



Brussels, 2 March 2006

**OPINION**

of the

Committee of the Regions

of 16 February 2006

on the

**Communication from the Commission to the Council and the European Parliament - The Hague Programme: Ten priorities for the next five years – The Partnership for European renewal in the field of Freedom, Security and Justice**

COM(2005) 184 final

**Communication from the Commission to the Council and the European Parliament  
Establishing a framework programme on Security and Safeguarding Liberties for the period  
2007-2013**

**Proposal for a Council Decision Establishing the specific Programme**

**- Prevention, Preparedness and Consequence Management of Terrorism**

**- Prevention of and Fight against Crime**

**for the period 2007-2013 as part of the General Programme "Security and Safeguarding  
Liberties"**

COM(2005) 124 final – 2005/0034 (CNS) – 2005/0035 (CNS)

**Communication from the Commission to the Council and the European Parliament**

**Establishing for the period 2007-2013 a framework programme on**

**Fundamental Rights and Justice**

**Proposals for Decisions establishing for the period 2007-2013 the specific programmes:**

**Fight against violence (Daphne) and drugs prevention and information**

**Fundamental rights and citizenship**

**Criminal justice**

**Civil justice**

**as part of the General programme Fundamental Rights and Justice**

COM(2005) 122 final – 2005/0037 (COD) – 2005/0038 (CNS) – 2005/0039 (CNS) –  
2005/0040 (COD)

THE COMMITTEE OF THE REGIONS,

**HAVING REGARD TO** the Communication from the Commission to the Council and the European Parliament of 10 May 2005 on *The Hague Programme: Ten priorities for the next five years. The Partnership for European renewal in the field of Freedom, Security and Justice*, COM(2005) 184 final;

**HAVING REGARD TO** the Communication from the Commission to the Council and the European Parliament of 6 April 2005 *Establishing for the period 2007-2013 a framework programme on Fundamental Rights and Justice - Proposals for Decisions establishing for the period 2007-2013 the specific programmes: Fight against violence (Daphne) and drugs prevention and information, Fundamental rights and citizenship and Criminal justice as part of the General Programme Security and Safeguarding Liberties* COM(2005) 122 final – 2005/0037 (COD) – 2005/0038 (CNS) – 2005/0039 (CNS) – 2005/0040 (COD);

**HAVING REGARD TO** the Communication from the Commission to the Council and the European Parliament of 6 April 2005 *Establishing a framework programme on Security and Safeguarding Liberties for the period 2007-2013* Proposal for a Council Decision Establishing the specific Programme Prevention, Preparedness and Consequence Management of Terrorism for the Period 2007-2013 as part of the General Programme Security and Safeguarding Liberties COM(2005) 124 final – 2005/0034 (CNS) – 2005/0035 (CNS);

**HAVING REGARD TO** the decision of the European Commission of 10 May 2005 to consult it on these questions, in accordance with Article 265(1) of the Treaty establishing the European Community;

**HAVING REGARD TO** the decision of its Bureau of 12 April 2005 to instruct its Commission for Constitutional Affairs and European Governance to draw up an opinion on the subject;

**HAVING REGARD TO** its opinion on *The area of freedom, security and justice: the role of regional and local authorities in implementing the Hague Programme* (CdR 223/2004 fin<sup>1</sup>);

**HAVING REGARD TO** its opinion of 12 October 2005 on *Prevention, preparedness and response to terrorist attacks, Prevention of and the fight against terrorist financing through measures to improve the exchange of information, to strengthen transparency and enhance the traceability of financial transactions, Preparedness and consequence management in the fight against terrorism and Critical infrastructure protection in the fight against terrorism* (CdR 465/2004 fin);

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<sup>1</sup> OJ C 231, 20.9.2005, p. 83.

