as practicable, the opportunity to take part in the proceedings.'

3.2. *To the draft directive on interoperability*

3.2.1. Modify Article 2(2) as follows:

'The following paragraph 3 is inserted in Article 1:

"3. Five years after the adoption of all the TSIs, and by 1 January 2010 at the latest, the scope of this Directive shall be extended to the whole rail system, except for infrastructure and rolling stock reserved for a strictly local, historical or touristic use and isolated from the rest of the rail system."

3.3. *To the draft amendment to Directive 91/440/EEC*

3.3.1. Modify Article 2(1) as follows:

'Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest 18 months after the adoption of the Commission report assessing the application of the earlier directives under Article 14 of Directive 91/440/EEC. They shall forthwith inform the Commission thereof.'

Brussels, 10 October 2002.

*The President
of the Committee of the Regions*
Albert BORE

Opinion of the Committee of the Regions on the 'Commission Communication: First progress report on economic and social cohesion Conclusions and next steps'

(2003/C 66/03)

THE COMMITTEE OF THE REGIONS,

having regard to the Commission Communication — First progress report on economic and social cohesion (COM(2002) 46 final);

having regard to the Commission decision of 1 February 2002 to consult the Committee of the Regions on this subject, in accordance with the first paragraph of Article 265 of the Treaty establishing the European Community;

having regard to the CoR Bureau decision of 6 February 2002 to issue an opinion on this subject and to direct the Commission for Territorial Cohesion Policy to draw up the relevant opinion;

having regard to its opinion of 14 November 2001 on the Second report on economic and social cohesion (CdR 74/2001 fin) ⁽¹⁾;

having regard to its opinion of 15 February 2001 on The structure and goals of European regional policy in the context of enlargement and globalisation: opening of the debate (CdR 157/2000 fin) ⁽²⁾;

having regard to its opinion of 13 April 2000 on the 6th Periodic Report on the social and economic situation and development of the regions of the European Union (CdR 388/1999 fin) ⁽³⁾;

having regard to the results of the seminar on the partnership principle organised by the Committee of the Regions in Madeira on 10-11 January 2000 in the context of a series of seminars entitled Implementation of the reform of the Structural Funds, 2000-2006 — the contribution of local and regional authorities;

having regard to its opinion of 14 January 1999 on the European Spatial Development Perspective (CdR 266/98 fin) ⁽⁴⁾;

having regard to the draft opinion adopted by the Commission for Territorial Cohesion Policy on 24 June 2002 (CdR 101/2002 rev.), rapporteur: Mr d'Ambrosio (President of the Marche Region, Italy, PES),

adopted the following opinion at its 46th plenary session of 10 October 2002.

Part I: Situation and trends in the regions

The Committee of the Regions

1.1. applauds the work of the Commission in drawing up the First progress report on economic and social cohesion, which provides an extensive and detailed overview of the ongoing debate on the future of the EU's cohesion policy;

1.2. welcomes the results registered in recent years regarding cohesion and the positive impact of EU regional policy on strengthening economic and social cohesion within the whole Community; also recalls that cohesion policy, as enshrined in the Treaties, is an instrument by which to achieve the principles of solidarity, cooperation and redistribution and is a cornerstone of integration of the EU's peoples and territories;

1.3. however underscores the uneven progress achieved in the various regions of existing Member States and in particular highlights that, although the level of income per capita has risen in Member States, considerable regional disparities remain, provoking grave concerns that the lagging regions will become increasingly marginalised;

1.4. reiterates the point made in its opinion on the second report on cohesion, that the forthcoming enlargement will exacerbate territorial imbalances within the EU, and therefore highlights the need to pursue an economic, social and territorial cohesion policy that addresses the economic effects of globalisation and its consequences in terms of progressive liberalisation of international trade;

1.5. calls for a strengthening of the regional dimension in cohesion policy as laid down in Article 158 of the Treaty, which aims to promote the overall harmonious development of the EU by reducing the disparities between the levels of development of the various regions;

⁽¹⁾ OJ C 107, 3.5.2002, p. 27.

⁽²⁾ OJ C 148, 18.5.2001, p. 25.

⁽³⁾ OJ C 226, 8.8.2000, p. 30.

⁽⁴⁾ OJ C 93, 6.4.1999, p. 36.

1.6. reaffirms that European regional policy should be considered a horizontal policy whose aim is sustainable development in which all the various sectoral policies must converge, in particular the Common Agricultural Policy, transport and energy policies, competition, environment, research and development policies, and innovation, education and training policies;

1.7. asks the Commission to make a concerted effort to ensure that these policies take cohesion into account, in view of its essential role in integrating the European Union's peoples and territories;

1.8. calls on the Commission to further develop territorial policies as a factor of development and, on the basis of the ESDP and the work done in the CEMAT, to encourage initiatives designed to correct the imbalances of the 'core-periphery' system by fostering cooperation between urban, rural and peripheral areas in order to promote polycentric development in the EU;

1.9. as a consequence of applying the subsidiarity principle, reaffirms the need for increased and more effective involvement of Member States and regional and local authorities in the framing of cohesion policies, without this leading to a re-nationalisation of regional development policies;

1.10. moreover emphasises that the regional dimension encourages the implementation of equal opportunities policies for men and women and is an essential prerequisite for effective economic and social cohesion.

Part II: **Developing the debate**

The Committee of the Regions

2.1. notes that the Commission considers the threshold of 0.45 % of Community GDP reserved for cohesion policy as the minimum level of funding, and stresses that the new regional policy must be founded on a closer correlation between initiatives promoting regional development and the required financial resources;

2.2. advises maintaining the current rules for eligibility of lagging regions, in particular the threshold for income per capita to qualify for Objective 1 status (75 % of EU average income per capita). However the Committee of the Regions calls on the European Commission to consider introducing additional complementary criteria to reflect particular situations;

2.3. welcomes the Commission proposal to make initiatives to develop lagging regions a priority, and agrees that a two-speed policy should be avoided, since the disparities displayed in these regions cannot be reduced to a simple division between Member States and candidate countries;

2.4. calls on the Commission to make suitable provisions for regions which no longer qualify for Objective 1 status, either by phasing out aid — with a higher rate of phasing out for regions disqualified due to the statistical effect of enlargement — or by awarding these regions future Objective 2 status;

