



Strasbourg, 9 juillet 2010

15 CEMAT (2010) Final 6E

**15TH COUNCIL OF EUROPE CONFERENCE
OF MINISTERS RESPONSIBLE FOR SPATIAL/REGIONAL PLANNING**

CEMAT/CoE

Moscow, Russian Federation

8-9 July 2010

CEMAT RESOLUTION No. 1

**OF THE MINISTERS RESPONSIBLE
FOR SPATIAL/REGIONAL PLANNING
OF THE MEMBER STATES OF THE COUNCIL OF EUROPE (CEMAT),**

**ON THE CONTRIBUTION OF ESSENTIAL SERVICES
TO THE SUSTAINABLE SPATIAL DEVELOPMENT OF THE EUROPEAN CONTINENT**

*Document by the CEMAT Secretariat of the Council of Europe
Cultural Heritage, Landscape and Spatial Planning Division
Directorate of Culture and Cultural and Natural Heritage*

Essential services are services that, in the opinion of a member State, need to be generally available. These services, so necessary to the people of Europe, are important for spatial planning policies, especially in rural areas. Lack of access to such services jeopardises the right to an adequate standard of living as set out in the Universal Declaration of Human Rights (1948).

The present Resolution aims to integrate the “human rights” dimension into spatial development policies and to foster territorial cohesion.

The Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (CEMAT) has already expressed its views on specific aspects of these questions in its “Guiding Principles for Sustainable Spatial Development of the European Continent – GPSSDEC ” (Recommendation Rec. (2002) 1 of the Committee of Ministers of the Council of Europe to Member States) and in its Ljubljana (2003) and Lisbon (2006) Ministerial Declarations. In the Ljubljana Declaration, it is, for example, stated that “uneven accessibility to essential goods and services, generate marginalisation and exclusion”.

CEMAT RESOLUTION No. 1

**OF THE MINISTERS RESPONSIBLE
FOR SPATIAL/REGIONAL PLANNING
OF THE MEMBER STATES OF THE COUNCIL OF EUROPE (CEMAT),**

**ON THE CONTRIBUTION OF ESSENTIAL SERVICES
TO THE SUSTAINABLE SPATIAL DEVELOPMENT OF THE EUROPEAN CONTINENT**

adopted at the 15th Session of the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (CEMAT), Moscow, Russian Federation, 9 July 2010

The Ministers responsible for Spatial/Regional Planning of the Member States of the Council of Europe,

Considering that essential services are indispensable for a decent life in a developed society, and that the demand for those services is increasing rapidly;

Considering that access to essential services is a basic public policy aim and a crucial factor in spatial development policies, helping to reinforce social, economic and territorial cohesion and contributing to proper spatial planning;

Recalling that, under Recommendation Rec(2002)1 of the Committee of Ministers to the member states on the CEMAT “Guiding principles for sustainable spatial development of the European Continent”, “one of the aims of the Council of Europe is to strengthen local and regional democracy in Europe by means of a territorially more balanced development of the European continent”; and that “social cohesion in Europe has to be accompanied by sustainable spatial development policies that bring the social as well as the economic requirements to be met by the territory into line with its ecological and cultural functions”;

Recalling that, under the Ljubljana Declaration on the territorial dimension of sustainable development (CEMAT(2003)9 Final), “uneven accessibility to essential goods and services” is one of the many factors which are “challenging the sustainability of our common European future”, and that “to manage adequately the major challenges for sustainable spatial development of the European Continent, relevant policies must be further improved, in order to reduce disparities, particularly through a more balanced and effective territorial location of activities, infrastructure and services in order to improve their accessibility”;

Recalling the CEMAT Resolution No 3 on the EU Territorial Agenda and its relation to the CEMAT, adopted in Lisbon, on 27 October 2006, and referring to Article (3) of the Territorial Agenda EU which says that “Through the Territorial Agenda, we will help in terms of territorial solidarity to secure better living conditions and quality of life with equal opportunities, oriented towards regional and local potentials, irrespective of where people live whether in the European core area or in the periphery”; and to Article (8) “we regard it as an essential task and act of solidarity to develop preconditions in all regions to enable equal opportunities for its [EU] citizens and development perspectives for entrepreneurship...”.

Noting the Leipzig Charter on Sustainable European Cities adopted in Leipzig, on 24-25 May 2007, in which “The ministers declare: ...all dimensions of sustainable development should be taken into account at the same time and with the same weight. These include economic prosperity, social balance and a healthy environment... In the long run, cities cannot fulfil their function as engines of social progress and economic growth...unless we succeed in maintaining the social balance within and among them...”.

