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II

(Preparatory Acts)

COMMITTEE OF THE REGIONS

64ND PLENARY SESSION, HELD ON 26 AND 27 APRIL 2006

Opinion of the Committee of the Regions on the Communication from the Commission to the Council and the European Parliament – Thematic Strategy on air pollution and on the Proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe

(2006/C 206/01)

THE COMMITTEE OF THE REGIONS,

Having regard to the Proposal for a Directive of the European Parliament and of the Council on Ambient air quality and cleaner air for Europe (COM(2005) 447 final – 2005/0183 (COD)) and the Communication from the Commission to the Council and the European Parliament - Thematic Strategy on air pollution (COM(2005) 446 final);

Having regard to the decision of the European Commission of 21 September 2005, to consult it on the proposal for a Directive of the European Parliament and of the Council on Ambient air quality and cleaner air for Europe, under Article 175 and the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its president of 25 July 2005 to instruct the Commission for Sustainable Development to draw up the opinion on the subject;

Having regard to its opinion on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – Towards a thematic strategy on the urban environment (COM(2004) 60 final) - CdR 93/2004 fin ⁽¹⁾;

Having regard to its opinion of on the Communication from the Commission on The Clean Air For Europe (CAFE) programme: Towards a Thematic Strategy for air quality (COM(2001) 245 final) – CdR 203/2001 fin ⁽²⁾;

Having regard to the draft Opinion adopted by the Commission for Sustainable Development on 27 February 2006 (CdR 45/2006 rev. 1) (rapporteur: **Mr Jahn**, District councillor, Hohenlohe district council (DE/EPP));

Whereas:

- 1) Air pollution occurs primarily in conurbations, and cities therefore have a strong interest in expressing their views on the thematic strategy on air pollution submitted by the Commission.
- 2) The same applies to the proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe, particularly as the document proposes that the standards used to measure and assess fine particulate pollution be revised.

⁽¹⁾ OJ C 43, 18.2.2005, p. 35.

⁽²⁾ OJ C 107, 3.5.2002, p. 78.

- 3) Cities can, on the basis of their experience, make a significant contribution to improving the practicability and thus the success of clean-air policy.

adopted the following opinion at its 64th plenary session, held on 26 and 27 April 2006 (meeting of 26 April)

1. The views of the Committee of the Regions

The Committee of the Regions

1.1 **agrees** with the Commission that, despite the progress referred to in the thematic strategy, gaseous or particulate air pollution, which damages human health and the environment, must be further reduced and, as clean air policy has both a local and a cross-border dimension, this objective can be achieved only by means of a joint effort; by all players at local, regional, national and European level; **notes** that local authorities are pursuing their own top priority – public health – through town planning measures (separating residential and industrial areas; introducing traffic guidance and traffic calming measures; providing open spaces and green areas in housing zones; taking account of microclimatic conditions to improve the air circulation in housing zones);

1.2 **welcomes** the Commission document on the thematic strategy on air pollution and the proposal for a directive published simultaneously, as they provide a basis for a discussion of strategy and for updating objectives to take account of the most recent research findings;

1.3 **notes** that, from the point of view of cities, adjustments are in particular needed to improve the practicability of measures to combat air pollution at local level;

1.4 **points out** that cities, in their area of responsibility, have to strike a balance between the most diverse functions and must therefore accept limitations on their ability to achieve individual, sectoral objectives;

1.5 **urges** that European legislation provide for flexible solutions; **considers** that, in any measures that are taken, local and regional authorities should be given the opportunity to give priority to areas in which many people are exposed to an excessively high concentration of air pollution (e.g. residential areas);

1.6 **stresses** that, in relation to tackling air pollution, it is essential for the prevention of emissions to take priority and that the elimination of immissions must therefore be regarded only as a stop-gap solution; **points out** in particular that:

- the environmental targets set and the existing instruments to reduce emissions must be coordinated with each other

so that there is a realistic chance that these objectives can be achieved in most cities,

- adequate support measures must be taken at European level to facilitate effective implementation of the European Directives,
- the required European-level improvement in reduction technologies and the tightening of emissions standards for vehicles (e.g. Euro VI for heavy goods vehicles) must ensue in such a way that the air quality standards in the cities can be achieved,
- European-wide measures, such as an immediate revision of the NEC Directive (the Directive on National Emission Ceilings), are required to combat the extensive ambient levels of particles, which contribute quite considerably to the non-compliance with the limit in urban areas.

2. The Committee of the Regions' recommendations

2.1 *In relation to the thematic strategy*

2.1.1 **sees** in the thematic strategy a useful reference document for clean air policy-making, and argues that, with a view to the achievement of the objectives and to practicability, modelling should be carried out not only on the basis of epidemiological research findings and the full use of technological means, but also on the basis of assumptions regarding the practical applicability of the standards in an urban environment;

2.1.2 therefore **calls for** the research effort under the research Framework Programme to take account of the opportunities and limitations of active clean air policy in an urban and territorial context (for example by means of local case and feasibility studies) and therefore **asks** the Commission to incorporate this dimension into the document;

2.1.3 **laments** the fact that, in its view, the Commission has so far not adequately involved any representatives of the associations of local and regional authorities, which are the main protagonists of clean air policy, in drawing up the thematic strategy, and **considers it vital** that provision be made for their involvement, *inter alia* as part of the Commission's structured dialogue with associations of regional and local authorities;

2.1.4 **sees** at least **the danger** that the thematic strategy will be influenced too much by the tendency of clean air policy to focus on the elimination of immissions, and therefore **calls on** the Commission to continue the thematic strategy and to avoid an increase in pollution, to give priority to a prevention policy and not a policy geared towards the elimination of immissions;

2.1.5 **notes** that coordination with other sectoral policies, which is in principle welcome, is in some cases mentioned simply as a declaration of intent, and therefore calls for further clarification and definition in this area;

2.1.6 for the above reasons **considers it necessary** to continue the thematic strategy in the following ways:

- establishing an ambitious European policy to tackle the problem at source in industry, energy, traffic and transport;
- drawing up a timetable for implementing this policy;
- coordination with other sectoral policies;
- completing and extending research on air quality management practice.

Further clarification should be achieved through a discussion of financial support for local and regional authorities, which bear a major responsibility for implementing clean air policy;

2.1.7 **recommends** to the Commission and Member States that a more active policy be undertaken to promote district heating and the cogeneration of heat and electricity. This would also help to prevent air pollution caused by burning biomass in small-scale furnaces. Removing national barriers to district heating, such as for example those caused by competition legislation, is essential to efforts to improve local air quality. Ways of heating new homes and workplaces should already be determined during the land-use planning stage. The local level is frequently the best-placed to do this.

2.2 *In relation to the proposal for a directive*

2.2.1 **notes** that the updating of European law proposed by the Commission is in line with the conditions of, and requirements for, practical clean air policy, and therefore **asks** the bodies involved in the discussion at national and European level to endorse this assessment and, above all, to support the provisions aimed at greater flexibility and thus greater relevance to practical application;

Exclusion of components of pollutants and extensions of deadlines

2.2.2 particularly **welcomes** the introduction of provisions making it possible to take account of local conditions, and

calls on the European Parliament and the Council to resist arguments to the contrary and maintain:

- the proposal to exclude from the assessment of air quality the effect on particulate suspension levels of road-sanding in winter (Article 13(3)),
- the proposal to exclude from the assessment of air quality that part of air pollution which derives from natural sources (Article 19); **calls on** the Commission to adopt a clear guide or guidelines on the measurement of this type of pollution,
- and the proposal to allow exemptions from the requirements on account of particularly adverse (e.g. topographic) conditions (Article 20(2)),

as well as provide an option to postpone the Article 20 deadline to as much as ten years if it was demonstrated beforehand that all reasonable measures to reduce immissions had been taken;

2.2.3 **suggests** that the directive should make it legally possible for 'tripartite arrangements' (i.e. agreements reached by the EU, the Member State concerned and one or more local or regional authorities to implement integration measures in the light of specific local conditions) to be adopted in areas where unusual conditions (e.g. topography) in practice make it impossible to comply with the provisions in the long term, and if it was demonstrated beforehand that all reasonable measures to reduce emissions had been taken;

2.2.4 **justifies** the proposal to allow arrangements of this kind by the need to prevent legal uncertainty for local and regional authorities while striving for a reduction in pollutants which is achievable under the existing conditions, and **points out** in support of this proposal that some scientists and specialised authorities believe that the target values cannot be achieved in practice, however great the efforts made;

Measurement and assessment of fine particulates

2.2.5 **notes** that the Directive sets three limit values and one reduction target for fine particulates. The Commission supplements the existing fine particulates standards (PM₁₀) with further air quality standards (PM_{2.5}) which includes the finest particles, justifying this by reference to epidemiological research findings (CAFE programme, World Health Organisation, practice in the USA and Japan), according to which the finest particles are more dangerous because they can penetrate the smallest bronchioles of the lung and because relatively high, long-term exposure to PM_{2.5} is more damaging to health than occasional, very high exposure;

2.2.6 thus **notes** that, under the proposal for a directive, the existing PM_{10} limit values (in a given measurement area an annual average of $40 \mu g/m^3$ must not be exceeded, or a 24-hour limit value of $50 \mu g/m^3$ on more than 35 days in any calendar year) are to be supplemented by further, $PM_{2.5}$ -based values (annual concentration cap of $25 \mu g/m^3$ and a non-binding target of reducing ambient levels of $PM_{2.5}$ in urban areas by 20% by 2020), and **notes** that a total of three limit values and one reduction target are provided for fine particulates;

2.2.7 **fears** that this welter of clean air policy provisions regarding fine particulates reduction will create too many legal and practical problems and therefore, in the light of the convincing research findings on the effects of fine particulates referred to in the thematic strategy, **calls for** the measurement and monitoring of fine particulate air pollution to be geared exclusively to $PM_{2.5}$ with a realistic limit value and a reduction target;

2.2.8 also **points out** in this connection that there is (in the nature of things) a strong correlation between PM_{10} and $PM_{2.5}$ values (so that one measurement method can to a great extent be substituted for the other), that it is therefore appropriate to use one measurement method only and that preference should logically be given to the air quality objectives more relevant to clean air policy, namely $PM_{2.5}$. The revision of Directive 2004/107/EC should be taken into account, in order that the metals covered therein be measured using $PM_{2.5}$;

2.2.9 **justifies** the move to standards based on $PM_{2.5}$, in combination with a reduction target for fine particulates, for the following reasons connected with urban health requirements and planning practice:

- reducing ambient levels throughout an urban area does more to reduce health risks than eliminating peak values at particularly exposed points within the urban area, which are in any case often not residential areas;
- the current use of the daily limit value as the trigger for measures focuses practical clean air policy on the elimination of immissions, whereas the introduction of a ceiling on emissions will make it necessary to prevent emissions, with the involvement of all relevant bodies and measures;

2.2.10 if PM_{10} quality objectives are after all retained, **calls**, in the light of these considerations, for the daily limit value to

be dropped and standards to be adopted which place the emphasis of clean air policy, both locally and on a broader geographical basis, on the elimination of emissions;

Establishment of zones

2.2.11 **endorses** the provision of Article 4 of the proposal whereby zones will be established by the Member States; in designating such zones a broader approach should be taken rather than an over-detailed one; **calls** in this connection for measuring stations to be located in line with uniform criteria in order to safeguard the comparability of measurements taken across the EU (for existing measuring stations, the findings could, if necessary, be weighted to offset the impact of purely local factors). Rules should be laid down for the geographical and numerical distribution of measuring stations according to uniform criteria, both at national and local level;

2.2.12 **is concerned** in this connection that measures that apply only to the vicinity of the measuring point - traffic diversion for instance - may lead to increased pollution in other areas; in the worst case this may even frustrate the efforts of city authorities to reduce the accident risk and noise and air pollution in residential areas by means of traffic restrictions; in measures to cut air pollution, the directive should give priority to reducing the number of people that are exposed to it;

Solidarity-based financing

2.2.13 **calls for** financial support for those Member States and local and regional authorities which carry the main burden of clean air policy;

Research effort, involvement of representatives of local and regional authorities

2.2.14 **notes** with concern that scientific assessments of the most successful and cost-effective clean air policy still differ, and therefore **calls for** further research; study of the impact and effectiveness of policy in relation to practical implementation must be stepped up;

2.2.15 **urges** that experts from associations representing the interests of local and regional authorities be directly involved in the drafting of clean air policy.

Brussels, 26 April 2006

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the Directive of the European Parliament and of the Council establishing a framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive) and on the Communication from the Commission to the Council and the European Parliament - Thematic Strategy on the Protection and Conservation of the Marine Environment

(2006/C 206/02)

THE COMMITTEE OF THE REGIONS,

Having regard to the Directive of the European Parliament and of the Council establishing a framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive) COM(2005) 505 final and to the Communication from the Commission to the Council and the European Parliament - Thematic Strategy on the Protection and Conservation of the Marine Environment COM(2005) 504 final;

Having regard to the decision of the Council of the European Union on 29 November 2005 to consult it on this subject, under Article 265(1) and Article 175(1) of the Treaty establishing the European Community;

Having regard to its Bureau's decision of 12 April 2005 to instruct the Commission for Sustainable Development to draw up an opinion on this subject;

Having regard to its own-initiative opinion of 12 October 2005 on EU maritime policy - a question of sustainable development for local and regional authorities - CdR 84/2005 fin;

Having regard to its opinion of 9 April 2003 on the Communication from the Commission to the Council and the European Parliament: Towards a strategy to protect and conserve the marine environment (COM(2002) 539 final) - CdR 24/2003 fin ⁽¹⁾;

Having regard to its opinion of 13 June 2001 on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the sixth environment action programme of the European Community 'Environment 2010: Our future, our choice' - The Sixth Environment Action Programme and the Proposal for a Decision of the European Parliament and of the Council laying down the Community Environment Action Programme 2001-2010 (COM(2001) 31 final - 2001/0029 (COD)) - CdR 36/2001 fin ⁽²⁾;

Having regard to its draft opinion (CdR 46/2006 rev. 1) adopted on 27 February 2006 by its Commission for Sustainable Development (rapporteur: **Mr Michael Cohen**, Mayor of Kalkara (MT/PES);

adopted the following opinion at its 64th plenary session, held on 26 and 27 April 2006 (meeting of 26 April):

1. The Committee of the Regions' views

marine environment, with the clear aim of promoting and achieving a sustainable use and conservation of the marine ecosystems;

The Committee of the Regions

1.1 **deplores** the fact that significant deterioration of the marine environment and the ecosystems it supports has been taking place over the past years as human intervention and over-exploitation are taking a heavy toll on the state of our marine environment;

1.2 **observes** that the 6th Environmental Action Programme calls upon the European Commission to prepare a thematic strategy on the protection and conservation of the

1.3 **looks** forward to the presentation of the Green Paper on the development of a new EU Maritime Policy, scheduled for the first half of 2006, which is to take into account the economic, social and environmental importance of the maritime dimension in Europe;

1.4 **notes** that the Strategy is a positive and welcome step forward in terms of recognising the value of the protection and conservation of the marine environment and the diversity of its ecosystems;

1.5 **considers** the Strategy as the necessary environmental pillar of the new EU Maritime Policy;

⁽¹⁾ OJ C 244 of 10.10.2003, p.14.

⁽²⁾ OJ C 357 of 14.12.2001, p.44.

1.6 **underlines** the fact that the marine environment, and its protection and conservation, has a significant impact on local and regional economies and that local and regional authorities have a role to play in implementing the objectives laid down in the Strategy.

2. The deteriorating state of Europe's marine environment

The Committee of the Regions,

2.1 **is aware** of the fact that the marine environment is vital for the sustainability of life, and of the rich biological diversity it supports;

2.2 **is conscious** of the deteriorating state of Europe's marine environment, which is principally caused by man-made factors, including, among other things, pollution and contamination of the seas, and the impact of unsustainable commercial fishing;

2.3 **emphasises** the importance of promoting a sustainable approach to the use of the marine resources available, in the interest of both present and future generations;

2.4 **is aware** that unless adequate remedial action is taken at the earliest opportunity, there is a strong risk of potentially irreversible changes to Europe's marine ecosystems;

2.5 **stresses** the importance of the need for urgent measures to be taken to halt and reverse the deterioration process;

2.6 **observes** that such an approach is necessary both for purely environmental, and for economic and social considerations.

3. An adequate institutional framework for the management of the seas

The Committee of the Regions,

3.1 **notes** that the marine environment does not accord with existing geo-political boundaries;

3.2 **is aware** that there are potential institutional barriers to improving the protection of Europe's marine environment, whether at global, EU or national level, and that the enforcement mechanisms in place are often weak and inadequate;

3.3 **agrees** with the view that in order to build on the progress made through existing institutions, policies and conventions and to take steps to ensure further progress, a clear overarching vision for the marine environment and associated policies must be developed;

3.4 **stresses** the importance of developing a strong EU policy on the regulation of maritime affairs, that also aims to ensure sustainable use of the marine resources available, thereby stepping up efforts to promote marine protection.

