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## II

*(Preparatory Acts)*

## COMMITTEE OF THE REGIONS

54TH PLENARY SESSION, 21 AND 22 APRIL 2004

**Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — Basic orientations for the sustainability of European tourism'**

(2004/C 121/01)

The Committee of the Regions,

Having regard to the 'Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — Basic orientations for the sustainability of European tourism' — (COM(2003) 716 final);

Having regard to the decision of the European Commission of 21 November 2003 to consult it on this subject under the first paragraph of Article 265 of the Treaty establishing the European Communities;

Having regard to the decision of its President of 27 January 2004 to instruct its Commission for Territorial Cohesion Policy to draw up an opinion on this subject;

Having regard to its opinion on Working together for the future of European tourism (CdR 99/2002 fin) <sup>(1)</sup>;

Having regard to the conclusions of the Euromeeting 2003 on sustainable tourism conference, held jointly by the Tuscany region and its COTER Commission;

Having regard to the European Spatial Development Perspective (ESDP) and its opinion on the subject (CdR 266/98 fin) <sup>(2)</sup>;

Having regard to its draft opinion (CdR 397/2003 rev. 1) adopted on 18 February 2004 by its Commission for Territorial Cohesion Policy (rapporteur: Mr Adan Martín Menis, President of the Canary Islands Regional Government (ES/ELDR));

Whereas:

- 1) tourism is one of the most important and rapidly expanding sectors of the world economy and that of the EU;
- 2) tourism can contribute significantly to achieving the objectives of maintaining high and stable levels of economic growth and employment, social progress which recognises the needs of everyone, effective protection of the environment and the prudent use of natural resources;
- 3) the natural, economic, social and cultural resources that define the economic sustainability of the sector will not withstand an indefinite expansion of European tourism;

<sup>(1)</sup> OJ C 66 of 19.3.2003, p. 14.

<sup>(2)</sup> OJ C 93 of 6.4.1999, p. 36.

- 4) the implementation plan adopted at the Johannesburg World Summit on Sustainable Development claims to be based on the development of sustainable tourism and outlines measures to change unsustainable consumption and production patterns;
- 5) tourism is a global phenomenon that is shaped locally. Sustainability issues range from global ones that need to be solved globally, to local ones requiring action on the ground. Tourism, however, is a primarily local and regional sector. Tourism-related measures must therefore be designed and implemented above all at local level, in order to address the specific needs and limitations that exist;
- 6) Article 2 of the Treaty establishing the European Community identifies the promotion of the sustainable development of economic activities as one of the Community's tasks. Tourism has great potential for contributing to the achievement of sustainable development objectives, and Article 3(u) of the Treaty provides for Community action in the field of tourism in order to meet the objectives set out in Article 2. The sustainability of tourism must be in line with the general guidelines on sustainable development in the EU, as defined in the European Sustainable Development Strategy (SDS);
- 7) since the mid-1990s, the sustainable development of tourism has been a priority for the EU Institutions. In its Communication on Working together for the future of European tourism, of November 2001, the Commission proposed further promoting the 'sustainable development of tourism activities in Europe by defining and implementing an Agenda 21';
- 8) this objective received strong support from the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions;

adopted the following opinion at its 54<sup>th</sup> plenary session held on 21 and 22 April 2004 (meeting of 21 April).

The Committee of the Regions:

tions, local, regional and national governments, and civil society groups;

acknowledges that it is difficult to summarise in a document of this kind the priorities and strategies of sustainable European tourism, which are as complex as Europe's regional make-up, as varied as the range of products on offer, as numerous as the range of consumer demands and as diverse as the different administrative and business practices employed to shape tourist destinations;

welcomes the Commission Communication, even if it may disagree with some of the points made in it, as it is the first time that the European Union has adopted an overall standpoint on the challenges of sustainable tourism;

considers that, although there are other equally useful standpoints on sustainability, such as the European Spatial Development Perspective (ESDP), the main value of this Communication resides in the fact that it outlines actions that need to be taken, in particular by regions and destinations, if sustainable tourism is to move from theory to practice;

points out that the Commission is offering local and regional authorities new opportunities to base sustainable tourism policy on the three pillars of sustainability, and that working together and good governance are key methodologies which will promote progress in the industry and remedy the lack of consistency between the many existing practices;

welcomes the fact that the Communication also recommends steps to be taken by European citizens and tourists, private sector enterprises, the social partners, international organisa-

## 1. Challenges and objectives of sustainable tourism

*Main challenge: sustainable activity and growth*

1.1 considers that it is not only particular geographical areas such as the Mediterranean and the Alps that face additional specific challenges in the area of sustainable tourism but also other areas such as island destinations, the outermost regions and developing countries;

1.2 welcomes the fact that the Commission considers the sustainable management of mass tourism as a particular challenge which 'promises to be the biggest contribution to the sustainability of tourism';

1.3 such mass tourism can exact a heavy price in environmental, social and landscape terms in many destinations. Nevertheless, from the European perspective, the impact on sustainability is mitigated by the beneficial social effects for the citizens of both the countries they come from and the countries they visit;

1.4 many of these destinations are now turning away from quantitative physical growth and opting for qualitative growth by upgrading their infrastructure and products and by ongoing renovation, at the same time setting limits on growth and framing new strategies for planning and managing sustainable tourism;

1.5 considers that this new objective of subjecting tourist development to sustainability criteria - which also promotes sustainable patterns of consumption and products in contrast to tourist development which caters to the satisfaction of immediate and short-term interests - faces numerous political, economic and legal difficulties which, in many instances, fall outside its remit;

1.6 also considers that these difficulties may be exacerbated in those destinations where tourism is the main source of wealth and economic activity;

1.7 believes that these difficulties could be even greater in the case of fragile and remote islands, upland areas and territories where the effects of non-sustainability are exacerbated by isolation;

1.8 considers that the response of local and regional authorities to challenges of this magnitude should receive maximum cooperation and support from national governments and the European institutions which should be ready to use the most suitable legal, economic and political measures to prevent sustainable tourism initiatives undertaken by regions and localities from failing;

1.9 believes that it is particularly important to suitably adjust Community rules on State aid to encourage (i) the ongoing renovation of tourist destinations, (ii) limited and sustainable growth and (iii) the development of sustainable tourism in areas suffering a permanent natural and geographic disadvantage where tourist activity could be detrimental to fragile and highly valuable natural resources.

#### *A balanced approach to the three pillars of sustainability*

1.10 welcomes the Communication's explicit recognition of the importance of all parties working together and good governance;

1.11 believes that local and regional tourism authorities must emerge from this process strengthened and equipped to coordinate their work with other authorities and bodies at all levels, establishing the necessary synergies and using good governance practices to achieve the desired objectives;

1.12 believes it is also necessary for all local and regional sectoral authorities and policies that have a clear influence on the shape of sustainable tourism to be offered new opportunities and incentives so that they can contribute, for example, towards good governance and the planning and management of sustainable tourism models;

1.13 believes that the tourism industry as a whole and all other relevant players must be involved from the start in shaping a new tourism policy based on sustainable destinations;

#### *Sustainable consumption patterns*

1.14 considers that the Commission has every reason to identify seasonal spread and transport as two of the main problems facing a sustainable pattern of tourist consumption;

1.15 believes that while seasonal spread is a regional problem, it is one shared by many tourist destinations and

products in Europe which must therefore design and manage their patterns with this variable in mind;

1.16 believes that any political action on seasonal spread at European Union level must be very cautious so as not to cause distortions in the market that could affect destinations and products which have a competitive advantage when it is the low season in other destinations;

1.17 believes that the issue of transport must be analysed from various angles, including efficiency in the area of consumption and emissions, redistribution of wealth and other related benefits, and the sustainability commitments that European destinations and regions will have to make to this end, based on documents and protocols, such as that of the Alpine Convention and others that have made progress in this area;

1.18 believes, however, that any analysis from the point of view of consumption must consider other relevant variables to avoid partial and contradictory diagnoses;

1.19 considers that a more holistic approach should be adopted that:

- encourages more money to be spent on sustainable tourism;
- gives tourists interested in sustainability more decision-making power and choice;
- protects the rights of tourists interested in sustainability;
- promotes tourism as a uniting force in Europe;
- recognises tourism's ability to redistribute wealth;
- promotes tourism as a catalyst for peace.

Such an approach would allow for more comprehensive assessments of sustainability from the point of view of tourist consumption patterns;

1.20 does not believe that few tourists are interested in sustainability. On the contrary, essentially European tourists are interested in sustainability and demand sustainable products, even if the understanding of the meaning of sustainable products varies greatly from one tourist to the next; the challenge for destinations and companies, then, is to offer sustainable tourist products. Destinations must be enabled to develop sustainable tourist products, promote, in particular, their sustainability-related qualities and commitments, and offer tourists interested in sustainability more choice;

1.21 believes that a proper link must be established between sustainability and competitiveness. This link, though until now fragile and contradictory, is the best chance of moving towards sustainability through dialogue and at the same time gaining more allies and partners in this cause;

#### *Sustainable production patterns*

1.22 congratulates the Commission on the ideas set out in its paragraph on sustainable destination development;

1.23 considers this to be one of the most relevant contributions of the entire Communication;

1.24 welcomes the references to the following:

- destination as the overall tourism product;
- the importance of activities that combine public and private interests in achieving sustainable production;
- fragile and over dependent 'mono-economies' without the desired indirect effects;
- a level playing field for local providers and the reinvestment of profits back into destinations.

These factors justify actions and policies designed to shape regional tourism patterns on the basis of market potential and the sustainability needs of destinations and regions;

1.25 welcomes the references to the following:

- the traditional cultural landscape;
- heritage-related resources, infrastructures, hospitality and facilities as basic resources of tourist destinations;
- wise land-use;
- local cultural identity and local residents' needs.

It also welcomes the reference to the need for local and regional tourism policies to be linked to other sectoral policies, through good governance;

1.26 welcomes the reference to the need to respect the carrying capacity of natural and cultural areas, and the importance of analysing carrying capacity in a general context of designing sustainable tourism patterns at local and regional level;

1.27 welcomes the references to secondary or third-age residence and one-day visits, as they demonstrate the importance of properly identifying tourism-related phenomena and studying their positive and negative effects before policies and legislation are drawn up.

## 2. Where we stand

### *Many initiatives*

2.1 considers that one of the most interesting conclusions of the European Spatial Development Perspective (ESDP) is its call for sectoral industries and authorities, including the tourism sector, to take on board their responsibilities in the area of territorial planning. This is one of several documents that call for specific sectors, including the tourism sector, to be involved in territorial planning and encouraged to share their knowledge and methodology from the start. This will strengthen the decision-making power of tourists interested in sustainability, improve the positioning of the most sustainable products and respond to ongoing efforts to focus regional policies on local residents' sustainability concerns at economic, social and environmental level;

### *Slow progress*

2.2 agrees that there is a lack of progress on sustainable tourism, demonstrating the need for basic orientations to be drawn up in order to re-direct trends towards sustainability objectives;

2.3 is pleased that the Commission advocates a bottom-up European tourism policy that is firmly grounded in the subsidiarity principle and makes destinations responsible for improving their level of sustainable development;

2.4 agrees with the Commission that SMEs and destinations play a key role in the success of sustainability initiatives.

## 3. Facing the challenges: The policy options

3.1 agrees with the Commission that actions should focus on the following areas:

- effective implementation of existing initiatives;
- Community activities designed to optimise the effect of Community policies and measures;
- Community activities based on defining additional measures.

However, the Committee would have liked these concepts to have been developed further.

## 4. Implementing tourism sustainability: Basic orientations for a European Community approach

### *The general concept of future action*

4.1 agrees with the Commission's assessment that stakeholders must be included at all levels, from local to global;

4.2 is concerned by the Commission's view that issues linked to seasonal concentration and travel for the purpose of sustainable tourism need to be addressed higher up than the local and regional level;

4.3 believes that stimulating certain tourist demands at a higher level could jeopardise the interests of non-beneficiary destinations, not to mention non-EU destinations, resulting in a distortion of the market;

4.4 believes that the Commission is right when it says that political, business and social stakeholders must not only take the necessary action to make sustainable tourism a reality, but also formulate their own Agenda 21 at sectoral level. In other words, and where regional policy is concerned, re-defining local and regional tourism policy on the basis of sustainability criteria - the justification, objectives and methodology of which are outlined in the Communication - is an excellent opportunity to free up Agenda 21 processes which are currently on the administrative, political, business and social backburner in many European regions and tourist destinations;



4.5 considers that, by creating local and regional frameworks for action in developing sustainable tourism, which link in turn to national and European level frameworks, this will open up new opportunities for regional authorities, especially local and regional tourism authorities, which will need to improve their capacity in order to meet challenges; all regional authorities and policies that have a clear impact on sustainable tourism, e.g. in the area of the environment, spatial planning, employment, agriculture, cultural heritage, training, etc., will now have a new framework in which to formulate their actions owing to their link with sustainable tourism;

4.6 agrees that information is a key issue for the sustainable development of tourism. Tourism is characterised by a severe lack of transparency and information. Industries and destinations will only be able to properly adopt sustainability strategies if they are given vital information relating to their activity. Much of this information can only be produced and collected in destinations;

4.7 calls on the European institutions to establish and support networks of destinations that are capable of producing and exchanging information;

4.8 considers that some relevant tourist information cannot be provided by destinations or networks of destinations. This is where the European Commission comes in, playing a key role that cannot be played by the regions or Member States;

#### *What the Commission intends to do*

4.9 welcomes the impact assessments undertaken by the Commission, in particular on tourism, as they are excellent examples that will encourage good governance in European regions and tourist destinations;

4.10 supports the Commission's objective of preparing and implementing an internal work programme to enhance the effect of the various Community policies;

4.11 believes that sustainable tourism indicators are more than an objective in themselves, i.e. to measure the sustainable development of tourism; they also play an important role as a catalyst for sustainability processes. It is therefore essential that the interested parties (e.g. industry, authorities, civil society, etc.) are involved in defining indicators from the start and that they are kept simple and user-friendly, so that everyone can understand them and continue contributing towards them;

4.12 considers that measuring sustainability is a way of improving it, as it encourages stakeholders to understand the impact of tourism, alternatives to be discovered and the necessary social capital to be developed;

4.13 supports a cooperation agreement on sustainable tourism with the World Tourism Organisation (WTO);

4.14 welcomes the Commission's plan to set up a Tourism Sustainability Group composed of representatives of local, regional and national authorities, tourism companies, trade unions and civil society;

4.15 believes that, given that the CoR is the EU body that represents local and regional authorities in Europe, it should appoint the members representing these authorities in the Group in cooperation with the pan-European associations of local and regional government;

4.16 suggests that, for the group to be operative, representatives should be chosen on the basis of regional groupings and should reflect all types of tourist destination;

4.17 calls on Eurostat to support the work of the Tourism Sustainability Group so that sustainable tourism indicators can be defined at European level and promoted at local and regional level. This may be a crucial qualitative leap towards developing sustainable tourism;

4.18 agrees with the Commission that seasonal spread and transport are two key issues affecting sustainable consumer choices and that a group of experts needs to meet on a regular basis. However, it reiterates that their discussions must take account of global analyses and other relevant variables, to avoid partial and contradictory diagnoses;

4.19 believes that, at all events, extreme caution should be exercised when preparing potential awareness-raising campaigns, particularly those aimed at consumers, ensuring such campaigns are sufficiently general so as not to cause tension between different destinations and products. At the same time, adequate resources should be provided to help local and regional authorities in different tourist destinations to take on board the guidelines set out in the Commission's Communication and to help implement them;

4.20 considers, on the other hand, that tourists should indeed know that they have a right to sustainable tourist products, as laid down in the Charter of the Rights and Duties of Tourists, and therefore believes it is a good idea to help the industry and destinations to bring their products into line with the sustainable patterns demanded by European and international visitors;

4.21 agrees with the Commission that Corporate Social Responsibility is a positive initiative that will encourage the development and adoption of good practice in sustainable production;

4.22 congratulates the Commission for proposing activities designed to promote initiatives in tourist destinations in the following areas:

- wide-spread use of the Local Agenda 21 in European tourist destinations;
- development of locally adaptable techniques to manage carrying capacity;
- exchange of information between tourist destinations;
- bottom-up approach;
- development and dissemination of good practice;
- use of information and communication technologies.

4.23 trusts that the Commission has the necessary resources to do this and hopes that it will take measures to include these objectives in existing areas of Community aid, or at least those considered appropriate, e.g. by stepping up the INTERREG 3 initiative, which could provide financial support in particular for networks of tourist destinations, or for other initiatives that are considered appropriate;

4.24 highlights the importance of holding tourism meetings with local and regional authorities, their representative associations and relevant stakeholders in order to inform regions, industry and civil society about the objectives, methodologies and progress of the basic orientations for sustainable European tourism;

4.25 believes that actions to be taken by the Commission to help reinforce the capacity of destinations, while taking account of the spatial and land use dimension of tourism, must include competitiveness. The focus would then be three-fold: competitiveness, quality and sustainability;

#### *What other stakeholders can do*

#### *European citizens and tourists*

4.26 considers that European tourists must be properly informed about the Charter of the Rights and Duties of Tourists;

4.27 calls on destinations to defend the rights and interests of tourists interested in sustainability and to set up systems to assess their views;

4.28 recommends that destinations should promote, in particular, their sustainability-related qualities and commitments;

4.29 proposes that the above paragraphs should be explicitly included in methodologies for implementing Agenda 21 processes and in plans for the sustainable development of tourism;

#### *Private sector enterprises and social partners*

4.30 fully endorses this part of the Communication;

4.31 considers that there is a need to strengthen SMEs, training their managers and employees, stepping up their involvement in decision-making processes and improving their access to quality systems;

4.32 proposes specifically incorporating these objectives into the Community action framework;

#### *European tourist destinations and public authorities*

4.33 fully endorses this part of the Communication and congratulates the Commission on it;

4.34 considers this to be an excellent opportunity for local and regional tourism authorities to become trained and involved in sustainable tourism development and to establish synergies and work together with other authorities, while respecting each region's organisational structure, in order to achieve the desired objectives;

4.35 also believes that all the relevant local and regional authorities are being offered a clear opportunity to incorporate the sustainable tourism dimension into their actions and objectives;

4.36 welcomes the Commission's reference to tripartite agreements as an instrument for cooperation between the different authorities. In fact, tourism is one of the areas in which such tripartite agreements can be applied;

4.37 considers that the Commission must analyse efficiency in order to ensure that efforts to improve its existing framework of action on the sustainability of European tourism are not dissipated on actions unconnected at destination level, while preserving the diversity of its proposed objectives;

#### *International organisations and national governments*

4.38 fully endorses this part of the Communication;

#### *Civil society groups*

4.39 fully endorses this point, but points out that training is required if these groups and the tertiary sector as a whole are to be involved, i.e. they are really able to participate in the process, a prerequisite for which is full, detailed and accessible information. To this end, specific actions will therefore be needed;

### **5. Conclusions**

5.1 welcomes the Commission's intention to report back to the Council and other Community institutions on the progress of implementation and prepare for the application of an Agenda 21 for European tourism, but nevertheless considers that the detailed preparation of this Agenda 21 for European tourism should be completed by 2005 at the latest;

5.2 requests that the CoR be among the Community bodies informed.