Recalling that, under the Universal Declaration of Human Rights (1948), everyone “is entitled to realisation of the economic, social and cultural rights indispensable for his dignity” (Art. 22) and that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family” (Art. 25);

Recalling the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966), in which “the states parties [...] recognise the right of everyone to an adequate standard of living for himself and his family” (Art. 11.1), the right to enjoy the highest attainable standard of physical and mental health

(Art. 12), and the right to education (Art. 13) and noting that this treaty was ratified by all the member States of the Council of Europe;

Recalling the Declaration adopted at the Johannesburg Summit (2002), in which the signatories affirmed their determination “to speedily increase access to such basic requirements as clean water, sanitation, adequate shelter, energy, health care, food security and the protection of biodiversity”;

Recalling the International Guidelines on Access to Essential Services for All (HSP/GC/22/2/Add.6) adopted by the Governing Council of the United Nations Human settlements programme at its 22nd Session in April 2009;

Recalling Recommendation No. R(2000)3 of the Committee of Ministers of the Council of Europe to the member states on the “Right to the satisfaction of basic material needs of persons in situations of extreme hardship” (January 2000) and the action taken by states to give effect to the individual, universal and actionable right to satisfaction of basic material needs;

Recalling Recommendation CM/Rec(2007)4 of the Committee of Ministers of the Council of Europe to the member states on “local and regional public services”;

Recalling Recommendation 235(2008)1 of the Congress of Local and Regional Authorities of the Council of Europe on “Services of general interest in rural areas, a key factor in territorial cohesion policies” and the invitation of the Congress to the European Conference of Ministers responsible for Spatial/Regional Development (CEMAT) to continue its discussions on rural areas;

Having regard to the above-mentioned Recommendation of the Congress to the Committee of Ministers of the Council of Europe to invite member States to “elaborate regulatory and financial mechanisms which enable the different tiers of government to offer support, incentives, grants, subsidies or equalisation measures to ensure adequate access to high-quality services of general interest for all”;

Recalling Recommendation 259(2009) of the Congress of Local and Regional Authorities of the Council of Europe on “Public Water and Sewer Service for Sustainable Development” and the invitation of the Congress to the European Conference of Ministers responsible for Spatial/Regional Development (CEMAT) to integrate its recommendation into the present resolution;

Considering the progress made in implementing human rights and, in particular, economic and social rights, and the increasing attention devoted to under-privileged and marginalised groups and ethnic minorities;

Considering that access to essential services is necessary to implement the right to an adequate standard of living as enshrined in the International Covenant on Economic, Social and Cultural Rights, and is indispensable for the effectiveness of the human rights provided for in this treaty;

Noting that, although most people in the Council of Europe’s member states already have extensive access to essential services, more progress is still needed to guarantee such access for more individuals, and particularly deprived or marginalised groups;

Recognising that implementing social, economic and territorial cohesion policies involves improving access to essential services wherever such access is still inadequate;

Noting that although there is no single uniform definition of essential services, there is a common understanding of what they are;

1. *Adopt* the Declaration on the contribution of essential services to sustainable spatial development of the European continent;
2. *Decide* to take account of the Declaration and, within their means and competences, apply its principles in the design and implementation of their spatial development policies, thus contributing to the

promotion of social progress and strengthening of the implementation of human rights for the benefit of their own populations;

3. *Decide* to identify, in their own countries, the services which should, in their view, be available to everyone if human dignity is to be respected, and to implement, within their means and competences, policies and programmes designed to improve access to essential services and their quality, particularly in rural areas, mountain and ultraperipheral regions, small villages and peripheral urban areas;
4. *Decide* to promote sustainable spatial development policies taking into account social policy measures, solidarity policies and geographical and climatic adaptation measures, in order to ensure that the costs of essential services in remote, outlying or sparsely populated areas are compatible with those applied in urban areas or that alternative compensation measures are made in favour of vulnerable, marginalised or underprivileged population groups in their territory, including ethnic minorities;
5. *Ask* the Council of Europe to organise exchanges of experience and comparative analyses on measures adopted in member states with an eye to improving access to essential services in rural and peripheral urban areas, to promote sustainable ecological solutions in sparsely populated areas, and to make such services more accessible to vulnerable, marginalised or under-privileged population groups in their territory, including ethnic minorities.

