

**Opinion on the European Charter on mountain areas**

(96/C 100/05)

On 1 February 1995, the Committee of the Regions, under Rule 10, paragraph 1, of the Rules of Procedure, decided to draft an Own-initiative Opinion on the European Charter on mountain areas.

Commission 2 for Spatial Planning, Agriculture, Hunting, Fisheries, Forestry, Marine Environment and Upland Areas, which was responsible for carrying out work on this matter, adopted its Opinion on 24 March 1995. The Rapporteur was Mr Censi.

At its 7th Plenary Session on 20 and 21 April 1995 (meeting of 21 April), the Committee of the Regions adopted the following Opinion by a majority vote.

THE COMMITTEE OF THE REGIONS,

Having regard to the 'Declaration of Chamonix Mont-Blanc' issued by the Council of Europe's Congress of Local and Regional Authorities of Europe, and adopted unanimously by the delegates at the third European Conference of mountain regions on 15-17 September 1994 approving the draft 'European Charter of mountain regions' and calling on the European Union to accede to this Charter,

Having regard to Article 198c of the EU Treaty on Own-initiative Opinions,

Having regard to the draft European Charter of mountain regions submitted by the Congress of Local and Regional Authorities of Europe,

hereby issues the following Opinion:

1. Whereas the preamble to the Charter analyses the current situation of mountain regions, stressing *inter alia*:

- their geographical and demographic importance in Europe (30 % of the EU's territory and around 30 million inhabitants);
- the general interest functions which they assume, namely of an environmental, economic, social and cultural nature;
- the fact that Europe's mountains constitute an exceptional heritage which should be enhanced and preserved and that their diversity must be protected and promoted, with due respect for their social identity, traditions and culture;
- the specific circumstances of their situation in relation to other regions of the Community and the fact that they are experiencing common economic, social and environmental problems associated with their special geomorphological and climatic situations;
- the transfrontier and inter-regional nature of most mountain regions and the difficulties of implementing a coherent policy because they fall under different State or regional authorities;

2. Whereas the draft Charter, drawing conclusions from this analysis, stipulates that a specific policy for developing and protecting these regions should be implemented, based on recognition of the identity of mountain populations and using as a basis the following principles and objectives:

- to aim to secure equivalent living conditions between mountain populations and other populations, with due regard to their diversity;
- to tackle all the economic, social, cultural and environmental problems under a sustainable development and regional/spatial planning policy implemented via overall planning development and protection programmes, incorporating and closely coordinating policies and measures on homogenous areas;

- to involve local and regional authorities closely in the definition and execution of these policies in line with the principle of subsidiarity, and likewise to involve the populations concerned;
- to encourage cooperation between municipalities and regions as part of a national framework, or under a multinational programme and to promote transfrontier cooperation between administrations and municipalities;
- to take account of and recognize the geographical unity of each mountain area, thus introducing the concept of mountain area as an operational framework for implementing this policy;

3. Whereas the Charter advocates an approach in line with these principles for specific policies defined as follows:

- agriculture: preservation and modernization of agriculture by implementing specific measures: protection of agricultural land and land management; incentives for diversification, for producing and marketing quality goods, incentives for young farmers to set up business and for cooperation; extension of production rights; support for the dairy industry; development of agri-tourism; compensation for natural and environmental constraints; and payment for environmental conservation work;
- forestry: implementation of forestry policies aimed at developing the timber industry and based on improvements in production conditions, diversification of forest stands, protection against natural disasters and fires, controlled reforestation and compensation for natural and ecological constraints on forestry enterprises;
- industry and crafts: specific measures for maintaining these industries, on-the-spot processing of local products, incentives to produce regional, quality products, training in traditional crafts, the establishment of innovative, high-technology businesses and schemes for supporting appropriate research;
- multiple jobbing: encouragement of multiple jobbing by simplifying and amending labour law, social welfare regulations, taxation and training;
- housing: guaranteed housing for resident populations of mountain areas, refurbishment of housing stock, improvement in general quality;
- tourism: development in line with existing infrastructure and service capacity, maintaining the quality of the landscape and the environment, as well as traditional architecture and materials by making full use of the landscape, architectural and cultural heritage and products and traditions;
- infrastructure, transport and amenities: equal access for mountain populations to all public services, links to all networks, permanent accessibility, maintenance and development of rail networks, priority for 'piggy back' transport and for combined transport for transit;
- energy: requirement to manage endogenous resources carefully, while respecting the environment and giving mountain municipalities a right to a certain return from these energy resources;
- education, training and research: steps to prevent school closures, to broaden technical and vocational training courses at all three levels — primary, secondary and higher — and to develop appropriate training programmes geared to the specific circumstances of mountain employment and multiple jobbing;
- culture: steps to maintain and promote the diversity and richness of the cultural heritage by cataloguing the historical heritage, respecting traditions and specific forms of cultural expression and generally reinforcing the cultural identity of mountain populations;
- environment: international cooperation on joint management and protection of the environment of the mountain areas of Europe (preservation and rehabilitation of sites, landscapes and soil, conservation of flora and fauna and their habitats), mandatory environmental impact studies, the development of biogenetic reserve networks, reduction of dangerous emissions, protection against natural hazards, measures to control hydrological erosion and incentives for environmentally-friendly development projects;

