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✓ **EU Policy Analysis**

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EU Policy Analysis

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Introduction

This document represents an outcome of the first phase of the EUMA Erasmus+ project, run between 2020-2022. It aims to offer a comprehensible analysis of policies of the European Union that are relevant for mountaineering activities. The analysis shall be applicable in the long term to any EUMA representative in the future as it provides an overview of general principles of EU functioning as well as its policy-making processes. At the same time, the document contains detailed information of policy areas identified as relevant to mountaineering, as of January 2021, for the project's immediate use.

The analysis was prepared by the team of researchers from the Department of European Studies at the Faculty of Social Sciences at Charles University in Prague (CUNI), embodied in three project's Working Groups (WGs) Huts, Trails, and Rock Areas. Its content evolved gradually together with the work of individual WGs during the first project's phase and was adapted to issues identified in each group as the most important. The here presented document serves as a first draft version of the EU Policy Analysis to be given feedback by the Working Groups.

The document's structure is the following: in its first part, the analysis brings an overview of basic information about the European Union, its functioning, institutions, legislation, and budgeting. In order to successfully assert EUMA at the EU level, its representatives firstly need to get familiar with the basic principles of the EU operation and to understand its policy-making processes. The second part clarifies the lobbying question when speaking about the EU policymaking and its relevance for EUMA. It also offers direct examples of possible EUMA activities to influence the EU policy agenda-setting. The third and last part of the document provides a more detailed analysis of EU policies relevant to issues identified by the project's WGs. Each section contains a description of the issue and the related EU policy, as well as information about current EU contact points or EU funding opportunities. Suggestions of possible EUMA actions are also incorporated where relevant.

1 European Union: Basic Overview

1.1 Treaties and Legislation

The functioning of the European Union (further EU) stands on international agreements signed and accepted by its member states (further MS). Such treaties are also called founding treaties. As an international organization, the European Union was founded by the "Maastricht" Treaty on European Union, coming into force in 1993. Since then, the legislative framework provided in this treaty has been reformed several times. For this project's purpose, the subsequent analysis will build on this last version of the Treaties, known as the Lisbon Treaty, which came into force in 2009.

The founding treaties, namely the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), represent the basis of how the European Union functions. Thus, they are referred to as **primary EU law**. The **secondary EU law** is a corpus of legal acts that follow from the founding treaties' principles (i.e., primary law). It includes binding "hard law" such as regulations, directives, decisions, and non-binding "soft law," such as recommendations and opinions. However, the EU can also promote its agenda in a **non-legislative** way (under specific rules)¹ or through **indirect soft tools** such as EU funding, enabling the EU to implement its regulatory preferences through the funds' conditionality.

1.2 Institutions

The action of the European Union is carried out by its institutions. The main decisions and EU priorities are decided by the **European Council**, a forum of all national and EU-level leaders meeting together at a summit (usually quarterly). It is chaired by a permanent president (currently Charles Michel). The European Council thus represents

¹ For more details, see: Official Websites of the European Commission, 'Types of EU Law', accessed 29 October 2020, https://ec.europa.eu/info/law/law-making-process/types-eu-law_en.

the highest level of political cooperation between EU member states.² With regards to its power and competences, the European Council is not expected to deal with mountaineering, which is a far more relevant policy topic for other EU institutions.

The **European Commission** is the EU's executive body, which acts in the interest of the EU as an organization. The Commission is responsible for designing legislative proposals and for the implementation of adopted EU policies (in conferred policy areas). Also, it allocates and supervises the EU funding (together with the European Parliament and the Council of the EU). It consists of 27 Commissioners – one from every EU MS – led by the Commission President (currently Ursula von der Leyen). The Commission's cabinet is set after the elections to the European Parliament. Therefore, its term of office usually lasts five years.³ The current cabinet shall execute its powers from 2019 to 2024.⁴

The **Council of the European Union**, informally referred to as the Council,⁵ acts in the interest of the individual member states. It gathers government ministers of every MS and their representatives to discuss relevant policy issues. The label "the Council" often refers not only to the meetings of 27 ministers but also to more than 150 preparatory bodies at lower levels where always all member states are represented. Together with the European Parliament, it is the main EU's legislative power as these two bodies decide about the EU legislation to be accepted, amended, or rejected. Apart from a few exceptions, the Council is chaired by a rotating presidency, lasting six months and transferring among the EU MS.⁶

The **European Parliament** (further EP), composed of 705 members (further MEPs), acts in the interest of EU citizens as MEPs are directly elected by EU voters every five years. Together with the Council, EP represents the main legislative power, deciding about the acceptance, amendment, or rejection of a proposed EU law. It also exercises a supervisory role, e.g., in electing the Commission President and approving the Commission as a body, as well as a budgetary role as it establishes the EU budget (together with the Council).⁷

1.3 Legislative Procedure

For this project's purpose, the **EU legislative procedure** can be summarised as follows: The European Commission designs a legislative proposal (this applies only to the "hard law") as the only EU institution with the right of legislative initiative. However, the original initiation for the Commission can come from a request of the European Parliament or the Council, as well as from a European Citizens' Initiative. The initiation can also come from consultation platforms run by the Commission or lobbying activities of diverse stakeholders. After its submission, the legislative proposal is discussed and voted in the European Parliament and the Council in its first or second reading, possibly resulting in a conciliation procedure and a final third reading, if not accepted or rejected before.⁸

² Official Websites of the European Union, 'European Council', accessed 30 October 2020, https://europa.eu/european-union/about-eu/institutions-bodies/european-council_en.

³ Official Websites of the European Union, 'European Commission', accessed 30 October 2020, https://europa.eu/european-union/about-eu/institutions-bodies/european-commission_en.

⁴ The structure varies with each cabinet in office. For current composition of the Commission always consult the official websites of the European Commission, e.g. at: Official Websites of the European Commission, 'Departments and Executive Agencies', accessed 30 December 2020, https://ec.europa.eu/info/departments?field_core_topics_target_id_entityreference_filter=All&field_core_ecorganisation_value_i18n=All&field_department_tasks_tid_entityreference_filter=All.

⁵ Do not confuse the Council of the European Union with the European Council, which refers to the EU institution gathering national and EU leaders, neither with the Council of Europe, which is another separate international organization, not related to the European Union.

⁶ Official Websites of the European Union, 'Council of the European Union', accessed 30 October 2020, https://europa.eu/european-union/about-eu/institutions-bodies/council-eu_en.

⁷ Official Websites of the European Union, 'European Parliament', accessed 30 October 2020, https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament_en.

⁸ For a more detailed overview and explanation, see: Official Websites of the European Parliament, 'Ordinary Legislative Procedure', accessed 30 October 2020, <https://www.europarl.europa.eu/infographic/legislative-procedure/>.

1.4 Policy Competences

The power of the EU is, however, limited. According to the **principle of conferral**, “the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties.”⁹ Competences that are not conferred on the EU remain with the member states. In such a case, the **principle of proportionality** applies, which means that “the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties.”¹⁰ In addition, under the **principle of subsidiarity**, “the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States (...) but can rather (...) be better achieved at Union level.”¹¹ This is why the EU often cannot perform or acts only through soft policy tools, such as recommendations or funding.

Following these three principles, the Treaties distinguish between three types of EU policy areas competences: exclusive, shared, and supporting. Within **exclusive competences**, “only the Union may legislate and adopt legally binding acts,”¹² while the MS's role is limited to the application of the law. In the **shared competences**, both EU and MS can legislate and adopt legally binding acts; however, the “Member States shall exercise their competence to the extent that the Union has not exercised its competence” or “has decided to cease exercising its competence.”¹³ In this sphere, As for the **supporting competences**, “the Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States, without thereby superseding their competence in these areas.”¹⁴ The following table summarizes policy areas of each category of competence.