**HAVING REGARD TO** its draft opinion (CdR 122/2005 rev.) adopted on 12 December 2005 ... by its Commission for Constitutional Affairs and European Governance (rapporteur: **Mr Opstelten**, Mayor of Rotterdam);

- 1) **WHEREAS** the degree of success of the European policy on freedom, security and justice over the coming years will decisively influence the European public's judgement of the value added by the European Union;
- 2) **WHEREAS** in most Member States, local and regional authorities have public order and security responsibilities, and are often also (jointly) responsible for tackling social and community problems that can foster a sense of insecurity;
- 3) **WHEREAS** the local and regional authorities are often partly responsible for determining the *effectiveness and efficiency* of a number of aspects of the European Union's policy on security, freedom and justice - such as citizenship, crisis management, the fight against terrorism, integration, information sharing and combating organised crime - through the way in which they fulfil their responsibilities in these areas;
- 4) **WHEREAS** the crucial role played by local and regional authorities in these aspects of security policy is at present *insufficiently* recognised and acknowledged;
- 5) **WHEREAS** recognition of the role of local and regional authorities at European Union level should help create the conditions for, encourage and facilitate their involvement on the basis of a clear vision of an effective and balanced division of tasks in the field of freedom, security and justice between, on the one hand, the European Council and the Commission and, on the other hand, the national governments, combined with a *proactive approach on the part of the local and regional authorities themselves*, both within and outside the framework of the Committee of the Regions;

**adopted the following opinion at its 63rd plenary session, held on 15 and 16 February 2006 (meeting of 16 February):**

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## 1. Views of the Committee of the Regions

### The Committee of the Regions

- 1.1 **appreciates** the way the Commission has set about fleshing out the Hague Programme. The comprehensive list of measures and actions in the *Action Plan* COM(2005) 184 final and the *framework programmes* COM(2005) 124 final and COM(2005) 122 final are evidence of the will and determination to promote the interests of freedom, security and justice in Europe.
- 1.2 **believes** that freedom, security and justice are rightly high-priority issues in the European Union. These are issues to which the people of Europe are attached. The discussion concerning the Constitutional Treaty has shown that many people are dissatisfied with the achievements of the European Union. It is clear that the policy pursued up until now of "reconnecting Europe to the people" has not worked well. As local and regional authorities are close to the grass roots, they are well aware that people are turning their backs on the European Union more and more.
- 1.3 **believes** that there is a unique *opportunity* to attract fresh public support by renewing and modernising European policy on freedom, security and justice. The average person should be able to see that the European Union is making a real and important *contribution* to improving security in his neighbourhood and protecting his rights and freedoms.
- 1.4 **notes** that renewal and modernisation of policy on freedom, security and justice require, however, recognition of the crucial role played by regional and local authorities; points out an important omission in current policy, with its strong emphasis on the role of national governments. There are many problems which national governments *cannot* solve without the efforts of local and regional authorities. Local and regional authorities form *the front line* in providing the initial administrative and operational response, for example, to serious terrorist attacks, pandemics, natural disasters, explosions or fires at industrial sites, power failures, disasters at public events, etc. Local and regional authorities also form the front line in, for example, dealing with anti-social behaviour, street crime and violence, encouraging the effective integration of new European citizens and adopting measures to prevent intimidating radicalisation in whatever sphere of activity.
- 1.5 **believes that** the European Union - the Member States collectively - and the local and regional authorities - *need each other* in order to achieve an improvement in freedom, security and justice that is visible and noticeable to the ordinary person. This is not sufficiently taken into account in present European policy. Clearly therefore, if the policy is continued in its present form, it will not be *sufficiently effective*. The front line receives insufficient support and its strategic deployment is inadequate. There is also insufficient awareness that, with many problems in the field of freedom, security and justice, an appropriate and efficient deployment by the front line can be enough to win the battle.

- 1.6 **considers** that renewal and modernisation must also take the form of a more *systematic, structured vision* of European policy on freedom, security and justice. The long list of very varied and, at first sight, disconnected measures and actions, which forms an annex to the Action Plan, is not conducive to the understanding, recognition and practicality of the policy. It is revealing that not all the points of the Hague Programme are fully worked out in the Action Plan, that in some areas the Action Plan contains new points compared with the Hague Programme, and that the financial framework programmes published to date do not cover the entire Action Plan.
- 1.7 **calls for** a *combining of forces* to tackle the serious problems in the field of freedom, security and justice in Europe. There is a great sense of urgency among the public, the business community, organisations, institutions, administrators and (democratically elected) representatives at all levels of government. It is no longer enough to exchange more or less non-committal opinions. A decisive approach, free of bureaucratic obstacles, is essential, for which it makes a number of concrete proposals below, which could form the starting point.