Brussels, 21 April 2004

*The President*  
*of the Committee of the Regions*  
Peter STRAUB



**Opinion of the Committee of the Regions on**

- **the ‘Communication on Barriers to widespread access to new services and applications of the information society through open platforms in digital television and third generation mobile communications’ and the**
- **‘Communication on the transition from analogue to digital broadcasting: (from digital “switch-over” to analogue “switch-off”)**

(2004/C 121/02)

THE COMMITTEE OF THE REGIONS,

Having regard to the European Commission Communications on barriers to widespread access to new services and applications of the information society through open platforms in digital television and third generation mobile communications (COM(2003) 410 final) and on the transition from analogue to digital broadcasting (from digital ‘switchover’ to analogue ‘switch-off’) (COM(2003) 541 final);

Having regard to the decision of the European Commission of 9 July 2003 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its President of 19 June 2003 to instruct its Commission for Culture and Education to draw up an Opinion on this subject;

Having regard to the conclusions of the Barcelona European Council of March 2002;

Having regard to the conclusions of the Seville European Council of June 2002;

Having regard to its own opinion on The eEurope Benchmarking report and on eEurope 2005: An information society for all (CdR 136/2002 fin) <sup>(1)</sup>;

Having regard to its own opinion on the Adoption of a multi-annual programme (2004-2006) for the effective integration of Information and Communication Technologies (ICT) in education and training systems in Europe (eLearning Programme) (CdR 73/2003 fin) <sup>(2)</sup>;

Having regard to its own opinion on the Follow-up to the multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks (CdR 140/2002 fin) <sup>(3)</sup>;

Having regard to its own opinion on the Proposal for a Council Decision adopting a multi-annual programme (2003-2005) for monitoring of eEurope, dissemination of good practices and the improvement of network and information security (MODINIS) (CdR 252/02 fin) <sup>(4)</sup>;

Having regard to its own opinion on eEurope 2002: Accessibility of Public Web Sites and their Content (CdR 397/2001 fin) <sup>(5)</sup>;

Having regard to its draft opinion (CdR 308/2003 rev. 2) adopted on 19 February 2004 by its Commission for Culture and Education (rapporteur: Luigi Sergio Ricca, Mayor of Bollengo, IT/PES);

<sup>(1)</sup> OJ C 128 of 29.5.2003, p. 14.

<sup>(2)</sup> OJ C 244 of 10.10.2003, p. 42.

<sup>(3)</sup> OJ C 73 of 26.3.2003, p. 34.

<sup>(4)</sup> OJ C 128 of 29.5.2003, p. 19.

<sup>(5)</sup> OJ C 278 of 14.11.2002, p. 24.

## WHEREAS:

- 1) The Barcelona European Council of March 2002 acknowledged that digital television and third-generation (3G) mobile communications will play a key role in providing widespread access to interactive services, and called upon the Member States to foster the use of open platforms to provide freedom of choice to citizens for access to applications and services of the information society. It also invited the Commission to present an analysis of the remaining barriers to the achievement of widespread access to such services and applications;
- 2) The Seville European Council of June 2002, in adopting the eEurope 2005 Action Plan, acknowledged that in order to achieve the Lisbon objective of making the Union the most competitive knowledge-based economy in the world, it was important for the information society to be accessible to all;
- 3) It is important in the coming years to make possible general access for all citizens, including disabled people and those with other special needs, to new services and applications of the information society;

adopted the following opinion at its 54th plenary session, held on 21-22 April 2004 (meeting of 21 April):

## 1. The Committee of the Regions' views

### The Committee of the Regions

1.1 expresses its appreciation of the initiative on the part of the Commission, which has accepted the suggestions put to it that it should examine, and report on, the obstacles which still stand in the way of widespread access to information society services through open platforms in 3G mobile communications and digital television; it also appreciates the broad public consultation carried out on the subject;

1.2 agrees with a vision of the future which sketches out 'an information society for all' in which sooner or later everyone will routinely access and make full use of electronic services;

1.3 endorses the Commission's choice to concentrate its Communication on the service transmission platforms, i.e. the means of distribution for services, rather than dwelling on the variety of the services themselves;

1.4 agrees that communication infrastructures are characterised nowadays by a series of 'islands of connectivity' which have little communication between them, that there is a trend towards growing interoperability between these 'islands', and that the technological element is important in this development: the digitalisation of existing networks contributes substantially to their potential interoperability;

1.5 acknowledges the fact that the trend towards interoperability is determined partly by the market (users wish to have access to services offered by various providers on various types of equipment in different places and situations), partly by regulatory developments (there is a tendency to create a context of parity which is neutral in terms of technology and provides incentives for a multi-platform competitive environment);

1.6 agrees on the advantages offered by the migration to digital, with the possibility of compiling and compressing

digital data, making the use of network capacity much more effective in comparison with analogue signals;

1.7 draws attention to the fact that personal computers are now the most widespread means of accessing information society services and that digital television sets and mobile phones come in second place well behind PCs, while devices which fit into several categories are starting to appear;

1.8 points out that television and sound broadcasting are not at present regarded, under the terms of Directive 89/552/EEC, as information society services because they are not provided on individual request, and that digital television does not necessarily mean interactive television;

1.9 points out that migration to digital ('switchover') is therefore a complex process, with socio-economic implications which go far beyond mere technical migration. If one considers the role of radio and television in modern society, the change has not just economic, but also political and social significance;

1.10 supports the Commission's choice of concentrating its attention on the development of interoperability and, in that context, of focusing on 'open platforms', associating them with greater freedom of choice for citizens in terms of the applications and services of the information society;

1.11 takes note of the development of mobile telecommunications from the simple provision of voice telephony services plus SMS to the provision of mobile data and multi-media services. However, there are a number of obstacles to third generation (3G) mobile communications which can be summed up as follows:

- a) high costs of setting up infrastructure;
- b) considerable ongoing technical problems;
- c) lack of reliable services;
- d) lack of 'demand' for 3G services;

1.12 further notes that the overall picture emerging from examination of the subject is particularly complex and inter-linked, and that no analysis can be regarded as definitive. It therefore appreciates an approach which tends to favour competition conditions based on technological neutrality, and which also takes account of other factors - apart from the 'openness' of 3G and digital TV platforms - that concern more particularly consumers among the barriers impeding access to information society services.

## 2. The Committee of the Regions' recommendations

### The Committee of the Regions

2.1 recommends that, in supporting more widespread access to new services and applications of the information society and assisting the transition from analogue to digital broadcasting (from digital 'switchover' to analogue 'switch-off'), priority should be given above all to the interests of citizens/consumers, so as to avoid a socially retrograde impact: given the role of radio and television in modern society, the consequences are not solely economic but also social and political;

2.2 regards it as an essential objective that the European information society should develop fairly in social, cultural, linguistic and regional terms, and that all citizens should be guaranteed the opportunity to benefit from it, so as to avoid new forms of exclusion;

2.3 calls therefore for attention to be given to ensuring that:

- a) migration to digital does not mean that many families are simply deprived of broadcasting services (at present, digital television is broadcast mainly by satellite on a paying basis). Switch-off should occur only when a very tiny number of analogue television receivers remain in use;
- b) services are developed which are useful and attractive to consumers;
- c) a secure environment is created which inspires consumers' confidence in the use of interactive services, particularly as regards private life and safeguarding consumers' personal data, e.g. credit card data;
- d) an environment of regulatory clarity is created for the new electronic services;
- e) access is provided for disabled people and those with other special needs;
- f) investment in digital communication infrastructures is speeded up so that society can benefit from the process sooner, all the while ensuring the same degree of access at all territorial levels without creating imbalances or excessive costs for citizens;

2.4 recommends that any specific measures at national or European level which prove to be necessary to provide financial

support for the migration from analogue to digital must first and foremost:

- a) guarantee pluralism of information, in view of the socio-political impact of the content of radio and television programmes;
- b) ensure that the process of change is led by the supply of services, rather than constituting a mere change of infrastructure with no added value which can be perceived by the citizen. Public authorities must encourage the provision of added-value content on television networks, at the same time guaranteeing the broadcasting of public information;
- c) support the important role which the regions and local authorities can play as providers of information but also and above all as providers of on-line services, as well as users of information and communication technologies in the fields of education, vocational training, health, promotion of cultural or tourist content and developing interoperability among public administrations;
- d) be designed to support the spread of infrastructures for easier access to the services throughout the territory, including the peripheral areas, so as to reduce the gap between the latter and areas with a high concentration of digital services;
- e) contribute to the availability of low-cost receivers, so that migration to digital does not involve higher costs for the consumer;
- f) ensure that all public authorities in Europe, at all levels, make a commitment to providing an on-line service for the general public, thereby creating a model and referent for the promotion of new digital technology and its spread throughout society;

2.5 underlines the need for any public action not to produce distortions in the system and not to jeopardise the principle of competition. Measures taken by Member States must not be discriminatory and must not favour one market operator in relation to another;

2.6 calls for close attention to be paid to the risks linked with public support measures, because on the one hand a failed intervention could jeopardise the public interest objectives involved, and on the other it could work to the detriment of competitiveness and the impulse to innovate. At all events, since public intervention, e.g. in the case of broadcasting 'switchover', calls for a political judgment on the part of the relevant national and/or regional authority, the judgment must not be arbitrary but based on a valid market analysis. Account will be taken of the special characteristics of the regions, in particular their size and number of inhabitants, when defining the public support needed to provide infrastructures that guarantee access wherever people live;

2.7 calls for attention to be paid to the re-use of the spectrum of frequencies made available by the shutdown of analogue TV: to be re-used entirely for other TV channels, or for new sectors and services, e.g. in the field of mobile telephony;

2.8 a proliferation of the broadcasting channels available could bring problems in the market's capacity to absorb all the opportunities offered by technology: the victims could be the small local broadcasting stations, for which the costs involved

in remaining competitive and the reduced advertising income could become an obstacle. It could also have a negative impact on local authorities, which can often make use of local radio and television operators to promote and make the most of specific local cultural and socio-economic features. On the other hand, new technologies should make it possible to distribute more information, accessible to an ever larger number of citizens.

Brussels, 21 April 2004.

*The President*  
*of the Committee of the Regions*  
Peter STRAUB

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**Opinion of the Committee of the Regions on the 'Proposal for a Decision of the European Parliament and of the Council on a single framework for the transparency of qualifications and competences (EUROPASS)'**

(2004/C 121/03)

THE COMMITTEE OF THE REGIONS

Having regard to the 'Proposal for a Decision of the European Parliament and of the Council on a single framework for the transparency of qualifications and competences (EUROPASS)' (COM(2003) 796 final — 2003/0307 (COD));

Having regard to the decision of the Council of 14 January 2004 to consult it on this subject, under the first paragraph of Article 265, Article 149 and Article 150 of the Treaty establishing the European Community;

Having regard to the decision of its President of 26 September 2003 to instruct its Commission for Culture and Education to draw up an opinion on this subject;

Having regard to the Lisbon European Council of March 2000 on increased transparency of qualifications;

Having regard to the Mobility action plan adopted by the Nice European Council in December 2000;

Having regard to the conclusions of the Barcelona European Council of March 2002 on transparency of EU diplomas and qualifications;

Having regard to the Commission Communication of 21 November 2001 on Making a European Area of Lifelong Learning a Reality;

Having regard to European Parliament Recommendation 2001/613/EC and to the Council Recommendation of 10 July 2001 on promoting and generalising the use of transparency documents, with a view to creating a European qualification area;

Having regard to the Commission Communication of 13 February 2002 on an Action Plan for skills and mobility;

Having regard to the Council Resolution of 3 June 2002 on skills and mobility;

Having regard to the Council Resolution of 27 June 2002 on lifelong learning;

Having regard to the Copenhagen Declaration of 30 November 2002 and the Council Resolution of 19 December 2002 on the Promotion of enhanced European cooperation in vocational education and training;

Having regard to its opinion on the Promotion of European pathways for work-linked training including apprenticeship (CdR 431/97 fin) <sup>(1)</sup>, and its Opinion on the new SOCRATES, LEONARDO and YOUTH programmes (CdR 226/98 fin) <sup>(2)</sup>;

Having regard to its draft opinion CdR 307/2003 rev. 1 adopted on 19 February 2004 by its Commission for Culture and Education (rapporteur: Mr Florio, Town Councillor of Asti(IT/EPP),

Whereas:

- 1) The lack of transparency in qualifications and skills is one of the main obstacles to mobility, particularly of young people, within the European Union.
- 2) Overcoming this obstacle is consequently an essential step in facilitating, through mobility, lifelong learning, and helping to achieve quality education and training.
- 3) The process launched in recent years by the European Union to enhance cooperation in education and training by encouraging transparency now needs to make a qualitative leap in order to bring existing instruments together under a single framework.
- 4) It would appear essential to provide legislative initiatives with back-up measures to promote awareness of the new rules and their widespread use.
- 5) Local and regional authorities play a key role in European education and training policy, both in terms of their competence in the area and of the direct relationship they have with citizens.

Adopted the following opinion at its 54<sup>th</sup> plenary session, held on 21-22 April 2004 (meeting of 21 April)

## 1. Committee of the Regions' views

1.1 The Committee of the Regions endorses the Commission's aim to establish a single framework for the transparency of qualifications and competences, as called for in the Council Resolution of 19 December 2002 on the Promotion of enhanced European cooperation in vocational education and training.

1.2 The CoR has on previous occasions stressed the importance of encouraging ever more transparency in these areas in order to overcome the remaining obstacles to mobility within the EU for purposes of study or work, with particular consideration for people with disabilities.

1.3 The Committee would point out that the instruments currently available to European citizens, such as the common European CV format, the Diploma Supplement, the Europass-Training document, and the Certificate Supplements and European Language Portfolios currently being prepared by the national authorities, have the drawback of being subject-specific, were established through different arrangements, and are usually managed separately. This means that someone who

knows about one or more of these instruments might not be aware of others. This is particularly detrimental to candidates, but also to those called upon to consider applications.

1.4 The Committee shares the Commission's view that rationalisation and simplification, underpinned by legislative action at Community level to coordinate and integrate the various instruments, could bring considerable added value to the latter. This is also borne out by the results achieved in some countries where coordinated promotion of these instruments has yielded greater visibility, ease of access and efficiency gains.

1.5 The Committee endorses the Commission's intention to replace the Europass training document, established by Decision 1999/51/EC, with a similar document with a wider scope serving to record all periods of transnational mobility for learning purposes throughout the European Union that satisfy appropriate quality criteria.

1.6 The Committee agrees with the Commission's view that there is a need to set up a single national body in each Member State to coordinate all Europass-related activities.

<sup>(1)</sup> OJ C 180, 11.6.1998, p. 43.

<sup>(2)</sup> OJ C 51, 22.9.1999, p. 77.

1.7 The Committee calls on the Commission to provide for ways of involving the regional and local authorities, which are major players in education and training and whose direct relationship with citizens could be crucial to the success of the proposal.

## 2. Committee of the Regions recommendations

### Recommendation 1

#### 3<sup>rd</sup> recital

Commission proposal	CoR amendment
This framework should consist in a portfolio of documents with a common brand name and a common logo, open to the future inclusion of other documents consistent with its purpose, supported by adequate information systems and promoted through sustained promotional action at European and national level.	This framework should consist in a portfolio of documents with a common brand name and a common logo, open to the future inclusion of other documents consistent with its purpose, supported by adequate information systems and promoted through sustained promotional action at European, <del>and</del> national, <u>regional and local</u> level.

#### Reason

The amendment takes account of the crucial role the regional and local authorities could play in promoting Europass.

### Recommendation 2

#### 6<sup>th</sup> recital

Commission proposal	CoR amendment
It is therefore necessary to ensure coherence and complementarity between the actions implemented in pursuance of this Decision and other relevant policies, instruments and actions.	It is therefore necessary to ensure coherence and complementarity between the actions implemented in pursuance of this Decision and other relevant policies, instruments and actions, <u>by seeking to simplify them.</u>

#### Reason

The amendment takes account of the need for administrative simplification to make the new instrument more user-friendly.

### Recommendation 3

After the 10<sup>th</sup> recital, add the following new recital:

Commission proposal	CoR amendment
	(11) <u>Within the framework of this initiative, particular attention must be paid to consulting local and regional authorities, in view of their competence in the field of education and training and the direct relationship they have with citizens.</u>



## Reason

The amendment takes account of the federal nature of several Member States and of the key role the regional and local authorities play in education and training.

## Recommendation 4

## Article 2(2)

Commission proposal	CoR amendment
The Europass documents shall carry the Europass logo	The Europass documents shall carry the Europass logo <u>and the European Union flag.</u>

## Reason

The amendment highlights the case for including the EU flag in all official documents issued by the Union, so that the instrument can be easily recognised as originating from the EU.

## Recommendation 5

## Article 8(1)

Commission proposal	CoR amendment
In order to implement this Decision, the Commission and the relevant national authorities shall cooperate in setting up and managing a Europass Internet-based information system, which shall include elements managed at European level and elements managed at national level.	In order to implement this Decision, the Commission and the relevant national, <u>regional and local</u> authorities shall cooperate in setting up and managing a system <u>to provide information about Europass either on the Internet or, where appropriate, through those communication media that guarantee access to information for people with disabilities; this system</u> shall include elements managed at European level and elements managed at national, <u>regional and local level.</u> <u>Access to information about Europass must be ensured.</u>

## Reason

The amendment takes account of the federal nature of several Member States and of the key role the regional and local authorities play in education and training.