Table 1: Areas of EU Action¹⁵

Exclusive Competences ¹⁶	Shared Competences ¹⁷	Supporting Competences ¹⁸
customs union	single market ¹⁹	public health
competition rules for the single market	employment and social affairs	industry
eurozone monetary policy	economic, social, and territorial cohesion	culture
trade and international agreements	agriculture	tourism
marine plants and animals under common fisheries policy	fisheries	education and training, youth and sport
	environment	civil protection

⁹ ‘Consolidated Version of the Treaty on European Union’ (Official Journal C 326, 26 October 2012), para. 5.2, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012M/TXT>.

¹⁰ ‘Consolidated Version of the Treaty on European Union’, para. 5.4.

¹¹ ‘Consolidated Version of the Treaty on European Union’, para. 5.3.

¹² ‘Consolidated Version of the Treaty on the Functioning of the European Union’ (Official Journal C 326/47, 26 October 2012), para. 2.1, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>.

¹³ ‘Consolidated Version of the Treaty on the Functioning of the European Union’, para. 2.2.

¹⁴ ‘Consolidated Version of the Treaty on the Functioning of the European Union’, para. 2.5.

¹⁵ For more detailed information about individual areas, see: Official Websites of the European Commission, ‘Areas of EU Action’, accessed 30 October 2020, https://ec.europa.eu/info/about-european-commission/what-european-commission-does/law/areas-eu-action_en.

¹⁶ Defined in the Art. 3 of TFEU.

¹⁷ Defined in the Art. 4 of TFEU.

¹⁸ Defined in the Art. 6 of TFEU.

¹⁹ This policy area includes the „Four Freedoms“ of the EU: free movement of people, goods, services and capital.

	consumer protection	administrative cooperation
	transport	
	trans-European networks	
	energy	
	security and justice	
	public health	
	research and space	
	development cooperation and humanitarian aid	

The EU can also take measures in areas of its special competences, lying between shared and supporting competences. These are assigned to the coordination of MS economic, social, and employment policies at the EU level and to the definition and implementation of a common foreign and security policy.²⁰

1.5 Budget and Funding

The **EU budget's guiding principles** are set in the articles 310-324 of the Treaty on the Functioning of the EU (TFEU). Among these belong the principle of funding the budget from own resources (mainly the MS contributions), setting a multiannual financial framework for at least 5 years, the schedule for the financial year, and budget implementation and control procedures.²¹

Multiannual financial framework (MFF) is the base for every single EU annual budget. It is introduced and adopted in the form of a regulation under a special legislative procedure by the Council after obtaining the European Parliament's consent. It determines the maximal size of each annual budget as well as general spending categories, including allocations for each member state. In other words, the MFF pre-determines where EU money will go and who will receive it. Traditionally, the MFFs are enacted for a 7-year period. As of January 2021, the EU starts adopting a new MFF 2021-27, which will expire at the end of 2027.

The **actual annual EU budget** is agreed for one calendar year and always corresponds to the pre-agreed multiannual financial framework. It contains concrete expenditures and revenues and must be approved by the Council of the EU and European Parliament. If the EU institutions fail to approve a new annual budget, the EU uses the budget from the previous year until a new budget is adopted.

With its budget, the European Union offers a wide range of funding opportunities for various projects. Only about 18 % of the funding is directly managed by the European Commission, mainly through grants for specific projects helping the Commission pursue its policies, or by public contracts (tenders), used by the Commission to purchase services for its internal use.²² Another 8 % is managed indirectly by international organisations, decentralised agencies, third countries, etc. The most significant share of the EU budget, **74 %, is managed by the Member States**

²⁰ Defined in the para. 2.3 and 2.4 of TFEU.

²¹ Official Websites of the European Commission, 'EU Treaties', accessed 29 December 2020, https://ec.europa.eu/info/strategy/eu-budget/how-it-works/budget-law/treaties_en.

²² Official Websites of the European Commission, 'Types of Funding', accessed 29 December 2020, https://ec.europa.eu/info/funding-tenders/how-eu-funding-works/types-funding_en.

themselves (e.g., relevant ministries) in cooperation with the European Commission. This procedure is called **shared management**.²³

There exist a diverse range of EU funds. However, over half of the EU funding is provided through the 5 biggest funds known as **European Structural and Investment Funds (ESIF)**. Here belong 1. European Regional Development Fund (ERDF), promoting balanced development in different EU regions; 2. European Social Fund (ESF), focusing mainly on employment-related issues; 3. Cohesion Fund (CF), supporting large infrastructure projects in countries with a gross national income (GNI) per inhabitant below 90 % of the EU average;²⁴ 4. European Agricultural Fund For Rural Development (EAFRD), focusing on agricultural issues and rural areas; and 5. European Maritime and Fisheries Fund (EMFF), helping to implement sustainable fishing practices and supporting coastal communities.²⁵ The official websites of the European Commission offer the full list of EU funding programmes available.²⁶

Before any EU member state can retrieve euros from the above-listed funds, it must sign a “**partnership agreement**” with the European Commission. The agreement determines how an EU member state will use EU funding and what measures it will employ to ensure that the distribution of EU resources is protected against fraud. The partnership agreement also contains a description of so-called “programmes,” under which national institutions distribute money from EU funds.²⁷

The distribution of EU funds under the shared management is the responsibility of EU member states. Their public administration evaluates applications for grants as well as award them to successful applicants. The funding opportunities are published in “calls for projects,” and the evaluation process is managed according to a programme scheme as agreed in partnership agreements. The European Commission only controls whether all legal requirements were fulfilled.

In December 2020, the Council adopted the new multiannual financial framework regulation **for 2021-2027**. It consists of a long-term budget of €1 074,3 billion for the EU27, divided into 7 spending areas: 1. Single Market, Innovation and Digital (€132,8 billion); 2. Cohesion, Resilience, and Values (€377,8 billion); 3. Natural Resources and Environment (€356,4 billion); 4. Migration and Border Management (€22,7 billion); 5. Security and Defence (€13,2 billion); 6. Neighbourhood and the World (€98,4 billion); and 7. European Public Administration (€73,1 billion).²⁸ In addition to this, a plan called NextGenerationEU accounts for another €750 billion for the same period with the

²³ Official Websites of the European Union, ‘EU Funding’, accessed 29 December 2020, https://europa.eu/european-union/about-eu/funding-grants_en; European Commission, ‘The EU Budget at a Glance’, May 2019, 22, https://ec.europa.eu/info/sites/info/files/about_the_european_commission/eu_budget/budget-brochure-a5-17-05_interactive.pdf.

²⁴ In the current 2014-2020 period, these were Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia and Slovenia.

²⁵ Official Websites of the European Commission, ‘European Structural and Investment Funds’, accessed 29 December 2020, https://ec.europa.eu/info/funding-tenders/funding-opportunities/funding-programmes/overview-funding-programmes/european-structural-and-investment-funds_en.

²⁶ Official Websites of the European Commission, ‘Overview of Funding Programmes’, accessed 29 December 2020, https://ec.europa.eu/info/funding-tenders/funding-opportunities/funding-programmes/overview-funding-programmes_en.

²⁷ Official Websites of the European Commission, ‘Partnership Agreement’, accessed 29 December 2020, <https://ec.europa.eu/sfc/en/2014/quickguides/PA#-partnership-agreement-0>; ‘Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013’ (Official Journal L347/320, 20 December 2013), 130, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1303>; Official Websites of the European Commission, ‘Glossary: Shared Management’, accessed 29 December 2020, https://ec.europa.eu/regional_policy/en/policy/what/glossary/s/shared-management; Official Websites of the European Commission, ‘Financial Management’, accessed 29 December 2020, https://ec.europa.eu/regional_policy/index.cfm/en/funding/financial-management/.