## 2. **Recommendations of the Committee of the Regions**

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

#### *General recommendations with regard to the development and implementation of European policy on freedom, security and justice*

- 2.1 **considers** that the contents of the *Action Plan* for the implementation of the Hague Programme should be adapted to reflect its opinions. In the Action Plan the Commission itself already comes to the conclusion that – in view of the political nature of the policy on freedom, security and justice – it must be possible to adapt the Action Plan where necessary. A mid-term review of the Action Plan is scheduled for the end of 2006. It should be made explicit in the texts drawn up in connection with the mid-term review how the position of local and regional authorities in the policy has been strengthened.
- 2.2 **supports** the adoption of the *framework programmes* in the following ways:
- the principle should be established that part of the funds for the implementation of the Action Plan should go to the local and regional authorities;
  - it should be made absolutely clear that initiatives by local and regional authorities with a potential European impact *may* receive support. Article 4 of the relevant plans should be clarified or supplemented to this end. "Impact at a European level" should in this context mean: important consequences for policy on freedom, security and justice in a *number of* Member States. Security-related problems, causes and solutions are, after all, not the same in all Member States of the European Union;
  - the activities of local and regional authorities, which are broader in scope than a single sub-programme, effectively spanning different sub-programmes, should also qualify for

support. Examples which come to mind are (inter) city programmes aimed at combating violence, tackling organised crime, improving information exchange and linking databases, combating radicalisation, etc. Steps should be taken to ensure that such initiatives can be submitted to one office and can be dealt with by one clear decision-making process.

- 2.3 **notes** that the present framework programmes are described in the explanatory texts as a significant simplification of the system of budgeting and financing. From the Brussels point of view, this may well be true; from the perspective of the local and regional authorities, however, the system in its present form is far too complicated and does not meet practical needs.
- 2.4 **proposes** that, for the purposes of the mid-term review of the Action Plan, an *outline report* be drawn up for each Member State on the significance of the Hague programme and the Action Plan for the local and regional authorities of the Member State concerned. In any event, the following questions need to be answered:
- In what way are the local and regional authorities actively involved in the *preparation* of European policy on freedom, security and justice?
  - In what way are the local and regional authorities actively involved in ensuring effective *implementation* of European policy on freedom, security and justice?
  - In what way can the active involvement of the local and regional authorities in the preparation and implementation of European policy on freedom, security and justice be *improved* in the Member State concerned?
  - To what extent are local and regional authorities involved in European coordination, support, supply of information etc in the field of freedom, security and justice – for example by making use of existing best practices or by jointly developing best practices?
- 2.5 **asks** that local and regional authorities in the Member States be involved in compiling these reports. A European benchmark should be drawn up on the basis of the reports. A round table conference should be held in 2006-2007 attended by the Commission, representatives from the Member States and its members, if possible together with experts and relevant network organisations, to discuss this benchmark and come up with conclusions and recommendations.
- 2.6 **requests** authorisation to draw up – in conjunction with the Commission – an *Action Plan on Freedom, Security and Justice* in 2006/2007 that contains concrete objectives for the local and regional authorities committed to the plan. These objectives could contribute to a more effective European policy on freedom, security and justice, among other reasons, because of the "spin-off" of such an action plan for other local and regional authorities. Such objectives should in any case include reference to:

- the development and dissemination of best practices, for example with regard to crisis management, the fight against terrorism, integration, combating radicalisation, and an official approach to tackling organised crime;
- information exchange and organising support networks;
- organising knowledge transfer, quality assurance, and training programmes.

2.7 **stresses** the need for local and regional authorities themselves to be (jointly) responsible for taking *initiatives* in order to strengthen their position with regard to European policy on freedom, security and justice, with a view to increasing the overall effectiveness of the policy.

2.8 **proposes** that steps be taken to ensure that local and regional authorities have *sufficient* information on European policy on freedom, security and justice. A great deal of information is indeed available but is not easy to find or is not accessible enough. Those in the local and regional authorities who have little or no idea of the relevance of the activities of the European Union in the field of freedom, security and justice – and this is still a large group of people – are not getting this information. The following possibilities should be considered:

- informing the target group of local and regional authorities in a more active, focused and specific way about European policy on freedom, security and justice (what does it mean for *you?*), for example by organising interactive information markets;
- taking account in information policy of different categories within the target group, as outlined above;
- making administrative arrangements – for example in terms of a front office with several back offices – to which local and regional authorities can go to obtain help with all their questions and requests for information on European policy on freedom, security and justice.