## Recommendation 6

## Article 9(2)(a)

Commission proposal	CoR amendment
coordinate, in cooperation with the relevant national bodies, the activities related to making available or issuing the Europass documents, or where appropriate carry out these activities;	coordinate, in cooperation with the relevant national, <u>regional and local</u> bodies, the activities related to making available or issuing the Europass documents, or where appropriate carry out these activities;

## Reason

The amendment takes account of the federal nature of several Member States and of the key role the regional and local authorities play in education and training.

## Recommendation 7

## Article 10(a)

Commission proposal	CoR amendment
ensure that adequate promotion and information activities are carried out at European and national level, supporting and integrating as necessary the action of the ENAs;	ensure that adequate promotion and information activities are carried out at European, <del>and</del> national, regional and local level, <u>including by means of the role played by the regional and local authorities in disseminating information directly to citizens, and</u> supporting and integrating as necessary the action of the ENAs;

## Reason

The amendment takes account of the key role the regional and local authorities can play in promoting Europass. The regional and local authorities should be involved in any initiatives and information campaigns that are planned.

Brussels, 21 April 2004.

*The President  
of the Committee of the  
Regions*  
Peter STRAUB

**Opinion of the Committee of the Regions on the 'Proposal for a Decision of the European Parliament and of the Council amending Decision 1419/1999/EC establishing a Community action for the "European Capital of Culture" event for the years 2005 to 2019'**

(2004/C 121/04)

THE COMMITTEE OF THE REGIONS,

Having regard to the 'Proposal from the European Commission for a Decision of the European Parliament and of the Council amending Decision 1419/1999/EC establishing a Community action for the "European Capital of Culture" event for the years 2005 to 2019' (COM(2003) 700 final — 2003/0274 (COD));

Having regard to the decision of the Council of 3 December 2003 to consult it on this subject under the fifth paragraph of Article 151 of the Treaty establishing the European Community;

Having regard to the decision of its President of 6 November 2004 to instruct its Commission for Culture and Education to draw up an opinion on this subject;

Having regard to the draft Report of the European Parliament's Committee on Culture, Youth, Education, the Media and Sport on COM(2003) 700 final;

Having regard to Decision 1419/1999/EC of the European Parliament and of the Council of 25 May 1999 establishing a Community action for the European Capital of Culture event for the years 2005 to 2019;

Having regard to its opinion on the Proposal for a European Parliament and Council Decision establishing a Community initiative for The European Capital of Culture event (CdR 448/97 fin) <sup>(1)</sup>;

Having regard to its draft opinion (CdR 393/2003 rev. 1) adopted on 19 February 2004 by its Commission for Culture and Education (Rapporteur: Mrs Annette McNamara, Member of Cork County Council and the South West Regional Authority (IE/EA);

unanimously adopted the following Opinion at its 54<sup>th</sup> Plenary Session of 21-22 April 2004 (meeting of 21 April).

## 1. The Committee of the Regions' views

1.4 also recognises that this proposal is the result of a process of consultation with the existing and new Member States;

### *On the European Capital of Culture*

#### The Committee of the Regions

1.1 considers that the European Capitals of Culture event is an ideal platform to showcase, support, enrich and experience the wider cultural perspective that will come with the enlargement of the Union;

1.2 highlights the huge benefits, not just cultural benefits, and the legacy which cities experience on being designated the Capital of Culture.

### *On the European Commission's amending proposal*

#### The Committee of the Regions

1.3 welcomes the intention of the European Commission's amending proposal to allow the new Member States to participate in the European Capital of Culture event at the earliest possible opportunity, to avoid having to wait until 2020 to update a new chronological order for their involvement;

1.5 however, in welcoming the intention of the proposal, the Committee strongly emphasises that all Member States, regardless of the date of their accession to the Union, are treated as equal and that the proposed changes to Decision 1419/1999 should not be seen as an attempt, or be used, to distinguish between the Member States;

1.6 nonetheless, considers that the European Commission should have also given greater consideration to the selection process and its implementation in making amendments to Decision 1419/1999/EC;

1.7 is aware that designating two Capitals of Culture per year from 2009 may be seen as diminishing the status of the European Capital of Culture but on reflection considers that such a proposal is the most favourable solution for involving cities from the new Member States at the earliest opportunity and maintaining the agreed chronological list of nominating Member States (Annex I of Decision 1419/1999/EC), some of whose cities may currently be making preparations with a view to being a nominated city;

<sup>(1)</sup> OJ C 180, 11.6.1998, p. 70.

1.8 further considers that designating two Capitals of Culture may better reflect the wealth and diversity of Europe's cultures, especially following enlargement of the Union;

1.9 is concerned that the amended Annex of nominating Member States makes no provision for further enlargements of the Union and asks the European Commission to clarify the situation for the current Candidate and Applicant States;

1.10 feels that placing an emphasis on creating synergies between the cultural programmes and events of the two Capitals of Culture will be a valuable means of quickening integration, fostering understanding and developing the European identity, as well as promoting a greater mutual acquaintance between European citizens (as per Article 1 Decision 1419/1999/EC). Furthermore, the Committee feels that having two Capitals of Culture introduces an element of competition which should provide some inspiration for raising the quality and artistic production in the cities' cultural programmes. The Committee therefore calls for the need to develop synergies between the cities to be included as a criterion in the selection process;

1.11 considers that designating two European Capitals of Culture per year requires that the Capital of Culture event will require additional budgetary resources to ensure that the standard and quality of the cultural programmes and events of the two cities is not diminished because of a reduction in financial support for the designated cities.

#### *On the selection procedure*

#### The Committee of the Regions

1.12 considers that with the proposed changes to Decision 1419/1999/EC it is appropriate to make a number of comments on the selection process for the European Capital of Culture;

1.13 continues to believe that the selection procedure and structure established under Decision 1419/1999 is, in principle, a good one, in that it allows for an independent selection panel to assess nominations and make recommendations based on transparent criteria, interviews with representatives of, and visits to, the nominated cities;

1.14 is however, concerned about the use of this selection process and in particular the approach that a number of Member States have taken in making nominations;

1.15 would like to underline the importance of the European dimension of the Capital of Culture event. This, it feels, may not always be the strongest aspect of nominated cities, as national considerations may come more into play when Member States make their nominations. The Committee therefore feels it is important that selection better corresponds to the objectives and characteristics of the European Capital of Culture;

1.16 requests all Member States (both existing and new) in making nominations for the European Capital of Culture event, to submit, where possible, more than one nomination to allow the selection process established under Decision 1419/1999/EC to finalise the most suitable candidate based on the established criteria. The Committee considers that failure to do so renders this selection process, with its representative selection panel, effectively redundant and potentially undermines the European dimension of the event;

1.17 is pleased to be a member of the selection panel but is disappointed with how this panel has been under-used heretofore. The Committee would however, like to emphasise the appropriateness of its involvement and its desire to continue to have meaningful involvement in the selection process in the future.

## **2. The Committee of the Regions' recommendations**

#### The Committee of the Regions

2.1 strongly requests that it be actively involved in the discussion exercise, which the European Commission intends to launch, on the procedures and methods used to select the European Capital of Culture and calls on the European Commission to launch this exercise as a matter of urgency;

2.2 requests all Member States (both existing and new) in making nominations for the European Capital of Culture event, to submit, where possible, more than one nomination.

Article 2 (1)  
COM(2003) 700 final

Text proposed by the Commission Article 2(1) COM(2003) 700 final	CoR amendment
Cities in Member States shall be designated as 'European Capital of Culture', in turn, as set out in the list appearing in Annex I. Up until 2008 inclusive the designation shall apply to one city of the Member State appearing on the list. From 2009 onwards, the designation shall apply to one city of each of the Member States appearing on the list. The chronological order set out in Annex I may be altered by mutual agreement between the Member States concerned. Each Member State involved shall submit, in turn, its nomination of one or more cities to the European parliament, the Council, the Commission and the Committee of the Regions. This nomination shall be submitted no later than four years before the event in question is due to begin and may be accompanied by a recommendation from the Member State concerned.	Cities in Member States shall be designated as 'European Capital of Culture', in turn, as set out in the list appearing in Annex I. Up until 2008 inclusive the designation shall apply to one city of the Member State appearing on the list. From 2009 onwards, the designation shall apply to one city of each of the Member States appearing on the list. The chronological order set out in Annex I may be altered by mutual agreement between the Member States concerned. Each Member State involved shall submit, in turn, <u>at least two nominations of cities</u> <del>its nomination of one or more cities</del> to the European parliament, the Council, the Commission and the Committee of the Regions. <u>These</u> <del>is</del> nominations shall be submitted no later than four years before the event in question is due to begin and may be accompanied by a recommendation from the Member State concerned.

2.3 calls for a criterion to be included in the selection process with the intention of creating synergies between the cultural programmes and events of the two Capitals of Culture;

Article 2 (2)  
(Decision 1419/1999/EC)

Text proposed by the Commission Article 2 (2) (Decision 1419/1999/EC)	CoR amendment
The Commission shall each year form a selection panel which shall issue a report on the nomination or nominations judged against the objectives and characteristics of this action. The selection panel shall be composed of seven leading independent figures who are experts on the cultural sector, of whom two shall be appointed by the European Parliament, two by the Council, two by the Commission and one by the Committee of the Regions. The selection panel shall submit its report to the Commission, the European Parliament and the Council.	The Commission shall each year form a selection panel which shall issue a report on the <del>nomination or</del> nominations judged against the objectives and characteristics of this action, <u>with recommendations on how the two designated cities may develop synergies between their respective cultural programmes.</u> The selection panel shall be composed of seven leading independent figures who are experts on the cultural sector, of whom two shall be appointed by the European Parliament, two by the Council, two by the Commission and one by the Committee of the Regions. The selection panel shall submit its report to the Commission, the European Parliament and the Council.

Brussels, 21 April 2004

*The President  
of the Committee of the  
Regions*  
Peter STRAUB

**Outlook Opinion of the Committee of the Regions on the Euro-Mediterranean Partnership and local and regional authorities: the need for coordination and a specific instrument for decentralised cooperation**

(2004/C 121/05)

The Committee of the Regions,

HAVING REGARD to the letter of 5 September 2003 from Mrs de Palacio, Vice-President of the European Commission, to Sir Albert Bore, President of the Committee of the Regions, inviting the Committee of the Regions, in accordance with Article 265(1) of the Treaty establishing the European Community, to draw up an outlook opinion assessing the progress made in the Barcelona Process, analysing the functioning of the association agreements in force with the Mediterranean partner countries and to provide insights, drawn from the experience of the CoR, on the development of cooperation between EU regions and regions of the southern Mediterranean countries or between the southern Mediterranean regions themselves;

HAVING REGARD TO the decision by its Bureau on 6 November 2003 to instruct the Commission for External Relations to draw up an outlook opinion on the matter;

HAVING REGARD TO the Protocol governing arrangements for cooperation between the European Commission and the Committee of the Regions, signed by their respective presidents on 20 September 2001 (DI CdR 81/2001 rev. 2);

HAVING REGARD TO its opinion on the Communication from the Commission to the Council and the European Parliament on strengthening the Mediterranean policy of the European Union: Proposals for implementing a Euro-Mediterranean partnership (COM(1995) 72 final) (CdR 371/95) <sup>(1)</sup>;

HAVING REGARD TO its opinion on Local authorities and the Euro-Mediterranean partnership (CdR 125/97 fin) <sup>(2)</sup>;

HAVING REGARD TO its resolution on Decentralised cooperation and the role of regional and local authorities in the Euro-Mediterranean partnership (CdR 40/2000 fin) <sup>(3)</sup>;

HAVING REGARD TO its opinion on Regional and local authorities and the European Union's common strategy for the Mediterranean (CdR 123/2000 fin) <sup>(4)</sup>;

HAVING REGARD TO the European Parliament resolution on the Commission Communication on relations between the EU and the Mediterranean: reinvigorating the Barcelona partnership (A5-0009/2001);

HAVING REGARD TO the European Parliament report on the annual report on the MEDA 2000 programme (A5-0114/2003);

HAVING REGARD TO the European Parliament report on Wider Europe (A5-0378/2003);

HAVING REGARD TO the Communication from the Commission on Wider Europe — Neighbourhood (COM(2003)104 final);

HAVING REGARD TO its opinion of 9 October 2003 on the Communication from the Commission to the Council and the European Parliament on Wider Europe — Neighbourhood: a New Framework for our Relations with our Eastern and Southern neighbours (CdR 175/2003 fin) <sup>(5)</sup>;

HAVING REGARD TO the declaration of Euro-Mediterranean mayors approved by the Eurocities' Euromed Commission in Byblos on 27 September 2003;

<sup>(1)</sup> OJ C 126 of 29.4.1996, p. 12.

<sup>(2)</sup> OJ C 64 of 27.2.1998, p. 59.

<sup>(3)</sup> OJ C 156 of 6.6.2000, p. 47.

<sup>(4)</sup> OJ C 22 of 24.1.2001, p. 7.

<sup>(5)</sup> OJ C 23 of 27.1.2004, p. 36.



HAVING REGARD TO the conclusions of the conference Towards a new Euro-Mediterranean area, which brought together local and regional representatives in Livorno on 31 October 2003 at the initiative of the Committee of the Regions (CdR 350/2003);

HAVING REGARD TO the Communication from the Commission to the Council and the European Parliament To prepare the VI Euro-Mediterranean Conference of Ministers of Foreign Affairs, Naples, 2-3 December 2003 (Barcelona VI), which the Commission referred to the Committee of the Regions on 5 November 2003;

HAVING REGARD TO the conclusions of the Interinstitutional Conference to re-launch the Mediterranean dimension, Palermo, 27-28 November 2003;

HAVING REGARD TO its resolution on the VI Euro-Mediterranean Conference in Naples on 2 and 3 December (CdR 357/2003 fin) <sup>(1)</sup>;

HAVING REGARD TO the Report by the High-Level Advisory Group on the Dialogue between Peoples and Cultures in the Euro-Mediterranean Area of 2 December 2003;

HAVING REGARD TO the Commission's Third report on economic and social cohesion, in particular its reference to the need to promote a neighbourhood policy and establish a 'Grand Voisinage' action or instrument for the outermost regions of the EU;

HAVING REGARD TO its draft opinion (CdR 327/2003 rev. 2) adopted on 1 March 2004 by the Commission for External Relations (rapporteurs: Mr Jacques Blanc, President of the Languedoc-Roussillon Regional Council (FR/EPP) and Mr Gianfranco Lamberti, Mayor of Livorno (IT/PES));

Unanimously adopted the following opinion at its 54<sup>th</sup> plenary session, held on 21 and 22 April 2004 (meeting of 21 April):

## 1. The Committee of the Regions' views

### The Committee of the Regions

1.1 welcomes the fact that the Commission, under the Protocol on Cooperation with the Committee, has requested it to draw up an outlook opinion on the Euro-Mediterranean partnership and decentralised cooperation, so that an assessment can be made of the experience of the partnership between the northern and southern sides of the Mediterranean from the viewpoint of the regions and local authorities;

1.2 warmly welcomes every new opportunity and initiative for cooperation between local and regional authorities in the EU and their counterparts in Mediterranean partner countries;

1.3 considers that the relations which local and regional authorities and cities in countries on the northern and southern sides of the Mediterranean have already established over the past two decades or more constitute a 'common heritage' of know-how, knowledge and exchanges. In the view of the Committee of the Regions this heritage, which must be built on and fostered, is a key pillar of the partnership, not only in social and cultural terms but also in terms of promoting political stability and security, which has not yet attained an adequate level;

1.4 notes that EU enlargement poses a double challenge for the EU institutions as regards:

— implementing development and cohesion policies designed to bring about integration between 25 states;

— managing a new framework for relations with our new neighbours in eastern Europe and the southern Mediterranean, in the light of the strategy for an enlarged Europe;

In a recent speech in Alexandria, President Prodi stated: 'This means establishing ever closer and stronger relations with all our neighbours, creating a "ring of friends" with whom we can share all the benefits of membership, barring the Union's institutions';

1.5 points out that, as long ago as 1995, in its opinion on strengthening EU Mediterranean policy, it stressed that the Mediterranean Basin was a strategically important region – both for the EU and its present and future Member States – in which it was necessary to construct a strong economic area capable of contributing to the Union's regional balance by pursuing peace, stability and prosperity as the key objectives;

1.6 considers that, in creating an area of peace, stability and prosperity in the Mediterranean, the fact cannot be ignored that the Kingdom of Morocco has an Atlantic coast that borders the EU. Cooperation between this area and nearby European territories, some of which are outermost regions, must therefore be promoted;

1.7 feels that failure to take account of the Euro-Mediterranean dimension would create instability and insecurity on the European Union's southern fringes, from Morocco to Turkey and from the Sahara to the Caspian Sea. Cooperation in the Mediterranean area is essential for peace and stability. 'To try to build the new Europe while neglecting "the cradle of civilisation" would be grave error' (Romano Prodi, Bologna, May 2003);

<sup>(1)</sup> OJ C 73 of 23.3.2004, p. 77.

1.8 believes accession of Cyprus and Malta to the EU can bring a positive impetus to the Euro-Mediterranean Partnership. Wishes also in this respect for a successful conclusion to the current negotiations on a reunification of Cyprus;

1.9 stresses that, in view of the situation in the countries of the southern and eastern Mediterranean and the Middle East, the European Union must significantly step up its action in this region. The Mediterranean cannot be both the 'cradle of civilisation' and a peripheral region; it cannot be considered both a top priority for action to promote coexistence and cooperation between peoples and cultures, and solely a security issue. Moreover, the Mediterranean is characterised by its wealth and diversity, its regions steeped in history, and also its vulnerability;

1.10 emphasises that, as concerns the strategy of Euro-Mediterranean cooperation: 'The EU is committed to the promotion of democracy, good governance and the rule of law as well as the promotion and protection of all human rights: civil, political, economic, social and cultural ... In particular, the EU places great importance on: the abolition of the death penalty, the fight against torture and inhuman treatment, combating racism, xenophobia and discrimination against minorities, the promotion and protection of the rights of women and of the child and the protection of human rights defenders. The EU fully recognises the crucial role played by civil society in the promotion of human rights and democratisation';

1.11 points out that, already in its opinions on Local authorities and the Euro-Mediterranean partnership and Regional and local authorities and the European Union's common strategy for the Mediterranean, the Committee considered it necessary to promote dialogue between cultures and religions.