²⁸ Official Websites of the Council of the EU, ‘Multiannual Financial Framework 2021-2027 and Next Generation EU (Commitments, in 2018 Prices)’, accessed 29 December 2020, https://www.consilium.europa.eu/media/47567/mff-2021-2027_rev.pdf.

intention to support the recovery from the COVID-19 pandemic.²⁹ Under the new multiannual framework, only 4 ESIF funds will be executed under the shared management principle: ERDF, ESF+, CF, and EMFF.³⁰

The recent adoption of the MFF 2021-27 means that there is currently a transition period from the previous MFF, and as a result, there will be only a limited number of calls that EUMA could take advantage of. The EUMA member organizations will have to wait until their respective governments sign a partnership agreement and launch programmes. First calls could be expected to be published as soon as mid-2021 depending on partnership agreements' ratification process.

2 EUMA's Influence

The European Union can be understood as a governance system composed of various decision-making levels, actors, and processes. It is a relatively open governance system where external actors can enter the decision-making process at various stages and address various actors. While it is the EU-level institutions that have the most significant influence on the EU legislation, the Commission, Council, and Parliament, the national level plays an important role in setting the agenda and evaluating adopted regulation.

Policymaking in the EU can be described using the same policy cycle as in other governance systems (see picture 1 below). The role of individual actors differs across the stages, and the role of external influence changes too. For example, the decision-making phase depends a lot on bargaining within the Council, between the Council and the Parliament, and generally on the politics of the moment. The formulation and the evaluation phases, by contrast, are more technical and evidence-based, with the Commission actively inviting external actors into the process in order to provide expertise and feedback. The policy cycle in the EU is different from the national policy cycles because it is not dependent on national elections (even though it could be in specific cases).

Successful interest representation, or lobbying, at the EU level needs to adjust to the institutional characteristics of the issue at hand (how the decision is made and by whom), the issue itself (how salient and how political it is) as well as to the motivation (is an EU decision to be promoted or prevented). Broadly speaking, two main strategies are available: inside and outside advocacy. **Outside advocacy** influences the decision-maker indirectly through the public. The influencer may raise public awareness, politicise certain issues and engage in a grassroots campaign in the individual decision-maker's constituency. This is a suitable strategy for the agenda-setting stage and/or decision making to engage with the member states' politicians and members of the European Parliament. There is a clear constituency for these actors and direct contact with voters. Usually, this type of activity will take place within the national political debate. It may be a bit more problematic to influence the formulation phase this way where the debate gets too technical for a public campaign.

Inside advocacy relies on direct contact with the decision-makers. The lobbyists use arguments (technical or political, or normative) to persuade the individual decision-makers why their specific regulation idea is superior and worth promoting. They may even help draft legislation for the decision-maker. Inside advocacy opportunities may be initiated from both sides. Naturally, it is the lobbyists who are more interested in a meeting because they have a vested interest at stake. But decision-makers of all types need to consult interest groups and experts, too, because they often are expected to legislate on a topic where they lack the necessary information and because they want to find a broadly accepted solution. In the EU context, inside advocacy is possible at all levels of governance - national as well as European - in order to influence various stages of the policy cycle. Lobbyists are expected to register at the EU institutions for transparency purposes.³¹ The European Commission has built inside advocacy into

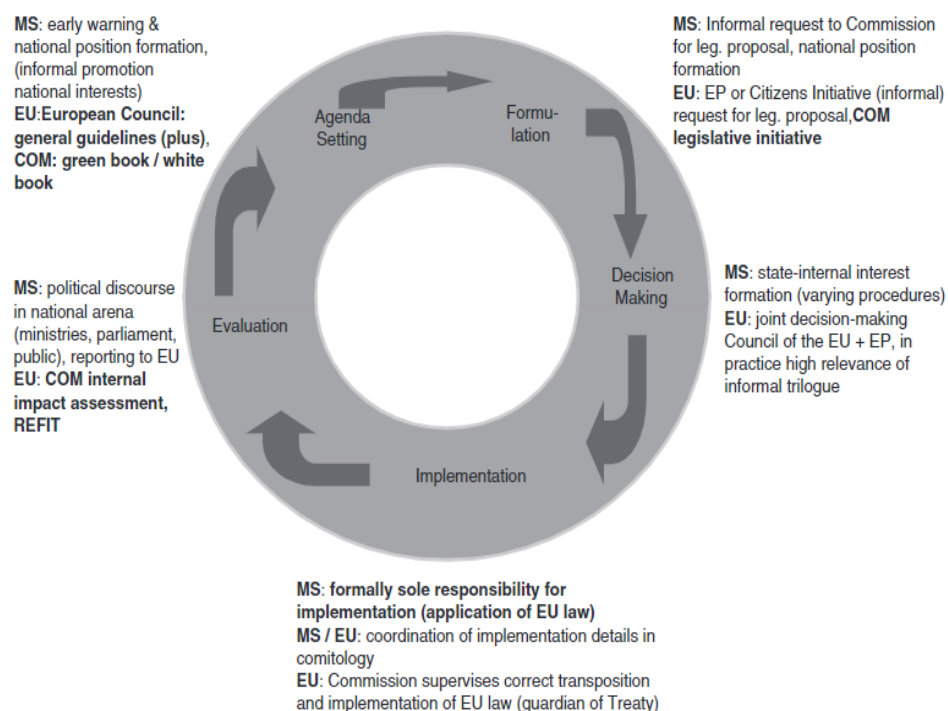
²⁹ Official Websites of the Council of the EU, 'Multiannual Financial Framework for 2021-2027 Adopted', accessed 29 December 2020, <https://www.consilium.europa.eu/en/press/press-releases/2020/12/17/multiannual-financial-framework-for-2021-2027-adopted/>.

³⁰ Ministry of Regional Development of the Czech Republic, 'Preparation of the Partnership Agreement', accessed 29 December 2020, <https://www.dotaceeu.cz/en/evropske-fondy-v-cr/kohezni-politika-po-roce-2020/s>.

³¹ European Commission and European Parliament, 'Transparency Register', accessed 12 January 2021, <https://ec.europa.eu/transparencyregister/public/homePage.do?locale=en#en>.

the policy-making process. It actively invites public opinion in the form of public consultations³² and invites stakeholders to direct talks about planned legislation.

Picture 1: Policy Cycle in the European Union³³



Lobbying literature suggests³⁴ that there are several critical factors that increase the chance of **success in lobbying**. Firstly, lobbyists need to have a clear understanding of their own goals and pursue them consistently. That is a particularly important issue for advocates representing larger groups (such as EUMA) and coordinating activity at various governance levels. A clear definition of the objective allows for promoting the same issue across EU institutions as well as both at the EU and member state levels. For EUMA, this means a clear definition of priorities and objectives shared by all member organisations and promoted jointly by the EUMA office in Brussels and the member organisations in their respective countries.

Secondly, the lobbyist needs **to be recognised as a relevant stakeholder**. While there is always the option of spamming decision-makers with policy briefs and suggestions, a more effective way is to become one of the actors who are approached by the decision-makers themselves. It can be achieved through maintaining a visible public

³² See: Official Websites of the European Commission, 'Have your say', accessed 12 January 2021, <https://ec.europa.eu/info/law/better-regulation/have-your-say>.

³³ Heidbreder, E.G. and Brandsma, G.J. The EU Policy Process. In: Ongaro, E. and van Thiel, S. (eds) The Palgrave Handbook of Public Administration and Management in Europe. London: Palgrave Macmillan, pp. 805-821, p. 807.