2.9 **considers** that *the process* of developing, implementing, maintaining and evaluating European policy on freedom, security and justice should be organised in such a way that the involvement of local and regional authorities – especially in *those* policy areas that directly involve the responsibilities of those authorities – is ensured throughout the whole chain. In so far as there is any involvement at present, the results are hardly noticeable. This opinion should be considered at the round table conference referred to in point 2.3.

2.10 **considers** that we should progress beyond vague phrases such as "it is very important to actively involve local and regional authorities", and take more specific action, for example by adapting the working methods of the Council, Commission and European Parliament. Thus, in the field of freedom, security and justice, we could, for example, include a standard chapter on *The role of local and regional authorities* in the explanatory texts of communications, proposals and decisions. The added value of such a chapter does not lie so much in its final content as in the stimulus it gives to the process of preparing documents.

- 2.11 **points out** that use should be made - in line with point 2.6 - of local and regional authorities as a "*breeding ground*" for concrete, operational ideas with regard to the policy on freedom, security and justice. As the "front line", the local and regional authorities in Europe collectively have at their disposal practical experience, insight and expertise which are often less available at national government level. The available brainpower should be mobilised and be given a prominent role in preparing policy.
- 2.12 **stresses** that *specialist teams* from the local and regional authorities should be encouraged to become involved in the proposed *monitoring* of the Hague Programme and Action Plan (the annual scoreboard) with regard to the policy issues for which local and regional authorities are directly responsible. In this way we can learn at first hand how the policy works in practice.
- 2.13 **would like** a more *systematic, structured vision* to be adopted if it is considered desirable to continue the current programmed approach of European policy on freedom, security and justice. The basic assumption must be that measures have a chance of success only if they are implemented as part of a logical chain of interconnected activities.
- 2.14 **points out** that there is little point in giving governments more powers to obtain information about the integrity of individuals (for example applicants for licences or subsidies), if governments have no policy in this area, no means of conducting integrity tests and if they do not enforce the rules on integrity. Equally there is little point in stepping up policing in individual areas to tackle insecurity if there is no investment in the physical or social infrastructure.
- 2.15 **recommends** that we focus on such linkages of interconnecting activities so that it can be established what areas - with due regard to the subsidiarity principle - the European Union should concentrate on. A number of priority issues should be carefully chosen and other issues should be left to national governments. As many tangible objectives as possible should be established. Economy and concentration lead automatically to the necessary transparency and stability.
- 2.16 **considers** that local and regional authorities should be given the opportunity to consider not only the separate, specific components of European policy on freedom, security and justice, but also the underlying *strategic concepts*. The *substantive scope* of the policy field should be determined as well as possible and also the opportunities to strengthen the role of security in other policy areas (*external integration*). A stronger emphasis on security in the field of environmental policy, for example, could mean the rules on access to companies' environmental information allowing more scope for non-disclosure of sensitive data.
- 2.17 **highlights** the need to give consideration to the extent to which local and regional authorities' usual systems and organisational principles (for example categorisation of policy according to individual criteria, target group, issue or area) could also be useful at a European level.



- 2.18 **notes** that, in establishing a (renewed) systematic, structured vision in the European policy field of freedom, security and justice, *the legal basis should also be (re)considered*. The Constitutional Treaty has served as a guideline for the standard that the Hague Programme intends to reach. We should consider the consequences of the current situation regarding the Constitutional Treaty for policy on freedom, security and justice, and the appropriate response to it. On the other hand, it can also be deduced from a (renewed) vision which preconditions the (European) legal basis *should* comply with. Legitimation of policy on freedom, security and justice on a solid democratic, rule-of-law basis is indispensable. Moreover, the essential contribution of local and regional authorities ought to be properly defined.
- 2.19 **recommends** that a clear *communication strategy* with regard to European policy on freedom, security and justice should be drawn up for the benefit of the public and the business community. Local and regional authorities are usually the first (official) point of contact for the public and business. It is then *precisely* the local and regional authorities which should be actively involved in order to show the public and business how Europe is helping to ensure public security.

