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## I

*(Resolutions, recommendations and opinions)*

## OPINIONS

## COMMITTEE OF THE REGIONS

**129TH COR PLENARY SESSION, 16.5.2018-17.5.2018**

**Resolution of the European Committee of the Regions on the implications of the United Kingdom's withdrawal from the European Union for the EU's local and regional authorities**

(2018/C 361/01)

THE EUROPEAN COMMITTEE OF THE REGIONS (CoR),

- Having regard to the Joint Report from the negotiators of the European Union (EU) and the UK Government of 8 December 2017 on progress during phase 1 of negotiations under Article 50 TEU on the UK's withdrawal from the EU, and to the European Commission draft Withdrawal Agreement of 28 February 2018,
  - Having regard to the European Council (Art. 50) Guidelines of 23 March 2018 on the overall understanding of the framework for the future relationship between the EU and the UK,
  - Having regard to the European Parliament resolution of 14 March 2018 on the framework of the future EU-UK relationship,
1. Welcomes that with the approval of the terms of the transition period no discrimination should exist between EU citizens who arrived in the UK and UK nationals who arrived in EU-27 up to the end of the transition period. Welcomes that the rights under the Withdrawal Agreement of UK citizens who will remain in the EU, and EU citizens who will remain in the UK, are protected for life and demands assurances that future changes in policy in the EU Member States or in the UK do not put these rights in jeopardy. This includes right to health care and the mutual recognition of social security contributions.
  2. Welcomes the progress being made in terms of the issues to discuss in the future framework for the relationship between the EU and the UK, and urges the negotiating parties to clarify the key elements on the basis for cooperation (such as its structure, governance, scope and mechanisms for dispute settlement, enforcement and participation) as soon as possible, to give orientation and certainty to local and regional authorities.
  3. Highlights the importance of regulatory alignment between Ireland and Northern Ireland and therefore with the EU, the so called 'backstop clause'. Recalls that an optimal, viable and legally operative solution for the border between Northern Ireland and Ireland needs to be found and hopes further progress is made for the European Council Summit in June.
  4. Notes that the UK's withdrawal will inevitably have consequences and depending on the deal struck between the EU and the UK, the new relationship it could make the exchange of goods and services as well as the movements of persons and capital more difficult than in the customs union and single market to which the UK currently belongs. Therefore calls for pragmatism so as to avoid negative consequences for either side while respecting the integrity of the customs union and the single market.

5. Notes however that, although there is a range of potential options in terms of the UK's future relationship with the EU, there is not sufficient focus on what the future relationship should look like at the level of local and regional authorities. Underlines that many important issues require local and regional action and therefore continued cooperation with the sharing of best-practises at the level of local and regional authorities is needed.

6. Recalls that since the referendum the CoR has provided a platform for continued dialogue with the UK local and regional authorities, while carrying out consultations and in-depth assessments of the impact of the UK's withdrawal at subnational level; these indicate that the economic and social effects of the UK's withdrawal from the EU will most likely be asymmetrical not only across different sectors of the economy, but also *across regions* and countries, with some regions and Member States being more exposed due to the nature and scale of their trade linkages with the UK.

7. Points out that the CoR's analytical work shows that the majority of regions have not, to date, succeeded in properly assessing the possible impact of the UK leaving, given in particular the uncertainty surrounding the negotiations and the future relationship. Notes that the absence of data on the impact of UK withdrawal will inevitably restrict the scope to prepare effectively and take mitigating measures.

8. Given the uncertainties related to the United Kingdom's withdrawal from the European Union and its concrete consequences, all levels of governance both in the UK and in the EU-27 must continue to prepare, *for all possible outcomes*, as stressed by the European Council. It is especially important that regional and local authorities prepare for all scenarios. Stresses the importance of maintaining a high level of transparency at all of the decision-making stages, as a prerequisite for enabling local and regional authorities to deal with all possible outcomes.

9. Calls for an extra effort to be made to inform society of changes in future relations. Points out, in particular, that awareness raising and sharing of information will help businesses, notably SMEs, better prepare to face structural and economic adjustments, and calls on local and regional authorities to develop specific strategies adapted to their needs to mitigate the impact of the United Kingdom's withdrawal, wherever necessary and justified.

10. Urges the EU Member States as well as the EU institutions to ensure that local and regional authorities are not left to deal with these challenges on their own and that these challenges are mitigated as far as possible through a positive future relationship. In this context notes with deep concern the recent proposals for the MFF by the European Commission and reiterates its conviction that a strong cohesion policy, including reinforced European Territorial Cooperation programmes such as Interreg, essential for the local and regional authorities in the EU to address adverse consequences of the UK's withdrawal; furthermore underlines that also other EU policies such as Common Agricultural Policy and Common Fisheries Policy should be used to mitigate these negative impacts which should be taken into consideration when deciding upon their future financing. Calls on the European Commission to assess before 29 March 2019 the possible need for a stabilisation fund for regions most adversely affected by the UK's withdrawal from the EU.

11. Notes that sufficient flexibility in state aid rules may also be necessary to allow local and regional authorities to cope with specific critical situations.

12. Recalls that whilst the UK as a third country would not be able to participate in the EU's decision-making process — the best way to mitigate the impact of the UK's withdrawal from the EU is through an ambitious agreement, setting out a genuine partnership between the EU and the UK, not limited to trade and economic relations; stresses that even if such an agreement can only be finalised and concluded once the UK will have left the EU, efforts should be made to facilitate its prompt conclusion. Also stresses the need to envisage specific agreements on foreign policy and defence, which would maintain a link between the UK and the EU, together with intelligence sharing.

13. Urges the European Union to prioritise connectivity of people and goods between regions in the European Union and also between the EU and the UK. Highlights in particular the critical role of ports, airports as well as road and rail networks in ensuring this connectivity and wishes to see a refocus of policy and investment in this regard.

14. Recalls the need for the UK to maintain the protection for European designations of origin and geographical indications as well as the recognition of the European legislation on sanitary, phytosanitary and environmental matter in order to avoid the emergence of new controls to exports that would hamper the shipments to that country.

15. Welcomes the provisional agreement on a transition period set out in Part Four of the draft Withdrawal Agreement, during which the Union law shall be applicable to and in the UK, which provides more legal certainty and time for negotiations on the future relationship between the EU-27 and the United Kingdom.

16. Recalls that the local and regional authorities in the European Union of 27 have an interest in the UK being allowed to participate as a third country in certain Union programmes to which it makes an appropriate financial contribution, in particular in the fields of education, culture, research, innovation, as well as relevant agencies, and in a close relationship with regard to security, border and migration management.

17. Welcomes the four underlying principles of the draft Withdrawal Agreement, i.e. ensuring that the existing citizens' rights will be safeguarded, that financial commitments undertaken by the EU-28 will be respected, that the North-South cooperation on the island of Ireland will be maintained, and that a hard border between Northern Ireland and Ireland will be avoided.

18. Considers it essential that a future partnership agreement include provisions on the movement of natural persons based on full reciprocity and non-discrimination among Member States, beyond any transition period. In order to ensure the future mobility, the agreement shall guarantee mutual recognition of professional, academic and vocational qualifications.

19. Highlights that it is highly important to ensure that no hard border is erected on the island of Ireland and that the Good Friday Agreement is not jeopardised; therefore calls on the UK and the EU to keep seeking solutions which allows for the continuation of the movement of goods, persons and services between their territories, without negatively affecting the integrity of the European customs union and internal market, or the rights and obligations of Ireland under EU law, including with respect to the free movement of Union citizens and their family members, irrespective of their nationality. Stresses the need to maintain the EU PEACE and Interreg programmes with the UK, as a partner.

20. Recalls its previously-expressed hopes that the region of Andalusia and specifically the thousands of workers of the seven municipalities of the Campo de Gibraltar district, who cross into Gibraltar on a daily basis to work, and citizens on both sides do not lose out as a result of the UK leaving the EU, given the high degree of social and economic interdependence in this area, particularly in the neighbouring town of *La Línea de la Concepción*.

21. Recalls that the outermost regions of the European Union suffer from the structural difficulties set out in Article 349 of the Treaty on the Functioning of the European Union. The huge dependence of some of these regions on the British economy indicates that special EU measures are needed to protect them, in order to offset any negative impact on these fragile economies.

22. Calls upon the Parties to explicitly foresee that the joint bodies mentioned in the draft Withdrawal Agreement address the territorial dimension and stresses that it will look into an appropriate structure, such as a Joint Committee that would be similar to other bodies that CoR has with non-EU members, for its own continued cooperation with UK local and regional authorities during the transition period and beyond.

23. Beyond 2020, appropriate arrangements should be put in place to ensure easy access for UK local and regional authorities to cooperate with EU counterparts through the participation in EU cooperation programmes in a similar fashion that countries, such as, for instance, Norway or Iceland currently do, as well as by way of macro-regional strategies, Interreg and within EGTC frameworks.

24. Recalls, in this context, that, even if the CoR does not have a formal role in the negotiations, some of its members and the authorities they represent will have the possibility of adopting formal positions according to their respective roles in their different national legal frameworks; as a consequence, requests that the forthcoming negotiations on the future partnership agreement are held in a transparent and inclusive way so that local and regional authorities can put forward their point of view and react in an appropriate and timely manner, and anticipate any repercussions, particularly economic, and thus safeguard their own territories. Reiterates its belief that the CoR is best placed to devise and implement institutional mechanisms to promote post-withdrawal regular consultation and interaction with local government and devolved parliaments and assemblies in the UK and agrees to start making internal preparations to prevent a gap in relations as a result of withdrawal.

25. Notes that the process of negotiating the United Kingdom's exit from the European Union and future relations with the United Kingdom demonstrates the costs and risks of 'non-Europe' and the added value of the European Union as a community with a shared future and values based on real solidarity and concrete achievements for its citizens' well-being, starting with freedom of movement. The context of the negotiations also provides an opportunity to relaunch European integration as an open-ended process with the aim of building a fairer and more inclusive Europe founded on shared values and promotion of multilevel governance between the European Union and national, regional and local authorities.

26. Instructs its President to forward this resolution to the chief negotiator of the European Commission, the Brexit coordinators for the European Parliament and the European Council, the UK Government, the assemblies and governments of the UK's devolved administrations and local governments, and the Bulgarian Presidency of the Council of the EU.

Brussels, 17 May 2018.

*The President  
of the European Committee of the Regions*

Karl-Heinz LAMBERTZ

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**Opinion of the European Committee of the Regions — Mid-term review of the EU Forest Strategy**

(2018/C 361/02)

**Rapporteur:** Ossi MARTIKAINEN (FI/ALDE), Member of Lapinlahti Municipal Council

THE EUROPEAN COMMITTEE OF THE REGIONS

**I. INTRODUCTION****Background to the EU Forest Strategy**

1. In the European Union, competence for forest policy lies with the Member States.
2. However, in several areas affecting forests and their use, the European Union has exclusive competence or shared competence with the Member States. These areas include, in particular, the common commercial policy and agricultural policy, development policy, climate policy, environment, energy, the bioeconomy and the circular economy.
3. This has led to the need to ensure EU-level coordination of the EU policies that have an impact on forestry-related matters and to assess the impact of EU global commitments on the sustainable use of forests. The Forest Strategy should take into account the common objectives of the Member States and the differences between them. When the EU negotiates on issues affecting forests (see point 2 above), in the United Nations and the World Trade Organization for example, it must take into account Member States' views on forests and those of their regions. The Forest Strategy is an effective tool for harmonising various policy areas and for reconciling the different perspectives of the Member States and their regions. Its role is also to highlight new objectives and measures which should be examined at EU level.
4. In the EU, there is recognition of the sustainable forest management principles which were approved at a pan-European level and developed as part of the Forest Europe process. These principles, ensuring a sustainable management of forests and which should also include the principle of 'cascading use', are applied when drafting national forest and nature conservation laws, and when preparing market-based certificates.
5. Forests cover 43 % of the land area of the EU's Member States. This forest area is highly diverse, both in terms of the type of forest (including unwooded forest areas) and the possibilities for using it. More than 60 % of these forests are in private hands, while the remainder is under various forms of public ownership. Local authorities also play an important role as forest owners. Ownership by local authorities is the third most common form of forest ownership in Europe.
6. Local and regional authorities may be forest owners. They may also manage forests and implement legislation relating to them. This means that they have significant experience and expertise in this field. For local and the various regional authorities, forests are an important element of economically, environmentally and socially sustainable development which for more than a century has been reflected in the framing and implementation of management plans, based on the principles of persistence, stability and sustainable yields of their many products, and on the application of robust forest legislation that supports and protects forests. They should therefore be consulted when the EU Forest Strategy is updated. Local and regional authorities are not only important stakeholders in forestry-related matters, but also genuine interested parties in the same way that forest owners are.

## II. A SUSTAINABLE FOREST POLICY FROM THE PERSPECTIVE OF LOCAL AND REGIONAL AUTHORITIES

### 7. Economically sustainable forest policy

7.1. The forestry sector produces 7 % of Europe's economic growth and provides jobs for 3,5 million people — up to 4 million if the forest bioenergy sector is also included. In 2011, the production value of the EU's forest industry was EUR 460bn. Forestry activities and jobs are crucial to rural and sparsely populated regions but also boost economic growth in towns and cities and foster cooperation between rural and urban areas. The Forest Strategy should emphasise economic growth, employment and European investments and identify the new opportunities that they offer, paying special attention to support for the economic development of players in the forestry sector in outermost regions.

7.2. Local and regional authorities can play a significant role in promoting businesses' use of local timber resources and the transition to a bioeconomy. For example, first and foremost the choice of construction materials and production of energy for the needs of communities and for the heating of publicly owned buildings and, secondarily, greater use of advanced biofuels in public transport are useful tools which can contribute to a stronger economy and employment in the regions. Developing and using advanced biofuels from forests and other sources is an important aspect of EU climate policy under the Renewable Energy Directive. This will require substantial investment in technology, pilot facilities and large-scale production, as well as a long-term regulatory framework that provides a stable basis for the large investments called for.

7.3. 90 % of the timber raw materials used by Europe are of European origin. From the point of view of employment and the economy at local and regional level, efforts should be made to pursue an even higher level of domestic consumption, while taking account of the sustainability of forest resources and the uses of timber. To this end, specific species present in our woods, for which there is currently no market demand, should be developed, with research into new uses and technologies.

7.4. The review of the Forest Strategy must be aligned with the updating of the bioeconomy strategy. Consistency must be ensured across the EU's various policies when developing the forest bioeconomy and fostering innovation.

7.5. In the reform of the common agricultural policy, it is important to include tools that support the forest sector in rural areas, such as those for the prevention of deforestation, for reforestation and for forest conversion, the planning and management of forests, support for forestation of marginal agricultural areas and for the introduction and renewal of agroforestry systems, the conservation of forests as an integral part of extensive livestock production systems as well as the promotion of entrepreneurship and training in the sector.

7.6. Economic sustainability also depends on efficient and transparent exploitation of forestry products, an area in which applied technology can play a very significant part.

7.7. There is also a need to develop and introduce dynamic, integrated forestry information and cartography systems, on the basis of which both owners and managers can make decisions.

### 8. Environmentally sustainable forest policy

8.1. European forests protect biodiversity, maintain ecosystem services and store carbon emissions from the atmosphere. Today, around 10 % of the EU's greenhouse gas emissions are stored in forests. By pursuing a successful, long-term approach, depending on specific regional features, up to 90 % of Europe's forests could be natural or semi-natural, hosting a wide range of species. Investing in a sustainable forest economy will continue to ensure more sustainable and healthier forests.

8.2. The use of forests is sustainable if wood grows at a faster rate than it is harvested and if biodiversity requirements are taken into account. It should be noted that the area of land covered by European forests, and the rate of their growth, have increased since the 1990s. Alongside diversity, one of the main objectives of environmentally sustainable forest policy is to halt deforestation globally and in areas of Europe that pose challenges. The diversity of forest ecosystems, and the different meaning they have for their surrounding areas in various regions of Europe, should be taken into consideration when assessing the sustainability of forest use.

8.3. Taking account of the diversity and multi-faceted nature of forest ecosystems in forest management is important for many plant and animal species, and for the recreational use of forests.

8.4. The mid-term review of the Forest Strategy should give greater consideration to the multi-dimensional importance of forests in climate policy, in the implementation of the Paris Agreement objectives in meeting the Aichi targets on biodiversity and in efforts to meet the UN Sustainable Development Goals so that sustainable management of forests is treated on a par with other measures aimed at reducing CO<sub>2</sub> emissions. Local and regional authorities can act more effectively to meet common objectives, including in the forest sector, if the mid-term review contains concrete, specific and tried-and-tested proposals for action as well as examples.

8.5. A lively debate is being waged in Europe about the environmental status and development of forests and this sometimes results in disputes at local and regional level. It is important that research into European forests, their management and their development receives the necessary resources and that reliable data on forests is available to the authorities and civil society from public sources, with a view to facilitating dialogue.

8.6. Many initiatives have been developed to support the diversity of forests in the EU, such as the Natura 2000 network, the Birds and Habitats Directives, support for green infrastructure and the 2020 biodiversity strategy. Local and regional authorities are helping to implement them and they should be given more scope to contribute to the content of measures.

8.7. In many EU Member States and regions forest fires represent the main threat to the conservation of forest ecosystems<sup>(1)</sup>. Local community action is the fastest and most effective way of limiting the damage caused by forest fires. EU action must focus on providing technical training assistance so that the capacity of communities for self-help can be enhanced, including better preparation of firefighting services and other public safety practitioners to provide an initial response and contain a disaster<sup>(2)</sup>.

8.8. In this context, it should be highlighted that, thanks to some outermost regions, the EU possesses Amazonian and subtropical forests. These primary forests constitute a unique laboratory for scientific research, specialisation and innovation (such as pharmaceutical research and the development of plant extracts). Biodiversity in the outermost regions represents nearly 80 % of European biodiversity and is vital for the ecological balance of the planet. Local and regional authorities are the guardians of this priceless treasure and ought to be given adequate support for its management and preservation.

## 9. Socially sustainable forest policy

9.1. Forests provide many ecosystem services and natural products in addition to timber. Sustainable forest management will ensure that this remains the case for citizens in future too. The natural products and recreational opportunities offered by forests have many health benefits.

9.2. Forests also provide ample benefits to society, particularly in terms of quality of life and well-being, being extremely important for people's balance in life; for this reason it is proposed that the creation of new forest areas be promoted through public or private initiatives and with EU support.

9.3. The use of socially sustainable forests requires long-term spatial planning. In matters concerning the use and protection of forests, forest owners, local and regional authorities and those living in regions must be consulted.

9.4. The EU Forest Strategy should shape EU trade and development policies at global level: the environmentally sustainable use of forests in developing countries, biodiversity and the social sustainability of forest policy (land ownership, the rights to use forests, rights of local residents) must be placed high on the EU's global agenda.

9.5. Research data concerning the development and use of forests must be readily available to citizens and local and regional authorities with a view to supporting decision-making. This is an argument in favour of making the Commission's 2018 research into European forests widely known and presenting it extensively to sectoral stakeholders and the broader public.

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<sup>(1)</sup> Opinion of the European Committee of the Regions on Forest policy: the 20/20/20 targets (OJ C 141, 29.5.2010, p. 45).

<sup>(2)</sup> Opinion of the European Committee of the Regions on Review of the EU Civil Protection Mechanism (see page 37 of this Official Journal).

9.6. All the above will be possible only with the conservation of a forestry culture that must be strengthened and enriched internally through exchanges of experience and practices from all European forestry areas, and externally with the support and backing of the urban population. To this end, we must strive to convey to them the benefits of forests and forestry management.

9.7. All forestry strategies — regional, national and above all European — must take as their most urgent starting point that of keeping populations in place: it is this that makes it possible to manage and exploit woodland resources.

Brussels, 16 May 2018.