³⁴ For more detail on lobbying see, for example, Coen, D. and Richardson, J., eds., 2009. *Lobbying the European Union: Institutions, Actors, and Issues*. Oxford: Oxford University Press; van Schendelen, R., 2010. *More Machiavelli in Brussels. The Art of Lobbying the EU*. Amsterdam: Amsterdam University Press; Joos, K., 2011. *Lobbying in the new Europe: Successful representation of interests after the Treaty of Lisbon*. Weinheim: Wiley-VCH; Zetter, L., 2011. *Lobbying: The Art of Political Persuasion*. Petersfield: Harriman House.

profile as well as increasing own legitimacy. For EUMA, this means presenting itself as the representative of the mountaineering interests at the EU level with a clear backing of the member organisations.

Thirdly, the lobbyists serve **as a source of expert information** for the decision-makers. The more useful and reliable source of information lobbyists are, the more likely they will be invited for consultation. For EUMA, this means being able to provide superior knowledge about mountaineering and the impact of current and planned legislation, as well as information about the mountaineers, the mountains, and the infrastructure involved, including the huts, trails, and rock areas.

EUMA will need to adjust its activities to the particular objective and the stage of the policy cycle. Where **new mountaineering policy agenda** should be set, for example, it can engage in both inside and outside advocacy activities. First, **EUMA can launch** a Citizens' Initiative, which requires, in order to be successfully submitted for consideration to the European Commission, 1 million signatures from at least seven member states within one year.³⁵ It can also lobby individual MEPs or submit a petition to the European Parliament,³⁶ which can result in an EP's request on legislation. Third, EUMA can lobby the MS representatives to engage with the Commission. Depending on the type of decision-making, EUMA may need to engage the Commission directly, for example, when the Commission is expected to adopt implementing or delegated acts.³⁷ However, in this process, cooperation with or lobby to MS representatives working in the comitology committee shall be beneficial. Finally, EUMA certainly plays its role in the European Commission's consultation platforms through which the Commission regularly seeks citizens and other stakeholders' views while designing new policy or legislation.³⁸ It should also be in regular contact with the relevant Commission DGs and units to become a recognised stakeholder in agendas relevant for mountaineering. However, the association always has to keep in mind the division of competences between the EU and MS in policy areas, as explained here above, and maintain a unified position between EUMA and the member organisations.

To establish its position, maintain its influence at the European level, and strengthen its brand, EUMA also gains more visibility and credibility as a partner organization in **EU-led symbolic initiatives**. The relevant areas for cooperation and participation in EU events are (as listed and explained below) tourism and sport. More specifically, the relevant projects are the European Year of Cultural Heritage³⁹ and the European Week for Sport,⁴⁰ where European, regional and local partners joint their effort to highlight the European dimension of their activities.

EUMA can also help national associations to **reach EU funding**. As the majority of the EU budget is implemented through the shared management, i.e., the MS are responsible for the design of the spending programmes and their subsequent management in each country, individual associations need to take part in negotiations of partnership agreements concluded between individual MS and the Commission for the whole multiannual financial framework, if they wish to influence the form of the final agreement's version. EUMA shall have the role of supervision of the processes at the EU level to inform national associations on proper timing to engage in such negotiations as well as to reflect on possible future projects needed well in advance. After the partnership agreement is accepted, individual associations have to search for funding opportunities within the financial framework set nationally, and thus differently in each country. Next, EUMA shall help national associations design joint projects across borders and possibly with its management. In addition, EUMA itself can also apply for direct EU funding through responding to the Commission's calls for proposals (obtaining a grant or subvention) or calls for tenders (obtaining a contract), if relevant, for mountaineering activities.

³⁵ For more details, see: Official Websites of the European Commission, 'European Citizens' Initiative', accessed 30 October 2020, https://europa.eu/citizens-initiative/home_en.

³⁶ For more details, see: Official Websites of the European Parliament, 'Petitions', accessed 30 October 2020, <https://www.europarl.europa.eu/at-your-service/en/be-heard/petitions>.

³⁷ For more details, see: Official Websites of the European Commission, 'Implementing and Delegated Acts', accessed 17 November 2020, https://ec.europa.eu/info/law/law-making-process/adopting-eu-law/implementing-and-delegated-acts_en.

³⁸ For more details, see: Official Websites of the European Commission, 'Public Consultations and Other Consultation Activities', accessed 30 October 2020, <https://ec.europa.eu/social/main.jsp?catId=333&langId=en>.

³⁹ For more information, see: Official Websites of the European Commission, 'Selected Themes', accessed 22 January 2021, <https://ec.europa.eu/culture/policies/selected-themes>.

⁴⁰ For more information, see: Official Websites of the European Commission, 'European Week of Sport', accessed 22 January 2021, https://ec.europa.eu/sport/week_en.

To find relevant contacts on EU or MS representatives, consulting official websites of the relevant institution is necessary, as departments' structure can vary significantly across time. In **the European Commission** case, there currently exist 27 Directorate-Generals (DGs), each consisting of several departments focused on various topics relevant to the main issue that the DG tackles with.⁴¹ To get detailed information on the organisation chart of each DG, official websites of the DGs provide their organigramme. As for **the Council** of the EU, the agenda put on the table is first discussed and prepared by Council's Working Parties of the relevant issue, before being reexamined by the Permanent Representative Committee (COREPER), a body of permanent representatives of each MS. With material prepared in this manner, official representatives of the governments (ministers or state secretaries) meet as the last Council's decision level, working under 10 different "configurations", depending on the subject being discussed.⁴² For possible lobby, EUMA shall first approach the permanent representation to get more information on individual MS stance on the issue in question. Regarding **the European Parliament**, its 705 members (MEPs) currently sit in 7 political groups, divided according to their political affiliation, and work in 27 committees according to the issue being discussed. These committees prepare the work for Parliament's plenary sessions. The EP's websites contain detailed information on the affiliation of MEPs to committees, political groups, or countries, which differ across time as well.⁴³

In a case where the official websites do not contain information on the composition of personnel and its contact details, the EU's search engine "**Whoiswho**"⁴⁴ offers a structured overview of organizational units of all EU institutions, as well as a possibility to search for concrete persons. As for the email addresses, a common rule of *firstname.lastname@institutionname.europa.eu*⁴⁵ applies to all EU institutions.

In case of the member states' permanent representations to the EU, the responsible official following the issue at stake for his or her country in Brussels can usually be found through the permanent representation's website.

3 Mountaineering Issues

The next part focuses on the analysis of mountaineering issues while connecting them to relevant EU policies. With each issue, a framework of existing EU policies with relevant hard and soft law tools is presented, together with possible funding and contact points.

3.1 Sport

Sport and physical activity are closely linked to mountaineering. Here as well, **harmonisation of legislation is directly prohibited** by the TFEU in the case of sporting issues⁴⁶ or vocational training,⁴⁷ and the EU can only complement the action of MS within its supporting competences with soft, non-binding tools. The main instruments EU has activated in the area of sport are the European Union Work Plan for Sport (currently The EU third Work Plan

⁴¹ To search for a relevant DG with a certain topic in question, see: Official Websites of the European Commission, 'Departments and Executive Agencies'.

⁴² For more information about the current structure of the Council's preparatory bodies and configurations, see: Official Websites of the Council of the EU, 'The Council of the European Union', accessed 29 December 2020, <https://www.consilium.europa.eu/en/council-eu/>.

⁴³ For more information about the current composition of MEPs, political groups, and committees, see: Official Websites of the European Parliament, 'European Parliament', accessed 31 December 2020, <https://www.europarl.europa.eu/portal/en>.

⁴⁴ Official Websites of the European Union, 'EU Whoiswho', accessed 31 December 2020, <https://op.europa.eu/en/web/who-is-who>.

⁴⁵ For the European Commission, this is *@ec.europa.eu*; for the European Parliament, *@europarl.europa.eu* applies. For the Council and its representative bodies, email addresses derive from national government structure and thus need to be searched individually.

