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I

(Resolutions, recommendations and opinions)

OPINIONS

COMMITTEE OF THE REGIONS

79TH PLENARY SESSION HELD ON 21 AND 22 APRIL 2009

Opinion of the Committee of the Regions on an Action Plan on Urban Mobility

(2009/C 200/01)

THE COMMITTEE OF THE REGIONS

- regrets the failure of the Commission to issue the expected Action Plan on Urban Mobility as this potentially limits the potential of urban mobility policy;
- welcomes the numerous initiatives which have emerged at EU level on urban policy and the EU funding which has already supported a range of urban initiatives, and, therefore, believes it necessary to move beyond the Green Paper and further broaden the political scope of urban mobility policy;
- underlines the importance of ensuring that adequate funding mechanisms are in place, along with mechanisms to ensure effective partnership working. The CoR therefore advocates a model whereby Urban Mobility Plans are implemented via sustainable long-term public-public/public-private agreements or Mobility Agreements;
- asks that the Commission establish a financing instrument that would encourage urban and metropolitan areas to set up Mobility Plans. This financial instrument should be made available to regions and urban areas directly, without depending upon Member State approval. Urban Mobility Plans should be the responsibility of the cities themselves;
- asks that the European Commission also add value to the process by funding incentives, award schemes and exchange of best practice. The CoR's opinion on the Green Paper suggested the equivalent of an EU-wide 'Blue Flag Scheme' to be awarded on the basis of specific indicators to urban areas with low levels of pollution and congestion.

Rapporteur general: Councillor Sir Albert Bore, Member of Birmingham City Council (UK/PES)

Reference document

Referral from the European Parliament of 10 March 2009

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

Key Messages

1. regrets the failure of the Commission to issue the expected Action Plan on Urban Mobility as this potentially limits the potential of urban mobility policy;

2. welcomes the initiative of the European Parliament to issue an own initiative report and its decision to consult with the Committee of the Regions;

3. welcomes the numerous initiatives which have emerged at EU level on urban policy and the EU funding which has already supported a range of urban initiatives, and, therefore, believes it necessary to move beyond the Green Paper and further broaden the political scope of urban mobility policy. Given the potential benefits which enhanced and sustainable urban and metropolitan mobility can contribute to the quality of life of EU citizens in urban areas, to decarbonisation and reduced reliance on fossil fuels, and to economic competitiveness, it is appropriate that the EU should renew its endeavours in this policy area. The agenda needs to be coherent and — within the context of the subsidiarity principle — the EU should assume a role supportive of actions at the local and regional levels by promoting best-practices, exchanging experiences and fostering research and technological development;

4. recognises that the EU already provides important support for research related to urban mobility; in public transport regulation and on environmental issues. CoR's response to the Commission's Green Paper on Urban Mobility highlighted the potential long-term added value of promoting Urban Mobility Plans, of the kind already developed for example by French and German cities, for wider adoption by cities throughout the European Union, as a means of addressing urban congestion and environmental pollution; however, supports stronger involvement for cities in EU-funded research related to urban mobility, in public transport regulation and on environmental issues. This can be achieved by adapting research programmes accordingly;

5. underlines the importance of ensuring that adequate funding mechanisms are in place, along with mechanisms to ensure effective partnership working. CoR therefore advocates a model whereby Urban Mobility Plans are implemented via

sustainable long-term public-public/public-private agreements or Mobility Agreements. Such Mobility Agreements should be able to draw in funds from the private sector, local, regional and national programmes;

6. considers that there is a role for the EU, working in close collaboration with the EIB, to develop innovative financial instruments capable of funding the necessary sustainable mobility infrastructure and investment into low carbon vehicles. Whilst initiatives to date in these areas are welcomed, a step change is needed to move from isolated exemplar projects to widespread roll-out across the Union. Mobility Agreements would facilitate the establishment of strong stakeholder alliances capable of bearing the risks associated with the substantial levels of commercial borrowing needed to bring forward sustainable transport infrastructure on a large scale;

7. supports the suggestions in the European Parliament draft report that, in the 2014-20 financial perspective, possibility of a European financial instrument should be examined that would enable the co-financing of:

- Urban and Metropolitan Travel Plans (Urban Mobility Plans) and
- Investment in urban and metropolitan mobility that meets the EU's environmental and socio-economic objectives;

8. asks that the Commission establish a financing instrument that would encourage urban and metropolitan areas to set up Mobility Plans. This financial instrument should be made available to regions and urban areas directly, without depending upon Member State approval. Urban Mobility Plans should be the responsibility of the cities themselves. Frequently, at the local and regional level, projects depend on securing the correct mix of public and private sector investment, and there is a role for the EU in facilitating this;

9. asks that the European Commission also add value to the process by funding incentives, award schemes and exchange of best practice. The CoR's opinion on the Green Paper suggested the equivalent of an EU-wide 'Blue Flag Scheme' to be awarded on the basis of specific indicators to urban areas with low levels of pollution and congestion;

General remarks

10. Efficient, effective and sustainable urban transport systems contribute much to the economic competitiveness of cities, regions and the European Union as a whole. Whilst the application of the subsidiarity principle leads to the conclusion that the development of such systems are the responsibility of the local and regional authorities concerned, there is a role for the European Union in promoting best practice, facilitating shared learning, accelerating technology transfer and ensuring compatibility of technologies deployed to the extent needed to facilitate free movement of vehicles between the Member States;

11. As the global recession deepens and European firms struggle to retain market share in increasingly competitive global markets, the EU must lead by example, playing its part to ensure that the quality of urban infrastructure for the movement of people and goods gives European firms advantage over global competitors, rather than undermining their ability to compete. It is therefore imperative that momentum is maintained behind the Urban Mobility initiative which resulted in the publication of the Green Paper in September 2007, and that the EU commits to tangible actions to take this agenda forward;

Recommendations on the Draft Report of the European Parliament:

Accelerating European research and innovation in the field of urban mobility

12. supports the immediate reviewing, evaluating and harmonising of existing urban statistics and databases, in order to assess the need for upgrading them;

13. supports the immediate launch of a European internet portal and forum on urban mobility, to facilitate the exchange and dissemination of information, good practice and innovations, particularly in the field of sustainable transport promotion;

14. supports the proposal for the introduction of an annual European prize to reward outstanding and transferable transport initiatives and projects, but suggests that this should be as part of the introduction of the equivalent of an EU-wide 'Blue Flag Scheme' awarded on the basis of specific indicators to urban areas with low levels of environmental pollution and congestion;

15. supports the development of a new CIVITAS initiative, but recommends that mechanisms to promote the widespread uptake of learning and innovation generated within CIVITAS projects are reviewed and improved wherever possible;

16. supports in principle funding for the ITS research and development programme be stepped up, but recognises that the realisation of aspirations for integration and interoperability of systems represent substantive challenges;

Encouraging optimisation of various modes of transport: incentivising sustainable mobility for urban areas with EU added value

17. strongly supports the promotion of integrated sustainable urban travel plans (Urban Mobility Plans) but, mindful of potential subsidiarity issues, that whilst there is a role for the EU in incentivising the preparation of such plans in the spirit of promoting good practice, the decision to produce such plans lies with the cities and regions concerned, so as to include the wider travel-to-work areas;

18. strongly supports the proposal that European funding and co-financing of urban transport projects become conditional upon the existence of integrated Mobility Plans, further adding to the EU incentivisation of these plans;

19. strongly supports the introduction of guidelines on EU incentive funding within the framework of existing regional policy instruments for coordinated national and regional investments, work programmes and projects relating to urban transport and the wider travel to work areas, provided that these investments meet the environmental and socio-economic goals of the EU, including achieving interoperability between all modes of transport. Also supports the introduction of a European financial instrument within the 2014-2020 financial perspective, enabling co-financing of Urban Mobility Plans, financing not projects but outcomes that meet the EU's environmental and socio-economic objectives, and request that the possibility be investigated of earlier funding being made available for small-scale pilot initiatives. It is further recommended that more ambitious instruments are sought to provide funding on a larger scale to support the delivery of Urban Mobility Plans, contingent upon the existence of public-public/public-private Urban Mobility Agreements that draw in funds from the private sector, local, regional and national programmes;

20. welcomes the launch of a study of experiences on tariff integration (including smart cards) and would encourage a further study on the provision of inter-modal information in EU conurbations and asks that the interoperability of smart cards also be investigated so that in future they could contain passes which are valid in various metropolitan areas in the European Union;

21. supports the call for the Commission to draw up a report on urban charging and the case for guidelines on such charging and on road tolls for accessing large towns and city centres. Whilst the complexities associated with such an undertaking are considerable, there are substantial benefits to be gained, notably in terms of contribution to coherent Urban Mobility Plans and as a step to 'one-stop' inter-modal payment systems;

Urban transport: an industry and European technologies which should find expression in the Lisbon Strategy and the European economic recovery plan

22. strongly supports a European initiative being introduced for the standardisation and certification of equipment as regards safety, comfort (noise, vibrations etc.), network interoperability, accessibility for people with reduced mobility, sustainable transport and clean-engine technologies on the basis of a carbon audit;

23. strongly support a significant proportion of the appropriations released by the European economic recovery plan being allocated to the financing of on-going urban transport investments and projects that can be financed immediately, where such investments are consistent with addressing the EU's environmental and socio-economic objectives;

Better coherence with other EU policies

24. invites the European Commission to promote more coherence at the local level in/with other EU policies, such as those relating to the environment, sustainable urban development, transport of passengers and goods in non-urban areas, climate change and regional policy;

25. repeats its call for an EU-level mechanism to be established to report-back on progress on the delivery of the Urban Mobility Plans, to provide examples for other cities. This process should be started with an EU-funded benchmark study looking at cities across the EU and their approaches to congestion reduction, environmental enhancements and the provision of more sustainable modes of transportation, including non-motorised modes.

Brussels, 21 April 2009

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

Opinion of the Committee of the Regions on a strategic European Framework for international science and technology cooperation

(2009/C 200/02)

THE COMMITTEE OF THE REGIONS

- points out that local and regional authorities have a particularly important role to play in making the European Research Area (ERA) a reality;
- emphasises that the European Commission and Member States should take the necessary measures to ensure that local and regional authorities are fully and effectively involved in managing ERA-related initiatives;
- recognises the need for cooperation between the EU and neighbouring countries in the field of S&T. This should entail the participation of our neighbours not only in the EU Research Framework Programme, but also in the other dimensions of the European Research Area, such as the coordination of research programmes and infrastructures, enforcement of knowledge-sharing principles and seamless mobility of researchers;
- wants to ensure the coordinated use of FP7, SF, CIP and EARDF, as this is essential for EU competitiveness and synergies between cohesion, research, higher education and innovation policies at national and regional level, as stated in previous CoR opinions.

Rapporteur: Jyrki Myllyvirta (FI/EPP), Mayor of Lahti

Reference documents

Communication from the Commission to the Council and the European Parliament. A strategic European framework for international science and technology cooperation

COM(2008) 588 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

Relevance to the local and regional tiers and the CoR

1. points out that local and regional authorities have a particularly important role to play in making the European Research Area (ERA) a reality. They are key players in developing regional research and innovation strategies, they often manage research institutions and they support innovative environments, because they have the experience needed. Moreover, typically either cities or regional administrations have recognised legislative powers and their own research budget or are otherwise important drivers and co-funders of research and development activities. Effective working institutional systems at local and regional level are crucial in planning and implementing successful and fruitful research activity;

2. local and regional authorities are therefore among the main stakeholders in policies and initiatives to deepen and more importantly widen the ERA, in particular its vision of strong research and academic institutions embedded in innovative environments as well as international cooperation and coordination of research activities;

3. emphasises the major importance of cities and regions in developing innovative environments. Their policies have a substantial impact both on establishing the European Research Area in terms of the mobility of scientists — only versatile, tolerant and innovative environments attract scientists — and as centres of development for research infrastructure. Relevant here are local innovation policies, technology centres, business incubators, science parks and venture capital ⁽¹⁾;

General remarks

4. considers the proposed initiative to be an important contribution to deepening and widening the ERA. In its opinion on The ERA: new perspectives ⁽¹⁾, the Committee emphasised the need to enhance the process of establishing the ERA as a step towards making Europe the most dynamic economy in the world ⁽²⁾;

5. emphasises that the European Commission and Member States should take the necessary measures to ensure that local and regional authorities are fully and effectively involved in managing ⁽²⁾ ERA-related initiatives. Knowledge and innovation must become the economic driving force. Active participation in the ERA by local and regional authorities helps to boost productivity and competitiveness;

6. notes that in the field of international S&T cooperation, cities and regions are particularly important. Through supportive programming and structural and legislative framework conditions in the context of their research policies, cities and regions make a significant contribution to creating European added value in the field of research and to the creation of a living European research area ⁽¹⁾;

7. welcomes the Communication, with particular reference to its aim of strengthening the EU's scientific and technological base, boosting the competitiveness of its industry and helping to deal with global challenges within a context of 'global responsibility';

8. reminds the European Commission that it will closely monitor the agreed principle of involving cities and 'regional authorities, as well as stakeholders such as universities and research organisations, civil society and business which should be actively engaged in ERA governance' ⁽³⁾, as well as the references made to respecting the principles of subsidiary and variable geometry;

9. recognises the need for cooperation between the EU and neighbouring countries in the field of S&T. This should entail the participation of our neighbours not only in the EU Research Framework Programme ⁽⁴⁾, but also in the other dimensions of the European Research Area, such as the coordination of research programmes and infrastructures, enforcement of knowledge-sharing principles and seamless mobility of researchers ⁽⁵⁾;

⁽¹⁾ CdR 83/2007 fin.

⁽²⁾ CdR 283/2008 fin.

⁽³⁾ Council Conclusions on The Launch of the 'Ljubljana Process' — towards full realisation of ERA, 30 May 2008.

⁽⁴⁾ See Commission Communication COM(2006) 724, 4.12.2006, on the general approach to enable European Neighbourhood Countries to participate in Community agencies and programmes.

⁽⁵⁾ COM(2007) 161 final.

10. emphasises the importance of S&T cooperation with neighbouring countries, which can also have a great impact on regional development within the EU area. This can apply to Russia with its significant S&T capacity, but also to East European, Balkan and Mediterranean non-Member States;

Importance of existing EU research programmes and financing instruments for opening up the ERA

11. welcomes the actions to open up the FP7 and CIP to neighbouring countries, which would give a further territorial dimension to these programmes;

12. recalls the conclusions of the ERA expert group ⁽¹⁾ concerning the increasing importance of national and regional stakeholders in developing major new European initiatives such as ERA-NETs, Eurostars, EIT or Joint Technology and Cluster;

13. wants to ensure the coordinated use of FP7, SF, CIP and EARDF, as this is essential for EU competitiveness and synergies between cohesion, research, higher education and innovation policies at national and regional level, as stated in previous CoR opinions ⁽²⁾;

14. strongly emphasises that European research, training and innovation capacity must be enhanced in the context of support for research infrastructure, research for the benefit of SMEs, regional research-driven clusters, unlocking research potential in the EU's 'convergence' regions, 'science in society' issues and 'horizontal' activities in the field of international cooperation ⁽³⁾;

15. advocates a wide-ranging interpretation of the concept of innovation, covering social and human sciences and their fertile interplay with the urban and regional cultures of their localities;

16. notes that the objective of achieving critical mass at the level of research institutes and international networks is dependent on the subject of study, the research area and the participants. A 'one size fits all' approach should not be applied to all international partnerships;

17. recalls the objective put forward in the Green Paper ⁽⁴⁾: finding an appropriate balance between institutional and competitive funding. In line with views expressed in previous opinions on related issues, the Committee of the Regions calls for continued debate on the appropriate balance between institutional and competitive funding;

18. is inclined, as it has pointed out previously ⁽⁵⁾, to have more faith in scientists and their teams selecting interesting and useful areas of research and in voluntary (bottom-up) and horizontal networking rather than heavy-handed top-down management and the resultant ritualised cooperation;

19. calls for policy coherence in the case of multi-level and multi-stakeholder programmes, especially those involving third-country partners, requiring an efficient multi-level governance system ⁽²⁾;

Mobility of researchers

20. agreeing completely with the notion that mobility of researchers is an essential feature of international S&T cooperation, the Committee underlines the following points:

- progress in the mobility of scientists, including necessary adjustments in the areas of residence law and pensions, along with supporting family-friendly measures, should be considered especially important in the development of the European Research Area ⁽⁵⁾;
- career prospects and mobility of researchers ⁽⁶⁾ should be enhanced by identifying an optimal policy mix of national and Community tools and further developing the skills of all researchers. Interest in research and innovation needs to be promoted in society, particularly among the young.

21. points out that it is also necessary to attract excellent academics from outside Europe and therefore emphasises the importance of EU mobility programmes such as the Marie Curie programme and measures that have been taken in some regions to support returning academics ⁽⁵⁾;

⁽¹⁾ Report of the ERA Expert Group 'Opening to the world: International Cooperation in Science and Technology'.

⁽²⁾ CdR 263/2007 fin.

⁽³⁾ CdR 155/2005 fin.

⁽⁴⁾ COM(2007) 161 final.

⁽⁵⁾ CdR 83/2007 fin.

⁽⁶⁾ Key Issues Paper 2009 — contribution of the Competitiveness Council to the Spring European Council.

Global research infrastructure and open research programmes

22. agrees with the conclusions reached by the Competitiveness Council on 30 May 2008 calling on the Commission and Member States to support regional and local authorities in applying for, building and implementing modern research infrastructures. In this context, the Committee has suggested:

- ensuring that regional and local authorities are fully involved in developing the roadmap of the European Strategy Forum on Research Infrastructures (ESFRI) ⁽¹⁾, and, especially, in prioritising the 35 key projects of European interest already approved;
- taking into account the importance of regional and local authorities and their involvement in ERIs;
- ensuring that local and regional authorities are truly involved in efficient governance of the ERIs ⁽²⁾;

23. highlights the importance of regional and local authorities in promoting joint research programmes, including ones with third-country participation, as they are more in touch with the specific local situation in terms of science, technology and the economy, and therefore know when cooperation on areas of strategic importance is required ⁽³⁾. Some regions in Europe are already successfully involved in cooperating in the coordination of instruments for research programmes, as in the case of the ERA-NET projects. Like the Member States, cities and regional authorities should be involved in promoting cooperation agreements in the framework of joint programming ⁽⁴⁾;

Subsidiarity, proportionality and better regulation

24. notes that the Communication does not take account of all local and regional aspects and the European Commission does not present an impact assessment for this Communication. This

refers to the powers of local and regional authorities and highlights the particular relevance of international S&T cooperation for cities and regions.

II. APPENDIX

Background information on the European Commission Communication

This Communication was drawn up in response to the Council Conclusions of February 2008, and is one of the five Commission initiatives following public debates on the future of the ERA ⁽⁵⁾ and on globalisation of the information society. It also follows up the conclusions of the 2005 World Summit on the information society (WSIS).

With this Communication, the Commission intended to strengthen Europe's research effort and facilitate the use of new technologies to respond more effectively and efficiently to the major challenges confronting society today.

To reflect the need for further deepening and widening of the ERA through enhanced cooperation with international partners, the 7th Research Framework Programme (FP7) has been opened to third-country participation and includes several new instruments to encourage international cooperation. However, FP7 represents only a small proportion of all research in Europe. Therefore, this Communication proposes a new European framework consisting of a number of core principles and guidelines for action. Actions under this framework will strengthen European public and private players in their interaction with their partners and competitors elsewhere in the world. The proposed framework will contribute to the free circulation of knowledge — 'the EU's fifth freedom' — at global level, to raising the S&T profile of Europe worldwide and to disseminating European ICT know-how in the world. It will put the European Research Area on the global map, an area open to the world, and boost Europe's competitiveness in the global economy ⁽⁶⁾.

Brussels, 21 April 2009.

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

⁽¹⁾ European Strategy Forum on Research Infrastructures, <http://cordis.europa.eu/esfri/home.html>.

⁽²⁾ CdR 283/2008 fin.

⁽³⁾ CdR 283/2008 fin.

⁽⁴⁾ CdR 283/2008 fin.

⁽⁵⁾ SEC(2008)430 of 2.4.2008

⁽⁶⁾ Commission Communication: 'A strategic European framework for international science and technology cooperation' COM(2008) 588.

Opinion of the Committee of the Regions on the correlation between the labour market and regional needs in the area of tourism

(2009/C 200/03)

THE COMMITTEE OF THE REGIONS ISSUES THE FOLLOWING RECOMMENDATIONS:

- recognises that tourism makes a substantial contribution to national GDP in all the Member States, even though its role and benefits as a business activity vary widely between them, in respect both of national finances and of local and regional development;
- acknowledges that the tourist industry faces a series of challenges, first and foremost the economic downturn. In this context, there is a need to boost the tourist industry and support entrepreneurship in this sector, on account of the social dimension of tourism in the sphere of employment and social and regional cohesion;
- underlines that tourism must be developed on a sustainable basis, so that natural resources are not squandered and the environment is not damaged. The natural wealth of an area must be respected, and exploited with a view to the eco-friendly, sustainable development of tourism, the aim being to protect and enhance the environment, safeguard it for future generations, and create conditions for the development of new employment opportunities;

Rapporteur: Konstantinos Tatsis (EL/EPP), President of the Enlarged Prefectural Authority of Drama-Kavala-Xanthi

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. recognises that tourism makes a substantial contribution to national GDP in all the Member States, even though its role and benefits as a business activity vary widely between them, in respect both of national finances and of local and regional development;

2. notes that tourism is a key source of wealth creation for many regional economies, but that to date the Community dimension has been very limited; therefore welcomes the Commission communication 'A renewed EU tourism policy: Towards and Stronger Partnership for European Tourism' and the 'Agenda for a sustainable and competitive European tourism';

3. welcomes the recognition of tourism as an area for complementary EU action in the new Article 195 of the Treaty on the Functioning of the European Union (Lisbon Treaty) and therefore hopes that the ratification of this Treaty can be achieved as soon as possible in order to provide a sound legal basis for EU activity in this area;

Role of tourism

4. indicates that tourism and the role of the tourism sector are important from many points of view, as they make a significant contribution to the European economy as a whole as well as to the development of the national economies of many Member States and national GDP. At the same time, the growth of tourism — as well as being important for education, health promotion and leisure and recreation activities — has a major impact on employment, with many occupations depending on tourist flows, and many people working in and around tourist facilities;

5. adds that tourism makes a positive contribution to broader social cohesion, providing an opportunity for development and business in the regions, especially those lacking other sources of wealth creation and spreading a part of the profits generated across society. In areas with long-term population decline and economic difficulties, a growing tourism industry can actually be a counterweight that in some cases reverses negative growth and promotes necessary structural change;

6. advocates greater emphasis on the importance of tourism in the process of developing a European social awareness, through the mobility of European citizens. The contribution made by tourism to consolidating this awareness, as citizens get to know and

come into contact with other Member States, other social cultures and different countries, strengthens the feeling of diversity, and at the same time strengthens the feeling of a common outlook. The mobility that the development of tourism in Europe's regions offers to citizens is fundamental to the concept of European citizenship;

7. notes that the development of tourism is directly linked to sectors such as the environment and culture. As regards the environment, there is a pressing need to promote policies for the viable and sustainable development of tourism, in order to use the environment in such a way as to safeguard it. Concerning culture, tourism enables both contemporary cultural production and the wealth of Europe's cultural heritage to be harnessed;

8. emphasises that at regional level, tourism represents a stable source of work, and helps to maintain and reinvigorate employment, contributing significantly to the achievement of the objectives set out in the Lisbon Strategy in the field of strengthening employment;

Challenges facing the tourism industry at regional level

9. acknowledges that the tourist industry faces a series of challenges, first and foremost the economic downturn. In this context, there is a need to boost the tourist industry and support entrepreneurship in this sector, on account of the social dimension of tourism in the sphere of employment and social and regional cohesion;

10. underlines that tourism must be developed on a sustainable basis, so that natural resources are not squandered and the environment is not damaged. The natural wealth of an area must be respected, and exploited with a view to the eco-friendly, sustainable development of tourism, the aim being to protect and enhance the environment, safeguard it for future generations, and create conditions for the development of new employment opportunities;

11. points out that outlines for spatial planning for tourism purposes at regional level are an instrument, designed to strike the right balance between developing business activity and exploiting the natural environment, thereby avoid wasting natural and energy resources in each region. Ceilings have already been imposed in some regions on the number of tourist facilities, and it is proposed to discuss this practice as part of an exchange of best practices. In this connection, the imposition of specific criteria for assessing ceilings is recommended, based on regional development requirements, social needs and the creation of new jobs;

12. indicates that competition in the field of tourism has three aspects. First there is external competition, between national destinations both within and outside the European Union. Then there is internal competition between different European destinations. And lastly, domestic competition between destinations in a single country. Each of these forms of competition has particular features demanding different approaches;

13. points to the additional challenge faced by the regional tourism industry, which is its seasonal nature. Given the nature of the problem, solutions must be sought at regional rather than national level, since the seasonal aspect is linked to specific social and regional factors that have a direct impact on tourist flows. In contrast, multi-faceted development and diversification of the tourism product are possible at national level, tailored to the seasons;

14. recognises that tourism is essentially a service industry, marked by fierce competition and a consumer-driven pursuit of quality. Consequently, the human resources employed in this sector must be of a similarly high quality and properly trained;

15. highlights the need to strengthen businesses operating in the tourism sector, so that they can attract high-level, quality human resources. In this way tourism will generate greater dynamism across Europe and a substantial improvement will be achieved in the services available to visitors, by making European tourist destinations more attractive;

16. points to the need to strengthen small and medium-sized enterprises, on the basis of the 'Think Small First' principle set out in the 'Small Business Act'. The tourist sector is made up mainly of SMEs. The legislative framework governing how they operate should therefore be more SME-friendly and direct measures should be taken to protect existing jobs and create new employment opportunities;

Proposals

17. notes that the tourist industry should be reinforced as part of broader European development policy, taking account of the EU's basic development priorities and instruments;

18. proposes that public and private initiatives be implemented, in order to promote greater connectivity, both by air and by sea, between European regions and thus improve mobility for European citizens;

19. draws attention to the fact that, within the framework of sustainable development, the exploitation and protection of the environment form one of the two pillars underpinning development;

20. indicates that the other pillar is to strengthen tourism's social dimension, as part of the drive to protect employment and the need to divide the wealth created by tourism more widely across society;

21. in this connection, proposes initiatives to boost employment in the tourism sector through worker training schemes, initiatives to link tourism and the environment and promote sustainable development of tourism, to step up the introduction of new technologies into the regional tourism product by linking them to culture and commonly provided services, to promote networking between tourist destinations at European level, with a view to protecting the environment, highlighting local produce and upgrading service provision, as well as promoting business practices that contribute to wider social progress and spread wealth across society at local level;

22. notes that existing practices and Community actions, such as the pilot project on social tourism in Europe and the 'Destinations of Excellence' (EDEN) initiative, should be reinforced and should take a more sectoral form; to this end, welcomes the practice of selecting a number of categories each year, and carrying them over on a year-to-year basis, so that the change of content does not cause a break in continuity from one year to another. The European Commission is also urged to take measures to encourage cross-border and interregional cooperation between local and regional authorities with a view to promoting joint tourism products;

23. highlights the need to promote alternative types of tourism, in order to exploit all available opportunities, create new services and promote new products;

24. proposes that a European model for the sustainable development of tourism be designated, on the basis of a programme that would include integrating culture into the tourism product, protecting the environment, promoting the competitiveness of the European tourism product, improving connectivity between regions, both by air and by sea, boosting entrepreneurship, and introducing new technologies;

25. proposes that the role played by CEDEFOP as a link with regional authorities should be strengthened and that it should be asked to continue analysing skills requirements in the tourism sector, based on the needs and aspirations of the regions, so as to enhance employment opportunities and improve the quality of services provided;

26. proposes using European experience with the Local Action Plans for Employment, following the example of the 89 pilot Territorial Employment Pacts, and recommends that plans be drawn up at regional level in collaboration between local and regional authorities, representatives of the hotel, leisure and cultural sectors, representatives of employees in those sectors, and social stakeholders of European alternative tourism, with a view to framing a cohesive policy at regional level for promoting

employment in the tourism sector; recommends that measures based on these plans be eligible for support from the Structural Funds;

27. proposes that measures be taken to temporarily reduce taxes at regional airports so as to boost traffic at those airports and strengthen their direct connection with sources of tourist activity.