2.5. notes that, contrary to what was stated in the second report on cohesion, the first progress report does not tackle the issue of Objective 2 regions, and underscores that maintaining Community aid in 'non-lagging regions' is justified both by the persistent economic development and reconversion problems in many regions and by the fact that the Structural Funds are an essential instrument in supporting regional development potential in the whole EU, representing crucial added value;

2.6. reconfirms its support for the Commission's approach as laid down in the second report on cohesion, which states that the aim of the new Objective 2 is to correct specific territorial imbalances; moreover believes that, in drafting the future regional policy, particular attention should be focused on regions with permanent geographical handicaps;

2.7. invites the Commission to devise ways of integrating the various funds and initiatives targeting 'non-lagging regions' in order, on the basis of current experience, to promote structural development strategies (transport, communications, water and energy networks, research and technological development) and maximise local resources (human, natural, cultural and social), while leaving the regions and other competent tiers of authority the power to decide on the territorial and thematic allocation of aid once the general criterion for distributing funding between countries and regions has been applied, taking into account the present levels of allocation; and calls, more generally, for the portion of the Structural Funds total allocated to the new Objective 2 to be no less than that for the current programming period;

2.8. suggests that in such areas, Commission action should be focused on activating resources targeting specific phenomena, with funding that is commensurate with the extent of the problem, and promoting, in sectors where this is possible, cross-border, trans-national and inter-regional cooperation, taking account of the priorities for action as identified by regional governments and compatible with Community objectives;

2.9. reaffirms its position as detailed in the CoR opinion on the second report on cohesion concerning the need to integrate the various intervention instruments used at present (Objective 2, 3 and so on), whilst retaining the regional focus;

2.10. emphasises the need to step-up cross-border, trans-national and inter-regional cooperation as a practical instrument not only for regional policy but also for more balanced development of the whole EU area. Moreover, upon enlargement, particular attention should be devoted to cooperation with regions outside Community borders. On the basis that trans-national cooperation generates substantial European added value, all EU measures should allow scope for transforming local and regional development projects into trans-national cooperation, where desirable;

2.11. urges the Commission to take more decisive steps to simplify procedures which, with a view to real subsidiarity and in line with the partnership principle, should lead to a differentiation of roles between the Commission (setting general principles and providing technical support to achieve them) and Member States in their various forms (fund management and programming);

2.12. calls on the Commission to strive for more cogent and efficient coordination of the various instruments for structural funding (ERDF, EAGGF and ESF) which should focus on coherent, integrated policies for developing economic and social cohesion in the regions;

2.13. stresses how important it is that all sectoral policies with a strong regional impact, as well as competition and taxation policies, should contribute to the objective of cohesion and, in particular concerning regional aid and in the prospect of enlargement, invites the Commission to:

- a) assess the possibility of maintaining the areas within the EU-15 currently covered by ex-Article 87.3 (a) and (c) of the Treaty, in order to prevent further disparities;
- b) encourage the simplification of procedures for granting regional aid.

Brussels, 10 October 2002.

*The President
of the Committee of the Regions*
Albert BORE

Opinion of the Committee of the Regions on:

- the ‘**Commission Communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — Working together for the future of European tourism**’, and
- the ‘**Report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — Follow-up of the European Council of 21 September: The situation in the European tourism sector**’

(2003/C 66/04)

THE COMMITTEE OF THE REGIONS,

having regard to the Commission Communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — Working together for the future of European tourism (COM(2001) 665 final);

having regard to the Report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — Follow-up of the European Council of 21 September: the situation in the European tourism sector (COM(2001) 668 final);

having regard to the decision taken by the Commission on 15 November 2001 to consult the Committee on this subject, in accordance with the first paragraph of Article 265 of the Treaty establishing the European Community;

having regard to the decision taken by its Bureau on 6 February 2002 to instruct the Commission for Territorial Cohesion Policy to draw up the relevant opinion;

having regard to its previous opinion on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions — Enhancing Tourism's Potential for Employment (COM(1999) 205 final) (CdR 291/1999 fin)⁽¹⁾;

having regard to the draft opinion adopted by its Commission for Territorial Cohesion Policy on 24 June 2002 (CdR 1999/2002 rev.) (rapporteur: Mr Andria, President of the province of Salerno — I, EPP);

whereas the November 1997 European conference on tourism and employment held in Luxembourg (4-5.11.1997), the Luxembourg European Council on employment (21-22.11.1997) and the conclusions of the Tourism Ministers' Council meeting on 26 November 1997 provided a broad and structured policy and planning platform, giving priority to the benefits arising from the balanced and sustainable development of European tourism;

whereas in 1998 the Commission established a high level group responsible for analysing the link between tourism and employment and, on the basis of the conclusions of this working group (European Tourism — New partnerships for employment: Conclusions and recommendations of the High Level Group on Tourism and Employment, European Commission), the Commission published the Communication on Enhancing tourism's potential for employment (COM(1999) 205 final);

whereas this Communication gave rise to the conclusions of the Council of 21 June 1999 calling on the Commission and the Member States to ‘cooperate closely in order to maximise the contribution which tourism may make to growth and employment’, particularly with respect to four subjects:

1. information;
2. training;

⁽¹⁾ OJ C 317, 6.11.2000, p. 40.

3. quality;
4. sustainability.

whereas since the Council meeting of 21 June 1999 on tourism and employment and on the basis of the reactions of the other European institutions⁽¹⁾, there has been a growing awareness of the need to improve the effectiveness of the dialogue between the various players concerned with growth trends in the tourism sector (Member States, professionals, civil society and European institutions);

whereas the present Communication on Working together for the future of European tourism strengthens the resolve to implement the open coordination method among all operators concerned (Lisbon European Council), while also staying in line with the guidelines given by the White Paper on governance, and in essence calls for urgent attention to be given to four main issues:

1. increasing the basic knowledge of the sector;
2. sharpening the competitiveness of companies working in the sector;
3. improving growth prospects relating to sustainable development;
4. contributing to job creation.