⁴⁶ 'Consolidated Version of the Treaty on the Functioning of the European Union', para. 165.4.

⁴⁷ 'Consolidated Version of the Treaty on the Functioning of the European Union', para. 166.4.

for Sport 2017-2020),⁴⁸ the White Paper for Sport⁴⁹ adopted in 2007, as well as plans to develop a European Dimension in Sport.⁵⁰ However, recognition of qualifications or the need to be a member of a local professional association can be regulated even by a binding EU law as they are understood as related to the single market and free movement of workers and services.

For EUMA, a **contact point** for the sporting issues, education, and youth are a European Commission's DG for Education, Youth, Sport and Culture (EAC)⁵¹ and Education, Audiovisual and Culture Executive Agency (EACEA),⁵² managing Erasmus+ fund (among others), which represents the most relevant EU funding available for sport and education.

Within the Erasmus+ fund,⁵³ the **Erasmus+ Sport Programme** offers many possibilities to promote the role of sport and increase its role in society. In the context of EUMA activities, both professional sport and recreational sport activities fall under the sport category and can receive funding and other forms of support from Erasmus+. The programme does not offer only educational opportunities for individuals but also operates at the level of organisations. On top of that, it covers a special "sport actions category"⁵⁴ tailored for activities promoting participation in sport, physical activity, and voluntary activities. The specific actions are (1) Collaborative partnerships, (2) Not-for-profit European Sport Events, and (3) Small Collaborative Partnerships. All above-mentioned categories represent an opportunity for EUMA to both gain support and to enlarge its expertise and network at the European level. In addition to that, the Erasmus+ label can give more visibility and positive branding to EUMA and its partners' activities.

The sport agenda also includes symbolic events and activities that represent a potential asset for EUMA and its partner organizations. The most prominent event organized at the EU level is the **European week of sport**⁵⁵ – a European Commission-led initiative taking place every year in late September. Its main purpose is to raise awareness about the importance of physical activity in society. It is an umbrella action covering "a wide range of activities – at the European, national, regional and local levels – around the themes of Education, Workplace, Outdoors, Sport clubs, and Fitness centres".⁵⁶ The Outdoor category can be of particular interest to EUMA. It can give symbolic value to its events not only in EU countries but also in the countries of Western Balkans and Eastern Partnership (Belarus, Ukraine, Moldova, Georgia, Armenia, and Azerbaijan).

Besides the European week of sport, the European Commission has designed five other **flagship initiatives in sport**, such as the Be Active Awards, EU Sport Forum, Erasmus plus Sport Info Day, and the SHARE Initiative (relevant in

⁴⁸ Council of the European Union, 'Resolution of the Council and of the Representatives of the Governments of the Member States, Meeting within the Council, on the European Union Work Plan for Sport (1 July 2017 - 31 December 2020)', 24 May 2017, <https://data.consilium.europa.eu/doc/document/ST-9639-2017-INIT/en/pdf>.

⁴⁹ European Commission, 'White Paper on Sport', 11 July 2007, <https://data.consilium.europa.eu/doc/document/ST-9639-2017-INIT/en/pdf>.

⁵⁰ European Commission, 'Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Developing the European Dimension in Sport', 18 January 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011DC0012>. Other sport policy documents can be found online at: European Commission, 'Sports - Documents', accessed 4 January 2021, <https://ec.europa.eu/competition/sectors/sports/policy.html>.

⁵¹ For more information, see: Official Websites of the European Commission, 'Education, Youth, Sport and Culture', accessed 4 January 2021, https://ec.europa.eu/info/departments/education-youth-sport-and-culture_en.

⁵² For more information, see: Official Websites of the European Commission, 'Education, Audiovisual and Culture Executive Agency', accessed 4 January 2021, https://ec.europa.eu/info/departments/education-audiovisual-and-culture_en.

⁵³ For more information, see: Official Websites of the European Commission, 'Erasmus+', accessed 22 January 2021, <https://ec.europa.eu/programmes/erasmus-plus/>.

⁵⁴ For more information about sport actions under Erasmus+ programme, see: Official Websites of the European Commission, 'Sport actions', accessed 22 January 2021, https://ec.europa.eu/programmes/erasmus-plus/opportunities/sport_en.

⁵⁵ For more information, see: Official Websites of the European Commission, 'European Week of Sport', accessed 22 January 2021, https://ec.europa.eu/sport/about/initiatives/ewos_en.

⁵⁶ Official Websites of the European Commission, 'European Week of Sport', accessed 22 January 2021, https://ec.europa.eu/sport/about/initiatives/ewos_en.

the context of regional and local development - applicable for huts and trails).⁵⁷ Becoming a partner organisation of these symbolic events and actions can strengthen the actorness of EUMA at the EU level.

3.2 Tourism

Tourism represents an essential policy area that is involved in mountaineering activities generally. It stretches over several EU policy areas - tourism, single market, anti-discrimination, environmental protection, free movement, etc. - and in each of those fields, the EU has different competences. It is therefore difficult to fully describe in detail the impact of EU legislation on tourism. For the sake of simplicity, we describe only areas that are relevant to EUMA activities.

Tourism policy in general

Generally speaking, the tourism policy area falls into the sphere of **supporting competences**, where the EU only supports the measures taken by individual MS, if needed or asked. TFEU even explicitly prohibits an EU-level harmonisation of legislation connected to tourism.⁵⁸ On the other hand, the EU shall support, supplement or complement the MS's action within the limits of its competences, which means with non-binding, soft law tools. Also, the EU rule on non-discrimination, as defined in article 21 of the Charter of Fundamental Rights of the European Union,⁵⁹ is superior to national regimes. The contact points for tourism policy in the European Commission are the DG for Internal Market, Industry, Entrepreneurship and SMEs (GROW),⁶⁰ where you can find more information about the current organisation chart,⁶¹ as well as about the EU tourism policy and its tools.⁶² Regarding the funding possibilities, the DG prepared a Guide on EU funding for the tourism sector, which describes available funds in detail.⁶³ Through a large variety of funding opportunities, responding to the diverse needs of tourism stakeholders, the EU supports the economic growth, employment, and social development brought by tourism, which represents the third largest EU economic sector.⁶⁴

Like in other areas with a strong cultural dimension, tourism-related activities of individual or collective actors that aim to **foster the European cultural heritage** or highlight Europeanness may gain EU support and funding. In this context, all relevant EUMA efforts in huts, trails, and rock areas are closely related to the landscape (cultural) heritage, and they do generate (physical, sightseeing, and educational) activities that form the joint European experience. All relevant EU-led initiatives in the tourism sector favour touristic itineraries or routes linking several EU Member states.

EU tourism policy stakeholders are also active in promoting **Europe as a tourist destination**, including European mountaineering areas. The European Commission cooperates in particular with a non-profit organisation - the

⁵⁷ For more information, see: Official Websites of the European Commission, 'About sport initiatives', accessed 22 January 2021, https://ec.europa.eu/sport/about/initiatives_en.

⁵⁸ 'Consolidated Version of the Treaty on the Functioning of the European Union', para. 195.2.

⁵⁹ 'Charter of Fundamental Rights of the European Union' (Official Journal C 326, 26 October 2012), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>.

⁶⁰ For more information about the DG GROW, see: Official Websites of the European Commission, 'Internal Market, Industry, Entrepreneurship and SMEs', accessed 4 January 2021, https://ec.europa.eu/info/departments/internal-market-industry-entrepreneurship-and-smes_en.

⁶¹ Official Websites of the European Commission, 'Internal Market, Industry, Entrepreneurship and SMEs - Organisation Chart', accessed 4 January 2021, https://ec.europa.eu/info/sites/info/files/organisation_charts/organisation-chart-dg-grow_en.pdf.

