

**CONST-013**

Brussels, 10 July 2003

**OPINION**

of the Committee of the Regions

of 2 July 2003

on the

**Follow-up to the White Paper on European governance**

COM(2002) 704 final, COM(2002) 705 final, COM(2002) 709 final,

COM(2002) 713 final, COM(2002) 718 final, COM(2002) 719 final

and COM(2002) 725 final/2

THE COMMITTEE OF THE REGIONS

**Having regard to** the communications of the *European Commission* on the *Follow-up to the White Paper on European Governance* – COM(2002) 704 final, COM(2002) 705 final, COM(2002) 709 final, COM(2002) 713 final, COM(2002) 718 final, COM(2002) 719 final, and COM(2002) 725 final/2 - and to the working paper of the European Commission on *Ongoing and systematic policy dialogue with local-government associations*;

**Having regard to** the decision of the European Commission on 11 December 2002, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult it on this matter;

**Having regard to** the decision of its president on 23 September 2002 to draw up an opinion on the *Follow-up to the White Paper on European Governance* and to instruct the *Commission for*

*Constitutional Affairs and European Governance* to undertake the preparatory work;

**Having regard to** the *Protocol governing arrangements for cooperation between the European Commission and the Committee of the Regions* signed by their respective presidents on 20 September 2001 (DI CdR 81/2001 rev. 1);

**Having regard to** the *White Paper on European Governance* of 25 July 2001 (COM(2001) 428 final);

**Having regard to** the Communication from the European Commission of 27 June 2001 on *A new framework for cooperation on activities concerning the information and communication policy of the European Union* (COM(2001) 354 final);

**Having regard to** its opinion of 11 March 1999 on *Developing a genuine culture of subsidiarity: an appeal by the Committee of the Regions* (CdR 302/1998 fin)<sup>1</sup>;

**Having regard to** its opinion of 14 December 2000 on *New Forms of Governance: Europe, a framework for citizens' initiative* (CdR 182/2000 fin)<sup>2</sup>;

**Having regard to** its report of 20 September 2001 on *Proximity* (CdR 436/2000 fin) and the *Salamanca Declaration* of 22 June 2001 (CdR 107/2001 fin);

**Having regard to** its opinion of 13 March 2002 on the *White Paper on European Governance* and the *Communication on a new framework for cooperation on activities concerning the information and communication policy of the European Union* (CdR 103/2001 fin);

**Having regard to** the resolution of the European Parliament on the European Commission *White Paper on European Governance* (A5-0399/2001);

**Having regard to** the draft opinion (CdR 19/2003 rev. 1) adopted on 16 May 2003 by its Commission for Constitutional Affairs and European Governance (rapporteur: **Mr Delebarre**, FR-PES);

**Whereas** various contributions have been made to the debate on new forms of governance and conclusions drawn from a number of seminars organised by the Committee of the Regions itself, including the one held in Ilioupoli on 31 March 2003;

**adopted the following opinion nem. con. with one abstention at its 50th plenary session on 2 and 3 July 2003 (meeting of 2 July).**

#### **1. Developments relating to the follow-up to the White Paper**

## The Committee of the Regions

1. **observes** that it has always been concerned about simplifying the workings of the institutions and improving control of decision-making mechanisms, and about the approaches set out by the *European Commission* in its 2001 *White Paper on European Governance*;
2. **notes** that the communications published by the *European Commission* in December 2002 provide *proof* that the comments requested from and provided by the Committee and several other partners have made an impression;
3. **emphasises** that the communications take into account the need for *information, consultation and partnership* between stakeholders at the various levels and the request of some of them to be more *involved* in the preparation and implementation of European policies;
4. **congratulates** the *European Commission* on having conducted its own assessment of these issues and for having suggested improvements, *without changes to the treaties*, over the policy-framing cycle, and for having stressed the need for more involvement of regional and local authorities in the decision-making process of the Union;
5. **considers** that the overall coherence and clarity of the *communications* on the different stages of the decision-making process are underpinned by a precise breakdown of the decision-making *principles and instruments* at each stage;
6. **wishes** to take part in the current discussion about the steps *involved in* taking these decisions, be they:
  - steps PRECEDING a decision, e.g. those involving *consultation of the general public*, use of *experts* or application of *comitology*, or
  - steps FOLLOWING a decision, e.g. those involving *co-responsibility* of partners, *delegation of responsibility to regulatory agencies*, *concerted mobilisation of implementing skills, monitoring, follow-up, evaluation* of results, and so on.