whereas the present Communication refers several times to the need to involve civil society, the tourism industry and the players present in the various European regions in the framing of a Community tourism policy, in order to define an interactive channel through which to exchange up-to-the-minute information on trends in tourism supply and demand, as well as on the current changes, not least in terms of problems that may be shared;

whereas the same document underlines the urgent need for interinstitutional cooperation between the various tiers of local and regional administrative authorities and between them and the bodies/institutions of the European Union;

whereas the involvement of the above-mentioned institutional and social players can no longer be put off owing to the unavoidable problems mentioned by Helena Torres Marques (MEP-P) among others at the meeting of the European Parliament's Committee on Regional Policy, Transport and Tourism on 19 March;

whereas the state of tourism in Europe (according to the European Commission report on Follow-up of the European Council of 21 September: the situation in the European tourism sector) has proved to be not as bad as initially expected after 11 September 2001, although new trends have emerged showing a different and more complex geographical spread of user profiles,

whereas on the basis of the analyses contained in the European Commission's first progress report on economic and social cohesion, of 30 January 2002, in the context of development policies linked to the Structural Funds, from 2006 it will be necessary to give consideration to the impact in regions whose economies are based mainly on tourism, make an in-depth assessment of the impact of Community initiatives such as Leader, Interreg, Urban and Equal, and shape new strategies for intervention in local development systems with particular regard to Objective 1 regions;

whereas Agenda 21 aims to promote sustainable development and thus the definitive take-off of eco-tourism, with the full involvement of local and regional authorities;

whereas in September of the 2002 International Year of Ecotourism, there will be a world summit on sustainable development in Johannesburg;

⁽¹⁾ See European Parliament Resolution of 18.2.2000, CoR opinion of 15.6.2000 (CdR 291/99 — OJ C 317, 6.11.2000, p. 40) and ESC opinion of 26.1.2000 (CES 93/2000).

whereas the European Commission's communication lists five priorities for the future development of European tourism:

- information: to facilitate the exchange and dissemination of information, particularly through new technologies;
- training: to improve training in order to upgrade skills in the tourism industry;
- quality: to improve the quality of tourism products;
- sustainability: to promote environmental protection (finding innovative ways of implementing Agenda 21);
- new technologies: controlling the impact and use of services based on Information and Communication Technologies (ICT) in the tourism sector,

adopted the present opinion unanimously at its 46th plenary session of 10 October 2002.

GENERAL COMMENTS

1. 'We have much more in common than we have to separate us'.

This principle quoted in the opening lines of the executive summary of the report drawn up by the World Tourism Organisation for the second meeting of the Travel and Tourism Recovery Committee (15 March 2002, ITB Berlin) — entitled 'The impact of the September 11 attacks on tourism: The light at the end of the tunnel' — sums up the philosophy underpinning this document. There is a need for an awareness that tourism in Europe can lean on the added value generated by the common thread of a cultural identity that goes much deeper than is generally thought. For this reason, work must be done in the short and medium term on two main fronts:

- a) giving priority to procedures aimed at gradually harmonising standards of supply, building on the many areas of fertile common ground (starting with the single currency);
- b) further harmonising local, regional, national and Community policies in relation to the five main priorities mentioned above in the area of tourism: information, training, quality, sustainability and new technologies.

2. Following early analyses which pointed to much more serious consequences for the European tourist economy, the impact of 11 September has turned out to be in line with forecasts that envisaged that the first signs of a turnaround would be seen six months after the attack. Currently, as the WTO notes, tourism is making a clear recovery although the pattern of tourist flows has evidently changed. Intercontinental air traffic has suffered a serious downturn, while domestic tourism has to some extent helped to stem a decline which could in many ways have spelled disaster.

3. This redistribution of flows means that some sectors of the tourist industry have suffered more than others. Small tour operators, medium-scale sporting and cultural event organisers, domestic package-holiday companies, small airlines and other small operators have generally weathered the crisis better than others.

4. This would suggest that after 11 September, the global economy suffered a sudden slow-down, prompting a rethink of economic growth strategies at local level. In this context, regional development systems have been at an advantage but have not always turned it to account. There has been a shift from global to local level.

5. As stressed in the above-mentioned World Tourism Organisation report, there are signs of further recovery in the short-term. However, what lessons can be learned from the crisis? In the unspeakable event that it should happen again, what structural response to such difficult times can be planned? It should be noted that in general it was clear that there was no strategically coordinated response at European level: there was no common planned response to the immediate and complex crisis triggered by the attacks.

6. The Commission report states that 'Several requests for policy action have been made by the European tourism industry. Above all, the European tourism industry emphasises the need to coordinate, more than ever before, the promotion of Europe in its overseas markets and has asked that the Commission play an active role in the promotion of Europe as a safe destination.'

7. The report rightly concludes that efforts should focus mainly on the new cooperative approach, with measures that 'aim at improving the integration of the concerns of all tourism stakeholders in Community policies and initiatives affecting tourism, and at promoting a better interface with the tourism industry and other parties involved.'

RECOMMENDATIONS

1. **The Committee of the Regions favours the open consultation and coordination method, but insists on the importance of transparency and democratic parliamentary scrutiny**

Regional and local authorities with their key role have once more proved to be the only unifying forces able to further the territorial cohesion policies implemented by the European Union. Agreement is not possible without participation. The governance of an area is effective only if it begins at grass-roots level. Even the most innovative instruments will not necessarily have a positive impact if they are passed down from on high. Conversely, when input and proposals are adopted at grass-roots level, they foster a culture of reciprocal dialogue and listening. Political federalism becomes administrative federalism and institutional, economic and social partnership.

This is how every tourism development policy should be viewed. There can be no genuine European tourism network without a careful process of monitoring and understanding the current situation. An all-encompassing plan putting the widely-felt need for tourist safety first involves surveying needs, assessing accommodation and leisure facilities, and evaluating transport systems.

The CoR remarks that in its communication ⁽¹⁾, the Commission is concerned by the lack of progress made with local and regional authorities during the Working Groups on the five key areas of priority (highlighted on page 4 of this opinion) during their discussions. The CoR encourages the European Commission and the Member States, in the spirit of Governance, to develop effective working practices that engage local and regional government to ensure that policies are developed in the future that complement and add value to that of tourism activity at the grass-root level.

2. **The Committee of the Regions recommends promoting the responsibility of public and private players**

Working from the grass-roots calls for a completely new mindset, transforming the traditional relationship between public and private sectors. The link between them is no longer one of subordination, instead, they are partners in a development plan organised in terms of equality, on the basis

of a broader notion of citizenship. Rather than being mere bystanders to government action in their area, citizens can now play a part in local government in the context of institutional measures promoted by regional and local authorities.