APPENDIX

CEMAT DECLARATION ON THE CONTRIBUTION OF ESSENTIAL SERVICES TO SUSTAINABLE SPATIAL DEVELOPMENT OF THE EUROPEAN CONTINENT

The Ministers responsible for Spatial/Regional Planning of the Member States of the Council of Europe declare the following:

1. Regional/spatial development in a developed society requires the harmonised availability throughout the territory of a set of infrastructures and services of general interest in order to enable populations to enjoy an adequate standard of living and create the conditions for economic and social development of the different regions.
2. Essential services are services to which everyone should have access in order to be able to live decently, have their human rights respected, have an adequate standard of living and live in a healthy environment. Despite the progress made in this area, not all such services are evenly distributed throughout the European continent or equally available to all social categories, even though they play a vital role in guaranteeing economic, social and territorial cohesion in the framework of sustainable spatial development.
3. The territories that may lack essential services are mainly rural areas, under-equipped peripheral urban districts, economically under-developed regions and ultra-peripheral areas where the demand for essential services is less strong or less easy to solve. The absence of essential services in some regions hampers balanced spatial development and is seen as a factor for exclusion, or even as a form of discrimination, thus contributing to depopulation of some regions. Similarly, charging high prices for such services excludes under-privileged households from such services.

Essential services contribute both to economic and social development and the implementation of human rights requires new measures to facilitate access by all to such services and make their accessibility reasonable to reduce the number of citizens deprived of them in Europe. Such action will involve all levels of government including ministers responsible for spatial/regional development.

The provision of essential services will benefit from a clear distribution of responsibilities between territorial communities, regions and the State and from capacity building and empowerment of such decentralised authorities who are made responsible for overseeing or managing essential services.

4. Essential services are chosen in each country by public authorities to meet the needs of their various population groups in accordance with spatial development objectives. They vary from time to time and from place to place. The following services are often chosen in member states as being essential services under their legal system: water supply and sanitation, energy supply, electricity and gas, telecommunications (including Internet access), postal services, refuse collection and disposal and public transport. This open list could possibly include other social services, it being understood that health and education services should be provided in all cases. Common lists should also be drawn up by mutual agreement between states following similar socio-economic policies and include quality requirements for essential services and measures designed to improve them when needed.

5. This Declaration applies only to essential services which under internal law have to carry out public service missions or which are considered to be services of general interest. Its implementation will vary from one country to the other and may require amending current policies to increase access to all.

Choice of essential services

6. Each individual state, in consultation with the relevant authorities and civil society, should determine very precisely, in an transparent manner and in accordance with their spatial policies, the essential services which they intend to make available for all throughout their territory. This choice will be influenced by their level of development, general policy aims, considerations of equity, traditions and culture and, generally, their policies on social, economic and spatial development. The practical arrangements for establishing the services must comply with the rules applicable as regards the provision of services of general interest. Harmonisation of the lists of essential services between countries with similar economic development would contribute to reducing economic and social disparities.

GENERAL PRINCIPLES

A. Essential services, spatial development and planning

Aims

7. Sustainable spatial development requires the provision of essential services throughout the territory under conditions which enable everyone to have access to them. Such services should be provided as close to the users as possible and equitably distributed through the territory in a non-discriminatory manner, generally in polycentric spatial structures. Measures for the delivery of essential services will need to be adapted to local conditions.

Within the limits of their means and competences and depending on available resources, public authorities should take the action needed to make essential services available to the public, taking account of the needs of present and future generations and of the protection of health and the environment. Such action is likely to involve several ministries and/or several local and regional authorities according to the country's legal framework and may be supported by appropriate legal provisions and national strategies elaborated at interministerial level.

Improving access to essential services in regions where they are lacking is a priority in ensuring that everyone can live in his/her own region thus contributing to social, economic and territorial cohesion. It helps to improve regional economic development.

Setting up of essential services

8. Depending on available resources, public authorities should provide or support the availability of these services and should monitor them. They should define the roles and responsibilities of any regional or local bodies responsible for such services. Where they do not directly manage the services, they should retain political responsibility for them.

9. Public authorities should specify, within the limits of their competences, the general rules applicable to essential services (universal access, continuity, inalienability, security, adaptability, effectiveness, affordable charges, transparency, etc) and the level of quality expected of them.

10. Public authorities should adopt and implement measures to guarantee access to essential services in normal situations, and also adopt special provisions for crisis situations. In some cases, users have to travel in order to have access to such services. Measures should be taken to facilitate easy and affordable access to these services by public transport when they are not locally available.