- scientific and technical cooperation: establishment of compatible and comparable data systems, cooperation between universities and research centres and the establishment of a European network, studies of new technologies and moves to speed up technology transfer to mountain regions;

4. Whereas the development of mountain areas is of considerable concern and whereas despite policies pursued by the European Community and the European Union since the adoption of Directive 268 in 1975 on less-favoured and mountain regions and later instruments, implementation of Socio-structural Funds, Community initiative programmes such as Leader and Interreg and other Community policies relating to forests and the environment, the trends outlined above have not been reversed but have gathered speed in many mountain regions, widening the gaps between regions and jeopardizing the objective of economic and social cohesion and moves to narrow the development gap between regions, contrary to the measures, prescribed in Articles 2 and 130a of the European Union Treaty; and whereas these present a clear threat to environmental protection;

5. Whereas this situation is mainly rooted in the fact that the concept of 'mountain' area is becoming confused with that of a 'less-favoured' area or with development difficulties and/or backwardness, despite the fact that the specific circumstances of these regions require definition of objectives which are more closely geared to their needs, in addition to clearly defined measures, well-adjusted to the specific circumstances of these regions, as already stressed and called for by the European Parliament Resolution of 27 May 1987 and by the Economic and Social Committee Opinion of 28 April 1988, with both institutions recommending a global approach to the problems of mountain regions;

6. Whereas partnership between local and regional authorities and the European institutions is crucial to developing a coordinated mountain policy,

THE COMMITTEE OF THE REGIONS THEREFORE:

1. Approves the analysis, guidelines and policies proposed by the draft Charter which it deems to be particularly relevant and capable of providing an effective response to the specific problems of mountain areas by adapting, defining and reinforcing measures, and striking a balance between development and protection; hence it notes that this overall approach can form the basis of a mountain policy whose definition is sufficiently general and flexible to take account of a) the diversity of circumstances and b) mountain areas which are mostly in the throes of economic and social decline and in some cases beset by problems created by excessive tourism.

2. Deems the Charter to be an especially suitable instrument for strengthening local democracy, given the key role it assigns to local authorities in devising and conducting a policy for mountain areas.

3. Notes that the Charter proposes a sufficiently open framework which does not clash with other international

conventions relating to particular mountain areas and/or particular areas of action, particularly in the field of environmental protection.

4. Calls for the European Union to define a mountain policy based on the recommendations of the draft Charter and trusts that the appropriate bodies in the European Union will take steps to accede to this Charter, as soon as it has been adopted definitively by the Council of Europe.

5. Asks that the Commission order an expert review of the text without delay in order to establish — mindful of the European Union's powers — under what conditions the guidelines set out in the Charter could be transposed into Community law.

6. Calls on those EU Member States whose territory include mountain areas to take the same steps to accede to the Charter and to promote national mountain policies along similar lines which would thus encourage a convergence of measures.

7. Instructs Commission 2 of the Committee of the Regions to monitor the follow-up to this Opinion and to brief the Committee of any difficulties entailed.

Done at Brussels, 21 April 1995.

*The Chairman*  
*of the Committee of the Regions*  
Jacques BLANC

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**Opinion on the proposal for a Council Directive on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses<sup>(1)</sup>**

(96/C 100/06)

On 15 November 1994, the Bureau of the Committee of the Regions decided to draw up an Own-initiative Opinion on the above-mentioned proposal.

Commission 8 for Economic and Social Cohesion, Social Policy and Public Health, which was responsible for drawing up the Committee's work on the subject, adopted its Opinion on 16 March 1995. The Rapporteur was Mr Sileoni.

At its 7th Plenary Session of 20 and 21 April 1995 (meeting of 21 April), the Committee of the Regions adopted the following Opinion.

#### GENERAL COMMENTS

The Committee of the Regions emphasizes that the overriding concern of local and regional authorities is that any amendments made to Directive 77/187/EEC should be as clear as possible, should resolve the areas of uncertainty that do still exist in the Directive without creating further ones and should not impose new burdens on authorities, while providing reasonable protection for employees and the consequent benefit for industrial relations.

The Committee of the Regions calls upon the Commission to examine the possibility of including in the Directive the principle of safeguarding employees' entitlements to old age, invalidity or survivors' benefits on the basis of supplementary occupational or inter-occupational welfare schemes operating independently of Member States' compulsory social security systems.

#### SPECIFIC COMMENTS

##### 1. Section I

##### 1.1. Article 1(1)

1.1.1. The Committee of the Regions is keenly interested in clarifying the scope of the Directive.

1.1.2. The Committee feels that the Commission's declared intention to exclude from the scope of the Directive the transfer of an activity where this does not amount to the transfer of a business or undertaking is unlikely to achieve such clarification.

1.1.3. The Committee fears that the precise effects of this proposal on scope are far from clear. The experience of those exercising local and regional responsibilities is that this distinction is easier to draw in the abstract than to apply in practice.

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<sup>(1)</sup> OJ No C 274, 1. 10. 1994, p. 10.