#### *Continuing and strengthening the Barcelona Process*

#### *The Committee of the Regions*

1.12 believes that, because of its strategic dimension, the Barcelona Process represents the key framework for dialogue and cooperation between the EU and its Mediterranean partners;

1.13 recalls that, in keeping with the 'Barcelona spirit', the Euro-Mediterranean partnership is structured on two levels of action – bilateral and regional – in three equally important areas, viz.: political and security cooperation; economic and financial cooperation; and cooperation in the sphere of social, cultural and human relations. Launched in 1995, this strategy is gradually becoming imbued with the spirit of sustainable development, which should be at the heart of all Euro-Mediterranean cooperation at sub-national level, as it is in the action plan initiated by States under the aegis of UNEP (United Nations Strategic Action Plan for the Mediterranean);

1.14 stresses that the 27 Euro-Mediterranean partners have set three priority objectives: 1) the creation of an area of peace

and stability founded on dialogue; 2) the creation of an area of prosperity based on free trade; 3) mutual understanding and closeness between peoples and cultures in the Mediterranean Basin;

1.15 notes that the Barcelona Process, as also pointed out by the Commission and the European Parliament, has not evolved linearly or produced the hoped-for results, despite the partners' efforts: 1) the conflicts and tensions in the Balkans, Algeria and the Near and Middle East (including the war in Iraq) have hampered the creation of an area of stability while the Israeli-Arab peace process is seriously stalled; 2) with the signing of new association agreements and an increase in the volume of trade, the economic disparity between the two sides of the Mediterranean countries has widened. On the one hand the economic dependence of countries in the South on those in the North has increased; on the other hand the food self-sufficiency of countries in the South has decreased<sup>(1)</sup>; 3) some progress has been made in the area of cultural and social dialogue. However, freedom of expression is still not fully respected in many countries. In addition, dialogue must extend beyond the elitist circles of politicians, civil servants and intellectuals to embrace civil society and local and regional institutions, which are closer to citizens. Hence our specific proposals in this regard;

1.16 thinks that the Valencia Action Plan, by providing for the creation of Euro-Mediterranean institutions on an ad hoc basis and supporting the Eurocities' proposal for a Euromed Pact, is an important milestone in re-launching the Barcelona Process;

1.17 endorses the support expressed by ministers at Valencia for the Agadir process and all 'South-South' initiatives aimed at extending free trade agreements to partners in the Maghreb and Near East, including integration at the sub-regional level such as the Arab Maghreb Union (UMA), noting, however, that the fact that borders still remain closed between some partner countries has impeded integration;

1.18 welcomes the fact that, following in the wake of Valencia, the decisions taken at the Sixth Euro-Mediterranean Conference in Naples led to the setting up of the Euro-Mediterranean Parliamentary Assembly as a forum for political dialogue;

1.19 notes the decision taken at the Naples Conference to strengthen the European Investment Bank's Facility for Euro-Mediterranean Investment and Partnership (FEMIP) and to evaluate, by the end of 2006, the possibility of introducing a subsidiary instrument;

1.20 is following closely the case for establishing a Euro-Mediterranean Investment Bank;

<sup>(1)</sup> Cf. T. Schumacher, *Programma Mediterraneo*, Istituto Universitario Europeo di Fiesole, Livorno, 31 October 2003.

1.21 warmly welcomes the establishment of the Euro-Mediterranean Foundation for the Dialogue of Cultures, which will contribute to the development of the civil society chapter of the Barcelona Process, and asks to be involved in future activities;

1.22 welcomes the report by the High-Level Advisory Group on the Dialogue between Peoples and Cultures in the Euro-Mediterranean Area, drawn up in December 2003 at the initiative of the President of the European Commission<sup>(1)</sup>, which proposes an action programme for this Foundation;

1.23 notes with satisfaction that, at their meeting in Naples (Barcelona VI), the Euro-Mediterranean ministers took note of the conclusions of the conference Towards a new Euro-Mediterranean Area, which was held in Livorno on 31 October 2003 at the initiative of the CoR. The conference called for new impetus to be given to the Euro-Mediterranean partnership and the closer involvement of local and regional authorities as key players in realising an area of freedom, stability, prosperity and peace in the Mediterranean;

1.24 regrets, however, that the request made repeatedly by the CoR since 1997 for the creation of a body representing local and regional authorities was not taken up by the Euro-Mediterranean ministers at their meeting in Naples.

#### *The MEDA programme: a mixed record*

#### The Committee of the Regions

1.25 recalls that association agreements are currently in force with Tunisia, Israel, Morocco, the Palestinian Authority and Jordan, whilst the agreements with Egypt, Lebanon and Algeria are awaiting ratification; negotiations are currently under way with Syria;

1.26 stresses that the main objectives of the MEDA programme are to support reforms of economic and social structures in partner countries, improve the living conditions for disadvantaged groups and mitigate the effects of the liberalisation of the economy on the social fabric and territorial balance, with a view to establishing a free trade area by 2010<sup>(2)</sup>;

1.27 believes that the free trade area is a necessary stage in implementing the three pillars of the Barcelona Process and not 'an end in itself'. It must be conceived in accordance with the principles of sustainable development and an awareness that the transitional phase entails risks for countries on the southern side of the Mediterranean: 1) major social imbalances, resulting from the restructuring of the economic and productive system; 2) new polarisations and spatial concentrations with the potential to exacerbate existing territorial imbalances; 3) increased

pressure on the environment, as a result of an expansion of trade, the creation of energy and transport infrastructure, increased land use and higher levels of waste production;

1.28 agrees with the Commission 'that economic cooperation with those countries was relevant, that overall effectiveness of the EC economic cooperation with MED partner countries was reasonably good but it did not achieve all its potential, while the management of the programmes revealed inefficiencies'<sup>(3)</sup>;

1.29 regrets that, in the third strand of the MEDA I programme, the involvement of local and regional authorities on the two sides of the Mediterranean, has faced serious obstacles;

1.30 notes that under the MEDA I programme (1996-99) the EU used EUR 3.5 billion out of total appropriations of more than EUR 4.68 billion for the Mediterranean partners, whilst it has allocated funds totalling some EUR 5.35 billion for MEDA II (2000-2006);

1.31 feels that these sums are insufficient, given the ambitious aims of the Barcelona Process and the huge demand for cooperation and resources by the countries of the southern Mediterranean;

1.32 regrets the fact that – despite the improvements under the MEDA II programme (with a payment-to-commitment ratio of about 50 % in 2001 and about 70 % in 2002) – the situation is far from satisfactory; calls upon the EU Commission to intensify its information campaigns and other measures aimed at improving the percentage of appropriations used;

1.33 welcomes the regional cooperation initiatives complementing bilateral programmes, such as Euromed Heritage, MEDA Democracy and the Euromed regional programme for local water management, but draws attention to the low profile of these programmes among partners and citizens in the countries of the southern Mediterranean;

1.34 deplores, however, the minuscule share of funding allocated to the Mediterranean countries from the horizontal programmes under the European Initiative for Democracy and Human Rights (EIDHR), which has taken over from the MEDA democracy programmes following the introduction of MEDA II;

1.35 recalls that partners in the southern Mediterranean countries report real difficulties in the implementation of bilateral cooperation, which they attribute, inter alia, to red tape and the slowness of project appraisal; regrets the absence of an institutional mechanism dedicated entirely to partnerships<sup>(4)</sup>;

<sup>(1)</sup> Euromed Report No 68, 2 December 2003.

<sup>(2)</sup> This date is indicative as the agreements provide for the entry of Tunisia into the Euro-Mediterranean free trade area in 2008, Libya in 2014 and Algeria and Syria at a later date.

<sup>(3)</sup> Evaluation of Economic Co-operation between the European Commission and Mediterranean Countries (12/1997) — 951645.

<sup>(4)</sup> H. Abouyoub, Moroccan ambassador to France, Le partenariat euro-méditerranéen, Travaux des tables rondes des Assises de la Méditerranée, Marseille, July 2000.

1.36 notes the reform which led to the creation in 2001 of DG EuropeAid, involving a devolved approach to the management of funds whereby responsibilities are transferred to the delegations, in line with the principle that 'everything that can be better managed or decided close to the field should not be managed or decided in Brussels'; joins with the European Parliament in emphasising that this new devolution procedure requires constant monitoring and greater involvement in programmes and projects by authorities in the partner countries;

1.37 regrets that the Commission has not yet carried out the study evaluating the impact of establishing the free trade area; the evaluation should take into account the five challenges to be tackled by MEDA II: population, employment and migration, globalisation, dwindling of resources and the environmental challenge; recalls that this document has been expected since the Malta conference (Barcelona II, 1997) and has been requested on several occasions by the CoR and the European Parliament;

1.38 stresses that EU local and regional authorities have not found the MEDA programme to be an appropriate vehicle for making their contribution to the partnership. Local and regional authorities have gradually acquired expertise which could be used to contribute effectively to the implementation of partnerships, exchanges and cooperation in specialist fields and to help promote proximity policy and plan the reception of immigrants from the southern side of the Mediterranean;

1.39 deplores the lack of coordination between MEDA and INTERREG, despite a specific request by the CoR for a section on decentralised cooperation to be included in the MEDA programme, a request which was reiterated by the European Parliament in the run-up to the Valencia Conference.

*Decentralised cooperation: the added value provided by local and regional authorities*

The Committee of the Regions

1.40 wishes to share with Mediterranean partners the experience gained by its members as result of their contacts with local and regional authorities in the candidate countries during the enlargement process;

1.41 believes that local and regional authorities are the most appropriate level for decentralised cooperation;

1.42 recalls the areas where the expertise of local and regional authorities has most to offer:

- regional and spatial planning;
- urban planning;
- agriculture, fisheries and rural development;
- environment, resource management and prevention of natural disasters;

- the sub-regional dimension of transport and energy;
- policies promoting SMEs;
- policies promoting employment;
- cultural and sporting initiatives;
- policies for safeguarding and fostering heritage;
- social proximity policies;
- education and training;
- health;
- managing immigration flows, reception and integration policy;

1.43 regrets that the lack of coordination between MEDA II and INTERREG III has limited involvement by local and regional authorities in the southern Mediterranean countries in cooperation projects implemented under INTERREG III owing to the lack of European co-financing for the Mediterranean partners;

1.44 regrets that, as consequence, this has prevented the dissemination, in accordance with the Barcelona spirit, of experience and good practice relating to the partnership at local and regional level, despite the fact that many regional and local authorities in the EU have forged close links with their counterparts on the southern side of the Mediterranean;

1.45 considers that there is an urgent need to launch an initiative by 2006 that will help to make the EU's strategic and macro-economic objectives under MEDA (bilateral section of MEDA) compatible with the expertise that EU local and regional authorities possess in terms of initiative, local governance and their special relationship with their Mediterranean counterparts;

1.46 feels that, after 2006, this strategy must lead to the establishment of a financial instrument that is tailor-made for decentralised cooperation and intended for use by local and regional authorities in the Euro-Mediterranean region, a real tool that is sufficiently well-funded to be able to pursue a truly ambitious programme that warrants the designation MEDPLUS;

1.47 believes that this financial instrument will have to: 1) extend beyond the exchange of experience to the implementation of projects that are of tangible significance for the general population (which must be considered the primary beneficiaries of cooperation); 2) build on the pilot experience gained from MED-projects, which, despite the obvious criticisms, have helped to establish links and promote practical measures in several fields, involving institutions, local and regional authorities, NGOs and civil society; 3) rely for funding not only on its own resources but also those of the European Investment Bank's Facility for Euro-Mediterranean Investment and Partnership (FEMIP) and a possible Euro-Mediterranean Investment Bank;



1.48 recalls that there is scope for action by local and regional authorities that complements and goes beyond the traditional limits of cooperation at the level of central governments. Indeed, it is at the level of local and regional authorities that the new neighbourhood policy advocated by the Commission can really be effective. Therefore it is necessary to 'transcend the traditional limits of centralized cooperation. Steps can thus be taken to overcome the problems of traditional development models, develop existing networking between cities, with a view to producing real tangible development projects and meet the challenges of sustainable development, in the urban and rural context';

1.49 feels that there is an urgent need to improve local, regional and urban governance, health and social protection, and prevention of natural disasters in the countries surrounding the Mediterranean, a sea that is enclosed and under threat. This should be part of a policy of long-term development. The Institute of Mediterranean Regions for Sustainable Development (IRMEDD) <sup>(1)</sup> is a good example of how to link up analysis and coordinate action and exchange of experience between local and regional authorities on the northern and southern sides of the Mediterranean in the field of sustainable development;

1.50 considers that it is essential that funding be earmarked for spatial planning not only at State level, but also and above all – in a an effort to improve efficiency – at the level where proximity really works, i.e. local and regional authorities and their networks of research institutes and foundations. For example, in the field of maritime safety, the LEM (Livorno Euro Mediterraneo) foundation works in close collaboration with numerous partners <sup>(2)</sup> to promote the spread of the culture of maritime safety throughout the Mediterranean;

1.51 feels that the INTERREG III programme represents a benchmark in terms of the potential it offers for cooperation between local and regional authorities on the northern and southern sides of the Mediterranean. For example, more than 60 % of the projects conducted in the Médoc area under INTERREG III B involve one or several Mediterranean partners from European regions outside the Médoc area. However, the lack of European co-financing limits the financial involvement of partners on the southern side of the Mediterranean; <sup>(3)</sup>

1.52 is pleased that the European Commission decided to launch a MED'ACT pilot project for cooperation between Euro-Mediterranean cities; hopes that the interest displayed by the European Commission leads to a broad-based regional programme aimed at cooperation between Euro-Mediterranean local authorities within the framework of MEDA;

1.53 points out that the decentralised cooperation practices developed in recent years have highlighted the responsibility

that local authorities bear in their role as a catalyst for these new cooperation processes, as was also acknowledged by the Commission in its note on decentralised cooperation in January 2000;

1.54 notes that while the crucial role played by local and regional authorities has been acknowledged by many Member States, it should be harmonised and better clarified at EU level; it should also be stated explicitly that their partners in the southern Mediterranean countries represent decentralised bodies, directly elected by citizens in the regions concerned, and are not – or not only – officials who are local representatives of central government.

## 2. The Committee of the Regions' recommendations

### The Committee of the Regions

2.1 emphasises that local and regional authorities, both on the northern and southern sides of the Mediterranean, provide a functional, political and territorial link between central government and civil society;

2.2 regrets that, although the Barcelona Declaration envisaged the holding of meetings between representatives of local and regional authorities, to date no such meetings have been held, despite repeated calls by the CoR (CoR documents CdR 125/1997; 40/2000; 123/2000; 173/2003; and 357/2003) and declarations by Euro-Mediterranean ministers from the Stuttgart conference (Barcelona III, 1999) until the Naples conference (Barcelona VI, 2003);

2.3 recommends that EU local and regional authorities be consulted on the neighbourhood policy, particularly with regard the definition of objectives, benchmarks and the timetable for implementing action plans, in keeping with the role attributed to them by the Commission in the White Paper on European governance (COM(2001) 428 final);

2.4 urges the Commission to set up a forum designed to represent – as institutions involved in the Barcelona Process – sub-national decentralised authorities (municipal, provincial and regional) in the Member States and in partner countries in the Mediterranean Basin;

2.5 proposes that this body be devoted to discussion of operational problems and actively contribute to the exchange of ideas on subjects in the area of decentralised cooperation (including, training, project management, cultural arbitration and communication, natural disasters, sustainable development, etc.);

<sup>(1)</sup> The IRMEDD was set up by the CPMR in Ioannina on 17 September 2002 and commenced operations in Montpellier on 19 December 2003.

<sup>(2)</sup> Including the Tuscany region, the University of Pisa, the Inter-Mediterranean Commission of the CPMR, the Italian Ministry for Transport.

<sup>(3)</sup> Cf. R. Favresse, *Analyse des partenariats entre les pays de l'espace Méditerranéen et les Pays tiers méditerranéens au sein du programme Interreg III B Méditerranée, Caisse des Dépôts et Consignations*, November 2003.