Brussels, 22 April 2009.

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

Opinion of the Committee of the Regions on the european economic recovery plan and the role of local and regional authorities

(2009/C 200/04)

THE COMMITTEE OF THE REGIONS ISSUES THE FOLLOWING RECOMMENDATIONS:

- welcomes the clear message of EC President Barroso at the G-20 summit in London on 2 April 2009, where he underlined the importance of five coordinated actions for the economic recovery: the world-wide coordination of fiscal stimuli; the creation of lasting demand with confidence stimuli; thirdly the need for a global governance stimulus; fourthly trade stimuli; as well as development and climate change stimuli;
- in view of the expected asymmetric impact of the crisis across different regions, underlines the importance of the aim of territorial cohesion in the context of the proposed measures to save or create jobs and to stimulate economic activity;
- supports the European Union's approach of providing the massive support needed for economic recovery both by seeking to boost purchasing power and through measures in the key areas of the Lisbon Strategy (competitiveness and innovation, sustainable development and social cohesion).

Rapporteur: Mr Dietmar Brockes (DE/ALDE), Member of the North Rhine-Westphalia Landtag

Reference document

Communication from the Commission to the European Council on *A European Economic Recovery Plan*

COM(2008) 800 final

I. GENERAL

THE COMMITTEE OF THE REGIONS:

1. is extremely concerned about the rapid deterioration of the economic situation in the EU Member States and in their regions and municipalities as well as the fact that the crisis has had a huge impact on the entire world economy;

2. is pleased that the European Commission has rapidly put together an economic recovery package in response to the global financial and economic crisis, and at the same time notes that the economic forecasts on which the package is based have already been revised downwards in the light of development;

3. welcomes the clear message of EC President Barroso at the G-20 summit in London on 2 April 2009, where he underlined the importance of five coordinated actions for the economic recovery: the world-wide coordination of fiscal stimuli; the creation of lasting demand with confidence stimuli; thirdly the need for a global governance stimulus; fourthly trade stimuli; as well as development and climate change stimuli;

4. stresses that the global financial and economic crisis represents a test for the market economy; and therefore calls on all those bearing responsibility in the economic sphere, to react to the crisis with determination and in a cool-headed way, and to give courage to the citizens by setting good examples;;

5. sharply criticises the excesses of the financial capital sector as evidenced by its use of leveraging and derivatives such as collateralised debt obligations, asset backed securities and credit default swaps, as well as the lack of control of national, European and international supervisory authorities and institutions, and the weakness of the financial regulation;

6. calls on the EU Commission and the Member States, in the forthcoming discussions on a new worldwide financial order, to push for a proper and effective overhaul of the entire financial system (including investment banking, hedge funds and private equity) that will prevent a recurrence of these excesses. This must include:

— an end to the system of conduit banks and the setting of obligatory crisis-safe basic capital quotas for financial institutions,

— the prohibition of such derivatives which, by the nature of their structure, cannot be regulated or contain unpredictable systemic risks in spite of regulation,

— the prevention of incentive systems in the financial sector (bonuses, tax benefits etc.) that promote systemic risks,

— a public set of articles of association for credit rating agencies and internationally organised monitoring of such bodies;

7. is more than ever convinced that the real economy and its financial system have to serve the people; considers that regulation and control in particular of the rules under the Basel II Accord need to be extended to all actors of the financial system, also including hedge funds, private equity and other non-regulated financial bodies;

8. considers that the structural and fundamental reform of the global financial system is just as important as the measures to support the economy taken by the EU and the Member States as a result of the current economic crisis; new confidence in the financial markets will prevent the entire market economy from falling into lasting disrepute. Only a clear, effective, understandable, and well-communicated correction of the current turbulence on the parts of the financial markets will re-create this confidence;

9. considers that extraordinary times call for extraordinary measures; the important thing now is to act quickly, putting aside established ways of thinking and upholding the Maastricht criteria in their revised form and to improve the flexibility of the Stability and Growth Pact's criteria for public finances (public debt and deficit);

10. in view of the expected asymmetric impact of the crisis across different regions, underlines the importance of the aim of territorial cohesion in the context of the proposed measures to save or create jobs and to stimulate economic activity;

11. notes that Member States and their local and regional authorities provide the lion's share of the public services that have the most direct impact on people's capacity to deal with the global economic crisis; that in view of the significant budgetary restrictions in the Member States, the capacity of their authorities to perform their tasks will be limited; but that, even under these circumstances, the rule of law must be upheld throughout the European Union and in each Member State, since it is the cornerstone of citizens' trust in government;

General assessment of the European Economic Recovery Plan

12. welcomes the fact that the European Commission has drawn up the European Economic Recovery Plan swiftly and decisively in order to put a stop to the downward economic spiral;

13. emphasises that the EU Member States must act as a Community in this crisis and cannot relapse into nationalistic and protectionist behaviour;

14. underlines, therefore, the need for close EU coordination and a decidedly European approach that will provide a common framework for action for national measures that are tailored towards the specific economic situation and capacity of public budgets in individual Member States, keeps a strong view, that affecting basic functions of local governments sector by governments of some Member States disables substantially those Member States in particular and more widely entire European Union from reaching Lisbon goals and deepens inequalities between development of different European regions;

15. backs the proposals for investment in energy and broadband infrastructure projects presented by the European Commission as part of the implementation of the EU Economic Recovery Plan endorsed by the European Council in December 2008 and in March 2009; considers however that both the limitation of the Commission's margin of manoeuvre to unspent money from the EU budget and the excessively long negotiations with Member States on the use of that money underline the need — as the CoR has also emphasised in its opinion on the budgetary mid-term review ⁽¹⁾ — for a structural reform of the EU budget and in particular for its increased flexibility;

16. supports the European Union's approach of providing the massive support needed for economic recovery both by seeking to boost purchasing power and through measures in the key areas of the Lisbon Strategy (competitiveness and innovation, sustainable development and social cohesion);

17. welcomes the 19-20 March European Council's commitment to the renewed Lisbon Strategy for Growth and Jobs and underlines the high topicality of the ongoing work on the future of the growth and jobs strategy after 2010. Recalls against this background that the Committee of the Regions has decided to launch a consultation of the European local and regional authorities on the future of the growth and jobs strategy after 2010 ⁽²⁾;

18. welcomes the explicit recognition by the 19-20 March European Council of the priority to tackle the social impact of the crisis by 'stimulating employment, in particular by promoting the acquisition of the new skills required by new jobs, [... by]) building on solidarity and [by] allowing social protection systems to fully play their role as automatic stabilisers [...]' (Conclusions point 19);

19. regrets that at its last meeting, held in Brussels on 19 and 20 March 2009, the European Council failed to expressly recognise the importance of local and regional authorities in combating the economic crisis.

20. calls on the Commission to advocate long-term reorganisation and stabilisation of the world's financial systems in international negotiations;

21. believes that public investment and financial incentive programmes designed to support economic recovery must also help further the transition to a low-carbon economy, and calls on the Commission and the Member States to frame their economic recovery plans and programmes accordingly. The EU's post-2012 climate projection goals must not be jeopardised by the current financial crisis;

22. calls on Member States to quickly draw up national economic recovery plans, if these are not already in force, and to make available the appropriate resources for financial implementation;

23. when national recovery plans are drawn up, it is vital that accurate assessments be made of the long-term economic and social impact of the proposed measures to promote savings in the countries concerned. Ill-thought out measures may produce some small savings, but the losses might well exceed the gains, and could grow still further over time; conversely, indebtedness can limit the room for manoeuvre in national budgets; every item of expenditure must therefore be vetted to ascertain whether it is necessary and economical;

24. urges that the European structural funds be used to accelerate investment and modernise European infrastructure;

25. urges the Commission and Member States to propose additional flexibilities under the EU's structural funds which help resolve current difficulties in accessing public and private sector match-funding;

26. asks the Commission to examine how derogations might, in the short term, offset the mechanisms of financial and budgetary rules that may, under current circumstances, serve to intensify the crisis;

⁽¹⁾ CdR 16/2008 fin.

⁽²⁾ <http://www.cor.europa.eu/pages/EventTemplate.aspx?view=folder&id=bb54a097-28c8-4025-88cc-b9f8a63cae7&sm=bb54a097-28c8-4025-88cc-b9f8a63cae7>.

27. calls on the Member States, in particular those of the Eurozone, to explore the possibility of a comprehensive European loan, and other possibilities guaranteed jointly by all Member States;

28. supports the recent Commission proposal to give more flexibility to the European Globalisation Adjustment Fund so that this instrument can be used effectively in mitigating the negative effects of the crisis on the labour markets; recalls in this context that it had suggested many of the changes now proposed by the Commission already in its original opinion on the EGAF in 2006 and welcomes the fact that these suggestions are now being taken up;

Regional and local dimension of the economic crisis

29. points out that many public grassroots infrastructure and development projects are implemented at local and regional level by the relevant local and regional authorities; they are responsible for one third of public spending and for more than two thirds of public investment in the EU;

30. would like to draw attention to the fact that many local and regional authorities have become involved, in recent years, in cross-border leasing arrangements for vital infrastructures, many of which are now under threat because of the financial crisis and the insufficient information on which many of them were based. Many of these schemes carry still unquantifiable financial and legal risks and therefore concerted action might be necessary in order to limit the potentially very harmful consequences for citizens of problems caused by such schemes;

31. calls on the Council, the Commission and Member States to take account of the important role of local and regional authorities in overcoming the economic and financial crisis; calls Member States to avoid direct budget cuts from local government sector, which has already suffered from decreased incomes resulted by economic crisis;

32. draws attention to the best practices of several Member States, which in regardless of economic situation have found ways to support local governments for compensating their increased needs for public services by providing to local governments additional loans and extra funding;

33. notes that past consolidation efforts, insofar as they were detrimental to public net investment, allowed public capital stock to diminish; therefore there is now a need to catch up as far as public investment is concerned, primarily at local and regional level, in terms of public infrastructure, roads, kindergartens, schools, universities, hospitals, installation of cabling for broadband services, energy efficiency, etc.; on the other hand, consolidation efforts geared to curbing consumer spending must be stepped up in order to pre-empt debts and leave future generations with room for manoeuvre;

34. asks the Commission to submit a proposal for rules on the granting of microcredit within the EU. This proposal should seek to establish basic parameters for awarding microcredit so as to avoid any distortions of competition and make it easier to secure cross-border access to microcredit and co-financing from the EU budget. In this regard, the Committee of the Regions backs the Jasmine initiative announced by the European Commission and the European Investment Bank in September 2008;

Contribution of local and regional authorities to overcoming the crisis

35. stresses that measures to boost the economy must be taken at all regional levels of the EU in accordance with the subsidiarity principle; it would be appropriate in principle to adopt additional measures that can be implemented quickly in order to boost demand without delay; advance payment of EU funds would, among other things, help to ensure that measures begin to be implemented quickly;

36. thinks that measures must also prove to be worthwhile over the long term and effective within the framework of the Lisbon Strategy; not only the measures themselves, but also the follow-up costs must be fundable;

37. calls on the Commission to ensure that procedures for awarding contracts in the low-investment area, especially for regional and local authorities, are simple and flexible. This will ensure that funds flow quickly and SMEs and craft businesses can obtain contracts more speedily, helping them to safeguard jobs;

38. welcomes the fact that the Commission has made proposals to speed up and simplify procedures for administering structural funds in Member States; only if these procedures are simplified significantly can infrastructure projects be implemented and paid for quickly using structural funds;

39. stresses that the European Commission must step up its efforts in this direction and consider the possibility of revising the institutional framework of cohesion policy more broadly in order to make its implementing procedures simpler and more flexible (management, monitoring, checks) with a view to making investment substantially more attractive and speedy;

40. asks the Commission for its cooperation and support in answering the question as to how local and regional authorities with limited finances may participate in the programmes, not least with the objective of cohesion in mind; It has to be considered whether new co-financing rates are to be elaborated, aiming at making use of EU-funding easier;

41. therefore asks the Commission to take action that supports local and regional authorities, and SMEs, to more easily access or provide match-funding as appropriate. Although the CoR welcomes the initiative to increase pre-financing to EU projects, the current difficulties in securing significant co-financing will limit what can be achieved in practice;

42. stresses that special support measures at regional and local level in regions with faster-growing unemployment rates should be considered; In this context, a possible review of the regional State aid map should be considered;

43. urges that measures be selected in such a way that they benefit small and medium-sized enterprises;

44. expects the Commission to calculate the value of grants in a way that is appropriate to the financial crisis, especially for small and medium-sized enterprises; points to the particular need to boost and provide for mutual guarantee and risk capital schemes, on an extraordinary, urgent basis, in order to make it easier for SMEs to access suitable funding, especially in the current situation which affects them particularly;

45. believes it is essential to provide comprehensive support for measures relating to vocational training and skills, and asks the Commission to consider proposing additional flexibilities to allow regional development programmes to re-profile their spending to support European Social Fund priorities, such as re-skilling and reducing unemployment;

46. points to tried and tested tools such as offers of consultation, network-building, information centres providing effective support for businesses in difficulties; the focus of the measures should be chiefly small and medium-sized enterprises, which in spite of having a solid basis are affected by the economic crisis; it is these enterprises that will help to boost the recovery once the crisis is over;

47. calls on the Commission to carry out an initial assessment in June and check the extent to which measures applied at both Community and Member State level have taken effect and whether a second programme is necessary;

48. urges that the regions assess the implementation of measures within the framework of the best practice approach;

49. instructs its president to forward this resolution to the European Commission, the European Parliament, the Council and the Member State holding the EU Council presidency;

50. draws attention of the European Commission to the need for assurance unconditional compliance of European Charter of Local Self-Government by all Member States.

Brussels, 22 April 2009

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

Opinion of the Committee of the Regions on local authorities: actors for development

(2009/C 200/05)

THE COMMITTEE OF THE REGIONS

- welcomes the communication of the European Commission which, as its title suggests, openly acknowledges the role played by local and regional authorities (LRAs) in international cooperation with developing countries;
- is pleased to note that most of the points it made in its previous opinions of 2005, 2007 and 2008 on the subject have been taken on board;
- while stressing the specific contribution of the LRAs, recognises the need to harmonise cooperation activities at all levels and calls for progress on integrating the LRAs of the developing countries fully into development and cooperation policies;
- welcomes and accepts the proposal that it act as a contact point among the European institutions for a structured dialogue on development with LRAs, a proposal which is fully consistent with the role conferred on it by the Treaties;
- undertakes to take the necessary steps to organise, jointly with the European Commission, the annual conference on decentralised cooperation, involving 'all those active in this system of cooperation' and proposes that it be held after a CoR plenary session, with the first conference being held if possible before the end of 2009;
- proposes, in partnership with the European Commission, to establish and organise a decentralised cooperation 'stock exchange' in the form of an Internet portal, which would be an extension of the conferences by virtual means;
- recommends that documents be drawn up taking into account the information needs of LRAs on EU development policy;
- points out that it is essential to know 'who does what and where' in order to avoid duplication and to ensure that work in this area is based on the available information.

Rapporteur: Mr Christophe Rouillon (FR/PES) Mayor of Coulaines

Reference text

Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee and Committee of the Regions — Local Authorities: Actors for Development

COM(2008) 626 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS,

A. General comments

1. **welcomes** the communication of the European Commission which, as its title suggests, openly acknowledges the role played by local and regional authorities in international cooperation with developing countries;

2. **also welcomes** the Commission's initiative, based on this acknowledgement, which aims to structure progressively the relationship between European development policy and the decentralised cooperation activities of local and regional authorities. Finally, it suggests a number of ways of putting this recognition of local and regional authorities (LRAs) as development actors into effect;

3. **points out** that, since the publication of this communication, the Third European Development Days were held in Strasbourg on 15 and 17 November 2008. Against the backdrop of the world economic crisis, they focused on the local dimension of development and offered an opportunity to showcase the wide variety of LRA activities in a number of ways and to a wide audience: official presentation and dissemination of the European Development Cooperation Charter in support of Local Governance, which accompanies the Commission communication; official launch of the new local and regional authority development platform, the establishment of which the Committee of the Regions called for in its opinion of November 2005; promotion of decentralised development cooperation and twinning arrangements through a ceremony attended by the Commissioner responsible for development and humanitarian aid and the president of the Committee of the Regions;

4. **appreciates** the Commission's presentation of the LRAs' specific contribution to the development process and to local governance and — a new departure — calls on a number of specific examples to demonstrate the variety and wealth of these activities;

5. **is pleased to note** that most of the points it made in its previous opinions of 2005, 2007 and 2008 on the subject of LRA development cooperation activities have been taken on board;

6. **does not wish** to repeat unnecessarily all the aspects of decentralised cooperation which it has already dwelt on in detail. It therefore restricts itself to simply **pointing out** that this is characterised by the diversity of its legal bases from one EU Member State to another, and by the significant added value it brings to the development process throughout the world. Its effectiveness derives from the presence of local elected representatives on the ground, where they are closest to the needs of the beneficiary populations. The LRAs involved in decentralised cooperation accumulate experience which gives them a capacity for advice and expertise which is particularly valuable in combating poverty and contributing to the achievement of the Millennium Development Goals ⁽¹⁾;

7. **also points out** that the LRAs are able to play a leading role in international cooperation in fostering democratic governance at local level. The Committee of the Regions therefore **welcomes** the fact that the principles and areas of intervention of the European Development Cooperation Charter in Support of Local Governance, referred to in point 3, complement the Commission communication. It **calls for the widest possible dissemination** of this text, which is the result of a consultation carried out between the Member States and the partners in the developing countries and which stresses the need for coordination between the various actors at local level, but also between all levels of intervention (local, national and global);

8. **points out** that, alongside democratic governance encouraging public participation, the cooperation of local and regional authorities is a powerful factor for local development by virtue of the variety of its areas of activity and of the public and private actors on which it can call. It can also stimulate the organisation of production, and commercial and economic activity which

⁽¹⁾ In 2005, 5 years after the adoption of the Millennium Development Goals (objectives set for 2015), the report of the Secretary-General of the United Nations (A/59/2005) pointed out that more than one billion persons are still living below the poverty threshold, on less than one dollar a day. For the complete report see: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/270/79>.

benefits local people and the environment. This dimension is particularly useful to less favoured rural areas, as it provides a way of combating poverty, rural depopulation and the temptations of clandestine migration;

9. **is appreciative** of the fact that the communication highlights the role of the LRAs in raising public awareness of the issues of development and combating poverty throughout the world. It is convinced that the impact of this awareness-raising will be all the greater if it is based on cooperation between a European local authority and one or more authorities in developing countries. These awareness-raising activities are the tangible expression of the partnerships formed by development associations and groupings, as they are mainly based on the support of local associations bringing together citizens interested in development issues. Moreover, by sensitising the general public to the urgency of development, local and regional authorities can also contribute to better integration of people of immigrant origin. These activities inspired by solidarity and the desire to share can offer an opportunity for people of immigrant origin to rediscover their native cultures and to overcome their feeling of alienation;

B. Comments

10. **wishes to make** a number of comments which it considers essential to better defining the role of the LRAs in European development policy;

11. **has reservations** about the definition of decentralised cooperation set out in the communication (Introductory box — page 3 of communication). Previously the Commission defined decentralised cooperation as cooperation carried out at sub-national level, whatever the nature of the many actors involved in it. The Committee points out that it considers decentralised cooperation to be strictly speaking that carried out by local and regional authorities;

12. **calls on** the Commission to recognise that decentralised cooperation also plays a key role in protecting and improving the natural environment as well as providing a local-level response to current global concerns about the dangers of climate change and a way of raising people's awareness of the problem;

13. **wishes to point out** that the reference to the LRAs' financial contribution to official development assistance (ODA) should not obscure the importance of their qualitative contributions. The added value of their action derives first and foremost from the fact that their activities at local level are based on partnerships which they have decided to establish, and not on the implementation of commitments entered into by States. The example could be cited of small authorities without significant financial resources which nonetheless conduct substantial and relevant activities;

14. **reiterates** that cooperation by local and regional authorities is the local dimension of a global strategy of solidarity between the rich and the poor regions of our planet. It is in this way that authorities have been able to form groupings in various ways. This coordination effort was welcomed in the Conclusions of the Council of the European Union of 10 November 2008 on the Commission Communication;

15. **recognises the need** to harmonise development cooperation activities at all levels and considers that the Paris Declaration on Aid Effectiveness represents significant progress. It therefore expects the Commission, assisted by its delegations in the beneficiary countries, to concentrate initially on fostering the development of useful partnerships, while respecting the principle of subsidiarity and taking account of the specific features of the activities of the local and regional authorities;

16. **with a view to better governance**, the ownership ⁽¹⁾ of cooperation and development policies and strategies is one of the key principles of the Paris Declaration on Aid Effectiveness. The Committee of the Regions **particularly wishes to stress this principle and considers that**, by virtue of its proximity to the grass roots, decentralised cooperation is a particularly suitable vehicle for this. In this connection it **calls for** progress on integrating the LRAs of the developing countries fully into development and cooperation policies.