***Recommendations concerning aspects of European policy on freedom, security and justice which are (partly) the responsibility of the local and regional authorities***

***Crisis management***

- 2.20 **points out** that the terrorist attacks in London and in Madrid, the flooding which affected large areas of Europe in 2005, the outbreak of infectious diseases affecting both humans and animals, the effects of protracted power failures and the recent disturbances in French cities are all examples of situations where local and regional authorities are, to a large extent, (primarily) responsible for an effective policy of *crisis management*.
- 2.21 **points out** that the professionalisation of crisis management is a necessary development; certainly in relation to the fight against terrorism, but also in a broader sense. The recent establishment of a European network in the field of crisis management, the Council of Europe's European Forum of Local and Regional Disaster Management, is an example of the widely felt urgent need to reach such a level of professionalisation.
- 2.22 **considers** that European policy on freedom, security and justice must support an effective approach to crisis management in two ways:
- by means of a *coordinating, accompanying role*, where international cooperation is essential in the field of prevention, preparation, response and follow-up. This should cover all sorts of crises with an international impact. It is out-of-date to concentrate policy only on crises in border areas with possible cross-border implications. In present-day society, crises affecting vital infrastructure – such as (air)ports, intersections where goods

and services converge, energy supply networks – but also infectious diseases etc. almost always have cross-border consequences;

- by means of a *stimulating role*, where the quality of crisis management can be increased to a significant extent by networking and sharing information (for example on best practices), by making available means, methods and technology (for instance in relation to risk-assessment and detection systems) or by encouraging practical training for dealing with crisis situations.

2.23 **recommends** that crisis *management* be designated as a priority, and stresses in this context that the responsibility for an efficient organisational framework for crisis management is *primarily* a matter for the national governments.

2.24 **is convinced** that both the coordinating, accompanying role as well as the stimulating role of the European Union should be worked out in concrete measures, which can be added to the agenda for 2007-2013 at the mid-term review of the Action Plan. High priority should also be assigned to the implementation of the measures listed in point 3.5 of the Annex to the Action Plan. Funds should be made available to professionalise crisis management in the broader sense (not just related to the fight against terrorism), inter alia:

- by enabling local and regional authorities to develop *new methods, techniques and best practices* (among other things crisis communication, developing close ties between local social organisations and government, administrative and operational organisational structure in crisis situations);
- by enabling local and regional authorities to *optimise and arrange frequent exercises for their crisis management plans*;
- by enabling local and regional authorities to involve the *public* in crisis exercises, on the one hand in order to raise public risk awareness, and on the other hand in order to be able to properly incorporate the response of the public into their planning.

2.25 **asks** that the scope of the Proposal for a Specific *Programme on Prevention, Preparedness and Consequence Management of Terrorism*, for the period from 2007 to 2013, be broadened, with a basis being laid for financing the improved management of crises not caused by terrorism.

### ***The fight against terrorism***

2.26 **notes** that people who live in fear of indiscriminate terrorist attacks have lost their fundamental freedoms. This ought not to be the future of the European Union. Following on from its opinion on the fight against terrorism (CdR 465/2004), measures in the field of prevention, preparation and response have been supported. The Committee stresses that, if a preventive approach is to be successful, it is necessary to look into and take appropriate action regarding the *deeper causes* of terrorism, which is rooted in extremism, and calls for the

connection with integration policy to be recognised as well as the need to ensure that integrated immigrants can also actually play a full part in European society.