2.6 calls for the coordination of MEDA and INTERREG as rapidly as possible, inter alia by incorporating the 'neighbourhood' strategy in the Commission's new guidelines; in this context emphasises that MedAct is a good example, at another territorial level, of 'single projects' involving Euro-Mediterranean cities (including Bordeaux, Rome, Brussels Capital region, Tunis, Sfax, Casablanca). The Euro-Mediterranean mayors also called for the inclusion of the urban dimension in MEDA in their declaration on the eve of the Naples conference;

2.7 proposes that a specific Community Initiative Programme be launched to maintain, develop and facilitate dialogue between cultures in the Mediterranean Basin, based on cooperation projects that would pave the way, by 2006, for the coordination of the MED and INTERREG programmes;

2.8 requests that MEDPLUS, the new instrument for sub-national Euro-Mediterranean cooperation, be launched right away on a trial basis and include the outermost regions located in this geographical area, and that the CoR be consulted regarding the definition of the new 'neighbourhood instrument' for the Euro-Mediterranean partnership, which it is planned to introduce in 2006, and in this context be given the opportunity to contribute its practical experience of governance at local level. Similarly, the experience accumulated by the Congress of Local and Regional Authorities of the Council of Europe and the wide network of international and national associations of local and regional authorities on both sides of the Mediterranean (including AER, CEMR, CPMR, WFUC, AEBR, REVES, Eurocities and the Latin Arc) <sup>(1)</sup> should be harnessed, on the basis of both the expertise which local and regional authorities in the EU have acquired in their relations with each other and with their counterparts in the candidate countries. With this in mind, the CoR recently commissioned a study on the present state of the Euro-Mediterranean partnership and decentralised cooperation;

2.9 believes it is important to overcome the present fragmentation of programmes and measures in the field of decentralised cooperation;

2.10 suggests that the Commission show a keen interest in all action planned at Mediterranean level and that such action be coordinated and centralised in just one Directorate-General;

2.11 requests that EU local and regional authorities be allowed to co-manage, in partnership with the European Commission, the resources allocated for decentralised cooperation, along the lines of the partnership established under the Integrated Mediterranean Programmes (1986-92); believes that local and regional authorities are the appropriate level of

governance for strengthening dialogue and cooperation, in that they can more easily overcome constraints of a macroeconomic and geostrategic nature;

2.12 recommends that the Commission acquire a more in-depth knowledge of the functions and powers of sub-national institutions in the southern Mediterranean countries by carrying out a comparative analysis of local and regional authorities and the reforms under way in the region. At the moment there is no comprehensive and exhaustive overview of these institutions and the way in which they have evolved. This would meet the request made by the European Parliament to the Commission 'to submit to it a report on the progress made in the beneficiary countries in the field of institutional reforms';

2.13 believes that decentralised cooperation fosters the democratisation of local and regional authorities in the southern Mediterranean countries, thereby reinforcing their institutional role vis-à-vis central governments and decentralised State authorities <sup>(2)</sup>, and legitimises their activities in the eyes of the general population;

2.14 therefore calls for support to be given to the decentralisation reforms and steps under way to make local and regional authorities in the southern Mediterranean countries fully-fledged players in local governance, at the same time ensuring that there is greater involvement in centralised cooperation by elected bodies rather than dealing primarily with decentralised authorities and State officials;

2.15 emphasises the need to provide for a new legal basis for the support of town-twinning schemes, which are an intrinsic element of the partnership; recalls in this regard that at their meeting in Crete (26-27 May 2003) the Euro-Mediterranean ministers for foreign affairs asserted that 'the local and regional authorities could also contribute significantly to the dialogue between cultures and civilizations through a decentralized cooperation and through town-twinning actions, and, in this context, be closely involved in this mission which constitutes an essential part of the Euro-Mediterranean partnership';

2.16 stresses that, in the free trade area, the aim should be to build on territorial and environmental diversity and differences in identity so that trade flows (North-South, South-North and South-South) are based on complementarity, in line with the principles of sustainable development;

2.17 reiterates the request made above for a study to be conducted on the socio-economic and environmental impact of the creation of the Euro-Mediterranean free trade area by 2010;

<sup>(1)</sup> Assembly of European Regions, Council of European Municipalities and Regions, Conference of Peripheral Maritime Regions of Europe, World Federation of United Cities, Association of Frontier Regions in Europe, European Network of Cities and Regions for Social Economy.

<sup>(2)</sup> For example, the Wilayas (governorships or prefectures) which exist in most countries on the southern side of the Mediterranean.



2.18 believes that immigration policy must be based on social inclusion and cultural integration. Immigrants in the EU could constitute a natural "bridge" for the approval and development of the planned cooperation initiatives;

2.19 proposes that 2008 be designated 'Neighbourhood Year'. With this in mind, it calls for the establishment of programmes run by local and regional authorities and involving NGOs, civil society and citizens from both the EU and the surrounding countries. The initiatives could reach out to a wider section of the population through cultural events that would showcase the new cultural and economic dimensions in and around Europe. Prior to exhibitions, a series of themed

conferences could be organised by local and regional administrations, which could involve the wider public;

2.20 supports the activities of local and regional bodies such as the IRMEDD in Montpellier, the LEM Foundation in Livorno, the Three Cultures of the Mediterranean Foundation in Seville, the Mediterranean Laboratory Foundation in Naples, the Catalan Institute of Mediterranean Studies and Cooperation in Barcelona, the Institute of the Mediterranean in Marseille, the Mediterranean Institute of European Studies in Valencia, MedCities in Barcelona, etc; strongly encourages the role they play in research, exchanges of experiences and cultural dissemination, with a view to their participation in the initiatives of the Euro-Mediterranean Foundation set up at the Naples conference.

Brussels, 21 April 2004.

*The President  
of the Committee of the Regions*  
Peter STRAUB

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**Opinion of the Committee of the Regions on the 'Proposal for a Council Directive on Implementing the principle of equal treatment between women and men in the access to and supply of goods and services'**

(2004/C 121/06)

The Committee of the Regions,

Having regard to the 'Proposal for a Council Directive on Implementing the principle of equal treatment between women and men in the access to and supply of goods and services' (COM(2003) 657 final – SEC 2003/1213 – 2003/0265 (CNS)),

Having regard to the decision of the European Commission of 5 November 2003 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community,

Having regard to the decision of its President of 7 May 2002 to instruct its Commission for Economic and Social Policy to draw up an opinion on this subject,

Having regard to its draft opinion (CdR 19/2004 rev. 1) adopted on 2 March 2004 by the Commission for Economic and Social Policy (rapporteur: Ms Norrman, Member of Jämtland County Council (S/PES),

adopted the following opinion unanimously at its 54<sup>th</sup> plenary session on 21-22 April 2004 (session of 22 April).

## **1. Committee of the Regions' viewpoints**

1.1 The Committee of the Regions would express its disappointment at the limited scope of the proposal. The Committee notes that the Commission has been unable to fulfil the task entrusted to it by the Heads of State and Government in Nice in the year 2000, viz. submitting a proposal for a directive to promote equality outside the workplace, based on Article 13 of the Treaty on European Union. The CoR regrets the conces-

sions made to various interest groups with regard to the scope of the proposed directive.

1.2 The CoR wishes to work to remove shortcomings in equal opportunities between men and women and actively promote equality by, inter alia, supporting the EU Treaty, the Nice Treaty and the framework strategy in the Fifth Action Programme (2001-2005), where the two-pronged approach involves mainstreaming equality issues in all policies and specific measures focusing on women.

1.3 The Committee of the Regions believes that there is an important difference between implementing the principle of equal opportunities and implementing the principle of equal treatment in certain areas. 'Equal opportunities' is a much broader concept and involves having the same opportunities, rights and duties in all areas of life, including an equal share of power and influence. An equal treatment strategy alone is not enough to achieve real equality. In practice it could compound inequalities, and it cannot compensate for earlier sex discrimination.

1.4 The Committee of the Regions endorses the Commission proposal to ban sex discrimination in relation to men's and women's access to and supply of goods and services.

1.5 Given that equal treatment as a sole equality strategy can strengthen inequality, the CoR particularly welcomes Article 3, which specifies that the principle of equal treatment shall mean that there may be neither direct nor indirect discrimination on grounds of gender. The article is necessary to prevent people from being treated less well on grounds of gender, or from being put at a disadvantage because of apparently gender-neutral decisions.

1.6 The Committee welcomes the fact that the proposed definitions of direct discrimination, indirect discrimination, harassment and sexual harassment concord with those used in Directives 2000/43/EC, 2000/78/EC, and 2002/73/EC amending Directive 76/207/EEC.

1.7 The CoR welcomes the fact that Articles 7-10 and 13 on implementation, burden of proof and penalties concord with earlier directives based on Article 13 EC.

1.8 The Committee of the Regions agrees with the Commission's view that sex must not be a factor in calculating premiums and benefits for insurance and other financial services. The CoR would stress that this is particularly important with regard to state pension systems and private pension policies.

1.9 The Committee feels that laws on discrimination in any form, regardless of the grounds, must provide equal levels of protection. The proposal for a directive will not cover the same areas as those covered by the existing directive on discrimination on grounds of race or ethnic origin both at and outside of the workplace. The Committee fears that the Commission's step-by-step method of presenting special directives could create the impression that there is a discrimination 'pecking order'.

1.10 The CoR feels that the proposal contains far too many exceptions and exclusion areas. Article 1(4) excludes education, media and advertising. The Committee believes that if a directive on sex discrimination is to be able to contribute towards equality, these areas must be included.

1.11 The Committee of the Regions would stress its opposition to the Commission's view that a ban on degrading text and images in the media and advertising, and on racist texts, would constitute an infringement of the basic principle of freedom of the press. According to the UN Declaration on Human Rights, legal constraints may be placed on press freedom in order to ensure due recognition and respect for the rights and freedoms of others, and to meet the just requirements of morality, public order and the general welfare in a democratic society (Article 29).

1.12 Article 141 EC on equal pay for equal work or work of equivalent value has not resulted in men and women being taxed equally. The CoR therefore believes that taxation is also an area that should be reviewed from an equal opportunities perspective.

## 2. Committee of the Regions' recommendations

The Committee of the Regions

2.1 The EU plays a key role in enabling both the current and future Member States to comply with the fundamental principle of equal opportunities for men and women. The Community must eliminate gender-based inequalities and actively promote equality between men and women in all its activities. The Committee of the Regions therefore calls on the Commission to present a more comprehensive directive, in line with the task entrusted to it by the Heads of State and Government.

2.2 Like the Commission, the Committee of the Regions sees this directive as a first response to the request by the Heads of State Government and would stress the importance of the Commission continuing this legislative work. The Committee of the Regions can help to secure a more comprehensive directive.

2.3 The Committee of the Regions calls on the Commission to propose an equal opportunities directive which, in addition to goods and services, also includes areas such as taxation, education, social security including social insurance and health-care, violence against women and images in the media and advertising. This would provide greater clarity and accessibility for the Member States and for citizens.

2.4 The Committee calls on the Commission to ensure that this directive covers at least the same sections of the community as those covered by the directive on the principle of equal treatment between persons irrespective of racial or ethnic origin.

2.5 The CoR endorses the proposal for equal treatment between women and men in the access to and supply of goods and services, but regrets the limited scope of the directive.

2.6 The Committee would stress that equality cannot be achieved through legislation alone. Men and women must have the same opportunities in politics, at the workplace and in life generally. The Committee of the Regions believes that combating gender discrimination is also a matter of raising awareness of gender and equal opportunities issues, and of changing attitudes and values. The CoR would be pleased to work with the Commission in organising seminars on equality and efforts to secure equal opportunities.

2.7 Gender mainstreaming involves incorporating equality between men and women in all Community policies and throughout all EU bodies. The Committee of the Regions wishes to support the Commission in its efforts to develop methods for gender mainstreaming and considers that a breakdown of Member State statistics by gender and age would be of valuable assistance in highlighting living conditions for men and women.

2.8 The Committee endorses the proposal to prohibit gender discrimination in insurance and other financial services.

2.9 The Committee feels that the transitional period (6 + 2 years) for the introduction of Article 4, which prohibits insurance and premiums based on gender, is too long. Furthermore,

the article seems too rigid in laying down that the directive should apply only to insurance contracts drawn up after the date of its entry into force, without taking account of the fact that pension systems and private pension agreements concluded before that date could continue to discriminate on the grounds of gender for generations longer.

2.10 The CoR agrees with the proposal in Article 12 to abolish provisions which are in breach of the principle of equal treatment (Article 3) found in (a) laws, regulations and administrative provisions, and that (b) individual or collective contracts or agreements, internal rules of undertakings, and rules governing profit-making or non-profit-making associations shall, or may be declared, null and void or amended.

2.11 The directive does not cover the most obvious types of female oppression such as violence and sexual exploitation. The Committee would stress the need for the Commission to put forward new initiatives in this area.

2.12 The Committee of the Regions believes it is important for local and regional authorities to work for equality between women and men. The CoR wishes to help to secure a successful, mainstreamed equal opportunities policy that can shape society and inform people's everyday lives.

Brussels, 22 April 2004.

*The President  
of the Committee of the Regions*  
Peter STRAUB

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**Opinion of the Committee of the Regions on the 'Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Equal opportunities for people with disabilities: A European Action Plan'**

(2004/C 121/07)

THE COMMITTEE OF THE REGIONS,

Having regard to the 'Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Equal opportunities for people with disabilities: A European Action Plan' (COM(2003) 650 final),

Having regard to the decision of the European Commission of 30 October 2003 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community,

Having regard to the decision of its President of 26 September 2003 to instruct its Commission for Economic and Social Policy to draw up an opinion on this subject,

Having regard to its draft opinion (CdR 312/2003 rev. 2) adopted on 2 March 2004 by the Commission for Economic and Social Policy (rapporteur: Mr Pedro Sanz Alonso, President of the Autonomous Community of Rioja (ES/EPP)),

adopted the following opinion unanimously at its 54<sup>th</sup> plenary session of 21 and 22 April 2004 (meeting of 21 April).

## 1. Comments

The Committee of the Regions

1.1 considers that the European Year of People with Disabilities in 2003 was successful in advancing the disability agenda in the European Union. The Year should therefore be seen as the start of an irreversible process that will continue and pick up steam well beyond the Year. In this context, the CoR points to the media's role in publicising this European Year, but stresses the need for continuity and to involve local and regional authorities in this initiative;

1.2 points out that while the new approach towards disability policy promoted by the European Year 2003 is relevant to all authorities, it concerns regional and local authorities in particular owing to their proximity to and direct impact on the everyday life of disabled people;

1.3 is aware that disability policy is mainly a matter of national competence. However, different EU initiatives are influencing national policies either through directives or through the specific application of the open method of coordination to disabled people. Future disability policy needs, therefore, to consider the need for complementarity between EU and national policies, along with the increasing competence of regional and local authorities;

1.4 welcomes all those measures that improve conditions for disabled people, as this will lead to a better society. If services are designed and planned in such a way that they are accessible to disabled people, they will be accessible to all citizens and in particular to older people;

1.5 stresses the importance of applying the principle of participatory democracy in the field of disability. This means including local, regional, national and international associations

set up to protect the rights and interests of disabled people as essential and equal partners;

1.6 believes that it is essential to create an atmosphere of respect towards disabled people, in the general context of respect for human rights, in order to encourage the gradual disappearance of all forms of discrimination. This will only be achieved through a combination of legal initiatives and general awareness campaigns;

1.7 emphasises the importance of the European Commission adopting the disability action plan, which sets out a series of measures extending up to 2010.

## 2. Recommendations

The Committee of the Regions

2.1 welcomes recent progress on social policy, the information society and transport, where most of the latest initiatives take account of disabled people. There are other areas, however, in which mainstreaming must be improved, such as jobs, training, the user-friendliness of cities and buildings, and housing;

2.2 calls for special efforts to mainstream disability into all relevant EU policy areas. Such efforts must be undertaken during the European Year in 2003 but must also continue thereafter. Although disabled people are not formally excluded from any of these areas, their lack of visibility leads to their exclusion in practice. Specific references to disabled people in all relevant initiatives are therefore needed and, when appropriate, changes need to be made so that they can fully benefit from and contribute to these initiatives. It would be a good idea to try to anticipate the potential impact of all new initiatives on disabled people;

2.3 recommends that the EU establish a programme for action with the primary aim of ensuring that disability is mainstreamed in all EU policies and areas of action;

2.4 insists that EU initiatives in the following areas must include specific references to disabled people: consumer policy, public procurement legislation, human rights, transport, action programme on youth, programmes and initiatives in the field of education (Socrates, Comenius, Leonardo da Vinci), programmes on culture and media, programmes on the transition from school to work, programmes to facilitate access to the information society and new technologies, the labour market and activities in the field of sports, in particular with a view to the European Year on Education through Sports in 2004, among others;

2.5 urges the EU to retain and continue to promote the Community's EQUAL initiative following the reform of the Structural Funds, as this initiative finances important schemes that help the employment integration of people with disabilities;

2.6 proposes that disabled people and their closest relations and representatives must be involved in the different EU processes which apply the open method of coordination, such as in the fields of education, youth and pensions. This can only be achieved if the EU institutions, Member States and regions are actively committed to ensuring that disability issues are included - and representative disability organisations involved - in this work. When statistical indicators are established to support this process, these must provide information on the situation of disabled people;

2.7 recommends that the EU institutions support building up a network of local and regional authorities in order to boost exchanges of information on disability policy and good practice across the Member States. Mutual exchanges of information about developments in disability policy and implementation at local and regional level will, overall, lead to higher standards of services for disabled people. A network of this kind must operate in close collaboration with disability associations in order to promote exchanges of experience and good practice at all levels;

2.8 would like disabled people to have access to the same services as all other citizens. This means that their needs must be considered in the early stages of the planning process. This includes planning decisions relating to public areas such as restaurants, cinemas, theatres, schools, universities, shopping centres, museums, parks and stadiums. It would be extremely useful if general disability plans were drawn up giving an overview of measures adopted with this group in mind;

2.9 believes that failing to ensure disabled access to these services is an infringement of basic human rights and, from an economic point of view, also means that entrepreneurs are losing many potential customers. Consumer associations can play a key role in ensuring that this work is successful. This is well illustrated by a recent survey by a Spanish consumer association which shows that 50 % of such public facilities had no disabled access;

2.10 insists that, like any other citizens, disabled people must be active members of society and participate in different organisations, such as political parties, trade unions, vocational organisations, religious organisations, sports clubs, environmental groups and other associations. These organisations must be organised in a way that allows disabled people to join in;

2.11 considers that the image of disabled people portrayed in the media needs to be improved. Information and programmes must seek to acknowledge the rights of disabled people and highlight the barriers preventing their full participation in society, abandoning stereotypes and received ideas that portray disability as something negative or painful, to be despised, pitied or ignored. The only way to change attitudes towards disability and combat invisibility is to raise awareness among the general public;

2.12 recommends that the specific action programme on disability at European level should seek to:

2.12.1 support the mainstreaming of disability in all relevant EU policies with a view to strengthening current consultation and monitoring mechanisms, and raising awareness among decision-makers, focusing on existing possibilities for disabled people;

2.12.2 support the establishment of an open method of coordination in the area of disability, based on common outcome indicators for monitoring progress on the social inclusion of disabled people. This method would apply to all areas relevant to disability policy, such as education, vocational training, life-long learning, employment, career, transport, information society, benefits, and services for people with complex dependency needs and their families. Examples of good practice in each of these areas must be provided to allow for mutual learning. The open method of coordination for disability policies would be useful for all the Member States, in particular those countries joining the European Union in the near future;

2.12.3 guarantee and strengthen the participation of disability associations in civil dialogue at EU level, providing adequate funding and consultation mechanisms;



2.12.4 involve welfare associations and foundations and volunteer's organisations providing social services for disabled people;

2.12.5 expressly acknowledge, with a view to promoting consultation and civil dialogue, the role of the European Disability Forum (EDF) as the organisation that brings together and represents disabled people and the families of disabled people who are unable to represent themselves. The EDF must be given a special status during all phases of consultation between the EU institutions and disabled associations, in particular the High Level Group on Disability;