4. An insufficient knowledge base

The Committee of the Regions,

4.1 **notes** that good policy depends on high-quality information;

4.2 **is aware** that the existing monitoring and assessment programmes within the European area are neither integrated nor complete, and that there are significant information gaps on the state of Europe's marine environment;

4.3 **welcomes** the call for a new approach to marine monitoring and assessment, aimed at achieving a greater degree of harmonisation, broader dissemination and use of data, and an exchange of information available at national level, thereby bringing about greater efficiency.

5. Addressing the challenge

The Committee of the Regions,

5.1 **agrees** that in order to effectively prevent further loss of biodiversity and deterioration of the marine environment and to successfully restore marine biodiversity, an integrated policy approach to the protection and restoration of the marine environment is necessary;

5.2 **believes** that for such an integrated policy approach to succeed, it must take account of all interests and set out clear objectives.

6. The Strategy

The Committee of the Regions,

6.1 **is pleased** to note that the declared objective of the Strategy is that of protecting and restoring Europe's oceans and seas, and ensuring that future human activities are carried out in a sustainable manner;

6.2 **affirms** that present and future generations are entitled to a biologically diverse and dynamic marine environment that is safe, clean, healthy and productive;

6.3 **is aware** that this is an ambitious goal, which will not be easy to achieve in real terms, and that results can only be produced over the long term;

6.4 **confirms** that this Strategy can only achieve its objectives if all stakeholders are taken on board;

6.5 whilst **noting** that goals and objectives should be defined at supranational level, **welcomes** the intention - in line with the subsidiarity principle - to ensure that the actual planning and implementation of measures will remain the responsibility of marine regions, thereby taking account of their individual conditions, problems and needs;

6.6 **is, however, concerned** that in certain instances, particularly where a marine region is bordered by a sizeable number of non-Member States, actual implementation may be hindered through lack of coordination and commitment on the part of the parties involved.

7. A new policy instrument

The Committee of the Regions,

7.1 **agrees** that action must be stepped up if Europe is to protect and conserve its marine environment;

7.2 **supports** the framework for enhanced cooperation set out in the Strategy, which aims to ensure a high level of protection for Europe's marine environment through an improved knowledge base, integrated and cost-effective actions, and effective monitoring and assessment systems;

7.3 **welcomes** the flexible approach - based on the subsidiarity principle - being adopted, which, though ambitious in scope, is not overly prescriptive in its tools, thereby taking account of the circumstances of individual regions.

8. The Marine Strategy Directive

The Committee of the Regions,

8.1 **believes** that, in view of the current evidence of the rapid deterioration of the European marine environment, swift action needs to be taken to ensure that the intended objective of achieving good environmental status of Europe's marine environment is attained well before the target date of 2021;

8.2 **considers** that, with the necessary goodwill, good environmental status can be achieved within a much shorter time frame;

8.3 **welcomes** the concept of establishing European marine regions and sub-regions to ensure the actual implementation of policy measures;

8.4 **considers**, however, that the Black Sea, an important marine region bordered by two acceding countries (Romania and Bulgaria) and by Turkey, with whom accession negotiations are underway, should be included in the Strategy as of now;

8.5 **believes** that the different islands and territories forming part of the European Union's geographical area which are located outside the established marine regions and sub-regions, should also be included within the ambit of this policy;

8.6 **observes** that to successfully achieve the intended objectives, Member States and individual regions need to cooperate closely with one another and the Commission;

8.7 **notes** that in those instances where the issues identified by the Member States or regions fall within the scope of Community competence, the Commission should not only be informed and consulted, but should itself be the most important partner in the process and coordinate the implementation of the policy measures;

8.8 **believes** that the provision of information and evidence by a Member State to the Commission to substantiate the former's claim that an issue cannot be tackled by measures adopted at national level, is not sufficient;

8.9 **recommends** that in such instances the Commission take it upon itself to carry out the necessary evaluation, monitoring and implementation programmes to address the issue in question. The Commission also needs to clarify what the consequences are if a Member State's goals and measures have not been met and therefore not approved of by the Commission;

8.10 furthermore **considers it essential** that the Commission retains a residual role in monitoring actual implementation, and, that, where necessary, it should intervene to coordinate and facilitate joint implementation between the different states and actors within any marine region;

8.11 **asks** the European Commission to ensure that the strategies to be drawn up by the Member States take account of the presence of other biological communities, such as algae or turtles, in their marine regions;

8.12 **calls on** the European Commission to recognise the impact that the introduction of genetically modified marine organisms can have on the marine environment, and the unforeseeable consequences of this;

8.13 **calls upon** the Member States to adhere strictly to the requirements of Article 4 of the Directive, in conducting the assessments, establishing environmental targets and monitoring programmes;

8.14 **believes** that, in this context, local and regional governments of individual marine regions should also be directly involved in drawing up these assessments, targets and monitoring programmes;

8.15 **is doubtful** about the time frames laid down in Article 4 of the Directive, particularly those concerning the programmes of measures to be adopted;

8.16 conscious of the fact that adequate results can only realistically be achieved in the long term, **supports** the idea of an iterative and adaptive implementation process, which takes account of new data collected from monitoring programmes, new developments and the impact of the measures introduced. In this way, should the need arise, immediate short to medium term remedial action can be taken to address any negative effects on the state of the marine environment;

8.17 **observes** that although there may be significant social and economic costs in the short to medium-term, it is expected that the long-term environmental, social and economic benefits will considerably outweigh them;

8.18 **believes**, however, that such short to medium-term burdens should not be considered to be the sole responsibility of national or regional levels of government, or worse still, to be borne by individual persons and communities alone.

9. Synergies with other policies

The Committee of the Regions,

9.1 **is conscious** of the growing need for a comprehensive approach, in order to achieve a proper balance between the often competing environmental and economic interests at play;

9.2 **is aware** of the importance being attached to the development of a new European Maritime Policy, especially in the light of the ambitious objectives set in the Lisbon Strategy and the Gothenburg Strategy;

9.3 **notes** that the question of the overall governance framework through which the users and uses of oceans and seas can be regulated is to be addressed in the Green Paper on the new European Maritime Policy. It is important for the Commission to make sure that the environmental questions are dealt with in the European Maritime Policy and to see to that the overall governance framework concerning the users and the uses of oceans and seas is regulated in a satisfactory way;

9.4 **notes** further that the Strategy is designed in such a way as to support and build on existing measures and initiatives which, though not specifically designed to protect the marine environment, contribute to some extent to its protection;

9.5 **welcomes** the development of a comprehensive framework strategy, which should serve as the environmental pillar of the future European Maritime Policy;

9.6 **observes** that, as far as the protection of the marine environment is concerned, this Strategy will further enable the Community and the Member States to fulfil their obligations and commitments under several international agreements;

9.7 **asks** the European Commission to ensure that the strategies to be drawn up by the Member States include aspects relating to the management of coastal areas in their programmes of measures, bearing in mind that most factors impacting on the marine environment originate from these areas.

10. The Committee of the Regions' recommendations

The Committee of the Regions,

10.1 **recommends** that the target date for achieving good environmental status of Europe's marine environment should be 2018 at the latest;

10.2 **recommends** further that the deadlines for the development and implementation of the programme of measures should be 2013 and 2015 respectively;

10.3 **calls on** the Commission to include the Black Sea as a marine region;

10.4 **expects** the Commission to define ambitious, clear, consistent and comparable criteria for a 'good environmental status' which are conducive to achieving a consistently high 'environmental status' concurrently throughout the EU;

10.5 **believes** that it is essential that the implementing measures be monitored continuously and that the results and data obtained are published regularly;

10.6 **calls upon** the Commission to monitor the actual implementation of policy within the different marine regions, and to take upon itself the role of effective coordinator and facilitator, thereby acting as a go-between between the different actors within these regions;

10.7 **trusts** that the Commission will present evaluation reports on the implementation of the Strategy and the impact of the Directive at regular intervals, citing best-practice scenarios;

10.8 **trusts** that all the Commission reports will be submitted to it, as well as to the European Parliament and the Council;

10.9 moreover **trusts** that any comments it makes and responses in that regard, shall also be included in the Commission reports;

10.10 **is convinced** that with the proper provision of information, the active involvement and support of the general public can be attained;

10.11 **is aware** that short to medium-term costs may impact upon the socio-economic well-being of communities or individuals, and that this could, in turn affect the degree of the public's involvement and support, which is so necessary; therefore **urges** that assistance programmes, designed to help those persons and communities who have been directly affected to mitigate any adverse effects, be developed at European level;

10.12 **calls** upon all policy actors, including the Member States, the Commission and the private sector, to adopt a long-term plan with a view to supporting a significant increase in marine environmental research funding, thereby ensuring that there be sufficient funding for the investigation of the marine environment;

10.13 **believes** that local and regional governments, being closest to the citizens, can achieve significant results in providing information and winning the support of the general public;

10.14 in this respect, **offers** to play a significant role as partner to the Commission and the Member States, and **recommends** a long-term EU-funded information campaign involving local and regional authorities.

Brussels, 26 April 2006

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on Natural disasters (fires, floods and droughts)

(2006/C 0206/03)

THE COMMITTEE OF THE REGIONS,

Having regard to the decision of the European Parliament of 4 April 2006 to consult it on this subject, under the fourth paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its President of 23 March 2006 to appoint **Mr Valcárcel Siso**, President of the Autonomous Community of Murcia, as rapporteur-general for this subject, in accordance with Rule 40(2) of its Rules of Procedure;

Having regard to its opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on *Reinforcing the civil protection capacity of European Union* (COM(2004) 200 final – CdR 241/2003 fin ⁽¹⁾);

Whereas:

- 1) Natural disasters, forest fires, floods and droughts represent a growing threat to human life, have a powerful impact on the balanced development of the regions, threaten their economic resources and natural and cultural heritage, give rise to population movements and undermine the economic activity and quality of life of the inhabitants of the regions concerned;
- 2) Natural disasters recognise no borders and, therefore, cooperation between areas exposed to common risks is now essential;
- 3) The consequences of climate change, such as desertification, erosion and salinisation, affect all the Member States, albeit to different degrees, and the European Union must view the minimisation of natural disasters as a key component of sustainable development;

⁽¹⁾ OJ C 43 of 18.2.2005, p. 38.

- 4) The principle of economic, social and territorial cohesion must underpin every stage of planning, programming and implementing Community policies to prevent and manage natural disasters and to offset their impact on the regions and cities of the Union affected;
- 5) Measures to protect against natural disasters must be adopted as part of all the relevant Community policies, especially those which affect rural communities and the environment, infrastructure and research and development policy;
- 6) The EU Solidarity Fund has proved insufficient in cases of natural disaster, this situation being aggravated by the lack of coordination between existing instruments at national and regional level in the various Member States;

adopted unanimously the following opinion at its 64th plenary session, held on 26 and 27 April 2006 (meeting of 26 April):

Views and recommendations of the Committee of the Regions

The Committee of the Regions:

1. **is concerned to note** the significant increase in the number, severity and intensity of natural disasters occurring over recent years in the regions of the European Union;

2. **welcomes** the European Parliament's interest in natural disasters;

3. **warns** of the importance of other forms of natural disaster such as earthquakes, tidal waves, tsunamis, volcanic eruptions and other geological events, together with phenomena arising from climate change and global warming causing rising sea levels along our coastlines, in turn leading to shrinking beaches, flooding of inhabited areas and loss of infrastructure and amenities; **points** also to the dangers linked with extreme snow and freezing conditions;

4. **points out** that regional and local authorities, as the bodies closest to the general public, are the first to be affected by, and involved in, natural disasters, and that it is essential that they play a full part in drafting, implementing and monitoring policies and actions to deal with natural disasters; every EU country should therefore ensure that the regions and municipalities have access to sensible and effective legal, material and economic tools to enable them to carry out their duties;

5. **recalls** that Community action must complement action by national, regional and local authorities, and **urges** the Commission to redirect Community action towards the various levels of government;

6. **considers** it crucial that the principles of solidarity, cooperation, coordination and assistance between EU Member States, regions and local authorities should be applied in full in order to plan for and prevent natural disasters, and to minimise and counter their effects;

7. **underlines** the need for a firm commitment on the part of both public administrations and the general public to reduce

the conditions leading to disasters or worsening their consequences and effects;

8. **supports** the call by the European Parliament to draw up a European strategy to combat natural disasters (fires, flood and drought), in connection with the various financial instruments with which to implement such a strategy, ensuring the allocation of EU funds in the field of civil protection, devoting particular attention to island and outermost regions with low demographic density, as well as those which, for inherent structural reasons, are especially hard hit by such events;

9. **calls on** the Community institutions to consider whether it might be appropriate for the strategy to include earthquakes and the associated phenomena, together with volcanic eruptions, on account of their capacity to have catastrophic consequences;

10. **urges** that the strategy should take a holistic approach to natural disasters, including preventive measures (risk analysis and correction), planning and implementing measures (functional organisation, mobilisation of resources, etc.) and recovery and follow-up measures;

11. **highlights** the importance of every stage of the strategy including information, training and citizen awareness measures concerning disaster risks and action plans, paying special attention to children and young people and other population sectors particularly vulnerable to natural disasters, such as the elderly and those of reduced mobility;

12. **draws attention** to the important role of the media in building up properly-informed public opinion which can act effectively to prevent and reduce the losses caused by disasters;

13. **recommends** that efforts focus on setting up the information systems needed to improve the forecasting, follow-up and evaluation of all natural disasters; **supports** in particular the European Parliament's comments in favour of pressing ahead with the Galileo system and broadening the scope of the Global Monitoring for Environment and Security initiative to cover all natural disasters;

14. **believes** that the 7th Framework Programme for research and development must step up research into preventing disasters by funding initiatives to develop prediction models and to enhance early warning systems;

15. **recommends** that national and regional rural development plans should give priority to measures designed to head off the causes of disasters (such as preventing erosion, reforestation with appropriate species, water supply works, tree felling and forest surveillance, and agroenvironmental water-saving measures);

16. **recalls** that in order to reduce the frequency and scale of fires, the European Union must concentrate its efforts on combating the causes of fires by means of appropriate forestry surveillance and prevention measures, and **urges** the Commission to ensure that existing Community legislation in this field is applied properly;

17. **regrets** that the fire prevention measures under the Forest Focus programme do not form part of the priority issues in the new LIFE + programme;

18. **emphasises** the worsening drought, which has been expanding in duration and intensity to many regions of the European Union, whose water resources have recently shrunk dramatically, with serious social, environmental and economic implications;

19. **welcomes** the initiative presented by a number of Member States to the EU Council of Ministers for the Environment on the management of drought-related risks, and **calls on** the European Commission to take the necessary steps to enhance the level of protection against drought and reduce the potential risk to citizens, the economy and the environment;

20. **recommends** the establishment of a European Drought and Desertification Observatory, as part of the 7th Framework Programme for research and development, together with the adoption of measures to raise awareness regarding sustainable use of water;

21. **is convinced** that, given the severity and intensity of the natural disasters of the past few years, it is essential to step up measures in the sphere of spatial planning and give greater importance to integrated territorial actions in rural areas;

22. **welcomes** the draft directive on the assessment and management of floods; and **points out** that the major flooding which occurs in Mediterranean basins as a result of the torrential nature of rainfall and flash floods should not be overlooked; at the same time, it must be remembered that the flooding situation for some other EU countries is completely different and custom solutions are consequently required;

23. **demands** to ensure a good coordination between existing and future directives on management of natural resources

and/or natural phenomena on the basis of each country's unique circumstances;;

24. **asks** for the Community civil protection mechanism to be reinforced and, to this end, **supports** the proposal by the European Parliament that the Monitoring and Information Centre under the Community mechanism be enhanced and recommends that compatible models for action or combating every type of disaster be prepared, enabling better coordination of national and regional disaster management mechanisms;

25. **believes** that consideration should be given to creating a European Civil Protection Force, and stresses that the Member States should seek ways of ensuring adequate interoperability between civil and military forces, recommending that emergency military units be integrated into the Community civil protection system;

26. generally **welcomes** the new Solidarity Fund proposal, with the inclusion of major crisis situations resulting from industrial/technological disasters, public health threats and acts of terrorism; however, it **urges** the Commission to reconsider the threshold of EUR 1 billion or 0.5% of GNI, to ensure that procedures are sufficiently flexible, transparent and straightforward, and to take account of the specific needs of the areas affected and the regional dimension of certain natural phenomena;

27. **calls** for the explicit inclusion of drought as an eligible phenomenon under the Solidarity Fund, given that it is a long-term structural problem, cannot readily be reconciled with the established registration deadlines, and has serious repercussions for the social and economic development of the affected regions; also **urges** that the Fund continue to provide support in the event of exceptional local emergencies;

28. **points out** that the Structural Funds are an essential tool for funding disaster prevention and management measures; **believes**, in this regard, that the lack of synergy between the Structural Funds and the Solidarity Fund must be resolved by putting the theoretical 'from reconstruction to development' approach into practice, entailing the involvement of local and regional authorities as part of natural disaster governance;

29. **urges** that in the next financial programming period 2007-2013, the necessary flexibility and redistribution of resources between funds is assured, together with the possibility of reusing resources released by the Structural Funds' N+2 rule, so that the regions can, where they consider appropriate, boost the resources available in the event of a disaster;

30. **repeats** that no real strategy against agricultural disasters can be restricted to short-term emergency measures and must, in consequence, include training, information and prevention activities, to be financed by the Forest Focus programme, rural development policy, the European Social Fund, and the creation of EU-funded public insurance;

31. **considers** that the INTERREG initiative has proved to be highly effective in exchanging best practice on natural disaster prevention and **refers**, in this respect, to the examples set out in appendix and welcomes the increase in the budget allocated to territorial cooperation adopted in the context of the agreement on the new financial framework for 2007 – 2013;

32. **indicates** that the establishment of the European groupings of cross-border cooperation, invested with legal personality, may enhance the implementation of civil protection measures;

33. **supports** the European Parliament's call for State aids or European Investment Bank loans to be used in the event of natural disasters;

34. **urges** the European Commission, the European Parliament and the Council to take account of the views of local and regional authorities when planning all types of initiatives regarding natural disasters, carrying out an effective process of prior consultation with those directly responsible for disaster management.