- 2.27 **stresses** that encouragement should be given – especially in a number of European regions where radicalisation constitutes a real threat – to focusing on radicalisation trends and to establishing which groups are susceptible to *radicalisation and extremism*. In addition to the threat which arises from the limited numbers of people who make the transition from a process of radicalisation to actual terrorist activities, there is also no less a threat from the process of polarisation. From the point of view of security, quality of life and tolerance, undesirable consequences might arise which could threaten the cohesion of society. These processes constitute a great risk in several European countries. As a means to identifying these radicalisation and polarisation processes, early *warning indicators* could be established. With the help of such indicators, governments but also housing associations, social, youth, educational, health and welfare organisations etc. could identify and respond at an early stage to people who might become radicalised, offering another way of combating the creation of "home grown" terrorists. At the same time it must be ensured that the measures undertaken will not hinder the integration and employment of immigrants. It is highly important to prevent large groups of people in the centre ground, who feel that they are not (yet) or only to a lesser degree part of European society, from developing in the direction of radicalisation.
- 2.28 **points out** that this type of reaction capacity should take shape mainly at *local authority level* and that support should be given to local authorities to improve their information position, for example by setting up a local *information exchange* for early warnings of radicalisation, able to advise local bodies on the interpretation of signals and on possible responses.
- 2.29 **considers** that encouragement should be given to the development and organisation of training courses for local authority officials on how to recognise and report relevant signs of radicalisation.
- 2.30 also **recommends** an examination of ways of preventing recruitment by extremist organisations and that an effective approach be adopted to dealing with extremist rallying calls and the dissemination of practical instructions for terrorist acts via the Internet.
- 2.31 **recommends** that a decision be taken on a faster and thorough exchange of *information on financial transactions*, which should contribute to greater transparency on the part of institutions and organisations, also for the benefit of local authorities. Money often appears to flow via institutions and organisations supported by local authorities (for example for the purpose of integration activities). Intelligence can help cut off this flow of money. The planned proposals on the subject should be brought forward to 2006.
- 2.32 **points out** that, in order to research ways of fighting terrorism effectively, greater cooperation and exchange of information is needed both between EU Member States and between authorities within Member States. The Action Plan proposes the establishment of a *contact*

*point* in each country, which will have access to all relevant information on (possible) terrorist activities. A contact point can only be effective, however, if there is also a good information network involving local and regional authorities – on the basis of the "need to know, need to share" principle. The Member States should have to show how this information network has been made secure and – where necessary – draw up plans in order to achieve an improved information network.

- 2.33 **wishes** to *see the exchange of expertise on a structural basis* on the learning effects of combating terrorism, for example by setting up a centre of expertise for this purpose. The exchange of information on current operational matters is of great importance, but it is certainly just as important afterwards to share experience on the strategic approach to the fight against terrorism as rapidly as possible. Networks of local and regional authorities in particular should be involved.
- 2.34 **recommends** that attention be paid to listing not only vulnerable *infrastructure* – as proposed in the Action Plan – but also *crowded places* such as stations, stadiums, event sites, tourist attractions, etc. and points out that local and regional authorities often play an important role in securing and safeguarding such places.
- 2.35 **asks** that local and regional authorities be assisted in drawing up professional risk analyses and the development of best practices for protection and security, stresses that a suitable legal *basis* should be provided for local authorities to ensure that owners and managers comply with regulations on the protection and security of vulnerable targets and encourages the introduction of "*toolkits*", by which the authorities could assist owners and managers to enforce the regulations effectively.
- 2.36 **urges** that there be a revision – for example in the field of access to environmental information – of the basic principles of the rules on what the public has the right to know about the hazards in their surrounding neighbourhood and the extent of disclosure of operational information on the characteristics and security of vulnerable targets.
- 2.37 **recalls** that the quality of (private) security organisations is essential to ensure the security of vulnerable targets and that, to this end, research should be undertaken on whether further measures to improve quality are necessary or indeed possible.
- 2.38 **regrets** the absence of any reference in the Action Plan to ways of raising the risk awareness of the public, which expects local authorities to keep them properly informed about the risk of possible attacks in their neighbourhood, and advocates the establishment of a clear communication *strategy*.

### ***Fundamental rights and citizenship***

- 2.39 **recalls** that the debate on fundamental rights places a great deal of emphasis on preventing the erosion of fundamental rights and **regrets** the fact that insufficient attention is paid to the sustained efforts of the authorities to promote the security of the population.
- 2.40 **notes** that the debate on fundamental rights can be effective only if it includes a discussion about *duties* - e.g. in relation to integration and **calls for** European policy on this point to be brought closer to the people by encouraging active local discussions on the subject - for example in the form of *town hall debates*. Such discussions are essential in order to determine the measures which can be effectively deployed to maintain the balance between rights and duties.
- 2.41 **supports** the establishment of an *office for fundamental rights* – as provided for in the Hague Programme – which could list, describe and disseminate best practices and contribute to the debates on discrimination, racism, integration and terrorism in view of the increasing concern over possible attacks or disturbances.
- 2.42 **deplores** the fact that, as a consequence of the uncertainty concerning the Constitutional Treaty, the proposed improvements with regard to legal protection at the European Court of Justice are threatened, especially regarding the power of any natural or legal person to institute proceedings against regulatory acts of the Union which are of direct concern to him or her, and therefore **asks** that this gap in legal protection be filled, in the knowledge that Community policy on freedom, security and justice is to be stepped up over the next few years.