II. OPERATIONAL ASPECTS

17. **welcomes with the greatest interest** the proposals presented by the Commission for translating its recognition of local and regional authorities as development actors into action, and would like to make the following comments:

On the organisation of a structured dialogue

18. **particularly welcomes** the Commission's proposal that a dialogue on development be held with local and regional authorities. In this way it is responding to the ongoing efforts of these authorities over recent years to secure recognition not only as actors but also as fully-fledged discussion partners in the groups of international, bilateral and multilateral donors;

19. **welcomes and accepts** the Commission's proposal that the Committee act as a contact point among the European institutions. This proposal is fully consistent with the role conferred on the Committee by the Treaties of expressing the views of the European local and regional authorities;

⁽¹⁾ Ownership is one of the first 'partnership commitments' listed in the 2005 Paris Declaration. Under this commitment: 'Partner countries exercise effective leadership over their development policies, and strategies and co-ordinate development actions': See the text of the Paris Declaration and other documents relating to its implementation on the OECD website www.oecd.org.

20. **undertakes** to take the necessary steps to organise, jointly with the European Commission, the annual conference on decentralised cooperation proposed in the communication and **approves** the idea of involving 'all those active in this system of cooperation' at European level. Without excluding other participants, this suggests that the European Commission could be represented both by the directorates-general concerned and by several of its delegations, as European cooperation pioneers in the various countries which would be from different regions of the world. In addition to the CoR, local and regional authorities from Europe and developing countries would participate, in some cases through their associations. The Committee of the Regions reiterates its call for financial support from the European Commission to supplement the resources which it itself mobilises. To enable Committee members to be fully involved in the debates of this conference, it would be a good idea for it to be held immediately after a CoR plenary session, with the first conference being held if possible before the end of 2009;

On the tools for a concerted approach

21. The Committee of Regions **welcomes the Commission's plan** to draw up 'operational guidelines', but wonders whether these would apply to the Commission's delegations in the countries — to guide their relations with LRAs more effectively — or rather to local and regional authorities themselves. At all events, it considers welcome any document which would help clarify the role of the various actors, if only to encourage the coordination of their respective activities;

22. If these 'guidelines' were to apply directly to LRAs, the Committee **considers** that they should take account of the specific features of decentralised cooperation and of the accumulated experience of local authorities in this field. It **considers** that it is less a case of 'guiding' than of taking into account the information needs of local authorities and enabling them to understand the objectives, logic and mechanisms — not to mention the terminology — of EU development policy, the complexity of which too often makes it a matter for specialists;

23. It therefore **recommends** that documents be drawn up on the basis of consultation between the Commission and the local and regional authorities. It is important that the content of these documents should be appropriate, that they should be clearly drafted and that they be an authentic expression of the structured dialogue entrusted to the Committee of the Regions, in order to ensure that they are widely used. This would enable local authorities, particularly those with limited staff available for cooperation activities, to become more effectively involved in European development activities and in the EU's international environment;

On identifying decentralised cooperation actors and activities

24. **wishes to point out** that from its very first opinion on the subject it expressed the view that identifying decentralised cooperation actions was a **priority**. It is essential to know 'who does

what and where' in order to appreciate the contribution of this kind of cooperation, but also in order to encourage authorities in the Member States to combine forces in their areas or, in the interests of synergy, to distribute activities in line with the clear interests of the beneficiary authorities;

25. **notes with satisfaction** that, in its Conclusions of 10 November 2008 on the Commission communication, the Council encouraged the Commission to work in this direction on the basis of available information. In fact, the rudiments of databases already exist, either on the initiative of certain Member States or through the observatory set up in Barcelona, which includes among its activities relations between European and Latin American LRAs;

On the establishment of new partnerships

26. **has just stressed** how important and urgent it is to know about existing decentralised cooperation relationships if exchanges of information and new partnerships are to be established which meet the expectations of local and regional authorities in developing countries which are confronted with new responsibilities arising from increasingly widespread decentralisation policies. The Committee therefore **wishes to draw attention** to the need to reduce as far as possible the risk of confusion or fragmentation which might arise from the creation of new partnerships which do not take account of what already exists and which, rather than promoting coordination which is conducive to good governance, would result in duplication, which is exactly what should be avoided;

27. **proposes** that these 'new partnerships' should be of a qualitative nature and **appreciates** the support given to the proposal put forward in a previous CoR opinion that a mechanism be established to promote the exchange of information: the decentralised cooperation 'stock exchange' mentioned in the communication should be designed as a tool for permanent dialogue with and between the local and regional authorities of all the regions of the world involved in decentralised cooperation activities. The CoR therefore **proposes**, in partnership with the European Commission, **to establish and organise** this 'stock exchange' in the form of an Internet portal, which would in a way be an extension of the annual decentralised cooperation conferences by virtual means. During the design stage of the 'stock exchange', the Committee will take account of existing initiatives in order to avoid the risk of duplication;

On the strengthening of existing links between authorities

28. **is aware** that not all links between the European and developing country local authorities are decentralised cooperation activities in the strict sense of the term, assisting the partner authority in structuring its development in accordance with the principle of good governance;

29. **shares the idea** that ‘friendly’ relations could develop into more substantial activities if the opportunities for decentralised cooperation are better understood by all local authorities. As the European institution representing European local and regional authorities at all levels, the CoR considers that it can play a key role and help to develop the involvement of local and regional authorities in development activities through true decentralised cooperation initiatives. Depending on the needs of the partner authority, these could in some cases take the form of short-term technical exchanges;

30. as stressed in its first opinion on decentralised cooperation, **considers** the role of the representative bodies or national associations of local and regional authorities of partner countries **to be key**. Not only do they establish links and enable exchanges to take place between local elected representatives facing similar problems, but they can also establish dialogue with central governments on the definition of strategic priorities, taking appropriate account of the sub-national levels of development;

31. therefore **recommends** that they be encouraged to develop and structure themselves, with support being given to the establishment of regional groupings, and calls for general mobilisation to this end, in the form of support from counterparts in European countries or from the European Union;

Additional remark:

32. **strongly recommends** that **consistency** be ensured between the principles set out in the text and the European Union’s support programmes, whatever area of the world is concerned and whatever the European cooperation instrument involved. For example:

- examining the relationship between *budgetary aid mechanisms*, through which the bulk of the contributions of the EU and the Member States will in future be channelled, amounts reimbursed to local authorities by central government and the

powers conferred on them by devolution laws adopted in many countries benefiting from the aid;

- the Charter for governance affirms in various ways — and the validity of these assertions has been confirmed from other sources, including studies carried out by the World Bank and the OECD — that beneficial devolution depends on a fruitful interaction between all the levels of government, which requires that central government be both viable and effective. The Committee therefore considers that, in the course of the mid-term review of the thematic programme Non-State Actors and Local Authorities, scheduled for 2009, the question should be addressed of whether it is appropriate to provide support for local authorities in countries where, as the programme suggests, conditions are difficult;
- as far as the available financial resources are concerned, the thematic programme is only the tip of the iceberg. The CoR would like the stakeholders concerned, both in Europe and in developing countries, to be given precise information on the way in which local authorities are effectively involved in the implementation of cooperation agreements, so that, where necessary, improvements can be made. Information on, and dissemination of, good practice would be very welcome;

33. **considers** that, on the whole, the Commission document represents a major step forward, and the Committee in particular highlights the document’s positive attitude to decentralised cooperation implemented by local and regional authorities; **expresses its conviction** that it is essential to maintain a permanent, constructive dialogue between all the stakeholders concerned, in order to support in an appropriate way the commitment which the local authorities, both in Europe and in beneficiary countries, bring to the process of development cooperation. In this regard, the Committee **wishes** and **is ready** to play to the full the role which falls to it as the European institution bringing together and representing European local authorities at all territorial levels.

Brussels, 22 April 2009

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

**Opinion of the Committee of the Regions on the role of local and regional authorities within the new
baltic sea strategy**

(2009/C 200/06)

THE COMMITTEE OF THE REGIONS

- welcomes the European Council's request to the European Commission to draw up a strategy for the Baltic Sea Region. For a number of reasons the Baltic Sea Region is particularly well suited as a pilot for the introduction of an internal EU strategy for a macro-region and, as in the case of the Baltic Sea Strategy via the Northern Dimension, step up cooperation with third countries;
- stresses the need for the Baltic Sea Strategy to involve local and regional authorities and to include a citizen's perspective; points out that the Baltic Sea Strategy must involve Russia and Norway in all stages from preparation to implementation and be integrated with the Northern Dimension in order to be successful;
- proposes that the Council define common goals and activities within the strategy framework and take decisions regarding these. All decisions would be prepared by a working group led by the European Commission and comprising representatives of governments in the Baltic Sea Region, European Commission representatives, MEPs and representatives of the local and regional level chosen also from Committee of the Regions members;
- proposes that this work be supported by a Baltic Sea Forum which would meet once a year. The forum would bring together a broad range of stakeholders, chosen in accordance with the same principles applied for the stakeholder conference held in connection with drawing up the Baltic Sea Strategy, to discuss the orientation of the strategy and the implementation of the action plans.

Rapporteur: Uno Aldegren (SE/PES) Chairman of the Regional Executive Board, Skåne County Council

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General comments

1. welcomes the European Council's request to the European Commission to draw up a strategy for the Baltic Sea Region. For a number of reasons the Baltic Sea Region is particularly well suited as a pilot for the introduction of an internal EU strategy for a macro-region and, as in the case of the Baltic Sea Strategy via the Northern Dimension, step up cooperation with third countries;

2. welcomes the intention to consider similar macro-regional initiatives and strategies for the Black Sea region, the Danube region and the North Sea region/English Channel with a view to putting forward a multilateral cooperation framework that would improve existing forms of cooperation. The Committee refers to its opinion adopted in 2007 on the Black Sea and to the opinion currently being drawn up on the Danube region. It is important that the Baltic Sea region, as a pilot region, should support the introduction of other strategies, as well as exchanging experience and contributing to the development of cooperation in the future;

3. would stress that local and regional authorities have an important role to play with respect to all the objectives which the Commission has identified for the strategy;

4. notes that of the nine countries which border the Baltic Sea, eight are EU Member States, which together account for almost the entire Baltic coastal area. The remaining country, Russia, is of particular importance for geopolitical and economic reasons. This is also true for Norway, which is a member of the EEA and a major, long-standing partner for the Baltic Sea Region. Belarus and Ukraine are also important for the Baltic Sea basin from the environmental point of view;

5. points out that the Baltic Sea Region has many different challenges which are well suited to being addressed on a regional basis. The Baltic is sensitive and shallow inland sea with brackish water. It is one of the world's busiest inland seas. For example, energy transport in the Gulf of Finland has increased seven-fold since 1995 and currently amounts to some 140 million tonnes per year. In addition, the economic differences between the countries around the Baltic Sea are large and the region has a marked economic dynamism;

6. recalls that the region is characterised by large territorial disparities. In northern Sweden and Finland there are regions which are very sparsely populated and located far from markets in central Europe. On the south coast of the Baltic Sea population density is more in line with European standards and distances to central European markets are shorter;

7. notes that the Baltic Sea Region is a source of key raw materials for the EU, for example ores and forest-based raw materials, and, if Russia and Norway are included, also oil and gas;

8. stresses the need for the Baltic Sea Strategy to involve local and regional authorities and to include a citizen's perspective;

9. points out that the Baltic Sea Strategy must involve Russia and Norway in all stages from preparation to implementation and be integrated with the Northern Dimension in order to be successful. Through the Northern Dimension, the Baltic Sea Strategy also includes the Barents region;

10. notes that the past twenty years have seen the emergence of a wide range of cooperative arrangements, not least within the framework of deeper relations between border regions and twinned towns. This is an important resource for a Baltic Sea Strategy. This applies particularly to the efforts to create a clearer common Baltic Sea identity, which is an important prerequisite for the strategy's successful implementation;

11. to sum up, the Baltic Sea Region offers special opportunities and challenges for introducing a macro-regional perspective in EU cooperation. This perspective is based on the belief that positive development in one part of the region does not take place at the expense of development in another part, in other words sustainable development is not a zero-sum game; However, this macro-regional perspective should as far as possible not encourage the creation of competing regulatory areas that challenge the Community *acquis*: Europe is not supposed to become a set of different, competing internal markets;

12. points out that the Baltic Sea Strategy can serve as one example of the implementation of a territorial cohesion policy;

13. also stresses that the direction which the European Commission has chosen for the strategy is an excellent illustration of how sustainable development rests on three pillars — environmental, economic and social sustainability. To this must be added the particular importance played by energy issues in the Baltic Sea Region, which must be adequately reflected in the strategy. Secure and environmentally sustainable access to energy is crucially important for an economically sustainable development in the region;

14. points out that the regional implementation of the European Maritime Policy should be an essential component of the Baltic Sea Strategy. With the Baltic Sea Strategy additional impetus should be given to the objective to develop the Baltic Sea region into Europe's maritime best practice region as claimed by several Baltic Sea organisations and also the Baltic Sea Parliamentary Conference. The integrative approach of the European Maritime Policy ideally suits to the cross-sectoral approach of the Baltic Sea Strategy and should be implemented coherently;

15. supports the proposal of six Baltic Sea organisations ⁽¹⁾ for a Five-Point Action Plan 'Clean Baltic Shipping'. It is at the same time suitable to illustrate the integrative approach of the Baltic Sea Strategy and to tackle one of the most serious problems of the region which is the increase of harmful shipborne emissions. Accordingly it is recommended to promote the concept as a flagship project within the envisaged action-plan to the Strategy;

16. notes that there are many good examples of the importance of local partnerships for positive economic and social development. Therefore local and regional partnerships between the third sector, private companies and local and regional authorities should be encouraged as part of the Baltic Sea Strategy;

17. points out that the objectives which the Commission has set for the Baltic Sea Strategy — environmental sustainability, an economically prosperous region, an accessible and attractive region and a secure and safe region — are good, albeit very broad. This will impose particular demands as regards prioritisation and focus in the action plan. Cooperation with the competent administrative bodies will be crucial for a successful strategy, as to the ability to create systems of multi-level governance where the local and regional level re involved in implementation;

18. underlines that if the Baltic Sea Strategy is to be perceived by people of the region as a joint project and a joint responsibility, we need to further develop the ties that unite people around the Baltic Sea. This should be done in a transnational process involving citizens, in particular young people. One line of action should be to explore and improve our mutual understanding of history, e.g. by jointly developing a Baltic Sea History Book. The aim would be to establish and strengthen a common Baltic Sea identity.

Implementation and governance

19. recalls that that there are already many strategies in the Baltic Sea Region for various policy areas, both at the macro-regional and national level. In addition, there is a range of examples of successful projects within these areas. The great opportunity which the Baltic Sea Strategy offers to create added value lies in taking a comprehensive political and territorial approach and ensuring coordinated and vigorous implementation;

20. emphasises that, for the strategy to be successful, there must be input from a broad range of European, macro-regional, national, regional and local players, who must be involved in all stages from preparation to implementation;

21. therefore welcomes the broad consultation process on the Baltic Sea Strategy which the European Commission is conducting. A number of useful conferences and roundtable discussions have been held, and these have demonstrated that there is a broad and deep commitment to Baltic Sea issues, a commitment which is an important resource on which to build the implementation of the strategy. These events have also shown that local and regional authorities are key players with regard to all of the four

22. notes that for the Baltic Sea Strategy to succeed, resources will be needed for its implementation. In view of the decision that no new resources will be allocated, they will instead have to be made available by re-ordering priorities with regard to existing resources. Discussions on how this will be accomplished must be commenced as soon as possible, bearing in mind the goals and requirements of the Baltic Sea Strategy. Many policy areas are currently the subject of evaluation or reform discussions and there is a need to highlight the Baltic Sea Strategy perspective in this context;

23. points out that although there is a broad awareness of the challenges, and also of the measures needed to deal with them, the difficulties should not be underestimated. There seems to be an unwillingness to build new institutions and contribute new resources. Rather, it has been maintained that it is all about using existing structures and resources in a more effective way. This is a laudable approach but we would point out that this should not become an excuse for not making the necessary reprioritisations and efforts. Therefore the need for leadership and clear 'ownership' is particularly great;

24. note that although the approach has been that it is not necessary to build new structures and organisations, there is a need for new arenas and fora where the design and implementation of the strategy can be discussed and the relevant decisions taken;

25. proposes that the Council define common goals and activities within the strategy framework and take decisions regarding these. All decisions would be prepared by a working group led by the European Commission and comprising representatives of governments in the Baltic Sea Region, European Commission representatives, MEPs and representatives of the local and regional level chosen also from Committee of the Regions members;

26. proposes that this work be supported by a Baltic Sea Forum which would meet once a year. The forum would bring together a broad range of stakeholders, chosen in accordance with the same principles applied for the stakeholder conference held in connection with drawing up the Baltic Sea Strategy, to discuss the orientation of the strategy and the implementation of the action plans. At the annual meeting a follow-up report would be presented together with results based on regional indicators and examples. Where necessary, the relevant bodies would report on specific policy areas; for example, HELCOM would be responsible for reporting on environmental matters. Russia and Norway would also be represented on the forum;

27. notes that the Committee of the Regions would be represented on the Baltic Sea Forum. The existing CoR interregional group on Baltic Sea policy covers satisfactorily the Baltic Sea Strategy and continues its work;

⁽¹⁾ Baltic Sea States Subregional Cooperation — BSSSC, CPMR Baltic Sea Commission, Baltic Development Forum, Euroregion Baltic, Union of the Baltic Cities, B7 Baltic Islands Network.

28. emphasises that even though the Baltic Sea Strategy is intended for the Member States in the Baltic region, Russia will play an important role in ensuring its effective implementation in most of the policy areas covered. On specific issues in the framework of the strategy there must therefore be dialogue with Russia based on an equal relationship, to complement the overarching formal dialogue under the Northern Dimension;

29. points out that in each of the countries covered by the Baltic Sea Strategy, a leading government representative would be given specific responsibility for implementation of the strategy. This person could also act as a contact point. It could be modelled on the arrangements for implementation of the Lisbon Strategy applied since 2005;

30. notes that projects included in the Baltic Sea Strategy would be managed within existing Structural Funds structures. Baltic Sea Strategy priorities would be incorporated into authorisation procedures and the decision-making body would follow up results. A specific responsibility would be to promote a number of 'flagship' projects. These projects would highlight the Baltic Sea perspective in questions of particular importance for the strategy's successful implementation. They should also have high visibility and underscore the aim to make the Baltic Sea Region a best practice region;

31. points out that as these projects will be of key importance for implementation, this will impose special requirements for result-oriented and effective learning among project promoters and the parties involved, based on experience gained from successful projects. This could be organised, for example, along the lines of the learning arrangements set out in the connection with the Swedish national strategy for the implementation of structural funds 2007-2013;

32. recommends that existing partner organisations in the Baltic Sea Region be accorded a special role, by, for example, participating in the Baltic Sea Forum. These organisations are a good illustration of the cooperation that has been built up in the region over almost 20 years. They offer many good examples of how countries in the Baltic Sea Region that border on the EU can make a constructive and successful contribution to efforts in this area;

33. notes that cooperation is also evident in the numerous twinning arrangements that exist in the Baltic Sea Region. Some of them have served as a basis for closer cooperation in core activities at local and regional level, others as an arena for meetings between people from different parts of the region. These meetings have helped to build bridges and establish a common knowledge base and understanding. A common outlook has been created on history and the challenges and problems at hand;

34. recommends that the participants in the Baltic Sea Forum be given a special responsibility for disseminating knowledge and informing members of the public about the Baltic Sea Strategy, without whose active involvement and contribution we cannot create the necessary common awareness.

Environmental sustainability

35. stresses that the Baltic Sea Strategy must take as its starting point existing strategies and initiatives and carry/pursue them/out in a vigorous manner. This applies above all to the HELCOM Baltic Sea Action Plan and the framework directive on a Marine Strategy Framework Directive. HELCOM action plan has the additional advantage that it has been approved by Russia;

36. notes that the overarching goal must be sustainable development based on the three pillars of the Lisbon Strategy and the Gothenburg Agenda, namely economic, social and environmental sustainability. The strategy must also be clearly based on the understanding that sustainable development is not a zero-sum game where there can only be winners and losers. A holistic perspective must be applied on the assumption that the various policy areas are inter-related and together create the ground for sustainable development;

37. stresses that the recent dramatic deterioration in the economic situation in the Baltic Sea Region must not lead to the neglect of environmental aspects;

38. notes that the goal of environmental sustainability illustrates particularly well how important it is for the Baltic Sea Strategy to include not only Russia but the whole of the Baltic Sea drainage basin, i.e. also Belarus and Ukraine. It suffices here to recall issues relating to water treatment, transport, energy use, Kaliningrad and St. Petersburg;

39. points out that one of the environmental goals should be to make the Baltic Sea Region a leading ('best practice') region in the field of environmental sustainability;

40. notes that a particular problem of Baltic is that it is a shallow sea with limited connections with the open sea. The waters are relatively cold which means that chemicals are broken down slowly. Finally, it supports only a small number of species because of the brackish water and cold climatic conditions. The water renews itself over a long period of time. Taken together, this means that it takes a considerable time to reduce chemical levels or to cope with eutrophication;

41. highlights the need for developing spatial planning of coastal regions in line with the proposal put forward by the six organisations and networks based in the Baltic Sea Region (BSSSC, B7 Baltic Islands Network, Euroregion Baltic, Baltic Development Forum, CPMR's Baltic Sea Commission, UBC — Union of Baltic Cities). This must be built on existing planning capabilities and in full compliance with subsidiarity principle;

42. notes that emissions of greenhouse gases must be reduced by using renewable and more environmentally energy sources and effective treatment of emissions. Emissions from land transport, sea transport and air transport must be reduced to a level consistent with sustainability;

43. points out that one of the most serious environmental problems in the Baltic Sea Region is eutrophication. The aim of the HELCOM's Baltic Sea Action Plan is to restore the Baltic's good ecological status by 2021. Where eutrophication is concerned this is an ambitious goal. Initially, important results can be achieved at reasonable cost by focusing efforts on the major discharges. Gradually, however, the marginal cost of such efforts, and likewise the need for sustainability, will increase;

44. stresses the need, as part of the current review of the common agricultural policy, to identify and take into consideration the environmental consequences of agriculture; also recommends that the use of phosphates in cleaning agents be prohibited. Such a ban has already been introduced in Germany, Sweden and other Member States, in particular with regard to household laundry detergents. There is now a need to revise Directive 98/34/EC of 22 June 1998 and Regulation (EC) No 648/2004 of 31 March 2004 in order to ban the use of this substance at EU level in all detergents, including industrial detergents and detergents used in washing-up machines. Good results could also be obtained by more effective removal of phosphates from waste water;

45. notes that sea transport plays and will continue to play a key role for the economic integration of the Baltic Sea Region. However, there is need to deal with the growing environmental impact. Here the HELCOM action plan offers a good starting point and there are many cost-effective measures that could be taken. Above all, emissions of sulphur and nitrogen oxides must be reduced. At the round table conference in Gdansk last October, a number of proposals were put forward, including, for example, a ban on vessels which do not meet current maritime safety requirements (substandard ships). Another measure which could be taken is to introduce emission rights trading for sulphur and nitrogen oxides for ships along the lines of the arrangements applied for land-based activities. In addition, copper should be banned as part of an anti-fouling system for ships and boats. Opportunities for ships at berth to use shore-side electricity should be improved;

46. points out that water treatment is another important area for improvement, where the capabilities of local and regional authorities play a key role. Here mention can be made of the Water Users Partnership, highlighted by the Euroregion Baltic in its contribution to the consultations on the Baltic Sea Strategy, which promotes better management of water resources;

47. stresses that fish stocks must not simply be maintained at current levels but rebuilt. Management of fish stocks must take place in accordance with principles the Baltic's fragile eco-system. Welcomes, in this context, the fact that the specific characteristics of fishery resources in the Baltic Sea are recognised in Regulation (EC) No 2187/2005 of 21 December 2005 on the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound; would point out, in particular, that this regulation, which was adopted after a wide-ranging consultation with stakeholders, has, since 1 January 2006, considerably simplified management of fishery resources in the Baltic Sea and made it possible to replace multilateral management of fishery resources between the states bordering the Baltic Sea within the International Baltic Sea Fishery Commission (IBSFC) by bilateral management (the European Union and the Russian Federation);

48. recalls that, whilst tourism is considered to be an important element of an economically prosperous Baltic Sea Region, it must be environmentally sustainable. A clean and unspoilt environment is key trademark which must be used to attract tourism to the region but at the same time tourism poses a threat to the environment and undermines the region's attractiveness.