*The President  
of the European Committee of the Regions*

Karl-Heinz LAMBERTZ

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**Opinion of the European Committee of the Regions — European Maritime and Fisheries Fund (EMFF) beyond 2020: an investment in European coastal communities**

(2018/C 361/03)

**Rapporteur:** Alberto NÚÑEZ FEIJÓO (EPP/ES), President of the Regional Government of Galicia

**POLICY RECOMMENDATIONS**

THE EUROPEAN COMMITTEE OF THE REGIONS

1. welcomes this debate on an essential fund for boosting the social, environmental and economic conditions in European coastal areas and for developing the maritime and fisheries sector and the blue economy in coastal and marine areas, particularly rural areas;
2. is pleased that this debate on the future of the EMFF is being launched at a critical time for maritime Europe, which faces major challenges such as the review of the multiannual financial framework (MFF) and Brexit. Feels moreover that it offers an opportunity to correct the constraints identified in the current fund, although this has to be done at a very early stage, practically after its launch;
3. draws attention to the importance of the European maritime and fisheries sector, which involves more than 85 000 vessels, employs over 340 000 people throughout the whole chain, and produces more than 6 000 000 tonnes of fish and seafood from fishing and aquaculture. Stresses the socioeconomic impact of this sector in many coastal regions, which are highly dependent on it and where it has strong ties to the local culture and customs;
4. emphasises the influence of the common fisheries policy (CFP) and the integrated maritime policy (IMP) in shaping the future of this sector in Europe, as they gear objectives on improving the environmental, social and economic sustainability of fishing;
5. recognises the important role played by the previous financial programmes in the non-traumatic redefinition of the sector — which has made a significant effort to adapt that should be recognised — and in achieving a state-of-the-art processing sector that can compete at global level;
6. draws attention to the problems arising from the implementation of the CFP, such as reducing discards or achieving maximum sustainable yield (MSY), in addition to those resulting from Brexit and the new challenges that arise daily on the market and in connection with the global production of marine proteins. There is a need to supply our markets with healthy, safe food products and stem imports of foreign products that are not subject to adequate controls;
7. points out that the fisheries sector contributes to society across the EU, particularly in two areas: food and climate. The fisheries sector helps keep the EU self-sufficient in terms of food, guaranteeing citizens and thus consumers a product which meets food safety requirements and abiding by the rules on proper management of fisheries and aquaculture. The Committee points out that food is a key EU competence as enshrined in the TFEU, and that the EU market is dependent on imports of fish and seafood. The Committee points out that food is United Nations Sustainable Development Goal 2, welcomes the 'Food from the oceans' report and calls for the recommendations set out in this report to be taken fully on board. By investing in ships and ports, the fisheries sector helps reduce greenhouse gases (GHGs) and limit the use of fossil fuels;

**A sector with potential and momentum that deserves support in the face of constant change**

8. considers it important to safeguard the budget needed to deal with the changes brought about by both the CFP and the challenges affecting the maritime and fisheries sector;

9. calls on the European Commission, within the framework of the new MFF, to put forward a proposal for the EMFF that is comprehensive enough to meet the goals and objectives of the CFP, allowing investment in coastal communities undergoing change and taking into account the external dimension of fisheries;

10. asks that the EMFF objectives focus on the importance of maritime and fisheries activities and of sustainable aquaculture in sea and fresh water, and not, as has been mentioned on several occasions, on giving priority to substituting them with other activities, since all marine activities are compatible. Takes the view that that fishing can retain its traditional character and relaunch it for the future. For this reason, it is important to increase the attractiveness of the fishing profession. Specifically, the Committee calls for the EMFF to be devoted to the fisheries sector and to sustainable aquaculture in sea and fresh water and to aim at achieving the objectives of the Common Fisheries Policy, in particular supporting small-scale coastal fisheries, providing incentives to young generations, making the fishing profession more attractive and boosting the Union's coastal communities. The Committee of the Regions would therefore like the EMFF to be designed in such a way as to support new types of activity and develop the industry, and would like state aid rules to support such efforts;

11. reiterates stakeholder support for the call for a European environmental and maritime financial instrument that would provide support for new and existing businesses in the form of bank loans and guarantees; is pleased that the fisheries sector is included among the priorities of the Juncker plan 2.0 and calls for this approach to be kept up beyond 2020;

12. calls for the post-2020 EMFF to include and strengthen the territorial dimension of policies and support provided to European coastal communities to help them in their possible move to diversify traditional maritime industries by supporting investments in complementary activities such as fish restaurants serving local produce, and environmental, cultural and educational services in the fisheries sector;

13. stresses the need to maintain and increase the resources available for local development, as community-led local development (CLLD) strategies have proved to be a success for small communities by providing financial support for community empowerment and economic diversification beyond the fishing sector;

#### **The current EMFF: an important means of support with conflicting objectives and late implementation**

14. recognises the importance of the EMFF and praises the structure of the current fund, which is subdivided into two key areas, relating to the CFP and the IMP, that do not interfere with each other;

15. calls for specific measures and management arrangements for the outermost regions to be adopted under new EU programmes to support the sustainable development of fisheries and other sectors of the blue economy in these regions, pursuant to Article 349 of the Treaty on the Functioning of the European Union. Such measures should be part of a specific instrument that includes a compensation regime for the additional costs of fishery and aquaculture products in the outermost regions, something which is currently governed by the EMFF;

16. regrets the late entry into force of the fund and the considerable delay in the provision and implementation of the funds. Considers this lateness to be due to the delay in approving the fund and to the fact that the validation process for the operational programmes was slow and the definition of eligible parties cumbersome and unclear;

17. calls for better use and implementation of the financial resources provided by the EMFF in order to make up for the delay. Efforts should be stepped up to provide financial support to improve and increase the fund's low overall implementation rate, which was 2,7 % in November 2017;

18. points out the need, in the future, to better coordinate the programming and structuring that creates temporary discrepancies between the objectives and the funds linked to the CFP. In this regard, highlights the need to come up with a clear strategy how the fund will be implemented before addressing challenges such as the MSY targets or objectives to reduce discards;

19. welcomes the significant financial support given to CLLDs and considers the allocation of funding to measures to improve the environmental sustainability and competitiveness of our maritime and fisheries sector to be an advantageous and sensible move;

### **The importance of a new specific horizontal fund**

20. emphasises that during the budgetary process, Europe should not neglect 'little' policies such as the CFP. Stresses that the EMFF is important for coastal communities, as it helps them to diversify their economies, it helps fishermen make the transition to sustainable fishing and it funds projects that create new jobs and improve the quality of life in European coastal areas;

21. lends its support to the widespread demand for the new EMFF to reach a minimum threshold of 1 % of the MFF post-2020 <sup>(1)</sup>, by adding an increase of 0,47 % for the IMP to the current allocation to fisheries and aquaculture of 0,53 %. Firmly believes that the United Kingdom's decision to leave the EU should not be used as a pretext to cut future funding to the EMFF, given the important challenges for environmental protection, production and trade created by this process;

22. highlights the need to define new objectives that contribute to the viability and strength of maritime and fisheries activities. The importance of promoting and achieving a successful handover to the next generation must be stressed, and to ensure this, budgetary support for training and access to the sector via the purchase or replacement of vessels must be prioritised, as this does not generate an increase in fishing effort;

23. calls for improved safety and living conditions for seafarers to be a definite priority for the future EMFF, in connection with its contribution to the delivery of the 20 principles of the European Pillar of Social Rights;

24. reiterates the general call to support and encourage the renewal of the fishing fleet in order to avoid losses caused by ageing, as the average age of a fishing vessel in the EU is 22,6 years. This renewal must be promoted without increasing the fishing effort and focus on improving safety (for example, fire safety) and working and living conditions on board vessels;

25. the EMFF must assist the fisheries and aquaculture sectors in contributing to European climate objectives by rolling out innovative investments across the board (mechanisation, aerodynamics, etc.). The Committee points to the restrictive conditions established by the current EMFF regulation, which drastically limit its impact on mitigating the effects of climate change. The post-2020 EMFF will need to play a pivotal role in reducing the sector's carbon footprint;

26. highlights the need to maintain and increase, by at least 10 %, financial support allocated to data collection and systematisation, as well as to applied research and involving the sector itself in this process by promoting contact between fishermen and scientists;

27. links this effort to the adoption of more suitable measures to conserve marine resources and to adapt the fishing effort. Stresses, in any case, the need to continue support for measures to compensate the fleet for socioeconomic damage caused by environmental measures such as area closures, temporary stops and other measures limiting fishing activities;

28. calls for the continuation of measures that help to improve the organisation of the sector and its internal cohesion, which foster co-governance within the sector and highlight its importance in ensuring proper definition and enforcement of the rules <sup>(2)</sup>;

29. calls for the Advisory Councils to be given greater resources and a stronger remit in order to further regionalise the CFP, and for the CFP reform to provide for the full participation of the regions covered by the councils;

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<sup>(1)</sup> As discussed at the Conference of Peripheral Maritime Regions (CPMR) in Helsinki. It should be noted that the majority of the main maritime fishing regions and recipients of EMFF funding are members of the CPMR. This approach would allow a constant budget for the CFP and support the development of more ambitious measures in the framework of the IMP.

<sup>(2)</sup> Reasonably successful formulas that can serve as a model for other recipients of support should be identified. In this case, examples could be provided by groups such as formal multi-stakeholder co-governance committees which include fishermen, NGOs, the public authorities and other actors in Catalonia, or the seafood management systems in Galicia.

30. calls for continued support to the processing and marketing industry in order to boost its competitiveness and to create a level playing field. The EU should avoid inconsistencies with other policies, such as market or customs taxation policies;

31. advocates the diversification and complementarity of coastal economic activities, by making the most of CLLD strategies, particularly in non-urban coastal areas where they have contributed to a strong ability to retain the local population, and for this reason the multi-fund nature of CLLD should be strengthened;

32. suggests that the EMFF support initiatives and activities linked to maritime and fisheries sector and those activities that it directly influences. To this end, recommends creating a European financial instrument <sup>(3)</sup> that would provide venture capital and bank guarantees for loans, on the condition that investments contribute to improving the environmental sustainability of maritime and fishing activities, shellfishing, sea and fresh water aquaculture and the sea-to-industry chain;

33. calls for a white paper on 'The sea at the heart of Europe', to include a maritime roadmap for each EU policy;

#### **Possibilities for coordination and creating synergies with other funds**

34. emphasises the possibility of creating synergies and integrating the capacity of other sectoral funds in order to promote socioeconomic development in coastal areas, without necessarily redefining their structure since the organisational set up and objectives of each one will avoid overlap; again calls for interregional, national and transnational projects that are consistent with the initiative's strategic framework and the S3 to be eligible for financing through the pooling of regional, national and European funds within a simplified framework and to qualify for a community bonus, without the need for new calls for projects;

35. stresses that the integrated and multi-fund approach of the current European Structural and Investment Funds, which include the EMFF, should be increased post 2020, by eliminating the existing regulatory differences that currently limit the ability of these funds to be delivered together at local level including via CLLD;

36. believes that these synergies should focus on the implementation of European Agricultural Fund for Rural Development (EAFRD) projects in non-urban coastal areas, through CLLD strategies and by examining the possibilities for joining up these funds for aquaculture of all types, with particular reference to freshwater aquaculture practised in landlocked Member States, as these Member States and regions have expressly pointed out on various occasions;

37. argues in favour of European Regional Development Fund (ERDF) measures for infrastructure linked to maritime and fisheries activities — particularly ports — which contribute to regional development in peripheral and extremely remote areas. Suggests that some activities linked to processing could be considered as support measures for SMEs provided by the ERDF;

38. calls for increased training, particularly in relation to the generational renewal, provided through the use of financial support linked to the European Social Fund (ESF);

39. takes the view, in line with the recommendations put forward in the CoR opinion on blue growth <sup>(4)</sup>, that the blue economy still has untapped potential to create additional jobs and economic growth at European level, through smart investment in innovative forward-looking businesses. Suggests reducing the existing overlap between the EMFF and Horizon 2020 in the area of fisheries, aquaculture and marine research;

#### **A new simplified, more flexible fund shaped by the CFP**

40. calls strongly for a considerable simplification of the EMFF implementation with the EU drawing up general guidelines, and basins and regions adapting their implementation to the local territory, without adding red tape at each administrative level or level of competence. Considers that this simplification should include providing fewer and simple requirements and forms to apply for funding and stresses that the application process should be suitable for management by a single body, without resorting to specialist help and third-party advice;

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<sup>(3)</sup> A fund called for by the majority of SMEs, associations and new businesses within the blue economy.

<sup>(4)</sup> See CoR opinion on 'A new stage in the European policy on blue growth' (NAT-VI/019).

41. supports the call for a fund that is geared to the circumstances of the CFP and the sector. Notes that the objectives and targets of the CFP should shape the EMFF, as a specific funding programme, and not the other way round. Emphasises the need to tailor the provision of funds to suit the activities to be implemented, and to avoid delays in the delivery of funds to beneficiaries in order to prevent strains in their economy;

42. highlights the need to clearly define the parties eligible for support to ensure the swift and correct implementation of the fund. Generic eligibility guidelines should be set out and the details of parties to be supported should then be fine-tuned in the basins and regions; in particular, we ask the European Commission to define/elaborate a definition of small-scale coastal fisheries, taking into account new criteria and giving response to the reality and diversity of the EU fleet;

43. considers, in view of the small average size of fishing businesses, direct public support in the form of a grant to be the best option. Stresses that this model guarantees control over the destination and use of funds, has a direct leverage effect on the economy, stimulates initiatives, builds trust and ensures that funding is obtained, by acting as a guarantor for the receipt of investment funds;

44. is of the view that together with small and medium-sized enterprises, stronger cooperation and synergies are needed and more centres need to be set up to stimulate research and innovation and pilot new innovations;

45. revisits the debate on whether it is desirable to open up access to direct financial support to businesses with a high volume of staff or turnover, even partially. Considers that their ability to boost research, development and innovation (RDI), to improve labour standards and to generate added value in coastal rural areas could go to waste due to a lack of support;

46. stresses the importance of ensuring that all maritime and fisheries sectors can access support based on their objectives and characteristics. Believes that support from the fund should reach all coastal areas, including major urban centres with strong links to the maritime and fisheries sector, which should be able to obtain support from the EMFF;

47. supports strengthening the territorial focus of the fund, through sea basin strategies, thereby offering solutions tailored to different circumstances and challenges in the European regions and avoiding a 'one size fits all' proposal;

48. calls for a greater role and more autonomy for the regions in defining the objectives and spending areas. Although the EMFF is currently managed at Member State level, there are successful examples where it has been sub-delegated to the competent regional authorities in some Member States. The new EMFF Regulation should explicitly encourage this. Emphasises the unanimous nature of this call and the positive experience gained in relation to management of the EMFF in many regions. Considers that the demand for adaptation is particularly relevant to the outermost regions, for whom EMFF application conditions in terms of eligibility, co-financing rates and aid levels should also be revised and improved. Moreover, support under compensation plans for covering the additional costs for fisheries and aquaculture products in outermost regions should, in view of its objectives and specific features, be stepped up and the associated implementing rules should be made similar to those applying to similar support granted in the agricultural sector;

### **A new fund to face future challenges**

49. would like to see the EU's new European maritime policy support efforts to develop new technologies and tailored solutions to mitigate climate change; points out that marine ecosystems have been damaged by climate change, pollution and over-fishing;

50. stresses the importance of the IMP and the need to increase funds allocated to it as a way of supporting the expansion of job and wealth creation relating to the sea. Stresses the need to provide specific funds and to consider cross-border, transnational and interregional cooperation as an essential factor in this field, particularly in areas such as maritime spatial planning, data collection, and ensuring security and surveillance and the creation of areas for the replenishment of fish stocks;

51. stresses the need to establish a European blue economy investment fund/mechanism, a maritime Juncker plan 2.0, which could have two complementary intervention methods: direct financing at European level of structural and high-risk projects, and the establishment of regional investment platforms;

52. emphasises the external dimension of the CFP and the IMP, making explicit the importance of supporting the EU's contribution to better governance of the oceans. Supports these efforts as a means of boosting the sustainability and competitiveness of our maritime-fisheries sector through the creation of a level playing field for competition and more sustainable oceans;

53. considers the maritime sector to have the potential to create additional jobs and economic growth. Highlights the fact that some regions have already developed detailed plans for developing the marine economy and that many others are engaged in this process;

54. points out that there is growing international interest in maritime issues, both in the COP 21 and 22 conclusions and in free trade agreements and that the EU maritime companies face strong competition from abroad in all sectors of the blue economy, such as transport, energy, innovation, shipbuilding, fisheries and aquaculture. The Committee therefore advocates for consistent and sufficiently funded EU policy as the best option for the maritime regions of the EU and encourages the EU to invest in these industries, especially renewable marine energy and marine biotechnologies, where we can become a world leader;

55. warns that Brexit is a significant challenge looming over the maritime and fisheries sector in the short and long term and stresses the need to consider and address its impact on the regions <sup>(5)</sup>. Warns of the negative impact that this process could have in terms of allocations to fisheries and the marketing of seafood products, and calls for financial support to minimise this effect;

56. supports the increased involvement of CLLDs in the overall financial package, as this instrument has proven effective in small coastal communities. Advocates for new ways of working to be introduced to such strategies, in order to promote the important socioeconomic role of the maritime-fisheries sector and to make it attractive to young people, thus encouraging generational renewal. Highlights the role that the FARNET network plays and can continue to play in coordinating efforts.

Brussels, 16 May 2018.

*The President*  
*of the European Committee of the Regions*  
Karl-Heinz LAMBERTZ

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<sup>(5)</sup> See CoR study on the impact of Brexit on the EU's local and regional authorities.

**Opinion of the European Committee of the Regions — Strengthening Innovation in Europe's Regions: Strategies for resilient, inclusive and sustainable growth**

(2018/C 361/04)

<b>Rapporteur:</b>	Mikel IRUJO AMEZAGA (ES/EA), Head of the Navarre Government Delegation in Brussels
<b>Reference document:</b>	Strengthening Innovation in Europe's Regions: Strategies for resilient, inclusive and sustainable growth
	COM(2017) 376 final

**POLICY RECOMMENDATIONS**

THE EUROPEAN COMMITTEE OF THE REGIONS

**Smart Specialisation Strategies as catalysts for innovation policy and growth**

1. The European Union remains the world's largest single market; nevertheless, new realities are emerging on other continents, which mean that we need to refocus our innovation and growth policy. Industrial modernisation is essential for improving Europe's competitiveness;
2. points out that it is important for all levels of governance (EU, national, regional and local levels) to work together, and for the subnational levels to be given sufficient opportunities and funds to take responsibility for their own development potential;
3. stresses that Smart Specialisation Strategies (S3) are catalysts for innovation policy and growth and are an important factor in the success of cohesion policy;
4. points to the need for strong, efficient, targeted efforts at regional level for the development of the S3, for which the EU can promote good conditions alongside action at national level;
5. also stresses that the S3 have created a new 'culture of cooperation' within regions, as they are based on a collaborative and participatory process between research and innovation actors and industry that facilitates demand-led innovation and collective solutions;
6. points out that the S3 have catalysed the development of genuine regional innovation ecosystems. Regional innovation ecosystems generate significant impacts for the economy and regional competitiveness as well as excellent innovation that is close to ordinary people and their local needs;
7. stresses that the S3 go further than the individual strategies of the regions, and should be used to promote more effective innovation policy and interregional cooperation;
8. is convinced that interregional cooperation based on the S3 will help build value and reshape the EU's value chains by promoting investment synergies between the private and public sectors, thus contributing to the development of the EU economy as a whole;

**Smart Specialisation Strategies 2.0 based on interregional cooperation**

9. considers that the future S3 2.0 should be based on interregional strategic cooperation and sustainable links between regional ecosystems in the priority areas of smart specialisation, as a key to increasing the competitiveness and resilience of the regions. For this purpose, Interreg should be able to finance activities such as shared projects, demonstration activities, new value chains... linked to smart specialisation areas: this would help Regions bringing innovation ecosystems in a European dimension, supporting the competitiveness of the single market;
10. is convinced that promoting the interregional and cross-border dimension by creating interregional investment opportunities will facilitate the expansion of regional and local innovation. The combination of technological, industrial and human infrastructure in different regions according to their strengths and skills, helps to generate critical mass and economies of scale and thus has the potential to increase the efficiency of research and innovation systems;

11. considers that cooperation and the creation of interregional value chains will contribute to easier and more efficient access to combined, connected technology infrastructure, and thus to reducing technological risks and uncertainty in the industrial sector;

12. as the EU progresses in its negotiations and debates on a new Multiannual Financial Framework (MFF) for 2021-2027, it is a suitable moment to reflect on the type of instruments that the EU should implement to promote interregional cooperation based on the S3;

13. considers that, given the need to work together at all levels, from local to European level, the following challenges need to be addressed:

- eliminating, wherever possible, the complexity and increasing synergies and coherence of fund management in order to create an ecosystem that allows synergies between regional and European funding;
- putting in place attractive financial tools that help to create an interregional cooperation ecosystem;
- maintaining a bottom-up approach which takes into account local needs and related priorities of S3 in order to increase synergy among EU funds;

14. recommends that, in the next programming period, the EU through the Commission and the JRC, should initiate a new phase of the S3 2.0, based on developing an 'inter-regional discovery process' in which regions pool their S3, involving the 'interregional triple helices';

15. considers that the regional discovery process should be based on a bottom-up process where regional authorities share their development objectives with other EU regions, draw up lists of the main actors involved in development in their regions, make a joint assessment of their regions' shortcomings and challenges and analyse the support instruments available;

16. considers that the regions should be encouraged to map the regional priorities set out in their S3s and the various financial and investment systems at regional, national and EU levels (Horizon 2020, COSME, etc.). The S3 strategies that incorporate this exercise should be listed by the European Commission and used to facilitate cooperation between the regions and for the development of appropriate financing instruments. This exercise should contribute to the possible combination of funds at all levels (local, regional, national and EU) to support interregional projects;

17. recommends adopting a bottom-up approach, which gives the regions the possibility of providing S3 contact points. These S3 contact points would be responsible for developing the regional discovery process, with the aim of promoting the development of interregional cooperation, making use of the 'interregional triple helix';

18. considers it essential to provide sufficient resources to the S3 platform to develop support tools for the implementation of Smart Specialisation policies, such as EYE@RIS3, ICT Monitoring Tool, R&I Regional Viewer and the Digital Innovation Hubs. Points to the need for an expanded and more efficient collection system for data and statistics at regional level;

### **Synergies between EU funds and regional initiatives and funding**

19. welcomes the fact that the Commission includes in its interim evaluation of Horizon 2020 <sup>(1)</sup> a point on the increase of synergies with other EU funding programmes and policies, and especially the reference to building on synergies with ESIF and Smart Specialisation Strategies;

20. considers that the S3 should include the double objective of generating synergies between regional innovation and development policies, and financial instruments, and, secondly, of avoiding duplication. Therefore, the objective should be to promote synergies between the European Structural and Investment Funds (ESIF) and other funds, such as the future 9th Framework Programme, and with national and regional funds;

21. considers that the 9th Framework Programme should include the regional discovery process and support the creation, strengthening and internationalisation of regional innovation ecosystems. Support for collaborative research, innovation and internationalisation offers genuine EU added value and should be improved in the next programming period. Moreover, in future EU R & D funding greater attention should be paid to the impact of research and innovation measures at regional level;

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<sup>(1)</sup> COM(2018) 2 final.

22. notes that there are substantial barriers that hinder the use of ESIF for interregional and transnational cooperation, such as lack of resources or administrative capacity, absence of examples of best practice, uncertainty about how to go about it, lack of a reference or methodological framework, vagueness about objectives, asymmetric levels of political competence, regulatory barriers and the absence of a financial framework to facilitate such work;

23. suggests establishing a structured dialogue between the departments of the European Commission and the regional innovation ecosystem players to ensure the viability of (existing and new) policies and financing instruments for supporting regional innovation ecosystems and interregional cooperation between them;

24. believes that a review should be carried out of the European Innovation Partnerships (ERA-NET, JPI, ETP etc.). The Partnerships can be an effective way of addressing fragmentation, preventing duplication of effort, improving innovation and addressing societal challenges, but studies should be published demonstrating their impact;

25. acknowledges, welcomes and endorses the efforts and achievements of the European Commission, in particular through the S3 Platform, the drawing-up of surveys, and support for the development of interregional cooperation methodologies. In that connection, acknowledges that the creation of thematic platforms and the launch of pilot projects for interregional cooperation are demonstration instruments of enormous value;

26. notwithstanding the foregoing, points out that regulatory barriers and the absence of a financial framework continue to limit the development of a genuine interregional cooperation ecosystem. Based on the experience of the Vanguard initiative, the challenges that the regions face when developing an interregional cooperation project can be summarised in three layers. Layer 1 covers initial activities related to the configuration of the demonstration infrastructure (networking of regional operators, detection of synergies in activities etc.). Layer 2 includes the operating costs of demonstration activities based on the development of specific projects. The final layer (3) includes expenditure related to the possible industrial production or access to the market of the product or service developed during the previous phases, as a result of interregional cooperation projects, once the demonstration activities have been successful, i.e. they have been validated and certified;

27. calls for urgent steps to be taken to create appropriate and flexible ad hoc financing instruments to promote interregional cooperation meeting the needs of the three layers mentioned in the previous point. These instruments could take the form of combinations of financing (including combinations of credits and loans, and public and private funding at different levels) with the innovative use of funds to support experimental pilot projects for interregional cooperation networks that establish direct contact with industry and have a marked impact:

— with regard to the initial costs of activities related to the configuration of demonstration infrastructure (layer 1), calls for existing EU funds to complement public-private investment in innovation infrastructure, in the framework of interregional cooperation projects. The Committee also recommends that more flexible use be made of Interreg to support the creation of industrial value chains. It also recommends the extension of the Digital Innovation Hubs approach to other industrial and technological areas;

— with regard to the operational expenditure of demonstration activities based on the development of specific projects (layer 2), it recommends that countries/regions that so wish could set aside resources to develop a system of vouchers that can support their businesses in participating in interregional projects. The purpose of these vouchers would be to compensate for the costs incurred in preparing the draft interregional cooperation project (visits to demonstration facilities in other regions, complementarity studies, drawing up of studies and project plans etc.). The interregional voucher system could be complemented by co-financing mechanisms (for example the European Investment Fund) to facilitate companies' access to services and infrastructure outside the region. The EU would play a catalysing and support role for the regional managing authorities (e.g. for the jointly agreed certification systems or for the evaluation and audit of extra-regional expenditure);

— with regard to investments or necessary expenditure related to the possible industrial production or access to the market of the product or service developed (layer 3), recommends the expansion of instruments such as InnovFin;

28. welcomes the amendment and simplification of Articles 65(1) and 70 of the Structural Funds Common Provisions Regulation, and is convinced that the use of the ERDF in interregional cooperation is key to the development of the future S3 2.0. Notwithstanding the above, the Committee calls for a favourable legal framework for the next programming period that promotes synergies and the possible combination of funds at all levels (local, regional, national and EU) to support interregional projects.