Brussels, 26 April 2006.

The President
of the Committee of the Regions
Michel DELEBARRE

APPENDIX

EXAMPLES OF BEST PRACTICE ON NATURAL DISASTER PREVENTION

1. ESCAPE - European Solutions by Co-operation and Planning in Emergencies (for coastal flooding)

In order to mitigate the impact of flooding, partners from the most affected areas in the United Kingdom, the Netherlands and Belgium launched the ESCAPE project. This project went beyond prevention and risk management and sought to improve spatial planning policies, risk management strategies, contingency plans and public awareness so that flood-related damage to coastal communities could be minimised.

One main activity consisted of an awareness-raising campaign on flooding. Videos, conferences and a newspaper were used to help children and adults, the local population and professionals to understand flood-related hazards. The campaign also explained what could be expected from governments, and how people could help themselves. Another important activity involved developing a flexible, multifunctional contingency plan for protecting the local inhabitants, tourists and businesses in flood situations. A cross-border framework for contingency planning is available for others to use.

ESCAPE has also built and tested a High Water Information System (HIS) for sea floods, which monitors tides, wind force and wave height. This system has been integrated with a Decision Support System (DSS) that estimates the time required to evacuate a disaster area and recommends evacuation routes using data such as road capacity and demography. Local, regional and national authorities responsible for both contingency planning and spatial planning can use HIS and DSS to predict the effects and timing of sea floods. <http://www.interregnorthsea.org/project-details.asp?id=1-16-31-7-526-02>

2. AWARE - Attention to warning and readiness in emergencies

One of the conclusions reached by the ESCAPE project was that, since emergencies do not recognise borders, contingency planning should not stop at the border either. AWARE can be regarded as a successor of ESCAPE. Whereas ESCAPE is restricted to flooding, AWARE includes other fields. The project's defining feature is crosscutting cooperation for natural and manmade disasters to improve the quality of contingency planning and encourage risk awareness amongst civilians.

AWARE focuses on raising awareness so as to reduce the vulnerability of people in cross-border regions during and following a disaster by improving information and communication sources and channels. In order to make people, the media, the authorities and emergency services more aware of the risks involved and how to act and react in disaster situations, two sustainable awareness campaigns for youth and professionals will be conducted; followed by a report on arrangements with the media regarding their coverage of disasters in different countries and a feasibility study on a tool enabling authorities to inform relatives and friends of victims about their current residence once a disaster has occurred. AWARE also focuses on the contents and structure of information and communication between local and regional authorities in cross-border regions before, during and after a disaster. The aim is for local governments to take into account the cross-border implications of their decisions and to make sure they inform the authorities across the border. By sharing knowledge and experience through information exchange and lessons learnt, partners will produce a report, including recommendations, on a virtual cross-border crisis management system and two interregional expert meetings on crisis management and disaster relief. The final objective of the project is the enhancement of the quality of disaster relief in cross-border areas through staff exchanges among participating regions and regional and cross-border exercises (at authority level only) with cross-border component/interregional observers. www.project-aware.com

3. Chain of Safety, a flood contingency planning initiative covering the entire North Sea Region

Since disasters do not stop at regional or national borders, nor should risk and crisis management. The European Commission has recognised that this is an issue and is currently developing several initiatives for a European approach towards contingency planning in cooperation with the Member States. Chain of Safety aims to contribute the North Sea Region's perspective to these initiatives by launching a project to set up a structure for flood contingency planning based on the chain-of-safety model and covering the entire North Sea Region. The project aims to facilitate cooperation,

experience sharing and mutual assistance in the North Sea Region in the event of flooding by pooling knowledge and experience on coastal flooding through a safety chain connecting the entire North Sea Region, in order to optimise intra-regional cooperation amongst the North Sea regions so as to minimise the number of casualties and damage caused by coastal flooding. The overall objective of the project is to initiate a flood contingency plan covering the whole North Sea area. This would be in cooperation with all relevant stakeholders, in order to pool the participating regions' examples of best practice and experience.

The activities within the Chain of Safety project can be divided into three main themes: a comparative analysis of the existing regional and national flood plans in the North Sea Regions; defining a common approach towards the Chain of Safety in the North Sea Region; and an inventory of required and available equipment for putting into practice a common contingency plan for flooding.

4. Improvement of the Joint Research Centre's knowledge base NEDIES (Natural and Environmental Disaster Information Exchange System)

The protection of citizens and the environment in Europe faces a continuing challenge from a wide range of risks that arise from natural hazards. Therefore, the lessons learned from the systematic analysis of the evolution of past disasters and the circumstances contributing to their occurrence are of paramount importance for future risk reduction and priority setting in terms of vulnerability management. The widespread application and publicising of the lessons learned is another vital step towards combating the occurrence of undesirable events and in particular, mitigating their consequences. In support of this goal, the Joint Research Centre (JRC) maintains the Natural and Environmental Disaster Information Exchange System (NEDIES), whose aim is the preparation and dissemination of lessons learned for the prevention of, and preparedness and response to, natural disasters and technological accidents. The reports on natural disasters contained in the Nadies system are available through a web portal.

With a view to enhancing and extending the Nadies knowledge base, which contains disaster-related data including lessons learned, a better structured and more thorough understanding of the circumstances of a disaster is required so as to be able to provide detailed and valuable input to decision making. As part of a study commissioned by the JRC and the European Commission, the Faculty of the University of Zeeland (the Netherlands) is developing a scheme for the structured analysis and mapping of the unfolding of a disaster over time, disaster management actions taken before, during and after the event, and the actors, environment and other parameters affecting the efficiency of management. The purpose is to provide sufficiently structured input to facilitate the extraction of lessons learned. The findings from this analysis will be placed in the framework of the 'safety chain'. As a result the interrelated consequences in each stage will become visible.

5. INTERREG IIIA – Italy/Slovenia: SIMIS project for a connected monitoring system of the Isonzo - Soča river

This project aims to improve the monitoring system of the Isonzo basin, thus increasing the safety of the population against floods. It also serves to improve supranational safety measures, reinforce cooperation between Friuli Venezia Giulia and Slovenia, and use innovative technical means. To attain these objectives, the operational centres of Palmanova and Lubljana have been interconnected, and common protocols for intervention in case of an emergency established. A thorough study of the hydrological basin has also been carried out, and advanced monitoring units have been installed in the most critical points of the basin so as to forecast and prevent floods. <http://www.simis.si>

6. Interregional Protocol for cross-border cooperation on civil protection – Friuli-Venezia Giulia/Carinthia – Slovenia

The civil protection organisations of the Friuli-Venezia Giulia autonomous region and of the Carinthia region of the Republic of Slovenia are aware of the natural or man-made risks which could affect the populations and of the need to provide swift mutual assistance in the event of emergencies. They are also determined to step up and encourage cross-border cooperation in the civil protection sector. They have consequently expressed their willingness to seek maximum mutual cooperation and to coordinate efficiently in interventions required to protect neighbouring populations, assets, settlements and the environment in the event of emergencies or expected emergencies, including forest fires. Cross-border cooperation protocols lay down shared operational methods for disaster forecasting and prevention, exchange of data in real time, and rapid communication of information on emergency situations, mutual assistance in the event of emergencies, and coordination of rescue operations to the affected neighbouring populations.

In order to implement forecasting, prevention and information exchange activities of common interest in the field of civil protection, the Friuli-Venezia Giulia autonomous region and the Carinthia region of the Republic of Slovenia are linking up their reference operational centres. These links serve to ensure rapid two-way communication of all important information and enable exchange of know-how and training efforts. These regions have also agreed to link up their own reference operational centres by means of an effective data transmission and reception system between the operational centres, for real-time two-way exchange of important data from the seismic, hydrometeorological and sea and coastal meteorological monitoring networks installed across their territory, and to provide a dedicated videoconferencing link between the reference operational centres.

The regions are committed to rapid two-way communication between the reference operational centres of potential or actual emergencies which might endanger neighbouring populations, assets, settlements or the environment in proximity to border areas. They provide for regular meetings between the various bodies' technical personnel. They have also set up arrangements for exchange of know-how on significant technical and scientific advances in civil protection, in part by launching joint projects to be applied in the sphere of forecasting preventing natural risks. They hold joint training and simulation exercises to familiarise themselves with each others' emergency operational methods. In the event of emergencies on their own territory which may affect neighbouring populations, the regions can call for mutual assistance through the reference operational centres. Mutual assistance, in line with available resources, may include dispatch of specialist personnel, volunteer units with appropriate equipment and vehicles, aircraft and types of assistance to affected neighbouring populations, or any other steps which may help to deal with the emergency. The regions have agreed to cooperate on measures to extinguish forest fires in border areas. Mutual assistance is provided free of charge.

7. DESERTNET – Measures to monitor and combat desertification in the European Mediterranean area

The purpose of 'Desertnet' is the study, monitoring and sustainable management of areas at risk of desertification in the Mediterranean basin. The project aims to rationalise the information and technical-scientific experience which has been acquired and compiled regarding areas identified as being at risk by regional and national programmes. A platform of services, a network of pilot actions and users, and an interregional anti-desertification observatory are to be created in order to help set up a uniform system for exchanging data and information, and for controlling desertification processes.

Under 'Desertnet', a network of pilot actions has been set up, designed to launch a methods standardisation process based on a comparison of experiences in several regions. The network has taken the form of a platform of services, as a result of which a database of methods, models and available data in the partner regions has been created. In the future, this structure should also provide for more straightforward management of activities and cooperation in projects and other aspects. It will serve as a benchmark for the most widely-adopted and shared methods. Further ahead, the partners have undertaken to promote the services platform, mainly by increasing the number of users. This expansion should make the platform a virtual forum for sharing know-how, by bringing in the national anti-desertification committees in addition to the users.

The partner regions are the Italian regions of Liguria, Campania, Calabria, Tuscany, Sicily, Emilia Romagna, Basilicata and Sardinia, and the Spanish autonomous regions of Murcia and Andalusia (www.desertnet.org).

8. ROBINWOOD – Revitalisation of country and mountain areas through sustainable development by means of integrated forestry management

Robinwood is a project co-financed by the European Commission under the Interreg III C South programme. The project has as its objective the socio-economic development of country areas through the revitalisation of the wood supply chain. The project intends to apply an innovative approach based on the Sustainable Forest Management, combining planning, environmental, energy, territorial, economic and occupational aspects.

The Robinwood project includes five main themes:

- Programme coordination and management
- Soil maintenance: aiming at finding solutions that will assist in erosion prevention, landslide control and floods, through forestry management.

- Forestry resources: aiming at better forestry management through the exchange of best practice and solutions to the problems of forestry certification, management and planning. The component will conclude with the preparation of an operational plan for forestry management by partner regions, which will evaluate economic and environmental sustainability of forestry management processes.
- Energy: aiming at increasing the use of forestry biomass to produce CO₂ neutral energy from a sustainable resource.
- Communication: aiming at taking new developments to country and mountains areas of the partner regions. Communication is an essential tool for promoting 'excellence' and spreading good practice among the regional partners.

The participating regions are: Liguria (Italy), Brandenburg (Germany), the Autonomous Region of Murcia (Spain), Wales (Great Britain), Eastern Pomerania (Poland), and Eastern Slovakia (Autonomous Regions of Košice and Prešov – Republic of Slovakia).

Opinion of the Committee of the Regions on Cohesion Policy and cities: the urban contribution to growth and jobs in the regions

(2006/C 206/04)

THE COMMITTEE OF THE REGIONS,

HAVING REGARD TO the letter from the European Commission to President Straub of 25 January 2006 requesting the CoR's opinion on the '*Cohesion Policy and cities: the urban contribution to growth and jobs in the regions*';

HAVING REGARD TO the decision of its President of 10 November 2005 to instruct its Commission for Territorial Cohesion Policy to draw up an opinion on this subject;

HAVING REGARD TO the Commission Staff Working paper: *Cohesion Policy and cities: the contribution to growth and jobs in the regions*;

HAVING REGARD TO its opinion on the *Proposal for a Council Regulation laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund* (CdR 232/2004 fin) ⁽¹⁾ COM(2004) 492 final – 2004/0163 (AVC);

HAVING REGARD TO its opinion on the *Proposal for a Regulation of the European Parliament and of the Council on the European Regional Development Fund (ERDF)* COM(2004) 495 final – 2004/0167 (COD) (CdR 233/2004 fin) ⁽¹⁾;

HAVING REGARD TO its Opinion on the *Communication from the Commission Cohesion Policy in Support of Growth and Job Community Strategic Guidelines, 2007-2013* COM(2005) 299 final (CdR 140/2005 fin);

HAVING REGARD TO the Conclusions of the informal Council of Ministers on Sustainable communities. Bristol, 6-7 December 2005;

HAVING REGARD TO the Report of the European Parliament on the *Urban dimension in the context of the enlargement* (2004/2258);

HAVING REGARD TO its draft opinion (CdR 38/2006 rev. 1) adopted on 23 February 2006 by its Commission for Territorial Cohesion Policy (rapporteur: Dr Michael Häupl (AT/PES) (Mayor of Vienna);

adopted the following opinion at its 64th plenary session, held on 26 and 27 April 2006 (meeting of 26 April):

1. Views of the Committee of the Regions

The Committee of the Regions:

1.1 **points out**, by way of introduction, that 78% of the EU's population lives in towns and cities, built-up areas and urban areas. More than 60% of the population lives in cities of more than 50 000 inhabitants. In urban areas there is a concentration of both considerable potential and also complex difficulties;

1.2 **recalls**, against this background, the European Commission's intention, set out in the 'Third Report on Economic and Social Cohesion: a new partnership for cohesion, convergence, competitiveness and cooperation' ⁽²⁾, to bring urban issues

further into the foreground by fully including them in regional programmes;

1.3 **stresses** the key importance of incorporating an urban dimension in all Community policies, not only in EU cohesion policy. Only when the positive effects of this can be seen and felt by the urban population will the EU manage to (re)gain the measure of political acceptance essential for successfully developing our joint venture further;

1.4 **supports** the European Parliament initiative, set out in its report on 'The urban dimension in the context of enlargement' ⁽³⁾, to strengthen the urban dimension of all Community and Member States policies, as well as the promotion of this report;

⁽¹⁾ OJ C231 du 20.09.2005.

⁽²⁾ 'Third Report on Economic and Social Cohesion: a new partnership for cohesion, convergence, competitiveness and cooperation' COM (2004) 107 final of 18 February 2004.

⁽³⁾ European Parliament Resolution on 'The urban dimension in the context of enlargement' dated 13 October 2005, P6_TA-PROV (2005)0387, Rapporteur: Jean Marie BEAUPUY; not yet published in the OJ.