An economically prosperous region

49. notes that following a long period of strong economic growth, the Baltic Sea Region has now entered a major economic downturn. Swift action is required, but at the same time we should not lose sight of the strategic perspective, which forms the basis of the Baltic Sea Strategy. Economic development is inextricably linked to change, and even if acute problems overshadow the strategic perspective, the overall challenges remain — namely demographic development and international competition as part of globalisation;

50. stresses the need for further efforts to implement the internal market in the Baltic Sea Region effectively and in a coordinated fashion. This is an important factor in the economic prosperity of the Baltic Sea Region. In the main, it is small and medium-sized enterprises which are affected by trade barriers and difficulties resulting from bureaucracy. The different interpretation of rules threatens to create new regional trade barriers. Knowledge of the internal market must be improved in the administrations and judicial systems of each country. Also important are fora where coordination and exchanges of experience can take place. In that connection, attention is drawn to the SOLVIT online network (<http://ec.europa.eu/solvit/>) designed to help resolve problems in the implementation of internal market legislation;

51. stresses that business activity, above all that of small and medium-sized enterprises, is a prerequisite for a flourishing economy in the Baltic Sea Region. Entrepreneurial spirit and business activity must therefore be promoted. The access to risk capital for SMEs should be improved;

52. recommends that efforts be undertaken to improve access to risk capital for business start-ups, above all seed money. Furthermore, measures should be taken to boost entrepreneurship, particularly among young entrepreneurs;

53. notes that in business start-ups emphasis is often placed on economic use of innovation, regardless of how technically demanding this innovation is; recommends therefore making matters such as the coordinated cluster policy, coordinated innovation systems, innovation programmes and flagship projects central themes of the Baltic Sea Strategy. Stakeholders' scope for requesting resources for research and development in Baltic Sea countries other than their own should be improved;

54. further notes that attitudes to entrepreneurship are formed at a very young age. It is therefore essential that people are introduced to entrepreneurship and taught about it at school, university and college;

55. suggests that those countries included in the Baltic Sea Strategy draw up a common programme to promote sustainable tourism in the region. Particular emphasis should be placed on the value of nature and the environment as well as the region's rich cultural and historical heritage;

56. points out that the Baltic Sea region possesses rich resources of raw materials, especially minerals and wood. Consideration should be given to drawing up a mineral strategy specifically for the Baltic region taking into account the proposal for a directive establishing a framework for the protection of soil (COM(2006) 232 final) (see CoR opinion CdR 321/2006), which, whilst setting common objectives for soil protection, allows Member States a large degree of flexibility in choosing how to achieve these objectives (obligation to achieve results, but choice of instruments). In order for an economy to flourish it is important that these raw materials can be produced and managed sustainably and efficiently. This places high demands on infrastructure for sustainable transport;

57. notes that energy matters are and will be of crucial importance for the economic development of the Baltic Sea Region. Efforts to promote greater energy efficiency are important here, but secure and stable supplies of energy and electricity remain of vital importance. For historical reasons, the Baltic States are still connected to the Russian electricity network. They must be integrated into a Nordic and European electricity network and become part of an energy market for the EU and the Baltic Sea Region. This will require connections, changes to the rules and investment in infrastructure;

58. stresses that the freedom of movement of workers is an important part of integration in the Baltic Sea Region. Consistent implementation of peoples' freedom of movement is important;

59. endorses the position of the Baltic Sea Trade Union Network (BASTUN) that the social dimension should be incorporated in the Baltic Sea Strategy. The Strategy should be used to ensure fair and well-functioning labour markets in the region. Decent working conditions should be seen as an important aspect of the competitiveness of the region. They are an increasingly important advantage in the competition for well qualified workforce;

60. emphasises that knowledge and with it the so-called 'fifth freedom', i.e. free movement of knowledge, will play a central role in future competitiveness and economic development. An important aspect of this is the mobility of students in the Baltic Sea Region. However, this form of mobility has largely bypassed the region. The number of young people wishing to study in the Baltic Sea Region is small. However, this is important for deeper economic integration. Studying in the Baltic Sea Region is obviously not seen as a factor in a successful career. An important task for

the Baltic Sea Strategy is to analyse why this is the case and what can be done in order to make studying in another Baltic Sea country seem like a more attractive alternative. It is a question of the quality of the courses provided and presumably language skills as well;

61. views mobility of researchers and research findings as an important factor in the successful development of the Baltic Sea Region. Promoting mobility of researchers depends to a large extent on availability of interesting projects and funding. Cooperation between the various stakeholders must be developed, partly between universities and colleges, but also between academia, business and the public sector within the framework of a triple helix model.

An accessible and attractive region

62. is of the view that efforts to make the Baltic Sea Region accessible and attractive must be based on the assumption that it is a question of both physical infrastructure, e.g. transport systems, as well as knowledge-based infrastructure for transmitting knowledge, information, and providing services, among other things. In particular, it is also a question of linking up national structures and systems to form a regional network. The current trend is to stop infrastructure planning at borders. The goal here must be to create an integrated Baltic Sea Region, which involves the east-west perspective being taken just as seriously as the north-south one. The east-west transport corridors also create an opening to the markets east and south-east of the Baltic Sea region;

63. points out that structurally the Baltic Sea Region is hallmarked by major imbalances between the very thinly populated areas in the north and the more heavily populated areas in the south. The distances between population centres in the north are considerable and the transport network is loose-knit; the connectivity of the Baltic countries and the most northern regions to the core areas of BSA should be enhanced and taken into TEN-T. The need to make better railway capacity is immediate;

64. recommends far greater joint planning of cross-border traffic flows in order to push ahead with integration. For example, a better transport flow can be achieved if rail transport is considered from a more comprehensive viewpoint and EU directives on railway traffic are interpreted using a more coordinated approach;

65. points out that a characteristic of a regional transport system in the Baltic Sea Region is that all modes of transport will have equal importance. Transport will take place on land and at sea, e.g. freight transport on rail and short sea routes, but also by air. Therefore transport corridors should be designed in such a way as to enable a smooth transition between modes of transport, i.e. inter-modality. This presents major logistical challenges, and the sustainability aspect is no less important;

66. stresses that an important task is to make better use of available systems. Capacity bottlenecks must be identified and removed. Transnational, national, regional and local transport systems must be interconnected;

67. is of the view that the cross-border sections of the TEN-T must be expanded swiftly; improving modality as well as cooperation within competitive logistical networks must be borne in mind here;

68. stresses that even if land and sea transport form the backbone of freight transport and, to a large extent, passenger transport too, the significance of air travel for the mobility of people in the region should not be overlooked. It is vital that infrastructure for air transport also be developed, not least at regional airports;

69. recalls the importance which the bridge over the Sound has acquired as an infrastructure investment for the region's economic life and for removing a capacity bottleneck. A bridge over the Fehmarn belt would also be of crucial importance and this idea should be taken up immediately;

70. points out that alongside investment in physical infrastructure, there should be further efforts to expand a functioning and integrated knowledge-based infrastructure, i.e. ICT must take priority. This type of investment will be especially important for future competitiveness and development and requires investment both in software and hardware. This last category includes the further expansion of broadband connections in the region, which could become a flagship project. Regional oversight should be established in order to ensure transparency and coordination. Provider neutrality is important so that the expansion of broadband is not linked to the provider and does not lead to local and regional monopolies. 'Soft infrastructure' consists for example of common standards, e.g. for electronic identification throughout the Baltic Sea Region. This is a prerequisite for trade with IT-based services.

A secure region

71. points out that the Baltic Sea is and will continue to be one of the world's busiest seas. It is currently used by more than 2 000 ships every day. Even if the economic downturn leaves its mark here, there will continue to be an upward trend in shipping. Furthermore, the Baltic Sea, independent of Russia's territorial waters, has been designated by the United Nations International Maritime Organisation (IMO) as a Particularly Sensitive Sea Area (PSSA), which opens up the possibility of taking protection measures as regards transport in the Baltic Sea;

72. draws attention to the fact that the larger amount of traffic will increase demands for joint preparedness and capacity for action. In stark terms, the question is not whether but when a

more serious accident will occur on the Baltic Sea. The effects of such an event would be felt across borders and thus the call for cross-border preparedness and capacity for action;

73. supports coordinated preparation measures and a coordinated structure for effective action. The local and regional perspective must be integrated from the very beginning. The CoR recommends implementing the Baltic Master Project Action Plan through preventive preparation planning, developing and improving coastal area planning throughout the Baltic Sea Region as well as improving supervision of shipping movements in the Baltic Sea; draws attention in this context to the Regulation on single hull oil tankers ⁽¹⁾ and welcomes the adoption by the European Parliament on 11 March 2009 of the third legislative package on maritime safety — the so-called Erika III package. The package, which will enter into force by 2012, covers not only compensation to passengers, but also inspections, equipping fishing ships with automatic identification and tracking systems (AIS), port state control, ship insurance, accident investigations and the designation of the authority to decide on the place of refuge for ships in distress; However, the Committee emphasises the need to extend the capacity to monitor transport that exists in the Gulf of Finland should be extended, to cover the whole Baltic Sea. Furthermore, it is recommended that a joint mechanism for monitoring compliance is established;

74. stresses that an important area that requires consideration within the framework of the Baltic Sea Strategy is public health. Problems can occur as a result of young people migrating from the land to cities as part of the process of rapid economic transformation. The major discrepancies between population groups, in which there is scope for even greater poverty, e.g. among children, are and will remain a major social problem. Marginalisation, which leads to alcohol and drug abuse, and lifestyle-related health problems are further social problems which must be tackled at regional level using a coordinated approach;

75. believes that it is especially important for health matters to be handled jointly with countries in the Baltic Sea Region that border the EU. In Russia, Belarus and Ukraine there are widespread public health problems. An important starting point in this case must be the Northern Dimension and its relevant platform — the Northern Dimension Partnership in Public Health and Social Well-Being (NDPHS). This partnership should be an important starting point and must be given greater consideration;

76. points out that the NDPHS's top priority must be to get the spread of infectious diseases under control. These include HIV/AIDS, tuberculosis and the problem of antibiotic-resistant micro-organisms. A further priority should be to improve social well-being;

⁽¹⁾ Regulation (EC) No 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers.

77. points out that organised crime poses a serious threat to security in the Baltic Sea Region. Criminal organisations are adopting more and more sophisticated means and increasingly are operating across borders. States bordering the Baltic Sea must therefore continue to adopt a unified approach in the fight against organised crime, drugs smuggling and human trafficking in the region. This should be emphasised in the Baltic Sea Strategy. There is already regional police cooperation within the framework of the Task Force on Organised Crime in the Baltic Sea Region (BSTF). Norway, Iceland and Russia participate in this cooperation, as do Europol and Interpol. This cooperation should be

strengthened within the framework of the Baltic Sea Strategy to complement the cooperation which also takes place within the EU set-up;

78. stresses the need to protect critical infrastructure, i.e. facilities or systems which are necessary in order to guarantee key societal functions, health care, security and economic or social welfare. Disruptions in the operation or destruction of these facilities can have serious consequences. Transport, energy provision and the exchange of information are examples of key activities which require a functioning infrastructure.

Brussels, 22 April 2009

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

Opinion of the Committee of the Regions on the role of local and regional authorities within the Eastern Partnership

(2009/C 200/07)

THE COMMITTEE OF THE REGIONS

- emphasises the role of local and regional authorities in the framework of the ENP with regard to the EaP. It will focus in particular on their contribution to territorial development, improvement of economic relations, development of respects for human rights and fundamental freedoms, facilitation of mobility and their support for establishing mutual contacts;
- intends to develop forms of closer cooperation with countries involved in the Eastern Partnership. The creation of an *Eastern Europe and South Caucasus Local and Regional Assembly* (EaP LRA) as the institutional platform for a regular dialogue and cooperation could be a short-term objective for a formal cooperation after having succeeded to develop concrete and tangible forms of cooperation;
- strongly urges that local and regional authorities, alongside central governments, take part if possible from an early stage in preparing association agreements, strategic documents and action plans that are conceived on a bilateral basis between the European Union and the EaP partner countries, and in particular within the framework of the European Neighbourhood Policy, regarding the preparation, implementation and evaluation of the NIPs;
- encourages the promotion of closer relations between the EU regional and local authorities and their counterparts in the EaP countries through the existing European institutional platforms for regular political dialogue and through concrete shared projects with the aim of setting up a common pathway to the future possible establishment of an Eastern Europe and south Caucasus Local and regional Assembly (EaP LRA).

Rapporteur-general: Mr István Sértő-Radics (HU/ALDE) Mayor of Úszka

Reference documents

Referral from the Czech Presidency of the Council of the European Union on 'The role of local and regional authorities within the Eastern Partnership' and the Communication from the Commission to the European Parliament and the Council on the *Eastern Partnership*,

COM(2008) 823 final

I. GENERAL OBSERVATIONS

THE COMMITTEE OF THE REGIONS,

1. underlines the importance of the new development of the Eastern Partnership (EaP) under the European Neighbourhood Policy (ENP). The differences between the ENP countries and their latest political developments, the expectation gap and the debate on the Enlargement process, the EU strategic relationship with Russia and the request to establish an Eastern Dimension alongside the Barcelona Process: Union for the Mediterranean, led to the EaP after a Swedish-Polish proposal. The ENP countries to be considered in the development of the Eastern Partnership are Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Except for Belarus, these countries are members of the Council of Europe. The European Commission (EC) has drafted its proposal, which will be decided upon at the Eastern Partnership Summit in spring 2009. It will be central for the EaP to enhance cross-border or interregional cooperation and institution building, where local and regional authorities can play their part in building relations and promoting European integration, in order to address the deficiencies of the current ENP;

2. emphasises the role of local and regional authorities in the framework of the ENP with regard to the EaP. It will focus in particular on their contribution to territorial development, improvement of economic relations, development of respects for human rights and fundamental freedoms, facilitation of mobility and their support for establishing mutual contacts;

3. welcomes the success of certain measures and initiatives and the fact that the ENP builds on existing Partnership and Cooperation Agreements (PCAs), which remain the legal basis for relations. Thus guided, bilateral ENP Action Plans between the EU and the partner country are adopted, setting the agenda for political and economic reforms. Incentives offered for progress in reforms are: greater integration into European programmes and networks, further assistance and enhanced market access. While differentiation, ownership and regional integration are key principles of the ENP, it covers a wide range of countries with various problems and there is a need for a more targeted approach;

4. agrees with the proposal's call for a deepening of the existing bilateral cooperation through visa freedom, a free trade area, enhanced support for sector reforms, intensified people-to-people contacts, new Action Plans with clear benchmarks and linkage to the alignment to European standards, and stronger successor agreements to the PCAs. The European Commission proposal furthermore called for a strengthening of multilateral cooperation, complementary to the Northern Dimension and the Black Sea Synergy and for it to be project oriented. As priority areas for cooperation the proposal identified the political and security, border and trans-border movement, economic and financial, environmental and social domains;

5. also agrees with the European Commission's proposal, which foresees a deepening of economic integration through deep and comprehensive free trade areas, depending on the WTO membership of the partner countries, increased mobility through visa facilitation and border management; energy security through recognition of energy interdependence; support for economic and social development through regional and trans-national programmes. To promote multilateral cooperation, the Eastern Partnership will provide a forum to share information, create joint activities and accompany the modernisation process. Multilateral cooperation is planned at head of government and ministerial level as well as through thematic platforms to set objectives and review progress. Platforms are planned for democracy, governance and stability; economic integration; energy security; contacts between people;

6. without prejudice to the rule defined when the financial perspective was adopted whereby two thirds of the ENP budget should be earmarked for the south and one third for the east, supports the European Commission proposal to increase the allocations from €450 million in 2008 to €785 million in 2013. This would mean an additional envelope of €350 million and a redeployment of €250 million from the allocations to ENP regional programmes 2007-13. The Eastern Partnership Initiative is planned to be launched in spring 2009 at a special Eastern Partnership Summit. Until then the old ENP and its Instrument are in force;

7. notes that the European Neighbourhood Policy Instrument (ENPI), which also covers Russia, is designed to be more flexible and policy-driven and to target sustainable development and approximation to EU policies and standards. For the budgetary period of 2007-13 approximately €12 billion have been allocated. This represents an increase in funding of 32 %, however 62 % of this funding is earmarked for the neighbours to the South and only 38 % for the neighbours in the East. The difference is less pronounced in per capita terms, but it does not represent the efforts to strengthen the Eastern Dimension;

8. also notes that the national programmes under the ENPI are developed in Country Strategy Papers (CSPs) and funds are allocated according to the National Indicative Programmes (NIPs). Country Strategy Papers list three to four priorities for each partner country; however, all include reference to the strengthening of administrative capacities and good governance. For all partner countries local and regional government should be listed as a sub-category to the rule of law priority in the National Indicative Programmes. Another aspect minimising the effects of the ENP on local and regional authorities is that the CSPs and NIPs list people-to-people contacts but are almost exclusively on the education and research level. Local and regional government can play a role in this field as demonstrated under the Cross-Border Cooperation (CBC) programmes and should be recognised for that;

9. similarly notes that in the ENPI Cross-Border Cooperation Strategy Paper 2007-2013, the EC identifies four fields for cooperation: economic and social development; common challenges in the areas of the environment, public health and the fight against organised crime; border management; and people-to-people contacts. A strong involvement of local and regional authorities should be required, which also calls for more small-scale cooperation, improved support for capacity building measures for local and regional authorities and for a priority on actions to improve the living standards in border areas;

10. points out that several challenges faced by the countries of the region, such as developing trans-national corridors, the management of cross-border environmental issues, border and migration management, the fight against terrorism and trans-national organised crime and people-to-people activities have an inherent cross-border character and can sometimes only be efficiently tackled through a sub-national cooperation effort. Therefore, regarding the EC ENPI Eastern Regional Strategy Paper 2007-13, the cooperation between partner countries as well as between the EC and the partner countries should provide assistance towards the common ENP space objectives where there is a clear advantage in sub-national level assistance.

11. is convinced that initiatives from either side of the EU and EaP partners that focus exclusively on a diplomatic approach will not achieve sustainable solution for as long as local democracy is

not put at the heart of the debate, in terms of both strengthening it and of direct cooperation between regions and towns on both sides of the EU and EaP countries;

12. in this spirit, welcomes the fact that the role of the inter-regional programme is to support the effective implementation of the ENP and aims to gradually strengthen dialogue and cooperation between the EU and its neighbours as well as between the neighbours themselves according to the ENPI Interregional Programme Strategy Paper 2007-2013. Promoting cooperation between local actors will include an exchange of experience on ENP programmes and aims at strengthening democratic governance and sustainable regional and local development. Emphasis is given to a bottom-up approach in identifying and developing partnerships, to multi-stakeholder projects and to the dissemination of results to other local government authorities in the partner countries;

13. emphasises that the EaP should enable what was a purely intergovernmental cooperation system to become a project for dialogue between the citizens and in particular for cooperation between the EU and EaP countries, bringing together their local and regional authorities in a framework of practical and agreed projects as part of an overall strategy based on citizens' needs and on solidarity;

14. considers that one of the conditions for successful cooperation between EU and EaP countries and for a stronger partnership through the ENP is that new catalysing issues be identified in order to make the practical benefits comprehensible to citizens by turning declarations of principle into tangible measures, which entails the strong involvement of local and regional elected leaders and clear, active communication;

15. notes that stronger action on the part of local and regional authorities and civil society in public policy is often limited by the weakness of local democracy and the lack of any real process of decentralisation in EaP countries;

16. similarly, notes that decentralisation and participatory local governance do not always go hand-in-hand. In some states, both within the EU and beyond its borders, local and regional authorities share the challenge of increasing participation in elections and of promoting public participation, and involving the associative sector in drawing up strategies and in developing major urban or regional projects;

17. expresses the willingness and commitment of local and regional authorities to enrich the EaP. It should not be managed solely by national governments and the EC. Broader civil society and various actors should become stakeholders of EaP. Local and regional authorities, businesses, and NGOs (both from the EU and partner countries) must become an integral component of the whole EaP process;

18. in keeping with earlier opinions on this subject, stresses the importance of involving local and regional authorities in terms of being an integral part of the process of planning, implementation and monitoring/evaluation of the Eastern Partnership and the ENP. This applies in particular to fields where local and regional authorities have broad and direct powers;

19. consequently repeats its call for local and regional authorities to be recognised as key partners in the ENP, with regard to the EaP;

20. recognises the role and experience of the various networks and associations of local, regional, national, European and international authorities engaged in decentralised cooperation in EaP, as well as their know-how and on-the-spot knowledge. For this reason, efforts must be more shared and the objectives of decentralised cooperation projects must be brought closer into line with those of the EaP in order to maximise the results;

21. considers that the aim of the ENP to support the transformation process in neighbouring countries to be in line with EU standards. The main ambition of the ENP has been to go beyond the horizon of the Common Foreign and Security Policy (CFSP) and beyond merely the external relations of the EU with third countries. The ENP partner countries were given the prospect of participation in the EU's integrated area of four freedoms if they implement the respective EU *acquis*, albeit without a perspective of becoming members of the EU;

22. supports the political, economic and sectoral modernisation of the EaP countries by the new institutions such as the *New Partnership Instrument* and *sectoral tools*;

23. welcomes the fact that the European Commission has invited the CoR to participate in the EaP, particularly in the work under thematic platforms on *Democracy, good governance and stability* and on *Contacts between people*;

24. intends to develop forms of closer cooperation with countries involved in the Eastern Partnership. The creation of an *Eastern Europe and South Caucasus Local and Regional Assembly* (EaP LRA) as the institutional platform for a regular dialogue and cooperation could be a short-term objective for a formal cooperation after having succeeded to develop concrete and tangible forms of cooperation;

II. POLICY RECOMMENDATIONS

25. calls upon the European Commission to revise the process of preparation of the NIP, which should be negotiated between the EU and an EaP country based on the country's needs and capacities, as well as its and the EU's interests. The planning on the national level has to be done jointly by the government of a partner country and the European Commission, and the EC should work together with the partner countries on preparing their national NIP implementation programmes;

26. therefore calls upon the partners to ensure progressive implementation of the priorities and goals of the NIP, and the mechanism of communication between the EU and a partner country needs to be revised. Thus, if the EaP aims to be a more efficient policy, regular reporting and feedback meetings should be mandatory and a control body should be entrusted to oversee this process;

27. welcomes the EaP's focus on mobility but considers that the Commission proposal is not sufficiently explicit on the content of the envisaged 'Mobility and Security' pacts (point 3.3 of the Communication); therefore encourages the EC to better explain its proposal so that the EaP partners know and understand clearly what needs to be done and what they can expect in return from the EU;

28. welcomes the intention of the European Parliament to accept the invitation from the European Commission to make the *EuroNest* Assembly an integral part of the EaP;

29. supports a supervisory role for the CoR and the *EaP Local and Regional Assembly*, especially when it comes to monitoring the work of the EU-EaP country joint subcommittees dealing with issues related to the thematic platforms on *Democracy, good governance and stability*, and *Contacts between people*, including issues of social and economic development, regional development, cross-border cooperation, administrative reforms and decentralisation in EaP countries;

30. urges the governance bodies of the EaP not only to grant political recognition to local and regional authorities, but to incorporate them formally and effectively into the cooperation process and into the EaP;

31. strongly urges that local and regional authorities, alongside central governments, take part if possible from an early stage in preparing association agreements, strategic documents and action plans that are conceived on a bilateral basis between the European Union and the EaP partner countries, and in particular within the framework of the European Neighbourhood Policy, regarding the preparation, implementation and evaluation of the NIPs;

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

33. considers that the existing sectoral ENP tools (thematic dialogue, participation in the Community Programmes and Agencies, and sectoral agreements) should be harmonised with the Eastern Partnership offer, which could be summarised as follows: 'contractual sectoral relationship based on two fundamental principles — obligatory approximation to the respective EU sectoral *acquis* and access to the EU sectoral programmes and institutions'. Observer status for sectoral agreement should be a fundamental idea of the Eastern Partnership that absolutely corresponds with the declared need to enhance the EU commitment vis-à-vis its Eastern neighbours and vice versa;

34. especially suggests that both the *New Partnership Instrument* and *sectoral tools* should be an integral part of an EaP package which the EU would negotiate individually with each partner country. This EaP tools package would provide the basis for harmonisation as well as transparent evaluation of various EaP tools. The EaP countries should be given transparent and clear benchmarks so that they know where they are moving in relation to the EU within the EaP;

35. aims at expanding and upgrading cooperation between local and regional authorities from the EU and EaP countries and making it an integral part of EU relations with the East European partners. The role of local and regional authorities is irreplaceable in various policy areas that are covered by EaP such as good governance, administrative reform and decentralisation, social and economic development, regional development and cohesion policy, cross-border cooperation, protection of environment, public order issues, prevention of and response to natural and man-made disasters, cultural cooperation, education, tourism, and pupil and student exchanges;

36. initiates a dialogue with the EC in order to find ways of engaging local and regional authorities from EaP countries into a *Comprehensive Institution-Building Programme* (CIB). It is aimed at improving the administrative capacity of the Eastern partners, and thus should cover all relevant sectors of cooperation including those sectors, in which the role of local and regional authorities is irreplaceable. In addition, the CoR should prepare its own plan on how to contribute to the implementation of the CIB programme in cooperation with its partners from the EaP countries;

37. resolves to significantly contribute to the implementation of the EaP in the area of the economic and social development of the EaP countries. The CoR should support the proposal of the Commission on signing *Memoranda of Understanding on regional policy* with the Eastern partners aimed at building their administrative capacity at national and local level. This could be combined with

the CIB instrument and the CoR's programme of actions and/or cooperation with partners from local and regional authorities in the EaP countries. The cooperation should aim at sharing best practises and experience from the EU regional development and cohesion policy;

38. in addition, resolves to assist and/or to consult — in cooperation with local and regional authorities from the EaP countries — the European Commission and national governments in the process of identifying pilot regional development programmes addressing the needs of regional and local development in the EaP countries modelled on EU cohesion policy. Furthermore, the CoR should initiate discussions with its partners from the EaP countries in order to support their direct cooperation with the regions of the EU and to encourage their participation in existing transnational programmes in South-Eastern, Central and Northern Europe. The CoR should also encourage local and regional authorities in the EaP countries to take use of a new opportunity offered by the EaP when it comes to the ENPI-funded projects for cross-border cooperation on the borders of the EaP countries;

39. initiates a discussion with the European Commission in order to specify its own participation in the thematic platforms on *Democracy, good governance and stability* and on *Contacts between people*. The CoR should initiate the creation of some *specific panels* (fourth operational level of the EaP) dealing with issues close to the core agenda of local and regional authorities with a view to supporting the work of the EaP *thematic platforms* (third operational level). The EC could vice versa invite representatives of local and regional authorities to participate in the work of thematic platforms and/or specific panels where appropriate and/or needed. In order to specify the role of the CoR in the aforementioned two thematic platforms as well as to achieve better coordination with the Commission, further discussion is needed;

40. resolves to assist the European Commission in drawing up the *programme for training and networking of local authorities* with a view to strengthening administrative capacities and promoting local governance reform under the thematic platform on *Democracy, good governance and stability*. The CoR will elaborate and come up with its proposals on a specific *EaP Cultural Programme* that is going to be launched under the thematic platform on *Contacts between people*. The CoR will initiate a discussion with the Commission on its possible participation in work under the thematic platforms on *Economic cooperation and convergence* with EU policies and on *Energy security* since there are partial agendas in these policy areas in which the local and regional authorities might make an important contribution;

41. especially considers its contribution to a flagship initiative on *Prevention of, preparedness for, and response to natural and man-made disasters* to strengthen disaster management capacities at local, regional and national level. The CoR will initiate a discussion with its partners from the EaP on a potential contribution of local and regional authorities to the implementation of this flagship initiative;

42. encourages the promotion of closer relations between the EU regional and local authorities and their counterparts in the EaP countries through the existing European institutional platforms for regular political dialogue and through concrete shared projects with the aim of setting up a common pathway to the future possible establishment of an Eastern Europe and south Caucasus Local and regional Assembly (EaP LRA);

43. urges the European Commission to harmonise, coordinate and closely link the new approach with the various existing Community programmes, projects and instruments in order to harness the relevant experiences, avoid duplication of activities and accumulate progress;

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

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

46. recognises an open initiative for the participation of third countries — particularly Russian Federation and Turkey — that could be involved in the work of a thematic platform, panel or an initiative, on a case-by-case basis and provided that there is agreement that common interest in a topic, geographical proximity or existing economic links would make this beneficial.