2.13 stresses the need for a specific directive on disability, under Article 13 of the EC Treaty, prohibiting discrimination against disabled people in all areas of life, but points out that adopting legislation is not enough unless appropriate measures are introduced to ensure effective implementation, development and compliance. The main components of this specific directive on disability should be, inter alia, access to employment as a key element of social independence and sufficiency, through training and positive discrimination in the labour market, and the implementation of services and support to promote the aforementioned social and personal independence. The Committee therefore reiterates its recommendation that legislation requiring a certain percentage of jobs to be set aside for disabled people should also provide for checks and penalties to ensure compliance;

2.14 proposes that the new open method of coordination in the area of education should consider disabled children and young people to be one of the main target groups, and that all the actions and indicators envisaged should take account of them;

2.15 calls for new technologies, both mainstream and assistive, to be properly developed so that they can play a vital role in overcoming some of the barriers facing disabled people. Disability must therefore be considered a horizontal issue and support given to initiatives aimed specifically at disabled people. There must also be a greater effort to eliminate all the legal and other barriers currently preventing the establishment of a genuine European market for assistive technologies, and to provide adequate financial support at national level for disabled people needing to use these technologies;

2.16 recommends that all stakeholders, public and private, local, national and EU, should base their approach to actions during and after the European Year on the Madrid Declaration, which defines the conceptual framework of the European

Year and proposes specific actions for the different stakeholders. In particular, mass media, consumer associations, youth organisations, sport clubs, religious organisations, associations and other stakeholders should improve their services and work to ensure that disabled people can fully benefit from and contribute to them;

2.17 hopes that local and regional authorities in Europe, as the authorities closest to citizens, can make a decisive contribution to defining and consolidating the new disability policy guidelines put forward by the European Year;

2.18 proposes that the regions and municipalities should decide to:

2.18.1 formally adopt the Madrid Declaration, issued by the 1st European Congress on Disability, as the conceptual framework for future disability policy decisions <sup>(1)</sup>;

2.18.2 help disseminate and apply Agenda 22 in most European municipalities. Agenda 22 comprises a set of specific rules relating to disability, laying down practical objectives for employment, training, education and integration. Regions and municipalities which adopt the agenda undertake to implement the measures it contains, adjusting them to the needs of each municipality and the expectations of associations working in the town or city concerned;

2.18.3 where appropriate, supplement existing European and national legislation on non-discrimination and positive action for disabled people with additional rules and provisions at local and regional level to promote the objectives of equal opportunities and full participation for disabled people;

2.18.4 place disabled people at the top of local and regional authorities' political agenda;

2.18.5 incorporate disability mainstreaming into the policies of local and regional authorities, so that disability is seen as an area for horizontal action in all policy areas;

2.18.6 recognise the importance of encouraging social action on the part of businesses under the heading of corporate social responsibility;

2.18.7 promote the implementation and development of programmes to make it easier for disabled people to access the ordinary labour market, since the best way of integrating disabled people into society is to enable them to be economically independent. While the Committee acknowledges the role currently played by measures such as protected jobs, higher levels of integration need to be achieved;

<sup>(1)</sup> <http://www.europarl.eu.int/comparl/empl/conferences/20031110/note-en.doc>



2.18.8 adopt multi-annual action programmes, with sufficient financial support and other resources, on equal opportunities for disabled people, ensuring that disabled people are involved –through the organisations representing them – in their drafting, management, implementation and assessment. In order to respond to the urgent needs and demands of disabled people, these programmes should focus on the following:

- with regard to training and employment, encourage local and regional authorities – to include specific measures promoting the employability of disabled people in their local development plans and policies, and to make a commitment, within their remit, to implement Directive 78/2000/EC on a general framework for equal treatment in employment and occupation. One of the many possible measures to improve access to employment at local level is to insert social clauses in contracts to discriminate in favour of companies and entities that have disabled people on their staff;
- with regard to the information society and access to new technologies, develop programmes aimed at promoting the info-inclusion of disabled people in the new knowledge-based society, and establishing public schemes for technical assistance and assistive technologies enabling disabled people to enjoy independent living and a better quality of life;
- with regard to accessibility for all, adopt universal accessibility plans to ensure that designs are drawn up with all people in mind, in all areas that are the responsibility of local and regional authorities (building, town planning, infrastructures, transport networks, virtual forums, telecommunications, media, public goods and services, etc.);
- with regard in particular to serious disabilities which prevent people from living independently, seek to ensure, under the principle of equal treatment, that such people are able to live autonomously in their own homes and thus remain integrated in the life of their local community. This basically means providing assistance and support so that individuals are able to continue living with parents or relatives before moving out into their own homes when they

grow up. In cases where it is not possible for individuals to live with family or in their own homes, residential facilities should be made available that meet their particular needs;

- with regard to combating poverty and social exclusion, ensure that local and regional social inclusion plans give special attention to disabled people in a precarious social position;
- the development of programmes and actions for disabled people at local and regional level is essential to promoting and supporting their personal and social independence. One of the fundamental objectives should therefore be to facilitate access to housing by various means, such as community housing, sheltered flats and by reserving and adapting social housing for disabled people, whether for renting or buying;

2.18.9 establish and promote indicators and statistics on the social reality of disabled people, giving priority to incorporating disability-related variables into existing statistics;

2.18.10 set up permanent bodies to monitor equal opportunities and non-discrimination of disabled people under local and regional authorities;

2.18.11 set up permanent arrangements for civil dialogue on disability policy between local and regional authorities and disability associations in their area. To this end, it is recommended that all regions and municipalities set up joint participation councils comprising local and regional authorities and disability associations in their area;

2.19 believes it is necessary for the Committee of the Regions to ensure equal participation in its activities. Particular attention must be paid here to human resources policy, disabled access and disable-friendly design of the internet site;

2.20 highlights the importance of encounters such as the seminar on the regional dimension of disability policies, since they enable good practice to be exchanged and raise awareness of solutions that have proved effective in similar situations in other countries.

Brussels, 21 April 2004.

*The President  
of the Committee of the Regions*  
Peter STRAUB

**Opinion of the Committee of the Regions on the 'Joint Report on Social Inclusion summarising the results of the examination of the National Action Plans for Social Inclusion (2003-2005)'**

(2004/C 121/08)

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled 'Joint report on social inclusion summarising the results of the examination of the National Action Plans for Social Inclusion (2003-2005)', COM(2003) 773 final;

Having regard to the decision of the European Commission on 12 December 2003, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult it on this matter;

Having regard to the decision of its president on 6 November 2003 to direct its Commission for Economic and Social Policy to draw up an opinion on the subject;

Having regard to the decision of the European Parliament and of the Council of 15 October 2001 establishing a programme of Community action to encourage co-operation between Member States to combat social exclusion;

Having regard to the European Commission Staff Working Paper entitled 'E-inclusion – the potential of the information society for social inclusion in Europe' (SEC(2001) 1428);

Having regard to the European Parliament resolution on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: 'Draft joint report on social inclusion' (COM(2001) 565-C5-0109-2002/2051(COS));

Having regard to its opinion on the Communication from the Commission – Building an inclusive Europe (CdR 84/2000 fin) <sup>(1)</sup>;

Having regard to the Council resolution of 6 February 2003 on social inclusion through social dialogue and partnership <sup>(2)</sup>;

Having regard to its opinion on the Proposal for a Decision of the European Parliament and of the Council establishing a programme of Community action to encourage co-operation between Member States to combat social exclusion (CdR 302/2000 fin) <sup>(3)</sup>;

Having regard to its opinion on the Draft Joint Report on Social Inclusion (CdR 393/2001 fin) <sup>(4)</sup>;

Having regard to its draft opinion (CdR 21/2004) adopted on 2 March 2004 by the Commission for Economic and Social Policy (rapporteur: Ms Marin-Moskovitz, Deputy Mayor of Belfort, Vice-President of the General Council of Territoire de Belfort (FR/PES));

Whereas the Communication is intended for the extraordinary European Council of 19 March 2004;

adopted the following opinion at its 54<sup>th</sup> plenary session on 21 and 22 April 2004 (meeting of 22 April).

<sup>(1)</sup> OJ C 317 of 6.11.2000, p. 47.

<sup>(2)</sup> OJ C 39 of 18.2.2003, p. 1.

<sup>(3)</sup> OJ C 144 of 16.5.2001, p. 52.

<sup>(4)</sup> OJ C 192 of 12.8.2002, p. 5.

## 1. The Committee of the Regions' views

### The Committee of the Regions

1.1 welcomes the Commission's draft joint report on social inclusion, which summarises the results of the review of national action plans since the launch in 2002 of the five-year Community action programme to encourage co-operation between Member States to combat social exclusion;

1.2 stresses the need for general mobilisation in order to significantly reduce the proportion of the European population at risk of poverty or extreme deprivation, which is currently estimated at 55 million individuals, i.e. 15 % of the population of Europe;

1.3 approves the consistency of the report, which takes into account enlargement, national differences and the creation of the new rationalised structure for policy coordination on social protection at Community level, as agreed by the Council in October 2003;

1.4 recalls that social exclusion is affecting more and more people, who need practical help to remain full members of society. Social inclusion must therefore become a collective priority in combating the devastating effects of precariousness and marginalisation, and must include the fight against all forms of discrimination (racism, sexism, discrimination against people with disabilities, homophobia, religious and age discrimination –highlighting the increasing difficulties a part of the European population faces in staying connected with society); however, a balanced social inclusion policy should give these people economic and financial incentives to actively participate in working life;

1.5 highlights the fact that the effects of unequal access to employment, the instability of the labour market, relocations and massive job cuts as a result of unanticipated structural changes that may be linked to the globalisation of capital and a downturn in the economic cycle, impact on individuals and societies and aggravate the process of social exclusion;

1.6 believes that the Community's social inclusion strategy must take more account of the macroeconomic context and the impact of economic, finance and fiscal policy on the functioning of society;

1.7 supports the willingness of the Commission to encourage 'the interaction with regional and local authorities' through an evaluation of national policies and of common indicators in order to take, by 2010, the measures needed to fight exclusion, as defined at the Lisbon summit in March 2000 and agreed at the Laeken Council of December 2001 (18 common indicators for measuring poverty and social exclusion);

1.8 considers it necessary to take into account the impact of the accession of ten new Member States on the Community's future social inclusion strategy, particularly because of the evaluation in 2005 of the method for coordinating the fight against poverty;

1.9 repeats its appeal to take better account of national good practice and innovative processes in terms of respecting and guaranteeing everyone's fundamental rights, which is the very basis of social inclusion and the fight against precariousness;

1.10 welcomes the six key priorities defined by the Council with regard to the 2003-2005 second generation NAPs/Incl:

- increased investment in measures to promote an active labour market and adapting to the needs of the most disadvantaged and those who have the greatest difficulties in accessing employment;
- access for all to appropriate social protection schemes;
- increasing the access of the most vulnerable and those most at risk of social exclusion to decent housing, quality health-care and lifelong learning opportunities;
- implementing a concerted effort to prevent early school leaving as a defence against systematic and terminal exclusion;
- priority eradication of child poverty;
- reducing poverty and social exclusion among immigrants and ethnic minorities;

1.11 notes that significant advances have been made that strengthen the coherence of the method of coordination (between states, local and regional authorities, and the European Union), particularly in terms of the supply of essential public services to the individual such as education, health, housing, transport, equal opportunities between men and women, access to knowledge, to leisure and culture, to justice and the protection of individual rights;

1.12 would like to see a more coherent strategy for fighting poverty being applied between Member States. Having compared the approach of the different national action plans set out in the document, it is deeply regrettable to note that the most persistent forms of poverty (unemployment, single-parent families, elderly people living alone, people with disabilities, unqualified youngsters, large families) have got worse;

1.13 highlights the importance of social protection for those who are unable to work;

1.14 believes that the developments that are taking place within the Union, particularly the rapid changes in the labour market, the development and widespread use of new information and communication technologies, and the changes linked to new demographic developments and increased migratory flows, bring about a need for vigilance so that risks can be turned into new opportunities for social inclusion;

1.15 welcomes the success of e-Inclusion and of its strong potential to become, through ICT, an effective way of making services accessible to all sections of the population and thus promoting active, participatory citizenship;

1.16 highlights the driving role played by the State at national level in the workings of tax systems, social protection, education and programmes, housing benefit and the right to housing, public health, freedom of information, and equal opportunities, in response to the universal needs of citizens. Local and regional participation is also an essential tool for ensuring the effective coordination of these services;

1.17 notes that the joint Commission and Council document does not give sufficient attention to the real budgetary efforts needed for actions promoting social exclusion;

1.18 supports the proposal to define quantifiable goals and measurable targets, following the example of the eight national plans already started by certain Member States.

## 2. The Committee of the Regions' recommendations

### The Committee of the Regions

2.1 is convinced, in the light of the joint communication on social exclusion, that efforts made, whether at local, regional, national or European level, since the Lisbon summit, should be underpinned by the adoption of national plans for the ten new Member States;

2.2 notes that enough time must be allowed for the integration of the NAPs in the Member States at the national, regional and local level before there is an assessment of their effect;

2.3 recommends that the indicators used be limited in number in order to be compatible and valid in all the countries of the Union. To this end, the Committee of the Regions notes that, since the end of the first generation NAPs/Incl, and as strongly recommended in its two previous opinions on social exclusion, significant efforts have been made to identify these indicators at Community level;

2.4 reaffirms, in line with the 2003 White Paper on European Governance for employment, the importance of cooperation at all administrative levels, among all actors involved in social inclusion, whether they are institutional or part of civil society;

2.5 welcomes the acknowledgment by Member States of the need to complement their national action plans with local and regional measures, although it is important to avoid national plans becoming overloaded with measures that are purely regional and adapted to the local procedures of welfare administrations, which would tend to complicate and hinder comparison between the Member States and the use of fewer, more informative and comparable indicators;

2.6 encourages the Commission to involve local and regional authorities more systematically in the monitoring of methods to reduce social exclusion;

2.7 welcomes the prominence given by the majority of Member States to ambitious, quantified, poverty-reduction goals that are multidimensional, well-thought-out in terms of their progressive implementation, and take into account the

large disparities in levels of relative poverty, which vary enormously from one State to another;

2.8 encourages the continued integration of social inclusion criteria defined in the NAPs into the review of the Structural Funds; this will need to take into account changes in their allocation from 2006 onwards;

2.9 calls for urgent action against the most serious consequences of social exclusion and persistent poverty (such as over-indebtedness and homelessness) as defined in objective 3 Helping the most vulnerable;

2.10 supports the recommendations made by the European Commission – whilst awaiting the evaluation planned for 2005 – and calls for their uniform and balanced implementation, namely:

- continue to promote the mobilisation and participation of all the stakeholders in civil society, as well as marginalised people themselves;
- fully recognise the urgent need to reduce, as a matter of priority, discrimination against the most vulnerable (asylum seekers, refugees, immigrants, ethnic minorities);
- continue and monitor the development of the national statistical base, with the aim of effectively following the social inclusion strategies defined by the EU-SILC statistics on income and living conditions;
- promote the sharing of good practice, following the example of the Community Action Programme to combat social exclusion;
- ensure that the Community objectives for social inclusion are scrupulously included in the preparation and follow-up of the June 2004 European Council, giving particular attention to the need for coherence between these objectives, the economic policy guidelines and the European Employment Strategy launched at the European Council of Nice in December 2000;
- encourage the integration of countries joining the EU into this process by using the Joint Inclusion Memoranda (JIMs, signed jointly on 10 December 2003), which prefigure the adoption of national action plans by the ten new Member States;

2.11 calls for the necessary steps to be taken to extend the social integration processes to the new Member States;

2.12 emphasises the fact that although social inclusion is about the concept of poverty in the economic sense, it includes other forms of deprivation, such as those linked to exclusion from employment, education and training, and culture, and can be affected by discrimination based on sex, age, social class, education, language, nationality and physical and mental disability – hence the need for a holistic approach to its causes and solutions;

2.13 urges the European Commission to continue and extend its dialogue with social inclusion actors and victims of social exclusion so that all parties have an opportunity to be heard and to exercise their citizenship;

2.14 welcomes the organisation each year, as in Århus in October 2002, of a round table on poverty and exclusion to coincide with the world day on exclusion on 17 October this year. This event has been made necessary as much by enlargement, by new national practices for fighting social exclusion, and by the Nice criteria for the objectives of equality, prevention, action and mobilisation in connection with processes for inclusion and integration, as by the increase in the number of players involved in social dialogue and the partnership for jobs;

2.15 highlights the difficulty for each Member State in jointly defining criteria for social inclusion or exclusion that can at the same time be applicable, applied and exported at the local, regional, national and European level; this emphasises the ongoing need for coordinated dialogue at EU level;

2.16 recalls the role of local and regional authorities in integrating those at risk of exclusion and marginalisation into the labour market and society in general;

2.17 calls on the European Commission to include the questions raised in this opinion when presenting the joint report to the March 2004 European Summit.

Brussels, 22 April 2004.