Brussels, 16 May 2018.

*The President*  
*of the European Committee of the Regions*  
Karl-Heinz LAMBERTZ

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**Opinion of the European Committee of the Regions — Strengthening European Identity through Education and Culture**

(2018/C 361/05)

<b>Rapporteur:</b>	Tanya HRISTOVA (BG/EPP), Mayor of Gabrovo Municipality
<b>Reference documents:</b>	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Strengthening European Identity through Education and Culture: The European Commission's contribution to the Leaders' meeting in Gothenburg, 17 November 2017
	COM(2017) 673 final
	Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching
	COM(2018) 23 final

**I. RECOMMENDATIONS FOR AMENDMENTS**

**Amendment 1**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

Recital (2)

Text proposed by the Commission	CoR amendment
(2) Inspired by these values, the Union has succeeded in bringing countries, communities and people together in a unique political project, enabling Europe's longest period of peace, which in turn has brought about social stability and economic prosperity. Member States' adoption of the values set out in the Treaty creates common ground that makes up the distinct feature of the European way of life and identity and gives the Union its place on the global stage.	(2) Inspired by these values, the Union has succeeded in bringing countries, <i>their regions, cities and rural areas</i> , communities and people together in a unique political project, enabling Europe's longest period of peace, which in turn has brought about social stability and economic prosperity. Member States' adoption of the values set out in the Treaty creates common ground that makes up the distinct feature of the European way of life and identity and gives the Union its place on the global stage.

**Reason**

Self-explanatory.

**Amendment 2**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

Recital (3)

Text proposed by the Commission	CoR amendment
<p>(3) The Union <i>and</i> its Member States are faced with a variety of challenges, including populism, xenophobia, divisive nationalism, discrimination, the spreading of fake news and misinformation, as well as the challenge of radicalisation. These phenomena could pose a serious threat to the foundations of our democracies, undermine trust in the rule of law and democratic institutions, and hinder a common sense of belonging within and amongst our European societies.</p>	<p>(3) The Union, its Member States, <i>as well as local and regional authorities</i>, are faced with a variety of challenges, including populism, xenophobia, divisive nationalism, discrimination, the spreading of fake news and misinformation, as well as the challenge of radicalisation. These phenomena could pose a serious threat to the foundations of our democracies <i>at all levels of governance</i>, undermine trust in the rule of law and democratic institutions, and hinder a common sense of belonging within and amongst our European societies.</p>

**Reason**

Self-explanatory.

**Amendment 3**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

Recital (4)

Text proposed by the Commission	CoR amendment
	<p>(5) <i>Local and regional authorities have a key role to play in education and culture policies due to their proximity to Europeans, as they are the level of governance perceived the closest to the citizens on the ground. Local and regional authorities need therefore to continue to play a pivotal role in implementing and adapting the proposed measures and reforms, as well as to be included in the early stages of the decision making processes to guarantee an efficient and effective outcome and ensure that the added value of EU education and culture policies are felt on the ground.</i></p>

**Reason**

Self-explanatory.

**Amendment 4**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

Recital (12)

Text proposed by the Commission	CoR amendment
	<p>(13) In this context, it is also worth underlining the critical importance of looking into regional disparities and economic and social consequences that arise from skills gaps and mismatches in the EU when designing reforms of the education and training systems.</p>

**Reason**

Self-explanatory.

**Amendment 5**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

Recital (13)

Text proposed by the Commission	CoR amendment
<p>(13) Against this background, it is of the essence that Member States step up their efforts to further implement all the objectives of the 2015 Paris Declaration. It is particularly important to continue promote common values as vectors of cohesion and inclusion, favour the implementation of participatory learning environments at all levels of education, improve training for teachers on citizenship and diversity and enhance the media literacy and critical thinking skills of all learners.</p>	<p>(13) Against this background, it is of the essence that Member States step up their efforts to further implement all the objectives of the 2015 Paris Declaration <i>and equip local and regional authorities with the necessary tools to ensure an efficient implementation on the ground.</i> It is particularly important to continue promote common values as vectors of cohesion and inclusion, favour the implementation of participatory learning environments at all levels of education, improve training for teachers on citizenship and diversity and enhance the media literacy and critical thinking skills of all learners.</p>

**Reason**

Self-explanatory.

**Amendment 6**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

Recital (15)

Text proposed by the Commission	CoR amendment
(15) The Erasmus+ programme shows that mobility and cross-border contacts are the most efficient way to experience European identity. It is essential that all categories of learners benefit equally from the opportunities offered by this programme; notably through school exchanges between Member States. Virtual mobility, especially through the e-Twinning network, is an excellent tool to enable direct contact between pupils, and shall be used on a larger scale in the following years, and in combination with physical mobility.	(15) The Erasmus+ programme shows that mobility and cross-border contacts are the most efficient way to experience European identity. It is essential that all categories of learners benefit equally from the opportunities offered by this programme; notably through school exchanges between <i>and within</i> Member States. Virtual mobility, especially through the e-Twinning network, is an excellent tool to enable direct contact between pupils <i>and students</i> , and shall be used on a larger scale in the following years, and in combination with physical mobility. <i>In this context also suggests introducing new and expanding the scope of existing opportunities for cultural mobility.</i>

**Reason**

Self-explanatory.

**Amendment 7**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

Article 2

Text proposed by the Commission	CoR amendment
	<b>3.</b> <i>make use of the proximity of local and regional authorities to Europe's citizens and the fact that they are best placed strategically to analyse and respond to the specific needs of the various cultural groups in their territory and to lay the groundwork for effective intercultural dialogue and promotion of common values;</i>

**Reason**

Self-explanatory.

**Amendment 8**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

Article 4

Text proposed by the Commission	CoR amendment
Provision of inclusive education  4. promote inclusive education for all learners, notably by:	Provision of inclusive education  4. promote inclusive education for all learners, notably by:

Text proposed by the Commission	CoR amendment
<p>(a) including all pupils in quality education from an early age onwards;</p> <p>(b) providing the necessary support to pupils and students according to their needs, including those from disadvantaged socioeconomic backgrounds, those from a migrant background, those with special educational needs and <i>the most talented learners</i>;</p> <p>(c) facilitating the transition between various educational levels and enabling the provision of adequate educational and career guidance.</p>	<p>(a) including all pupils in quality education from an early age onwards <i>and ensuring that equal opportunities and access to quality education are provided for every student including for those with linguistic, religious, ethnic or other minority backgrounds</i>;</p> <p>(b) providing the necessary support <i>and guidance</i> to pupils and students according to their needs, including those from disadvantaged socioeconomic backgrounds, those from a migrant background, <i>including refugees who wish to integrate as European Union citizens</i>, those with special educational needs and <i>highest achieving learners</i>;</p> <p>(c) <i>addressing the specific needs of learners in geographically and demographically challenged EU regions, including those from outermost regions</i>;</p> <p>(d) facilitating the transition between various educational levels and enabling the provision of adequate educational and career guidance, <i>as well as providing a process of lifelong support and training opportunities for all learners</i>;</p> <p>(e) providing the necessary support for a stronger role for language learning already in the primary school curricula as language acquisition is not only deemed most effective at an early age, but poor language skills are also considered one of the major obstacles to free movement of people and the creation of a workforce relevant to the needs of the European economy;</p> <p>(f) enabling young people to acquire and develop additional skills by means of formal and non-formal learning, as this does not only enhance young people's employability by better matching their skills to the needs of the labour market, but also enables them to contribute more actively to solidarity projects and to shape Europe's future <sup>(1)</sup>.</p> <p><sup>(1)</sup> CDR 851/2017 — Investing in Europe's youth and the European Solidarity Corps.</p>

### Reason

Further enhancing, in some respects, the focus of the specific educational needs and equal opportunities, while adding the dimension of lifelong guidance and training, as education should not be limited to a certain age of learners.

**Amendment 9**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

## Article 6

Text proposed by the Commission	CoR amendment
<p>Promotion of a European dimension of teaching;</p> <p>6. Promote a European dimension of teaching by encouraging:</p> <p>a) an understanding of the European context and common heritage and awareness of the diversity of the Member States of the Union;</p> <p>b) an understanding of the origins and functioning of the Union;</p> <p>c) the participation of students and teachers in the e-Twinning network and in cross-border mobility, especially for schools;</p> <p>d) projects on the ground to raise awareness of the European Union in education centres, notably through direct interaction with young people.</p>	<p>Promotion of a European dimension of teaching;</p> <p>6. Promote a European dimension of teaching by encouraging:</p> <p>a) an understanding of the European context and common heritage and awareness of the diversity of the Member States of the Union, <i>including the rich fabric of sub-national structures, so as to foster an understanding of a common European cultural heritage;</i></p> <p>b) an understanding of the origins and functioning of the Union, <i>including their rights as EU citizens;</i></p> <p>c) the participation of students and teachers in the e-Twinning network and in cross-border mobility, especially for schools;</p> <p>d) projects on the ground to raise awareness of the European Union in education centres, notably through direct interaction with young people <i>at local and regional level as the governance level closest to them;</i></p> <p><i>(e) a life-long learning attitude, which includes but is not limited to adult education, that fosters a mindset of continuous inquiry and the pursuit of knowledge and excellence that can be cultivated as early as primary (or pre-primary) education and should be integrated into all stages of education</i></p> <p><i>(f) a stronger focus to be given to topics relevant to the digitalisation of the European society in order to familiarise learners with coding concepts and introduce competences in the field of cyber security and media literacy;</i></p> <p><i>(g) the intention of providing every student in Europe with at least one entrepreneurial experience in order to increase entrepreneurial and project- and inquiry-based learning practices in both formal and informal education.</i></p>

**Reason**

The diversity of sub-national structures in the EU Member States is an essential element of the EU's political and cultural heritage and a key reference point for developing active citizenship based on EU citizenship rights.

**Amendment 10**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

## Article 7

Text proposed by the Commission	CoR amendment
<p>Support teachers and teaching</p> <p>7. Enable teachers, school leaders and academic staff to promote common values and deliver inclusive education, through:</p> <p>(a) measures to empower teachers, school leaders and academic staff helping them convey common values, and promote active citizenship while transmitting a sense of belonging and responding to the diverse needs of learners; <i>and</i></p> <p>(b) promoting exchanges and peer learning programmes as well as guidance and mentoring for teachers and academic staff.</p>	<p>Support teachers and teaching</p> <p>7. Enable teachers, school leaders and academic staff to promote common values and deliver inclusive education, through:</p> <p>(a) measures to empower teachers, school leaders and academic staff helping them convey common values, and promote active citizenship while transmitting a sense of belonging and responding to the diverse needs of learners;</p> <p>(b) promoting exchanges of <i>best practices</i>, and peer learning programmes as well as guidance and mentoring for teachers and academic staff, <i>as well as mobility via the Erasmus+ programme</i> <sup>(1)</sup>; <i>and</i></p> <p>(c) <i>promoting measures to facilitate exchanges between teachers and parents/carers in order to strengthen the connections between the school and the family/home environment and to foster a permanent dialogue, which is crucial for learners' successful integration into the school environment and their overall socialisation.</i></p> <p><sup>(1)</sup> COR-2017-03139 — SEDEC-VI/029: <i>Modernising school and higher education.</i></p>

**Reason**

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**Amendment 11**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

## Article 11

Text proposed by the Commission	CoR amendment
	<p><b>12.</b> <i>Ensure that all public institutions, schools and educational establishments in the EU are equipped with the necessary high-speed broadband infrastructure and digital equipment, in particular those located in geographically, demographically or socially challenged areas, in order to avoid increasing educational and cultural gaps in the digital age.</i></p>

**Reason**

Self-explanatory.

**Amendment 12**

Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching

## Article 15

Text proposed by the Commission	CoR amendment
15. assess and evaluate the action taken in response to this Recommendation, <i>in particular</i> through the ET2020 framework, including the Education and Training Monitor.	15. assess and evaluate the action taken in response to this Recommendation <i>on an annual basis via the European Semester process and</i> through the ET2020 framework, including the Education and Training Monitor.

**Reason**

Including this dimension into the European Semester process would allow for efficient monitoring and evaluation of advances in the field.

**II. POLICY RECOMMENDATIONS**

## THE EUROPEAN COMMITTEE OF THE REGIONS

**General comments**

1. supports the general vision of a European Education Area and agrees that education and culture are major factors in making Europe more resilient in the context of accelerating globalisation and current geopolitical trends;
2. also agrees on the need to foster support for the core set of values on which the European Union is based and to which all EU Member States have subscribed upon joining the EU; underlines in this context the importance of the continued and shared commitment to upholding these values as an essential element of European identity, which requires an active European citizenship rooted in the diversity of cultures;
3. emphasises that education and culture have a broad impact on all areas of life and specifically on strengthening society, and so are key tools for bringing about greater cultural integration between Europeans, thereby fostering social inclusion and notes that citizenship education is an essential element in this regard and stresses that awareness-raising about EU citizenship among the general public should be aimed primarily at young people <sup>(1)</sup>;
4. stresses that the primary responsibility for education and culture policies lies with the Member States and with their regional and local authorities and that EU action in line with Article 6 of the TFEU should only complement, support or coordinate the action of Member States and provide regional and local cooperation initiatives in this field. Underlines that any EU action in this area must be fully justified from a subsidiarity and proportionality standpoint;
5. highlights the role of culture as a key shaper of identity, and thus the need to address strengthening European identity through culture in order to sustain the legitimacy of the democratic structures at European level, and thus supports initiatives for mutual awareness and familiarisation among Europeans of the intrinsic value of cultural and artistic expression, in order to strengthen the common cultural components of our European identity;
6. points out that local and regional authorities have a key role to play in education and culture policies due to their proximity to Europeans and insists that they continue to play a pivotal role in implementing and adapting the proposed measures and reforms;

<sup>(1)</sup> CDR 1319/2017.

7. considers that as it stands, the proposed measure does not appear to raise any subsidiarity concerns and underlines the importance of upholding the proportionality principle to ensure that no new financial or administrative burdens are generated, while at the same time ensuring a strong financial support for education and cultural heritage policies and programmes in the upcoming MFF;

### European agenda

8. agrees with the importance of the key developments listed, pointing out that they are not independent, and calls for research to be carried out into the ways in which they are co-dependent;

9. the importance of the Europe Direct network should be emphasised with regard to awareness and dissemination of the European integration project, as its objectives include that of providing information on the project to EU citizens;

10. fully supports enshrining in the European Pillar of Social Rights a right to education and training as a fundamental social and human entitlement <sup>(2)</sup>;

### European identity and awareness of cultural heritage

11. stresses the importance of the values of the EU contemplated in the Charter of Fundamental Rights — human dignity, freedom, equality and solidarity — in order to achieve the common good, therefore calls for greater inclusiveness, respect of the spiritual and moral heritage of the peoples of Europe and valorisation of initiatives that promote the better living together;

12. restates the importance of focusing attention and resources on awareness and dissemination of European culture, history and identity. To this end, it is proposed that the 'Europe for citizens' programme be extended so that a larger number of relevant initiatives can be supported;

13. highlights the importance of citizens' participation in the EU political action and, as it is expressed in the report on 'Reaching out to EU Citizens: a new opportunity', stresses the essential role of 'the concept of "community", which embraces the local, regional, national and international contexts that individuals live in to create a common public space, within which individuals can act together on a values-based foundation <sup>(3)</sup>.' Therefore, the European identity and shared values should complement existing regional and national notions of belonging in order to promote a multilevel citizenship, as it is provided in the Charter of Fundamental Rights of the European Union and in Article 2 of the Lisbon Treaty;

14. reiterates the importance of the 2018 European Year of Cultural Heritage in promoting cultural awareness, as well as and the role of culture both in strengthening European identity and in supporting inclusion;

15. calls out for a stronger engagement with Member States, as well as their regions and cities in order to develop a European vision and promote a higher visibility of EU projects and initiatives, which is currently undermined by an often nationalisation of the successes and Europeanisation of the failures of the EU, as President Juncker stressed in his 2016 State of the Union Address;

16. calls for specific measures to preserve, develop and popularise Europe's traditional arts and crafts, living heritage and history, as well as other cultural and artistic initiatives and activities that form part of the culture of contemporary European society and which foster a shared identity, due to their interactive nature which facilitates learning by doing and cultural engagement;

17. therefore calls for the 2018 European Year of Cultural Heritage to be included in strategic initiatives supporting regional cultural development, increasing mutual knowledge and opening up new opportunities for sustainable cultural tourism. Such initiatives could be financed by the Creative Europe programme, thereby supporting the dissemination of European cultural heritage beyond 2018;

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<sup>(2)</sup> CDR 3141/2017.

<sup>(3)</sup> "Reaching out to EU Citizens: a new opportunity" (p. 10), by Luc Van den Brande, CoR member and President Juncker's Special Adviser on outreach towards citizens ([https://ec.europa.eu/commission/sites/beta-political/files/reaching-out-to-citizens-report\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/reaching-out-to-citizens-report_en.pdf))

18. urges that the European Heritage Label be harnessed by this initiative to strengthen European identity, establishing closer ties between the label and the regions, clarifying the selection procedures for new candidate locations for the label, making it more widely known and providing it with effective means of dissemination;
19. suggests introducing new and expanding the scope of existing opportunities for cultural mobility for all regions, including more remote areas such as the outermost and insular regions;
20. underlines that local and regional authorities are best placed strategically to analyse and respond to the specific needs of the various population groups in their territory, to lay the groundwork for effective intercultural dialogue and to boost awareness and facilitate people's access to the shared European culture;
21. emphasises the importance of finding new uses and applications for cultural heritage, developing the cultural and creative industries and ensuring specialist training for those who will work in the cultural sector in the future;
22. highlights the role of culture as an instrument for bringing peoples together, forging cultural and linguistic links. It is also a tool that can encourage political and economic dialogue, as it fosters mutual understanding and builds trust, interest and respect between countries;
23. points to the importance of passing European culture and the values stemming from it on to young Europeans;

### Education

24. points out that digitalisation of society in Europe might prove to be — in education too — the EU's most transformative endeavour at present. This is a gradual, multidimensional process which has to develop not only the classroom experience of students of all ages, but also communication, evaluation, governance and administration, data collection and analysis at all stages of education;
25. draws the attention to the effects of the misuse of digital resources, which can become a dangerous propaganda instrument in the hands of anti-democratic forces; welcomes therefore the European Commission Communication on 'Tackling online disinformation: a European approach'<sup>(4)</sup>, which echoes overall the four principles of 'transparency, integrity, participation and collaboration', as identified in the Report 'Reaching out to EU Citizens: A New Opportunity'<sup>(5)</sup>;
26. is concerned that, in the Commission's words, 'many schools do not yet have access to high-speed connectivity and digital equipment'. This is aggravated by the fact that many of these schools are located in regions with demographic, geographical and social challenges — including the insular, remote and outermost regions — and will increase educational gaps rather than decreasing them unless swift measures are taken;
27. highlights that digitalisation introduces additional requirements for teachers in terms of skills and competences and that stakeholders need to prepare the educational workforce timely and appropriately in their education and training; at the same time, points out that this might provide opportunities for innovative teaching methods and interaction;
28. further cautions that increasing digitalisation also increases the attack surface and the impact of possible cyber threats, which is further aggravated by the critical and private nature of the data that schools collect and operate with;
29. with respect to the previous point, strongly recommends that the concept of 'security by design' should be applied to both educational software and any software or databases used by educational institutions; transparent policies for the collection and storage of personal data should be introduced;

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<sup>(4)</sup> COM(2018) 236 final.