47. requests its President to submit this opinion to the Presidency of the EU, the European Commission, the European Parliament and the European Economic and Social Committee, and to the Heads of State of the EaP countries.

Brussels, 22 April 2009.

*The President
of the Committee of the Regions*
LUC VAN DEN BRANDE

Opinion of the Committee of the Regions on renewed social agenda: opportunities, access and solidarity in 21st century europe

(2009/C 200/08)

THE COMMITTEE OF THE REGIONS ISSUES THE FOLLOWING RECOMMENDATIONS:

- welcomes the way in which the agenda consolidates the Commission's work on social policy. The renewed agenda and the measures it proposes consist essentially of practical preparatory work which the Commission has already started. So the agenda contains relatively few new initiatives for enhancing the visibility or the substantial content of the EU's social policy;
- stresses the importance of social and regional cohesion for attaining the goals of the revised Lisbon Strategy and points to the role of the local and regional level in taking this forward;
- points out that economic and social activities do not automatically underpin and complement each other, but that an effective, reciprocal balance must be continually ensured between their objectives and means. This is particularly important now, when rapid changes in the global economy are increasing feelings of uncertainty among the general public;
- stresses that systematic attention must be paid to the social effects of EU policies. For instance, the social effects of the EU internal market have sometimes been unpredictable, and it has not always been possible to prepare sufficiently for them;
- urges the Commission to gather comparable and multidimensional research findings on enhancing the effectiveness of welfare systems, and draws attention in particular to the general conditions at local and regional level as a key provider of social and health services.

Rapporteur: Veikko Kumpumäki (FI/PES), Member of Lapland Regional Council

Reference document

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Renewed social agenda: Opportunities, access and solidarity in 21st century Europe

COM(2008) 412 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. welcomes the way in which the agenda consolidates the Commission's work on social policy. The renewed agenda and the measures it proposes consist essentially of practical preparatory work which the Commission has already started. So the agenda contains relatively few new initiatives for enhancing the visibility or the substantial content of the EU's social policy;

2. points out that the public consultation conducted for the social reality stocktaking of the EU helped to underline that public confidence in the EU is, in one way or another, dependent on there being a credible European social policy which is an essential element of the European social model. Building this confidence is essential for progress, renewal and openness to change;

3. stresses the importance of social and regional cohesion for attaining the goals of the revised Lisbon Strategy and points to the role of the local and regional level in taking this forward;

Europe's social dimension

4. points out that economic and social activities do not automatically underpin and complement each other, but that an effective, reciprocal balance must be continually ensured between their objectives and means. This is particularly important now, when rapid changes in the global economy are increasing feelings of uncertainty among the general public;

5. stresses that systematic attention must be paid to the social effects of EU policies. For instance, the social effects of the EU internal market have sometimes been unpredictable, and it has not always been possible to prepare sufficiently for them;

6. sees as important the statement in the social agenda about the permanence of the fundamental social objectives and the EU's commitment to harmonious, cohesive and inclusive societies;

7. points out that social policy should also be seen as a factor safeguarding and underpinning the harmonious development of society, not merely as an agent of flexibility and change;

8. concedes the need for a broader social agenda and recognises the importance of lifelong learning as a key element in this. However, learning should not just be regarded as a competitive factor, but its substantial social role must also be recognised. As well as providing opportunities for individuals to succeed, it is necessary to ensure social protection and inclusion of people who have been less successful;

9. underlines the importance of solidarity between different population groups and generations and regions. Debate about the changes in the age structure of the population and the adequacy and durability of welfare systems should be broadened to include all age and population groups, and attention should be paid here in particular to active participation also of disabled and partially disabled people;

10. urges the Commission to gather comparable and multidimensional research findings on enhancing the effectiveness of welfare systems, and draws attention in particular to the general conditions at local and regional level as a key provider of social and health services;

11. favours enhancing cooperation in Europe to facilitate the integration of immigrants and stresses that the expertise of local and regional authorities can be drawn on in these efforts;

Goals of the renewed social agenda

12. notes in connection with the three general, interrelated goals that:

— focusing on the creation of equal *opportunities* should not overshadow the importance of equality in the outcome of policies;

— providing *access* should not mean placing too much emphasis on means-testing for services and benefits; rather universal access opportunities should also be visible and safeguarded;

— demonstrating *solidarity* also means taking account of the varying needs of different regions in a flexible way when targeting European policies and funding;

13. notes that the local and regional level can make a substantial contribution in terms of innovation and development to meet the EU's needs. It should be possible to draw on their expertise effectively under the renewed social agenda;

Main goals

14. considers continuing a range of activities focused on children and youth to be a good thing, and draws particular attention to the importance of preventive measures here;

15. notes that when improving and assessing the quality of education systems, children's welfare, safety and happiness should be emphasised in addition to their educational achievement. Particular attention should be paid also to teachers' pedagogical skills and the objective of equality at all educational levels;

16. urges that the open coordination method be focused here on taking stock of and developing good local and regional solutions and practice as well as disseminating information so as to allow these to be applied more widely; in this context the CoR recalls that the open method of coordination is a voluntary cooperation between Member States;

17. notes that growth and employment alone are not enough to guarantee a socially just society, but that effective and responsible social policy is also required at all levels;

18. emphasises the need to gather and circulate broad and diverse information to permit effective flexicurity models;

19. stresses that lifelong learning should be in the interest of all age and population groups, and accessible to all, although this still requires the general public to be fully informed, and that developing high-quality adult education requires broad cooperation at all levels of government and between the various stakeholders. With respect to vocational training, it is particularly important to ensure that education provides the skills needed for employment and that where necessary the education system can respond very promptly to education needs that arise. Wherever possible, forecasting of education needs should also be developed through collaboration with local and regional authorities;

20. points out that society also needs people with appropriate health care qualifications, which is why these should also be listed in the 'modern skills set' mentioned in the social agenda;

21. emphasises the need for new forms of education that combine work and learning, and encourages public authorities, employers and individuals to have an open discussion about their responsibility with regard to these arrangements combining work and learning;

22. draws particular attention to the objective of improving both job quality and performance, and believes it is important to disseminate relevant research data and best practice;

23. welcomes the Commission's commitment to ensure that there is no contradiction between the fundamental rights and freedoms of the Treaty, and urges the Commission to take note of experiences on this issue, also at local and regional level;

24. notes that when analysing and developing European health-care systems, their broader aspects should be taken into account, including the planning, quality and accessibility of services and manpower. As the main organisers of public social and health services, local and regional authorities are key partners in this effort;

25. particularly welcomes the Commission's undertaking to ensure that single market and competition rules facilitate the development of good quality and universally accessible social services. This means ensuring a firm legal basis for services of general interest, as well as creating the necessary channels for open discussion and decision-making with respect to problems relating to coordinating social services with single market rules. Experience at local and regional level should be systematically collated in order to ensure that sufficient information is available and that more extensive use of best practices is made. However, this obligation does not include comprehensive reporting by the Member States and it should not impose an unreasonable administrative burden on local and regional authorities;

26. recommends that priority be given to social rights and solidarity in the EU's efforts to combat poverty and social exclusion, and that serious consideration be given to whether food programmes and food banks should be part of the European welfare state in the 21st century;

27. considers it essential to promote gender equality, eliminate the 'gender pay gap' and achieve effective reconciliation between work and family life;

28. endorses the emphasis on the new policy priority relating to non-discrimination, pointing to the European Union's significant potential to lead the way in this area;

Committee of the Regions' main views

29. endorses the comprehensive scope of the agenda, which brings together the activities of various sectors; urges the Commission, however, to ensure that this approach does not overshadow key challenges for traditional social policy, such as widening income differentials and growing inequality and the necessary steps to meet them;

30. notes that the actions presented in the agenda often have many different — and sometimes conflicting — dimensions, which require detailed consideration. For instance, in connection with promoting mobility, attention should also be paid to the problems caused by young people moving away and the consequent distortion of the age structure in certain areas. The Committee stresses the need to protect the ‘non-mobile’ section of the population and ensure equal opportunities in less attractive areas. Factors such as the environmental impact of increased mobility should also be considered;

31. emphasises that the open method of coordination — like any other European social policy method — should be developed on the basis of Member States’ own social policy needs, which are best understood in practice at local and regional level. Since the Member States and the circumstances of their regions vary widely,

introducing quantitative social policy objectives may be problematic. Open coordination at European level should be improved primarily by applying it to certain key questions, improving the effectiveness of reporting and research work, and increasing the role played by the specific knowledge of the local and regional level in implementing and developing coordinating processes. This could significantly enhance the impact and visibility of the method and thus the quality of European social policy — which is an important element of the European integration project. Links between the open coordination method and local and regional government are still too weak at the moment;

32. points to the role and potential of social dialogue at European level in preparing initiatives and their implementation under the agenda at the level of local and regional government, and believes that it is important to enhance this dialogue.

Brussels, 22 April 2009

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

III

(Preparatory acts)

COMMITTEE OF THE REGIONS

79TH PLENARY SESSION HELD ON 21 AND 22 APRIL 2009

Opinion of the Committee of the Regions on the energy performance of buildings and the second strategic energy review

(2009/C 200/09)

THE COMMITTEE OF THE REGIONS

- regrets that no proposal has been tabled to introduce a binding legislative instrument specifically designed to help attain the 20 % energy efficiency improvement objective;
- stresses the potential of those methods which combine industrial activity with energy production (waste heat recovery, cooling, energy generation, co- and polygeneration, etc.);
- highlights the importance of the work undertaken by the local and regional energy agencies across the EU. These institutions are strategic partners for Europe's energy policy and the EU should give greater support to and take greater account of their action;
- stresses the importance of providing swifter access to the Structural Funds for energy efficiency investment in buildings;
- supports the European Commission's initiative which would allow the permanent application of reduced VAT rates in the housing sector, including in the case of renovation work;
- supports the European Commission's efforts, in partnership with the EIB and EBRD, to develop financial instruments geared towards improving energy efficiency. It notes that one of the most important issues when creating such financial instruments is to make them accessible to local and regional authorities with a view to supporting them in their role as key actors in the implementation of the Directive on the Energy Performance of Buildings.

Rapporteur: Mr Jean-Louis Joseph (FR/PES), Mayor of Bastidonne

Reference document

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Second Strategic Energy Review. An EU Energy Security and Solidarity Action Plan — COM(2008) 781 final

Recasting of Directive 2002/91/EC of 16 December 2002 on the Energy Performance of Buildings

COM(2008) 780 final — 2008/0223 (COD)

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

A. Second Strategic Energy Review of the European Union

1. believes that the challenges addressed by the European Union's energy policy are of fundamental importance both for the present and the future of the EU and its citizens, and for climate issues at global level. It draws attention to the key role played by local and regional stakeholders as partners in the successful definition, formulation and implementation of European energy policy. Accordingly, it regrets that the role of local and regional stakeholders has been given only cursory consideration by the second strategic review;

2. recognises the importance of the security of supply, a key focus of the Second Strategic Review and of extreme political sensitivity. It further recognises that the situation of each Member State is different in this respect. These differences, due in part to historical reasons, call for coordinated action at European level to redress imbalances, forge closer links between partners and to limit the risks for the European Union as a whole;

3. acknowledges the important progress made after the first strategic review, particularly the formulation of the 20-20-20 objectives and the initial legislative developments, culminating in the recent agreement between the Parliament and the Council on the 'Energy and Climate Package';

4. considers that these developments, while highly important, represent only a first step. It is therefore vital that the 20-20-20 objectives continue to be the main priority of the EU's energy policy, thereby ensuring the coherence and continuity required for its successful implementation;

5. emphasises the need to identify energy efficiency as one of the principal focal points of the EU's energy policy. It draws attention to the *trias energetica* (energy triad) model, which sets out, in ascending order of importance, the three policies capable of limiting the impact of energy use on climate change: energy

efficiency, the promotion of renewable energy and optimising fossil fuel use. Energy efficiency is not only the cornerstone of the 20-20-20 objectives but also plays a vital role in terms of security of supply. However, it is regrettable that energy efficiency remains the only 20-20-20 objective which has yet to be translated into a binding legislative instrument;

6. Against this background, it warmly welcomes the energy efficiency measures put forward by the European Commission in the second strategic energy review (particularly the revision of the Directive on the Energy Performance of Buildings — see below), but regrets that:

6.1. out of the five priorities set out in the EU Energy Security and Solidarity Action Plan, energy efficiency is only fourth in order of importance;

6.2. no proposal has been tabled to introduce a binding legislative instrument specifically designed to help attain the 20 % energy efficiency improvement objective. However, a clearer link should be established with the objectives and instruments stemming from the Directive on energy end-use efficiency and energy services (2006/32/EC). This is a practical tool for taking a first step towards the 20 % objective;

6.3. based on the forecasts outlined in the appendix to the second strategic review, it would appear that the European Commission is counting in part on events that are beyond its control (a rise in the oil price) to achieve its 20 % energy efficiency target. This demonstrates both a lack of political will and an under-investment in energy efficiency. Such an attitude is all the more regrettable given that the expected benefits of investment in energy efficiency could make it a powerful instrument for both economic recovery and the creation of jobs, both of which are crucial in the context of the current crisis;

6.4. the energy efficiency proposals outlined in the second strategic review do not include any specific measures for industry despite the sector's high levels of energy consumption. With respect to the security of supply, it is important to stress the potential of those methods which combine industrial activity with energy production (waste heat recovery, cooling, energy generation, co- and polygeneration, etc);

6.5. welcomes the recognition that transport has to play a critical role in achieving energy objectives. However, considering the European transport sector's high dependency on oil, it regrets that the second strategic energy review does not put forward any strategy for this sector. Yet this sector alone is responsible for more than 30 % of the EU's total final energy consumption. Moreover, it is a sector which is directly affected by the problem of the security of supply, since it is almost exclusively dependent on oil, over 80 % of which is imported into the European Union. The Committee therefore urges the European Commission to bring forward transport efficiency proposals in parallel with the Energy Efficiency Package. There is a vast untapped potential here as regards reducing greenhouse gas emissions and measures in the area of rail-borne transport and other modes of public transport, energy-efficient vehicles, car sharing, eco-driving, getting more people to cycle etc.;

7. stresses the crucial role played by local and regional authorities in the field of energy efficiency. In this context:

- (a) reaffirms its support for the *Covenant of Mayors* and recalls its outlook opinion on the energy question which emphasised, among other things, that '*local action is key to meeting the 20 % energy efficiency targets. The crucial role of regions and cities in delivering these objectives is already clearly recognised by the European Commission and the European Parliament*' ⁽¹⁾;
- (b) spatial planning at local level is a key tool for pursuing a comprehensive approach aimed at building a society which is climate-friendly and energy-efficient. This involves the location of infrastructure, jobs, businesses and housing in a way which reduces transport needs and fosters energy-efficient transport and the more widespread use of district heating and wind and geothermal energy;
- (c) there is great scope for energy savings on a general level in the public sector, the potential of which has not yet been realised. With the aid of properly designed subsidies and incentives it would be possible to increase energy efficiency, reduce energy costs and boost employment;
- (d) welcomes the plans to launch a new *Sustainable Energy Financing Initiative* and urges that a significant proportion of its resources be allocated to financing projects at local and regional level; energy efficiency must be a priority;
- (e) highlights the importance of the work undertaken by the local and regional energy agencies across the EU. These institutions are strategic partners for Europe's energy policy and the EU should give greater support to and take greater account of their action;
- (f) it calls for the creation of a working group bringing together the Commission and the representatives of local and regional authorities and their networks with a view to outlining a new vision for energy efficiency, based on a 'bottom-up' approach;

8. as regards the six priority projects identified as essential for the European Union, it notes, without commenting on the substance of the proposed projects, that:

- (a) cost estimates should be drawn up for such 'priority' projects prior to their formal adoption in order to enable a fair comparison with other initiatives. Such projects are likely to use up a significant part of the available budgets;
 - (b) some of the six projects proposed have been given greater priority than others as specific provision for their implementation has already been made (the drafting of communications and an action plan, including funding); conversely, the implementation timetable remains much more vague in the case of the other projects;
 - (c) interconnection is essential to allow the spread of risk and to enhance solidarity between Member States. Further agrees that to guarantee both gas and electricity supply to all EU citizens, major changes to internal EU energy infrastructure is necessary. Stresses that the development of renewable energy sources and of decentralised energy production will also require changes to Europe's energy infrastructure. Any decision on investing in European energy infrastructure will have to take account of the Union's objectives in this area. Without commenting on the substance of the proposed six energy infrastructure projects, anticipates that the detailed financing needs which will be identified in 2009-2010 will be massive and urges that some priority can also be given to energy efficiency projects and reducing international travel impacts in future EU budgets;
9. still on the question of investment, it emphasises that the transformation of the European energy system into a more decentralised system will require significant investment, dialogue with local and regional stakeholders, and increased recognition of their role in the field of energy policy;

10. Regarding the chapter on indigenous energy reserves, it emphasises that:

- (a) renewable energy must play a central role, in line with the 20-20-20 objectives and taking into account the related economic, social and environmental benefits. It draws attention to its opinion on the *Promotion of Renewable Energy* ⁽²⁾. Moreover:
 - it welcomes the proposal to table a communication on *Overcoming Barriers to Renewable Energy in the EU*. It further calls for it to be published as soon as possible, by 2010 at the latest, and urges that it be regularly updated and furnished with the necessary measures to overcome all identified barriers;

⁽¹⁾ CdR 241/2008 fin.

⁽²⁾ CdR 160/2008 fin.

- it notes that the issue of transport and distribution networks is inextricably linked to the development of renewable energy. It urges the European Commission to prepare a *Communication on the development of a European super-grid*, as mentioned in the Second Strategic Review. This communication will primarily focus on issues of infrastructure and how smart grid technologies can help implement the European Commission's 20-20-20 objectives, and promote the transition to greater decentralisation in renewable energy production. Furthermore, the proposals for transport and distribution network in the Second Strategic Review should be placed in the context of this communication in order to enable the adoption of a truly global approach to these issues;
- (b) nuclear energy is dependent on fuel which is largely imported and may not therefore be considered to be 'indigenous'. That being said, the use of nuclear energy does have an 'indigenous' effect on local authorities, particularly the risks related to this form of energy and the management of nuclear waste. Accordingly, the Committee welcomes the plans for a revised proposal for a *Directive setting up a Community framework for nuclear safety* and also recommends that this document cover the sustainable management of nuclear waste and its costs;
- (c) coal is also increasingly an imported fuel; both its transport and its combustion, which produces residues, are posing considerable problems in emissions terms. Its continued use, therefore, must be underpinned by highly efficient low-emission plants;
- (d) calls on the European Commission to maintain the highest possible environmental standards when assessing the opportunities for using unconventional indigenous fossil fuel reserves (such as those mentioned in Point 2.5, lines 7-8 of the Second Strategic Review) and to take account of all external factors relating to the use of these reserves when assessing their profitability;
- (e) considers that support should encourage research and development to harness clean, renewable maritime energies such as from wave, tide and ocean currents given that marine energies are not yet commercially deployed but where the EU has the potential to achieve competitive advantage as well as environmental leadership;
11. welcomes the intention to table a *Communication on Financing Low Carbon Technologies*. Given that this communication will take into account the revenue generated as a result of the revision of the Emissions Trading Directive, the CoR draws attention to its opinion on this matter, which 'recommends that at least 30 % of revenues generated from the auctioning of allowances should be earmarked by Member States for local and regional authorities in order to promote the use of renewable energies and energy efficiency in end uses ⁽¹⁾.'
- Furthermore, it also stresses that if we are to make the most effective use possible of the budgetary resources available, carbon capture and storage technologies, which are still very much at the developmental stage and are in themselves incapable of solving the problems of energy production or the security of supply, should not receive more funding than other technologies specialising in energy efficiency or renewable energy;
12. welcomes the proposal to chart a policy agenda for 2030 and a vision for 2050. Real strategic orientations, investment decisions and infrastructure projects can only feasibly be contemplated over the longterm. The Committee expresses its surprise that the issue of decarbonising the EU electricity supply by 2050 appears to have been given priority over the other areas outlined in the 2050 vision, as suggested by the recommendation to tackle this issue as soon as the strategic plan for energy technologies has been established. While this topic is undoubtedly of importance and has much potential, there are numerous other issues which are equally, if not more, urgent. The process of defining a vision for 2050 should take the form of a broad strategy, and not concentrate on a restricted number of thematic priorities.
- B. Recast of the Directive on the Energy Performance of Buildings**
- I. Policy recommendations*
13. welcomes the recast of the Directive on the Energy Performance of Buildings;
14. stresses the urgent need for large-scale action to improve the energy performance of buildings given the related benefits
- promoting the EU's objectives in the field of energy and climate change;
- in social terms (growing difficulties facing the public in terms of domestic heating costs). It also notes that the context of the current crisis will widen the existing socio-economic gap between those individuals who are able to finance energy related renovation work and thus lower their energy bills and the growing number of citizens who, unable to pay for the cost of renovation work, will be faced with increasingly higher bills;
- in economic terms and for job and wealth creation at local level;
15. highlights the urgency of these issues, and calls on the Council and the Parliament to ensure that swift and ambitious decisions are taken on this matter; it also calls on the Member States to avoid any repeat of the implementation delays which occurred with the first version of this directive;

⁽¹⁾ CdR 161/2008 fin.

16. in order to facilitate the implementation of energy declarations, the Commission should introduce a programme for the exchange between Member States and their local and regional authorities, of best practice and information on the use of technical solutions and the use of public contracts to promote the development of energy efficiency;

17. recalls the key role played by local and regional authorities in implementing this directive, through:

- the management of their own buildings;
- by dint of their competences in the area of town planning and the issue of planning permission the use of heat-insulating building materials and steps to ensure high quality building and redevelopment work;
- by collecting and recycling secondary raw materials to defray the costs of exploiting energy resources more effectively (for electricity and heat);
- their close proximity to the public.