⁶² Official Websites of the European Commission, 'Tourism', accessed 4 January 2021, https://ec.europa.eu/growth/sectors/tourism_en.

⁶³ Official Websites of the European Commission, 'Guide on EU Funding for the Tourism Sector (2014-2020)', accessed 4 January 2021, <https://op.europa.eu/en/publication-detail/-/publication/e0707433-aa5f-11e6-aab7-01aa75ed71a1>.

⁶⁴ Official Websites of the European Commission, 1.

European Travel Commission (ETC) that is raising awareness about EU travel destination(s) to non-EU countries.⁶⁵ The ETC is also responsible for the official travel portal of Europe – VisitEurope.com.

Tourism as part of the internal market and consumer policy

In a case where tourism collides with the EU internal market issues, EU regulation of these matters applies. Although the EU has only a supporting role in tourism policy, it has strong shared competences in regulating the single market. The largest bulk of EU legislation concerning tourism can be found in consumer protection laws and regulation of services within the internal market policy area. Below follows a list of the most relevant EU legislation with regard to EUMA activities.

The Directive 2011/83/EU⁶⁶ on consumer rights regulates business-to-consumer relations. It sets rules for fees for the use of certain means of payment (credit cards etc.), how a tourism service can be offered as well as what right consumers have when their service is not fully provided.⁶⁷ It is important to stress that the impact of this regulation may vary across the EU. It only stipulates minimum requirements, and Member States are free to strengthen the rules on the national level. For EUMA, the regulation is relevant predominantly where member organisations offer services similar to travel agencies.

Regulation (EC) No 66/2010⁶⁸ on the EU Ecolabel introduces a certification scheme for tourist services providers who conduct their business more environmentally friendly. Minimum requirements for Ecolabel application are provided on the official websites of the European Commission.⁶⁹

Finally, there is the Directive (EU) 2015/2302 on package travel and linked travel arrangements, which regulates who is responsible for providing travel services, especially if a ticket is purchased through an intermediary or travel agency.

3.3 Environment protection

Among the most important EU policy areas relevant to mountaineering activities belongs **environment protection**⁷⁰. As this field falls in the category of shared competences between the EU and MS, there exists a set of EU legislation harmonising certain aspects of environment protection across the EU, while diverse national action compliant with these measures can be put into force as well. The acts the most relevant to mountaineering has been taken in the policy subarea of nature and biodiversity⁷¹. Here belong the following relevant legislative acts: the Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora⁷²; Directive

⁶⁵ For more information, see: Official Websites of the European Travel Commission, 'Homepage', accessed 22 January 2021, <https://etc-corporate.org/>.

⁶⁶ 'Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights' (Official Journal L 304, 22 November 2011), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0083>.

⁶⁷ European Commission, 'DG Justice Guidance Document', June 2014, accessed 22 January 2021, https://ec.europa.eu/info/sites/info/files/crd_guidance_en_0_updated_0.pdf.

⁶⁸ 'Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel' (Official Journal L 27, 30 January 2010), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010R0066&qid=1611313106593>.

⁶⁹ Official Websites of the European Commission, 'The EU Ecolabel for Tourist Accommodations', accessed 22 January 2021, <https://ec.europa.eu/environment/ecolabel/documents/hotels.pdf>.

⁷⁰ For all environment policy subareas, see: Official Websites of the European Commission, 'Topics', accessed 30 December 2020, https://ec.europa.eu/info/energy-climate-change-environment/topics_en.

⁷¹ For more details on this policy subarea, see: Official Websites of the European Commission, 'Nature and Biodiversity', accessed 30 December 2020, https://ec.europa.eu/environment/nature/index_en.htm.

⁷² 'Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora' (Official Journal L 206, 22 July 1992), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

2001/42/EC on the assessment of the effects of certain plans and programmes on the environment⁷³, Directive 2009/147/EC on the conservation of wild birds,⁷⁴ Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment;⁷⁵ and Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species.⁷⁶ More publications related to the EU nature directives can be found at the European Commission's official websites.⁷⁷

Besides these “hard law” measures, the EU also drives its environmental protection activities through soft policy tools, such as the EU Biodiversity Strategy for 2030⁷⁸ and the associated Action Plan adopted by the European Commission in May 2020,⁷⁹ Natura 2000,⁸⁰ or Green Infrastructure Strategy.⁸¹ Among soft policy tools also belong the spending power executed through the EU funding. As the field of environment protection stands as one of the EU's primordial priorities in both financial cycles of 2014-2020 and 2021-2027, there exist a wide variety of funding possibilities. These can be found mainly within the EU's funding instrument for the environment and climate action called LIFE,⁸² or through national operational programmes focused on environment protection, using the European Structural and Investment Funds (ESIF). At the EU level, environmental protection is currently executed at the European Commission's Directorate-General for Environment (ENV). Information on exact departments and detailed topics covered shall be provided with an organisation chart at the current DG's websites.⁸³

Under the policy area of environment protection, a subarea of **waste management** appears on the list of issues related to mountaineering, too.⁸⁴ Even if there exist several binding legislative acts⁸⁵ as well as non-binding strategic documents,⁸⁶ the EU waste policy is primarily concerned⁸⁶ with macro-regime (such as processing of waste and broad duty to recycle) rather than micro waste management (such as the duty to remove one's own waste/garbage) that

⁷³ 'Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the Assessment of the Effects of Certain Plans and Programmes on the Environment' (Official Journal L197/30, 21 July 2001), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0042>.

⁷⁴ 'Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the Conservation of Wild Birds' (Official Journal L 20, 26 January 2010), <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1561459564543&uri=CELEX:32009L0147>.

⁷⁵ 'Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 Amending Directive 2011/92/EU on the Assessment of the Effects of Certain Public and Private Projects on the Environment' (Official Journal 124, 25 April 2014), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0052>.

⁷⁶ 'Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the Prevention and Management of the Introduction and Spread of Invasive Alien Species' (Official Journal L 317, 4 November 2014), <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1417443504720&uri=CELEX:32014R1143>.

⁷⁷ Official Websites of the European Commission, 'EU Nature Directive Publications', accessed 13 November 2020, https://ec.europa.eu/environment/nature/info/pubs/directives_en.htm.

⁷⁸ For more information, see: Official Websites of the European Commission, 'EU Biodiversity Strategy for 2030', accessed 30 December 2020, https://ec.europa.eu/environment/nature/biodiversity/strategy/index_en.htm.

⁷⁹ European Commission, 'EU Biodiversity Strategy for 2030' (COM(2020) 380 final, 20 May 2020), <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1590574123338&uri=CELEX:52020DC0380>.

⁸⁰ For more information, see: Official Websites of the European Commission, 'Natura 2000', accessed 13 November 2020, https://ec.europa.eu/environment/nature/natura2000/index_en.htm.

⁸¹ For more information, see: Official Websites of the European Commission, 'The EU Strategy on Green Infrastructure', accessed 13 November 2020, https://ec.europa.eu/environment/nature/ecosystems/strategy/index_en.htm; More publications related to EU soft policy measures can be found online at: Official Websites of the European Commission, 'EU Biodiversity Policy', accessed 13 November 2020, https://ec.europa.eu/environment/nature/info/pubs/biodiversity_en.htm.

⁸² For more information about the LIFE programme, see: Official Websites of the European Commission, 'LIFE Programme', accessed 30 December 2020, <https://ec.europa.eu/easme/en/life>.

⁸³ Organisational chart of the current DG Environment is available online at: Official Websites of the European Commission, 'Environment - Organisation Chart', accessed 30 December 2020, https://ec.europa.eu/info/departments/environment_en.

⁸⁴ For more details on this policy subarea, see: Official Websites of the European Commission, 'Waste', accessed 13 November 2020, <https://ec.europa.eu/environment/waste/index.htm>.