## Strengthening consultation and dialogue

### The Committee of the Regions

7. **notes** that the *European Commission* has:

- published a communication<sup>3</sup> setting out the "*general principles and minimum standards for consultation of interested parties by the Commission*" in order to "*give interested parties a voice, but not a vote*" in the decision-making process;
- confirmed its intention to "*establish [...] a more systematic dialogue with European and national associations of regional and local government at an early stage of policy shaping*" and presented a working paper<sup>4</sup> at the end of March 2003 on the conditions under which such dialogue would take place;
  8. **appreciates** the efforts of the *European Commission* to propose standardised procedures for consulting what it calls "*organised civil society*" and thus providing citizens with a "*structured channel for feedback, criticism and protest*" in the context of interactive policy formulation, and points out that different representative organisations should be consulted at European level;
  9. **notes** the appropriateness of the framework proposed by the *European Commission* for balancing the *principles* of PARTICIPATION, OPENNESS, RESPONSIBILITY, EFFECTIVENESS and COHERENCE and the standards relating to CLEAR CONTENT of the consultation process, identification of TARGET GROUPS, ACCESSIBILITY OF INFORMATION, TIME LIMITS FOR PARTICIPATION and FEEDBACK;
  10. **wishes** the gradual application of such consultation mechanisms by the *European Commission* to effectively contribute to improving the *transparency* of decision-making processes.

## **Organisation of permanent dialogue with local and regional authorities**

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

11. **considers** it necessary to develop the sharing of responsibilities between local, regional, national and European authorities with respect to decision-making and policy implementation;
12. **welcomes** the current consultation intended to define the principles and terms of this "regional dialogue", which is the equivalent of "social dialogue" for the regional and local authorities;
13. **notes with satisfaction** that the *European Commission* agrees that the Committee of the Regions - which institutionally represents European local and regional authorities - is responsible for developing the dialogue with their associations. This responsibility is already mentioned in the cooperation protocol signed by their presidents on 21 September 2001;
14. **endorses** the Commission's proposal to have the Committee of the Regions organise an annual meeting at which the Commission outlines its work programme to the national or European representative associations of local and

regional authorities. Moreover, representatives of local and regional government should be able to put forward their views not only on the Commission's work programme and other plans but also on concrete legislative proposals;

15. **considers** that in order to achieve such high-quality dialogue, the Committee of the Regions must itself set out the terms of cooperation with associations representing local and regional authorities. Indeed, clear, precise rules should be framed in order to ensure proper representation when the Committee of the Regions - in close cooperation with the organisations concerned - selects organisations for inclusion in the dialogue with the Commission;
16. **underlines** that the involvement of local and regional authorities must be two-fold: on the one hand, systematic consultation of and monitoring by local and regional authorities in the pre-legislative stage, and on the other hand, a strengthened role for the CoR in the political decision-making process;
17. **believes** that there must be *networked cooperation* between local authorities and their national or European associations in the form of solid *partnerships* that provide an added value over and above a simple response to pre-decision consultations.

## A flexible framework of target-based contracts

### The Committee of the Regions

18. **notes** that concluding *target-based contracts* will make it possible to enhance *territorial cohesion* and the *flexibility* of policies with a strong regional impact, by simplifying European and national legislative mechanisms;
19. **approves** the *European Commission's* proposals seeking to involve regional authorities directly in a true partnership with their cities and local authorities in defining objectives, managing Community funds and monitoring results, partly through *tripartite contracts* signed between the European, national and regional levels – for it is a matter of overcoming the weaknesses of the current system by implementing the partnership principle and drawing up overall agreements between the regions, their cities and their local authorities;
20. **believes** that a framework of *agreements and contracts* will allow flexible, effective *partnerships* to be set up and so provide real *added value* promoting rapid realisation of well-defined joint objectives, without affecting the partners' *institutional remits*;
21. **is pleased** that the *European Commission* has decided to *experiment with contracts* in spheres such as sustainable development, the environment, transport and research and development, in order to highlight the advantages of a *process* that is likely to reduce the current routine use of certain legislative procedures and so lower the overall operating costs of the European Union;

22. **points out** that it sees itself as a body that articulates the views of regional and local authorities in the EU decision-making process. In its consultation paper the Commission should therefore avoid casting the CoR in the role of the body which prepares the ground and provides lists and addresses of EU-level and national-level associations of local and regional authorities.

### **Applying the principles of subsidiarity, proximity, proportionality, etc.**

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

23. **stresses** that the principles of subsidiarity, proximity and proportionality should be clearly written into the EU's new constitutional treaty and be evaluated and taken into consideration during the various stages of the Union's legislative process;
24. **considers** that the European scope of the principles of *subsidiarity*, *proximity* and *proportionality* should not be restricted to the spheres where there is dialogue between the Union and the Member States; these principles must also apply to all policy areas for which local and regional authorities have responsibility;
25. **expects** the respect for these principles and establishment of new forms of governance to substantially strengthen *cooperation partnerships* between the different levels of power, with a view to achieving the objectives of economic, social and territorial cohesion. This involves formulating a concept for balanced and multi-centred development, better integration of the urban and rural dimensions, and a greater coordination of regional policy with the main sectoral policies, particularly competition policy and policy towards services of general economic interest;
26. **would like** the inclusion in the constitutional treaty of a better allocation of tasks and responsibilities between the different levels of government, in accordance with the practical application of the principles of subsidiarity, proximity and proportionality.