*The President  
of the Committee of the Regions*  
Peter STRAUB

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**Opinion of the Committee of the Regions on the 'Proposal for a Directive of the European Parliament and of the Council on batteries and accumulators and spent batteries and accumulators'**

(2004/C 121/09)

THE COMMITTEE OF THE REGIONS,

Having regard to the 'Proposal for a Directive of the European Parliament and of the Council on batteries and accumulators and spent batteries and accumulators', (COM(2003) 723 final - 2003/0282 (COD));

Having regard to the decision of the Council of 11 December 2003 to consult it on this matter under the first paragraph of Article 175 of the Treaty establishing the European Community;

Having regard to the decision of its Bureau of 12 March 2002 to instruct its Commission for Sustainable Development to draw up an opinion on this subject;

Having regard to the European Commission's staff working paper on the Directive of the European Parliament and of the Council on batteries and accumulators and spent batteries and accumulators, SEC(2003)1343;

Having regard to Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances;

Having regard to Directive 2003/108/EEC of the European Parliament and of the Council of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment (WEEE);

Having regard to Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances (RoHS) in electrical and electronic equipment;

Having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (ELV);

Having regard to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations;



Having regard to its draft opinion (CdR 12/2004 rev. 1) adopted on 5 March 2004 by its Commission for Sustainable Development (rapporteur: Ossi Martikainen, chairman of Lapinlahti municipal council (FI/ELDR),

Whereas:

- 1) batteries and accumulators are an essential energy source in our society;
- 2) a large quantity of spent batteries and accumulators end up in the municipal waste stream;
- 3) the collection and recycling of spent batteries and accumulators varies from Member State to Member State; these different schemes can have a negative impact on the internal market and distort competition, it is thus important to establish a level playing field across the EU;
- 4) it is important to set high targets across the EU and to leave the possibility for each Member State to set even higher targets and standards;
- 5) local and regional authorities in many Member States play an essential role in collecting and recycling batteries and accumulators;

unanimously adopted the following opinion at its 54<sup>th</sup> plenary session, held on 21 and 22 April 2004 (meeting of 22 April)

## 1. Opinion of the Committee of the Regions

of rules and sanctions for infringements across the EU, with the European Commission responsible for their application;

### The Committee of the Regions

1.6 advocates application of the producer responsibility principle for accumulators and batteries;

1.1 considers that the setting of EU-wide minimum requirements for waste from accumulators and batteries and other waste containing hazardous substances to be an effective means of protecting the environment and public health;

1.7 points out that local authorities, and the plants and companies owned by them or are their agents, can also take part in collecting, treating and recycling accumulators and batteries in cooperation with producers and importers;

1.2 considers that the Member States and their local and regional authorities have the right to choose the approach they think best in implementing EU waste management legislation in practice, provided uniform minimum requirements are met and there is no distortion of competition;

1.8 considers that the disposal of accumulators and batteries used in industry and vehicles (landfilling and incineration) should be abolished completely;

1.3 notes that local and regional authorities have considerable powers and responsibilities with respect to planning, implementation and monitoring waste management and environmental protection, and that when implementing Community legislation in this sphere EU legislators and the Member States must take proper account of local expertise and proposals;

1.9 considers that limits should be set on the amount of mercury and cadmium used in batteries;

1.4 observes that consumer habits and behaviour have a substantial effect on achieving environmental legislation targets and considers that the Member States should be urged to step up their efforts to set up or develop efficient return and recycling arrangements or deposit schemes and, by means of information campaigns, to encourage environmentally aware consumer behaviour with regard to batteries and accumulators;

1.10 regards minimum collection targets to be problematic because this will permit a substantial increase in the amount of waste from accumulators and batteries in many of the new Member States, delaying the positive health and environmental effects of the proposal for a directive and the search for better practice;

1.5 believes that the application and monitoring of legislation governing accumulators and batteries containing hazardous substances should be arranged in such a way that the Member States can themselves choose the systems that are most suitable in practice, while ensuring uniform monitoring

1.11 notes that some Member States have already achieved the collection target in the proposal of 160g per capita per year, and believes that the targets should be based on the national annual sales in each country in order to allow for differences in consumption and at the same time be able to set ambitious targets;

1.12 thinks it would be preferable to base the collection target indicator on the percentage of national annual sales for all spent portable batteries and accumulators;

1.13 urges the Member States to promote new, economical and environment-friendly recycling and treatment technologies, and recommends that the European Commission present to the European Parliament and the Council of Ministers a regular follow-up report on progress made towards achieving the targets of the Directive after it has come into effect.

## 2. The recommendations of the Committee of the Regions

### Preamble, paragraph 2

Text proposed by the Commission	CoR amendment
Having regard to the Treaty establishing the European Community, and in particular Articles 95 (1) and 175 (1) thereof,	Having regard to the Treaty establishing the European Community, and in particular Articles <del>95 (1) and</del> 175 (1) thereof,

Reason: The main purpose of this Directive is to minimise the negative environmental effects of discarded batteries, therefore Article 175 (1) (legal basis for environmental measures) should be the only legal basis. By basing the Directive on Article 175, it leaves the possibility for Member States to set stricter targets and procedures.

### Recital 10

Text proposed by the Commission	CoR amendment
In the light of the specific environmental and health concerns regarding cadmium, mercury and lead and the particular characteristics of batteries and accumulators containing cadmium, mercury and lead additional measures should be adopted. The use of mercury in batteries should be restricted. Final disposal of automotive and industrial batteries should be prohibited. An additional collection target should be set for portable nickel-cadmium batteries. Moreover, specific recycling requirements should be established for cadmium and lead batteries in order to attain a high level of materials recovery throughout the Community and to prevent disparities between the Member States.	In the light of the specific environmental and health concerns regarding cadmium, mercury and lead and the particular characteristics of batteries and accumulators containing cadmium, mercury and lead additional measures should be adopted. The use of mercury in batteries should be <del>restricted</del> prohibited as well as the <del>final disposal of automotive and industrial batteries should be prohibited. An additional collection target should be set for</del> <u>The use of portable nickel-cadmium in portable batteries and the use of lead in portable batteries should also be prohibited.</u> Moreover, specific recycling requirements should be established for <u>the remaining</u> cadmium and lead batteries in order to attain a high level of materials recovery throughout the Community and to prevent disparities between the Member States.

Reason: In line with the Directives on end-of life vehicles (ELV), waste electrical and electronic equipment (WEEE) and the restriction of the use of certain hazardous substances (RoHS), metal should be also prohibited in batteries and accumulators.

### Article 3

#### Definitions

##### Add new definition

Text proposed by the Commission	CoR amendment
	'deposit schemes' means a system under which the buyer, upon purchase of batteries or accumulators, pays the seller a sum of money which is refunded when the spent batteries or accumulators are returned.

Reason: The article is copied from the Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances. This is an excellent way to encourage consumers to return their spent batteries to collection points.

## Article 4

## Prevention

Text proposed by the Commission	CoR amendment
<p>1. Member States shall prohibit the marketing of all batteries or accumulators, whether or not incorporated into appliances, which contain more than 0.0005% of mercury by weight.</p> <p>2. Button cells, and batteries made up of button cells with a mercury content of no more than 2% by weight shall be exempt from the prohibition referred to in paragraph 1.</p>	<p>1. Member States shall prohibit the marketing of all batteries or accumulators, whether or not incorporated into appliances, which contain more than <del>0.0005% of mercury by weight</del>.</p> <p>a) 5 ppm Mercury; and/or</p> <p>b) 40 ppm Lead; and/or</p> <p>c) 20 ppm Cadmium</p> <p><del>2. Button cells, and batteries made up of button cells with a mercury content of no more than 2% by weight shall be exempt from the prohibition referred to in paragraph 1.</del></p> <p><del>2. This prohibition shall not apply to the applications listed in Annex 1.</del></p>

Reason: Portable NiCd batteries make up 80 % of the entire NiCd battery market. There is a risk that the spent batteries end up in municipal waste stream. It is undisputed that substitutes exist for the electronical and electronic equipments. A phase-out of the use of cadmium batteries in electronical and electronic equipment would be in line with the RoHS directive.

## Article 5

## Increased environmental performance

Text proposed by the Commission	CoR amendment
<p>Member States shall promote research into the possibility of increasing the overall environmental performance of batteries and accumulators throughout their entire life-cycle, and the marketing of batteries and accumulators which contain smaller quantities of dangerous substances or which contain less polluting substances, in particular as substitutes for mercury, cadmium and lead.</p>	<p>Member States shall promote research into the possibility of increasing the overall environmental performance of batteries and accumulators throughout their entire life-cycle, and the marketing of batteries and accumulators which contain smaller quantities of dangerous substances or which contain less polluting substances, in particular as substitutes for mercury, cadmium and lead. <u>The Commission shall submit a progress report to the Council and the European Parliament in this regard five years after entry into force of this Directive.</u></p>

Reason: Self-explanatory.

## Article 6

## Monitoring the waste stream

Text proposed by the Commission	CoR amendment
<p>1. Member States shall ensure the monitoring of the quantities of spent portable nickel-cadmium batteries and accumulators disposed of in the municipal solid waste stream. A report on the results of the monitoring shall be drawn up on the basis of Table 1 in Annex I.</p> <p>2. Without prejudice to Regulation (EC) 2150/2002 on waste statistics, Member States shall establish the report every year, starting one year after the date referred to in Article 32(1) of this Directive and covering the whole of each calendar year. It shall be transmitted to the Commission no later than six months after the end of the year concerned.</p> <p>3. The Commission shall establish detailed rules for the monitoring of the municipal solid waste stream as referred to in the previous paragraph, in accordance with the procedure referred to in Article 30.</p>	<p><del>1. Member States shall ensure the monitoring of the quantities of spent portable nickel-cadmium batteries and accumulators disposed of in the municipal solid waste stream. A report on the results of the monitoring shall be drawn up on the basis of Table 1 in Annex I.</del></p> <p><del>2. Without prejudice to Regulation (EC) 2150/2002 on waste statistics, Member States shall establish the report every year, starting one year after the date referred to in Article 32(1) of this Directive and covering the whole of each calendar year. It shall be transmitted to the Commission no later than six months after the end of the year concerned.</del></p> <p><del>3. The Commission shall establish detailed rules for the monitoring of the municipal solid waste stream as referred to in the previous paragraph, in accordance with the procedure referred to in Article 30.</del></p>

Reason: This entire article should be deleted on the grounds that monitoring the municipal waste stream would be a very costly and unnecessary measure if the directive bans the use of harmful substances in batteries in the first instance. Nickel-cadmium batteries are estimated to constitute around 0.0055 % of the municipal waste stream. The monitoring of this substance would have to be based on very substantial sampling in order to quantify the levels of spent NiCd batteries reliably. An easier and more effective option is to simply ban the use of this harmful substance altogether, thus removing the need for such extensive monitoring. The proposal is an anomaly and should be removed altogether.

## Article 9

## Collection schemes

Text proposed by the Commission	CoR amendment
<p>1. Member States shall ensure that:</p> <p>(a) schemes are set up under which spent portable batteries and accumulators can be returned free of charge and collection facilities are available and accessible, having regard to population density;</p> <p>(b) producers of industrial batteries and accumulators, or third parties acting on their behalf, take back from end-users spent industrial batteries and accumulators, regardless of chemical composition and origin;</p> <p>(c) producers of automotive batteries and accumulators, or third parties acting on their behalf, set up schemes for the collection of spent automotive batteries and accumulators, unless they are collected through the schemes referred to in Article 5(1) of Directive 2000/53/EC.</p> <p>2. Member States shall ensure that, when setting up the collection schemes, the negative external impacts of transport are taken into account.</p>	<p>1. Member States shall ensure that:</p> <p>(a) schemes are set up under which spent portable batteries and accumulators can be returned free of charge and collection facilities are available and accessible, having regard to population density;</p> <p><del>(b)</del> producers of industrial batteries and accumulators, or third parties acting on their behalf, take back from end-users spent industrial batteries and accumulators, regardless of chemical composition and origin;</p> <p>(ce) producers of automotive batteries and accumulators, or third parties acting on their behalf, set up schemes for the collection of spent automotive batteries and accumulators, unless they are collected through the schemes referred to in Article 5(1) of Directive 2000/53/EC;</p> <p>2. Member States shall ensure that, when setting up the collection schemes, the negative external impacts of transport are taken into account.</p> <p>3. <u>Deposit schemes can be implemented as part of a range of measures to promote the collection of spent portable batteries and accumulators. Member States shall be free to set the value of the deposit fee in such a way as to avoid distortions of the internal market. Without prejudice to Directive 98/34/EC, Member States shall notify measures related to the implementation of such deposit schemes to the Commission.</u></p>

Reason: Deposit schemes are an excellent way of encouraging consumers to return batteries after use.

## Article 11

## Prohibition of final disposal

Text proposed by the Commission	CoR amendment
Member States shall prohibit the final disposal of industrial and automotive batteries and accumulators in landfills or by incineration.	Member States shall prohibit the final disposal of industrial and automotive batteries and accumulators in landfills or by incineration. <u>Member States should ensure that the ban is properly enforced.</u>

Reason: The text needs to be stronger and more forceful.

## Article 12

## Economic instruments

Text proposed by the Commission	CoR amendment
If Member States use economic instruments in order to promote the collection of spent batteries and accumulators or to promote the use of batteries containing less polluting substances, for instance by adopting differential tax rates, they shall notify the measures related to the implementation of those instruments to the Commission.	If Member States use economic instruments in order to promote the collection of spent batteries and accumulators or to promote the use of batteries containing less polluting substances, for instance by adopting deposit schemes or differential tax rates, they shall notify the measures related to the implementation of those instruments to the Commission.

Reason: Deposit schemes (whereby the consumer pays a higher price when purchasing the battery and part of this cost is reimbursed when the spent battery is returned) can encourage consumers to return their batteries.

## Article 13

## Collection targets

Text proposed by the Commission	CoR amendment
<p>1. No later than four years after the date referred to in Article 32(1), Member States shall achieve a minimum average collection rate equivalent to 160 grams per inhabitant per year for all spent portable batteries and accumulators including portable nickel-cadmium batteries.</p> <p>By the same date, Member States shall achieve a specific minimum collection rate equivalent to 80 % of total quantity of spent portable nickel-cadmium batteries and accumulators per year. The total quantity shall comprise portable nickel-cadmium batteries and accumulators collected annually through collection schemes as well as those disposed of annually in the municipal solid waste stream.</p> <p>2. A report on the results of the monitoring shall be drawn up on the basis of Table 2 in Annex I. Without prejudice to Regulation (EC) 2150/2002 on waste statistics, Member States shall establish the report every year, starting one year after the date referred to in Article 32(1) and covering the whole of each calendar year. It shall be transmitted to the Commission no later than six months after the end of the year concerned.</p>	<p>1. No later than four years after the date referred to in Article 32(1), Member States shall achieve a minimum average collection rate equivalent to <del>160 grams</del> 50 % of national annual sales of two years ago per inhabitant per year for all spent portable batteries and accumulators including portable nickel-cadmium batteries.</p> <p><del>By the same date, Member States shall achieve a specific minimum collection rate equivalent to 80 % of total quantity of spent portable nickel-cadmium batteries and accumulators per year. The total quantity shall comprise portable nickel-cadmium batteries and accumulators collected annually through collection schemes as well as those disposed of annually in the municipal solid waste stream.</del></p> <p>2. No later than six years after the date referred to in Article 32 (1), Member States shall achieve a minimum average collection rate equivalent to 60 % of the national annual sales of four years ago of all spent portable batteries and accumulators, including portable nickel-cadmium batteries.</p> <p>3. No later than ten years after the date referred to in Article 32 (1), Member States shall achieve a minimum average collection rate of 70 % of the national annual sales of four years ago for all spent portable batteries and accumulators, including portable nickel-cadmium batteries.</p> <p><del>2.4.</del> A report on the results of the monitoring shall be drawn up on the basis of Table 2 in Annex I. Without prejudice to Regulation (EC) 2150/2002 on waste statistics, Member States shall establish the report every year, starting one year after the date referred to in Article 32(1) and covering the whole of each calendar year. It shall be transmitted to the Commission no later than one year after the end of the year concerned.</p>



Reason: The collection targets should be amended to a percentage of annual sales targets in order to better reflect the level of consumption, which varies throughout the EU. This percentage can easily be achieved through analysing the yearly sales volume. This phased approach to targets is necessary to help develop capacity in collection and recycling without making the targets unrealistic. An overall target of 70 % collection rate is needed to ensure that the collection and recycling rates continually grow up to an optimal level.

## Article 15

### Treatment operations

Text proposed by the Commission	CoR amendment
1. Member States shall ensure that producers, or third parties acting on their behalf, set up schemes, using the best available treatment and recycling techniques, to provide for the treatment of spent batteries and accumulators collected in accordance with Article 9.	1. Member States shall ensure that producers, or third parties acting on their behalf, set up schemes, using the best available <del>treatment</del> technique for treatment and recycling, to provide for the treatment of spent batteries and accumulators collected in accordance with Article 9.

Reason: Referring to the best available technique makes the directive more in line with the terminology of the EU and put emphasis on using the best available treatment. Otherwise the battery industry – as an example – may point to the steel industry as a possible treatment.

## Article 17

### New recycling technologies

Text proposed by the Commission	CoR amendment
1. Member States shall promote the development of new recycling and treatment technologies, and research into environmentally friendly and cost-effective recycling methods for all types of batteries and accumulators. 2. Member States shall encourage treatment facilities to introduce certified environmental management schemes in accordance with Regulation (EC) 761/2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).	1. Member States shall promote the development of new recycling and treatment technologies, and research into environmentally friendly and cost-effective recycling methods for all types of batteries and accumulators. 2. Member States shall encourage treatment facilities to introduce certified environmental management schemes in accordance with Regulation (EC) 761/2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS). <u>The Commission shall submit a progress report to the Council and the European Parliament in this regard five years after entry into force of this Directive.</u>

Reason: Self-explanatory

## Article 18

## Recycling targets

Text proposed by the Commission	CoR amendment
<p>Member States shall ensure that, one year after the date referred to in Article 32(1), producers, or third parties acting on their behalf, achieve the following minimum recycling targets:</p> <p>(a) all portable batteries and accumulators collected in accordance with Article 9 enter a recycling process.</p> <p>(b) Member States may allow to exempt up to a maximum of 10 % of the collected portable batteries and accumulators from the obligation referred to in point (a) for technical reasons;</p> <p>(c) all industrial and automotive batteries and accumulators collected in accordance with Article 9 enter a recycling process.</p>	<p>Member States shall ensure that, one year after the date referred to in Article 32(1), producers, or third parties acting on their behalf, achieve the following minimum recycling targets:</p> <p>(a) all portable batteries and accumulators collected in accordance with Article 9 enter a recycling process.</p> <p><del>(b) Member States may allow to exempt up to a maximum of 10 % of the collected portable batteries and accumulators from the obligation referred to in point (a) for technical reasons;</del></p> <p>(be) all industrial and automotive batteries and accumulators collected in accordance with Article 9 enter a recycling process.</p>

Reason: This exemption is not justified by any technical reasons.