1.5 **underlines** the key contribution which cities are making to the Lisbon strategy, newly formulated in 2005. Growth is however not an end in itself. Rather it is a means to boost employment, social cohesion and environmental sustainability. In so far as it helps maintain the European social model, it secures quality of life for the people of Europe. Employment is the most important issue for the European public. The new focus on economic growth and productivity increases should not mean that we lose sight of the other aspects of the Lisbon strategy;

1.6 **points out** that cities have always provided a testing ground for developments of all sorts: most social and technological developments started out in cities. Tied up in this structural change so characteristic of cities are both opportunities and risks for individuals and for society as a whole. Cities have learnt to deal with this social change and to respond to it. They are also used to offsetting market failure, in part generated by structural change. Precisely because in many sectors it is necessary to adapt structures to new challenges in order to achieve the Lisbon objectives, cities have a key role to play here;

1.7 **is therefore critical** of the fact that, because of the 'top-down approach' in the development and implementation of the Lisbon strategy, the overwhelming majority of European cities were not involved in setting up the Member States' national reform programmes. Sometimes they were involved as a formality, but not in practice. A survey revealed that cities were more likely to be involved where the Member State concerned had a ministry specifically dealing with urban affairs (such as the Netherlands), or where there were cities which were also regions (Berlin, Hamburg, Vienna, etc.). One consequence of not involving them is that their potential, and their special capacity for creating cooperation synergies between public and private actors and social agents, remains untapped to some extent. A study carried out by the CoR - 'Implementation of the Lisbon Partnership for Growth and Jobs: the contribution of Regions and Cities' ⁽¹⁾ - arrived at the same conclusion. It showed that only 17% of cities and regions were satisfied with their involvement in drawing up the national reform programmes;

1.8 **emphasises** that there was a general move to involve cities more when drawing up the National Strategic Reference Frameworks (NSRFs) under Articles 25 and 26 of the draft general Structural Funds regulation ⁽²⁾. However, it is still not taken for granted that the urban dimension is expressly taken into account in the NSRFs and the derivative operational programmes;

1.9 **is critical** of the fact that very little mention is made of the urban dimension of cohesion policy in the current draft Strategic Cohesion Guidelines for 2007-2013 ⁽³⁾. The urban dimension is only dealt with in the context of 'territorial dimensions'. This failing was also highlighted in the results of the consultation process relating to the Strategic Cohesion Guidelines for 2003-2013. There were many requests that more stress be placed on giving cities a decisive role to play in steps to boost growth and employment. Likewise, there were calls for the guidelines to formally acknowledge the vital role of cities. Without clear EU regulations which make it mandatory for cities to be involved, there is a danger that the urban dimension in cohesion policy will not be consolidated, but rather weakened, in the 2007-2013 period;

1.10 **welcomes** therefore the fact that the European Commission's initiative - set out in its working document entitled 'Cohesion Policy and cities: the urban contribution to growth and jobs in the regions' ⁽⁴⁾ - takes these criticisms on board, giving a further boost to the urban dimension in the cohesion policy of the future. This document provides an excellent illustration of the central importance of cities for the further development of Europe, its Member States and its regions. Their key contribution to growth and employment, social cohesion and sustainable development is clearly highlighted;

1.11 **appreciates** particularly the fact that, in its working document, the European Commission sets out the urban dimension in all its complexity. This holistic approach is a major strength of the document, and should be maintained. This complexity, illustrated with examples and data, can only be taken into account by adopting an integrated approach in all policy areas. The urban dimension cannot be confined to cohesion policy, but should be explicitly taken into consideration in all Community policies;

1.12 **highlights** in particular the fact that the document breaks down the contribution of cities into 50 specific action guidelines. These are now available for cities to use as guidelines for organising concrete measures in the future;

1.13 **supports** the consultation process launched by the European Commission for its working document, as well as the Commission's intention to incorporate the main results of this process in the final version of the Strategic Cohesion Guidelines and to publish the revised working document in the form of a 'communication';

⁽¹⁾ 'Implementation of the Lisbon Partnership for Growth and Jobs: the contribution of Regions and Cities'. Lisbon Strategy: A survey on the involvement of Regions and Cities in preparing the Lisbon National Reform Programmes. DI CdR 45/2005.

⁽²⁾ Proposal for a Council Regulation laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund COM(2004) 492 of 14 July 2004.

⁽³⁾ Communication from the Commission: Cohesion Policy in Support of Growth and Jobs: Community Strategic Guidelines, 2007-2013 COM(2005) 299 final of 14 July 2005.

⁽⁴⁾ Commission working document entitled 'Cohesion Policy and cities: the urban contribution to growth and jobs in the regions' dated 23 November 2005, available on the internet: http://europa.eu.int/comm/regional_policy/consultation/urban/index_en.htm.

1.14 **participates** in steps to further strengthen the urban dimension by organising the Urban Forum on 26 April 2006, together with the European Commission and the European Parliament's Committee for Regional Development;

1.15 **welcomes** the fact that the Proposal for a Council Regulation establishing the Cohesion Fund allows environmentally-friendly public transport to be supported from the Fund.

2. Suggestions put forward by the Committee of the Regions regarding the European Commission's working document on 'Cohesion Policy and cities: the urban contribution to growth and jobs in the regions'

The Committee of the Regions

2.1 **congratulates** the European Commission on its precise, detailed and well-founded remarks on the following subjects: Sustainable urban development in European regional policy, Urban realities: Why cities matter, Attractive cities, Supporting innovation, Entrepreneurship and the knowledge economy, More and better jobs, Disparities within cities, Governance and Financing urban renewal;

2.2 **welcomes** the fact that the action guidelines call to Member States to support measures introduced by the cities;

2.3 **calls** for a fourth priority to be established in the Community strategic guidelines, namely a priority focussed on cities and city regions with the aim of creating safe, cohesive and sustainable (economically, socially, environmentally and commercially sustainable) communities even in the most deprived urban areas;

2.4 **highlights** the diverse situations of cities, which depend in particular on their size, geographical location for example, peripheral areas, the way powers are distributed internally in the countries concerned, and on whether they are located in new or old Member States; **suggests**, moreover, that account be taken of an important criterion, namely the differences that exist between cities in the individual Member States as a result of differing levels of urbanisation and economic development in the countries concerned;

2.5 **hasres** the European Commission's viewpoint that a general boost to cities' powers to take action is a prerequisite for their successful development and enables them to make a significant contribution to regional development. To this end, cities must be equipped with the systems and tools enabling them to respond to economic and social change, as well as with a critical mass of financial resources that could be provided in the form of global grants with the delegation of the various management tasks, as provided for by the new ERDF regulation (Articles 36, 41 and 42);

2.6 **stresses** that in order to achieve the Lisbon strategy with high increases in growth and productivity, it is vital to

recognise the importance of cities and urban areas in their delivery, due to their critical mass of population, centres of excellence in higher education and science and the ability to apply discoveries on an industrial scale. It calls therefore for an urban dimension of cohesion policy which recognises the potential cities have as drivers on innovation and the knowledge economy;

2.7 **points out**, especially in connection with the improvement to framework conditions for entrepreneurship and innovation, that cities can only exercise this important guidance function if they have access to the financial resources necessary to do so. This of course also holds true for all the fields of action mentioned;

2.8 **emphasises** the importance of a coordinated approach which takes into account the realities of 'functional regions' for achieving sustainable improvements through the proposed action guidelines. Not until there is cooperation between partners across administrative borders can opportunities arise for finding solutions and exploiting potential. This cooperation, which is not always simple in practice, should be promoted by means of special incentives in EU policies such as the promotion of strategic development projects for large areas. It is particularly important that new cooperation networks should be set up between metropolitan and urban areas, and existing ones strengthened. Of particular note is the cooperation developed during the current programming period under the Interreg III initiative, which will take effect during the 2007-2013 period through the territorial cooperation objective;

2.9 **stresses** the important role cities have in combating climate change, because of the size of population, and ability to generate change on a large scale, for example in areas such as public transport services and innovative energy use in buildings; Proposes therefore an environmental requirement to be introduced to the structural funds programmes;

2.10 **underlines** the importance of the redevelopment and land-use development of brown field sites and public spaces, as a contribution to the renewal of established urban areas and steps to reduce the amount of relocation taking place. To this end, cities need support at national and European level. In order to address their specific problems, metropolitan and urban areas thus need financial support from the Community based on setting up ad hoc programmes to regenerate urban areas that are in decline and enhance the initiatives that continue the work undertaken under URBAN;

2.11 **is aware** of the importance of a diversity policy that covers all areas of public administration. This is an essential prerequisite for fully harnessing the specific potential of people from an immigrant background, who often still represent a largely untapped resource;

2.12 **draws particular attention** to the importance of services of general interest in making urban systems efficient and cities attractive. In particular, it must be remembered that, under the subsidiarity principle, local and regional authorities have the right to decide for themselves how services of general (economic) interest are provided; **asks** that the European legal framework should remain open to the possibility of self-provision or the direct commissioning of in-house enterprises. Cities and regions need greater flexibility in public procurement and state aid law;

2.13 **recommends** that, in all areas of activity, particular attention be paid to the requirements of women, youth, older people and people with special needs;

2.14 **believes** cities have to be made more 'women friendly' locations through support for women's entrepreneurship, measures to develop and support women as leaders and managers in business and public sector in cities, by means of appropriate neighbourhood and welfare services;

2.15 **proposes** that the document be expanded to include a dedicated section on health. This issue is, of course, touched on in the three key areas – accessibility and mobility; access to service facilities; and the natural and physical environment – but should, given its importance, also be dealt with explicitly in guidelines for action of its own;

2.16 **stresses** the particular importance of guaranteeing across-the-board, affordable childcare facilities with opening times that reflect actual need. Such facilities enable parents and guardians to go out to work, while at the same time laying a key foundation for children's continued education and making a major contribution to the integration of different cultures and the inclusion of children with special needs;

2.17 **is critical** of the fact that, under the guidelines on *Actions for SMEs and micro-enterprises*, the provisions designed to improve access to finance through burden-sharing are to be subject to major restrictions and stringent criteria; **stresses** the need to increase financial support for micro businesses;

2.18 **feels** that the full scope of education and education policy, including lifelong learning, should be considered not only in relation to impact on growth and employment, but also from the point of view of a socially responsible, solidarity-based community focused above all on getting everyone involved in all aspects of society, not just in economic processes;

2.19 **is aware** that, because of the growing numbers of older people, areas such as nursing, care and 'social' services

are set to become more important. These shifts in the age pyramid represent major challenges for urban areas in the future. But they also offer an opportunity for growth and employment, for instance in the caring professions;

2.20 **stresses** that the large numbers of immigrants living in Europe's metropolitan and urban areas represent a considerable challenge for those areas, but also a new resource where these areas should seek new growth opportunities. The various public administrations should promote the use of these opportunities;

2.21 **stresses** the increasing importance, not least for urban areas, of the social economy as a growing labour market, alongside the first (private) sector and the second (public) sector; **calls for** explicit consideration to be given to the need to promote the market opportunities of social economy enterprises (the 'third sector') in the guidelines for action (e.g. in access to credit or through state guarantees);

2.22 **would in particular underline** the key importance of sustainable job creation and action to tackle unemployment for the further development of the EU as a whole. Tangible success in this area is the only way to win (back) public acceptance of the EU. Unemployment hits cities, which are centres of structural change, particularly hard;

2.23 **asks** that Member States' labour market policies should increasingly reflect the needs of urban regions and that appropriate schemes be developed in conjunction with the established urban employment areas. Formal agreements and pacts to coordinate national, regional and local labour market policies, such as the territorial employment pacts, may serve as a basis here. These pacts consolidate linkages between economic, regional and labour market policy at urban level. They should be further built upon and backed up by EU resources;

2.24 Agrees with the European Commission that the large numbers of foreigners living in cities present opportunities and that to be competitive, cities need to attract and support people with a wide variety of skills and migrants often fill useful gaps; endorses therefore the recommendation presented by the European Commission in its recent Report on the Functioning of the transitional arrangements on freedom of movement for persons, i.e. 'recommends that the Member States carefully consider whether the continuation of these restrictions is needed, in the light of the situation of their labour market and of the evidence of this report';

2.25 **makes a critical point** about the key importance of the quality of jobs being created. Employment gains have – ultimately – largely been the result of more part-time jobs and new forms of work. In some sectors, the quality of the jobs on offer is falling and/or the conditions of employment are failing to meet the requisite legal standards. These types of employment, which often fail to provide financial stability for workers, result in new social upheavals. The private sector and commercial enterprises are called upon to provide jobs that facilitate sustainable employment. A more flexible labour market built at the expense of safe and secure work and social security is unsustainable and therefore the various public administrations must ensure that this does not become a reality;

2.26 **stresses** that moves to combat social exclusion and the problems that stem from it – from ghettoisation to crime – are a fundamental prerequisite for the quality of urban life. Public administrations must pay particular attention to those groups that suffer the greatest risk of social exclusion, especially immigrants;

2.27 **stresses** that the mainstreaming of Community initiatives such as URBAN and EQUAL within National and Regional Operational Programmes must not undermine the innovative scope of EU programmes and initiatives. On the contrary, it is important to encourage the innovative nature of urban initiatives within the new cohesion policy and to promote the networking of ideas and their application in practice;

2.28 to this end, **calls** on the Commission to ensure that urban initiatives are comparable, when they are implementing an EU guideline, and that their effectiveness can be measured in terms of quality and quantity, given that they have an emblematic and transferable quality that it is worthwhile preserving for the next planning period.

3. Committee of the Regions' recommendations

The Committee of the Regions

3.1 **calls on** the European Commission to take account of the urban dimension in all Community policies. This requires an approach that identifies, analyses and reflects the practical problems of the real urban environment and assesses the impact of Community policies on urban areas. To make sure this happens, it is vital to involve urban authorities in all stages of policy and programme development, implementation and evaluation;

3.2 **points out** the need to improve coordination of the urban dimension among all European Commission departments, especially DG Regio, DG Environment, DG Transport,

DG Employment and DG Public Health. The urban dimension must be given greater attention, both financially and territorially, in all EU programmes;

3.3 **also stresses** the need for greater coordination between the European Commission, the European Parliament and the Council in order to provide a clearer agenda for EU urban measures;

3.4 **recommends** that the European Commission strengthen the interservice working group by involving experts from urban areas, and that it establish an interservice 'task force' along similar lines to the European Parliament's urban/housing intergroup; the Committee also recommends the establishment of forums for regular dialogue with cities on EU policy affecting them, as is already done in the environment field;

3.5 **calls on** the European Commission and the Member States to launch 'territorial dialogue' – along similar lines to social and civil dialogue – so as to give the various regional and urban authorities and their respective national and European associations the opportunity to make their views known during the framing, negotiation and adoption of policies and measures affecting urban areas and the regions, and thus to take a hand in helping formulate them. The dialogue with associations of regional and local authorities launched by the European Commission in 2003 ⁽¹⁾ in collaboration with the Committee of the Regions, is just a first step along this path;

3.6 **calls for** the organisation of a high-level meeting by the Council and the Member States before each Spring Summit. In addition to the parties to the territorial dialogue, the participants at the proposed meeting should include, in particular, the European Commission, the European Parliament, the Committee of the Regions and urban networks. It is also **proposed** that annual meetings be held between the ministers of the Member States who are responsible for urban policy and that these be preceded by meetings between representatives of urban networks and European and national local government associations such as the Council of European Municipalities and Regions. At these meetings the Interservice working group of the European Commission should give participants regular progress reports on its work;

3.7 **urges** the governments of the Member States to pay greater attention to the urban dimension in their national policies. It is particularly necessary to ensure that cities are provided with the funding required to carry out their tasks. The dialogue with cities and their respective associations should also be stepped up and enshrined in a specific formal consultation procedure;

⁽¹⁾ Communication from the Commission: *Dialogue with associations of regional and local authorities on the formulation of European Union policy*, COM(2003) 811, 19.12.2003.

3.8 **underlines** the key importance of R and D to the achievement of the Lisbon objectives; therefore **urges** that the important role played by cities in research policy be reflected in the Seventh Framework Programme of the European Community for Research, Technological Development and Demonstration in the form of 'urban mainstreaming'. Up to now the urban dimension has only been decisively taken into account in the areas of the environment and traffic. It is, however, essential for all themes and specific programmes to take account of urban research aspects. It is important, on this front, to use special measures to better support the networking of cities with their universities and research institutes. This will create a synergy for urban development and broader public awareness of R&D. One such measure, for example, could be a competition entitled 'European City of Science';

3.9 The 7th Framework Programme on Research & Technological Development should strengthen the role that cities play in the exchange of information and knowledge, ensure that the allocation of resources and policies for innovation responds to the needs of society in general and citizens in particular, and guarantee support for transnational research into urban development;

3.10 **stresses** the importance of subsidiarity and the involvement of sub-national bodies in the programming and implementation of cohesion policy. Decentralising the management of the Structural Funds must not lead to the centralisation of cohesion policy at Member State level;

3.11 **asks** the European Commission to apply the principle of proportionality with respect to management and control systems for measures developed by municipalities;

3.12 **calls for** local authorities to be involved more closely and more transparently in the preparation, drawing up and implementation of the national reform programmes and for the Member States to include a specific chapter in their annual reports to the European Commission detailing measures to implement these programmes at a local level;

3.13 **welcomes** the fact that the European Commission has taken account of the urban dimension in its proposals for Regulations on the Structural Funds and the Cohesion Funds covering the period 2007 to 2013;

3.14 **calls for** the consolidation of the urban dimension in the Strategic Guidelines for Cohesion 2007-2013. It is up to the European Commission to ensure that the urban dimension is actually taken into account by, for example, clearly stipulating that the urban dimension is to be borne in mind in the implementation reports to be drawn up by the Member States and the annual report by the European Commission, laid down in Articles 27 and 28 of the draft general Structural Funds Regulation⁽¹⁾;

3.15 **emphasises** that the forward-looking, strategic initiatives implemented by municipal authorities, mainly in the form of proposals for the generation of alternative jobs in so-called 'new sources of employment', play an essential role in tackling unemployment-related problems. Therefore, the Committee **calls for** both consideration of the urban dimension when creating and developing employment programmes, and provision of the necessary powers, management instruments and budgets for cities;

3.16 **welcomes** the joint initiatives JEREMIE, JASPERS and JESSICA launched by the European Commission and the EIB Group. Equal access on the part of all levels of state administration to these financing schemes is a key prerequisite for their success;

3.17 **recommends** that data and analyses demonstrating the complex reality of cities and enabling people to make a better appraisal of the situation in cities be drawn up, regularly updated and distributed. The CoR supports, in particular, initiatives such as ESPON and STAEDTEAUDIT (Urban audit);

3.18 **supports** the development of networks between cities for the exchange of experience and best practice. With this aim in view, we should build on the foundations laid by existing networks - such as URBACT and the European Urban Knowledge Network pilot project - inter-regional key areas of urban cooperation, Eurocities, etc. Initiatives of national and European associations that represent the interests of cities should also be taken into account;

3.19 **recommends** that the Commission requires countries that receive this support to set aside a substantial part of the Cohesion Fund resources for sustainable urban transport projects.