### ***Integration***

- 2.43 **points out** that the impact of newcomers, both migrants and asylum seekers, if they have been granted refugee status or similar humanitarian protection, on our society is sometimes spread over several generations - *particularly at local level* - and therefore considers that it very important in towns to provide for effective integration in the structural, social, economic and cultural sense, with practical guarantees that integrated newcomers can *fully* take part in European society being an absolute pre-condition. The recent disturbances in the French cities likewise demonstrate the importance of such an approach.
- 2.44 **stresses** that attention must be paid in the process of integration to an individual's attachment to the society of which he or she is part, i.e. not "non-committal" integration and recommends that the European Union ensure clear frameworks and pre-conditions for successful integration, but also recognise that integration is in practice chiefly a national matter. Local authorities should be assisted in managing the integration process - with *information and funding as well as the development of best practices*. A good basis for this was laid at the

conference of European ministers responsible for integration, held in Groningen (Netherlands) in November 2004.

- 2.45 **proposes** that support be given to city debates, dialogues, language instruction, naturalisation courses, employment schemes, equal opportunity courses and anti-discrimination schemes, etc. and that systematic exchange and monitoring of experience, new approaches, successes and failures be ensured at local level.
- 2.46 **considers** that social despair in population groups should be prevented and measures encouraged to contribute to a harmonious balance in the inner city districts, for example measures in the field of housing policy, incomes policy and training.
- 2.47 **welcomes** the fact that a new edition of the European Integration Handbook is due out shortly, regrets that the impression exists that the first edition of the handbook did not receive sufficient attention and hopes that the new edition will receive more attention from local and regional authorities.
- 2.48 **strongly supports** the idea of organising an annual *European Forum on integration* and proposes that the local and regional authorities with their experience and expertise be closely involved in this.

#### ***Privacy and security in information exchange***

- 2.49 **points out** that in the second half of the last century, the safeguarding of privacy was strongly directed towards the protection of the public from the government, fuelled by fears of a police state and calls for a new balance, which takes greater account of the protection of the public from malicious criminals.
- 2.50 **supports** against this background the goal of giving particular attention to the protection of personal data when implementing this Action Plan and stresses that a choice has increasingly to be made between, on the one hand, the protection of individual interests with regard to privacy and, on the other hand, the protection of collective interests, such as security, given that information plays a vital part in the fight against terrorism.
- 2.51 **calls on** the Commission, when implementing the policy, to take account of the fact that – in so far as allowed within the framework of the national legislation - many local and regional authorities have set up networks to exchange information, where data on, for example, addresses, housing, tax, social affairs, health, etc is linked to data from the police and judicial authorities, and considers that such an approach could bear fruit in the fight against, for example, terrorism, serious crime or even urban anti-social behaviour by habitual offenders.
- 2.52 **suggests** that a more transparent legal basis be established for the protection of personal data, which is proportionate and provides sufficient room, where necessary, for giving priority to

the need for a secure society, and calls for public discussion of this topic, involving local and regional authorities.

- 2.53 **considers** that the maintenance of public order and security and the fight against cross-border crime necessitates intensive sharing of information between Member States, and asks that the Member States explicitly state what form the *exchange of information with local and regional authorities* has taken, considering the crucial role that local and regional authorities perform in implementing and maintaining security policy.