⁸⁵ E.g. Directive 2008/98/EC on waste (Waste Framework Directive), Regulation (EC) No 1013/2006 on shipments of waste or Decision 2000/532/EC establishing a list of wastes. For more information, see: Official Websites of the European Commission.

⁸⁶ E.g. Thematic Strategy on the prevention and recycling of waste, Thematic Strategy on the sustainable use of natural resources, Integrated Product Policy or Sustainable Consumption and Production Action Plan. For more information, see: Official Websites of the European Commission.

is mainly executed at the local level. Thus, in the sense of micromanagement of waste, the EU can only support the action of responsible local actors or influence the question through soft, non-binding tools. Among these belongs possible EU funding available to develop relevant waste infrastructure, accessible again through national operational programmes financed by ESIF and managed by the Member States themselves. The EU can also act in the case of discrimination between locals and foreigners regarding possible sanctions.

The same principles apply to another issue related to environment protection, that of **sanitary facilities' management**. The provision of such services (e.g., a mobile toilet at the parking place or an appropriately designed site) is the best practice for mountain areas in general but used rather singularly. Mountaineers thus routinely perform their needs in nature, leading (and often leads) to fouling the environment, together with handkerchiefs or wet cleaning cloths that rot only with difficulty. More generally and for this issue specifically too, EUMA could set a guideline for mountaineering ethics regarding environment protection and ensure its promotion among mountaineers in cooperation with national associations. The association can also collect best practices regarding waste and sanitary facilities' management and share them cross-nationally through cooperation with national associations. These can also actively ensure proper waste and sanitary infrastructure where necessary, possibly helping individuals, local communities, or municipalities find relevant funding.

3.4 Parking and camping

Parking management relates to the issues analysed above, too. Mountaineers often come to the destination by car and thus need to park their vehicles in their sport activity vicinity. Best practice shows that organised parking places are a sustainable solution (ideally providing sanitary facilities and recycling waste bins); however, not practiced very often, leading to vehicles left on sites not dedicated to parking. With relation to EU policies, parking management falls under the local regime, and the EU carries out only supporting competences in this sphere. Thus, the same principle as in the case of waste and sanitary facilities' management applies; the EU can only support responsible local authorities' action or influence the question through soft, non-binding tools, mainly EU funding for transport infrastructure. These could be found under funds such as Connecting Europe Facility (CEF), the European Regional Development Fund (ERDF), or the Cohesion Fund (for countries with GNI below 90 % of the EU average). Relevant contact points are the Innovation and Networks Executive Agency (INEA)⁸⁷ responsible for CEF funding, and the European Commission's Directorate-General for Mobility and Transport (MOVE). In addition, the principle of non-discrimination is guaranteed by the EU Charter of Human Rights, which can be applied in cases of possible different sanctions between locals and foreigners.

Another common issue represents **illegal overnight camping**. With their sport activity, mountaineers stay overnight in the mountain areas and their surroundings. However, many tend to avoid paid accommodation in the mountain huts or towns and camp illegally in the wild (and often protected) nature or use existing unmanaged shelters. This issue steps into the environment as well as tourism policy areas, which are, in this case, governed by local authorities responsible for the given site (e.g., natural parks, municipalities, etc.). The EU can interfere only in the case of discrimination between locals and foreigners regarding sanctions or through soft, non-binding tools. Therefore, EUMA shall again gather best practices and share them with national associations that shall actively search for sustainable solutions in relevant individual cases.

3.5 Access

Concerning the issue of access to trails, mountain huts, or rock-climbing areas **through private estates**, the EU does not regulate the property regime (including the right of passage), as national rules regulate it. The only EU-level interference into the question of private property is article 17 of the EU Charter of Fundamental Rights,⁸⁸ warranting

⁸⁷ For more information about the agency and its current organisation chart, see: Official Websites of the European Commission, 'Innovation and Networks Executive Agency', accessed 31 December 2020, https://ec.europa.eu/info/departments/innovation-and-networks-executive-agency_en.

⁸⁸ 'Charter of Fundamental Rights of the European Union' (Official Journal C 326, 26 October 2012), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>.

this right to everyone, the environmental legislation as well as the discrimination principle, being superior to the national rules. However, EUMA can also lobby for non-binding EU recommendations for states (or regions) within tourism policy areas. EUMA shall, again, gather best practices and offer support to national associations or concrete area management in searching for a compromise in case of conflict between mountaineers or associations and private owners of an area in question.

A similar principle applies to the question of easier **access into nature reservations or national parks** for mountaineers, as trails, huts, or rock-climbing areas are often part of such reservations with limited access. As national rules govern this issue, the EU can only act in its supporting role for national or local authorities through non-binding, soft law tools. Where national parks are located in a border region, a solution based on bilateral state agreements is possible. Further, if a national park is located on the internal Schengen border, the border regime can be liberal, but there is an exception regarding intra Schengen free movement based on private property rights. Also, the principle of non-discrimination accounts for the access to nature parks, and the EU could superiorly act in a case where nationals of one state would be treated more preferably.

Regarding possible EUMA's action in this question could be a provision of EUMA membership card enabling free access to nature reservations and national parks across Europe where such access is limited. National associations shall distribute these, possibly with their membership cards. Negotiation with individual parks' management would, however, be necessary in this case.

3.6 Liability

Another mountaineering issue identified reveals the question of **liability**. In both cases, either the responsibility of individual mountaineers for their sport activity or the responsibility for installed climbing/via ferrata/trail equipment, national rules regulate this matter primarily as it falls within the area of internal security and justice. However, as this policy is located in the sphere of shared competences, there are EU rules concerning the determination of which legal system is used when several national regimes potentially collide (e.g., a Czech climber being injured in a Slovenian rock area due to old and poor bolting in a route made by an Austrian). In such a case, there exist mechanisms of judicial cooperation in civil matters (or civil cooperation in criminal matters if need be, but for the climbing activities, mainly civil liability applies, not the criminal one).

3.7 Employment

The following section is relevant mainly for stakeholders dealing with mountain huts' operation who need employees for its performance. Apart from national employees, there are two different categories of workers hired from abroad - EU citizens and non-EU citizens. The different regulatory framework applies to each group. While EU citizens' employment is regulated by EU legislation, access to domestic labour markets by non-EU citizens is predominantly regulated by national laws. The responsible body of the employment policy within the EU is currently the European Commission's DG for Employment, Social Affairs and Inclusion (EMPL).⁸⁹

EU Citizens

The right to freedom of movement for workers is enshrined in Article 3(2) of the Treaty on European Union (TEU), and Articles 4(2)(a), 20, 26, and 45-48 of the Treaty on the Functioning of the European Union (TFEU). It abolishes any discrimination based on nationality with regards to employment, remuneration, and other conditions of work and employment. An EU citizen also has the right to move freely with the EU and to accept a job offer in any given EU member states. The treaty basis is further developed in several directives and regulations.⁹⁰

⁸⁹ Official Websites of the European Commission, 'Employment, Social Affairs and Inclusion', accessed 22 January 2021, https://ec.europa.eu/info/departments/employment-social-affairs-and-inclusion_en.

⁹⁰ 'Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States' (Official Journal L 158, 30 April 2004), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0038>. 'Regulation (EU) No 492/2011 of

In practice, employers can employ any EU citizen under the same conditions as if they were citizens of their own country. According to national legislation, the incoming worker will only have to register his or her residency at host member state authorities and apply to social security and health insurance. This process can vary across EU member states, and time limits for the conclusion of the registering procedure might be different.⁹¹

The aforementioned legislation applies only to standard employment. The movement of posted-workers (sent by a company to another state) as well as self-employed persons (who accept a contract in another member state) is regulated by the Directive (EU) 2018/957 on Posting of Workers.⁹² This situation can arise, for example, if a hut keeper decides to hire a worker through a working agency - the agency will technically employ the individual, and the keeper will pay invoices issued by the contractor.