Decentralisation

11. Decisions on the spatial deployment of essential services and the corresponding operational regulations should take account of specific regional or local conditions, and should contribute to sustainable spatial/regional development in line with adopted policies, plans and guidelines for regional development of urban and rural areas and in accordance with sectoral plans and decentralisation policies.

12. Local or regional authorities close to the users should play a major part, in the context of decentralisation, in establishing, monitoring and ensuring the proper functioning of essential services, in compliance with power-sharing rules. They should cooperate to ensure that essential services operate efficiently on an appropriate scale, in particular between urban municipalities and nearby rural areas.

Management

13. Public authorities may exercise their powers in the field of essential services either directly or, if permitted by law, by delegation. In these cases, they should have freedom of choice concerning modes of management, and ensure that this choice can be reversed. If management is delegated, the corresponding decisions should be valid for a limited time and subject to regular review involving users. Delegated services should operate in accordance with rules compatible with the requirements of sustainable spatial development, in a non-discriminatory manner, under the supervision of the public authorities and in a manner accessible to all.

Networked services

14. States should pay particular attention to the development of networked services in order to ensure sustainable spatial development and combat rural depopulation. They should earmark financial resources for new infrastructures in their territory and make full use of information and communication technologies as a tool to encourage accessible essential services throughout the territory

15. States should apply the principle that “telecommunications networks must be improved and extended to cover the whole area and tariffs must not be prohibitive” (Recommendation Rec(2002)1 of the Committee of Ministers to member states on the “Guiding principles for sustainable spatial development of the European Continent”). They should stress that “generalised access to Internet must be a priority objective” (Declaration on “Networks for sustainable spatial development of the European continent: Bridges over Europe”, adopted by the Ministers responsible for Spatial/Regional Development at their European Conference in Lisbon, on 27 October 2006 [CEMAT(2006)14 Final]).

B. Progressive extension of access to essential services

16. Public authorities should take appropriate action to promote the progressive extension of access to essential services under spatial development plans, depending on the financial resources available.

17. The investments required for the extension of access should be the subject of long-term development from the angle of sustainable development and sustainable spatial/regional development. Subsidies may be provided to take account of the extra costs of essential services in remote, outlying or sparsely populated areas or alternative price compensation measures may be taken in favour of vulnerable, marginalised or under-privileged population groups, including ethnic minorities, in accordance with the rules applicable to financial assistance.

C. Essential services and human rights

Right of access for all

18. In order to combat social inequality and geographical disparities, everyone should be granted the right of access to those services which are essential for living decently in a developed society.

19. Access to essential services may derive from general spatial development policies or from human rights, from obligations incumbent on public authorities or from provisions on economic and social rights enshrined in the constitution or treaties. The exercise of rights relating to essential services is dependant on complying with the corresponding obligations, especially in terms of protecting natural resources and the environment.

Social and economic cohesion measures

20. The prices paid for essential services are a major factor in ensuring their effective availability particularly in remote areas where they are liable to be higher.

21. Prices should either be determined by the public authorities in respect of public services or be monitored, controlled or approved by them, so as to ensure their sustainability and strengthen social, economic and territorial cohesion. Where necessary, subsidies and fiscal measures may be used in order to ensure affordability to everyone.

22. The costs of essential services should be apportioned among all users so as to ensure that everyone has access to them under economic conditions acceptable to all. Public authorities should choose the methods to achieve such fair apportionment having due regard to the effects on spatial development of social, economic and territorial cohesion. They may introduce social measures for people in situations of hardship, provide targeted aid, operate social tariffs and adopt solidarity measures based on equalisation among the various users. They may also adopt price compensation measures for those exposed to unusually high prices for essential services.

D. Users' rights

23. The proper functioning of essential services should be promoted by a mode of management close to the users. Those responsible for essential services should report annually on service performance, investment made, state of infrastructure, incidents and complaints. Public authorities should regularly monitor any complaints from users about essential services and ascertain the action to be taken.

24. Users of essential services should have rights as users or consumers. In particular, each user should have access to easily understandable information on essential services, their quality and rates.

25. Public authorities should consult users of both sexes and their associations before taking any major decisions on essential services. They should envisage setting up and operating advisory boards on essential services.

E. International cooperation

26. International cooperation among member countries could facilitate the availability of essential services to all. Cooperation between local authorities in border areas should be promoted to facilitate access to essential services in these areas. Public authorities of a contracting party cannot be held responsible for disruptions in the provision of essential services which are caused by the lack of implementation of a treaty by another contracting party.

* * *