<sup>(5)</sup> [https://ec.europa.eu/commission/sites/beta-political/files/reaching-out-to-citizens-report\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/reaching-out-to-citizens-report_en.pdf)

30. recognising that initial attitudes, values and identity are formed to a large extent within the family and the larger home environment in general, encourages the creation of measures to work actively with the parents, strengthening the connections between parents and school and the 'whole school approach' in general;
31. points out that poor language skills are a major obstacle to the free movement of workers and stresses that lifelong learning initiatives and introductory and continuous language learning programmes enable the workforce in the European Union and its professionals to better match the needs of the labour market;
32. draws attention to the fact that language learning is deemed much more effective at an early age, and calls for language learning to play a stronger role in the primary school curriculum;
33. suggests that the level of government in charge of setting the education curriculum for schools place additional focus on the cultural and ethnographic aspects of history, with a critical and philosophical analysis of universal values within diversity, and include a section in the curriculum on the European Union, highlighting the role of human rights, European citizenship as an ideal and cosmopolitanism as components of the Union; thus suggests to further collaborate with cultural players at local level, for instance to draw up a cultural education plan supporting work on school curricula and a cultural route presenting the local cultural and art offering;
34. furthermore calls for topics relevant to the digitalisation of society to be given greater prominence, in order to familiarise learners with coding concepts and introduce competences, not only pragmatic but also ethical, critical and analytical in the field of cyber security, social networking and media literacy;
35. supports the intention of providing every student or apprentice in Europe with at least one entrepreneurial experience, possibly in another EU country, and recommends an increase in entrepreneurial and project- and inquiry-based learning practices in both formal and informal education, as well as in businesses, associations, foundations or any other type of private or public body, thereby fostering the entrepreneurial and creative spirit. Therefore calls for further cooperation between schools, the private sector and third-sector bodies, and also calls for designing educational programmes that aim to match students' skills with labour market needs;
36. supports the measures to ensure equal opportunities for every student and apprentice and reduce inequality, and advises that in-depth research be performed into the underlying causes for these inequalities in order to improve the efficacy of European initiatives in the field;
37. advises explicitly pointing out that 'going beyond equal opportunities' should be understood as 'providing equitable opportunities' as a means to ensure inclusion, which requires resolute action. Such action cannot be limited to treating the outcome of issues like inequity, under-representation and exclusion by rebalancing the educational opportunities. Instead, authorities should be aiming their measures at solving the underlying causes and helping the affected citizens and communities to overcome them. Local and regional authorities, being closest to the European citizens should be empowered to research, design and implement such measures according to the specific needs of the local communities;
38. underlines the critical importance of looking into the regional disparities, laying down common foundations within the EU Member States' education systems, and thereby avoiding the economic and social consequences that arise from skills gaps and mismatches in the EU when designing reforms of the education and training systems. Furthermore points out that in order to reconnect with grass-roots level organisations, the EU needs to fully recognise and exploit the know-how of civil society representatives <sup>(6)</sup>;
39. reiterates the importance of creating a common framework for the recognition of informal and non-formal education in order to facilitate the creation of relevant national procedures;
40. strongly supports boosting the Erasmus + programme with the aim of doubling the number of participants, reaching out to learners from disadvantaged backgrounds by 2025 and expanding towards lifelong learning and educator mobility in order to guarantee mobility for all students under equal conditions, regardless of where they live, including those from remote, insular and outermost regions;

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<sup>(6)</sup> Van den Brande, Reaching out to EU Citizens: A New Opportunity, p. 14.

41. advises that in order to counter disinformation campaigns and trending fake news, European institutions should be encouraged and facilitated to respond quickly and proactively provide relevant data in a comprehensive form. Better mechanisms for answering citizen questions and concerns can be also implemented with the help of modern web technologies;

42. points out that in order to provide equal access to Erasmus+ resources, every European citizen should have equal access to information and support. Thus special arrangements should be made in order to reach out learners from disadvantaged backgrounds. Providing local and regional authorities with the possibility to assist citizens and organisations from their community to participate in the programme has the potential to assist the widening of Erasmus+ in a sustainable and efficient way;

43. advocates for activities aimed at the increase of the administrative capacity of existing Erasmus+ offices such as short-term staff exchanges, administrative information days and others deemed necessary, in order to decrease the competence gap of the Erasmus+ administration in the different educational institutions which in turn leads to inequality of opportunities for the students of those institutions;

44. suggests the inclusion of activities belonging to the field of citizen science and the philosophical way of thinking that comes with it within the scope of Erasmus +, due to their relevance to lifelong learning, their ability to build powerful peer role models and their importance for promoting the humanities, social sciences and STEM;

45. points out that lifelong learning includes but is not equivalent to adult education. Adult education addresses the education needs resulting from the transformation in work for an expanding adult population, as well as other knowledge and societal skills in the context of lifelong learning. It depends on a mindset of continuous inquiry and the pursuit of knowledge and excellence that can be cultivated as early as primary (or pre-primary) education and should be integrated into all stages of education;

46. is aware that boosting Erasmus+ will require ambitious financing and simpler procedures in order to achieve the programme's objectives; in that respect recognises that the UK is currently a major participant in the programme and hence calls for the ongoing negotiations to enable UK regions and local authorities to continue to participate in European cooperation programmes post 2020 in the same vein as other non-EU Member States already do;

47. strongly supports priority measures to build inclusive and connected higher education systems and calls for particular attention to be given to peripheral universities and those in the outermost regions and to cross-border cooperation. The underlying assumption should be the belief that no university is peripheral and all universities are or should also be regional;

#### **Key policies**

48. welcomes in general the key policy suggestions advanced by the European Commission and underlines the importance of involving and listening to European society as a whole, and especially young people when designing education and cultural policy reforms;

49. warns that strengthening the European dimension of Euronews is a step in the right direction, but this can only be one part of a much more comprehensive policy and strategy on media and information, responding to recent societal and geopolitical developments.

Brussels, 17 May 2018.

*The President  
of the European Committee of the Regions*

Karl-Heinz LAMBERTZ

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**Opinion of the European Committee of the Regions — Cultural Heritage as a strategic resource for more cohesive and sustainable regions in the EU**

(2018/C 361/06)

**Rapporteur:** Babette WINTER (DE/PES), State Secretary for Europe and Culture in the Thuringia State Chancellery

**POLICY RECOMMENDATIONS**

THE EUROPEAN COMMITTEE OF THE REGIONS

**Cultural diversity and common European heritage**

1. notes that cultural heritage in its diverse forms is a major asset for Europe: it is a resource with the potential to become a key lever for more cohesive and sustainable regions in the EU that can help strengthen identity in a region as well as in Europe as a whole, and particularly embodies the EU's motto of 'United in diversity' and complements the European Union's commitment to respecting cultural diversity, as enshrined in Article 22 of the EU Charter of Fundamental Rights;
2. has based this opinion on documents from the European Commission <sup>(1)</sup>, <sup>(2)</sup>, the European Council <sup>(3)</sup> and the European Committee of the Regions (CoR) <sup>(4)</sup> on the future of Europe and on strengthening European identity through education and culture;
3. stresses the importance of the values of the EU contemplated in the Charter of Fundamental Rights — dignity, freedom, equality and solidarity — in order to achieve the common good, and therefore calls for stronger respect for these in promoting cultural heritage;
4. stresses that cultural heritage and cultural identity are an important tool for fostering people's knowledge and awareness of Europe's common cultural, spiritual and religious roots — marked by the values of the Enlightenment — in all their diversity. Cultural heritage and cultural identity can improve understanding of changes in and the history of society, and can increase tolerance and acceptance of differences in response to Euroscepticism and growing anti-European divisions;
5. stresses that it is precisely our knowledge of the centuries-old interconnections within Europe that allows us to recognise and have mutual respect for the diversity and differences, and that these differences absolutely must not be used as a pretext for isolation or insularity; is therefore opposed to any attempt to abuse cultural heritage to create divisions within or outside Europe;
6. notes that, while the Eurobarometer survey <sup>(5)</sup> shows that EU citizens consider culture to be the strongest glue binding the European Union together — above European values and the rule of law — at the same time more than 50 % of respondents say that there is no common European culture <sup>(6)</sup>;
7. takes the view that these results are only superficially contradictory: rather, they express the idea that Europe has common cultural roots and interconnections that intersect in varying ways at regional level, reflecting the model of an EU that is 'united in diversity';
8. notes that, as a result, regional administrations have a particular responsibility to promote culture as an important thread binding society together — both with regard to the specific culture of their region and via links and exchanges within Europe and beyond the European Union's current borders — making the EU the linchpin of the continent of Europe;

<sup>(1)</sup> White Paper on the Future of Europe. Reflections and scenarios for the EU27 by 2025 (COM(2017) 2025 final).

<sup>(2)</sup> Communication on 'Strengthening European Identity through Education and Culture', for the informal meeting of heads of state or government in Gothenburg (Sweden) on 17 November 2017 (COM(2017) 673 final).

<sup>(3)</sup> 'Leaders' Agenda: Education and culture': available at [http://www.european-council.europa.eu/media/31544/en\\_leaders-agenda-note-on-education-and-culture.pdf](http://www.european-council.europa.eu/media/31544/en_leaders-agenda-note-on-education-and-culture.pdf).

<sup>(4)</sup> RESOL-VI/014, CdR 4785/2016 fin.

<sup>(5)</sup> Standard Eurobarometer 88.

<sup>(6)</sup> Special Eurobarometer 466.

9. therefore encourages the Union to add its own identity and shared values to existing regional and national notions of belonging in order to promote a multilevel citizenship, as it is provided in the Charter of Fundamental Rights of the European Union and in Article 2 of the Lisbon Treaty;

10. draws attention to the national reports on the implementation of the Unesco Convention <sup>(7)</sup>, to which many — though not all — EU Member States are party;

11. endorses the European Commission's observation <sup>(8)</sup> that competences for education and culture lie primarily with Member States at national, regional and local level. As Articles 6 and 167 of the Treaty on the Functioning of the European Union define the EU competence in the field of culture only as that of supporting, coordinating or supplementing actions of the Member States, the CoR supports EU initiatives within this remit, which highlight the important cross-national and European dimensions in this policy field;

12. welcomes the fact that the informal meeting of culture ministers under the motto 'Culture — inclusive value of the EU' and the Council conclusions on a Work Plan for Culture <sup>(9)</sup> highlight the importance of access to culture, preserving cultural heritage, mobility for artists, and greater public support;

### **Cultural heritage and cultural activities for identification, social cohesion and social development**

13. stresses that cultural heritage can strengthen people's perceptions of a common identity within a region and its links with their own traditions and history, and can support the development of intra-regional cooperation effects. This can kick-start new cultural and educational initiatives and intercultural dialogue, and thus boost social activity;

14. stresses that local and regional authorities have important competences when it comes to promoting intercultural dialogue, in particular through their coordination of multi-dimensional local and regional cultural networks involving all the key stakeholders. It is important in this context to strengthen public-private partnerships;

15. welcomes the EU leaders' recognition of education, culture and policies geared towards young people in the Rome Declaration <sup>(10)</sup>, and endorses the assessment that 'education [...] and culture are important not only for competitiveness but also for the inclusiveness and the cohesion of our societies';

16. highlights the importance of the *European Year of Cultural Heritage 2018* (EYCH 2018) as a significant initiative, and welcomes the fact that the European Commission has already announced an evaluation; stresses in this connection that the positive effects of the EYCH 2018 must be further amplified by follow-up measures in the coming years. This must also be reflected in the various support programmes in the next MFF to aid in disseminating European cultural heritage beyond 2018;

17. points out that the mobility of artists — facilitated, inter alia, by Creative Europe — contributes to the success story of European integration, and therefore considers it necessary to continue and expand the Creative Europe programme;

18. is convinced that cultural heritage contributes to social cohesion and quality of life. Because of its inherent historical links to specific locations, which are not just in currently favoured, much visited places but also in places and regions that are currently facing particular challenges, it can offer development opportunities, not least through its enormous potential for creating jobs. This applies in particular to regions affected by demographic change and depopulation and to the outermost regions, as well as to urban areas with specific integration challenges;

19. underlines that participatory approaches in local and regional authorities may be a good way of establishing a broad social base for cultural development concepts and of gaining more backing for and identification with cultural investment. This will lead to a sustainable boost to social interaction and to society's responsibility for local cultural heritage;

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<sup>(7)</sup> Convention concerning the protection of the world cultural and natural heritage, Adopted by the General Conference at its seventeenth session Paris, 16 November 1972.

<sup>(8)</sup> COM(2017) 673 final.

<sup>(9)</sup> Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a Work Plan for Culture (2015-2018) (OJ C 463, 23.12.2014, p. 4).

<sup>(10)</sup> [https://europa.eu/european-union/eu60\\_en](https://europa.eu/european-union/eu60_en).

20. encourages local and regional authorities to evaluate their experiences with this kind of participatory approach and to share them with one another;
21. calls for more exchanges between the various stakeholders with regard to possible ideas for developing libraries, museums and other cultural sites as agoras or 'third places' for exchange and participation in discussions on the future of our cities and regions. In this regard, attention is drawn to the option of using the European Union's general information networks, such as Europe Direct;
22. at the same time, urges the EU to do more to promote the exchange of experience between local and regional authorities and between representatives of cultural institutions in different regions and Member States;
23. notes in this context that language barriers are a particular hurdle for local stakeholders and that there is a need for European-level support for overcoming them;
24. also supports the continued inclusion, in the next Multiannual Financial Framework (MFF), of support for cultural heritage infrastructure, with a particular focus on socio-cultural cohesion. In addition, production chains involving the sustainable management of cultural heritage should be strengthened, and cross-sectoral cooperation projects — e.g. between cultural heritage and education — should be supported;
25. stresses that culture is a shared responsibility for all stakeholders in society — local and regional authorities and the Member States — but also requires specific private-sector funding and voluntary/civil society activity;
26. highlights the fact that digitalisation — both of cultural heritage and of the means of disseminating it — presents immense potential for the future: it can create new forms of access, particularly for young people, and can also disseminate knowledge about cultural diversity across borders, throughout Europe. Digitalisation is also inherently transnational, and is a very useful tool for developing a form of tourism that is both diversified and sustainable;
27. therefore calls on all levels of government to strongly support Europeana as a public digital space for our heritage;
28. supports the call by Culture Action Europe<sup>(11)</sup> to ensure that at least 1 % of the next MFF is allocated to culture across policy fields and funding programmes;

### **The impact of cultural heritage on tourism and regional economic development**

29. highlights the value of cultural heritage for economic development in the regions, mainly through the tourism sector — given that 26 % of all EU travellers<sup>(12)</sup> name culture as a key factor when choosing their holiday destinations — but also as a soft location factor for boosting the attractiveness of jobs;
30. notes that the cultural and creative industries, accounting for more than 3 % of GDP and roughly the same percentage of employment in the EU<sup>(13)</sup>, are also becoming an increasingly important part of the economy, especially in metropolitan areas;
31. points out that local and regional authorities have successfully incorporated the cultural and creative industries into their development strategies and that this has helped to boost local economies, including by fostering the start-up of new businesses providing professional multi-sectoral services. In order to make still greater use of the creative potential of the regions, expanded funding scenarios that cut across economies and cultures would be desirable;
32. notes that, in addition to the priority given to the restoration and preservation of monuments, the management and outreach work of cultural institutions is also crucial and is what decides whether cultural monuments are able to fully develop their cultural tourism, economic and social impact;
33. stresses that the creative engagement of artists with the cultural heritage has a special and innovative potential in terms of learning from history to benefit society's future;

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<sup>(11)</sup> <https://cultureactioneurope.org/files/2018/03/CAE-Reflection-paper-Agenda-for-Culture-2018.pdf>.

<sup>(12)</sup> Preferences of Europeans towards Tourism — Flash Eurobarometer Report 432 (March 2016): <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/FLASH/surveyKy/2065>.

<sup>(13)</sup> [https://ec.europa.eu/culture/policy/cultural-creative-industries\\_en](https://ec.europa.eu/culture/policy/cultural-creative-industries_en).

34. observes that not just the lack of financial resources for, but also the inadequate visibility of and lack of political awareness about, cultural assets are also an obstacle to cultural heritage being developed as a region's strategic resource;

35. welcomes, in this connection, the introduction of the European Heritage Label and calls on the Commission to take measures to raise its profile;

36. stresses that culture — after public services and infrastructure such as housing, public transport and schooling for children — plays a crucial role in how attractive places are. Given what is currently happening in terms of migration, intra-regional and extra-regional mobility and demography, this is increasingly important for local and regional development strategies with respect to improving retention of labour in disadvantaged regions and striking the right balance in metropolitan areas;

37. notes that cultural heritage, together with an attractive offering of contemporary culture, must be a sustainable factor in — especially regional — tourism. This is no less the case for high-profile destinations such as Unesco World Heritage Sites or sites that have a European Heritage Label than it is for the varied local cultural heritage sites;

38. points out that the geographically wide dispersal of cultural heritage offers an opportunity — through a more diversified range of tourist attractions — to redirect and better distribute the impact of cultural tourism. The burden can thus be taken off destinations where tourist numbers are at breaking point and where any further increase would damage the cultural heritage points out that promoting the tourism potential of cultural heritage that is less well known would be an effective way of diversifying tourism and driving the sustainable development of marginal areas, especially if the individual tourism development projects are consistent with wider regional development plans and integrated into the system of local services. This is especially the case regarding sustainable mobility. This needs to be seen particularly in the light of the fact that cultural tourism in Europe is growing and in particular creating local jobs;

#### **Steps needed to develop and exploit the potential of cultural heritage**

39. criticises the fact that the Europe 2020 strategy on the EU's further development took no account of culture;

40. calls, therefore, given its proven importance for EU cohesion and socioeconomic development in many regions, for culture — with its institutions and sites — to be regarded as a strategic area in the successor strategy and in policy planning;

41. insists that culture and cultural heritage be better incorporated into the priorities of the next MFF both through mainstreaming and setting a budgetary target of over EUR 2 bn. for the programme succeeding 'Creative Europe';

42. stresses that cultural partnerships are being built across all Member States and, with this in mind, urges more vigorous promotion of themed cultural routes that transcend Member State borders, including under the Interreg programme;

43. calls for support for cultural heritage resources for regional development to be made an important element of cohesion policy after 2020. The allocation of funding for cultural heritage — broadly defined — should be increased and must on no account be reduced. 'Thematic concentration' — provided this is maintained as a rule after 2020 — should include cultural issues;

44. emphasises that it is important for the European Union to launch a genuine strategy for cultural diplomacy. To this end, it is vital to promote artistic and cultural communication and exchanges between the regions of the EU — especially the outermost regions — and third countries, including with measures to make it easier for artists and their works to travel to third countries and vice-versa; in this connection reiterates its call on the European Commission to prioritise the further development of cultural diplomacy with a view to introducing it into the EU's foreign policy <sup>(14)</sup>;

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<sup>(14)</sup> COR-2016-05110.

45. is concerned to note that the European Commission's capping of the ERDF investment budget for cultural infrastructure at EUR 5 million in the current programming period of the Structural Funds and the Cohesion Fund is an obstacle to the development of larger cultural infrastructure projects;
46. therefore calls on the European Commission to rescind this arbitrary ceiling and to base the programmes on substantive criteria and the goals to be achieved, especially European added value;
47. again urges the parties negotiating the UK withdrawal agreement to take into account the possible effect of Brexit on the EU's educational, cultural and youth programmes and calls on them to find suitable ways of enabling non-EU countries to be involved;
48. thinks that the Council needs to continue and further develop its Work Plan for Culture (2015-2018) <sup>(15)</sup>;
49. backs the European Commission's aim of setting up a long-term EU Action Plan for Cultural Heritage <sup>(16)</sup> which will put the initiatives in EYCH 2018 on a permanent footing;
50. calls on the European Commission and the Council to involve regional representatives — with their direct experience — appropriately and far more closely in the conferences and peer-learning initiatives established in the Council Conclusions on a Work Plan for Culture;
51. endorses boosting funding of the Guarantee Facility for the cultural and creative sectors and insists that its scope be expanded and small and medium-sized enterprises (SMEs) covered, since this accurately reflects the cultural and creative sectors;
52. calls on the Member States to also more vigorously promote cultural infrastructure, education, vocational retraining, innovation and cooperation projects under the European Regional Development Fund (ERDF);
53. encourages local and regional authorities, including in LEADER working groups, to recognise cultural infrastructure in rural areas as an important factor in social cohesion, and to provide forms of sustainable mobility that enable visitors to enjoy the countryside but have the lowest possible environmental impact, such as cycle routes, walking routes and inland waterways;
54. calls on entrepreneurs from the cultural and creative sectors to also work actively for the development of the community and society, including by replicating across the EU successful models for the organisation of networks between businesses, helping SMEs in the sector to harness the historical and cultural wealth of their region;
55. calls for close collaboration with the European Festivals Association (EFA) in developing — under the umbrella of the European Solidarity Corps — exchange schemes and voluntary initiatives in the field of culture and cultural heritage in connection with EYCH 2018 and beyond;
56. recommends that the EU, in its capacity as subsidiary promoter, increase the focus on notions of culture, especially at regional and interregional level;
57. is critical of the fact that comparative assessments are lacking on a European scale and therefore calls on the Member States and the Commission to instigate regular evaluations and studies to enable a comparison across Europe and to feed the findings into the political debates at all levels;
58. rejects as too bureaucratic, however, a regular, comprehensive data collection operation and reporting requirements;
59. points out to the European Commission that considerably more regions than is reflected in the Smart Specialisation Strategies (S3) recognise cultural heritage and work in culture as being key to regional development;
60. calls, therefore, for support for research in this connection — including beyond the narrow focus on Smart Specialisation Strategies — to be made easier;

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<sup>(15)</sup> OJ C 463, 23.12.2014, p. 4.

<sup>(16)</sup> This could be the legacy of the 2018 European Year for Cultural Heritage and be decided at the 'Assises du Patrimoine'.

61. calls on regions who see their cultural heritage as a particularly strong asset to also take this on board in their S3 strategy;
62. in the same line, is disappointed that the access to art and culture, which are key for social cohesion and inclusiveness, is not enshrined in the European Pillar of Social Rights<sup>(17)</sup>;
63. calls for the Europeana virtual library to be further and more strongly promoted through the amalgamation of national digitisation schemes. The library's tenth anniversary in 2018 provides a perfect opportunity to take it to the next stage of development;
64. calls on the European Commission to extend the range of prizes and awards and for these not to be limited to projects that have received EU funding. Awards for innovative projects bring greater recognition beyond the region and Member State concerned, promote exchanges within Europe and encourage those in other regions of Europe to follow suit;
65. reiterates its strong support to the European Capitals of Culture (2020-2033) and calls for the continuation of the initiative beyond 2033, which should reflect even more the full diversity of Europe's cultural richness and promote the long-term development of a common European cultural area based on public participation. Regrets against this background that the European Commission has decided to exclude the UK from the 2023 edition. Indeed, the common European cultural area goes beyond the borders of the European Union;
66. recommends that this own-initiative opinion serve as input into the meeting of culture ministers on 22-23 May 2018, which will be about 'the future of the EU through a long-term vision for European cultural content' and the need to incorporate the European cultural heritage into all directives;
67. suggests that the CoR members themselves initiate a regular exchange of information on projects and experience relating to their cultural heritage sites.

Brussels, 17 May 2018.

*The President  
of the European Committee of the Regions*

Karl-Heinz LAMBERTZ

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<sup>(17)</sup> CDR 3141/2017.