In this case, several rules must be followed. Firstly, an employer is obliged to respect minimum wage regulation, maximum work/rest periods, health, safety, hygienic standards, etc., according to the hosting country's national legislation.⁹³ Furthermore, an agency worker remains a contributor to his or her sending country's health and social security system, unless they are not posted abroad for more than a year. After that, the posted worker becomes subject to the host country's national social and health care system. This also applies to situations where an employer circulates agency workers on the same position (e.g., a cook). Under such circumstances, the total employment period is the sum of time over which the position was opened. More information regarding rules applied to posted workers and self-employed is provided in the EC's Practical Guide on the relevant legislation.⁹⁴

Non-EU citizens

Working permits for non-EU citizens are predominantly regulated by national legislation. Every single EU member state imposes its own set of rules under which a non-EU citizen can be employed in the given country. There are two exemptions from this rule. The first rule applies to close family members of an EU citizen. In this case, the family members have the right to reside, work, and be educated in the country where the close family member lives.⁹⁵ The second exemption applies to the EEA citizens (Norway, Liechtenstein, and Iceland) and Switzerland. These countries are not technically members of the EU; however, their citizens enjoy the same access to the right of free movement as if they were EU members.

Furthermore, there are specific rules to minimum working conditions and prolongation of work-permit depending on the sending country. In general, it can be asserted that a non-EU citizen has the same right to working conditions as EU citizens in most cases. However, for specific employment conditions of non-EU nationals, consult the official websites of the responsible EC's Directorate-General.⁹⁶ Only Turkish citizens enjoy a special EU regulation with regard to prolongation of their working permits. If they are legally employed in an EU member state, they have the right to permit renewal after one year if the same employer offers them the same position. After three years of

the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union' (Official Journal L 141, 27 May 2011), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011R0492>. 'Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority' (Official Journal L 186, 11 July 2019), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1149&qid=1606313997052>.

⁹¹ EU member states can deny the right of entry and residence on the grounds of public policy, public security or public health, however, this always applies only to specific individuals and is not regularly used.

⁹² 'Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services' (Official Journal L 173, 9 July 2018), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32018L0957>.

⁹³ Official Websites of the European Commission, 'Posted Workers', accessed 22 January 2021, <https://ec.europa.eu/social/main.jsp?catId=471>.

⁹⁴ European Commission, 'Practical guide on the applicable legislation in the European Union (EU), the European Economic Area (EEA) and in Switzerland', December 2013, accessed 22 January 2021, <http://ec.europa.eu/social/BlobServlet?docId=11366&langId=en>.

⁹⁵ Official Websites of the European Commission, 'Family Members', accessed 22 January 2021, <https://ec.europa.eu/social/main.jsp?catId=463&langId=en>.

⁹⁶ Currently at: Official Websites of the European Commission, 'Non-EU nationals', accessed 22 January 2021, <https://ec.europa.eu/social/main.jsp?catId=470&langId=en>.

working in an EU state, they can freely change employers for the same occupation and passing further four years, and they enjoy the same rights as an EU citizen.⁹⁷

3.8 Hut Construction & Maintenance

As in other cases, the European Union does not regulate particular construction requirements but sets general rules of how member states should assess applications for construction permits. There are several directives and regulations⁹⁸ that have an impact on the national construction law, but in general, the processes and requirements for construction permits can significantly vary across the European Union.

The European Union law stipulates that if necessary, the member states should require the construction applicant to assess the new building's impact on the environment. Countries should also provide access to all construction requirements in a non-discriminatory way. All procedures with regard to construction permits should be comprehensible, and a contact-point must be established. Lastly, European Union sets standards for constructions and its building - e.g., there is a common standard for what walls are made of.

In case EUMA member organizations experience problems with construction permits, unnecessary requirements for accommodation facilities, these problems stem from national legislation and do not have a base in the EU laws. For example, basic requirements for hotel rooms and utilities in the Czech mountains are regulated by the Czech national regulation. Similarly, Austria, Slovenia, or Spain will have their own respective regulations.

Conclusions

The European Union is a very complex system of governance where various actors at different levels are responsible for particular decisions regulating mountaineering activities. Although the EU-level institutions may play an important role, many of the acute problems identified by the working groups (huts, trails, rock areas) need to be addressed at national or even regional and local levels. At the same time, EUMA has the potential to find its place as the representative of mountaineering organisations in Brussels. This analysis has attempted to briefly introduce the structure in which EUMA is going to operate, the logic of the EU decision-making and the division of responsibility between the EU and the member states' levels. It also reviewed some of the pressing issues in the three fields – huts, trails and rock areas – that are of interest to the project.

At the EU level, the European Commission and sometimes the European Parliament will be the most important institutions for EUMA. It depends on the issue of which DG or which committee will be responsible for the particular policy. But the presence in Brussels will provide EUMA the opportunity to influence the policy process's crucial phases - the agenda-setting and policy formulation. EU level may also serve as a source of funding to EU-wide or even Europe-wide activities. To establish itself at the EU level, EUMA needs to **become widely known as the representative of mountaineering associations** that have the mandate to represent its members, well-functioning communication channels back to the national organisations, and superior expertise all matters relevant to mountaineering. In such a case, EUMA will be consulted by decision-makers in the Commission and in the Parliament and will secure direct access to those officials who are relevant for EUMA's areas of interest.

The key precondition for EUMA's success will be **the ability of the member organisations to agree on common objectives and priorities**. To become a place to contact on all matters connected with mountaineering, EUMA needs to become a legitimate and recognised representative of the national organisations at the EU level. Only then, EU officials and MEPs will invite EUMA representatives for consultation and be interested in their input. Not only because of the superior information about the impact of the existing or planned legislation in various EU countries, but also because of the simplification that such direct communication substituting contacts with dozens of national organisations ensures. A common position between EUMA and the member organisations is important to communicate the same message at the EU level as well as in the member states. The most visible and successful

⁹⁷ Ibidem.

⁹⁸ Council Directive 92/43/EEC, Directive 2001/42/EC, Directive 2009/147/EC, Directive 2010/31/EU, Directive 2011/92/EU, Regulation (EU) No 305/2011, Regulation (EU) No 347/2013, Directive 2014/52/EU.

lobbying makes use of various entry points to the decision-making process, and the more stakeholders adopt positions close to the EUMA stance, the more likely it is that the final result will be close to it too.

In addition, much change in the European Union takes place without the direct involvement of the EU law as a result of direct contacts of national representatives with each other through sharing of good practices and incorporation of lessons learned in other countries. EUMA can play a significant role in developing these good practices together with its member organisations and share them with the decision-makers at all levels of government. The **combination of the top-down and bottom-up pressure** increases the chance for a change.

EUMA should become the **source of expert information and promoter of best practice**. Databases of trails, huts and rock areas, for example, do not only serve the mountaineers looking for a place to stay overnight or to climb. They will serve EUMA to construct a persuasive, evidence-based argument about the impact of existing and potential legislation. Accounts of good practice and codes of conduct may, in turn serve as the basis of future legislation that needs to be realistic in order to be successful. As long as EUMA can provide reliable information and examples of good practice, Commission and Parliament officials who need information to draft their proposals and argue their points will seek EUMA's input and advice.

The European Union can also serve as a **source of funding**. While some funds are available at the EU level, it is the national level that distributes the majority of resources. EUMA should start preparing for the negotiations over the next multiannual financial framework (2028-2034). It should strive to ensure that the priorities reflect mountaineers' preferences not only in the overall definition of objectives but also in the Commission's negotiations with the individual member states over their national programmes.

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