The synergy this generates makes the tourism industry highly competitive. Individual companies (or individual cartels) are no longer alone in seeking the most effective way to make a profit, as the local system to which they belong seeks the path best suited to dealing with the market. This type of approach — defined by some academics as the development of geo-communities — can also be used to manage the transition from unruly, uncontrolled globalisation to regulated and sustainable globalisation.

Sustainable development comes from knowledge of the region and its potential. The main precondition for developing and maintaining ecotourism is that of turning local potential to account.

3. **The Committee of the Regions highlights the priorities for developing and promoting European tourism on the world market**

Before launching any product onto the market, it is first a good idea to focus on the perception of any product's identity from the point of view of the customer. In the field of tourism, the perception of a tourism product should surpass any will to promote tourism supply around any administrative or regional boundary.

Putting the traveller, the tourist, at the centre of any draft legislation is essential. Even the most advanced marketing theories point to the need to 'profile' supply on the basis of the needs of the potential user, in order to create genuine user communities that interact with the product designed for them. Rather than focusing on any single EU product, the CoR believes that there is an ideal opportunity for the European Commission to add value to work at local and regional level by making the most of the benefits offered by IT systems. By developing a single harmonised IT network over the Internet, providers and tourists would be better placed to devise or guide their way through an enormous mass of data that is currently available. The Commission, without trying to develop an EU product, could assist in developing a system that would help bring providers and tourists together more effectively.

⁽¹⁾ COM(2001) 665 final, Annex 1, p. 21.

In cooperation with local and regional authorities and the tourism sector, the European Commission should conduct measures, under the VIth R&D framework programme, to speed up the introduction of new technologies in the management and information systems of tourist businesses and destinations.

Such measures are particularly important in the context of the current slowdown in the tourism sector, with a view to helping the sector develop more competitively.

To help map an organic course of development for European tourism, giving priority to the involvement of local communities, the Committee of the Region has outlined a few guidelines for Community tourism policies:

- A. *Securing an appropriate level of safety and quality in the EU transport network (road, rail, sea and air) so that it is better able to cope with the volume of leisure time traffic*

The CoR agrees with the European Commission that the liberalisation of transport and the development of networks, the improved efficiency of the single market and the growing availability of information society tools will facilitate personal mobility and help to internationalise tourist flows.

The CoR supports the European Commission's view that Community transport policy is a key issue for the tourism sector, in terms of sustainable mobility, the right to passenger safety and transport quality. At this stage, improving transport certainly means placing an emphasis on safety, but other related issues must also be taken into consideration. Furthermore, the White Paper on transport has already given guidelines for improving the efficiency, sustainability and quality of the tourist transport system.

Tourism is also crucial for the development of regions with accessibility problems, such as mountain areas, island regions and the outermost regions.

In island regions, air transport systems must be improved and the frequency of services increased, ensuring that sufficient places are available. Action is also needed to improve links between the reference airports for island regions and the trans-European road and rail networks, especially high speed trains.

- B. *Matching the supply of professionals graduating from college and university courses with the demand for manpower in the tourism industry*

The CoR agrees with the Commission's analysis of the main needs in terms of training. Tourism currently has a relatively unskilled workforce in most of the main subsectors and especially in SMEs. Whilst there is demand for new skills, for example those associated with ICT, the CoR is aware that local and regional authorities face a significant challenge in stimulating growth particularly in the small and micro business sector that makes up a significant element of the sector. With a downward pressure on prices from larger tour operators, small family businesses in the tourism sector suffer from the lack of perceivable career path and are forced to cut training opportunities, leading to further difficulties with recruitment.

Significant progress has been made at EU level on the issue of 'tourism for all'. The CoR welcomes the European Commission proposals to look more closely at access for the physically disabled. However, the CoR notes the broad definition given to the topic by the Belgian Presidency Tourism Conference that took place in July 2001 and would welcome further proposals from the Commission in the field of social tourism.

In this context, steps can be taken to put measures already used in other areas effectively into practice (such as the 'Europass training document for tourism'), and 'transform learning into innovation, taking into account the "fragile" reality regarding human resources (...), considering a method (...) of learning which is more complex than conventional training, and using bottom-up/top-down approaches, partnerships and cooperation between all the stakeholders concerned.'

It is vitally important to assess the possibility of setting up a specific training network for tourism skills, not least within existing Community programmes (Leonardo da Vinci, Socrates, Tempus, Erasmus). This could dovetail with employment measures (Equal) and link up with training bodies (ALFA).

The CoR would suggest that with this in mind, more financial resources (in the context of the Structural Funds) should be earmarked for pre-university training courses, as there is a need to create a hard core of minimum medium/high-level skills which will then form a better basis for degree-level studies.

The e-learning dimension of the enhancement of the knowledge culture can be a source of value added in the preparation of any initiative in this sector, giving greater uniformity to sectoral training practices.

While on the one hand, the introduction of teaching mechanisms aimed at transferring technical and technological skills should be stepped up, it is also time to link up the various training experiences currently going on in the Member States, in order to help disseminate a common culture in the area of tourism teaching and identify the professional skills needed in this sphere.

The key role of high-level training cannot be underestimated (for instance, the recent establishment in Italy of the 'FORMED Master on new technologies for the enhancement and management of Mediterranean cultural heritage', by the Ravello European University Centre for Cultural Heritage).

- C. *Conducting a standardisation project to create a system for evaluating accommodation and hospitality so as to ensure that average standards are met when awarding marks for the quality of structures and services*

Improving the quality of tourism is a central element of various European programmes. The World Tourism Organisation stresses that quality is the perception by the tourist of the extent to which his expectations are met by his experience of the product. Quality control methods are covered by the ISO 9000 and 14000 series, the EFQM and star ratings (in addition to national evaluation systems).

Quality development is built on structural policies, consumer protection, environment policy, transport management and a spirit of enterprise.

The CoR believes that any genuine quality policy must place the tourist at the centre. As well as the identification of needs and the capacity to meet them, there must be a single proposal that gives a precise definition of the quality of the various components of the tourism system.

Customer satisfaction and customer retention practices provide useful points of reference from which effective evaluation methods can be derived.