Local and regional authorities across Europe have undertaken numerous voluntary initiatives addressing the energy performance of buildings, including action aimed at cutting down on energy use in public buildings and housing and as part of the regeneration of urban areas. Member States need to fully incorporate local and regional authorities and stakeholders as strategic partners in the implementation of this directive, seek to benefit from their experience and ensure the promotion and replication of best practice. The Committee therefore calls for Local and Regional Authorities to be involved in the drawing up of National Action Plans;

18. believes that the proposed recast strengthens the Directive in a number of respects. It particularly welcomes:

- the proposals to progressively lower or remove the 1 000 m² threshold. And it welcomes the maintenance of the 250 m² threshold in Art. 12(1) (recast);
- the improvements made to the system of energy performance certificates (particularly the requirement to include such certificates in all advertising and literature related to the letting or sale of property);

19. wishes to highlight the importance of developing the Directive on the basis of the experience gained of its practical implementation, which should be duly analysed and assessed. The importance of energy performance certificates and the way they are drawn up should be evaluated, among other things. A flexible approach could help resolve the problems posed by a lack of skills, in cases where this has been an issue;

20. considers that the proposed 'comparative methodology for calculating cost-optimal levels of minimum energy performance requirements' could represent an effective benchmarking instrument at European level. However, it calls on the Commission to take account of all external factors when drawing up such methodology, especially the costs of inaction (environmental degradation, deteriorating health and competitiveness, all prompted by underinvestment in the area of energy efficiency) as well as the positive impact of investments in energy efficiency (in terms of job and wealth creation, support for research, energy autonomy, quality and sustainability of buildings, etc.);

21. It is also important to make use of the possibility to improve the energy efficiency of buildings without investment, for example by optimising functioning and user participation. Many local and regional authorities are already working successfully in this area;

22. stresses the need to keep the public fully informed about the parameters used to calculate the cost-effectiveness of the recommendations provided on the energy performance certificate in order to enable a clear understanding of the calculation and to make it possible for the public to re-evaluate the cost-effectiveness of energy efficiency measures, based on new factors (changes in energy prices, subsidies granted by public authorities, useful life of equipment etc.);

23. emphasises the usefulness of the reports which the Member States have been asked to prepare (inter alia in Article 5 (2) and Article 9 (3)). To ensure the accuracy of these reports, the directive should require local and regional authorities to take part in their preparation;

24. draws attention to its opinion on the *Promotion of Renewable Energy* ⁽¹⁾ and welcomes the introduction of an element of coordination between this directive and other important items of European legislation in this area, in particular the Directive on Energy End-Use Efficiency and Energy Services (2006/32/EC) as well as with regard to the existing and future EU Green Public Procurement proposals. This coordination strengthens the coherence of the legislation as a whole and reduces the burden on the Member States by grouping together the various reports which they need to prepare;

25. welcomes the objective to increase the number of 'buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero', and the need for the public sector to lead by example in this area;

26. notes that the directive's guiding principle is to save energy to minimise the impact on the environment. Establishing a definition for 'Buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero' cannot therefore lead to buildings with low carbon dioxide emissions being favoured over those with low energy consumption. What is more, a global vision of environmental impact must always take precedence over the criterion of carbon dioxide emissions alone;

⁽¹⁾ CdR 160/2008.

27. also emphasises the benefits and challenges arising from the introduction of a requirement to monitor quality in connection with energy performance certificates and inspection reports. This measure will be vital if there is to be any significant improvement in the quality of buildings in Europe;

28. emphasises that the question of when work is carried out will have an important bearing on the global impact of the directive. Accordingly, it:

- welcomes the Directive's proposal to make all subsidies for the construction or renovation of buildings conditional on compliance with minimum energy performance requirements. This link should be established as soon as possible but it would be better that such link is left to be established at the specific national and local programmes;
- suggests that serious thought should be given to creating a mechanism that would establish a time during the lifetime of buildings when they would have to meet compulsory energy efficiency standards. The aim of this type of system would be to encourage a swift improvement in the quality of existing buildings by requiring an updating of their energy efficiency at a specific time.;

29. emphasises that implementing the directive will require substantial efforts in the training field. With this in mind, it proposes introducing a provision establishing:

- an obligation for all Member States to take the necessary measures to adequately assess and meet the needs in this domain in particular to provide appropriate funding to ensure that qualified staff is available;
- an obligation for the National Energy Efficiency Action Plans to include a reference to this issue;

30. on the issue of vocational training, it stresses the success of a number of initiatives at local and regional level that have focused on the construction process by establishing discussion groups bringing together the various trades involved (plumbers, bricklayers, electricians, etc.) and discussing the interaction between their various roles in the process of constructing a building. Such schemes have had a positive impact on the quality of the construction process in general and, as a result, on the quality of the buildings themselves. In those groups, where energy efficiency was identified as a key objective, effective and innovative solutions were developed thanks to the interaction between the various trades.

31. emphasises the need to properly assess the actual upfront costs that this Directive would entail in order to provide adequate financial incentives to support and speed up the implementation of the directive. Accordingly, it

- (a) welcomes the fact that the Economic Recovery Plan launched by the Commission in December 2008 recognises investment in energy efficiency as an opportunity for the European economy;

- (b) greatly deplores, however, the fact that in March 2009 the compromise proposal approved by the European Council on the 'financing of infrastructure projects presented by the Commission under the European economic recovery plan' does not provide for investment in projects aiming to improve energy efficiency.

However, projects such as, for example, the Energy Smart Buildings Campaign, drawn up by the European Renewable Energy Council (EREC) on the basis of actual experiences in the renewable energy sector, require only a level of investment limited to the scale of the recovery plan (EUR 300 million), and would have a major impact in terms of energy, environmental and job creation (estimated 150 000 new jobs), which would very quickly generate economic activity (with results expected from 2010 onwards) and would have a very important multiplier effect (each EUR invested in the campaign would generate up to EUR 33 of investment in more energy-efficient buildings).

The Energy Smart Buildings Campaign is based on the linkage of three promotion campaigns for energy-smart buildings, which are targeted at: 1) owners; 2) structures with a multiplier effect and; 3) professionals (including training activities);

- (c) stresses the importance of providing swifter access to the Structural Funds for energy efficiency investment in buildings. In this context, it

- welcomes the European Commission's initiative to amend the ERDF regulations with a view to promoting investment in energy efficiency ⁽¹⁾;
- calls on the Member States to give detailed consideration to revising certain parts of their operational programmes and to give more prominence to the issue of the energy efficiency of buildings, particularly social housing;

- (d) supports the European Commission's initiative which would allow the permanent application of reduced VAT rates in the housing sector, including in the case of renovation work ⁽²⁾;

- (e) supports the European Commission's efforts, in partnership with the EIB and EBRD, to develop financial instruments geared towards improving energy efficiency. It notes that one of the most important issues when creating such financial instruments is to make them accessible to local and regional authorities with a view to supporting them in their role as key actors in the implementation of the Directive on the Energy Performance of Buildings.

- (f) emphasises the need for dedicated EU and national funds to be coordinated.

⁽¹⁾ COM (2008) 838/3 final.

⁽²⁾ COM (2008) 428 final.

II. PROPOSED AMENDMENTS

*Amendment 1***Article 5 (1)**

Text proposed by the Commission	CoR amendment
1. The Commission shall establish by 31 December 2010 a comparative methodology for calculating cost-optimal levels of minimum energy performance requirements for buildings or parts thereof. The comparative methodology shall differentiate between new and existing buildings and between different categories of buildings.	1. The Commission shall establish by 31 December 2010 a comparative methodology for calculating cost-optimal levels of minimum energy performance requirements for buildings or parts thereof. The comparative methodology shall differentiate between new and existing buildings and between different categories of buildings.
Those measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the procedure referred to in Article 19(2).	Those measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the procedure referred to in Article 19(2).

Reason

Technical amendment to correct an obvious mistake (concerns an internal reference).

*Amendment 2***Article 5 (2)**

Text proposed by the Commission	CoR amendment
2. Member States shall calculate cost-optimal levels of minimum energy performance requirements using the comparative methodology established in accordance with paragraph 1 and relevant parameters, such as climatic conditions, and compare the results of this calculation to the minimum energy performance requirements which they have laid down.	2. Member States shall calculate cost-optimal levels of minimum energy performance requirements using the comparative methodology established in accordance with paragraph 1 and relevant parameters, such as climatic conditions, and compare the results of this calculation to the minimum energy performance requirements which they have laid down.
They shall report to the Commission all input data and assumptions used for these calculations and all calculation results. The report may be included in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC. Member States shall submit to the Commission those reports every three years. The first report shall be submitted by 30 June 2011 at the latest.	They shall report to the Commission all input data and assumptions used for these calculations and all calculation results. The report <u>will be drafted in close cooperation with regional and local authorities and actors, and may be included in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC.</u> Member States shall submit to the Commission those reports every three years. The first report shall be submitted by 30 June 2011 at the latest.

Reason

In order to ensure the accuracy of the reports which the Member States are asked to prepare under the current directive, it is important that they are drawn up in close cooperation with local and regional authorities and stakeholders.

*Amendment 3***Article 9 (3)**

Text proposed by the Commission	CoR amendment
3. Member States shall communicate the national plans referred to in paragraph 1 to the Commission by 30 June 2011 at the latest and report to the Commission every three years on the progress in implementing their national plans. The national plans and progress reports may be included in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC.	3. Member States shall communicate <u>draft</u> the national plans referred to in paragraph 1 <u>in close cooperation with regional and local authorities and actors, and communicate them to the Commission by 30 June 2011 at the latest and report to the Commission every three years on the progress in implementing their national plans.</u> The national plans and progress reports may be included in the Energy Efficiency Action Plans referred to in Article 14(2) of Directive 2006/32/EC.

Reason

In order to ensure the accuracy of the reports which the Member States are asked to prepare under the current directive, it is important that they are drawn up in close cooperation with local and regional authorities and stakeholders.

Amendment 4

Article 10 (3)

Text proposed by the Commission	CoR amendment
3. The recommendations included in the energy performance certificate shall be technically feasible for the specific building and shall provide transparent information as to their cost-effectiveness. The evaluation of cost-effectiveness shall be based on a set of standard conditions, such as on the assessment of energy savings and underlying energy prices and interest rates for investments necessary to implement the recommendations.	3. The recommendations included in the energy performance certificate shall be technically feasible for the specific building and shall provide transparent information as to their cost-effectiveness and estimated payback period (not including financial incentives or support schemes). The evaluation of cost-effectiveness shall be based on a set of standard conditions, such as on the assessment of energy savings and underlying energy prices and interest rates for investments necessary to implement the recommendations. The data, values and calculation methods used for the evaluation of cost-effectiveness will be clearly spelled out on the energy performance certificate.

Reason

The energy performance certificate should provide the public with clear and easy to understand recommendations making it possible to compare the cost-effectiveness evaluation, as calculated when drawing up the energy performance certificate, with the actual conditions encountered, taking into account the changes in the overall situation (fluctuations in energy price, interest rates, equipment costs, etc.) and/or other new factors (subsidies granted by public authorities, programme utilisation period etc.).

Amendment 5

Article 12 (2)

Text proposed by the Commission	CoR amendment
2. Member States shall take measures to ensure that where a total useful floor area over 250 m ² of a building for which an energy performance certificate has been issued in accordance with Article 11(1) is frequently visited by the public, the energy performance certificate is displayed in a prominent place clearly visible to the public.	2. Member States shall take measures to ensure that where a total useful floor area over 250 m ² of a building for which an energy performance certificate has been issued in accordance with Article 11(1) is frequently visited by the public, the energy performance certificate of that building is displayed in a prominent place clearly visible to the public.

Reason

Displaying energy performance certificates in buildings which are frequently visited by the public can play an important role in raising public awareness of the importance of issues related to the energy efficiency of buildings.

Amendment 6

Article 15 (2b)

Text proposed by the Commission	CoR amendment
2b. recommendations for the cost-effective improvement of the energy performance of the system of the building or parts thereof. The recommendations referred to in point (b) shall be specific to the system and shall provide transparent information as to their cost-effectiveness. The evaluation of cost-effectiveness shall be based on a set of standard conditions, such as on the assessment of energy savings and underlying energy prices and interest rates for investments.	2b. recommendations for the cost-effective improvement of the energy performance of the system of the building or parts thereof. The recommendations referred to in point (b) shall be specific to the system and shall provide transparent information as to their cost-effectiveness and estimated payback period (not including financial incentives or support schemes). The evaluation of cost-effectiveness shall be based on a set of standard conditions, such as on the assessment of energy savings and underlying energy prices and interest rates for investments. The data, values and calculation methods used for the evaluation of cost-effectiveness will be clearly spelled out on the inspection report.

Reason

The energy performance certificate should provide the public with clear and easy to understand recommendations making it possible to compare the cost-effectiveness evaluation, as calculated when drawing up the energy performance certificate, with the actual conditions encountered, taking into account the changes in the overall situation (fluctuations in energy price, interest rates, equipment costs, etc.) and/or other new factors (subsidies granted by public authorities, programme utilisation period etc.).

Amendment 7

New Article 17 (a)

Text proposed by the Commission	CoR amendment
	<p>17 (a) <u>Training</u></p> <p>1. <u>The Member States, in cooperation with the local and regional authorities and stakeholders, will take all the necessary measures to provide training for specialists in the building sector focusing on new technologies, methods and materials which can help improve the energy performance of new and existing buildings. As part of this process, the Member States will ensure appropriate further training which will be accessible to all professionals already active in the field. They will also ensure that training courses for future professionals are reviewed and regularly adapted in this light. The Member States, in cooperation with the local and regional authorities and stakeholders, will also set up training programmes that are open to all and whose scope is such that they can train a sufficient number of certified experts for the execution of tasks such as the delivery of energy performance certificates and the inspection of technical systems, as defined in Articles 13 and 14 of the directive.</u></p> <p>2. <u>The Member States will report on the initiatives taken and the results achieved in the area of training as defined in Paragraph 1 of this article, and on the new measures which they intend to take, where necessary. For the purposes of this report, the Member States will, in cooperation with the local and regional authorities and stakeholders, conduct a study on their training needs to ensure their compliance with the requirements of the Directive. The Member States will compare the content and results of the initiatives they have planned or already taken in the light of the study's findings.</u></p> <p>3. <u>The Member States will draw up the reports mentioned in Paragraph (2) above in close cooperation with the local and regional authorities and stakeholders, and will submit them no later than by 30 June 2011, and will submit new reports every three years. The report may be included in a country's National Energy Efficiency Action Plan as defined in Art. 14(2) of Directive 2006/32/EC. The Commission will publish a report on the progress made by the Member States in the field of vocational training. This report will include a comparison of the national studies on training needs. Where appropriate, it will also put forward recommendations and guidelines in the area of vocational training in the framework of the present directive.</u></p>

Reason

The successful implementation of the directive will require significant efforts in the area of training, which should be defined and made compulsory under the Directive, including establishing reporting objectives and obligations.

Amendment 8

Article 19

Text proposed by the Commission	CoR amendment
Member States shall take the necessary measures to inform the owners or tenants of buildings or parts thereof as to the different methods and practices that serve to enhance energy performance.	Member States shall take the necessary measures to inform the owners or tenants of buildings or parts thereof as to the different methods and practices that serve to enhance energy performance.
Member States shall in particular provide information to the owners or tenants of buildings on energy performance certificates and inspection reports, their purpose and objectives, on cost-effective ways to improve the energy performance of the building and on mid- and long-term financial consequences if no action is taken to improve the energy performance of the building.	Member States shall in particular provide information to the owners or tenants of buildings on energy performance certificates and inspection reports, their purpose and objectives, on cost-effective ways to improve the energy performance of the building and on mid- and long-term financial consequences if no action is taken to improve the energy performance of the building.
	<u>Member states shall be required to engage and consult with local authorities at an early stage to develop information and awareness raising programmes.</u>

Reason

The provisions of the recast impact local authorities in many ways given their responsibilities for planning, and as owners and managers of a broad and diverse range of property including social housing stock. Local government's proximity to the citizen also gives it a key role in providing information and incentives to encourage tenants and owners to improve the energy performance of their building, and to change their energy consumption behaviour. Local authorities also have a wealth of experience and expertise.

Brussels, 21 April 2009

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

Opinion of the Committee of the Regions on the proposal for a decision on the establishment of the media mundus programme

(2009/C 200/10)

THE COMMITTEE OF THE REGIONS

- welcomes the initiative of the European Commission to set up the MEDIA Mundus programme;
- believes that establishing and implementing a programme to promote broad international cooperation in the audiovisual sector, with the aim of strengthening both cultural and commercial ties between the European film industry and that of third countries, is the right way to address current challenges associated with the change in the international audiovisual sphere;
- notes that local and regional authorities can play a key role in promoting local and regional audiovisual works, effectively strengthening audiovisual production and actively contributing to the promotion of cultural diversity and intercultural dialogue;
- stresses that the audiovisual sector is not just an industry that is of major importance for development, competitiveness and employment, but is also a crucial sphere that safeguards and promotes local and regional cultural identity and diversity. The nature of the sector also makes it a key factor in the development of Europe social values and the functioning of democratic societies, since audiovisual works can play an important role in forming a European identity.

Rapporteur: Ioannis Sgouros (EL/PES), Prefect of Athens

Reference document

Proposal for a decision of the European Parliament and of the Council establishing an audiovisual cooperation programme with professionals from third countries MEDIA Mundus

COM(2008) 892 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. welcomes the initiative of the European Commission to set up the MEDIA Mundus programme;

2. therefore endorses the European Commission's proposal 'for a support programme to promote cooperation between European audiovisual industry professionals and industry professionals in third countries for the mutual benefit of all participants';

3. considers that establishing and implementing a programme to promote broad international cooperation in the audiovisual sector, with the aim of strengthening both cultural and commercial ties between the European film industry and that of third countries, is the right way to address current challenges associated with the change in the international audiovisual sphere, especially as a result of technological developments and structural weaknesses affecting the circulation of European audiovisual works in third-country markets, which are preventing Europe's audiovisual sector from seizing international opportunities and undermining its competitiveness;

4. notes the need for international cooperation in the audiovisual sector and for protection and promotion of the diversity of cultural expressions, as set out in the UNESCO Convention ratified by the European Community together with 13 Member States on 18 December 2006;

5. agrees that the decision of the European Commission is extremely important, given that existing Community programmes in the area of audiovisual support (MEDIA 2007, Euromed Audiovisual II or the EU-ACP programme for cinema) cannot address all the challenges produced by the rapid internationalisation of the audiovisual sector (either because they were conceived for cooperation within the European Union or because they respond to development policy needs rather than industrial policy needs);

6. also considers that the very positive reception by industry professionals, apparent from the open consultation conducted over the internet between 10 April and 25 June 2008, bears out the need to set up the MEDIA Mundus programme;

7. also considers important the fact that — based on the open consultation results — the priorities for action chosen are training, facilitation of co-productions, and distribution of audiovisual works and film literacy;

8. accepts the conclusion of the impact assessment that 'the creation of a new instrument is the most effective and the most efficient way to meet the general and specific objectives and to respond to the challenges arising from the internationalisation of audiovisual markets';

Key objectives of the MEDIA Mundus programme

9. agrees that the MEDIA Mundus programme will help to strengthen the competitiveness of the European audiovisual sector in international markets, while enhancing Europe's cultural and political role in the world; agrees that the worldwide distribution of audiovisual works will be facilitated considerably by broadening consumer choice in this way, but also by substantially strengthening cultural diversity;

10. believes that exchanging market intelligence and expertise will boost both the competitiveness of Europe's audiovisual sector and that of third countries, while there will be an increase in public demand for cultural diversity;

11. points to the particular importance of the objective relating to facilitation of co-productions, which professionals identified as a priority in the open consultation;

12. also points to the need to put into practice the principle of positive treatment for Member States with a small audiovisual sector; therefore believes that particular attention should be paid to those countries that do not produce a large number of audiovisual works and which face greater obstacles owing to their geographical, linguistic or other characteristics;

13. points to the role of MEDIA Mundus as a means of promoting cultural diversity and intercultural dialogue at European and international levels; and therefore underscores the difference between MEDIA Mundus and other Community programmes relating to the audiovisual sector, which lies in the fact that the objectives of MEDIA Mundus focus on international cooperation aiming to promote the competitiveness of the audiovisual industry at a global level;

14. commends the way in which the programme works, i.e. based on the principle of mutual benefit and project proposals made jointly with professionals from third countries;

15. considers satisfactory the terms whereby only works by consortia receive funding, which ensures an international net-working effect;

16. has doubts, however, about the requirement that 'each project needs to have a minimum of three partners';

17. also observes with respect to project funding that red tape and formalities for submitting proposals, for creating and operating of cooperation networks and for reporting, must be kept to a minimum;

18. stresses that complete transparency must be guaranteed in the process of selecting works for funding and that the assessment criteria may have to be refined;

General comments on the objectives of MEDIA Mundus

19. notes that MEDIA Mundus provides an effective response to the problem of fragmentation of the European film industry, promoting initiatives for networking and cooperation between operators in the audiovisual sector; and in particular therefore believes that this programme also provides a good opportunity to support SMEs;

20. consequently considers that it makes sense to focus both on creating specialised jobs and on providing more training for professionals in programming, broadcasting techniques, distribution and international sales, as well as promoting audiovisual works;

21. also believes that encouraging the exchange of information and technical know-how between professionals considerably facilitates the creation of cooperation networks, enhances access to external markets, and promotes the establishment of long-term partnerships, thus boosting not just the competitiveness of the European audiovisual industry but also Europe's worldwide cultural and political role;

22. believes that MEDIA Mundus will make a decisive contribution to improving the international circulation of audiovisual works, and to increasing public demand for greater cultural diversity in respect of audiovisual content;

23. in this connection points to the benefits of increasing the number of screenings, as well as exclusive first releases of audiovisual works;

24. therefore believes that MEDIA Mundus could serve to encourage cinema owners in Europe and third countries to reciprocally enhance programming and presentation conditions, as well as the screening period, showing of advertisements and the number of screenings of exclusive first releases of audiovisual works;

25. thinks that, similarly, it should be possible to increase and improve the conditions for broadcasting European audiovisual content through third-country channels, and conversely audiovisual content of third countries through European channels;

26. also endorses the priority placed by the European Union on young people as the future of Europe's audiovisual sector: by promoting works by gifted young Europeans, MEDIA Mundus ensures the promotion of new talent, mobility of young people and acquisition of knowledge from the European and international markets, while putting the knowledge-based economy and intercultural dialogue into practice;

27. notes that the role of young creators of audiovisual content again shows that it would make sense for MEDIA Mundus to function in parallel as a training programme, as well as helping to attract even more young people to screenings of audiovisual works;

28. also believes that the audiovisual sector makes a key contribution to Europe's creative and knowledge-based economy, and plays a crucial role in promoting cultural diversity and pluralism;

29. emphasises that the cultural sphere undoubtedly makes a decisive contribution to the success of the Lisbon Strategy goals, but it cannot be seen in one-dimensional terms as a purely economic force because it makes what is regarded as an equally important contribution to culture by creating a dynamic and sustainable environment, which is a precondition for prosperity and human development ⁽¹⁾.

The role of local and regional authorities

30. notes that local and regional authorities can play a key role in promoting local and regional audiovisual works, effectively strengthening audiovisual production and actively contributing to the promotion of cultural diversity and intercultural dialogue;

⁽¹⁾ See Committee of the Regions opinion 'A European agenda for culture in a globalising world', on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European agenda for culture in a globalising world, COM(2007) 242 final, CdR 172/2007 fin, p. 1. Available at: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:053:0025:01:EN:HTML>.