Brussels, 26 April 2006

The President
of the Committee of the Regions
Michel DELEBARRE

⁽¹⁾ Proposal for a Council Regulation laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund - COM(2004) 492 of 14 July 2004.

Opinion of the Committee of the Regions on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Civil Society Dialogue between the EU and Candidate Countries

(2006/C 206/05)

THE COMMITTEE OF THE REGIONS,

HAVING REGARD TO the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Civil Society Dialogue between the EU and Candidate Countries (COM(2005) 290 final);

HAVING REGARD TO the European Commission's decision of 29 June 2005 to consult it under the first paragraph of Article 265 of the Treaty establishing the European Community;

HAVING REGARD TO the CoR president's decision of 29 September 2005 to instruct the Commission for External Relations to draw up an opinion on the European Commission's strategy on progress in the enlargement process;

HAVING REGARD TO its opinion on the Financial Perspective – Communication from the Commission to the Council and the European Parliament: Building our Common Future: Policy Challenges and Budgetary Means of the Enlarged Union 2007-2013, COM(2004) 101 final (CdR 162/2004 fin ⁽¹⁾), rapporteur: Sir Albert Bore, member of Birmingham City Council (UK/PES));

HAVING REGARD TO its Opinion on the Recommendation of the European Commission on Turkey's progress towards accession, COM(2004) 656 final (CdR 495/2005, rapporteur: Ms Helene Lund, Local Councillor, Farum (DK/PES));

HAVING REGARD TO its Opinion on the Proposal for a Council Decision on the principles, priorities and conditions contained in the European Partnership with Croatia, COM(2004) 275 final (CdR 499/2004, rapporteur: Mr Gottardo, member of the Friuli Venezia Giulia Regional Council (IT/EPP));

HAVING REGARD TO the results of the European Commission's on-line public consultation on The Future Programme for Active European Citizenship 2007-2013;

HAVING REGARD TO the Council Decision of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation) (2004/100/EC);

HAVING REGARD TO its draft opinion (CdR 50/2006), adopted by the Commission for External Relations and Decentralised Cooperation on 28 February 2006 (rapporteur: **Mr Gottardo**, member of the Friuli Venezia Giulia Regional Council (IT/EPP));

CONSIDERING the key role played by civil society in the candidate countries in acquainting the public with the European integration project and supporting national, regional and local authorities engaged in the economic, social and political endeavours necessary for successful completion of the accession process;

⁽¹⁾ OJ C 164 of 5 July 2005, p. 4.

CONSIDERING the need for civil society dialogue between the EU and candidate countries in order to speed up and strengthen the process of developing understanding of each other's social and political systems and respect for each other's cultures;

CONSIDERING the benefit of ensuring a decentralised approach when creating civil society networks in EU and candidate countries to develop mutual understanding and disseminate information on the European integration process;

unanimously adopted the following opinion at its 64th plenary session, held on 26 and 27 April 2006 (meeting of 27 April):

1. The Committee of the Regions' views

1.1 General comments

The Committee of the Regions

1.1.1 **welcomes** the European Commission's Communication seeking to give practical effect to the third pillar of its strategy, which is based on civil society dialogue and concerns Turkey, Croatia and future candidate countries;

1.1.2 **agrees**, in particular, that the European institutions need to shift their attention to the public in the candidate countries, who have been sidelined in the past when it came to the decisions, effects and opportunities of previous enlargements and have therefore often perceived the integration process as being imposed on them rather than something they have espoused themselves;

1.1.3 **considers**, in line with the Council's decision of 3 October 2005 stressing the need to ensure citizens' support for the accession process, that public information about the consequences of continuing EU enlargement should be provided not only to citizens of the candidate countries but also to civil society players in the Member States. The capacity of the Community to expand - a basic condition of accession - will also be determined by the degree to which future enlargements are accepted by EU citizens;

1.1.4 **supports** the Commission's decision to include regional and local authorities in the political dialogue to be developed with all the candidate countries while they are working towards accession to the EU; therefore **considers** the CoR to be a key player in the third pillar of the Commission's strategy in that it has been directly called upon to further civil society dialogue; therefore **asks** to be directly involved in the Commission's future work in the area of civil society dialogue, particularly where information and communication measures are concerned;

1.1.5 **points out** the imbalance in the Commission Communication, which is concerned almost exclusively with Turkey; **believes** that a broader Communication on the third pillar might have been more useful, applying to all the candidate countries rather than just Turkey and Croatia;

1.1.6 in particular, **notes** the discrepancy in the Communication's approach to financial support: an - albeit provisional - minimum budget is laid down for activities related to Turkey while no financial support is laid down for activities related to Croatia;

1.1.7 **considers** that it should be left to each EU Member State to decide how best to draw up an information and integration policy for candidate country citizens who are resident in that Member State, while it **feels** that it would be more in keeping with the Commission's role for it to formulate a joint approach, valid for both current and potential candidate countries, conveying the *raison d'être*, significance and potential benefits of the European integration process through an information campaign targeting the citizens of all the candidate countries and implemented by regional and local authorities;

1.1.8 **stresses**, in this connection, the need to entrust to a European civil society network, operating in civil society in each candidate country and working with schools and universities in these countries, the task - together with adequate funding - of conveying to their citizens the history, institutions, *raison d'être* and future development of the European integration process, and, in particular, the meaning of the European citizenship which they will take on alongside their national citizenship when the accession process is completed;

1.1.9 **proposes**, moreover, setting up and institutionalising meetings of EU regional and local elected representatives and their counterparts from all the candidate countries; at present this is not an established practice where Croatia and the Western Balkan potential candidate countries are concerned, under the first Stabilisation and Association Agreement (SAA) models.

1.2 Current and new activities: Turkey

1.2.1 **reiterates** its belief that it would be beneficial to set up a Joint Consultative Committee with Turkish local authorities but **notes** with concern that the Turkish national authorities have yet to complete the steps necessary to actually set up a JCC with the CoR;

1.2.2 **takes note** of the Commission's proposal to involve NGOs in the process of integrating Turkish citizens into EU Member States, but **stresses** that a decentralised approach involving local authorities is essential to facilitate this;

1.2.3 **stresses** the need for a yearly special Commission report on respect for the rights of minorities in Turkey and **considers** it would be appropriate to allocate a fixed percentage of preaccession funding to NGOs and associations of local representatives working to protect minority rights and the use of minority and regional languages;

1.2.4 **welcomes** the Commission's intention to support organisations upholding women's rights and equal opportunities and **stresses** the need to facilitate and monitor actual active participation of women in local politics;

1.2.5 **welcomes** the participation of Turkish students in the Jean Monnet Community programmes but **considers** it essential – employing new technology where appropriate – to decentralise and broaden this approach in order to allow both outlying universities and students who do not go on to higher education to take part;

1.2.6 **welcomes** the development of intercultural exchanges, which could become the cornerstone of dialogue with the EU, and **urges** the Commission, particularly its Ankara delegation, to adopt a decentralised approach which caters for outlying non-governmental organisations from regions of Turkey where minority languages are spoken and to use the Community Culture and Media programmes to promote preservation of these languages;

1.2.7 **agrees on** the need to encourage dialogue between religious communities and associations, and **expects** to be kept properly informed about this dialogue in future Communications on civil society dialogue;

1.2.8 **believes** it would be useful for the CoR to be actively involved in promoting on-line public debates, taking part in web-based initiatives organised by the Commission on the web page providing information on Turkey.

1.3 *Current and new activities: Croatia*

1.3.1 **regrets** that the Stabilisation and Association Agreement (SAA) with Croatia does not provide for the creation of a Joint Consultative Committee by the CoR and Croatian local and regional authorities, and **draws the Commission's attention** to the need to support the CoR's request, in order to avoid similar mistakes with regard to the other potential candidate countries in the Western Balkans;

1.3.2 **notes** that Croatia is taking part in more Community programmes and **calls for** more twinning of Croatian and EU towns through the Citizens for Europe programme, and of

Croatian and EU regions, particularly Objective 1 regions in Member States which joined the EU in 2004, through the Leonardo da Vinci and other programmes;

1.3.3 **draws the Commission's attention** to the need to focus particularly on promoting respect for minority languages and bilingualism and the rights of minorities in Croatian civil society;

1.3.4 **welcomes** the Commission's intention to include programmes made by European regional and local broadcasting companies in its plans for financing television programmes informing the public about the EU; in this connection, to ensure the success of these programmes, **stresses** the importance of the use of regional languages or the languages of national minorities;

1.3.5 among the new activities to be developed with the active participation of Croatian civil society, **considers** it essential to encourage cross-border cooperation, particularly by promoting Euroregions and inter-faith dialogue;

1.3.6 **takes note** of the Croatian government's intention to draw up a National Civil Society Development Strategy, and to set up a Council for Civil Society Development with the task of ensuring that the allocation of national funds for the activities of Croatian civil society is decided with the necessary transparency.

2. The Committee of the Regions' recommendations

2.1 *General recommendations*

The Committee of the Regions

2.1.1 **considers** that it would be appropriate, as of 2006, for the Commission to issue a comprehensive and more balanced yearly paper on progress in civil society dialogue, taking into greater account the different situations of all the candidate countries and including a specific report on dialogue between religious communities and associations;

2.1.2 **calls for** a budget for the annual financing of activities fostering the development of civil society dialogue, specific to each candidate country, to be regularly appended to future Communications on civil society dialogue;

2.1.3 **proposes** that the Commission explore the possibility of creating a European civil society network which would respect the EU's national, regional and local cultural diversity and use schools and universities to encourage the public in candidate countries and Member States to become more familiar with each other's history and cultures and with European integration;

2.1.4 **stresses** that dialogue should focus on positive aspects of European integration;

2.1.5 **calls on** the Commission to use the Circom network and private television channels in the regions and towns of the EU and the candidate countries to broadcast television programmes for the general public in order to develop civil society dialogue between the EU and the candidate countries; moreover, **asks** the Commission to facilitate the participation in CoR plenary sessions of journalists from the Turkish and Croatian national, regional and local press, including that serving minorities;

2.1.6 **believes** that special attention should be paid to respect for equal opportunities and the role of women's associations and therefore proposes that the Commission give priority to NGO projects seeking to secure respect for equal opportunities and increase the participation of women in social and political activities; in this connection, **calls upon** the Commission to provide specific programmes for the candidate countries, designed to combat direct and indirect discrimination both in economic, social and political life and in the education and media sectors;

2.1.7 **points out** that Croatia is currently excluded from the Community action programme supporting bodies working in the field of active European citizenship (civic participation).

2.2 Turkey

2.2.1 **takes note** of the Commission's estimate that EUR 40 million of funding will be needed to cover programming costs for civil society dialogue for 2006; in this regard, **believes** that a mid-term review of the use of the funds available would be **beneficial**; and **considers** that it would be more effective to adopt an approach which takes into account specific needs rather than allocating a fixed percentage as the Communication proposes, except for a pre-established, multi-annual allocation to facilitate the work of NGOs and associations of local representatives seeking to protect minority rights and the use of minorities' native languages;

2.2.2 **calls upon** the Turkish authorities to take the necessary steps to create a Joint Consultative Committee of Turkish local authorities and the CoR;

2.2.3 **urges** the Commission to extend financing for Jean Monnet programmes and the Jean Monnet Action supporting 'European integration studies' university courses to establishments outside major cities and the main Turkish universities as well; in this context, **considers** that similar programmes for pre-university students should also be provided;

2.2.4 **recommends**, with a view to involving NGOs from outlying areas in Turkey, that closer links be forged with associations representing local authorities and regional and local media;

2.2.5 **urges** the Commission to step up its appeals to the Turkish authorities for women to be properly represented in local government bodies; to this end, **calls for** an annual European award to be created rewarding women's involvement in local politics in Turkey;

2.2.6 **suggests** that, in order to promote the practice of twinning between Turkish and EU towns, the Commission enlist the help of CoR members, who could 'adopt' a certain number of municipal councils each year and twin them with EU counterparts: this could take place, for instance, at an annual conference held by the Commission with the cooperation of the CoR;

2.2.7 **calls upon** the Commission to involve it in the web-based promotion of on-line public debates, including the creation and launch of the website that will provide information on enlargement and on activities organised as part of civil society dialogue in Turkey.

2.3 Croatia

2.3.1 **calls upon** the Commission, as from the 2006 programming exercise, to specifically earmark part of the total annual appropriations available under the pre-accession assistance programme, to finance activities relating to civil society dialogue;

2.3.2 **reiterates** its interest in dialogue with Croatian regional and local authorities and **calls for** SAAs with other Western Balkans countries to provide explicitly for the creation of a Joint Consultative Committee with the CoR;

2.3.3 **proposes** that specific twinning programmes linking Croatian regional public administrations and those of EU Objective 1 regions (Convergence Objective as of 2007) should be set up with a view to the exchange of good practices in the use of Community pre-accession funds, and, in particular, that regional twinning initiatives should be specifically scheduled under the Leonardo da Vinci training programme;

2.3.4 **proposes** that an information campaign be launched to enhance mutual understanding and to disseminate the European message at local level, including in the languages of national minorities; Croatian regional media, including those representing national minorities, should be involved;

2.3.5 **calls upon** the Commission to protect the work of civil society organisations representing national minorities in Croatia and to issue an annual report on respect for the rights of national minorities, focusing in particular on the use of bilingualism (where provided for) in local and regional administrations;

2.3.6 **proposes** that Croatia be allowed to participate as of 2007 in the Community action programme supporting bodies

working in the field of active European citizenship (civic participation);

2.3.7 **suggests** that the Commission request that a representative of EU Member States' civil society be allowed to participate as an observer in the Council for Civil Society Development set up by the Croatian government.

Brussels, 27 April 2006.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the

- **Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union**
- **Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Migration and Development: Some concrete orientations**
- **Proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals**

(2006/C 206/06)

The Committee of the Regions,

HAVING REGARD TO the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Migration and Development: Some concrete orientations (COM(2005) 390 final) and the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union (COM(2005) 389 final);

HAVING REGARD TO the Proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals (COM(2005) 391 final);

HAVING REGARD TO the decision of the European Commission of 1 September 2005 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

HAVING REGARD TO the decision of its President of 23 September 2005 to instruct the Commission for External Relations (RELEX) to draw up an opinion on this subject;

HAVING REGARD TO Article 63 of the Treaty establishing the European Community;

HAVING REGARD TO EC Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted;

HAVING REGARD TO Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;

HAVING REGARD TO Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;

HAVING REGARD TO its opinion on the Green Paper on an EU approach to managing economic migration (CdR 82/2005 fin);

HAVING REGARD TO its opinion on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on immigration, integration and employment (CdR 223/2003 fin), OJ C 109 of 30.4.2004, p 0046-0049;

HAVING REGARD TO its draft opinion (CdR 51/2006 rev. 1) adopted on 2 March 2006 by the Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (rapporteur: **Andreas Schieder (AT/PES)**);

adopted the following opinion at its 64th plenary session, held on 26 and 27 April 2006 (meeting of 27 April):

I. COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – A COMMON AGENDA FOR INTEGRATION – FRAMEWORK FOR THE INTEGRATION OF THIRD-COUNTRY NATIONALS IN THE EUROPEAN UNION COM(2005) 389 FINAL.

1. Views of the Committee of the Regions

The Committee of the Regions

1.1 **welcomes** the fact that the Commission is responding to the call from the European Council for proposals for a coherent European framework for the integration of third-country nationals;

1.2 **notes** that in its initial response the Commission concentrates primarily on proposals for specific measures for the consistent application of the Common Basic Principles for Integration and on the EU support mechanisms (new possibilities for action at EU and Member State levels, new ways of guaranteeing coherence between EU and Member State measures);

1.3 **acknowledges** that the Communication's tables of sample measures at both national and EU level are based on the Common Basic Principles for Integration (adopted by the

European Council in November 2004) and on the integration handbook, the preparatory measures for INTI and the preparations for establishing a European Integration Fund;

1.4 **notes with regret** that the Commission does not say which proposals are to be prioritised, but wishes this to be done by the Member States themselves;

1.5 **welcomes** the Commission's view of integration as a two-way process;

1.6 **considers it important** that measures be taken to strengthen the adaptability of the host country population (raising of intercultural awareness and knowledge, acceptance of migration) and that reinforcement be given to the role of private organisations in diversity management and to cooperation with the media (promoting a voluntary code of conduct);

1.7 **welcomes** the fact that respect for the basic values of the EU should underpin integration. Here the primary focus needs to be on the citizenship element of induction programmes;

1.8 **welcomes** the Commission's focus on education and **reiterates** the need to implement specific instruments and measures in the field of education so that migrants can integrate fully into the education system of the host country and consequently into society as a whole;

1.9 **stresses** that employment must be viewed as a key component of the integration process. The following are particularly important: innovative ideas for avoiding discrimination, recognition of education and professional experience (by setting up common procedures for this recognition in all Member States), involvement of the social partners in the measures, help to enhance the training capacities of small companies, professional organisations and trade unions, and positive measures to promote recruitment of migrants. The Committee emphasises that uniform, clear and non-discriminatory criteria should be established throughout the EU for assessing the education systems of individual countries and the professional experience of citizens from EU Member States;

1.10 **stresses** that integration is a dynamic, two-way process of mutual accommodation. Welcoming initiatives and offers of help are important confidence-building measures in this respect;

1.11 **stresses the importance** of making both migrants and the resident population aware of the EU's basic values;

1.12 **stresses** that promoting access to the labour market and education opportunities, and recognising qualifications and professional experience, are important elements of the integration process;

1.13 **welcomes** the proposed support for strengthening the capacity of public and private service providers to interact with third-country nationals (translation service, intercultural skills, integration and diversity management, mentor programmes);

1.14 **agrees** that frequent encounters between migrants and residents, common forums, intercultural dialogue, information about migrants and their culture, and integration-friendly living conditions in cities should be reinforced;

1.15 **notes** that the EU Charter of Fundamental Rights guarantees respect for cultural diversity and the right to freedom of belief, save where it conflicts with other inviolable EU laws, the Universal Declaration of Human Rights or national law;

1.16 **stresses** the importance of migrants participating in the democratic process and in formulating integration policy measures, particularly at local level;

1.17 **welcomes** the comprehensive nature of the catalogue of sample measures and its inclusion of all important facets of

integration. This makes it a potentially valuable starting point for aligning integration policies in the Member States;

1.18 **stresses** that clear goals must be formulated. Indicators and evaluation mechanisms should be used to monitor these so that measures can be adjusted, progress in integration assessed and information flows more efficiently configured;

1.19 **attaches particular importance to** cooperation and information exchange (national contact points for integration – NCPI, the integration handbook, website on the integration issue).