Organisational and commercial consultancy, the planning of awareness campaigns, and financial incentives all dovetail to make a programme that recognises high quality tourist structures, the aim being to work at harmonising the quality standard evaluation system for accommodation and hospitality facilities.

Clearly, there is currently no single Community system able to set quality standards for the supply of services to tourists, be it hotel accommodation or restaurants, transport or the range of leisure time options, etc. While expressing the hope that it will prove possible to arrive at uniform criteria and standards at EU level, the CoR calls on the Commission to evaluate regularly existing national systems.

- D. *Promoting official recognition by accommodation and hospitality structures of a charter of duties to the tourist*

The principle of user-identification that lies behind customer satisfaction also underlies the proposed adoption of a European charter of duties to the tourist. The need to protect tourists' rights goes hand in hand with the opportunity to facilitate the achievement of common quality standards and launch a broad programme to monitor those involved in the initiative.

A useful reference point for the European charter of duties is the Ethics Charter for Cultural Tourism presented by the European Observatory on Cultural Heritage (Ravello European University Centre for Cultural Heritage) in Paestum on 5 November 1999 on the occasion of the second Mediterranean Archaeological Tourism Fair, an event devised and hosted by the Province of Salerno.

The paragraph of the charter relating to hospitality duties is especially important. While the document takes into account the relationship between the tourist user and cultural heritage, the underlying spirit underlines the need to place the tourist at the centre of every measure, requiring 'hospitality coherent to the promises made and respectful towards the guests. In addition to adequate information, it will consequently be necessary to arrange a fitting range of high-quality accommodation and other services to be provided without discrimination of any kind. For their part, visitors must be aware of the specific nature not only of the customs and habits of any country they visit, but also of its culture. Religious and moral tradition and beliefs of the inhabitants should be particularly recognised and respected. The criteria set forth in this Ethics Charter of Cultural Tourism are in no way intended to dictate rules to either institutions or individuals. They have been developed with the aim of highlighting universal principles capable of fostering travelling modes in keeping with the criteria that should govern cultural tourism, and encouraging

all of the individuals involved to behave responsibly. This Charter has been drawn up with specific reference to the conventions, recommendations and directives formulated on various official occasions and has been purposely designed for international and national organisations, as well as operators working directly in the field.'

The underlying principle that is most relevant to the need to draw up a charter of duties for those hosting tourists can be summed up by a basic consideration that is valid for tourism in general and not just cultural tourism. Cultural tourism, as the Ethics Charter for Cultural Tourism states, 'brings people from all over the world into contact with communities of different origins and often of different cultural backgrounds. Consequently, by fostering friendship and better relations between these, it becomes an essential prerequisite for the growth of the local as well as the international communities. Cultural tourism is an authentic factor of solidarity and peace.'

Starting from this type of approach, the CoR would stress that respect for the human dignity of the tourist certainly ties in with the duties of hospitality, over and above the supply of any commercial service. Enshrining this principle in a Community charter of duties is extremely important, both politically and culturally.

E. *Using a geographical survey in the Member States to seek and identify new tourist user profiles following 11 September 2001, highlighting cultural tourism and ecotourism and promoting the deseasonalisation of tourist flows*

In its discussion of changes in the EU's demographic structure, the European Commission notes that one of the main problems with tourism is volume: '... its concentration on specific, restricted periods of the year.'

Culture and environment are ideal ways of addressing some of the most pressing issues regarding the development of tourism. Cultural tourism has been a major resource in Europe for some time. It is in this direction that further efforts should be focused in order to set up a supply network that is as well-coordinated as possible, and that can generate synergistic effects between the various regions that share historical, artistic or gastronomic traditions. This should involve harnessing the major resource

of rural tourism through systematic and strategic action that will also generate positive knock-on effects for the agriculture sector.

The project set up by the European University Centre for Cultural Heritage, entitled 'The Mediterranean programme for cultural heritage' can provide useful pointers here. The centre has set up a real cultural bridge between the countries of the northern Mediterranean by establishing a Mediterranean observatory-laboratory that periodically brings together representatives of European, North African and Middle Eastern cultural traditions, with the aim of stimulating research and training activities aimed at protecting and promoting the cultural heritage of the regions concerned. This gives a practical idea of the value of intercultural exchange designed to improve tourism patterns.

The CoR is in favour of the implementation of a European Agenda 21 for tourism. This is already the focus for debate within the steering group chaired by the Commission, which is to present a paper at the World Summit on Sustainable Development to be held in Johannesburg in September. To promote this strategy, there are already plans for an Agenda 21 of the Mediterranean and of the Baltic Sea, Destination 21 in Denmark and a local Agenda 21 in Calvià (Balearics, Spain). In addition to the active Agenda 21 efforts of many local authorities, Sweden has recently produced quality criteria for rating eco-tourism arrangements in the environment and cultural spheres.

The CoR agrees with the objectives set by the Commission in its Communication, which are: 'to prevent and reduce the territorial and environmental impact of tourism in destinations; to control the growth of transport linked to tourism; to promote responsible tourism as a factor for social and cultural development.'

This should be the aim for future measures designed to spread a culture of environmental protection, closely entwined with the rediscovery and enhancement of a broad historical, artistic and cultural heritage.

In the light of these comments, a survey should be conducted in the Member States with the aim of pinpointing the new types of user and preparing appropriate tools for supporting and accompanying demand.

Brussels, 10 October 2002.

*The President
of the Committee of the Regions*
Albert BORE

Opinion of the Committee of the Regions on ‘Towards a constitution for European citizens’

(2003/C 66/05)