## III

*(Preparatory acts)*

## COMMITTEE OF THE REGIONS

129TH COR PLENARY SESSION, 16.5.2018-17.5.2018

**Opinion of the European Committee of the Regions — Review of the EU Civil Protection Mechanism**

(2018/C 361/07)

<b>Rapporteur:</b>	Adam BANASZAK (PL/ECR). Vice-president of the Kujawsko-Pomorskie Regional Assembly
<b>Reference documents:</b>	Proposal for a decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism
	COM(2017) 772 final/2
	Communication from the Commission to the European Parliament, the Council and the Committee of the Regions on Strengthening EU Disaster Management: rescEU Solidarity with Responsibility
	COM(2017) 773 final

## I. RECOMMENDATIONS FOR AMENDMENTS

**Article 1(1)**

Text proposed by the Commission	CoR amendment
Decision No 1313/2013/EU is hereby amended as follows:	Decision No 1313/2013/EU is hereby amended as follows:
(1) Article 3 is amended as follows:	(1) Article 3 is amended as follows:
(a) in paragraph 1 the following point (e) is added:	(a) in paragraph 1 the following point (e) is added:
‘(e) to increase the availability and use of scientific knowledge on disasters.’	‘(e) to increase the availability and use of scientific knowledge on disasters.’
(b) point (a) of paragraph 2 is replaced by the following:	(b) point (a) of paragraph 2 is replaced by the following:

Text proposed by the Commission	CoR amendment
<p>'(a) progress in implementing the disaster prevention framework: measured by the number of Member States that have made available to the Commission their risk assessments, an assessment of their risk management capability and a summary of their disaster management planning as referred to in Article 6;'</p>	<p>'(a) progress in implementing the disaster prevention framework: measured by the number of Member States that have made available to the Commission their risk assessments, an assessment of their risk management capability and a summary of their disaster management planning as referred to in Article 6;'</p> <p>(c) after paragraph 2 the following paragraph 3 is added:</p> <p><b>'3.</b> <i>The Union Mechanism attributes a fundamental role to increasing resilience against disasters, including flooding, seismic and wildfire risks, through training opportunities with local response units including volunteer groups.'</i></p>

### Article 1(3)

Text proposed by the Commission	CoR amendment
<p>in Article 5(1), point (a) is replaced by the following:</p> <p>'(a) take action to improve the knowledge base on disaster risks and facilitate the sharing of knowledge, the results of scientific research, best practices and information, including among Member States that share common risks.'</p>	<p>in Article 5(1),</p> <p>(a) point (a) is replaced by the following:</p> <p>'(a) take action to improve the knowledge base on disaster risks and facilitate the sharing of knowledge, the results of scientific research, best practices and information, including among Member States as well as between local and regional authorities that share common risks.'</p> <p>(b) a new point (g) is added after point (f) in paragraph 1:</p> <p><b>'g)</b> <i>shall draw up guidelines and intervention criteria for the seismic requalification of housing and infrastructure by 31 December 2018;'</i></p> <p>(c) point (h) of paragraph 1 is amended as follows:</p> <p><b>'(h)</b> <i>promote the use of various Union Funds which may support sustainable disaster prevention and provide easily accessible information online and in hard copy in the Commission offices in the Member States on how to access those funding opportunities;'</i></p>

**Reason**

In many cases, local or regional authorities have more knowledge about disaster risks than national authorities.

A modern, homogeneous framework of technical norms is needed in order to determine, together with the Eurocodes, the classification of seismic vulnerability and priority criteria. The implementing guidelines should combine the seismic reinforcement of existing buildings with energy efficiency.

**Article 1(4)**

Text proposed by the Commission	CoR amendment
<p>(4) Article 6 is amended as follows:</p> <p>(a) points (a) and (b) are replaced by the following:</p> <p>‘(a) develop risk assessments at national or appropriate sub-national level and make them available to the Commission by 22 December 2018 and every three years thereafter;</p> <p>‘(b) develop and refine their disaster risk management planning at national or appropriate sub-national level based on the risk assessments referred to in point (a) and taking into account the assessment of their risk management capability referred to in point (c) and the overview of risks referred to in point (c) of Article 5(1).’</p> <p>(b) the following second and third subparagraphs are added:</p> <p>‘A summary of the relevant elements of the risk management planning shall be provided to the Commission, including information on the selected prevention and preparedness measures, by 31 January 2019 and every three years thereafter. In addition, the Commission may require Member States to provide specific prevention and preparedness plans, which shall cover both short- and long-term efforts. The Union shall duly consider the progress made by the Member States with respect to disaster prevention and preparedness as part of any future <i>ex-ante</i> conditionality mechanism under the European Structural and Investment Funds.’</p>	<p>(4) Article 6 is amended as follows:</p> <p>(a) points (a), (b) and (d) are replaced by the following:</p> <p>‘(a) develop risk assessments at national or appropriate sub-national level <i>in consultation with relevant local and regional authorities and aligned with the Sendai Framework for Disaster Risk Reduction. Selected information from the risk assessments, which is essential to the proper functioning of the Mechanism, should be made available to the Commission by 22 December 2018 and every three years thereafter;</i></p> <p>‘(b) develop and refine their disaster risk management planning at national or appropriate sub-national level based on the risk assessments referred to in point (a) and taking into account the assessment of their risk management capability referred to in point (c) and the overview of risks referred to in point (c) of Article 5(1).’</p> <p>‘(d) <i>participate, on a voluntary basis, in peer reviews on the assessment of risk management capability and organise stress tests to address crisis situations.</i>’</p> <p>(b) the following second and third subparagraphs are added:</p> <p>‘A summary of the relevant elements of the risk management planning shall be provided to the Commission, including information on the selected prevention and preparedness measures, by 31 January 2019 and every three years thereafter. In addition, the Commission may require Member States to provide prevention and preparedness plans <i>within the limits set in Art. 346 (1a) TFEU in relation to the disclosure of information on essential interests of their security and will provide them with a guiding framework for the preparation of such plans</i>, which shall cover both short- and long-term efforts. The Union shall duly consider the progress made by the Member States with respect to disaster prevention and preparedness as part of any future <i>ex-ante</i> conditionality mechanism under the European Structural and Investment Funds.’</p>

Text proposed by the Commission	CoR amendment
<p>'The Commission may also establish specific consultation mechanisms to enhance appropriate prevention and preparedness planning and coordination among Member States prone to similar type disasters.'</p>	<p>'The Commission may also establish specific consultation mechanisms to enhance appropriate prevention and preparedness planning and coordination among Member States — <i>also at regional and local level</i> — prone to similar type disasters.'</p>

### Reason

It is necessary that risk assessments are not prepared in a top-down manner, i.e. bypassing local/regional authorities. Subnational authorities can have more information about risks in a given territory and their representatives need to be actively involved in preparing risk assessments.

### Article 1 (4 bis) — add new point

Text proposed by the Commission	CoR amendment
<p>—</p>	<p><i>Article 8a is amended as follows:</i></p> <p><i>'The Commission shall carry out the following preparedness actions:</i></p> <p><i>(a) manage the ERCC in coordination with the relevant existing national and local and regional bodies;'</i></p>

### Reason

It is essential to ensure and provide for the fact that the ERCC is managed in coordination with relevant national and regional bodies to prevent the use of parallel structures or unclear deployment procedures at European level.

### Article 1(6)

Text proposed by the Commission	CoR amendment
<p>(7) Response capacities that Member States make available for the European Civil Protection Pool shall be available for response operations under the Union Mechanism following a request for assistance through the ERCC, <i>unless Member States are faced with an exceptional situation substantially affecting the discharge of national tasks.</i></p>	<p>(7) Response capacities that Member States make available for the European Civil Protection Pool shall be <i>made</i> available for response operations under the Union Mechanism <i>by decision of the sending State</i> following a request for assistance through the ERCC.</p>

### Reason

Since it is not possible to predict the specific situations — both from the point of view of the sending and of the requesting States — in which assistance will be required, it must remain a matter for the sovereign decision-making bodies of the two States to decide whether any operation is carried out.

## Article 1(9)

Text proposed by the Commission	CoR amendment
<p>(9) in Article 13, the title and the first sentence of paragraph 1 are replaced by the following:</p> <p>‘Union Civil Protection Knowledge Network</p> <p>1. The Commission shall establish a network of relevant civil protection and disaster management actors <i>and</i> institutions, forming together with the Commission a Union Civil Protection Knowledge Network.</p> <p>The Network shall carry out the following tasks in the field of training, exercises, lessons learnt and knowledge dissemination, in close coordination with relevant knowledge centres, where appropriate.’</p>	<p>(9) in Article 13, the title and the first sentence of paragraph 1 are replaced by the following:</p> <p>‘Union Civil Protection Knowledge Network</p> <p>1. The Commission shall establish a network of relevant civil protection and disaster management actors, institutions, <i>as well as voluntary and community sector organisations</i>, forming together with the Commission a Union Civil Protection Knowledge Network.</p> <p>The Network shall carry out the following tasks in the field of training, exercises, lessons learnt and knowledge dissemination, in close coordination with relevant knowledge centres, where appropriate.’</p>

**Reason**

The voluntary and community sector can play an important role in providing resilience after a disaster but its role is often underestimated.

## Article 1(10)

Text proposed by the Commission	CoR amendment
<p>(10) in Article 15, paragraph 1 is replaced by the following:</p> <p>‘1. When a disaster occurs within the Union, or is imminent, the affected Member State may request assistance through the ERCC. The request shall be as specific as possible. A request for assistance shall lapse after a maximum period of 90 days, unless new elements justifying the need for continued or additional assistance are provided to the ERCC.’</p>	<p>(10) in Article 15, paragraph 1 is replaced by the following:</p> <p>‘1. When a disaster occurs within the Union, or is imminent, the affected Member State may request assistance through the ERCC. The request shall be as specific as possible <i>and include at least the following information:</i></p> <ul style="list-style-type: none"> <li>a) <i>the type of major disaster,</i></li> <li>b) <i>the area affected by the disaster as well as areas potentially threatened by it,</i></li> <li>c) <i>the time and the financial and material resources needed to remedy the consequences of an imminent or actual disaster.</i></li> </ul>

Text proposed by the Commission	CoR amendment
	A request for assistance shall lapse after a maximum period of 90 days, unless new elements justifying the need for continued or additional assistance are provided to the ERCC.'

**Reason**

More accurate information from Member States in the event of a major disaster would enable more effective, targeted and cost-efficient action under the Mechanism, besides enabling the desired objectives to be achieved more rapidly, which is of great importance in responding to disasters.

**Article 1 (11bis) — new point**

Text proposed by the Commission	CoR amendment
—	<b>(11)</b> in Article 16, paragraph 3b is replaced by the following: <i>‘immediately making recommendations, when possible in cooperation with the affected country and, where relevant, with regional and local contact points, based on the needs on the ground and any relevant pre-developed plans, inviting Member States to deploy specific capacities and facilitating the coordination of the requested assistance;’</i>

**Reason**

Direct contact with regional and local contact points can have a positive impact on shortening the time to make recommendations and how detailed the information will be. This applies especially to large scale disasters during which the ability to respond quickly by national authorities is limited.

**Article 1(14)**

Text proposed by the Commission	CoR amendment
<p>(14) Article 21 is amended as follows:</p> <p>(a) point (j) of paragraph 1 is replaced by the following: ‘(j) establishing, managing and maintaining rescEU in accordance with Article 12;’</p> <p>[...]</p>	<p>(14) Article 21 is amended as follows:</p> <p>(a) point (j) of paragraph 1 is replaced by the following: ‘(j) establishing, managing and maintaining rescEU in accordance with Article 12;’</p> <p><b>(b)</b> points (n) and (o) are added:</p> <p>‘<b>(n)</b> supporting counsel and workshops for local and regional authorities and other relevant organisations, which aim to integrate policies/programmes with financial instruments, the implementation of which could help prevent and limit the consequences of meteorological phenomena and disasters.</p> <p><b>(o)</b> supporting stress tests and a process for certification of the response capacities that the Member States make available to the European Civil Protection Pool.’</p> <p>[...]</p>

**Reason**

Preventing disasters is associated with lower costs than recovering from disasters. It is therefore justified to integrate actions which would lead to investments which directly or indirectly reduce the risk of disasters or would help to reduce their consequences.

**II. POLICY RECOMMENDATIONS**

## THE EUROPEAN COMMITTEE OF THE REGIONS

**General comments**

1. agrees that the recent extensive disasters have demonstrated the limitations of the EU's Civil Protection Mechanism; underlines, however, that while the Mechanism does need to undergo reform, the main focus must remain on achieving disaster resilience. Focusing on disaster response at a time when the frequency and intensity of disasters is increasing will not address the heart of the problem. At the level of the European Union, the principle of disaster resilience and 'building back better' must be streamlined into all EU policies and Funds. Reiterates that the principle of disaster resilience must also be a cornerstone of the EU's investment policies, so that public money helps communities become more resilient to the negative effects of disasters and does not put the lives of citizens at risk <sup>(1)</sup>;
2. notes that the public supports the idea of the EU helping to coordinate the response to disasters in Member States (through its civil protection role), as indicated by the results of the May 2017 Eurobarometer survey;
3. notes that the Commission's proposal and Communication represent a step forward on the part of the European Commission towards further simplifying and streamlining legislation;
4. agrees with the Commission's conclusion that climate change is increasing the risk of natural disasters; calls therefore on the EU institutions to ensure that the EU's climate action focuses more on mitigating the risk of disasters and building a more disaster-resilient Europe through a local-led, place-based and multi-level governance approach;
5. notes that the Commission's proposal focuses strongly on response and that a significant number of the Mechanism's activations has its roots in cyclical disasters. The pressure should therefore be put on the Member States to undertake adequate preventive actions in terms of preserving the sufficient amount of national capacities;
6. underlines the importance of aligning the Commission's proposals with the Sendai Framework for Disaster Risk Reduction to ensure joint efforts, enhance capacity support and avoid duplication, especially in connection with developing national and local strategies on disaster risk reduction;
7. notes that improving the Union Civil Protection Mechanism forms an integral part of the activities aimed at dealing with the consequences of climate change. Underlines the need for greater synergies between networks aimed at addressing climate change and those dealing with disaster resilience. Underlines the need for greater synergies between the Covenant of Mayors for Climate and Energy and the United Nations Office for Disaster Risk Reduction's 'Making Cities Resilient Campaign'.

**The role of local and regional authorities**

8. agrees with the need to strengthen civil protection in the light of disaster trends (both weather-related and those relating to internal security); however, underlines that the best way to do this is through a stronger territorial and community-led approach. EU level action must be focused on coordinating and supporting the actions of Member States and their local and regional authorities. Underlines that local community action is the fastest and most effective way of limiting the damage caused by a disaster;
9. calls on the Commission and the Member States to also involve local and regional authorities in the screening of planned investments in all relevant programmes and in discussing possible changes;

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<sup>(1)</sup> COR 02646/2014; CDR 5035/2016.

10. underlines that risk assessment and risk management planning provisions, such as those required under the Civil Protection legislation or EU Floods Directive, need to be drawn up in partnership with local and regional authorities. Notes that in many cases, the local and regional levels of government have more knowledge about the risk than the national government. Calls for a code of conduct for the involvement of local and regional authorities in the preparation of such plans. Underlines also the need to share best practices at local, regional and national levels of government;

11. reiterates <sup>(2)</sup> the need for a framework for risk management plans that can then be used by Member States as a guideline. This would also facilitate comparability of their content; notes that an EU framework would be in line with the principle of subsidiarity; underlines that local and regional authorities should be in a position to devise their own risk management plans but that an EU framework to help provide guidance would be helpful;

12. recommends that the management of the Emergency Response Coordination Centre (ERCC) by the European Commission be conducted in cooperation with the national and regional authorities of the countries participating in the Union Mechanism;

13. highlights the need to involve local and regional authorities as well as the voluntary and community sector in the newly established EU Civil Protection Knowledge Network;

14. calls on the Commission, in partnership with national, regional and local authorities, to develop a disaster preparedness strategy, which would cover training and exercise programme, and other elements such as the Union Mechanism's call for proposals, the exchange of experts programme and risk scenarios development;

15. notes that the Union Mechanism should be well communicated to regional and local actors in order to improve risk management, not only at the transboundary level, but also between European, national, regional and local authorities;

16. underlines the importance of national and sub-national information campaigns disseminating information about the Union Mechanism and the local and regional risks identified in the relevant local and regional risk assessment documents; reiterates the importance of such information campaigns also targeting schools.

17. supports the call to create a new Erasmus civil protection programme in line with the rules and principles of Regulation (EU) No 1288/2013 establishing 'Erasmus + <sup>(3)</sup>'. A new such programme should include an international dimension and be open not only to national, but also regional and local representatives;

### **Funding opportunities**

18. calls on the Commission, Council and Parliament to step up their efforts to strengthen coherence with other EU instruments on disaster risk prevention and management. This should be done by not only creating a link between the Union Mechanism and cohesion, rural development, and health and research policies, and encouraging the integration of these activities into environmental policies, but also by looking into how these linkages can be reinforced in the new Multiannual Financial Framework and the rules governing the use of funds;

19. takes note of the fact that the Commission is considering *ex-ante* conditionalities for making use of risk assessment and risk management planning post-2020, both under Cohesion Policy and the European Agricultural Funds for Rural Development; underlines that *ex-ante* conditionalities based on risk assessment and risk management planning alone will not help achieve disaster resilience. Disaster resilience must be set as a criteria in the rules governing the use of Funds as something that has to be met by each project funded by the EU;

20. welcomes the objective of making scientific knowledge more widely available and relying more on the results of scientific research when taking and carrying out prevention actions; underlines the importance of working with the private sector to achieve an open data policy and ensure that commercial interests do not take precedence over public safety and wellbeing;

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<sup>(2)</sup> CDR 740/2012.

<sup>(3)</sup> 2017/0309(COD) (OJ 347, 20.12.2013, p. 50).

21. underlines the need to encourage communities to plan for self-help, as it often takes a significant amount of time for external assistance to arrive. Therefore, calls for EU action to focus on providing technical training assistance so that the capacity of communities for self-help can be enhanced, leaving them better prepared to provide an initial response and contain a disaster. Targeted training and education for public safety practitioners, such as community leaders, social and medical care practitioners and the rescue and firefighting services, can help contain a disaster and reduce fatalities both during and in the aftermath of the crisis <sup>(4)</sup>;

22. reiterates the important role of the private sector in achieving disaster resilience and also enabling effective and timely recovery from disasters. For example, private insurance is key to discouraging risky behaviour, promoting risk awareness and facilitating recovery after a disaster <sup>(5)</sup>.

#### **A dedicated reserve of EU assets: rescEU**

23. takes note of the proposal to create a separate dedicated reserve of assets — rescEU — to complement the national response capacities of Member States and reinforce the collective ability to respond to disasters. Under the Commission proposal, 'rescEU' will become an important response instrument in the future, particularly for cross-border implementation. Regrets however that the Commission proposal is not accompanied by an impact assessment, which has resulted in the Commission failing to deliver alternative options. To ensure compliance with subsidiarity, the purpose and task of 'rescEU' needs to be pursued in a manner that maintains the core responsibility at Member State level while at the same time facilitating the increase of interaction among affected Member States and local and regional authorities. For immediate and effective response, well-qualified and well-equipped local units are crucial as is the role played by community-level voluntary groups. Member States must ensure adequate financial support for public response units; however, underlines that the main focus needs to remain on building disaster resilience so as to mitigate the risk of disasters and minimise the damage that they cause;

24. welcomes the simplification of the current system effected by introducing a single co-financing rate (75 %) for adaptation, repair, transport and operating costs for assets in the European Civil Protection Pool; also welcomes the decision to relieve the financial burden on participating states by enhancing eligible costs and increasing the co-financing rate to 75 %, while highlighting that the new reserve must support, and not relieve Member States from their obligation to develop their own rescue potentials;

25. notes that the proposed configuration of the rescEU reserve includes resources that have already been committed to the voluntary pool in sufficient numbers; therefore supports maintaining possibility for the Commission to recompose the rescEU pool in agreement with the Member States, in order to fully adapt it to the identified capacity gaps;

26. proposes that the participation of public institutions from the Member States and of the private sector entities in the rescEU should be based on a voluntary principle.

#### **Subsidiarity and proportionality**

27. stresses that civil protection is an area where the EU acts to support, coordinate or supplement the action of its Member States. In turn, stresses that the Commission must ensure that the new reserve being created is aimed at coordinating, supporting and supplementing the action of Member States rather than giving the EU its own resources or new competences. Underlines that a focus on supporting and helping to enhance local community response capacities can be a way of ensuring a more effective disaster response in a manner that would comply with the principle of subsidiarity.

Brussels, 16 May 2018.

*The President  
of the European Committee of the Regions*

Karl-Heinz LAMBERTZ

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<sup>(4)</sup> CDR 02646/2014.

<sup>(5)</sup> CDR 05035/2016; CDR 02646/2014.

**Opinion of the European Committee of the Regions — Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption**

(2018/C 361/08)

<b>Rapporteur:</b>	Mark Weinmeister (DE/EPP), Secretary of State for European Affairs, <i>Land</i> of Hesse
<b>Reference document:</b>	Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)
	COM(2017) 753 final

**I. RECOMMENDATIONS FOR AMENDMENTS**

**Amendment 1**

Recital 2, insert a new recital before 1998/83 recital 6.

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
	<i>Minimum requirements for essential and preventive health-related minimum quality standards and parametric values in water intended for human consumption are necessary if minimum environmental-quality goals to be achieved in connection with other EU-level provisions and measures are to be defined so that the sustainable use of water intended for human consumption may be safeguarded and promoted. These include in particular appropriate water protection measures to ensure that surface and groundwater is kept clean;</i>

**Reason**

This recital combines parts of deleted recitals 5 and 8. It is critically important to manage the adverse effects from environmental pollution sources, for example waste water, industry and agriculture, which can affect the quality of water bodies to varying extents, by setting environmental quality standards based on the polluter pays and the precautionary principles. Ultimately the degree of contamination will be determined by the extent to which drinking-water quality has to be assured in the short, medium and long term. Management of drinking-water resources that favours an 'end-of-pipe' solution should be rejected on health grounds. Ensuring the quality of water intended for human consumption calls for appropriate strategies and measures in various environmental categories, to which the provisions of Article 7 are relevant. The WHO health-based assessment of parametric values is based on a preventive health approach (see also new recital 16, which discontinues derogations under Article 9 of Directive 98/83/EC), and allocation means that drinking water is supplied without adverse health effects for a limited period of time. Article 12 (new) of the proposal also repeals this preventive approach.