2. The Committee of the Regions' recommendations

The Committee of the Regions

2.1 **stresses** that while national circumstances and traditions may dictate the choice, manner and means of application, the proposals are nevertheless considered core elements of the Member States' integration policies;

2.2 **points out** that the gender aspect and the situation of young migrants and children from migrant families should receive particular attention;

2.3 **recommends** that a basic knowledge of the language, history and institutions of the host community be considered a prerequisite for integration;

2.4 **calls for** efforts to be made in the education system to equip migrants for more successful and active participation in society. For example, there should be a diversity dimension in school curricula and particular support in education for young migrants. The importance of pre-school education should also be highlighted and projects set up to ease the transition from school to work, and tailored programmes should therefore be promoted in the Member States;

2.5 **stresses** that in addition to the need to 'address[ing] effectively migrant youth delinquency', as the Commission states, there is also a need to promote effective prevention and information policies upstream of the process;

2.6 **underlines** the fact that equal access for migrants to public and private goods and services, without discrimination, should be promoted as crucial prerequisites for integration;

2.7 **stresses** that acceptance of other ways of life and views has a limit that may not be crossed, i.e. respect for human rights and the fight against all types of discrimination, particularly on the grounds of gender, as protected by EU and international law. Women should receive special protection and be guaranteed equal opportunities and full access to employment, training, and the political life of European democratic society. Their free will should also be protected, avoiding forced marriages, combating domestic violence, guaranteeing their sexual and reproductive rights, prohibiting degrading practices such as female genital mutilation, etc. Human rights are non-negotiable, and flouting them cannot be justified on any traditional and/or cultural grounds. Specific measures should therefore be devised and implemented to inform, prevent, support and raise awareness, in order to combat all discriminatory and/or degrading practices and thus move towards achieving equal opportunities for both male and female migrants;

2.8 **highlights** the Communication's lack of binding measures and analytical focus. This gives the general impression that 'soft measures' (such as dialogue, forums and information provision) lie at the heart of the Communication; the importance of these measures should not be underestimated. Those that are structurally important for integration, such as the political involvement of migrants (Principle 9), appear only peripheral;

2.9 **calls for** clear differentiation and classification according to political, legal, structural and institutional responsibilities and players in the host society and according to the importance of the measures. To this end, the Common Basic Principles should also be further elaborated to make them a stronger instrument;

2.10 **recommends** steps for a coherent approach at EU level. The legal framework for admission and stay, including rights and obligations, should be consolidated;

2.11 **notes** that the Communication raises the gender issue as a matter of concern, and the language should reflect this;

2.12 **calls for** every future migration instrument forming part of the legal framework for admission and stay to provide for equal treatment and rights for female migrants;

2.13 **underscores** the importance, particularly on the participation front, of interest group involvement and the idea of establishing a European integration forum of EU umbrella organisations (consultation, recommendations, close contact with National Contact Points for Integration – NCPI). The European Parliament (EP), the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR) should be invited to take part. The European Integration Forum should be involved in the preparatory conference for

future integration handbooks. The annual report on migration and integration should be continued and developed further;

2.14 **points out** that many of the promised measures (welcoming initiatives, offers of help, raising host community awareness, offers of training, etc.) are to be delivered by local bodies. It is crucial, therefore, that these be given the necessary resources. The same is true at regional level (establishment of information instruments, induction and cultural programmes, etc.);

2.15 **calls for** municipalities and regions to be adequately funded so that they can implement integration measures;

2.16 **proposes** setting up a database (e.g. with information on the recognition of education and qualifications and on the needs of migrants);

2.17 **points out** that the regional and local levels perform a major and indispensable role in integration and can contribute comprehensive knowledge and know-how. They should therefore be heavily involved at a very early stage in developing strategies and in the whole process;

2.18 **calls for** measures and incentives enabling migrants themselves to make use of the ideas proposed (e.g. job-seeking and training incentives).

2.19 **stresses** the need to improve the methods for calculating the number of migrants in order to be able to adjust and develop the integration measures to be implemented.

II. COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - MIGRATION AND DEVELOPMENT: SOME CONCRETE ORIENTATIONS (COM(2005) 390 FINAL)

1. Views of the Committee of the Regions

The Committee of the Regions

1.1 **notes** that the Communication contains steps for improving the effect of migration on development. The basis for this is the Communication of December 2002 and the focus is on south-north migration;

1.2 **notes** that, together with the effect of emigration on the development of the countries of origin, it is also important to study the effects of development cooperation on emigration, as it is a basic aspect of this. Only by helping the countries of origin of migration to provide sufficient opportunities for their citizens will it be possible to control migratory flows in the long term;

1.3 **notes** that the Communication sets great store by supporting temporary and virtual return as a way of transferring knowledge and experience to the benefit of home countries and their development (brain-circulation instead of brain-drain);

1.4 **welcomes** the particular importance attached to integrating migration policy into development policy, employing returning migrants in development, facilitating capital transfers and remittances, and co-financing projects founded on remittances;

1.5 **approves of** the Communication's intention generally to support the maintenance of contacts between countries of origin and migrants. (This element plays an even greater part in the citizenship policies of the individual Member States.);

1.6 **stresses** the importance of greater emphasis on migrants as bridge-builders to their countries of origin. This approach should serve as an argument for additional training in the language of the host country, along with additional literacy training and classes given in the mother tongue;

1.7 **notes** that the Green Paper on legal immigration, for example, makes it clear that the emphasis will be on promoting temporary jobs and immigration of highly qualified workers.

2. Recommendations of the Committee of the Regions

The Committee of the Regions

2.1 **notes** that money flows can only help to achieve development goals. They are of a purely private nature and hence cannot replace state development aid;

2.2 **stresses** that the charges and conditions of transfer are unsatisfactory. Measures are required to cut charges, increase safety and speed up transactions. While these are achievable in the short term, the impact on development should be viewed as a longer-term goal;

2.3 **proposes** that the following measures be provided for:

- promoting cheaper, quicker and safer remittance transfers;
- better data;
- transparency;
- legal framework;
- technical framework;
- access to financial services.

2.4 **welcomes** the envisaged support for developing countries in identifying and building up contacts with their diasporas. Databases should be created to provide governments in the countries of origin with information they need to draw on the highest-skilled people in their diasporas. Should the need arise, these people can be invited to return. However, it should be made clear that diaspora information can only be registered in databases on a voluntary basis;

2.5 **recognises** that short-term migration is intended to improve capacity in the country of origin. It should not, however, serve as the general model for seasonal workers;

2.6 **stresses** that the return migration and short-term or virtual return referred to are impossible under the law as it stands (Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents), since even migrants with an unrestricted right to settle forfeit this status when they are absent from the host country for a relatively long period of time. To be welcomed is the fact that the Communication announces that the Commission will explore how third-country nationals do not forfeit their right to residence although they might return to their country of origin for a while as part of a return programme;

2.7 **proposes** drawing up common legislation that would enable migrants with the unrestricted right to settle to travel to their country of origin for as long as they wish, without consequently forfeiting their status as third-country nationals who are long-term residents, or their right to settle;

2.8 **recognises** that the Communication reflects the growing discussion in Europe about the role of migrants in promoting development (remittances, knowledge transfer, etc.). Seen in these terms, temporary migration is beneficial – though first of all measures should be explored which are based on voluntary return or a system of incentives;

2.9 **calls**, therefore, for a rethink in this context of what transnationality should mean for integration policy;

2.10 **commends** the Communication's adoption of a novel perspective which casts the country of origin as a stakeholder in migration management. However, this positive aspect of temporary migration and temporary return would require an unconditional right of return for long-term or longer-term migrants (in direct contradiction with Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, under which migrants automatically forfeit their acquired right to stay if absent from the territory of the Community);

2.11 **welcomes** the Communication's emphasis on encouraging temporary migration provided it is voluntary and based on a system of incentives. Temporary migration can be a useful instrument in developing 3rd world countries;

2.12 **believes** that temporary migration can only work effectively if migrants are allowed re-entry into the host country after a temporary return to their country of origin. Therefore, **calls on** the Member States which currently prevent multiple entries to reconsider the ban;

2.13 **recognises** that seasonal employment is a short-term benefit for those concerned, since they have the chance to earn money and gain professional experience for a brief period. However, they return to their countries of origin without hope of improving their economic and social situation. We think that a longer-term perspective is preferable;

2.14 **welcomes** the support for return programmes, but these can only work under an effective development policy that includes strengthening of coordinated action under decentralised cooperation;

2.15 **calls**, therefore, for sufficient investment in infrastructure and education measures and monitoring resource use on the ground;

2.16 **recommends** that seasonal immigrant workers, who are potentially more at risk of exploitation, be protected against such risk through appropriate measures;

2.17 **sees** that, although there are focused and forward-looking approaches in the Communication's proposals, work is needed to find a solution to the discrepancies referred to above;

2.18 **stresses** that restrictive approaches must not be allowed to gain the upper hand in the EU;

2.19 **stresses** the need to avert a scenario in which extensive measures for forced return are legitimised on the grounds of promoting development without a system of broad legal immigration opportunities for all levels of qualification (see the Proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals, COM(2005) 391 final);

2.20 **stresses** that it is crucial to assist the development of migrants' countries of origin, promoting cooperation with them in all areas through agreements and specific programmes;

2.21 **stresses** that the regional and local levels perform a major and indispensable role in integration and can con-

tribute comprehensive knowledge and know-how. They should therefore be heavily involved at a very early stage in developing strategies and in the whole process.

III. PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON COMMON STANDARDS AND PROCEDURES IN MEMBER STATES FOR RETURNING ILLEGALLY STAYING THIRD-COUNTRY NATIONALS COM(2005) 391 FINAL

1. Views of the Committee of the Regions

The Committee of the Regions

1.1 **stresses** that an effective repatriation policy is a necessary component of a well-conceived and credible migration policy;

1.2 **points out** that the Directive is intended to guarantee a fair and transparent procedure;

1.3 **notes** that the principle of voluntary return (incentives) is to be implemented through a harmonised two-step procedure (return decision – issue and enforcement of a removal order);

1.4 **welcomes** the creation of EU-wide re-entry bans, as this also provides the basis for a common data system (SIS II).

2. The Committee of the Regions' recommendations

The Committee of the Regions

2.1 **recommends** that the principles of the rule of law and the right to fair trial should not be sacrificed to xenophobia and a focus on purely economic considerations;

2.2 **stresses** that when introducing minimum procedural safeguards particular attention should be paid to the proportionality of coercive measures. As migrants often face harsh punishment on return to their home countries, the necessary measures should be adopted in order to safeguard human rights, giving absolute priority to protecting them when there is a risk of their being returned;

2.3 **regrets** that no thought has been given to special standards of protection for women, girls and minors, and for people with disabilities;

2.4 **calls** for EU protection to be extended to victims and witnesses of human trafficking and other migration-related crimes;

2.5 **points out** that human rights as enshrined in Community law (above all the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Charter of Fundamental Rights of the European Union) should serve as the basis for future standards. The express and binding reference to specific articles of the Convention and of the Charter is intended to ensure that this is respected in the implementation of the Directive by Member States. Loose phrasing ('take due account', 'in accordance with') could be interpreted as allowing undue latitude;

2.6 **urges** that simply staying illegally in the territory of a Member State should not be considered compelling proof of a risk of absconding. To do so would amount to an unacceptable pre-judgement infringing Art. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (right to a fair hearing);

2.7 **underlines** the importance of protecting victims and witnesses of human trafficking. Victims and witnesses of human trafficking should not be treated merely as tools for securing convictions. Instead, prior to any return, consideration should be given to the situation in the home country to avoid encouraging coercion and menace on the part of criminals;

2.8 **wishes** the passage regarding a 'threat to public policy or public security', justifying imposition of a re-entry ban, to refer only to exceptionally serious trespasses against the vital interests of Member States. Conduct that has only a minor impact on public welfare, such as unjustified illegal stay, should not incur this sanction;

2.9 **recommends** that people without sufficient resources be granted legal aid without any needs assessment. The need

for this financial support cannot be seriously predicted while a procedure is ongoing. Hence, the fact of lack of means should be the decisive factor in granting legal aid;

2.10 **calls for** coercive measures (temporary custody) to be proportional, as migrants often face harsh punishment on return to their home countries. Some people tend to behave desperately, but human rights must not, therefore, be neglected;

2.11 **notes** that Member States should be obliged to guarantee appropriate medical care during temporary custody;

2.12 **calls for** full implementation of the Convention on the Rights of the Child of 20 November 1989. Particular emphasis should be accorded to the following rights: freedom of thought, conscience and religion; protection of private life; protection from the use of violence, mistreatment and neglect; the right to health care; the right to education, schooling and training; and protection of minorities;

2.13 **stresses** that to ensure that the Directive functions properly, the serving of orders of other Member States in the territory of the individual Member States must be recognised and allowed. This should be achieved by concluding bilateral or multilateral agreements, which should also provide for the necessary cooperation between authorities;

2.14 **favours** the establishment of a central IT system for storing personal data. The authorities of the individual Member States should have access to this system and be required to submit the necessary data.

Recommendation 1

Article 5

Text proposed by the Commission COM(2005) 391 final - 2005/0167 (COD)	Amendment
<p><i>Article 5</i></p> <p>Family relationships and best interest of the child</p> <p>When implementing this Directive, Member States shall take due account of the nature and solidity of the third country national's family relationships, the duration of his stay in the Member State and of the existence of family, cultural and social ties with his country of origin. They shall also take account of the best interests of the child in accordance with the 1989 United Nations Convention on the Rights of the Child.</p>	<p><i>Article 5</i></p> <p>Family relationships and best interest of the child</p> <p>When implementing this Directive, Member States shall take account of the nature and solidity of the third country national's family relationships <u>under Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms</u>, the duration of his stay in the Member State and of the existence of family, cultural and social ties with his country of origin. They shall also respect take account of the best interests of the child in accordance with the 1989 United Nations Convention on the Rights of the Child.</p>

Reason

It is a particular concern of the Committee of the Regions that human rights as enshrined in Community law (above all the European Convention for the Protection of Human Rights and Fundamental Freedoms) is intended to serve as the basis for future standards. The express and binding reference to specific articles of the Convention ensures that this is respected in the implementation of the Directive by Member States. Loose phrasing ('take due account', 'in accordance with') could be interpreted as allowing undue latitude.

Recommendation 2

Article 6.2

Text proposed by the Commission COM(2005) 391 final - 2005/0167 (COD)	Amendment
<p><i>Article 6</i></p> <p>Return decision</p> <p>The return decision shall provide for an appropriate period for voluntary departure of up to four weeks, unless there are reasons to believe that the person concerned might abscond during such a period. Certain obligations aimed at avoiding the risk of absconding, such as regular reporting to the authorities, deposit of a financial guarantee, submission of documents or the obligation to stay at a certain place may be imposed for the duration of that period.</p>	<p><i>Article 6</i></p> <p>Return decision</p> <p>The return decision shall provide for an appropriate period for voluntary departure of up to four weeks, unless there are reasons to believe that the person concerned might abscond during such a period. Certain obligations aimed at avoiding the risk of absconding, such as regular reporting to the authorities, deposit of a financial guarantee, submission of documents or the obligation to stay at a certain place may be imposed for the duration of that period.</p> <p>2a) <u>Risk of absconding shall not be assumed merely on the grounds that a third-country national is staying unlawfully in the territory of a Member State.</u></p>

Reason

The proposed addition makes it clear that that simply staying illegally on the territory of a Member State should not of itself be considered compelling proof of a risk of absconding. To do so would amount to an unacceptable pre-judgement infringing Art. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (right to a fair hearing).