THE COMMITTEE OF THE REGIONS,

having regard to the Presidency conclusions of the European Council of 14 and 15 December 2001 and, in particular, the Laeken Declaration on the future of the Union;

having regard to the Commission Communication — A project for the European Union (COM(2001) 247 final);

having regard to the European Commission's White Paper on European Governance of 25 July 2001 (COM(2001) 428 final);

having regard to its contribution of 4 July 2002 to the European Convention (CdR 127/2002 fin);

having regard to its resolution of 14 November 2001 on the preparations for the Laeken European Council and the further development of the European Union in the context of the next intergovernmental conference in 2004 (CdR 104/2001 fin) ⁽¹⁾;

having regard to its report on proximity of 20 September 2001 (CdR 436/2000 fin) and the Salamanca Declaration of 22 June 2001 (CdR 107/2001 fin);

having regard to its resolution of 4 April 2001 on the outcome of the 2000 Intergovernmental Conference and the discussion on the future of the European Union (CdR 430/2000 fin) ⁽²⁾;

having regard to its opinions of 15 September 1999 and 13 April 2000 on the Commission reports to the Council on better law making 1998 and better law making 1999 (CdR 50/1999 fin and CdR 18/2000 fin) ⁽³⁾;

having regard to its resolution of 20 September 2000 for a European constitutional framework (CdR 144/2000 fin) ⁽⁴⁾;

having regard to its opinions of 14 December 2000 on new forms of governance: Europe, a framework for citizens' initiative (CdR 182/2000 fin) ⁽⁵⁾ and of 13 March 2002 on the White Paper on European Governance (CdR 103/2001 fin) ⁽⁶⁾;

having regard to its opinion of 13 March 2002 on the draft report of the European Parliament on the division of powers between the European Union and the Member States (CdR 466/2001 fin) ⁽⁷⁾;

having regard to the decision of its Bureau of 12 June 2001 to draw up an opinion providing a more detailed analysis of the repercussions of the process of simplifying, unifying and constitutionalising the Treaties, and to instruct the Commission for Constitutional Affairs and European Governance to carry out the preparatory work on the subject;

having regard to the draft opinion adopted by its Commission for Constitutional Affairs and European Governance on 9 July 2002 (rapporteur: Mrs Bresso (I-PES), President of the Province of Turin) (CdR 114/2002 rev. 2);

whereas it was given active observer status on the Convention established by the Laeken European Council, which also considered moves towards a Constitution for European citizens to be an issue which must be addressed with a view to achieving a renewed Union;

⁽¹⁾ OJ C 107, 3.5.2002, p. 36.

⁽²⁾ OJ C 253, 12.9.2001, p. 25.

⁽³⁾ OJ C 374, 23.12.1999, p. 11 and OJ C 226, 8.8.2000, p. 60.

⁽⁴⁾ OJ C 22, 24.1.2001, p. 4.

⁽⁵⁾ OJ C 144, 16.5.2001, p. 1.

⁽⁶⁾ OJ C 192, 12.8.2002, p. 24.

⁽⁷⁾ OJ C 192, 12.8.2002, p. 31.

whereas with a view to mapping out a path towards a European Constitution, in the Laeken Declaration the Heads of State or Government referred on several occasions to the need to simplify the way the Treaties were organised in order to lend the European Union and its decision-making procedures greater transparency, thereby bringing them closer to citizens;

whereas regions and local authorities are, by their nature, closer to citizens than any other decision-making level and day-to-day implement the greatest number of Community decisions, making Europe relevant to the lives of their inhabitants;

whereas concerning the process of constitutionalisation, it has long held the view that there is a vital need for an initiative designed to make the Treaties more transparent and easy to understand for the public;

whereas the European Council has accepted this need, considering it to be among the challenges and reforms required for a renewed Union as set out in the Laeken Declaration;

whereas Europe's local and regional authorities cannot simply watch as passive spectators in the post-Nice debate on the future of the European Union, in preparation for future reform of the Union,

adopted the following opinion at its 46th plenary session of 10 October 2002.

POINTS OF VIEW AND RECOMMENDATIONS OF THE COMMITTEE OF THE REGIONS

1. Simplification of the Treaties

The Committee of the Regions

1.1. intends to examine the methods and motives for simplifying, unifying and constitutionalising the Treaties, which as they stand do not fully meet the need for democracy, transparency and simplification felt by both the public and the local and regional authorities directly involved in applying legislation,

1.2. recalls that the European Union is at present founded on four separate treaties and pursues its various policies by means of procedures which vary in accordance with the subject-matter. Objectives, responsibilities and political instruments are therefore governed separately by these treaties. This situation, which is the result of the way the European integration process has developed over the last fifty years, now gives rise to confusion, and sometimes inconsistency, and means that the Union can no longer act with the necessary efficacy. As the most ambitious enlargement in its history approaches, the Union must address this problem and achieve successful rationalisation,

1.3. believes that the fact that the provisions contained in the Treaties are now extremely difficult to understand cannot be overlooked in a process whose main aim is to bring the Community closer to the citizen. Transparent legislation is, above all, legislation which can be read and understood by everyone,

1.4. considers that this question — which is now urgent if the positive value of the European venture is to be conveyed to its citizens — is accompanied by the need to put Community laws on a more essential footing. They should be pared back

to the general and abstract aspects proper to basic law, leaving the task of detailed implementation — in full compliance with Community principles — to regulations drawn up in complete accordance with subsidiarity and the precepts and workings of governance,

1.5. notes in this regard that the distinction between the Union and the Community ought to be looked at afresh, in order to secure working arrangements which facilitate effective action on matters of real importance to citizens,

1.6. considers that such a process would match the shift from the present Treaties to a constitutional treaty, working through a mechanism which not only systematises but abstracts the general principles which should then serve to guide Community legislation. A similar change would pave the way for simplification which, by expressing the European Union's goals in terms of essential principles, would make it easier for citizens to understand why they are being united,

1.7. recalls that the experience of the Treaty of Nice has demonstrated how overall reform of the Treaties should be approached, in response primarily to two requirements: to democratise the institutions and make them more efficient in the run-up to enlargement. The response has not matched up to the challenges faced by Europe, but has at least served to reveal the full limitations of the exclusively intergovernmental approach to revising the Treaties. These limitations were recognised by the governments themselves in Declaration 23, and are the reason behind the Declaration's call for the involvement of a wide range of players who have so far been kept at the margins of decision-making, but who represent the expression of the wishes of the individual citizens of the Union,

1.8. warns that progress on strengthening the EU's capacity to act and the associated decision-making procedures is necessary, including in the interests of enlargement,

1.9. emphasises that while the essential features of the Community method should be retained, responsibilities must be redefined and fine-tuned, and that any transfer of powers must be flanked by appropriate institutional instruments for effective decision-making,

1.10. singles out the importance of economic, social and territorial cohesion being clearly recognised as one of the European Union's key tasks, responsibility for which is shared between the European Union, the Member States and local and regional authorities,