**Amendment 2**

## Recital 5

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>The World Health Organisation (WHO) Regional Office for Europe conducted a detailed review of the list of parameters and parametric values laid down in Directive 98/83/EC in order to establish whether there is a need to adapt it in light of technical and scientific progress. In view of the results of that review, enteric pathogens and Legionella should be controlled, six chemical parameters or parameter groups should be added, and three representative endocrine disrupting compounds should be considered with <i>precautionary benchmark values</i>. For three of the new parameters, parametric values that are more stringent than the ones proposed by the WHO, yet still feasible, should be laid down in light of the precautionary principle. For lead, the WHO noted that concentrations should be as low as reasonably practical, and for chromium, the value remains under WHO review; therefore, for both parameters, a transitional period of 10 years should apply before the values become more stringent.</p>	<p>The World Health Organisation (WHO) Regional Office for Europe conducted a detailed review of the list of parameters and parametric values laid down in Directive 98/83/EC in order to establish whether there is a need to adapt it in light of technical and scientific progress. In view of the results of that review, enteric pathogens and Legionella should be controlled, <i>nine</i> chemical parameters or parameter groups should be added, <i>including</i> three representative endocrine disrupting compounds, <i>and the recommended WHO guideline values</i> should be considered. For lead, the WHO noted that concentrations should be as low as reasonably practical, and for chromium, the value remains under WHO review; therefore, for both parameters, a transitional period of 10 years should apply before the values become more stringent.</p>

**Reason**

The Commission proposal does not give a definition of 'precautionary benchmark values'. In section 5 of the explanatory memorandum, under the heading 'Detailed explanation on how the WHO recommendations concerning parameters and parametric values for the proposal were taken into account', the Commission notes that according to the WHO there is currently no evidence of risks to health from drinking water containing the three endocrine-disrupting compounds, and that risks are unlikely. The way the Commission has set the concentrations for these three substances is neither transparent nor explainable in scientific terms. It would therefore be advisable — and justifiable in view of the health requirement (water for human consumption) — to take the proposed WHO guideline values as the parametric values.

**Amendment 3**

Insert part of 1998/83 recitals 13 and 16 after new recital 5.

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
	<i>The parametric values are based on the scientific knowledge available and generally on the World Health Organization Guidelines for drinking-water quality. The precautionary principle has also been taken into account and the values thus represent a high level of health protection;</i>

**Reason**

The clear information about parametric values contained in 1998/83 recitals 13 and 16 should be kept. In conjunction with Article 18 ('Review of Annexes'), it should be unequivocally established that parametric values are based on the available scientific findings and the precautionary principle. This also relates to new Article 12(3), under which the Member States must 'automatically' consider any breach of the parametric values as a potential danger to human health. As already set out for Amendment 1 above, the WHO health-based assessment of parametric values takes a preventive approach to health risks (see also new recital 16, which discontinues derogations under Article 9 of Directive 98/83/EC) rather than one of tackling an immediate potential danger. There is a conflict with the WHO approach here.

**Amendment 4**

## Recital 9

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>The hazard assessment should be geared towards reducing the level of treatment required for the production of water intended for human consumption, for instance by reducing the pressures causing the pollution of water bodies used for abstraction of water intended for human consumption. To that end, Member States should identify hazards and possible pollution sources associated with those water bodies and monitor pollutants which they identify as relevant, for instance because of the hazards identified (e.g. <i>microplastics</i>, <i>nitrates</i>, pesticides or pharmaceuticals identified under Directive 2000/60/EC of the European Parliament and of the Council), because of their natural presence in the abstraction area (e.g. arsenic), or because of information from the water suppliers (e.g. sudden increase of a specific parameter in raw water). Those parameters should be used as markers that trigger action by competent authorities to reduce the pressure on the water bodies, such as prevention or mitigating measures (including research to understand impacts on health where necessary), to protect those water bodies and address the pollution source, in cooperation with water suppliers and stakeholders.</p>	<p>The hazard assessment should be geared towards reducing the level of treatment required for the production of water intended for human consumption, for instance by reducing the pressures causing the pollution of water bodies used for abstraction of water intended for human consumption. To that end, Member States should identify hazards and possible pollution sources associated with those water bodies and monitor pollutants which they identify as relevant, for instance because of the hazards identified (e.g. <i>microplastics (particles between 1 nm and 5 mm in size with a high polymer content)</i>, <i>nitrate levels</i>, pesticides or pharmaceuticals identified under Directive 2000/60/EC of the European Parliament and of the Council), because of their natural presence in the abstraction area (e.g. arsenic), or because of information from the water suppliers (e.g. sudden increase of a specific parameter in raw water). Those parameters should be used as markers that trigger action by competent authorities to reduce the pressure on the water bodies, such as prevention or mitigating measures (including research to understand impacts on health where necessary), to protect those water bodies and address the pollution source, in cooperation with water suppliers and stakeholders. <i>To this end, the Member States should introduce legislative and regulatory provisions that prompt local and regional authorities and water service operators to equip themselves with tools to monitor the effects of investment-related choices. The impact of abstraction and the pressure of discharges on water bodies must be the main benchmarks for devising uniform environmental forecasting and management models that can help assess — in more than purely socioeconomic terms — the optimum environmental sustainability conditions for action taken on networks and plants to ensure appropriate integrated water services, reflecting the socioeconomic activities characterising the areas in question.</i></p>

**Reason**

Microplastics are a major source of pollution that should be monitored by the Member States. The definition proposed above is the one used by the Swedish Environmental Protection Agency. Furthermore, the expression 'nitrate levels' is preferable to 'nitrates', since chemically speaking, only 'nitrate' is correct, and it is nitrate levels that are meant in this context.

**Amendment 5**

## Recital 11

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>The parametric values used to assess the quality of water intended for human consumption are to be complied with at the point where water intended for human consumption is made available to the appropriate user.</p> <p>However, the quality of water intended for human consumption can be influenced by the domestic distribution system. The WHO notes that, in the Union, Legionella causes the highest health burden of all waterborne pathogens. It is transmitted by warm water systems through inhalation, for instance during showering. It is therefore clearly linked to the domestic distribution system. Since imposing a unilateral obligation to monitor all private and public premises for this pathogen would lead to unreasonably high costs, a domestic distribution risk assessment is therefore more suited to address this issue. In addition, the potential risks stemming from products and materials in contact with water intended for human consumption should also be considered in the domestic distribution risk assessment. The domestic distribution risk assessment should therefore include, inter alia, focusing monitoring on priority premises, assessing the risks stemming from the domestic distribution system and related products and materials, and verifying the <i>performance of construction products in contact with water intended for human consumption on the basis of their declaration of performance in accordance with Regulation (EU) No 305/2011 of the European Parliament and of the Council. The information referred to in Articles 31 and 33 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council is also to be supplied together with the declaration of performance. On the basis of this assessment, Member States should take all necessary measures to ensure, inter alia, that appropriate control and management measures (e.g. in case of outbreaks) are in place, in line with the guidance of the WHO, and that the migration from construction products does not endanger human health. However, without prejudice to Regulation (EU) No 305/2011, where these measures would imply limits to the free movement of products and materials in the Union, these limits need to be duly justified and strictly proportionate, and not constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.</i></p>	<p>The parametric values used to assess the quality of water intended for human consumption are to be complied with at the point where water intended for human consumption is made available to the appropriate user.</p> <p>However, the quality of water intended for human consumption can be influenced by the domestic distribution system. The WHO notes that, in the Union, Legionella causes the highest health burden of all waterborne pathogens. It is transmitted by warm water systems through inhalation, for instance during showering. It is therefore clearly linked to the domestic distribution system. Since imposing a unilateral obligation to monitor all private and public premises for this pathogen would lead to unreasonably high costs, a domestic distribution risk assessment is therefore more suited to address this issue. In addition, the potential risks stemming from products and materials in contact with water intended for human consumption should also be considered in the domestic distribution risk assessment. The domestic distribution risk assessment should therefore include, inter alia, focusing monitoring on priority premises, assessing the risks stemming from the domestic distribution system and related products and materials, and verifying the <i>substances released into water intended for human consumption from products and materials.</i></p>

**Reason**

We would recommend that the verification of substances from products and materials released into water for human consumption not be governed by Regulation (EU) No 305/2011 (the Construction Products Regulation). Parametric criteria or parametric values for the migration of substances from construction products into drinking water are set as health requirements, and under the Construction Products Regulation there are currently no harmonised standards for testing criteria and performance in relation to health requirements, only a declaration of performance. Declarations of performance indicating the level or class of performance cannot be drawn up and presented for manufacturers in particular. Moreover, it cannot be established from CE-marking, or for CE-marked construction products placed on the market, whether the declaration of performance (e.g. of mechanical strength) also demonstrates that there is no danger to human health as a result of substance migration into drinking water. Materials other than construction products can release substances into water. The suitability of the Construction Products Regulation is therefore limited, and all materials should be tested and regulated. However, verified information on product-related migration of substances into drinking water is available with the system agreed between four Member States (4MS initiative), which provides a proven and notified basis for introducing a single EU-wide assessment scheme for materials and products that come into contact with drinking water. The aim should be to enshrine these health requirements and other relevant direct requirements in the EU Drinking Water Directive in the future. The parties to the 4MS initiative are Germany, France, the Netherlands and the United Kingdom. See also Amendment 13 and Amendment 14 (to Article 10(1)(c)).

**Amendment 6**

## Recital 12

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p><i>The provisions of Directive 98/83/EC on quality assurance of treatment, equipment and materials did not succeed in addressing obstacles to the internal market when it comes to the free circulation of construction products in contact with water intended for human consumption. National product approvals are still in place, with different requirements from one Member State to another. This renders it difficult and costly for manufacturers to market their products all over the Union. The removal of technical barriers may only be effectively achieved by establishing harmonised technical specifications for construction products in contact with water intended for human consumption under Regulation (EU) No 305/2011. That Regulation allows for the development of European standards harmonising the assessment methods for construction products in contact with water intended for human consumption and for threshold levels and classes to be set in relation to the performance level of an essential characteristic. To that end, a standardisation request specifically requiring standardisation work on hygiene and safety for products and materials in contact with water intended for human consumption under Regulation (EU) No 305/2011 has been included in the 2017 standardisation Work Programme, and a standard is to be issued by 2018. The publication of this harmonised standard in the Official Journal of the European Union will ensure a rational decision-making for placing or making available on the market safe construction products in contact with water intended for human consumption. As a consequence, the provisions on equipment and material in contact with water intended for human consumption should be deleted, partly replaced by provisions related to the domestic distribution risk assessment and complemented by relevant harmonised standards under Regulation (EU) No 305/2011.</i></p>	

**Reason**

Given that Regulation (EU) No 305/2011 does not provide for harmonisation of the basic health and hygiene requirement (Annex I, point 3(e)) with respect to product and testing standards, which means that it does not harmonise the performance information for substances released into water for human consumption, it can be argued against using the rules of that Regulation for preventing risks to human health (see also Article 10(1)(c)). A previous initiative to harmonise standards here has already failed. The solution we recommend is to include health requirements directly in the EU Drinking Water Directive. See also Amendment 13 and Amendment 14 (to Article 10(1)(c)).

**Amendment 7**

## Recital 15

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>In the event of non-compliance with the standards imposed by this Directive the Member State concerned should immediately investigate the cause and ensure that the necessary remedial action is taken as soon as possible to restore the quality of the water. In cases where the water supply constitutes a potential danger to human health, the supply of such water should be prohibited or its use restricted. In addition, it is important to clarify that failure to meet the minimum requirements for values relating to microbiological and chemical parameters <b>should automatically</b> be considered by Member States as a potential danger to human health. In cases where remedial action is necessary to restore the quality of water intended for human consumption, in accordance with Article 191(2) of the Treaty, priority should be given to action which rectifies the problem at source.</p>	<p>In the event of non-compliance with the standards imposed by this Directive the Member State concerned should immediately investigate the cause and ensure that the necessary remedial action is taken as soon as possible to restore the quality of the water. In cases where the water supply constitutes a potential danger to human health, the supply of such water should be prohibited or its use restricted. In addition, it is important to clarify that failure to meet the minimum requirements for values relating to microbiological and chemical parameters <b>may in individual cases</b> be considered by Member States as a potential danger to human health. In cases where remedial action is necessary to restore the quality of water intended for human consumption, in accordance with Article 191(2) of the Treaty, priority should be given to action which rectifies the problem at source.</p>

**Reason**

It is not advisable for breaches of the parametric values to be automatically considered a potential danger to human health. As already set out under Amendment 1 above, the WHO health assessment of parametric values is based on a preventive health approach (see also new recital 16, which discontinues derogations under Article 9 of Directive 98/83/EC) and not on an immediate potential danger, so there is a contradiction here. Moreover, this would complicate communication with consumers and lead to fear and loss of trust, which could encourage more use of bottled water in the future. This would go against the intention of the proposal for a directive. We recommend reinstating the provisions of Article 9 of Directive 98/83/EC ('Derogations').

**Amendment 8**

## Article 2(3), (4), (5), (6) and (9)

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>3. 'water supplier' shall mean <i>an</i> entity supplying at least 10 m<sup>3</sup> of water intended for human consumption a day as an average.</p>	<p>3. 'water supplier' shall mean <i>a clearly defined</i> entity supplying at least 10 m<sup>3</sup> of water intended for human consumption a day as an average.</p>
<p>4. 'small water supplier' shall mean a water supplier supplying less than 500 m<sup>3</sup> per day or serving less than 5 000 people.</p>	<p>4. 'small water supplier' shall mean a <i>clearly defined</i> water supplier supplying less than 500 m<sup>3</sup> per day or serving less than 50 000 people.</p>

Text proposed by the Commission	CoR amendment
<p>5. 'large water supplier' shall mean a water supplier supplying at least 500 m<sup>3</sup> per day or serving at least 5 000 people.</p> <p>6. 'very large water supplier' shall mean a water supplier supplying at least 5 000 m<sup>3</sup> per day or serving at least 50 000 people.</p> <p>7. 'priority premises' shall mean large premises with many users potentially exposed to water-related risks, such as hospitals, healthcare institutions, buildings with a lodging facility, penal institutions and campgrounds, as identified by Member States.</p> <p>8. 'vulnerable and marginalised groups' shall mean people isolated from society, as a result of discrimination or of a lack of access to rights, resources, or opportunities, and who are more exposed to a range of possible risks relating to their health, safety, lack of education, engagement in harmful practices, or other risks, compared to the rest of society.</p>	<p>5. 'medium-sized water supplier' shall mean a <i>clearly defined</i> water supplier supplying at least 500 m<sup>3</sup> per day or serving at least 50 000 <i>and up to 500 000</i> people.</p> <p>6. 'large water supplier' shall mean a <i>clearly defined</i> water supplier supplying at least 1 250 m<sup>3</sup> per day or serving at least 500 000 <i>and up to 1 500 000</i> people</p> <p>7. 'very large water supplier' shall mean a <i>clearly defined</i> water supplier supplying at least 5 000 m<sup>3</sup> per day or serving at least 1 500 000 people.</p> <p>8. 'priority premises' shall mean large premises with many users potentially exposed to water-related risks, such as hospitals, healthcare institutions, buildings with a lodging facility, penal institutions and campgrounds, as identified by Member States.</p> <p>9. 'vulnerable and marginalised groups' shall mean people isolated from society, as a result of discrimination or of a lack of access to rights, resources, or opportunities, and who are more exposed to a range of possible risks relating to their health, safety, lack of education, engagement in harmful practices, or other risks, compared to the rest of society.</p> <p>10. <i>an individual supply providing less than 10 m<sup>3</sup> a day as an average or serving fewer than 50 persons, unless the water is supplied as part of a commercial or public activity.</i></p>

### Reason

An intermediate category of large suppliers needs to be introduced (500 000 to 1 500 000 people). It is recommended that Article 2(3) to Article 2(6) should cover water supply plants that are essentially unitary and thus clearly definable supply entities. Dispersed, non-integrated water supply plants of a supplier are not what is meant here. Since Article 3(2)(b) describes water suppliers providing less than 10 m<sup>3</sup> a day or serving fewer than 50 persons, this definition should be incorporated into Article 2 for the sake of completeness.

**Amendment 9**

## Article 5(1)

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>Member States shall set values applicable to water intended for human consumption for the parameters set out in Annex I which shall not be less stringent than the values set out therein.</p>	<p>Member States shall set values applicable to water intended for human consumption for the parameters set out in Annex I, which shall not be less stringent than the values set out therein.</p> <p><i>In the case of the indicator parameters listed in Annex I Part C, the values may be used, as a purely indicative reference, only to comply with obligations under Article 12.</i></p>

**Reason**

The indicator parameters listed in Annex I Part C of Directive 98/83/EC are deleted in the current proposal for a directive on the grounds that they do not provide health-related information. However, odour and taste should be considered health requirements for water quality and they affect the acceptability of a drinking behaviour.

**Amendment 10**

## Article 7(1)

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>Member States shall ensure that the supply, treatment and distribution of water intended for human consumption is subject to a risk-based approach, composed of the following elements:</p> <p>(a) a hazard assessment of bodies of water used for the abstraction of water intended for human consumption, in accordance with Article 8;</p> <p>(b) a supply risk assessment carried out by the water suppliers for the purposes of monitoring the quality of the water they supply, in accordance with Article 9 and Annex II, part C;</p> <p>(c) a domestic distribution risk assessment, in accordance with Article 10.</p>	<p>Member States shall ensure that the supply, treatment and distribution of water intended for human consumption is subject to <i>an appropriate, proportional and locally relevant</i> risk-based approach, <i>in accordance with the WHO guidelines for drinking-water quality and with European standard EN 15975-2</i>, composed of the following elements:</p> <p>(a) a hazard assessment of bodies of water used for the abstraction of water intended for human consumption, in accordance with Article 8;</p> <p>(b) a supply risk assessment carried out by the water suppliers for the purposes of monitoring the quality of the water they supply, in accordance with Article 9 and Annex II, part C;</p> <p>(c) a domestic distribution risk assessment, in accordance with Article 10.</p> <p><i>Member States shall ensure a clear and balanced allocation of responsibilities for hazard and risk assessment in relation to water suppliers, taking into account national institutional and legal frameworks as well as <u>the</u> subsidiarity principle.</i></p>

**Reason**

To ensure that a risk-based approach is adopted based on recognised international procedures, reference should be made to the required underlying standards, the WHO guidelines including the water safety plan, and European standards EN 15975-2 (*Security of drinking water supply — Guidelines for risk and crisis management*).

Proportionality should be the guiding principle for the risk-based approach. Parameters should be appropriate and locally relevant, due to additional economic and technical cost. There is no evidence that the proposed frequencies and parameters list will lead to a higher degree of health protection.

The European Commission introduces risk-based analyses of water catchment areas, drinking water production and distribution and in-house installations, with room for Member States to fill this out. The division of responsibilities still needs to be clarified, particularly when it comes to the role of drinking water companies.

**Amendment 11**

Article 8(1)(d)(iv)

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>other relevant pollutants, <i>such as microplastics</i>, or river basin specific pollutants established by Member States on the basis of the review of the impact of human activity undertaken in accordance with Article 5 of Directive 2000/60/EC and information on significant pressures collected in accordance with point 1.4 of Annex II to that Directive.</p>	<p>other relevant pollutants, <i>such as microplastics (particles between 1 nm and 5 mm in size with a high polymer content)</i>, or river basin specific pollutants established by Member States on the basis of the review of the impact of human activity undertaken in accordance with Article 5 of Directive 2000/60/EC and information on significant pressures collected in accordance with point 1.4 of Annex II to that Directive.</p>

**Reason**

Microplastics are a major source of pollution that should be monitored by the Member States. The definition proposed above is the one used by the Swedish Environmental Protection Agency.

**Amendment 12**

Article 8(4)

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>In such cases where a water supplier is allowed to decrease the monitoring frequency as referred to in paragraph 2(b), Member States shall continue to regularly monitor those parameters in the body of water covered by the hazard assessment.</p>	<p>In such cases where a water supplier is allowed to decrease the monitoring frequency as referred to in paragraph 3(b), Member States shall continue to regularly monitor those parameters in the body of water covered by the hazard assessment.</p>

**Reason**

The reference should be corrected: this concerns paragraph 3(b).

**Amendment 13**

Article 10(1)(c)

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p><i>a verification of whether the performance of construction products in contact with water intended for human consumption is adequate in relation to the essential characteristics linked to the basic requirement for construction works specified in point 3(e) of Annex I to Regulation (EU) No 305/2011.</i></p>	

**Reason**

We recommend omitting this clause, Since Regulation (EU) No 305/2011 does not provide for harmonisation of the basic hygiene and health requirement (Annex I, point 3(e)) with respect to product and testing standards or for harmonisation of the performance information concerning substances released into water for human consumption, and therefore cannot justifiably be referred to for preventing risks to human health. See also Amendments 5 and 6.

**Amendment 14**

Article 10(2)(c)

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p><i>take other measures, such as appropriate conditioning techniques, in cooperation with water suppliers, to change the nature or properties of the water before it is supplied so as to eliminate or reduce the risk of non-compliance with the parametric values after supply;</i></p>	

**Reason**

This measure, whereby suppliers change water before it is supplied through the domestic distribution system so that it complies with the parametric values set out in Annex I Part C, is impracticable. Rather, domestic distribution systems must be designed technically and physically so that the parametric values are complied with in accordance with Annex I Part C.

**Amendment 15**

Article 10(2)(d)

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
duly inform and advise consumers about the conditions of consumption and use of the water and about possible action to avoid the risk from reoccurring;	duly inform and advise consumers about the conditions of consumption and use of the water and about possible action to avoid the risk <b>of non-compliance</b> from reoccurring;

**Reason**

It should be made clear what risk is meant.

**Amendment 16**

Article 12(3)

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>Regardless of whether any failure to meet the parametric values has occurred, Member States shall ensure that any supply of water intended for human consumption which constitutes a potential danger to human health is prohibited or its use restricted and that any other remedial action is taken that is necessary to protect human health.</p> <p><i>Member States shall automatically consider any failure to meet the minimum requirements for parametric values set out in Annex I, parts A and B, as a potential danger to human health.</i></p>	<p>Regardless of whether any failure to meet the parametric values has occurred, Member States shall ensure that any supply of water intended for human consumption which constitutes a potential danger to human health is prohibited or its use restricted and that any other remedial action is taken that is necessary to protect human health.</p>

**Reason**

It is over-regulation to automatically qualify any case of non-compliance with the minimum requirement of a parametric value — for instance a single Coliform bacterium, turbidity or exceeding the chemical parameter by 10 % — as a potential danger per se. Firstly, the WHO health assessment of parametric values is based on a preventive health approach (see also new recital 16, which discontinues derogations under Article 9 of Directive 98/83/EC) and not on an immediate potential danger. This clause contradicts the WHO approach. Secondly, Coliform bacteria as well as turbidity, to take two examples, are indicators of potential impurities from decanting. It should be borne in mind that in any case of non-compliance with parametric values consumer information is required, which is likely to provoke uncertainty, fear and loss of confidence in drinking water among consumers and thus increase the consumption of bottled water. This goes against the fundamental objectives of the directive. It should also be considered that in a given case it may not always be possible to take direct measures, e.g. owing to technical factors. (See also Amendment 17, on deleting Article 9 ('Derogations') of Directive 98/83/EC.)