### ***Organised crime***

- 2.54 **notes** that, in the decision-making process concerning *subsidies, contracts, licences* etc, local and regional authorities can supply significant added value in fighting (organised) crime and considers that (previous) contraventions of the law should play a part in the decision-making process, so that, for example, a licence might be refused if there were grounds to believe that the applicant would once again "get into trouble".
- 2.55 **proposes** that criminal investigation files be "screened" by the police and the courts for information that could be passed on to the local and regional authorities, so that they can be taken into account when granting a licence or subsidy. If, for example, a catering establishment employer is sentenced for smuggling or trafficking in human beings, it is not implausible that the same employer is putting illegal immigrants to work in his own business. As monitoring of compliance with catering establishment licences is the responsibility of local authorities, it is extremely effective in such a situation to share *the information* and to consider whether there are grounds for revoking the licence of the business concerned.
- 2.56 **suggests** that the experiences of local and regional authorities on this matter be registered, described and published at European level to ensure that European law - including European public procurement law - where possible supports such approaches by local and regional authorities.
- 2.57 **supports** the development of *best practices* in the field of information exchange and the linking of databases between, on the one hand, local and regional authority services (such as in the field of tax, housing, social and employment affairs, the granting of licences and administration of personal data files) and, on the other hand, the police and the courts, with a view, for example, to tackling premises causing a public nuisance and tracking down and combating organised crime networks more effectively, insofar as allowed within the framework of the national legislation.
- 2.58 **stresses** the need to relieve the police of bureaucratic tasks in connection with legal migration, such as renewing residence permits, in order that they can devote more energy and professional resources to combating organised crime, which seeks to profit from clandestine migration. The CoR believes that these administrative tasks - provided they are adequately

supported by the Member States through suitable financial arrangements - can be performed by the local authorities through dedicated offices, as far as is relevant to the system in different member states.

- 2.59 **encourages** the further development of an active *integrity policy* by local and regional authorities, based on a thorough risk assessment of powers and responsibilities.

***Prevention and reduction of violence and anti-social behaviour***

- 2.60 **welcomes** the fact that in the Action Plan special attention will be given to the *protection of the rights of children*, as well as to combating *violence against women and children* and that activities in the field of victim support are being extended.
- 2.61 **endorses** the establishment of a broad financial framework for policy in the field of prevention and reduction of violence in the framework programme Fundamental Rights and Justice, and supports the strengthening and extension of the *Daphne programme* in order to enforce the policy of *prevention* with regard to drug use in which the involvement of NGOs is encouraged.
- 2.62 also **supports** the joint initiatives to combat *human trafficking*, especially of women and children, often associated with organised crime, by *better cooperation and exchange of information* between the relevant government bodies.
- 2.63 **points** out that many local authorities have experience in identifying and tackling *domestic violence*, given that violence against women and children after all often also occurs within the family and notes that tackling this sort of violence at a local level should make a substantial contribution to raising the awareness of the target groups concerned of the fact that there is absolute social and judicial *zero tolerance* of violence against women and children.
- 2.64 therefore **proposes** that, when implementing the Action Plan, the experiences of local and regional authorities be brought together so that best practices can be developed in this field too and **encourages** the establishment of *local centres for reporting violence*.

***Recommendations concerning aspects of European policy on freedom, security and justice which are not the direct responsibility of local and regional authorities, but which do have a direct effect at local and regional level***

***A common asylum area***

- 2.65 **points out** that local authorities have to deal directly with the problems of asylum seekers and notes that asylum seekers whose applications have been rejected but who do not have to or are unable to leave the country often seek the anonymity of cities. This can be a source of social and law and order problems in the *cities*.



- 2.66 therefore **considers** it of great importance to set up a common asylum area and asylum procedure, as well as uniform status for those who qualify for asylum.
- 2.67 **recommends** that the European institutions also endeavour to facilitate *the return* of asylum seekers to their country of origin and that voluntary return be encouraged by means of facilities to encourage asylum seekers to become self-sufficient. It **notes** that there are examples of local and regional projects in several Member States that work on this basis, and requests that an exchange of information on the approach and results be encouraged.

***Migration management***

- 2.68 **strongly recommends** coordinating different national policies to draw up a common migration policy, coupled with a thorough integration policy, in the context of which the local authorities would have the important task of maintaining and promoting social cohesion..
- 2.69 therefore **asks** that the local authorities be supported in backing new and innovative local initiatives, which can help prevent radicalisation and extremism.
- 2.70 **considers** that the currently unclear situation regarding the legal status and rights of citizens of third countries should be taken into consideration, **points out** that these people are of concern to local authorities, especially in the field of integration policy and **notes** that non-EU citizens, for example, receive no rights from the European Union with regard to the labour market, although this is an important precondition for a successful integration policy.
- 2.71 The Committee **requests** that it should nonetheless be borne in mind that highly skilled immigrants from non-EU countries should not be put off.

Brussels, 16 February 2006

The President  
of the  
Committee of the Regions

The Secretary-General  
of the  
Committee of the Regions

Michel Delebarre

Gerhard Stahl