31. believes that by promoting local and regional producers of audiovisual works, local and regional authorities can also, in conjunction with national production, counterbalance the mass production of films by third countries;

32. notes that local and regional authorities can play a decisive role in both education and training, and in providing financial support for cultural organisations and stakeholders;

33. also points out that in this way local and regional authorities can help to strengthen SMEs, enhancing the competitiveness of the fragmented European audiovisual market and at the same time ensuring the viability of these companies;

34. in addition, believes that local and regional authorities can play an important role both in training young creators of audiovisual content, and in attracting larger numbers of young people to watch screenings of audiovisual works that promote cultural diversity and intercultural dialogue;

35. therefore considers that local and regional authorities can make a decisive contribution both to the production of audiovisual works at local and regional level, and to the establishment of a strong European identity, especially among young people;

36. believes that by organising festivals, thematic events, and training seminars, local and regional authorities can take important initiatives and play a crucial role in developing the audiovisual sector into a leading factor in the production of culture, framing of a multicultural European identity, and support for film education, especially for young audiences;

37. therefore proposes that it would be useful for the wider dimension of MEDIA Mundus to add a specific reference in Article 7 on the role that local and regional authorities are called upon to play through special programmes and activities in their efforts to strengthen the competitiveness of the European market. By the same token it would be appropriate and very useful to enhance and update the media desks operating at regional level, which are a basic source of information on all developments in the audiovisual field for the general public in Europe;

38. also points out that in direct relation to the above, it would be desirable for local and regional authorities to be more involved in seeking cooperation between networks in the audiovisual industry, and for regional consortia to be strengthened, especially with respect to training, and production and distribution of audiovisual works;

39. stresses that the audiovisual sector, as can be inferred from the above, is not just an industry that is of major importance for development, competitiveness and employment, but is also a crucial sphere that safeguards and promotes local and regional cultural identity and diversity. The nature of the sector also makes it a key factor in the development of Europe social values and the functioning of democratic societies, since audiovisual works can play an important role in forming a European identity;

Concluding comments — proposals

40. believes this particular programme to be especially important because it combines promoting culture with strengthening competitiveness, i.e. the commercial and economic value of the European audiovisual sector, while giving Europe's audiovisual industry an international dimension in a way that is much more effective and targeted than MEDIA International, which could be regarded as a precursor to MEDIA Mundus;

41. notes that the programme begins as a short-term venture (2011-2013), and with a limited budget (EUR 15 million, of which EUR 13.5 are earmarked for actions), which means that neither time frame nor resources will allow a large number of initiatives to be developed or actions to be implemented;

42. therefore believes, and at the same time hopes, that the results will be significant and will be considered positive, so that not only is the programme continued but it also receives more funding in the future;

43. underscores the need to focus on the communication strategy of the programme and believes that an equally vital role can be played by local and regional authorities in promoting it. It would be particularly useful for media desks to cooperate with associations and confederations of audiovisual professionals, and to cooperate with ACE (Association of European Film Archives) and FIAF (International Film Archive Federation), as well as national film archives;

44. particular emphasis should be placed — if not immediately, then certainly during the next phase of the programme — on the educational dimension of MEDIA Mundus, which should go beyond further training for professionals and be targeted equally at young students. This objective can be achieved both through coordination with other MEDIA programmes and through cooperation with media desks that have developed similar activities for other programmes, university faculties and audiovisual studies departments and film archives which come into contact with students, researchers and professionals in the sector. In addition, educational activities and thematic workshops can serve as an important source of information, as well as a valuable opportunity to meet and get to know professionals from the European Union and third countries.

II. PROPOSED AMENDMENTS

*Amendment I***Article 3 (3)**

Text proposed by the Commission	CoR amendment
(3) 'European works' means audiovisual works originating in countries referred to in Article 2, paragraph 1, 2 or 3.	(3) 'European works' means audiovisual works originating in countries referred to in Article 2, paragraph 1, 2 or 3 <u>with special attention paid to local and regional audio-visual productions.</u>

Reason

The CoR should highlight that regional and local media service providers, as well as public-service operators providing regional coverage, have clear social and cultural responsibilities and a duty to provide a service to citizens. In terms of promoting the European audiovisual industry, with their usually more intensive own-production they can make a more direct contribution to the sector's development and competitiveness.

*Amendment II***Article 5 (2) (b)**

Text proposed by the Commission	CoR amendment
to improve the competitiveness and transnational distribution of audiovisual works worldwide;	to improve the competitiveness and transnational distribution of audiovisual works worldwide <u>by incentives to promote cooperation between companies operating in the European but also in the global audiovisual area</u>

Reason

As has become clear from relevant studies as well from actual conditions, the weakness of the distribution system constitutes the basic obstacle to the circulation of European films on the international market.

*Amendment III***Article 5 (2)**

Text proposed by the Commission	CoR amendment
	(d) <u>Particular attention should be paid to the promotion of linguistic diversity, particularly for less widely spoken languages.</u>

Reason

The existing challenges need to be addressed not only by the EU and the Member States, but also by local and regional authorities. They are concerned when managing their cultural and linguistic heritage, promoting new business models in local creative industries and media, and promoting creative works (co-) financed by local cultural and media institutes/organisations.

*Amendment IV***Article 6 (1)**

Text proposed by the Commission	CoR amendment
Strengthen the skills of European and other professionals from countries referred to in Article 2 paragraph 4 to improve their understanding of in particular the operating conditions, legal frameworks, financing systems and cooperation possibilities of their respective audiovisual markets, and, in particular through scholarships, thus facilitate networking and the emergence of long-term commercial relationships and improve the level of information and knowledge of audiovisual markets in order to secure and facilitate audiovisual cooperation between professionals.	Strengthen the skills of European and other professionals from countries referred to in Article 2 paragraph 4 to improve their understanding of in particular the operating conditions, legal frameworks, financing systems and cooperation possibilities of their respective audiovisual markets, and, in particular through scholarships, thus facilitate networking and the emergence of long-term commercial relationships and improve the level of information and knowledge of audiovisual markets in order to secure and facilitate audiovisual cooperation between professionals. <u>The scholarships should recognise the need to increase the competitiveness of the fragmented European audiovisual sector on the global playing field and at the same time to strengthen the productive structures of small and medium-sized enterprises (SMEs) inside the EU which in practice form the backbone of the European market.</u>

Reason

The MEDIA Mundus programme provides strong potential for economic growth and an opportunity to create highly qualified jobs in the audiovisual industry. SMEs should be fully involved.

*Amendment V***Article 7 (1)**

Text proposed by the Commission	CoR amendment
Facilitate the search for foreign partners for European audiovisual works. The programme shall support the organisation of co-production markets and partner search events (pitching), aiming at bringing together possible partners (script writers, directors, producers and distributors).	Facilitate the search for foreign partners for European audiovisual works. The programme shall support the organisation of co-production markets and partner search events (pitching), aiming at bringing together possible partners (script writers, directors, producers and distributors, <u>and local and regional audiovisual industry actors</u>).

Reason

In the specific field of audiovisual work, regions throughout Europe can, with the proper support, constitute a driving force for original creation and maintenance of cultural diversity, and help the competitiveness of the European market.

*Amendment VI***Article 8 (3)**

Text proposed by the Commission	CoR amendment
Facilitate the organisation of events and film literacy initiatives, notably aimed at young audiences, intended to internationally promote the diversity of audiovisual works and increase public demand for culturally diverse audiovisual content.	Facilitate the organisation of events and film literacy initiatives, notably aimed at young audiences, intended to internationally promote the diversity of audiovisual works and increase public demand for culturally diverse audiovisual content. <u>Financial support should be explicitly given for the promotion of regional and local audiovisual festivals, which play their own important role in promoting intercultural dialogue and cultural diversity.</u>

*Amendment VII***Article 12 (1)**

Text proposed by the Commission	CoR amendment
The Commission shall be assisted by a committee, composed of representatives of the Member States and chaired by the representative of the Commission.	The Commission shall be assisted by a committee, composed of representatives of the Member States and <u>local and regional authorities</u> , and chaired by the representative of the Commission.

Brussels, 21 April 2009.

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

Opinion of the Committee of the Regions on Interoperability Solutions for European Public Administrations (ISA)

(2009/C 200/11)

THE COMMITTEE OF THE REGIONS

- welcomes the European Commission's initiative to continue the previous programmes through the follow-up programme on Interoperability Solutions for Public Administrations (ISA);
- takes the view that local and regional authorities should participate in wide-ranging cooperation to improve interoperability in public administration and the effectiveness of public service delivery;
- stresses that the programme must not isolate European public administrations from the outside world and suggests that interoperability standards should be developed on the basis of extensive international cooperation;
- notes that the exchange of best practice between regions and local authorities would not only be useful but should in fact be an essential part of the ISA programme.

Rapporteur: Veronica Ionita (RO/EPP), Mayor of Gorgota

Reference documents

Proposal for a decision of the European Parliament and of the Council on interoperability solutions for European public administrations (ISA)

COM(2008) 583 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. welcomes the European Commission's initiative to continue the previous IDA (Interchange of Data between Administrations) and IDABC (Interoperable Delivery of European eGovernment Services to public Administrations, Businesses and Citizens) programmes, through the follow-up programme on Interoperability Solutions for Public Administrations (ISA). The two initial programmes have clearly provided added value to the exchange of information between administrations, and the new programme will definitely contribute to local and regional development by facilitating the exchange of ideas and experiences in various fields such as employment, fisheries, agriculture, health, consumer protection and justice and home affairs;
2. underlines the importance of local and regional administrations, in line with the i2010 strategy for a European information society, as these authorities are the motor of economic growth at local level;
3. considers that local and regional authorities should not be regarded only as users of pan-European eServices, but also as major providers of services in the context of the proposal;
4. feels that the European Commission should focus more on the networking process between European public administrations at all levels, which should be recognised at the national level by the Member States, given the difficulties that have arisen in the past due to differences of cultural and political approaches, language barriers or budgetary issues;
5. therefore takes the view that local and regional authorities should participate in wide-ranging cooperation to improve interoperability in public administration and the effectiveness of public service delivery;
6. stresses that the programme must not isolate European public administrations from the outside world and suggests that interoperability standards should be developed on the basis of extensive international cooperation;
7. points out that various community programmes (IST, eTEN, eContent) have been linked to the former version of IDABC. Collaboration with current programmes (FP7, CIP, Structural Funds) might yield valuable resources;
8. notes that the exchange of best practice between regions and local authorities would not only be useful but should in fact be an essential part of the ISA programme;
9. calls on the European Commission to better evaluate the relevance of the ISA programme's objectives and measures to local and regional authorities;
10. urges the European Commission and the Member States to earmark the allocation of funds for the central, regional and local authorities responsible for the implementation of ISA, comprising the funding of training activities for public servants. This way, the programme will better address the needs of European citizens.

II. RECOMMENDATIONS FOR AMENDMENTS

*Amendment 1***Recital (11)**

Text proposed by the Commission	CoR amendment
The ISA programme should be based on the experience from the IDA and IDABC programmes which have demonstrated that a co-ordinated approach can contribute to delivering results faster, with higher quality and meeting business requirements, by means of common and shared solutions established and operated in cooperation with Member States. These activities have already delivered important contributions to ensuring interoperability in support of electronic exchange of information between European public administrations and are continuing to do so.	The ISA programme should be based on the experience from the IDA and IDABC programmes. <u>The findings drawn from the mid-term review of the implementation of the IDABC programme, addressing the issues of the relevance, efficiency, effectiveness, utility and coherence of that programme, should also be taken into account; particular attention should be paid to the needs expressed by the users of that programme.</u> It has been which have demonstrated that a co-ordinated approach can contribute to delivering results faster, with higher quality and meeting business requirements, by means of common and shared solutions established and operated in cooperation with Member States. These activities have already delivered important contributions to ensuring interoperability in support of electronic exchange of information between European public administrations and are continuing to do so.

Reason

Since the ISA programme follows on from the previous IDA programme and from the current IDABC, which will conclude at the end of 2009, it would be both helpful and recommended to take into consideration the results of both programmes in order to create a basis for the ISA's future implementation. The European Commission's evaluation and implementation reports should, therefore, be made available for assessment.

*Amendment 2***Recital (27a)**

Text proposed by the Commission	CoR amendment
	<u>It would be useful to explore further the possibility of compatibility with the Structural Funds and co-financing from those funds for users, to make use of common frameworks and generic tools established or improved by the ISA programme.</u>

Reason

Establishing and improving common framework and generic tools will be funded by the ISA programme, while the use of these frameworks and tools is to be financed by the users. The possibility of making use of co-financing from the Structural Funds should be therefore further explored.

*Amendment 3***Article 1**

Text proposed by the Commission	CoR amendment
(2) The objective of the ISA programme is to support the cooperation between European public administrations by facilitating the efficient and effective electronic cross-border and cross-sector interaction between such administrations enabling the delivery of electronic public services supporting the implementation of Community policies and activities	(2) The objective of the ISA programme is to support the cooperation between European public administrations, <u>including local and regional administrations</u> , by facilitating the efficient and effective electronic cross-border and cross-sector interaction between such administrations enabling the delivery of electronic public services supporting the implementation of Community policies and activities

Reason

According to the Lisbon Strategy, promoting an inclusive, regionally and socially equitable information society, which uses ICT to increase competitiveness and better public services is a key objective of EU policy and this can be best achieved through local and regional authorities. We therefore consider it important to emphasise the involvement of local and regional administrations.

*Amendment 4***Article 2**

Text proposed by the Commission	CoR amendment
	(h) 'European public administration' means all public bodies, at central, regional and local level, legally recognised by the national legislation of the EU Member States;

Reason

In addition to the definitions already set out in Article 2, we consider that it would be appropriate to insert a new definition of 'European public administration', given the role of public administrations under the present Decision.

*Amendment 5***Article 3**

Text proposed by the Commission	CoR amendment
	(d) a multidimensional approach covering technical aspects that allow administrations to carry out this improvement

Reason

In addition to the proposed activities, standardising the technical issues would be beneficial if we take into account the various services provided by the administrations.

*Amendment 6***Article 8**

Text proposed by the Commission	CoR amendment
(4) To avoid duplication and to speed up the establishment of solutions, results achieved by other relevant Community and Member States initiatives shall be taken into account, whenever appropriate. To maximise synergies and ensure complementary and combined efforts, actions shall, whenever appropriate, be coordinated with other relevant Community initiatives	(4) To avoid duplication and to speed up the establishment of solutions, results achieved by other relevant Community and Member States initiatives shall be taken into account, whenever appropriate. To maximise synergies and ensure complementary and combined efforts, actions shall, whenever appropriate, be coordinated with other relevant Community initiatives. <u>The exchange of best practice between public administrations should be encouraged by all possible means</u>

Reason

In order to achieve the best results and to be able to provide effective government services, local and regional authorities could learn from each other by sharing their most successful experiences, whilst at the same time improving the coordination mechanism and cross-border interoperability issues.

*Amendment 7***Article 12**

Text proposed by the Commission	CoR amendment
(1) The Commission shall be assisted by a committee called the committee on Cross-border Interoperability (hereinafter 'the CIO committee'), composed of representatives of the Member States and chaired by the Commission	(1) The Commission shall be assisted by a committee called the committee on Cross-border Interoperability (hereinafter 'the CIO committee'), composed of representatives of the Member States, <u>including one representative of a regional government and one from local government</u> , and chaired by the Commission

Reason

The participation of local and regional government on the committee would benefit the implementation of the objectives mentioned in Article 1, because public services in Europe are provided mainly by local and regional authorities and it is these services that are important for the daily life and free movement of businesses and individuals.

*Amendment 8***Article 14**

Text proposed by the Commission	CoR amendment
(2) Cooperation with other third countries and international organisations or bodies shall be encouraged, notably within the framework of the Euro-Mediterranean Partnership and with neighbouring countries, in particular the Western Balkan countries. Related costs shall not be covered by the ISA programme	(2) Cooperation with other third countries and international organisations or bodies shall be encouraged, notably within the framework of the Euro-Mediterranean Partnership and with neighbouring countries, in particular the Western Balkan countries, <u>the countries of the Black Sea and the Baltic Sea regions</u> . Related costs shall not be covered by the ISA programme.

Reason

There should be no strict limitations regarding cooperation with partners beyond the borders of the European Union, although the costs generated by their involvement would be covered from their own resources.

Brussels, 21 April 2009

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

Opinion of the Committee of the Regions on patient safety

(2009/C 200/12)

THE COMMITTEE OF THE REGIONS RECOMMENDS

- better definition of the role of local and regional authorities within the scope of the proposed actions, in line with the role these play within the national arrangements for health services;
- better definition of participation by citizens and associations thereof in the programming and decision-making processes associated with risk management;
- the inclusion of a reference to the processes, indicators and standards for risk management and patient safety within the context of approval, accreditation and certification systems for healthcare providers;
- the definition of specific channels of legal and regulatory protection that promote the reporting by healthcare operators of errors, adverse events and situations where incidents were narrowly averted;
- embedding risk management and patient safety in (higher) education and further training for doctors and other healthcare professionals;
- the inclusion of additional recommendations to increase the efforts, already under way in individual scientific committees, to define regulatory and procedural instruments specifically dedicated to the safe use of pharmaceuticals.

Rapporteur: Mr Piero Marrazzo (IT/PES), President of the Lazio Region

Reference documents

Communication from the Commission to the European Parliament and the Council on patient safety, including the prevention and control of healthcare-associated infections

COM(2008) 836 final

Proposal for a Council Recommendation on patient safety, including the prevention and control of healthcare associated infections

COM(2008) 837 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General recommendations

1. emphasises that the Committee has on several previous occasions expressed concern and interest in this issue, calling on the Commission to make specific proposals, stating that *'structured and coordinated European-level cooperation with a view to exchanging experience, sharing knowledge and simplifying arrangements relating to developments in health technology may bring clear value added to the Member States'* (see opinion CdR 153/2004 fin);

2. notes that other organisations such as the WHO, the OECD and the Council of Europe have already considered and tackled the issue of safety in healthcare;

3. notes that the Commission proposal fits in to this context and places significant emphasis on the effective involvement of Member States in the matter, thus emphasising subsidiarity as a key tool for properly understanding the phenomenon and as the instrument of choice for seeking solutions to it;

4. considers that the Commission, by opting to promote increased cooperation between Member States via a communication from the Commission and a Council Recommendation, is responding to the Committee of the Regions' request;

5. notes that the Commission communication and the proposal for a Council Recommendation on patient safety are quite properly aimed at securing political commitment from all EU countries so that the Member States, individually or collectively, implement the proposed recommendations, with the support of the Commission, and take practical steps to improve patient safety;

6. considers that the defining characteristics of the proposal are closely related:

— to the political weight and profile that a specific Community proposal gives to the issue of patient safety;

— to the possibility of improving individual Member States' knowledge of the phenomenon by consolidating and sharing databases containing data collected uniformly;

— to the possibility of individual member states sharing best practice with each other in order to improve and reinforce patient safety;

7. notes that the initiative does not remove any competencies in the area of health from the Member States in that the Council Recommendation is a legal instrument that leaves the Member States sufficient freedom to organise, as is currently the case, their healthcare systems at national, regional or local level.

General comments about the proposal and the recommendation

8. notes that several reports show that safety in diagnosis and treatment, and the risk of iatrogenic harm, is widely perceived by the European public to be a major issue, not only in relation to safeguarding their own health and that of their loved ones, but more generally as an issue of public safety;

9. stresses that local and regional authorities are, in many countries, directly responsible for providing health services and thus have a particular interest in improving systems for safety and quality in healthcare;

10. considers that the negative consequences of iatrogenic harm impact directly on the public perception of the quality and safety of the services provided, which in many countries is one of the key factors in the public's assessment of the effectiveness of local and regional authorities;

11. believes that the spread of the phenomenon, associated with an increase in litigation, constitutes not just an ethical, social and public health problem for the authorities directly responsible for providing health services, but also an economic one, in the light of the rising costs of insurance policies and the rising trend in compensation for damages payable to members of the public;

12. therefore believes that, whilst there are already a number of sectoral initiatives (safety of medicines and medical equipment, resistance to antimicrobials, etc.) in many areas of patient safety and of risk reduction in healthcare, an initiative such as that set out in the proposal and the recommendation, aimed at establishing an integrated approach to reducing the many potential causes of iatrogenic harm, is very useful;

13. believes that the proposals and principles set out in the proposal and the recommendation fulfil the requests made in the past by the Committee of the Regions in the area of health, i.e. encouraging the exchange of good practices in the area of patient safety whilst respecting the subsidiarity principle and helping to reduce disparities in the availability and quality of healthcare services;

14. considers that the amendments and additions to the recommendation set out below could make a useful contribution to its implementation by emphasising or improving certain aspects that are of particular interest to the Committee of the Regions, and **specifically recommends:**

- better definition of the role of local and regional authorities within the scope of the proposed actions, in line with the role

these play within the national arrangements for health services;

- better definition of participation by citizens and associations thereof in the programming and decision-making processes associated with risk management;
- the inclusion of a reference to the processes, indicators and standards for risk management and patient safety within the context of approval, accreditation and certification systems for healthcare providers;
- the definition of specific channels of legal and regulatory protection that promote the reporting by healthcare operators of errors, adverse events and situations where incidents were narrowly averted;
- embedding risk management and patient safety in (higher) education and further training for doctors and other healthcare professionals;
- the inclusion of additional recommendations to increase the efforts, already under way in individual scientific committees, to define regulatory and procedural instruments specifically dedicated to the safe use of pharmaceuticals;
- the inclusion of Annex 2, which relates to supporting actions, with the addition of further specific actions arising from the transposition of the recommendations and amendments suggested here.

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Recital 15

Text proposed by the Commission	Committee of the Regions amendment
(15) Insufficient data on healthcare associated infections are available to allow meaningful comparisons between institutions by surveillance networks, to monitor the epidemiology of healthcare associated pathogens and to evaluate and guide policies on the prevention and control of healthcare associated infections. Therefore, surveillance systems should be established or strengthened at the level of healthcare institutions and at regional and national level.	(15) Insufficient data on healthcare associated infections are available to allow meaningful comparisons between institutions by surveillance networks , to monitor the epidemiology of healthcare associated pathogens and to evaluate and guide policies on the prevention and control of healthcare associated infections. Therefore, reporting and evaluation systems should be established or strengthened at the level of healthcare institutions and at regional and national level.

Reason

The phrase 'by surveillance networks' adds nothing; rather it is a source of confusion.

Amendment 2

Part I, Title II, Article 1

Text proposed by the Commission	Committee of the Regions amendment
<p>(1) Member States should support the establishment and development of national policies and programmes by:</p> <p>(a) Designating the competent authority or authorities responsible for patient safety on their territory;</p> <p>(b) Embedding patient safety as a priority issue in health policies and programmes at national as well as at regional and local levels;</p> <p>(c) Supporting the development of safer systems, processes and tools, including the use of information and communication technology.</p>	<p>(1) Member States should support the establishment and development of national policies and programmes by:</p> <p>(a) Designating the competent authority or authorities responsible for patient safety on their territory, <u>including those at regional or local level;</u></p> <p>(b) Embedding patient safety as a priority issue in health policies and programmes at national as well as at regional and local levels;</p> <p>(c) Supporting the development of safer systems, processes and tools, including the use of information and communication technology, <u>inter alia by setting specific standards for information technology and communication protocols;</u></p> <p>(d) <u>Including patient safety and related process, indicators and standards in the criteria set at national level for the approval, accreditation and certification of healthcare providers.</u></p>

Reason

- (a) to ensure better definition of the role of local and regional authorities within the scope of the proposed actions, in line with the role these play within the national arrangements for health services.
- (c) to harmonise the technical arrangements for collecting and sharing data.
- (d) to include in the approval, accreditation and certification process factors related not only to structural standards or technical equipment, but also to aspects of the process aimed at requiring the use of best practice, would be a practical measure to ensure patient safety.

Amendment 3

Part I, Title II, Article 2

Text proposed by the Commission	Committee of the Regions amendment
<p>(2) Member States should empower and inform citizens and patients by:</p> <p>(a) Involving patient organisations and representatives in the development of policies and programmes on patient safety at all levels;</p> <p>(b) Disseminating information to patients on risk, levels of safety and measures in place to reduce or prevent errors, and ensure informed consent to treatment, to facilitate patient choice and decision-making;</p>	<p>(2) Member States should empower and inform citizens and patients by:</p> <p>(a) Involving patient organisations and representatives in the development of policies and programmes on patient safety at all levels, <u>inter alia by providing specifically for participation by citizens and associations thereof in the consultative bodies that are to be set up, including those mentioned in point (1) (a);</u></p> <p>(b) Disseminating information to patients on risk, levels of safety and measures in place to reduce or prevent errors, and ensure informed consent to treatment, to facilitate patient choice and decision-making, <u>establishing at national, local or regional level the minimum content and the format of information to be provided to patients to ensure that the rights and protections provided for herein can be exercised.</u></p>

Reason

- (a) participation by citizens and associations thereof, not only in consultative bodies but also in executive ones, becomes binding.
- (b) it is helpful to guide and harmonise the arrangements for communicating with the patient at the time of seeking informed consent, by analogy to the provisions already in place concerning information on the use of pharmaceuticals.

Amendment 4

Part I, Title II, Article 4

Text proposed by the Commission	Committee of the Regions amendment
(4) Member States should promote education and training of healthcare workers on patient safety by:	(4) Member States should promote education and training of healthcare workers on patient safety by:
(a) Encouraging multi-disciplinary patient safety education and training of all health professionals, other healthcare workers and relevant management and administrative staff in healthcare settings;	(a) Encouraging multi-disciplinary patient safety education and training of all health professionals, other healthcare workers and relevant management and administrative staff in healthcare settings;
(b) Collaborating with organisations involved in professional education in healthcare to ensure that patient safety receives proper attention in the higher education curricula and in the ongoing education and training of health professionals.	(b) Collaborating with organisations involved in professional education in healthcare to ensure that patient safety receives proper attention in the higher education curricula and in the ongoing education and training of health professionals.
	(c) <u>Introducing specific teaching on patient safety and healthcare risk management in the (higher education) curricula for doctors and other healthcare professionals and in further training.</u>

Reason

- (c) the problem of disseminating knowledge and skills relating to risk management techniques needs to be tackled holistically and specifically in higher education curricula as a key element in disseminating knowledge and skills relating to issues of patient safety.