**Amendment 17**

New article headed 'Derogations' after Article 12

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
	<p data-bbox="810 472 1390 504"><i>Article xx — Derogations (Article 9 of Directive 98/83/EC)</i></p> <p data-bbox="810 517 1418 714"><b>1.</b> <i>Member States may provide for derogations from the parametric values set out in Annex I, Part B, or set in accordance with Article 5(2), up to a maximum value to be determined by them, provided no derogation constitutes a potential danger to human health and provided that the supply of water intended for human consumption in the area concerned cannot otherwise be maintained by any other reasonable means.</i></p> <p data-bbox="810 797 1418 994"><i>Derogations shall be limited to as short a time as possible and shall not exceed three years, towards the end of which a review shall be conducted to determine whether sufficient progress has been made. Where a Member State intends to grant a second derogation, it shall communicate the review, along with the grounds for its decision on the second derogation, to the Commission. No such second derogation shall exceed three years.</i></p> <p data-bbox="810 1077 1418 1193"><b>2.</b> <i>In exceptional circumstances, a Member State may ask the Commission for a third derogation for a period not exceeding three years. The Commission shall take a decision on any such request within three months.</i></p> <p data-bbox="810 1276 1418 1337"><b>3.</b> <i>Any derogation granted in accordance with paragraphs 1 or 2 shall specify the following:</i></p> <p data-bbox="810 1420 1139 1451"><b>a)</b> <i>the grounds for the derogation;</i></p> <p data-bbox="810 1534 1418 1594"><b>b)</b> <i>the parameter concerned, previous relevant monitoring results, and the maximum permissible value under the derogation;</i></p> <p data-bbox="810 1677 1418 1765"><b>c)</b> <i>the geographical area, the quantity of water supplied each day, the population concerned and whether or not any relevant food-production undertaking would be affected;</i></p> <p data-bbox="810 1848 1418 1908"><b>d)</b> <i>an appropriate monitoring scheme, with an increased monitoring frequency where necessary;</i></p> <p data-bbox="810 1991 1418 2078"><b>e)</b> <i>a summary of the plan for the necessary remedial action, including a timetable for the work and an estimate of the cost and provisions for reviewing;</i></p>

Text proposed by the Commission	CoR amendment
	<p data-bbox="810 309 1209 340"><i>f) the required duration of the derogation.</i></p> <p data-bbox="810 452 1417 591"><b>4.</b> <i>If the competent authorities consider the non-compliance with the parametric value to be trivial, and if action taken in accordance with Article 12(2) is sufficient to remedy the problem within 30 days, the requirements of paragraph 3 need not be applied.</i></p> <p data-bbox="810 609 1417 689"><i>In that event, only the maximum permissible value for the parameter concerned and the time allowed to remedy the problem shall be set by the competent authorities or other relevant bodies.</i></p> <p data-bbox="810 801 1417 913"><b>5.</b> <i>Recourse may no longer be had to paragraph 4 if failure to comply with any one parametric value for a given water supply has occurred on more than 30 days on aggregate during the previous 12 months.</i></p> <p data-bbox="810 1025 1417 1218"><b>6.</b> <i>Any Member State which has recourse to the derogations provided for in this Article shall ensure that the population affected by any such derogation is promptly informed in an appropriate manner of the derogation and of the conditions governing it. In addition the Member State shall, where necessary, ensure that advice is given to particular population groups for which the derogation could present a special risk.</i></p> <p data-bbox="810 1236 1417 1294"><i>These obligations shall not apply in the circumstances described in paragraph 4 unless the competent authorities decide otherwise.</i></p> <p data-bbox="810 1406 1417 1576"><b>7.</b> <i>With the exception of derogations granted in accordance with paragraph 4 a Member State shall inform the Commission within two months of any derogation concerning an individual supply of water exceeding 500 m<sup>3</sup> a day as an average or serving more than 5 000 persons, including the information specified in paragraph 3.</i></p> <p data-bbox="810 1688 1417 1747"><b>8.</b> <i>This Article shall not apply to water intended for human consumption offered for sale in bottles or containers.</i></p>

### Reason

Provided non-compliance with a parametric value does not entail a potential risk to health, it is recommended that the previous rules contained in Article 9 of Directive 98/83/EC on derogations be retained. Not every case of non-compliance constitutes an immediate risk to health, and the WHO health assessment of parametric values is based on a preventive health approach (see also new recital 16, which discontinues derogations under Article 9 of Directive 98/83/EC).

**Amendment 18***Article 13*

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>Access to water intended for human consumption</p> <p>1. Without prejudice to Article 9 of Directive 2000/60/EC, Member States shall take all necessary measures to improve access for all to water intended for human consumption and promote its use on their territory. This shall include all of the following measures:</p> <p>(a) identifying people without access to water intended for human consumption and reasons for lack of access (such as belonging to a vulnerable and marginalised group), assessing possibilities to improve access for those people and informing them about possibilities of connecting to the distribution network or about alternative means to have access to such water;</p> <p>(b) setting up and maintaining outdoors and indoors equipment for free access to water intended for human consumption in public spaces;</p> <p>(c) promoting water intended for human consumption by:</p> <p>(i) launching campaigns to inform citizens about the quality of such water;</p> <p>(ii) encouraging the provision of such water in administrations and public buildings;</p> <p>(iii) encouraging the free provision of such water in restaurants, canteens, and catering services.</p>	<p>Access to water intended for human consumption</p> <p>1. Without prejudice to Article 9 of Directive 2000/60/EC, Member States shall take all necessary measures to improve access for all to water intended for human consumption and promote its use on their territory. <i>With consideration of geographical remoteness in rural and island communities</i>, this shall include all of the following measures:</p> <p>(a) identifying people without access to water intended for human consumption and reasons for lack of access (such as belonging to a vulnerable and marginalised group), assessing possibilities to improve access for those people and informing them about possibilities of connecting to the distribution network or about alternative means to have access to such water;</p> <p>(b) setting up and maintaining outdoors and indoors equipment for free access to water intended for human consumption in public spaces, <i>foreseeing the installation of specific devices to avoid waste</i>;</p> <p>(c) promoting water intended for human consumption by:</p> <p>(i) launching campaigns to inform citizens about the quality of such water;</p> <p>(ii) encouraging the provision of such water in administrations and public buildings;</p> <p>(iii) encouraging the free provision of such water in restaurants, canteens, and catering services.</p>

Text proposed by the Commission	CoR amendment
<p>2. On the basis of the information gathered under paragraph 1(a), Member States shall take all necessary measures to ensure access to water intended for human consumption for vulnerable and marginalised groups.</p> <p>In case those groups do not have access to water intended for human consumption, Member States shall immediately inform them of the quality of the water they are using and of any action that can be taken to avoid adverse effects on human health resulting from any contamination of that water.</p>	<p>2. On the basis of the information gathered under paragraph 1(a), Member States shall take all necessary measures <i>together with the relevant public authorities at regional and local level</i> to ensure access to water intended for human consumption for vulnerable and marginalised groups.</p> <p><i>Particular attention shall be paid to giving local authorities an influence on the measures to ensure access to water. It must also be possible to use private water sources, provided they are monitored and meet quality requirements.</i></p> <p>In case those groups do not have access to water intended for human consumption, Member States shall immediately inform them of the quality of the water they are using and of any action that can be taken to avoid adverse effects on human health resulting from any contamination of that water.</p>

### Reason

Access to water for human consumption is essentially an aspect of public service provision. In many Member States local authorities are legally responsible for providing the population with an adequate supply of drinking water. If there is a question about the quality of drinking water and access to it, then the Member States should be free to evaluate the situation themselves. However consideration of additional barriers by certain local and regional authorities and its resource implications need to be addressed with the involvement of these authorities, making access to water more equitable to vulnerable parts of the population.

### Amendment 19

#### Annex I, Part B — Chemical parameters — Pesticides — Notes

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>'Pesticides' means:</p> <ul style="list-style-type: none"> <li>— organic insecticides,</li> <li>— organic herbicides,</li> <li>— organic fungicides,</li> <li>— organic nematocides,</li> <li>— organic acaricides,</li> <li>— organic algicides,</li> <li>— organic rodenticides,</li> <li>— organic slimicides,</li> <li>— related products (inter alia, growth regulators)</li> </ul> <p>and their <b>relevant</b> metabolites as defined in Article 3 (32) of Regulation (EC) No 1107/2009.</p>	<p>'Pesticides' means:</p> <ul style="list-style-type: none"> <li>— organic insecticides,</li> <li>— organic herbicides,</li> <li>— organic fungicides,</li> <li>— organic nematocides,</li> <li>— organic acaricides,</li> <li>— organic algicides,</li> <li>— organic rodenticides,</li> <li>— organic slimicides,</li> <li>— related products (inter alia, growth regulators)</li> </ul> <p>and their <b>relevant</b> metabolites as defined in Article 3 (32) of Regulation (EC) No 1107/2009.</p>

Text proposed by the Commission	CoR amendment
The parametric value applies to each individual pesticide.	The parametric value applies to each individual pesticide.

**Reason**

Regulation (EC) No 1107/2009 provides for rules governing 'relevant' metabolites, and the English version of the proposal for the annex to the EU Drinking Water Directive of 1 February also reads 'and their relevant metabolites (...)'. It is recommended that the translation of 'relevant' be changed in the German version. *[Translator's note: the proposed change does not affect the English text.]*

**Amendment 20**

New Annex I, Part D

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
	<p><b>Part D: Indicator parameters</b></p> <p><i>[Insert table from Annex I, Part C of Directive 98/83/EC]</i></p>

**Reason**

The indicator parameters listed in Annex I Part C of Directive 98/83/EC are deleted in the current proposal for a directive on the grounds that they do not provide health-related information. However, odour and taste should be considered health requirements for water quality and they affect the acceptability of a drinking behaviour. Other indicator parameters are set out with reference to technical and treatment specifications: thus for example iron, manganese and turbidity are required with reference to corrosion, and TOC and pH with reference to disinfectant use. We would recommend re-incorporating the indicator parameters as a table in Annex I, Part D. The indicator parameters should accordingly be taken into account as an ancillary amendment in Annex III, Part B, Table 1, with reference to the performance characteristics.

**Amendment 21**

Proposal for an amendment to Commission document COM(2017) 753 final — Part 1

Article 14

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>Information to the public</p> <p>1. Member States shall ensure that adequate and up-to-date information on water intended for human consumption is available online to all persons supplied, in accordance with Annex IV.</p>	<p>Information to the public</p> <p>1. Member States shall ensure that adequate and up-to-date information on water intended for human consumption is available online to all persons supplied, in accordance with Annex IV.</p>

Text proposed by the Commission	CoR amendment
<p>2. Member States shall ensure that all persons supplied receive regularly and at least once a year, and in the most appropriate form (for instance on their invoice or by smart applications) without having to request it, the following information:</p> <p>(a) information on the cost structure of the tariff charged per cubic metre of water intended for human consumption, including fixed and variable costs, <i>presenting at least costs related to the following elements:</i></p> <p style="padding-left: 20px;">(i) <i>measures taken by water suppliers for the purposes of the hazard assessment pursuant to Article 8(5);</i></p> <p style="padding-left: 20px;">(ii) <i>treatment and distribution of water intended for human consumption;</i></p> <p style="padding-left: 20px;">(iii) <i>waste water collection and treatment;</i></p> <p style="padding-left: 20px;">(iv) <i>measures taken pursuant to Article 13, in case such measures have been taken by water suppliers.</i></p> <p>(b) the price of water intended for human consumption supplied per litre and cubic metre;</p> <p>(c) the volume consumed by the household, at least per year or per billing period, together with yearly trends of consumption;</p> <p>(d) comparisons of the yearly water consumption of the household with an average consumption for a household in the same category;</p> <p>(e) a link to the website containing the information set out in Annex IV.</p> <p>The Commission may adopt implementing acts specifying the format of, and modalities to present, the information to be provided under the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).</p> <p>3. Paragraphs 1 and 2 are without prejudice to Directives 2003/4/EC and 2007/2/EC.</p>	<p>2. Member States shall ensure that all persons supplied receive regularly and at least once a year, and in the most appropriate form (for instance on their invoice or by smart applications) without having to request it, the following information:</p> <p>(a) information on the cost structure of the tariff charged per cubic metre of water intended for human consumption, including fixed and variable costs.</p> <p>(b) the price of water intended for human consumption supplied per litre and cubic metre;</p> <p>(c) the volume consumed by the household, at least per year or per billing period, together with yearly trends of consumption;</p> <p>(d) comparisons of the yearly water consumption of the household with an average consumption for a household in the same category;</p> <p>(e) a link to the website containing the information set out in Annex IV.</p> <p>The Commission may adopt implementing acts specifying the format of, and modalities to present, the information to be provided under the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).</p> <p>3. Paragraphs 1 and 2 are without prejudice to Directives 2003/4/EC and 2007/2/EC.</p>

### Reason

The requirements in Article 14 are too far-reaching. The information given to households should focus on the quality of water intended for human consumption. Elements not related to drinking water quality (waste water, confidential documents about treatment stages, etc.) should not be included.

**Amendment 22**

Proposal for an amendment to Commission document COM(2017) 753 final — Part 1

## Annex IV

Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)

Text proposed by the Commission	CoR amendment
<p>INFORMATION TO THE PUBLIC TO BE PROVIDED ONLINE</p>	<p>INFORMATION TO THE PUBLIC TO BE PROVIDED ONLINE</p>
<p>The following information shall be accessible to consumers on-line in a user-friendly and customised way:</p>	<p>The following information shall be accessible to consumers on-line in a user-friendly and customised way:</p>
<p>(1) identification of the relevant water supplier;</p>	<p>(1) identification of the relevant water supplier;</p>
<p>(2) the most recent monitoring results for parameters listed in Annex I, parts A and B, including frequency and location of sampling points, relevant to the area of interest to the person supplied, together with the parametric value set in accordance with Article 5. The monitoring results must not be older than:</p>	<p>(2) the most recent monitoring results for parameters listed in Annex I, parts A and B, including frequency and location of sampling points, relevant to the area of interest to the person supplied, together with the parametric value set in accordance with Article 5. The monitoring results must not be older than:</p>
<p>(a) one month, for very large water suppliers;</p>	<p>(a) one month, for very large water suppliers;</p>
<p>(b) six months for large water suppliers;</p>	<p>(b) six months for large water suppliers;</p>
<p>(c) one year for small water suppliers;</p>	<p>(c) one year for small water suppliers;</p>
<p>(3) in case of exceedance of the parametric values set in accordance with Article 5, information on the potential danger to human health and the associated health and consumption advice or a hyperlink providing access to such information;</p>	<p>(3) in case of exceedance of the parametric values set in accordance with Article 5, information on the potential danger to human health and the associated health and consumption advice or a hyperlink providing access to such information;</p>
<p>(4) a summary of the relevant supply risk assessment;</p>	<p>(4) a summary of the relevant supply risk assessment;</p>
<p>(5) information on the following indicator parameters and associated parametric values:</p>	<p>(5) information on the following indicator parameters and associated parametric values:</p>
<p>(a) Colour;</p>	<p>(a) Colour;</p>
<p>(b) pH (Hydrogen ion concentration);</p>	<p>(b) pH (Hydrogen ion concentration);</p>

Text proposed by the Commission	CoR amendment
<p>(c) Conductivity;</p> <p>(d) Iron;</p> <p>(e) Manganese;</p> <p>(f) Odour;</p> <p>(g) Taste;</p> <p>(h) Hardness;</p> <p>(i) Minerals, anions/cations dissolved in water:</p> <ul style="list-style-type: none"> <li>— Borate <math>\text{BO}_3^-</math></li> <li>— Carbonate <math>\text{CO}_3^{2-}</math></li> <li>— Chloride <math>\text{Cl}^-</math></li> <li>— Fluoride <math>\text{F}^-</math></li> <li>— Hydrogen Carbonate <math>\text{HCO}_3^-</math></li> <li>— Nitrate <math>\text{NO}_3^-</math></li> <li>— Nitrite <math>\text{NO}_2^-</math></li> <li>— Phosphate <math>\text{PO}_4^{3-}</math></li> <li>— Silicate <math>\text{SiO}_2</math></li> <li>— Sulphate <math>\text{SO}_4^{2-}</math></li> <li>— Sulphide <math>\text{S}_2^-</math></li> <li>— Aluminium <math>\text{Al}</math></li> <li>— Ammonium <math>\text{NH}_4^+</math></li> <li>— Calcium <math>\text{Ca}</math></li> <li>— Magnesium <math>\text{Mg}</math></li> <li>— Potassium <math>\text{K}</math></li> <li>— Sodium <math>\text{Na}</math></li> </ul>	<p>(c) Conductivity;</p> <p>(d) Iron;</p> <p>(e) Manganese;</p> <p>(f) Odour;</p> <p>(g) Taste;</p> <p>(h) Hardness;</p> <p>(i) Minerals, anions/cations dissolved in water:</p> <ul style="list-style-type: none"> <li>— Borate <math>\text{BO}_3^-</math></li> <li>— Carbonate <math>\text{CO}_3^{2-}</math></li> <li>— Chloride <math>\text{Cl}^-</math></li> <li>— Fluoride <math>\text{F}^-</math></li> <li>— Hydrogen Carbonate <math>\text{HCO}_3^-</math></li> <li>— Nitrate <math>\text{NO}_3^-</math></li> <li>— Nitrite <math>\text{NO}_2^-</math></li> <li>— Phosphate <math>\text{PO}_4^{3-}</math></li> <li>— Silicate <math>\text{SiO}_2</math></li> <li>— Sulphate <math>\text{SO}_4^{2-}</math></li> <li>— Sulphide <math>\text{S}_2^-</math></li> <li>— Aluminium <math>\text{Al}</math></li> <li>— Ammonium <math>\text{NH}_4^+</math></li> <li>— Calcium <math>\text{Ca}</math></li> <li>— Magnesium <math>\text{Mg}</math></li> <li>— Potassium <math>\text{K}</math></li> <li>— Sodium <math>\text{Na}</math></li> </ul>
<p>Those parametric values and other non-ionised compounds and trace elements may be displayed with a reference value and/or an explanation;</p>	<p>Those parametric values and other non-ionised compounds and trace elements may be displayed with a reference value and/or an explanation;</p>
<p>(6) advice to consumers including on how to reduce water consumption;</p>	<p>(6) advice to consumers including on how to reduce water consumption;</p>
<p>(7) for very large water suppliers, annual information on:</p>	<p>(7) for very large water suppliers, annual information on:</p>
<p><b>(a)</b> <i>the overall performance of the water system in terms of efficiency, including leakage rates and energy consumption per cubic meter of delivered water;</i></p>	<p><b>(a)</b> information on management and governance of the water supplier, including the composition of the board;</p>

Text proposed by the Commission	CoR amendment
<p>(b) information on management and governance of the water supplier, including the composition of the board;</p> <p>(c) water quantity supplied yearly and trends;</p> <p>(d) information on the cost structure of the tariff charged to consumers per cubic meter of water, including fixed and variable costs, presenting at least costs related to energy use per cubic meter of delivered water, <i>measures taken by water suppliers for the purposes of the hazard assessment pursuant to Article 8(4), treatment and distribution of water intended for human consumption, waste water collection and treatment, and costs related to measures for the purposes of Article 13, where such measures have been taken by water suppliers;</i></p> <p>(e) the amount of investment considered necessary by the supplier to ensure the financial sustainability of the provision of water services (including maintenance of infrastructure) and the amount of investment actually received or recouped;</p> <p>(f) <i>types of water treatment and disinfection applied;</i></p> <p>(g) <i>summary and statistics of consumer complaints, and of timeliness and adequacy of responses to problems;</i></p>	<p>(b) water quantity supplied yearly and trends;</p> <p>(c) information on the cost structure of the tariff charged to consumers per cubic meter of water, including fixed and variable costs, presenting at least costs related to energy use per cubic meter of delivered water;</p> <p>(d) the amount of investment considered necessary by the supplier to ensure the financial sustainability of the provision of water services (including maintenance of infrastructure) and the amount of investment actually received or recouped;</p>
<p>(8) access to historical data for information under points (2) and (3), dating back up to 10 years, upon request.</p>	<p>(8) access to historical data for information under points (2) and (3), dating back up to 10 years, upon request.</p>

### Reason

The requirements set out in Article 14 for very large water suppliers to annually inform consumers must include both information about quality requirements regarding water for human consumption and transparent information for consumers about water quantity delivered and the attendant cost structures. Information about investment costs in relation to ensuring water services must also be included, as these also have an influence on costs for consumers. Further information requirements are not directly related to water services for consumers. Additional information that touches on critical areas of infrastructure related to public security should be appropriately taken into account. Information on water supply services that is not closely linked to the water quality/quantity supplied or the attendant necessary cost structures should not be provided to consumers. Data on waste water treatment cannot be directly equated to drinking water usage; doing so would be misleading and would lead to queries among consumers. Information that is broadly categorised as relating to critical infrastructure, and to the ability of society to function, should not be made public, so as to avoid detrimental effects on such infrastructure.