Recommendation 3

Article 6.5

Text proposed by the Commission COM(2005) 391 final - 2005/0167 (COD)	Amendment
<p><i>Article 6</i></p> <p>Return decision</p> <p>Member States may, at any moment decide to grant an autonomous residence permit or another authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying illegally on their territory. In this event no return decision shall be issued or where a return decision has already been issued, it shall be withdrawn.</p>	<p><i>Article 6</i></p> <p>Return decision</p> <p>Member States may, at any moment decide to grant an autonomous residence permit or another authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying illegally on their territory. In this event no return decision shall be issued or where a return decision has already been issued, it shall be withdrawn.</p> <p>5a) <u>The Member States shall protect victims and witnesses of human trafficking. In such cases, no return decision shall be issued – and any decision already issued shall be revoked – until it is ascertained that the victims and witnesses of human trafficking can be returned to a third country which is safe for them. In order to enable Member States properly to implement measures to defend the rights of migrants, the European Union should decide on various mechanisms for the provision of financial assistance.</u></p>

Reason

The Committee of the Regions wishes to highlight the importance of protecting these persecuted groups of people. Victims and witnesses of human trafficking should not be treated merely as tools for securing convictions. Instead, prior to any return, consideration should be given to the situation in the home country to avoid encouraging coercion and menace on the part of criminals.

The EU should be jointly responsible in all policies against illegal migration which, at present, is not a problem of individual countries but a challenge for the EU as a whole. The Financial Perspectives of the EU for 2007-2013 provide for financial assistance mechanisms under the programme for the Area of Freedom, Security and Justice. Certain aspects of this programme are devoted to migration and integration policies and could be used, in part, for these purposes.

Recommendation 4

Article 8.2

Text proposed by the European Commission COM(2005) 391 final – 2005/0167 (COD)	Amendment
<p style="text-align: center;"><i>Article 8</i></p> <p style="text-align: center;">Postponement</p> <p>1. Member States may postpone the enforcement of a return decision for an appropriate period, taking into account the specific circumstances of the individual case.</p> <p>2. Member States shall postpone the execution of a removal order in the following circumstances, for as long as those circumstances prevail:</p> <p>a) inability of the third-country national to travel or to be transported to the country of return due to his or her physical state or mental capacity;</p> <p>b) technical reasons, such as lack of transport capacity or other difficulties making it impossible to enforce the removal in a humane manner and with full respect for the third-country national's fundamental rights and dignity;</p> <p>c) lack of assurance that unaccompanied minors can be handed over at the point of departure or upon arrival to a family member, an equivalent representative, a guardian of the minor or a competent official of the country of return, following an assessment of the conditions to which the minor will be returned.</p> <p>3. If enforcement of a return decision or execution of a removal order is postponed as provided for in paragraphs 1 and 2, certain obligations may be imposed on the third country national concerned, with a view to avoiding the risk of absconding, such as regular reporting to the authorities, deposit of a financial guarantee, submission of documents or the obligation to stay at a certain place.</p>	<p style="text-align: center;"><i>Article 8</i></p> <p style="text-align: center;">Postponement</p> <p>1. Member States may postpone the enforcement of a return decision for an appropriate period, taking into account the specific circumstances of the individual case.</p> <p>2. Member States shall postpone the execution of a removal order in the following circumstances, for as long as those circumstances prevail:</p> <p>a) inability of the third-country national to travel or to be transported to the country of return due to his or her physical state or mental capacity;</p> <p>b) technical reasons, such as lack of transport capacity or other difficulties making it impossible to enforce the removal in a humane manner and with full respect for the third-country national's fundamental rights and dignity;</p> <p>c) lack of assurance that unaccompanied minors can be handed over at the point of departure or upon arrival to a family member, an equivalent representative, a guardian of the minor or a competent official of the country of return, following an assessment of the conditions to which the minor will be returned.</p> <p><u>2 a) In any event the Member States must postpone enforcement of a decision to return an unaccompanied minor until it can be ensured that he can be handed over at the point of departure or upon arrival to a family member, an equivalent representative, a guardian of the minor or a competent official of the country of return, following an assessment of the best interest of the minor and of the conditions to which he will be returned.</u></p> <p>3. If enforcement of a return decision or execution of a removal order is postponed as provided for in paragraphs 1 and 2, certain obligations may be imposed on the third country national concerned, with a view to avoiding the risk of absconding, such as regular reporting to the authorities, deposit of a financial guarantee, submission of documents or the obligation to stay at a certain place.</p>

Reason

It would be a grave mistake, and at odds with all international conventions on the protection of human rights, in particular the New York Convention on the Rights of the Child, to allow Member States to return minors without first ensuring the above checks had been made; these checks are crucial in assessing the best interest of the minor, which must be the basic criterion informing all decisions relating to minors.

Recommendation 5

Article 9.3

Text proposed by the Commission COM(2005) 391 final - 2005/0167 (COD)	Amendment
<p><i>Article 9.3</i></p> <p>Re-entry ban</p> <p>The re-entry ban may be withdrawn, in particular in cases in which the third-country national concerned:</p> <p>(a) is the subject of a return decision or a removal order for the first time;</p> <p>(b) has reported back to a consular post of a Member State;</p> <p>(c) has reimbursed all costs of his previous return procedure.</p>	<p><i>Article 9.3</i></p> <p>Re-entry ban</p> <p>The re-entry ban may be withdrawn at any time., in particular in cases in which the third-country national concerned:</p> <p>(a) is the subject of a return decision or a removal order for the first time;</p> <p>(b) has reported back to a consular post of a Member State;</p> <p>(c) has reimbursed all costs of his previous return procedure.</p>

Reason

The proposed amendment makes the provision clearer. Specifically, explicitly linking (indent c) the withdrawal of a re-entry ban to reimbursement of costs of a previous return procedure could lead to unwarranted discrimination in favour of the wealthy or even of rich gangs of traffickers. We think the case still has to be made for the requirement of reporting back to a consular post.

Recommendation 6

Article 12.3

Text proposed by the Commission COM(2005) 391 final - 2005/0167 (COD)	Amendment
<p><i>Article 12</i></p> <p>Judicial remedies</p> <p>3. Member States shall ensure that the third-country national concerned has the possibility to obtain legal advice, representation and, where necessary, linguistic assistance. Legal aid shall be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice.</p>	<p><i>Article 12</i></p> <p>Judicial remedies</p> <p>3. Member States shall ensure that the third-country national concerned has the possibility to obtain legal advice, representation and, where necessary, linguistic assistance. Legal aid shall be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice</p>

Reason

The Committee of the Regions recommends that people without sufficient resources be granted legal aid without any needs assessment. The need for this financial support cannot be seriously predicted while a procedure is ongoing. Hence, the fact of lack of means should be the decisive factor in granting legal aid.

Recommendation 7

Article 14.1

Text proposed by the Commission COM(2005) 391 final - 2005/0167 (COD)	Amendment
<p><i>Article 14</i></p> <p>Temporary custody</p> <p>1. Where there are serious grounds to believe that there is a risk of absconding and where it would not be sufficient to apply less coercive measures, such as regular reporting to the authorities, the deposit of a financial guarantee, the handing over of documents, an obligation to stay at a designated place or other measures to prevent that risk, Member States shall keep under temporary custody a third-country national, who is or will be subject of a removal order or a return decision,</p>	<p><i>Article 14</i></p> <p>Temporary custody</p> <p>1. Where there are serious grounds to believe that there is a risk of absconding and where it would not be sufficient to apply less coercive measures, such as regular reporting to the authorities, the deposit of a financial guarantee, the handing over of documents, an obligation to stay at a designated place or other measures to prevent that risk, Member States shall keep under temporary custody a third-country national, who is or will be subject of a removal order or a return decision., <u>Article 6(2a) shall apply in this case.</u></p>

Reason

The proposed amendment makes it clear that simply staying illegally on the territory of a Member State should not be considered compelling proof of a risk of absconding. To do so would amount to an unacceptable pre-judgement infringing Art. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (right to a fair hearing).

Recommendation 8

Article 15.1

Text proposed by the Commission COM(2005) 391 final - 2005/0167 (COD)	Amendment
<p><i>Article 15</i></p> <p>Conditions of temporary custody</p> <p>1. Member States shall ensure that third-country nationals under temporary custody are treated in a humane and dignified manner with respect for their fundamental rights and in compliance with international and national law. Upon request they shall be allowed without delay to establish contact with legal representatives, family members and competent consular authorities as well as with relevant international and non-governmental organisations.</p>	<p><i>Article 15</i></p> <p>Conditions of temporary custody</p> <p>1. Member States shall ensure that third-country nationals under temporary custody are treated in a humane and dignified manner with respect for in accordance with <u>Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms</u> their fundamental rights and in compliance with international and national law. <u>Particular attention shall be paid to the proportionality of coercive measures.</u> Upon request they shall be allowed without delay to establish contact with legal representatives, family members and competent consular authorities as well as with relevant international and non-governmental organisations.</p>

Reason

The purpose of the proposed amendment is to make clearer the obligation under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms not to subject anyone to torture or an inhuman or degrading punishment or treatment.

The Committee of the Regions lays particular stress on the requirement of proportionality, since migrants often face harsh punishment on return to their home countries. Some people tend to behave desperately, but this must not lead to the neglect of human rights.

Recommendation 9

Article 15.2

Text proposed by the Commission COM(2005) 391 final - 2005/0167 (COD)	Amendment
<p><i>Article 15</i></p> <p>Conditions of temporary custody</p> <p>2. Temporary custody shall be carried out in specialised temporary custody facilities. Where a Member State cannot provide accommodation in a specialised temporary custody facility and has to resort to prison accommodation, it shall ensure that third-country nationals under temporary custody are permanently physically separated from ordinary prisoners.</p> <p>Particular attention shall be paid to the situation of vulnerable persons. Member States shall ensure that minors are not kept in temporary custody in common prison accommodation. Unaccompanied minors shall be separated from adults unless it is considered in the child's best interest not to do so.</p>	<p><i>Article 15</i></p> <p>Conditions of temporary custody</p> <p>2. Temporary custody shall be carried out in specialised temporary custody facilities. Where a Member State cannot provide accommodation in a specialised temporary custody facility and has to resort to prison accommodation, it shall ensure that third-country nationals under temporary custody are permanently physically separated from ordinary prisoners. <u>Appropriate medical care shall be guaranteed in the case of physical and psychological problems. Particular attention shall be paid to the care of traumatised people.</u></p> <p><u>Particular attention shall be paid to the specific needs of women. They shall always be held in separate areas from men during temporary custody.</u></p> <p>3. Particular attention shall be paid to the situation of vulnerable persons. <u>Member States shall ensure respect for the Convention of the Rights of the Child of 20 November 1989. In particular, Member States shall ensure that minors are not kept in temporary custody in common prison accommodation. Unaccompanied minors shall be separated from adults unless it is considered in the child's best interest not to do so.</u></p>

Reason

The intention is to make clear the obligation of the Member States to guarantee appropriate medical care during temporary custody.

The rights of women and girls should be expressly stipulated.

The Convention of the Rights of the Child of 20 November 1989 should be implemented in full. Particular emphasis should be accorded to the following rights: freedom of thought, conscience and religion; protection of private life; protection from the use of violence, mistreatment and neglect; the right to health care; the right to education, schooling and training; and protection of minorities.

Recommendation 10

Article 11.1

Text proposed by the Commission COM(2005) 391 final - 2005/0167 (COD)	Amendment
<p><i>Article 11</i></p> <p>Form</p> <p>1. Return decisions and removal orders shall be issued in writing.</p> <p>Member States shall ensure that the reasons in fact and in law are stated in the decision and/or order and that the third-country national concerned is informed about the available legal remedies in writing.</p>	<p><i>Article 11</i></p> <p>Form</p> <p>1. Return decisions and removal orders shall be issued in writing.</p> <p>Member States shall ensure that the reasons in fact and in law are stated in the decision and/or order and that the third-country national concerned is informed about the available legal remedies in writing.</p> <p>1a. <u>Member States shall recognise and allow the serving of official documents and decisions of other Member States as part of the above procedure.</u></p>

Reason

To ensure that the Directive functions properly, the serving of orders of other Member States on the territory of the individual Member States must be recognised and allowed. This should be achieved by concluding bilateral or multilateral agreements, which should also provide for the necessary cooperation between authorities.

Recommendation 11

New Article 16a

Brussels
COM(2005) 391 final

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on common standards and procedures in Member States for returning illegally staying third-country nationals

At present, the above document consists of Chapters I to VI.

The Committee of the Regions favours adding a Chapter Va as follows:

Chapter Va CENTRAL IT SYSTEM

Article 16a

Central IT system for storing personal data

1. Using a central IT system provided by the EU, the Member States shall store and update procedurally relevant personal data on illegally staying third-country nationals who have been, or are to be, repatriated by individual Member States.
2. The authorities of the Member States shall have access to this system and shall be required to submit the data mentioned in Article 1.

Brussels, 27 April 2006.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the Proposal for a Recommendation of the European Parliament and of the Council on transnational mobility within the Community for education and training purposes: European Quality Charter for Mobility

(2006/C 206/07)

THE COMMITTEE OF THE REGIONS,

Having regard to the Proposal for a Recommendation of the European Parliament and of the Council on *Transnational mobility within the Community for education and training purposes: European Quality Charter for Mobility* COM(2005) 450 final;

Having regard to the Council decision of 10 October 2005 to consult it on this subject, under Article 265(1) of the Treaty establishing the European Community;

Having regard to the decision of its President of 10 November 2005 to instruct its Commission for Culture and Education to draw up an opinion on this subject;

Having regard to the Opinion of the Commission for Culture, Education and Research, adopted on 1 March 2006 (CdR 34/2006 rev. 1) (rapporteur: **Mr Luciano Caveri, President of the Autonomous Region of Valle d'Aosta (IT/ALDE)**);

adopted the following opinion at its 64th plenary session, held on 26 and 27 April 2006 (meeting of 27 April):

1. Views of the Committee of the Regions

developing and enhancing their autonomy and communication skills;

The Committee of the Regions

1.1 **notes** that, in the Lisbon Strategy, Europe has identified life-long learning as a crucial element of human and professional growth. Education and training, not only in preparation for a career but throughout working life, will be crucial, in terms of technological innovation and competitiveness, for creating jobs and training the people who will take them up;

1.2 **stresses** that learning is more effective when it is planned and undertaken as an active research process rather than as a passive reception of facts. Training programmes for adults are more effective if the changes they bring about succeed in producing those skills and competences that meet the needs of contemporary society. Trainees can then consciously develop their own approaches and future careers, in their role as individuals and citizens. Participation in training programmes comes into its own once individuals take the initiative in planning their future careers and lives so as to contribute to both their own personal growth and society's development;

1.3 **stresses** that educational experience, vocational training and work placements in a foreign country are particularly effective tools which encourage individuals to explore their cognitive maps and strategies and, by applying and adapting their skills in different environments, also help them to fine-tune their approach to using their intellectual resources and

1.4 **declares** that vocational training or work placements in another country, provided they are adequately prepared, guided and supported, have an importance far beyond that of a successful conclusion to the individual's vocational training and are of much wider scope. If culture is taken to mean not only a range of knowledge but the full gamut of behavioural patterns, values and the combined practical knowledge of a given set of people, what better than an experience abroad to pave the way for developing a genuine culture of the European Union?

1.5 **notes** that, given that jobs and training provide the ideal environment to compare and contrast cultural differences and characteristics, a prerequisite to an intercultural approach to different situations is a feeling for exchange and empathy. Indeed, through the esteem in which jobs and training are held, the varied and flexible organisation procedures and interpersonal relations, prejudices and generalisations can be overcome;

1.6 **believes** that the effect of improving the quality of the mobility experience would be to create the conditions for the full recognition of the role of individuals in helping to raise the level of knowledge and qualifications in the home country, and in importing new expertise, cultural stimuli, customs and languages into the host country;

1.7 **welcomes** the Commission's proposal as, in line with the reasoning outlined here, it serves to raise the overall levels of European training quality by suggesting a model which, on the basis of an individual-centred approach, ensures that the individual concerned and society reap the best possible benefits from the training opportunity and that it has the best possible impact;

1.8 **emphasises** that the value which individuals attach to their exchange experience must be matched by the value that the home and host countries, in turn, attach to each experience and to the full range of mobility programmes. The guidelines set out in the European Quality Charter of Mobility are therefore a prerequisite for ensuring that participants have a positive experience not only in the host country but also upon their return home. As it is at the local and regional levels that mobility programmes are coordinated and managed, this paradigm can be brought into sharper focus;

1.9 **believes** that local and regional communities and authorities can ensure the grassroots dissemination of accurate information, motivate people to make use of the opportunity to travel abroad for learning purposes and ensure that it is an integral part of their professional development plans and that the skills acquired are adapted to the working situation in their home countries. Local administrations can therefore play a significant role in determining the quality and effectiveness of mobility programmes;

1.10 **notes** that regional and local authorities are best placed implement grassroots awareness measures for the public at large, and young people in particular, on the opportunities presented by mobility in terms of cultural and vocational development. In fact, mobility ensures that both economic and cultural obstacles to the professional fulfilment of an individual are overcome;

1.11 furthermore **believes** that individual participants must be offered not only adequate linguistic, educational and practical preparation, but also guided support with a view to developing their own cultural and professional development project. Now more than ever, European professional mobility programmes should be fully geared to the individual and seen as a resource to be brought to the employment market. To this end, assistance must be provided once the training period is over in order that the skills acquired are adapted to the workplace, not least by implementing the current instruments designed to recognise and promote acquired skills (for example, the Europass – Mobility instrument);

1.12 **considers** that in addition to the role of coordinating and liaising with organisations in the host countries, with a view to safeguarding the quality of the logistic and tutoring support, it is vital that there be careful and comprehensive monitoring and evaluation of the impact of the overall mobility experience on the general public and education and production systems. To this end, it is crucial to create synergies drawing in businesses, training institutions, schools and universities for them to promote, each in their respective areas, the formal and non-formal expertise acquired by the participants;

1.13 **stresses** that the fact that implementation of the European Quality Charter for Mobility creates an exchange of knowledge and encounters between local authorities and specialist services in various Member States, in such a way as to be able to outline a jointly shared *modus operandi*, cannot be underestimated. These processes will doubtlessly pave the way for constructive projects in a wide array of areas, from territorial economic development to training and worker exchanges, thereby creating new relations based on trust and cooperation which will lay the foundations for mutual recognition.