Amendment 5

Part I, Title III, Article 1 (c)

Text proposed by the Commission	Committee of the Regions amendment
(1) Member States should develop national strategies for the prevention and control of healthcare associated infections by:	(1) Member States should develop national strategies for the prevention and control of healthcare associated infections by:
(c) Establishing or strengthening active surveillance systems at Member State level or at the level of healthcare institutions.	(c) Establishing or strengthening active <u>surveillance</u> registration, monitoring and evaluation systems at Member State level or at the level of healthcare institutions.

Reason

It is important for Member States to register and monitor some healthcare associated infections so that the results can be used to make improvements. The choice of the term 'surveillance' does not convey this idea to the same extent. If real improvement is to be achieved, evaluation should also be included.

Amendment 6

Part I, Title III, Article 2

Text proposed by the Commission	Committee of the Regions amendment
(2) Member States should consider the establishment, if possible within one year after the adoption of this Recommendation, of an inter-sectoral mechanism for the coordinated implementation of the national strategy as well as for the purposes of information exchange and coordination with the Commission, the ECDC and the other Member States.	(2) Member States should consider the establishment, if possible within one year after the adoption of this Recommendation, of an inter-sectoral mechanism for the coordinated implementation of the national strategy as well as for the purposes of information exchange and coordination with the Commission, the ECDC and the other Member States, <u>inter alia through the direct involvement of regional and local bodies with specific competences in the healthcare sector.</u>

Reason

- (2) ensuring better definition of the role of local and regional authorities within the scope of the proposed actions, in line with the role these play within the national arrangements for health services.

Amendment 7

Part I, Title IV, Article 3

Text proposed by the Commission	Committee of the Regions amendment
(3) Member States should report to the Commission on the implementation of this Recommendation within two years of its adoption and subsequently on request by the Commission with a view to contributing to the follow-up of this Recommendation at Community level.	(3) Member States should report to the Commission on the implementation of this Recommendation within two years two of its adoption and subsequently on request by the Commission with a view to contributing to the follow-up of this Recommendation at Community level. <u>Where possible, this should be done using existing data.</u>

Reason

- (3) The EU's efforts to address the issue should, given its importance, be backed up by more rapid action.

Amendment 8

Annex 2, Part 2, Article 1 (c)

Text proposed by the Commission	Committee of the Regions amendment
(c) Establishing or strengthening active surveillance systems by:	(c) Establishing or strengthening active <u>surveillance</u> <u>registra-</u> <u>tion, monitoring and evaluation</u> systems by:

Reason

It is important for Member States to register and monitor some healthcare associated infections so that the results can be used to make improvements. The choice of the term 'surveillance' does not convey this idea to the same extent. If real improvement is to be achieved, evaluation should also be included.

Brussels, 21 April 2009.

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

Opinion of the Committee of the Regions on establishing the European globalisation adjustment fund
(2009/C 200/13)

THE COMMITTEE OF THE REGIONS ISSUES THE FOLLOWING RECOMMENDATIONS:

- calls on the Commission and the Member States to work together with local and regional authorities and other stakeholders and to observe the subsidiarity and proportionality principles whenever implementing the EGF;
- is aware of the cyclical occurrence of economic crises and thus proposes that the EGF time limit be adjusted to the multi-annual financial framework in order to increase planning security;
- notes that measures eligible for funding under the EGF can also be funded at a co-financing rate of 85 % by the European Social Fund (ESF). Consequently, many cities, regions, and local and regional authorities have no reason to look to the EGF at a co-financing rate of 50 % or even 75 %. It is therefore suggested that the EGF co-financing rate be raised to at least 85 %;
- notes that Article 28 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management ⁽¹⁾ provides that the EGF may not exceed a maximum annual amount of EUR 500 million; welcomes the announcement in the Communication on the European Economic Recovery Plan that the Commission will review the budgetary means available for the EGF in the light of the implementation of the revised rules.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

Rapporteur: Dr Silberg (EE/UEN-EA), Chairman of Kose Municipal Council

Reference document

Regulation of the European Parliament and of the Council amending Regulation (EC) No 1927/2006 on establishing the European Globalisation Adjustment Fund COM (2008) 867 final.

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS,

as the European institution that, in accordance with the Treaty on European Union, represents the local and regional authorities of the Member States,

General comments

1. welcomes the European Commission's proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1927/2006 on establishing the European Globalisation Adjustment Fund (hereinafter 'EGF') and calls on the Commission and the Member States to work together with local and regional authorities and other stakeholders and to observe the subsidiarity and proportionality principles whenever implementing the EGF;

2. notes that the planned measures are aimed at amending the EGF Regulation and thus showing solidarity towards workers who have lost their jobs as a consequence of major changes brought about by globalisation, and at introducing a temporary provision to support workers made redundant as a result of the global economic and financial crisis; is aware of the cyclical occurrence of economic crises and thus proposes that the time limit be adjusted to the multi-annual financial framework in order to increase planning security;

3. recalls that the opinion of the Committee of the Regions on the *Proposal for a Regulation of the European Parliament and of the Council establishing the European Globalisation Adjustment Fund* (OJ C 51, 6.3.2007, p. 1), pointed out that local and regional authorities play an active role in responding to major redundancies, and that the following suggestions have already been made: the maximum annual spending under the Fund should be set at EUR 1 bn, if this is compatible with the provisions of the financial perspective for 2007-2013; the EGF should not undermine the responsibility of Member States to find their own response to economic restructuring; the EGF should intervene following at least 500 redundancies at a company in a region where unemployment, measured at NUTS III level, is higher than the national average, or following at least 500 redundancies over a period of 12 months in one or more enterprises in a sector, measured at NACE 2 level, which represents at least 1 % of regional employment or where regional employment measured at NUTS II level has fallen by at least 10 % over the same period;

4. points out that the EGF came into effect in 2007 and 2008 only very slowly (only 7,3 % of the available funds were used), which clearly shows that the use of the funds is limited under the criteria that currently apply for submitting applications;

5. supports the Commission's intention to revise the rules of the EGF so that it can intervene rapidly in key sectors, for example through co-financing vocational training measures and job placements for workers who are made redundant as a result of the economic crisis;

6. believes that the problems that have arisen from the current economic and financial crisis are growing into a social crisis and a crisis of confidence, and that local and regional authorities must inevitably shoulder much of the impact of this crisis and the responsibility for overcoming it. For this reason, the EGF, its new objectives and the involvement of local and regional authorities are more important than ever;

7. stresses that achieving the EGF objective must make a clear contribution to the Lisbon strategy goals: increased employment, reduction in unemployment and inactivity, improving quality and productivity at work, improving the attractiveness of jobs and strengthening social and territorial cohesion;

8. believes that, from an employment policy point of view, SMEs also represent untapped potential for creating and maintaining jobs; further believes that the EGF can offer additional opportunities and strengthen public confidence in the business sector in Europe;

9. is concerned that, in the light of the global economic and financial crisis, the outermost regions and the economically weaker regions and countries are not able to meet the conditions for access to the EGF, particularly the requirement for co-financing of 50 %, and that it is therefore the risk exists that use of the EGF will further increase disparities between the centre and the periphery;

10. notes that measures eligible for funding under the EGF can also be funded at a co-financing rate of 85 % by the European Social Fund (ESF), which principally funds the active ESF labour market measures (including projects to deal with the consequences of redundancies). Consequently, many cities, regions, and local and regional authorities have no reason to look to the EGF at a co-financing rate of 50 % or even 75 %. It is therefore suggested that the EGF co-financing rate be raised to at least 85 %;

11. shares the view that the global financial crisis has already led to mass redundancies in an increasing number of sectors of the economy and is continuing to do so, as the situation is being driven by the limited availability of credit and a reduction in consumer purchasing power; this development will continue in the near future; supports the European Commission's intention to adopt measures to make the EGF an instrument that is better placed to respond to such problems;

12. notes that Article 28 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management ⁽¹⁾ provides that the EGF may not exceed a maximum annual amount of EUR 500 million; welcomes the announcement in the Communication on the European Economic Recovery Plan that the Commission will review the budgetary means available for the EGF in the light of the implementation of the revised rules;

13. stresses the positive overall impact of globalisation on economic growth in the Community and therefore emphasises that a fund to soften the negative impact of globalisation should be provided with appropriate funding;

14. is concerned that in a number of countries, co-financing of EU programmes including European Globalisation Fund falls to local and regional authorities, who are at the same time facing budget cuts;

Specific comments on the proposal

15. accepts that it is necessary to reduce the minimum number of redundancies from 1 000 to 500 and thus to deal with the

questions raised about the intervention criteria and take on board a definition arising from case law of the event constituting redundancy, but considers a more precise definition of the event constituting redundancy and its unambiguous application in the Member States to be necessary ⁽²⁾;

16. supports the proposed change that aims to ensure equitable and non-discriminatory treatment of those workers whose redundancy occurred before or after the 4-month reference period but can be clearly linked to the same redundancy event;

17. welcomes the proposed amendments that clarify the basis for calculating the amount available for technical assistance and the range of activities that can be funded under Article 13;

18. supports the proposed change whereby the implementation period of an EGF contribution is to be increased from 12 to 24 months and believes that this measure will help workers who have lost their jobs to complete retraining programmes, which in the current economic climate will probably take longer, and to obtain new qualifications;

19. shares the view that, on the basis of the mid-term evaluation provided for in Article 17(1)(a), the European Parliament and the Council should be able to review the EGF Regulation, including the temporary derogation provided for in Article 1, paragraph 1a, on the basis of a proposal from the Commission.

II. SPECIFIC SUGGESTIONS FOR IMPROVEMENT

Regulation of the European Parliament and of the Council amending Regulation (EC) No 1927/2006 on establishing the European Globalisation Adjustment Fund.

Wording proposed by the Commission	CoR amendment
(5) In order to ensure that the intervention criteria are applied transparently, a definition of the event constituting redundancy should be introduced. Seeking to give more flexibility to the Member States to present applications and to meet better the solidarity objective, the redundancy threshold should be lowered.	(5) In order to ensure that the intervention criteria are applied transparently, a <u>more precise definition of the event constituting redundancy should be introduced and applied unambiguously in the Member States</u> . Seeking to give more flexibility to the Member States to present applications and to meet better the solidarity objective, the redundancy threshold should be lowered.

Reason

The aim should be to harmonise the concept of redundancy and its application in the Member States.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ The Committee of the Regions thinks it is also essential that the European Globalisation Adjustment Fund take account of the general fall in wages and salaries across the employment areas in the sectors hit most by the crisis.

Wording proposed by the Commission	CoR amendment
<p><i>Article 1</i></p> <p>Regulation (EC) No 1927/2006 is amended as follows:</p> <p>1. In Article 1 a new paragraph 1a is inserted:</p> <p>‘(1a) By way of derogation from paragraph 1, the EGF shall also provide support to workers made redundant as a result of the global financial and economic crisis, provided applications comply with the criteria set out in Article 2(a), (b) or (c).</p> <p>This derogation shall apply to all applications submitted before 31 December 2010.’</p>	<p><i>Article 1</i></p> <p>Regulation (EC) No 1927/2006 is amended as follows:</p> <p>1. In Article 1 a new paragraph 1a is inserted:</p> <p>‘(1a) By way of derogation from paragraph 1, the EGF shall also provide support to workers made redundant as a result of the global financial and economic crisis, provided applications comply with the criteria set out in Article 2(a), (b) or (c).</p> <p>This derogation shall apply to all applications submitted before 31 December 2010 <u>2013</u>.’</p>

Reason

The purpose of adjusting the time limit to the multi-annual financial framework seems necessary in order to enable the adequate planning of the EGF.

Wording proposed by the Commission	CoR amendment
<p>Article 2 is replaced by the following:</p> <p><i>‘Article 2</i></p> <p>Intervention criteria</p> <p>A financial contribution from the EGF shall be provided where major structural changes in world trade patterns lead to a serious economic disruption, notably a substantial increase of imports into the European Union, or a rapid decline of the EU market share in a given sector or a delocalisation to third countries, which results in.’</p>	<p>Article 2 is replaced by the following:</p> <p><i>‘Article 2</i></p> <p>Intervention criteria</p> <p>A financial contribution from the EGF shall be provided where major structural changes in world trade patterns lead to a serious economic disruption, notably a substantial increase of imports into the European Union, or a rapid decline of the EU market share in a given sector or a delocalisation to third <u>lower-cost</u> countries, which results in.’</p>

Wording proposed by the Commission	CoR amendment
<p>Article 2 is replaced by the following:</p> <p><i>‘Article 2</i></p> <p>Intervention criteria</p> <p>(b) at least 500 redundancies over a period of 9 months, particularly in small or medium-sized enterprises, in a NACE 2 division in one region or two contiguous regions at NUTS II level, or</p> <p>(c) in small labour markets or in exceptional circumstances, where duly substantiated by the Member State concerned, an application for a contribution from the EGF may be considered admissible even if the conditions laid down in points a) or b) are not entirely met, when redundancies have a serious impact on employment and the local economy. The Member State shall specify that its application does not entirely meet the intervention criteria set out in point a) or point b). The aggregated amount of contributions in exceptional circumstances may not exceed 15 % of the EGF each year.’</p>	<p>Article 2 is replaced by the following:</p> <p><i>‘Article 2</i></p> <p>Intervention criteria</p> <p>(b) at least 500 redundancies over a period of 9 months, particularly in small or medium-sized enterprises, in a NACE 2 division in one region or two contiguous regions at NUTS II level, or</p> <p>(c) in small labour markets or in exceptional circumstances, where duly substantiated by the Member State concerned, an application for a contribution from the EGF may be considered admissible even if the conditions laid down in points a) or b) are not entirely met, when redundancies have a serious impact on employment and the local economy. The Member State shall specify that its application does not entirely meet the intervention criteria set out in point a) or point b). The aggregated amount of contributions in exceptional circumstances may not exceed 15 % of the EGF each year.’</p>

Reason

(c) Whereas ESF funding is planned for the long term and under a fairly rigid system, problems could be addressed more flexibly on a case-by-case basis under the more flexible EGF intervention model.

Wording proposed by the Commission	CoR amendment
Article 5 is amended as follows: In paragraph 2 point a) is replaced by the following: '(a) a reasoned analysis of the link between the redundancies and major structural changes in world trade patterns or the financial and economic crisis, a demonstration of the number of redundancies, and an explanation of the unforeseen nature of those redundancies. Redundancies which occurred before or after the period provided for in Article 2(a) or in Article 2(c) in case an application under the latter derogates from the criteria set out in Article 2(a), may be covered by the co-financed measures, provided that the redundancies occurred after the general announcement of the projected redundancies and a clear functional link can be established with the event which triggered the redundancies during the reference period;'	Article 5 is amended as follows: <u>Paragraph 1 is formulated as follows:</u> <u>1.</u> In consultation with the relevant local and/or regional authorities and with the social partners, the Member State shall submit an application for a financial contribution from the EGF to the Commission within ten weeks of the date on which the conditions set out in Article 2 for intervention under the EGF are fulfilled. Additional applications may subsequently be submitted by the Member State(s) concerned. In paragraph 2 point a) is replaced by the following: '(a) a reasoned analysis of the link between the redundancies and major structural changes in world trade patterns or the financial and economic crisis, a demonstration of the number of redundancies, and an explanation of the unforeseen nature of those redundancies. Redundancies which occurred before or after the period provided for in Article 2(a) or in Article 2(c) in case an application under the latter derogates from the criteria set out in Article 2(a), may be covered by the co-financed measures, provided that the redundancies occurred after the general announcement of the projected redundancies and a clear functional link can be established with the event which triggered the redundancies during the reference period;'

Reason

- (1) Local and regional authorities and their populations will be affected by the consequences of business relocations and closures and should be involved in the drafting of strategies for dealing with such situations. They should therefore be involved in the process of applying for funds — not least to ensure complementarity between measures at local, regional, national and European level.
- (2) The wording of the first sentence of Paragraph 2(a) is incomprehensible and makes its meaning unclear.

Wording proposed by the Commission	CoR amendment
Article 10(1) is replaced by the following: '1. The Commission shall, on the basis of the assessment carried out in accordance with Article 5(5), particularly taking into account the number of workers to be supported, the proposed actions and the estimated costs, evaluate and propose as quickly as possible the amount of financial contribution, if any, that may be made within the limits of the resources available. The amount may not exceed 75 % of the total of the estimated cost referred to in Article 5(2)(d).'	Article 10(1) is replaced by the following: '1. The Commission shall, on the basis of the assessment carried out in accordance with Article 5(5), particularly taking into account the number of workers to be supported, the proposed actions and the estimated costs, evaluate and propose as quickly as possible the amount of financial contribution, if any, that may be made within the limits of the resources available. The amount may not exceed 75 85% of the total of the estimated cost referred to in Article 5(2)(d).'

Reason

If one looks into redundancies whilst bearing in mind the current intervention criteria and those proposed in the amendment, it becomes clear that a small number of redundancies does not have a significant impact on the ability of outlying regions to apply for financial resources from the fund.

Although the number of mass redundancies and the number of workers made redundant is rising due to the economic downturn, the figure of 500 redundancies remains a very high threshold in relation to the small labour markets of such regions. For this reason, outlying regions are tending to apply only for ESF funding, but this could start to dwindle more quickly than anticipated if the crisis spreads.

At the same time, poorer outlying regions are not as able to provide co-financing. Consequently there is a danger that governments that are weakened by the economic crisis will not give regions and/or local and regional authorities that do not have much lobbying clout the attention they deserve.

Brussels, 22 April 2009

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

Opinion of the Committee of the Regions on consumer rights

(2009/C 200/14)

THE COMMITTEE OF THE REGIONS

- supports the political objective of securing further consistency within the single market and improving the functioning of the business-to-consumer internal market, particularly for SMEs;
- also upholds the objective of stronger, more fully developed consumer protection within the EU which is a necessary condition for the functioning of the single market;
- feels that the current proposal for a directive is not, as yet, conducive to boosting consumer confidence in cross-border trade;
- rejects the principle of full harmonisation on a broad scale as Member States may thereby have to sacrifice particular consumer protection provisions in the name of standardisation;
- trusts that Member States will, in future too, retain scope to go further than uniform EU-wide standards;
- thus advocates a modulated approach, where full harmonisation remains an acceptable option for provisions of a more technical nature, while Member States retain regulatory scope in other areas;
- would stress the need to be more specific about core information applicable to all contract types;
- sees a need for further clarification and adjustment in the case of distance contracts.

Rapporteur: Mr Wolfgang G. Gibowski (DE/EPP), State Secretary, Plenipotentiary of the Land of Lower Saxony to the Federation

Reference document

Proposal for a Directive of the European Parliament and of the Council on consumer rights

COM(2008) 614 final — 2008/0196 (COD)

I. POLITICAL RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General points

1. supports the political objective of securing further consistency within the single market and improving the functioning of the business-to-consumer internal market, particularly for SMEs;
2. also upholds the objective of stronger, more fully developed consumer protection within the EU; which is a necessary condition for the functioning of the single market;
3. therefore welcomes the proposal set out here to consolidate existing consumer protection directives into a single set of rules to be applied across different sectors to all consumer-trader contracts as identified in the draft;
4. at the same time laments the failure to include all consumer directives and regrets that the Commission proposal sets out to revise four directives only. For the Commission, this represents a missed opportunity to establish a common set of rules for all consumer rights within the internal market;
5. also deplores the failure to fully remove inconsistencies and ambiguities from existing provisions and boost the overall transparency of the consumer *acquis*;
6. is concerned about the (growing) divergence between consumer protection regulations in the EU and those in non-Member States and therefore recommends that the European Commission pay more attention to this subject;

Competence, subsidiarity and proportionality

7. notes that the directives in place up to now have provided for a minimum European standard, leaving Member States free to go further than the EU level of consumer protection. Several countries have made wide use of this facility; hopes that giving this opportunity would lead to an overall increase of consumer protection in all Member States;
8. rejects the principle of full harmonisation on a broad scale as Member States may thereby have to sacrifice particular consumer protection provisions in the name of standardisation, even where these have proved effective in the country concerned;

9. feels that the tried-and-trusted principle of minimum harmonisation as provided for under Article 153(5) of the EC Treaty — the key consumer protection article — should in essence be retained. Member States must, as a matter of principle, retain the flexibility to adapt consumer law to the their own national legal system by mandating higher levels of protection;

10. notes that full harmonisation on a broad scale represents a new departure in European consumer protection that does not appear to be strictly necessary. Full harmonisation should be considered selectively, i.e. in specific technical cases only, where the different national provisions in place up to now are genuinely and demonstrably placing a burden on cross-border businesses or represent a substantial obstacle to achieving the four freedoms of the European Union;

11. disputes whether full harmonisation on a broad scale is consistent with the basic tenets of subsidiarity. The Commission has so far failed to give cogent reasons for its move to appropriate a full regulatory remit in this area. Full harmonisation should therefore be applied in just a few core areas of the internal market;

12. also has its doubts as to whether full harmonisation will boost consumer confidence and foster competition. Up to now, consumer difficulties have, in the main, been caused by the uncertainties and complexities of law enforcement in cross-border trade (language barriers, legal fees, courts costs, etc.) The directive provides no improvement on that front;

13. feels that questions must be asked about the Commission's objective in submitting this proposal — i.e. the desire to regulate not only cross-border trade but also domestic trade within the Member States. At any event, there is no evidence that different domestic rules are an obstacle to cross-border trade;

14. also notes that any harmonised rules must be backed by readily understandable and empirical reasoning and subject to a realistic impact assessment;

15. feels in particular that the Eurobarometer survey used as a basis here does not constitute sufficient grounds for adopting the proposed directive. The Commission must in any case provide empirical and coherent reasons as to why action needs to be taken on the individual provisions. Currently, the impact assessment merely gives an abstract indication of the effects of various different options for action;

Specific points

Definitions

16. feels that the proposed directive does not do enough to purge the terms used in the current consumer directives of the ambiguities that have so compromised transparency. Tighter definitions are needed — even for terms such as ‘consumer’ and ‘trader’;

Consumer information

17. considers that the provisions relating to general information requirements remain ambiguous and may in certain circumstances result in significant legal uncertainty; at any event, the qualification placed on information requirements (‘the trader shall provide the consumer with the following information, *if not already apparent from the context*’) is too vague and hardly a sound criterion on which differentiations can be made;

18. would stress the need to be more specific about core information applicable to all contract types;

Consumer information and withdrawal right for distance and off-premises contracts

19. notes the complaints of small businesses in particular that they are no longer able to meet even today’s information requirements without legal advice. A standard form would be useful for businesses and consumers alike. By using a set form prescribed by the directive, businesses could be sure that the information they are providing does in fact meet the directive’s requirements. Consumers would have access to the information in the same format across Europe. The form annexed to the proposal only partially serves that purpose;

20. sees a need for further clarification and adjustment in the case of distance contracts. On the one hand, the proposal in this regard goes further than current national provisions but, on the other, it fails to take up the exception permitted under the old distance selling directive whereby the right of withdrawal does not apply to goods which ‘by reason of their nature, cannot be returned’;

21. is critical of the plan to fully harmonise provisions on doorstep selling. The vast majority of doorstep and off-premises contracts are conducted at national level;

22. questions why the right of withdrawal is not to apply to periodical subscriptions and gaming and lottery services. The same applies to private online auctions which, in some Member States (in Germany at any rate) are viewed as normal sales contracts. Here too, provision should be made for national derogations;

Other consumer rights specific to sales contracts

23. welcomes the ‘seller-friendly’ proposals on the sale of consumer goods (right to rectify any subsequent defects, performance times);

24. is, however, critical of the proposals on material defects, particularly the deadline for the enforcement of claims in this regard;

Consumer rights concerning contract terms

25. is critical of the proposals on standard contract terms, some of which would curtail consumer rights. Legal rights currently in place in the Member States must not be undercut further;

Conclusions

26. feels that the current proposal for a directive is not, as yet, conducive to boosting consumer confidence in cross-border trade. On the contrary, if the proposed legislation means an adjustment of national law to a lower level required to conform to the EU provisions it could even result in a further weakening of consumer demand as lower consumer protection standards could unsettle consumers and make them reluctant to buy;

27. emphatically opposes full harmonisation on a broad scale and trusts that Member States will, in future too, retain scope to go further than uniform EU-wide standards;

28. thus advocates a modulated approach, where full harmonisation remains an acceptable option for provisions of a more technical nature, while Member States retain regulatory scope in other areas. Member States would thereby also be able to react more quickly to problems than the European legislator can;

29. favours an integrated approach, i.e. definitions and rules that are conducive to improvements not only in the partial areas covered by the proposed directive, but in the rest of the consumer *acquis* as well;

30. given the current stage in the negotiations, sees an ongoing need for clarification and consultation. In the upcoming negotiations, attention must be paid to striking a balance between a high level of consumer protection on the one hand, and business competitiveness on the other. Care must be taken not to impose disproportionate burdens, particularly on medium-sized companies, or to reduce the markedly high level of consumer protection already in place in some Member States. The negotiations should also seek to make consumer information simpler and more readily understandable across the board;

31. eagerly looks forward to the continuing discussion and intends to monitor it constructively.

Brussels, 22 April 2009

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

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