## II. POLICY RECOMMENDATIONS

### THE EUROPEAN COMMITTEE OF THE REGIONS

#### General comments

1. welcomes the European Commission's proposal for a recast of Council Directive 98/83/EC on the quality of water intended for human consumption so as to ensure high-quality drinking water for consumers in the EU Member States in line with current scientific and technical findings;

2. supports the European Commission's objectives of protecting the quality of drinking water from adverse effects to human health, through monitoring and through the minimum requirements to be complied with under the directive. Local and regional authorities in the Member States have a key role to play through monitoring and preventive and remedial measures in achieving and guaranteeing for consumers the high quality of drinking water required under the directive;

3. welcomes in particular the Commission's proposals in response to the European Citizens' Initiative 'Right to Water' which aim at ensuring universal access to clean and healthy drinking water as an essential public service, with specific measures to improve such access for vulnerable and marginalised groups;

4. believes that minimum requirements for basic and preventive health-related minimum quality standards and parametric values are required to ensure a sustainable supply of water for human consumption, since they determine the minimum targets for the environmental quality standards that are necessary according to the polluter pays and precautionary principles. From a consumer perspective, measures that prioritise the provision of clean surface water and groundwater, in line with the objectives of EU environmental policy (Article 191(2) TFEU) and in particular the current Water Framework Directive, are the first essential step which must be supplemented, where necessary, by end-of-pipe measures;

5. advocates a close link between the quality of drinking-water resources and the requirements of the Water Framework Directive, in particular its Article 7. Cooperation between local and regional authorities in the Member States and water supply companies is important here and should be supported, with a view to recognising the dangers arising from use of drinking-water resources, preventing them by addressing their causes and adopting measures to combat them. This is appropriate given the objective of ensuring a sustainable supply of high-quality drinking water for consumers. The European Commission introduces risk-based analyses of water catchment areas, drinking water production, and distribution and in-house installations, with room for Member States to further specify this. The division of responsibilities still needs to be clarified, particularly when it comes to the role of drinking water companies. This preferably takes place at Member State level, so that proper account can be taken of national legal frameworks and the subsidiarity principle;

6. shares the European Commission's view that in order to ensure high-quality drinking water, the risk-based approach to preventing adverse effects should be framed more comprehensively and efficiently than under Directive 98/83/EC on the quality of drinking water. The WHO Water Safety Plan concept, the general principles of European standard EN 15975-2 for a hazard assessment of bodies of water, a risk analysis of water supply by the water supplier, and a risk assessment of domestic distribution systems are justifiably laid down as the main principles of water supply. Risk assessment and risk management should allow more efficient drinking water provision, depending on local and regional conditions, and so guarantee high-quality drinking water for the consumer. The Member States, and above all their local and regional authorities, are required to ensure the quality of drinking water for consumers. It is important for a risk-based approach to be tailored to national circumstances;

7. recognises that high environmental standards and sustainable land management are key determinants on the water environment and quality of drinking water. In that regard all levels of government should continue to support activities related to land decontamination and combating diffuse pollution especially in the farming and forestry sectors;

8. in order to be able to check the quality of all materials and chemicals that come into contact with drinking water — such as the pipes in the distribution network or pulverised coal used in the purification— a regulatory framework with health and hygiene criteria is required. Because there is no European framework, the requirements differ per Member State. The proposal for the Directive does not provide a solution to the lack of harmonisation of this regulation. The Committee considers it important that a testing framework be included in the Drinking Water Directive to guarantee the quality of products and materials that come into contact with drinking water, for the protection of drinking water quality;

9. notes the crucial importance of analyses and information about both advances and successes in danger and risk evaluation and in polluter-based measures. Any resulting reports about drinking water and consumer information must be targeted and effective and the adaptation of reporting obligations to the new requirements of the directive planned by the European Commission must reflect this. It must be clear that all water for human consumption must meet the minimum quality standards for drinking water under the requirements and that information provided under the directive must therefore not lead to competition between water suppliers, because consumers in can in many case not choose between different suppliers. Water as a common good cannot give rise to competition;

10. the Commission proposes to extend the provision of information to consumers with subjects that are separate from drinking water quality, such as tariffs, leakage losses and organisation. The Committee is of the opinion that this does not belong in the Drinking Water Directive, which focuses on water quality and the protection of public health. Member States must be able to fill in the information on other topics themselves. Information about the quality of the drinking water must — as is now happening — be shared via the websites of the drinking water companies, to ensure that it is up-to-date and relevant to the specific delivery area. Focus therefore the provision of information to consumers on water quality and the protection of public health;

11. notes with concern that a recent study <sup>(1)</sup> has showed that more than 70 % of tap water samples collected in Europe and more than 80 % collected globally tested positive for the presence of micro-plastic, and agrees with the call on the European Commission to consider a ban of micro-plastics which are intentionally added to products and for which viable alternatives exist <sup>(2)</sup>;

12. endorses the European Commission's objective of improving access to water for human consumption for the whole of Europe's population and of implementing this through the Member States. Access to water for human consumption is a fundamental component of public service provision. While competition in the water network is impossible for scientific and technological reasons, ethical considerations also rule out such competition.

13. may raise, in certain cases/countries the question of compliance with the subsidiarity and proportionality principles, given that the essential intention is to require the Member States to take measures to allow free access to and use of drinking water and make it available in all public spaces, and to guarantee access to drinking water for vulnerable and marginalised groups as it has been already achieved at national, regional and local level, since sufficient rules are in place at these levels. It is therefore questionable to what extent there is further need for action at EU level and to what extent the objective could be better achieved by the EU;

### Specific comments

14. notes that water suppliers providing less than 10 m<sup>3</sup> a day or supplying water to fewer than 50 people, unless the water is supplied as part of a commercial or public activity, are not covered by these provisions. We must call for consumers supplied by such providers to receive drinking water of the same quality and the same level of health protection as provided for under this directive. To avoid a lower level of health protection, the Commission is urged to also regulate such suppliers proportionately and to introduce exceptions from the terms of the directive for Member States where there is no expectation of values being exceeded;

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<sup>(1)</sup> Orb media report based on studies from the University of Minnesota and the State University of New York, March 2018.

<sup>(2)</sup> Reiterating the call of the EP – ENVE – draft report of 27 March 2018 (2018/2035 (INI)).

15. considers that reporting requirements and monitoring frequencies for drinking-water suppliers providing less than 500 m<sup>3</sup> per day should be proportionate and effective. Member States should be allowed to introduce derogations from the provisions if the limit values are not expected to be exceeded;

16. would advocate defining and listing in Article 2 all suppliers covered by the directive in respect of their size;

17. believes that the WHO guidelines for drinking-water quality should be made the single basis for assessing parametric values in terms of their health effects. The parametric values are based on available scientific data and findings, comply with the precautionary principle and ensure a high level of health protection, allowing water for human consumption to be used safely over a lifetime;

18. notes that the Commission proposal does not define the concept of 'precautionary benchmark values'. No convincing assessment is provided with reference to the WHO guidelines for drinking-water quality, which could lead to uncertainty about the quality of drinking water for consumers and have a negative effect on consumer acceptance;

19. criticises the proposal for a directive for setting lower parametric values than those recommended by the WHO. This conflicts with the approach for other regulated parameters, which are based on the WHO guidelines. It also creates uncertainty for consumers and could provoke concerns not just about basic levels of health protection but also about what a substance's relevance to health means. There is only so far either of these can be fully explained to the consumer. Loss of consumer confidence is only likely to encourage more use of bottled water in the future, which would go against the intention of the proposal for a directive;

20. underlines that there is growing concern about the potentially harmful effects of micro-plastics in water intended for human consumption; while further research is necessary in order to establish the precise nature of the effects of these substances, and to establish reliable and effective measuring methods, the CoR deems it important to give Member States and water suppliers the opportunity to monitor the presence of micro-plastics to the extent possible, and calls on the European Commission to support relevant research activities;

21. does not share the view that any breach of the parametric values should be automatically considered to pose a threat to human health, as provided for in Article 12(3). Rather, the extent of the breach in each individual case should determine the health risk: with respect to proportionality, the preventive approach of the WHO, which takes allocation into account, guarantees that in cases where the parametric value is exceeded drinking water is supplied without adverse health effects for a limited period of time. The precautionary principle is a key element of Directive 98/83/EC and would be abandoned in future under the current directive. In practice, when a parametric value is exceeded suppliers are often not even in a position to take measures that would be fully effective immediately or to offer an alternative supply immediately. Consumers could in that case judge the quality of the drinking water as deficient, and loss of trust could result in increased use of bottled water. This would go against the intention of the proposal for a directive. The European Commission is therefore asked to reinstate the deleted provisions of Article 9 of Directive 98/83/EC ('Derogations');

22. in view of the lack of European and national instructions on monitoring the asbestos levels in public drinking water, the indicator parameters in Annex I should be adopted in line with the principles of preventive health protection. The equipment-specific and technical parameters and parametric values are set out here, which can prevent possible release of asbestos fibres as a result of water with a corrosive effect. It should be accompanied by incentives to replace cement-asbestos pipes with another suitable material, given its critical importance in the event of subsidence caused by earthquakes or other events;

23. does not support the European Commission's proposal to delete the indicator parameters in Annex I, and asks for the indicator parameters in Annex I Part C of Directive 98/83/EC to be restored and included with the parametric values in Annex I of the proposal. The indicator parameters establish health requirements for drinking water with reference to odour, taste and treatment processes. Non-compliance with an indicator parameter has an impact on water quality and on consumer acceptance, which in turn can result in increased use of bottled water. This would contradict the intention of the proposal for a directive;

24. does not agree with the European Commission's proposal to regulate requirements for materials in contact with drinking water through the Construction Products Regulation (Regulation (EU) No 305/2011). Materials other than construction products can release substances into water, lowering water quality and thus compromising a high level of health protection for consumers. Regulation (EU) No 305/2011 currently lacks the necessary harmonisation of the basic hygiene and health requirement (Annex I, point 3(e)) for materials and products in contact with drinking water. No harmonised standards currently exist for testing and performance in relation to health requirements, and declarations of performance in relation to these cannot be drawn up and backed up for manufacturers. Moreover, it cannot be established for CE-marked construction products placed on the market whether the performance declaration (e.g. on mechanical strength) also confirms that there is no danger to human health as a result of substance migration into drinking water;

25. advocates testing and regulating under the Drinking Water Directive all materials and products that have come into contact with drinking water based on the requirements of the directive, in compliance with the minimisation principle and the precautionary principle. This will ensure that the level of health protection in relation to drinking-water quality is not compromised. Verified information on product-related migration of substances into drinking water is available through the system agreed between four Member States (4MS initiative), which provides a proven and notified basis for introducing a single EU-wide assessment scheme for materials and products that come into contact with drinking water;

Brussels, 16 May 2018.

*The President  
of the European Committee of the Regions*

Karl-Heinz LAMBERTZ

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**Opinion of the European Committee of the Regions — Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/73/EC concerning common rules for the internal market in natural gas**

(2018/C 361/09)

<p><b>Rapporteur:</b></p> <p><b>Reference document:</b></p> <p align="center">COM(2017) 660 final</p>	<p>Mauro D'Attis (IT/EPP), Member of Roccafiorita Municipal Council (Messina)</p> <p>Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/73/EC concerning common rules for the internal market in natural gas</p>
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**I. RECOMMENDATIONS FOR AMENDMENTS**

**Amendment 1**

*Recital (3)*

Text proposed by the Commission	CoR amendment
<p>This Directive seeks to address the remaining obstacles to the completion of the internal market in natural gas resulting from the non-application of Union market rules to gas pipelines to and from third countries. The amendments introduced by this Directive will ensure that the rules applicable to gas transmission pipelines connecting two or more Member States, are also applicable to pipelines to and from third countries within the Union. This will establish consistency of the legal framework within the Union while avoiding distortion of competition in the internal energy market in the Union. It will also enhance transparency and provide legal certainty as regards the applicable legal regime to market participants, in particular investors in gas infrastructure and network users.</p>	<p>This Directive seeks to address the remaining <b>possible</b> obstacles to the completion of the internal market in natural gas resulting from the non-application of Union market rules to gas pipelines to and from third countries. The amendments introduced by this Directive will ensure that the rules applicable to gas transmission pipelines connecting two or more Member States, are also applicable to pipelines to and from third countries within the Union, <b>including territorial waters and Exclusive Economic Zones of the Member States</b>. This will establish consistency of the legal framework within the Union while avoiding distortion of competition in the internal energy market in the Union. It will also enhance transparency and provide legal certainty as regards the applicable legal regime to market participants, in particular investors in gas infrastructure and network users.</p>

**Reason**

The Committee of Regions deems that, pursuant to necessity, proportionality and subsidiarity principles and in view of the EU security of gas supply overall goal, extension of Third Directive provisions should not be limited to cases in which it is deemed strictly necessary.

**Amendment 2**

## Recital (4)

Text proposed by the Commission	CoR amendment
<p>To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive. <b>The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.</b></p>	<p>To take account of the previous lack of specific Union rules applicable to gas pipelines to and from third countries, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which are completed at the date of entry into force of this Directive. <b>Any such derogation shall be approved by the Commission. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.</b></p>

**Reason**

Self-explanatory.

**Amendment 3**

## Article 1

## Point (1)

Text proposed by the Commission	CoR amendment
<p>(1) in Article 2, point (17) is replaced by the following:</p> <p>‘(17) “interconnector” means a transmission line which crosses or spans a border between Member States or between Member States and <b>third countries up to the border of Union jurisdiction;</b>’</p>	<p>(1) in Article 2, point (17) is replaced by the following:</p> <p>‘(17) “interconnector” means a transmission line which crosses or spans a border between Member States or — <b>exclusively where the technical firm daily capacity of the overall set of existing infrastructures connecting the European Union to the third country from which the relevant infrastructure (completed subsequently to the date of adoption of this Directive) originates, as certified by the Agency, already (or jointly with that of the relevant new infrastructure) exceeds 40 % of the total technical firm daily capacity of infrastructures (including LNG terminals in the European Union) connecting the European Union, or relevant risk group as defined in Annex I to Regulation (EU) 2017/1938, with third countries, as certified by the Agency</b> — between Member States and <b>a third country</b>’</p>

**Reason**

As per recital (3), 40 % is the threshold usually applied, under the practice of the Commission as confirmed by the European Courts, in order to assume a dominant position (such presumption being rebuttable). Furthermore, this approach is also more respectful of Articles 194(2), second paragraph, and 3(2) TFEU, as to the different competences of the European Commission and the Member States in the energy field, and of the principle of subsidiarity. Risk groups defined in Annex I of Regulation (EU) 2017/1938 remain the core of the EU security of gas supply system as they are designed to address major transnational risks. Particularly, two risk groups (Ukraine and Belarus) can be affected by the Nord Stream project.

**Amendment 4**

## Article 1

## Point (4)

Text proposed by the Commission	CoR amendment
<p>(4) Article 36 is amended as follows: (a) in paragraph 3, the following second sentence is added: 'Where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries, the national regulatory authority shall consult the relevant authorities of the third countries prior to adopting a decision.'; (b) in the second subparagraph of paragraph 4, the following second sentence is added: 'Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States shall consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.';</p>	<p>(4) Article 36 is amended as follows: (a) <b>in paragraph 1, letter (a) is replaced as follows: '(a) the investment must enhance competition in gas supply and enhance security of supply, taking into account in the case of infrastructures to and from third countries also the structure of the relevant offer and the access to export/import pipelines in such third countries';</b>; (b) in paragraph 3, the following second sentence is added: 'Where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries, the national regulatory authority shall consult the relevant authorities of the third countries prior to adopting a decision.'; (c) in the second subparagraph of paragraph 4, the following second sentence is added: 'Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States shall consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.';</p>

**Reason**

This amendment aims to allow better and more detailed consideration — when evaluating the possible issuance of an exemption — also of the (commodity/capacity) factors abroad which are relevant for scrutiny under Article 36 of import/export infrastructures, *i.e.*, the existence of a dominant position at the supply/transport level.

**Amendment 5**

## Article 1

## Point (7)

Text proposed by the Commission	CoR amendment
<p>(7) in Article 49, the following paragraph 9 is added: 'In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union. The derogation shall be limited in time and <b>may</b> be subject to conditions which contribute to the achievement of the above conditions. Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first interconnection point is located shall decide on a derogation for the pipeline. Member States shall publish any decision on a derogation in accordance with this paragraph within one year after the entry into force of this Directive.'</p>	<p>(7) in Article 49, the following paragraph 9 is added: 'In respect of gas pipelines to and from third countries completed before [PO: date of entry into force of this Directive], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union. The derogation shall be limited in time, <b>shall cease to apply by ... [3 years after the date of entry into force of this amending Directive] at the latest</b> and <b>shall</b> be subject to conditions which contribute to the achievement of the above conditions. Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first interconnection point is located shall decide on a derogation for the pipeline. <b>The decision shall be notified, without delay, by the competent authority to the Commission, together with all the relevant information with respect to the decision. Within a period of 2 months from notification, the Commission may take a decision requiring the Member State to amend or withdraw the decision to grant a derogation.</b> Member States shall publish any decision on a derogation in accordance with this paragraph within one year after the entry into force of this Directive.'</p>

**Reason**

For legal security purposes, it is important to set a clear deadline for derogations.

**II. POLICY RECOMMENDATIONS**

## THE EUROPEAN COMMITTEE OF THE REGIONS

**General comments**

1. recalls that local and regional authorities have in many cases key responsibilities in providing and/or distributing energy, in planning and environmental protection, in strengthening the security of energy supply and as interlocutors for citizens, companies and national authorities on energy provision;

2. would state first and foremost that the availability of sufficient quantities of natural gas at reasonable prices from reliable suppliers through modern, safe and resilient import infrastructure constitutes a cornerstone of sustainable standards of living for local and regional communities, as well as a key resource underpinning the business activities that provide work and dignity to the people belonging to those communities, and that the European Union is committed to reducing greenhouse gas emissions to 80-95 % below 1990 levels by 2050 as per the EU policy objectives <sup>(1)</sup>;

<sup>(1)</sup> Energy Roadmap 2050 (COM(2011) 885 final).

3. points out that the EU's natural gas import needs are expected to increase again in the coming years, given the prospect of increased domestic demand, and a decrease in EU gas production; highlights that infrastructure projects providing a single supplier access to over 40 % of import capacity of the EU or relevant risk group as defined in Annex I to Regulation (EU) 2017/1938 such as Nord Stream 2 is threatening energy security and development of the internal market. In order to mitigate the risks, full compliance with Gas Directive requirements, particularly with third-party access, unbundling and transparent, non-discriminatory and cost reflecting tariffs, is necessary;
4. stresses that the process of developing the internal market in natural gas in the EU is ongoing and hinges on choices that should improve commodity-market liquidity and supply diversification, as well as the development of import capacity, in order, inter alia, to reduce gas prices for people living in local and regional communities across the EU;
5. notes that the natural gas market is characterised by a high level of interdependence between the commodities market and that of the related capacity. In both of these markets the same demand operates, that of the shippers, which link up the sources of the commodity (gas fields inside or outside the EU and terminals for the liquefaction of liquefied natural gas, LNG) and the related EU local demand;
6. reiterates therefore that new rules (taking into account the features of the market, linked to the development of the related infrastructure in an EU energy union, aimed at secure, competitive and sustainable (2050 low-carbon Europe) energy and based on the free market and the solidarity principle) should be carefully thought through with a view to the long term, rather than being addressed on an ad-hoc basis;
7. points out that this is all the more necessary in the light of the impact, in terms of investment and enterprise, on local and regional communities where pipelines from third countries land on the EU's territory;
8. points out that while undersea pipelines are subject to stringent EU and international environmental rules, including the Espoo Convention, and the accident rate for natural gas infrastructure — compared to other energy infrastructure — is particularly low, there can be an environmental impact on local and regional communities;

### Specific recommendations

9. points out that, under these conditions, to achieve the aforementioned objectives the EU needs: (i) non-EU gas (from existing suppliers and, in the future, from new potential suppliers, with which connections should be encouraged) and (ii) not to be dependent on particular suppliers/countries, and that, as with any legislative initiative, both of these objective constraints must be taken into account;
10. Reiterates <sup>(2)</sup> its view that new energy projects in Europe should focus on energy diversification and should not undermine the status of transit countries, including the European Neighbourhood Policy countries;
11. recognises that certain recent infrastructure initiatives for importing natural gas, particularly Nord Stream 2 while helping to increase supply routes — could constitute a problem for the security of supply in certain other Member States and in particular in certain local and regional communities, and points out that such problems need to be addressed on the basis of the principles of solidarity, the internal market at EU and regional levels as well as risk evaluation, both in terms of security of supply, and in terms of the safety of the installations themselves subject to the appropriate EU rules;
12. points out how, in particular, there have been fears in this respect about the strengthening of the dominant position of certain non-EU suppliers of natural gas, with resulting price distortions and the threat that initiatives such as Nord Stream 2 could pose to the necessary diversification of the EU's third-country energy sources;
13. therefore welcomes this legislative initiative from the Commission, while pointing out the importance of the necessary impact assessment in accordance with the Interinstitutional Agreement on Better Lawmaking <sup>(3)</sup>;

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<sup>(2)</sup> CIVEX-VI/011

<sup>(3)</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law- Making (OJ L 123, 12.5.2016, p. 1).

14. specifies that responses to this issue should, however, always take into account the overall EU interest and the establishment of the Energy Union, which continues to take precedence over that of each individual Member State, as well as the need to uphold not only the principle of solidarity, but also the principles of proportionality and subsidiarity, the latter of which the Senate of one EU Member State deems to be under threat in this case;
15. notes that, with this in mind and taking into account the above-mentioned link between the capacity (import infrastructure) and the commodity (natural gas), priority should be given to solutions that avoid discouraging investment in new import structures (e.g. the offshore infrastructure from the Middle East to Greece, which could help diversify the supply sources for the Member States in south-east Europe) and that avoid complicating the management of existing ones, since this could have the paradoxical effect — by decreasing import opportunities — of making the EU more dependent on current suppliers;
16. points out that adopting an approach as described above which does not discourage new investments and does not put excessive additional burden on the management of existing import infrastructure would help to relieve concerns about the possible negative and unintended impact of the proposed Directive on the market and on operators as raised during the consultation launched by the Commission;
17. points out, in particular, the fact that a stakeholder organisation like the association Eurogas has complained about: (i) the impact of the retroactive effects of the proposal on the security of investments already made (given the legal framework and time frame that would be amended *ex post*) in existing infrastructure and on investors' legitimate expectations; (ii) the political and legal difficulty (under international law) of renegotiating the relevant existing intergovernmental agreements with third countries without their consent; and (iii) the dangers that the above issues and the difficulties also arising for new gas pipelines could pose to the future security of supply in the EU;
18. in the light of the above, and in accordance with the inextricably linked principles of subsidiarity, proportionality and solidarity, would suggest amendments that: (i) enable the EU institutions to avoid or resolve problems that certain Member States might face as a result of infrastructural initiatives by other Member States that may have the effect of strengthening dominant positions or reducing the diversification of the EU's third-country energy sources as mentioned in point 10 above; (ii) protect the EU as a whole against risks to the EU's security of supply; and (iii) ensure compliance with the EU's existing legal framework and international obligations;
19. calls on the Commission here, in relation to the proposed directive's extended scope into the territorial waters, to ensure the necessary conformity with the provisions of the UN Convention on the Law of the Sea concluded in Montego Bay (UNCLOS), and thus adjust this extended scope accordingly;
20. points out that the above approach would enable the necessary policy responses to be consistently reconciled with the need to comply with the legal constraints of EU law on the movement of capital and of international law (UNCLOS, WTO, investment protection rules);
21. emphasises the efforts that the CoR — in performing its role in this area — intends to make to find EU solutions to the problems outlined here and hopes that the same efforts will be made by the other EU institutions and calls on them to adopt the amendment.

Brussels, 16 May 2018

*The President*  
*of the European Committee of the Regions*  
Karl-Heinz LAMBERTZ

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