2. Recommendations of the Committee of the Regions

Recommendation 1

Annex point 1

Text proposed by the Commission	CoR Amendment
European Mobility Quality Charter	European Mobility Quality Charter
1. Guidance and information	1. Guidance and information
Potential candidates for mobility should have access to reliable sources of guidance and information on opportunities for mobility and the conditions in which it can be taken up.	Potential candidates for mobility should have access to reliable sources of guidance and information on opportunities for mobility and the conditions in which it can be taken up.
	<u>The local and regional level plays a key role in providing access to information and, where relevant, contacts with local and regional authorities should be included in the mobility programmes of participants.</u>

Reason

The local and regional level is where potential participants in exchange programmes first turn for information and guidance. It is the level closest to the citizens and the one which is most in touch with the needs of the general public and is therefore in a better position to highlight existing opportunities, project guidance and support actions and services to participants, with a view to ensuring maximum participation and more effective programmes.

Recommendation 2

Annex point 3

Text proposed by the Commission	CoR Amendment
European Mobility Quality Charter 3. Personalisation Mobility undertaken for education or training purposes should fit in as much as possible with the personal learning pathways, skills and motivation of the participants, and be designed to develop or supplement them.	European Mobility Quality Charter 3. Personalisation <i>Mobility undertaken for education or training purposes should fit in as much as possible with the personal learning pathways, skills and motivation of the participants, and be designed to develop or supplement them, <u>whether in formal or non-formal education, using non-exclusive educational methods and paying particular attention to the influences of informal education on younger students.</u></i>

Reason

Formal and non-formal education should be treated as equally important.

Recommendation 3

Annex point 5

Text proposed by the Commission	CoR Amendment
European Mobility Quality Charter 5. Linguistic aspects Language skills are essential for effective learning. Participants, and their sending and host institutions, should pay special attention to linguistic preparation. Mobility arrangements should include: <ul style="list-style-type: none"> — before departure, language assessment and the opportunity to follow courses in the language of the host country and in the language of instruction, if different; — in the host country, linguistic support and advice. 	European Mobility Quality Charter 5. Linguistic aspects Language skills are essential for effective learning. Participants, and their sending and host institutions, should pay special attention to linguistic preparation, <u>in particular where minority languages are spoken, in order to facilitate greater integration.</u> Mobility arrangements should include: <ul style="list-style-type: none"> — before departure, language assessment and the opportunity to follow courses in the language of the host country and in the language of instruction, if different; — in the host country, linguistic support and advice.

Reason

National and Community agencies should work closely with local and regional authorities and universities in areas where minority languages are spoken, to encourage more students to take courses in these languages before departing for their chosen exchange programme.

Recommendation 4

Annex point 8

Text proposed by the Commission	CoR Amendment
<p>European Mobility Quality Charter</p> <p>8. Recognition</p> <p>If a study or placement period abroad is an integral part of a formal study or training programme, this fact should be stated in the learning plan, and participants should be provided with assistance to ensure its adequate recognition and certification. The way in which the recognition will work should be set out in the learning plan. For other types of mobility, and particularly those in the context of non-formal education and training, a certificate should be issued so that the participant is able to demonstrate his or her active participation and learning outcomes in a satisfactory and credible way.</p>	<p>European Mobility Quality Charter</p> <p>8. Recognition</p> <p>If a study or placement period abroad is an integral part of a formal study or training programme, this fact should be stated in the learning plan, and participants should be provided with assistance to ensure its adequate recognition and certification. The way in which the recognition will work should be set out in the learning plan. For other types of mobility, and particularly those in the context of non-formal education and training, a certificate should be issued so that the participant is able to demonstrate his or her active participation and learning outcomes in a satisfactory and credible way.</p> <p><u>The CoR stresses the importance of recognition and calls on the Member States to put the existing instruments for recognition into practice or to create them if they do not yet exist. Full use should be made of the existing instruments for recognition, in particular the Europass mobility document, to ensure a positive conclusion to the participants' experience.</u></p>

Reason

The importance of the recognition of skills and qualifications acquired during an exchange programme must be emphasised in order that the transparency of qualifications is improved and, in the process, greater mobility of workers and students is achieved. The CoR calls on Member States to put the existing instruments for recognition into practice.

Recommendation 5

Annex point 9

Text proposed by the Commission	CoR Amendment
<p>9. Reintegration and evaluation</p> <p>On return to their home country, participants should be given guidance on how to make use of competences and skills acquired during the stay. Appropriate help with reintegration into the social, educational or professional environment of the home country should be available to people returning after long-term mobility. The experience gained should be properly evaluated by participants, together with the organisations responsible, to assess whether the aims of the learning plan have been met.</p>	<p>9. Reintegration and evaluation</p> <p>On return to their home country, participants should be given guidance on how to make use of competences and skills acquired during the stay. Appropriate help with reintegration into the social, educational or professional environment of the home country should be available to people returning after long-term mobility. The experience gained should be properly evaluated by participants, together with the organisations responsible, to assess whether the aims of the learning plan have been met.</p> <p><u>The relevant authorities should enlist or recruit, as appropriate, successful participants to act as 'Ambassadors for Mobility', to encourage others to follow their example and to provide others with first hand knowledge and advice.</u></p>

Brussels, 27 April 2006.

The President
of the Committee of the Regions
Michel DELEBARRE

Opinion of the Committee of the Regions on the Proposal for a Decision of the European Parliament and of the Council concerning the European Year of Intercultural Dialogue (2008)

(2006/C 206/08)

THE COMMITTEE OF THE REGIONS,

Having regard to the European Commission's proposal for a *European Year of Intercultural Dialogue (2008)* (COM(2005) 467 final);

Having regard to the European Commission's decision of 16 November 2005 to consult it in accordance with Article 128 of the Treaty establishing the European Community;

Having regard to the decision of its Bureau of 12 April 2005 to instruct its Commission for Culture and Education to draw up an opinion on this subject;

Having regard to Article 151 of the EC Treaty which states that 'The Community shall take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of cultures';

Having regard to Article 22 of the Charter of Fundamental Rights of the Union which states that 'The Union shall respect cultural, religious and linguistic diversity';

Having regard to the Unesco Convention of 20 October 2005 on the Protection and Promotion of the Diversity of Cultural Expressions;

Having regard to the Opinion of the Commission for Culture, Education and Research, adopted on 1 March 2006 (CdR 44/2006 rev. 1) (rapporteur: Mr András Máti, Mayor of Szirák (HU/UEN-EA));

adopted the following opinion at its 64th plenary session, held on 26 and 27 April 2006 (meeting of 27 April):

1. Introduction

extensive exchanges with the rest of the world through trade, education, leisure and globalisation in general, is increasing interactions between citizens in Europe;

The Committee of the Regions

1.1 **stresses** that Europe's strength lies in its diversity. Respect for cultural linguistic, ethnic and religious diversity is one of the basic principles underlying the process of European integration, which is not about levelling out differences or creating uniform identities but fostering greater cooperation and understanding among the peoples of Europe;

1.2 **notes** the scale of migration in the European Union today. Public administrations must provide immigrants with all available means to become a source of intercultural exchange and to integrate fully into our societies;

1.3 **recognises** that the combined effect of the successive enlargements of the Union, the increased mobility resulting from the single market, old and new migratory flows, more

1.4 **welcomes** the European Commission's initiative on the Year of Intercultural Dialogue and agrees with the key objective of the Year, which is as follows: to raise the awareness of European citizens and all persons living in the European Union of common cultural values in Europe and of the importance of developing active European citizenship which is open to the world, respectful of all manners of diversity and based on common values in the European Union. A European Year devoted to intercultural dialogue constitutes a unique awareness-raising tool for involving citizens, insofar as intercultural refers to a dialogue which embraces all elements and groups within society;

1.5 **endorses** the idea of closely involving the candidate countries with the project among other initiatives to promote intercultural dialogue, and supports the focus on ensuring that the European Year of Intercultural Dialogue and the initiatives to promote intercultural dialogue implemented in cooperation with the EFTA countries, Western Balkan countries and the partner countries involved in the European Neighbourhood Policy complement each other;

1.6 **stresses** that local and regional authorities:

- have important competences in promoting cultural activities and intercultural dialogue and they bear a major responsibility for shaping and supporting our rich variety of cultures and for integrating into society the different communities that exist within it;
- have a key role in disseminating and applying best practice and exchange of experiences in this field, in particular through their coordination of multi-dimensional local and regional networks in the cultural sector, involving all relevant actors.

2. Importance of intercultural dialogue

The Committee of the Regions

2.1 **reiterates** that the basic principle underlying the process of European integration is respect for and the promotion of cultural diversity. Cultural diversity is a source of richness that needs to be preserved, whilst its virtues need to be extolled as one of the main characteristics of Europe's identity. Intercultural dialogue is, in this respect, a key instrument in promoting understanding of cultural diversity;

2.2 **stresses** that intercultural dialogue can promote greater understanding, in particular in relation to cultural traditions, religious practice and history. It can also guard against the risks of both cultural indifference and levelling down as well as the growth of racist and xenophobic attitudes, which encourage anti-social behaviour. The CoR reiterates that intercultural cooperation needs to be stepped up so as to ensure that cultural differences are an instrument for strengthening and uniting people in a multilingual, multicultural Europe;

2.3 **emphasises** that intercultural dialogue helps to curb extremist tendencies in certain social groups;

2.4 **emphasises** that it would particularly support more effective integration of immigrants;

2.5 **stresses** that intercultural dialogue can help to instil the basic values of private, social and civic life, such as solidarity, tolerance, democracy and understanding for cultural diversity. Intercultural dialogue can foster the ability to communicate between different cultural groups and to take part in civic society. Such dialogue is vital since racism, xenophobia and friction are on the increase. The right to be different does not justify different rights before the law;

2.6 **points** out that intercultural dialogue can assist in alleviating the social exclusion, isolation and marginalisation of disadvantaged social groups, in particular immigrants. Culture and participation in cultural activities can provide them with new possibilities for strengthening their identity, their self-esteem and achieving a new status in society;

2.7 **calls** for continuous support to facilitate intercultural dialogue and relevant activities at local government level in order to support various existing initiatives and to strengthen cultural exchange between citizens through multiple measures involving culture, sports, youth, etc.;

2.8 **calls** for increased emphasis on the mainstreaming of culture in all policy areas, particularly in education and in social and employment policy and sport.

3. The role of local and regional authorities in supporting intercultural dialogue

The Committee of the Regions

3.1 **calls** for the promotion of the lesser-used languages and regional languages in Europe including the languages of some of the smaller Member States;

3.2 **stresses** that local and regional authorities, through their proximity to citizens, are strategically well placed to respond to the specific needs and demands of the different cultural groups within the EU and to effectively mobilise local and regional communities in promoting greater intercultural dialogue;

3.3 **calls** for local and regional authorities to be to the fore in the implementation of the Year, in particular to carry out information campaigns at local and regional level. Because of their closeness to and representation of local communities, they are in a unique position to ensure the widest access possible to actions, reaching in particular 'disadvantaged' groups and thereby ensuring maximum benefit from the opportunities available;

3.4 **stresses** that, in view of the greater complexity involved, programmes and legislation to combat cultural and social exclusion could be more of a priority at local and regional levels, rather than action at the level of international diplomacy;

3.5 **underlines** that in order to promote intercultural dialogue effectively, there is a need for cooperation at regional and local level involving the relevant actors, especially the social partners, education and training establishments, NGOs, youth, sports, cultural and religious organisations at grassroots level;

3.6 **stresses** the increasing importance of intercultural dialogue at international level;

3.7 would here **highlight** the importance of the UNESCO Convention of 20 October 2005 on the Protection and Promotion of the Diversity of Cultural Expressions, which for the first time achieved consensus on a series of guidelines and concepts regarding cultural diversity, inter alia in the context of trade policy resolutions, and created the basis for a new global pillar of governance in the culture sector;

3.8 **pays tribute to** the activities of the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures and expresses the hope that local and regional authorities will be included in the work of this foundation;

3.9 **underlines** the important contributions that existing programmes for cooperation between regions and/or municipalities and for town twinning have provided in enriching cultural cooperation between towns and cities;

3.10 **underlines** that local and regional authorities can help to promote intercultural dialogue developed in coordination with other policy sectors such as education, training, enterprise and employment strategies;

3.11 **stresses that**, in conjunction with all of these measures promoting cultural exchange, the European Union is founded on cultural elements that are common to all Europeans, which come from their own traditions and which, when taken together, form what could be called 'European culture'.

4. Specific proposals

The Committee of the Regions

4.1 **calls** for the events of the Year to be organised in such a way that the initiatives trialled during the Year can be used as a basis for an in-depth analysis to develop a communication and exchange tool for local and regional authorities;

4.2 **calls** for the Year to intensify interaction and open discussion between all citizens in the EU so as to promote

the values and the idea of European integration. It further points out that it is insufficient to merely highlight a few success stories; what is needed is a coherent blueprint for the medium-term application of successful exchange models;

4.3 **calls** on the European Commission to take the experience acquired through the Year into account in long-term action programmes which include intercultural dialogue, such as Culture 2007;

4.4 to this end, **calls** on the Member State to incorporate cultural dialogue and programmes into the legislative work of national and regional parliaments, particularly in relation to State education, the propagation of culture and citizens' initiatives;

4.5 **calls** on the European Commission to spell out what is actually involved in the actions at Community level (Actions A and B), and to provide detailed information about the instruments which can be used;

4.6 **notes** that in the breakdown of resources contained in the Annex to the draft proposal a large proportion of the proposed budget for the Year has been allocated to supporting emblematic action on a Community scale (8 actions envisaged – Action B). The CoR calls for more focus to be given to small-scale actions, in particular at local and regional level, which have lasting repercussions and multiplier effects in communities and which can provide an important added value to EU cultural actions. Due to a lack of funding, many innovative small-scale actions cannot be implemented. We would therefore recommend that the European Year emphasise small-scale local initiatives, and request that the requisite support be provided;

4.7 **advocates** supporting the work of the European Migration Network as an existing platform that allows a EU-wide debate on migration issues and the marginalisation of groups of migrants in order to combat cultural misunderstandings and inform policymakers and the public accordingly;

4.8 **calls** for the positive appreciation of local community social networks as visible mediators, motivators and catalysts for dialogue between individual cultures;

4.9 **stresses** that involvement of local and regional authorities in the implementation of the European Year seems the most effective way of ensuring that it reaches European citizens. Incorporating the local and regional dimension into a European Year is fundamental to its success;

4.10 **calls** on the European Commission to involve local and regional authorities in the implementation of the Year, in particular to carry out information campaigns at local and regional level;

4.11 **requests** that programmes pursuing a multidisciplinary approach, combining various art forms as one - perhaps on the basis of a unifying idea - be given special support;

4.12 **calls on** the European Commission to devise a short message or central idea for the 2008 European Year conveying the meaning of the slogan 'Unity in Diversity' to all European

citizens. It also **requests** special support for projects which focus on identifying shared European cultural traditions and/or future-oriented strategies in this area;

4.13 requests that the measures for intercultural integration implemented by the different Community institutions as part of the Year of Intercultural Dialogue be evaluated, in order to show how the cultural assistance they have provided has benefited the social integration of immigrants, helping these become an asset for Europe rather than a problem.

5. Recommendations of the Committee of the Regions

Recommendation 1

Article 5

Text proposed by the Commission	CoR Amendment
<p><i>Article 5</i></p> <p>Cooperation by the Member States</p> <p>Each Member State shall appoint a national coordination body, or an equivalent administrative body, responsible for organising that State's participation in the European Year of Intercultural Dialogue. Each Member State shall ensure that this body involves in an appropriate manner the various parties in intercultural dialogue at national level. This body shall ensure the coordination, at national level, of actions relating to the European Year of Intercultural Dialogue.</p>	<p><i>Article 5</i></p> <p>Cooperation by the Member States</p> <p><i>Each Member State shall appoint a national coordination body, or an equivalent administrative body, responsible for organising that State's participation in the European Year of Intercultural Dialogue. Each Member State shall ensure that this body involves in an appropriate manner the various parties in intercultural dialogue at national level, including local and regional authorities. This body shall ensure the coordination, at national level, of actions relating to the European Year of Intercultural Dialogue.</i></p>

Brussels, 27 April 2006

The President
of the Committee of the Regions
Michel DELEBARRE