1.11. is convinced that the establishment of the European Convention has opened the way to a constitution in which citizens must be able to make their voices heard on what future they wish to see for Europe, either directly or through the different types of representation, and that the work of the Convention could culminate in the achievement of a broad consensus on a draft European Union Constitution matching public expectations, and with which citizens can identify,

1.12. recalls that making good the democratic deficit in the European integration process is a long-standing political priority of the CoR,

1.13. also points out that CoR members represent citizens vis-à-vis the European institutions, and vice versa. They are the linchpin between regional and local sensibilities and the European level. The CoR also hopes that legislative simplification, such as that planned, will be accompanied by efforts to disseminate Community information at grassroots level using both traditional and non-traditional communication techniques, concentrating especially on young people, the future generations of EU citizens. The creation and growth of a real sense of belonging can only be ensured by a deep awareness of the EU's guiding principles,

1.14. emphasises that this aspect was discussed in detail during the first conference on proximity in Salamanca and in the preceding preparatory debate. In stating its conviction that the principle of proximity is essential for good governance in the EU, the CoR also showed how the local and regional dimension can make the contribution of regional and local authorities to the EU's democratic functioning more tangible. This can be achieved first of all by active involvement in the debate on the future of the Union which the EU is to pursue

between Nice and the 2004 IGC. Local and regional authorities are the best-placed actors to ensure that everyday realities and citizens' aspirations — which are more readily detected in the regional and local sphere — are reflected in EU-level decisions. Only by assuring such a link can the European venture regain its purpose and validity, by restoring the relationship between citizens and the Union.

2. Recasting the Treaties

The Committee of the Regions

2.1. recalls that Annex IV to the Nice Treaty, containing the declaration on the future of the Union, together with the Laeken conclusions and the proceedings of the Convention, have provided specifically for the promotion of broad discussions with all interested parties. The local and regional authorities are very much concerned by this process and should be given the opportunity to share their views on recasting the Treaties — an issue that concerns them not only as grass-roots representatives of the public but also as actors who are increasingly involved in implementing Community policies and applying Community legislation,

2.2. considers that without any doubt, the chief problem facing the Treaties today is their lack of comprehensibility. The primary task of simplification must be to ensure that the general public in the EU can read them and grasp why the Union exists and what its objectives are. In this regard, local and regional institutions would highlight their natural role as a reference point for all European citizens, and as an ideal forum for information and consultation,

2.3. points out that this is closely followed by the issue of bringing the Community legislative system back into line with the principles of a ranking of sources, of a legislative system starting with general, universal aspects and moving down to specific aspects, ensuring that fundamental principles are respected at every level. While retaining their formal status of international treaties, the Treaties must guarantee the existence of a legal system which represents a unique case, and whose underlying principles must be enshrined in fundamental law. This fundamental law will then be fleshed out with implementing legislation, which may be established at other levels and not necessarily always in exactly the same way, but in line with the characteristics and constitutional arrangements of the Member States,

2.4. considers that implementing a grass-roots policy requires that regional and local authorities have some leeway in how Community decisions are enacted. The effect of guaranteeing a European model based on every detail of legislation safeguarding competition is to lessen the role of such authorities and, in particular, to encroach upon the jurisdiction of regions with legislative powers. Such safeguards should instead take the form of vigorously advocating a number of general principles, subsequently implemented in detail by laws and regulations laid down by Member States, regions and local authorities on a common-sense, self-governing basis. Governance, regardless of the territorial level in question, necessarily involves consultations, especially at local and regional level where representative democracy and its supervisory capacity are most keenly felt,

2.5. points out, in this regard, that under national constitutions, regional and local authorities possess significant and sometimes exclusive powers in numerous key sectors and are therefore ideally placed to act as interpreters, voicing citizens' aspirations concerning the European Union. The rudimentary nature of 'political Europe' in recent years has unarguably tarnished its image in the eyes of the general public, weakening their sense of belonging. If this link is to be restored, it is vital for the Union to open up to citizens, adopting a political programme and lines of action. The exclusively intergovernmental method must be replaced with a method for amending the treaties, heralded by the Convention and making it possible to draw up a European constitutional treaty under conditions of transparency: the CoR has already spoken out in support of such an approach. To achieve this, there must be institutional changes which are far-reaching and inclusive in a way that only constitutional reforms can be,

2.6. believes that the distinction between the basic Treaty and the other provisions it now contains should be mirrored by separate procedures for amendment with different types of qualified majority required for each.

3. The Charter of Fundamental Rights

The Committee of the Regions

3.1. considers that the EU must think again about a 'pact' with its citizens, giving form to the powerful sense of belonging which is crucial if people are to commit themselves to a shared future. This has been the great achievement of the EU Charter of Fundamental Rights. It has introduced innovations in two essential areas: a new drafting method, through the Convention set up for the purpose, and a focus on topics of immediate concerns to citizens: their rights,

3.2. emphasises that it has repeatedly urged that the charter be made binding and serve as an integral part of a broader European constitutional structure, in order to ensure that the rights set out therein are inalienable; it has also clearly indicated that local and regional authorities are in favour of this new constituent phase, and intend to ensure that they play an active part in it. The rights based on the Member States' shared values should be anchored in the EU Treaty. This is particularly true of human and civil rights, since economic and social rights in many Member States largely come within the local and regional authorities' spheres of responsibility and should therefore remain policy objectives at EU level. It hopes that a solution to the problem of the EU's legal personality will make it possible for it to accede to the European Convention on Human Rights, which has already been signed by all EU Member States,

3.3. recalls that the Nice Summit pointed for the first time to the real prospect of a method for EU institutional reform along the lines of the convention which led to the EU Charter of Fundamental Rights.