## Article 19

## Recycling efficiencies

Text proposed by the Commission	CoR amendment
<p>1. Member States shall ensure that, no later than three years after the date referred to in Article 32(1), producers, or third parties acting on their behalf, achieve the following minimum recycling efficiencies:</p> <p>(a) recycling of all the lead and a minimum of 65% by average weight of the materials contained in lead-acid batteries and accumulators;</p> <p>(b) recycling of all the cadmium and a minimum of 75% by average weight of the materials contained in nickel-cadmium batteries and accumulators;</p> <p>(c) recycling of 55 % by average weight of the materials contained in other spent batteries and accumulators.</p> <p>2. Member States shall report annually on the recycling targets referred to in Article 18 as well as the recycling efficiencies, referred to in the previous paragraph, actually achieved in each calendar year, starting from the dates referred to in the previous paragraph. That information shall be submitted to the Commission no later than six months after the end of the year concerned.</p>	<p>1. Member States shall ensure that, no later than three years after the date referred to in Article 32(1), producers, or third parties acting on their behalf, achieve the following minimum recycling efficiencies:</p> <p>(a) recycling of all the lead and a minimum of 65% by average weight of the materials contained in lead-acid batteries and accumulators;</p> <p>(b) recycling of all the cadmium and a minimum of 75% by average weight of the materials contained in nickel-cadmium batteries and accumulators;</p> <p>(c) recycling of 55 % by average weight of the materials contained in other spent batteries and accumulators.</p> <p>2. Member States shall report annually on the recycling targets referred to in Article 18 as well as the recycling efficiencies, referred to in the previous paragraph, actually achieved in each calendar year, starting from the dates referred to in the previous paragraph.</p> <p>That information shall be submitted to the Commission no later than six months after the end of the year concerned.</p> <p><u>The minimum recycling efficiencies are to be evaluated regularly and adapted to scientific and technical progress under the procedure laid down in Article 30.</u></p>

Reason: This is the first time a target is set for the recycling efficiencies. This was not made in neither the WEEE directive nor the ELV directive. It is therefore important that the rates are evaluated and regularly updated.

## Article 20

### Schemes for portable batteries and accumulators

Text proposed by the Commission	CoR amendment
<p>1. Member States shall ensure that producers, or third parties acting on their behalf, arrange the financing for at least the treatment, recycling and sound disposal of all spent portable batteries and accumulators deposited at collection facilities set up under Article 9(1)(a).</p> <p>2. Member States shall ensure that producers comply with the previous paragraph by means of individual or collective schemes.</p>	<p>1. Member States shall ensure that producers, or third parties acting on their behalf, arrange the financing for at least the <u>collection, the treatment, recycling and sound disposal of all spent portable batteries and accumulators</u> deposited at collection facilities set up under Article 9(1)(a).</p> <p>2. Member States shall ensure that producers comply with the previous paragraph by means of individual or collective schemes.</p>

Reason: This is an important amendment for local and regional authorities. The producer responsibility should also apply to the collection of spent portable batteries. The actual carrying out of the collection, treatment, recycling and sound disposal can be taken care of either by the local authorities or by any other organisation. The important point here is to clarify who will finance these activities.

## Article 22

### Registration and Guarantee

Text proposed by the Commission	CoR amendment
<p>Member States shall take the necessary measures to ensure that, when placing a product on the market, each producer is registered and provides a guarantee, that the management of spent batteries and accumulators will be financed. The producer may provide a guarantee in the form of its participation in appropriate schemes for financing the management of spent batteries and accumulators, or of a recycling insurance, or of a blocked bank account.</p>	<p>Member States shall take the necessary measures to ensure that, when placing a product on the market, each producer is registered and provides a guarantee, that the management of spent batteries and accumulators will be financed. The producer <del>may</del><u>shall</u> provide a guarantee in the form of its participation in appropriate schemes for financing the management of spent batteries and accumulators, or of a recycling insurance, or of a blocked bank account.</p>

Reason: The word 'may' is too vague and should therefore be changed into 'shall'.

Article 23  
Historic waste

Text proposed by the Commission	CoR amendment
<p>1. Responsibility for meeting the costs of managing the spent batteries and accumulators put on the market before entry into force of this Directive, historic waste, shall lie with producers.</p> <p>2. For industrial batteries and accumulators put on the market before the entry into force of the Directive and being replaced by equivalent products or by products fulfilling the same function, the financing of the management should be provided by the producers when supplying those new products. Member States may, as an alternative, provide that the final user also be partially or totally, responsible for this financing.</p> <p>3. For other industrial historical waste batteries, the financing of the costs shall be provided for by the industrial users.</p> <p>4. With regard to historic waste, Member States shall ensure that for a transitional period of four years after the date referred to in Article 32(1) producers are allowed, at the time of sale of new products, to show purchasers the costs of collection, treatment and recycling of all spent batteries and accumulators. The costs mentioned shall not exceed the actual costs incurred.</p>	<p>1. Responsibility for meeting the costs of managing the spent batteries and accumulators put on the market before entry into force of this Directive, historic waste, shall lie with <u>all</u> producers.</p> <p>2. For industrial batteries and accumulators put on the market before the entry into force of the Directive and being replaced by equivalent products or by products fulfilling the same function, the financing of the management should be provided by the producers when supplying those new products. Member States may, as an alternative, provide that the final user also be partially or totally, responsible for this financing.</p> <p>3. For other industrial historical waste batteries, the financing of the costs shall be provided for by the industrial users.</p> <p>4. With regard to historic waste, Member States shall ensure that for a transitional period of four years after the date referred to in Article 32(1) producers are allowed, at the time of sale of new products, to show purchasers the costs of collection, treatment and recycling of all spent batteries and accumulators. The costs mentioned shall not exceed the actual costs incurred.</p>

Reason: The word 'all' clarifies that the producer responsibility is collective and not individual.

Annex I (new)

Text proposed by the Commission	CoR amendment
	<p style="text-align: center;"><i>Annex I</i></p> <p>In accordance with Article 4, paragraph 2, batteries and accumulators, whether or not incorporated into appliances, in the following applications are exempted from the prohibition mentioned in Article 4, paragraph 1:</p> <ul style="list-style-type: none"> <li>— Mercury in button cells for hearing aid applications</li> <li>— Cadmium in batteries or accumulators for Emergency lighting</li> <li>— Cadmium in batteries and accumulators for industrial applications</li> <li>— Cadmium in batteries and accumulators for aeroplanes and trains</li> <li>— Lead in automotive batteries and accumulators</li> </ul>

Reason: see amendment on Article 4.

Brussels, 22 April 2004

*The President*  
*of the Committee of the*  
*Regions*  
 Peter STRAUB

**Opinion of the Committee of the Regions on the ‘Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions “On the Road to Sustainable Production” Progress in implementing Council Directive 96/61/EC concerning integrated pollution prevention and control’**

(2004/C 121/10)

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled ‘On the Road to Sustainable Production - Progress in implementing Council Directive 96/61/EC concerning integrated pollution prevention and control’ (COM(2003) 354 final);

Having regard to the decision of the European Commission of 19 June 2003 to consult it on this subject, under Article 265(1) of the Treaty establishing the European Community;

Having regard to the decision of its President of 23 January 2003 to instruct its Commission for Sustainable Development to draw up an opinion on this subject;

Having regard to the European Commission’s White Paper on environmental liability (COM(2000) 66 final) and the Proposal for a Directive of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage (COM(2002) 17 final - 2002/0021 (COD));

Having regard to the European Community’s sixth environment action programme entitled ‘Environment 2000: Our future, our choice’;

Having regard to the Commission’s decision of 31 May 1999 on the questionnaire mentioned in Directive 96/61/EC on integrated pollution prevention and control (IPPC);

Having regard to its draft opinion (CdR 332/2003 rev.1) adopted on 5 March 2004 by the Commission for Sustainable Development (rapporteur: Mr José Macário Correia, Chairman of Tavira Municipal Council (PT, EPP));

Whereas:

1. Directive 96/61/EC on integrated pollution prevention and control is based on an integrated approach to the industrial permit procedure and the establishment of emissions ceilings based on the best available techniques;
2. the deadline for the adoption of the best available techniques and for compliance with all the other requirements for the installations covered is 30 October 2007 <sup>(1)</sup>;
3. in order to achieve the objectives which have been set and to comply with the Directive, both the operators and the competent authorities have to bear in mind the time needed for upgrading the existing installations and for carrying out the necessary action at a sufficiently early stage;
4. there are indications that many Member States and the majority of the accession countries need to step up their efforts and speed up progress towards this objective;
5. the mechanisms for applying the Directive interact with the areas of responsibility falling to the regional and local authorities responsible for monitoring, managing and issuing environmental permits,

unanimously adopted the following opinion at its 54<sup>th</sup> plenary session, held on 21 and 22 April 2004 (meeting of 22 April)

<sup>(1)</sup> This does not apply to installations in the applicant countries which have been granted an additional transition period beyond 2007.



## **Views and recommendations of the Committee of the Regions**

### **The Committee of the Regions**

1. reiterates the observation made in the Commission's communication that in some Member States and the majority of the applicant countries, a high level of environmental protection - which is the overriding objective of the Directive - can only be achieved if the authorities in charge of implementation make a greater commitment to this and engage in constructive interaction with plant operators and other stakeholders;
2. considers it essential to step up cooperation, research and the exchange of information and the best available techniques (mechanisms which will determine the progress and success of the Directive), and therefore calls for this sector to be accorded special importance within the framework research programme;
3. deems it essential that an interim assessment be carried out of the application and implementation of the Directive in order to back up any additional measures which might be taken, as well as the future development of the policy;
4. supports the Commission in the extensive European consultation process (which has already been launched) as regards matters of implementation, an analysis of the situation

and an evaluation of the first official reports. This consultation and analysis procedure will allow a thorough assessment to be carried out of compliance with the Directive and will check out the need for any additional action to achieve its objectives;

5. warns that, if it is concluded that the flexibility of the current system - whereby Member States can set their own emission limit values - is not successful, it will then be necessary to adopt a more harmonised approach. This could create more difficulties, on the one hand for those operators who do not have sufficient resources to make the changes to their systems required by the new standards, and on the other for the regional and local administration bodies who will have to provide particular assistance here in monitoring the situation and issuing permits. In order to deal with this problem, it is important that the structural funds available be used for this purpose, given that delays in the environmental sector are causing industrial competitiveness to lag dangerously behind the rest of the world;
6. proposes that, when devising new actions, a major role entailing active cooperation be assigned to the regions and local authorities, in keeping with the subsidiarity principle, and that special importance be attached to pinpointing and allocating the administrative and financial resources necessary for implementing and monitoring the Directive at regional level.

Brussels, 22 April 2004

*The President  
of the Committee of the Regions*  
Peter STRAUB

**Opinion of the Committee of the Regions on the 'Communication on Towards a thematic strategy on the sustainable use of natural resources'**

(2004/C 121/11)

THE COMMITTEE OF THE REGIONS,

Having regard to the European Commission 'Communication Towards a Thematic Strategy on the Sustainable Use of Natural Resources', COM(2003) 572 final;

Having regard to the European Commission Communication on European governance, COM(2001) 428 final;

Having regard to the decision of the European Commission of 1 October 2003 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its President of 27 January 2004 to instruct its Commission for Sustainable Development to draw up an opinion on this subject;

Having regard to the Commission Recommendation for the 2002 Broad Guidelines of the Economic Policies of the Member States and the Community, COM(2002) 191 final;

Having regard to the definition of 'sustainable development' set out in the Amsterdam Treaty;

Having regard to the Communication from the Commission A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development (Commission's proposal to the Gothenburg European Council), COM(2001) 264 final;

Having regard to the Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions Towards a global partnership for sustainable development, COM(2002) 82 final;

Having regard to its opinion on the Communication on the sixth environment action programme of the European Community - Environment 2010: Our future, our choice - the Sixth Environment Action Programme - and the Proposal for a Decision of the European Parliament and of the Council laying down the Community Environment Action Programme 2001-2010 (COM(2001) 31 final – CdR 36/2001 fin <sup>(1)</sup>);

Having regard to its opinion on the Communication from the Commission to the Council and the European Parliament Integrated product policy - Building on environmental life-cycle thinking, COM(2003) 302 final – CdR 159/2003 fin <sup>(2)</sup>);

Having regard to its opinion on the Communication from the Commission to the Council and the European Parliament Towards a thematic strategy on the prevention and recycling of waste, COM(2003) 301 final – CdR 239/2003 fin <sup>(3)</sup>);

Having regard to the European Commission's Green Paper Towards a European strategy for the security of energy supply, COM(2000) 769 final;

Having regard to the Communication from the Commission to the Council and the European Parliament A European Environment and Health Strategy, COM(2003) 338 final;

Having regard to Communications from the Commission to the Council and the European Parliament: Biodiversity Strategy (COM(1998) 42) and the Biodiversity Action Plan for the Conservation of Natural Resources, COM(2001) 162 final;

Having regard to its draft opinion (CdR 11/2004 rev. 1) adopted on 5 March 2004 by its Commission for Sustainable Development (rapporteur: Mr Cormick McChord, Leader of Stirling Council (UK/PES).

<sup>(1)</sup> OJ C 357, 14.12.2001, p. 44.

<sup>(2)</sup> OJ C 73, 23.3.2004, p. 51.

<sup>(3)</sup> OJ C 73, 23.3.2004, p. 63.

Whereas:

- 1) it is clear that the current use of resources and impacts on the environment and the peoples of Europe and the wider global community cannot be sustained;
- 2) a long-term approach is needed, consistent with EU sustainable development policies to reduce the impact of resource use and place the EU on a path towards more sustainable consumption;
- 3) local and regional authorities are in a unique position to influence the use of natural resources through a range of policy actions, such as waste management and planning, and to implement community-based measures to protect natural resources and influence consumption and production patterns;
- 4) it is essential that the Strategy identifies priorities and practical actions, to deliver more sustainable use of resources. This will require decoupling of economic growth from environmental and social impacts, and the use of resources. The purpose of this is to reduce environmental impacts, address depletion and security of non-renewable resources, and stop further degradation and depletion of renewable resources. The Strategy should also deliver social inclusion and environmental justice within the EU, address resource consumption needs of poorer countries (including the acceding states) and inter-generational equity. The Strategy will require assessment of policies, gathering of knowledge, including changing consumer behaviour, policy integration and alignment. Given its 'unique role' (Chapter 28, Agenda 21) local government should be a key stakeholder to promote community-based activity;
- 5) to secure these aims, the Strategy must recognise the importance of economic and fiscal policy. Steps should be taken to internalise externalities (making the polluter pay), reinforced by appropriate fiscal measures and public procurement policies;

unanimously adopted the following opinion at its 54<sup>th</sup> plenary session, held on 21 and 22 April 2004 in Brussels (meeting of 22 April)

## 1. The Committee of the Regions' views

need to prioritise, taking into account where there is the greatest need for environmental improvement of resource use;

The Committee of the Regions

1.1 welcomes the Commission's Communication as a first step towards the Thematic Strategy on the Sustainable Use of Natural Resources ('the Strategy'), called for in the EU's Sixth Environment Action Programme. Central to this is the recognition of the need to manage and reduce resource use to meet the objectives of the EU's sustainable development strategy;

1.5 acknowledges that the impacts of using non-renewable resources are currently of primary concern but thinks it also important to recognise the risks to sustainable development of depletion of non-renewable resources, with particular regard to the limitations of European resources, security of supplies, and geopolitical risks.

1.2 is pleased that the Strategy has as its overarching goal the delinking or decoupling of environmental impacts from economic growth; and that the Strategy should 'focus on reducing environmental impacts, thus enabling growing economies to use resources efficiently, from both an economic and environmental point of view';

## 2. The Committee of the Regions' recommendations

The Committee of the Regions

1.3 agrees that achieving this will be a long-term process, and therefore welcomes the 25-year time scale proposed, to enable stakeholders to adapt their policies and processes 'to develop and adopt production and consumption patterns with lower impacts';

1.4 supports the broad approach of knowledge gathering, policy assessment and integration, agrees especially the importance of education and awareness-raising and emphasises the

2.1 proposes that the Strategy is presented unambiguously as the foundation of sustainable development, with implications ranging from the realignment of economic and fiscal policy through to policy on climate change. It should not be presented more narrowly as part of environmental policy alone, or as part of waste management (though these are integral to it). This would be contrary to the Cardiff Process which seeks to increase the integration of environmental issues into other policy areas, and carry the risk that the strategy might be marginalised;

2.2 urges that decoupling is not seen as just enabling economic growth to proceed without resource depletion or adverse environmental impact. Environment, economy and society remain interdependent. Economic growth, and in particular technological innovation, must be harnessed to reduce resource use, increase resource efficiency, possibly by recovering and re-using them and encouraging the use of renewable resources, and reduce environmental damage. The 'three pillars of sustainable development, economic, social and environmental' are not to be 'balanced', but aligned and coherent;

2.3 wishes therefore to see an enhanced recognition of the importance of economic and fiscal policy. The aim should be to internalise externalities, making the polluter pay, reinforced by appropriate fiscal measures and public procurement policies;

2.4 calls for the strategy to address social inclusion and environmental justice. Full account should be taken of the impact of the Strategy on different groups in society, ensuring that adverse effects do not fall disproportionately on those least able to bear the burden, and that the Strategy complements EU actions to tackle discrimination and social exclusion;

2.5 advocates giving more weight to issues of enlargement and the international dimension. The Strategy should reaffirm support for the WSSD Plan of Implementation, and set European sustainable resource use in the context of the increased resource consumption needs of poorer countries and people

living in poverty. The Strategy should adopt the Kyoto Protocol approach of allowing growth in poorer countries (including the Acceding Countries), while remaining within global carrying capacities and guiding countries away from unsustainable paths of resource use and resource intensity;

2.6 calls for the long-term perspective to take into account intergenerational justice. Taking into account the long term and a global perspective, the Strategy should address the depletion and security of supply of non-renewable resources as well as the depletion and degradation of renewable resources including biodiversity, fish stocks and carbon sinks;

2.7 urges that policy priorities are determined having regard to the vulnerability of resources, resources with the most damaging environmental impact; and carrying capacities.

2.8 proposes that the role of local and regional government in the Strategy is recognised, along with other public agencies, given its interest in such matters as planning, waste, local biodiversity and habitat protection, transport and education.

2.9 calls the European Commission to take adequate account of the principle of subsidiarity in policy proposals. Community-level action, including Local Agenda 21, often provides the greatest driver towards resource protection. Policy must be designed to ensure the optimal level of flexibility for local and regional authorities to undertake action at the local level, without being constrained by policy developed elsewhere.

Brussels, 22 April 2004

*The President  
of the Committee of the Regions*  
Peter STRAUB

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