4. Adopting a constitutional text

The Committee of the Regions

4.1. recalls that it has for some time advocated a European constitutional framework which, while respecting the existing constitutional systems of the various Member States, would seek to remedy the Community's present democratic deficit,

4.2. regrets the marginal role still allotted to regions and local authorities, its representatives not figuring among the full members of the Convention whose task it is to prepare a draft constitutional treaty,

4.3. stresses that instruments, responsibilities and decision-making procedures provided under the present Treaties are incapable of guaranteeing that the Community decision-making process can efficiently meet the challenges of increasingly interdependent circumstances,

4.4. urges that the principles of subsidiarity and proximity be better protected, guaranteed and implemented under the new constitutional framework, and that a better balance be struck between the institutions, and between them and the other spheres of government,

4.5. considers that the future constitutional treaty should be a basic treaty. It should not be limited to recasting the existing version, but rather should strengthen the institutions in order to redress the Union's present democratic deficit; to this end, the role of the European Parliament will have to be upgraded, and the demand for grassroots proximity must be met by more closely involving regional and local authorities either through their representative assembly, the Committee of the Regions, or directly under the powers granted to them by individual national constitutions,

4.6. believes that in the constitutional treaty, explicit reference should be made to the values underpinning the process of European integration and which the Union wishes to promote, meaning the principles governing the system of rules which is to be applied subsequently in the detailed legislation. These principles should include:

- the principle of subsidiarity as a key principle, including at sub-state level in keeping with the provisions of the individual Member State constitutions,

- the principle of proportionality,
- the principle of governance and partnership,
- the principle of flexible implementation at national, regional or sub-regional level,

4.7. is of the view that in drafting the constitutional treaty, work to clarify responsibilities should avoid rigid categorisation, and should focus on reinforced EU-level powers which should extend beyond the current remit of currency to cover joint security and foreign affairs, as these are spheres in which citizens are most aware of the need for a Europe which can speak with a single voice. Other powers regarding major strategic options should be shared between the European and national levels, with direct implementation being left to the national and sub-national levels, in keeping with the different constitutional arrangements in the Member States.

Brussels, 10 October 2002.

*The President
of the Committee of the Regions*
Albert BORE

Resolution of the Committee of 'The Regions on the recent flood disasters in Europe and the establishment of the European Union Solidarity Fund'

(2003/C 66/06)

At its 46th plenary session (meeting of 10 October 2002) the Committee of the Regions adopted the following resolution by a unanimous vote:

having regard to the third paragraph of Article 159 of the Treaty establishing the European Community;

having regard to the Proposal for a Council Regulation establishing the European Union Solidarity Fund (COM(2002) 514 final);

having regard to the draft European Parliament report on the Proposal for a Council Regulation establishing the European Union Solidarity Fund (PE 314.730);

- A. in the light of this summer's catastrophic floods that hit regions, towns and cities of the European Union and the candidate countries;
- B. in the light of the many lives lost in this disaster;
- C. given that the disaster has wrecked innumerable lives and livelihoods, and will have long-term social and economic repercussions;
- D. in view of the so-far incalculable damage amounting to billions of euros done to private property, public infrastructure and cultural monuments;
- E. given that the areas hit by the natural disasters are mainly limited in size and that, as a result, regional and local authorities must also be responsible for assessing the damage and the right to have recourse to the EU Solidarity Fund;

The Committee of the Regions

1. expresses its profound sympathy and solidarity with the families, friends and acquaintances of those who lost their lives;
2. is concerned about the fate of those who have been affected by the flood disaster and have suffered damage;
3. underlines its high esteem for the solidarity and tireless commitment shown by helpers — both private individuals and all the various private and public organisations who provided unhesitating and speedy assistance to the victims, rescued people in emergencies, comforted them and eased their suffering;
4. pays tribute to the determination, courage and resolve of those affected by the flood disaster to take charge of their own destiny and overcome the effects of the disaster as quickly as possible;
5. notes that the disaster has a European-wide impact, and that European solidarity with the flood victims is in evidence across all political divides;
6. welcomes the fact that the European institutions, and in the first place the European Commission, have adopted support measures without delay and have proposed long-term action to enable the European Union to make a contribution to collective solidarity in situations such as these;
7. fully supports the Commission's Proposal for a Council Regulation establishing the European Union Solidarity Fund;
8. considers that in exceptional circumstances, even when the quantitative criteria proposed by the European Commission are not met, any disaster affecting a substantial part of the population of the specific zones concerned can be considered eligible for funding;
9. notes the need for a speedy conclusion of the interinstitutional negotiations on the establishment of the fund;
10. recalls its opinion of 15 February 2001 on the structure and goals of European regional policy in the context of enlargement and globalisation, in which it advocated the creation of an intervention instrument for serious crises of this kind;
11. would stress that the Solidarity Fund differs from the Structural Funds and other existing Community instruments and that it should be used only for the most serious natural disasters;
12. would emphasise that, under the subsidiarity principle, such a fund supplements measures taken at national, regional and local level;

13. welcomes the fact that tripartite agreements — which are to include regional or local authorities — are to be concluded to implement the financial assistance, and calls on the Member States to use such agreements since, by comprehensively involving these authorities at an early stage, they ensure the efficient deployment of Community aid;
14. asks that the Member States and regions affected be given the widest possible responsibility in processing, administering and monitoring the aid, without prejudice to the supervisory powers of the Commission and the Court of Auditors;
15. stresses that this urgently needed financial aid must be disbursed quickly and transparently and in a way that is flexible, non-bureaucratic and fair;
16. welcomes the possibility given to the Member States, candidate countries and regions concerned to redirect some of the structural resources assigned for the period 2000-2006, and the special agricultural policy measures that have been proposed;
17. underscores the need for comprehensive and efficient coordination of all local, regional, national and European aid measures on the ground, in the cities, towns and regions directly affected;
18. notes that, as the main players involved, local and regional authorities are called upon — by means of a smoothly operating administration and the provision of all available public resources — to put in place the conditions and general framework necessary to repair the damage quickly and to rebuild and restore private and public buildings and installations as well as companies, businesses and infrastructure facilities;
19. stresses how important it is that European Union solidarity should also include the candidate countries affected;
20. calls on the Member States, the candidate countries and the regions to give high priority to their own disaster prevention schemes and to examine, review and, if necessary, update the measures and strategies currently in place, and endorses the Commission's announcement to work out a new European crisis prevention strategy;
21. considers it vital that a CoR opinion be drawn up on the experience and knowledge that the affected cities, towns and regions have acquired so far in handling the flood disaster and the effects thereof, and that this opinion be made available to all local and regional authorities in the EU and the candidate countries;
22. feels it is essential to pool the know-how available in Europe about flood and water management, and, building on this knowledge, intends to discuss the Member States' water and flood policy for the future;
23. instructs its president to forward this resolution to the Council, the European Commission, the European Parliament and the local authorities and regions concerned.

Brussels, 10 October 2002.

*The President
of the Committee of the Regions*
Albert BORE