### **Instruments of regulation, information and communication**

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

27. **recognises** the value of using *European regulatory agencies* to take over some of the executive tasks of the Union, provided this happens in *clearly defined areas*;
28. **therefore endorses** the *European Commission's* proposal to introduce a framework adapted to the different agencies;

29. **recommends** that to protect the *public interest* such agencies should be *subject to an effective surveillance and control system* for technical and administrative, as well as political, purposes;
30. **reiterates** its support for the *European Commission's* efforts to promote the development of its *information policy* by using *information technologies* and providing regular *online* information;
31. **recalls** its wish to introduce its own strong *communication policy* of highly decentralised and broad dissemination of information accessible to all citizens, in partnership with local and regional government.

## 2. Recommendations of the Committee of the Regions

### The Committee of the Regions

1. **wishes** to be granted the status of *fully fledged institution* with increased *responsibilities* in the new European architecture, so that it can play an even more constructive role in the debate on the preparation and implementation of Union policies and thus be in a position to:
  - put into practice the *cooperation protocol* signed with the Commission in 2001;
  - properly carry out its duties as representative of the local and regional authorities;
  - participate fully in *improving the implementation of European governance*.

### The role of the Committee of the Regions in consultations and dialogue with local and regional authorities

#### The Committee of the Regions

2. **stresses** that for our fellow citizens *territorial cohesion* policy is crucial for EU action;
3. **reiterates its call** for *territorial cohesion* policy to be regarded as a shared responsibility between the European Union, the Member States and *local and regional authorities*;
4. **wishes** to take an active and complementary part in *developing governance* at regional and local level, in particular by participating in:

- *consultations with local players and the organisation of discussion platforms between local and regional authorities and civil society;*
  - the organisation and running of *exchange networks* designed to formalise cooperation between the various levels of *local and regional authority*, in particular with regard to the *territorialisation of EU policies*;
  - *the promotion of transnational and interregional cooperation*, on the basis of arrangements tailored to each area of cooperation, and of new instruments for cooperation between regions situated in different Member States;
5. **offers its services in** setting up *partnerships* with organisations representing local and regional authorities so as to capitalise on the special knowledge that such authorities may have in the various areas which concern them, with a view to presenting *local or regional proposals* to the European institutions when they are drawing up *Community policies*, thus contributing to *a more balanced development of the Community's regions* and to participation of the regions in the implementation of the Union's *political agenda*;
  6. **reiterates** its proposal for the treaties to contain a provision allowing the CoR to play a major role in the consultation of regional and local authorities and their European associations by the *European Commission*, in particular by providing an effective link for any authorities wishing to bring an action before the *Court of Justice* because they consider that a Community act impinges on their powers and hence does not respect the subsidiarity principle. Notwithstanding this proposal, the regions in which they are represented should have their own right to bring an action before the European Court of Justice in connection with the subsidiarity principle;
  7. **also reiterates** its call for local and regional authorities to be granted the right to bring an action before the European Court of Justice when they feel that their powers are not being respected by the European Union institutions.

## **Outlook reports, expertise and impact studies**

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

8. **approves** the idea of *creating a regulatory environment* in which the fruits of scientific and technical expertise can be mobilised and put to good use by means of open-ended, transparent, pluralist and well-honed processes;
9. >wishes to put the experience and know-how of its members and the local and regional authorities which they represent at the service of everyone, and to help



share the good practice which exists at regional and local level and in framing policies which have a territorial impact, both when these policies are being drawn up and when their results are being evaluated;

10. to this end **wishes** to have the means enabling it to "play a more proactive role in examining policy", so as to:

- improve its *ability to provide the most appropriate possible opinions*;
- place *the expertise of its members* at the disposal of the other institutions;
- assess the *impact* of European policies at *local and regional level* and better evaluate the cost of their implementation and their financial implications for the budgets of local and regional authorities;
- prepare or coordinate *outlook reports*, to ensure the *integration of the territorial dimension and sustainable development* in Community policies;
- promote the use of *target-based tripartite contracts and agreements*.

## **Application of the subsidiarity principle**

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

11. **recalls** the proposal which it submitted to the Convention on the Future of Europe calling for the treaties to contain:

- a *clear definition of the subsidiarity principle* guaranteeing respect for the competences of local and regional authorities, which may vary from one country to another;
- the *introduction of a system for ex-ante and ex-post checks on compliance with the subsidiary principle*, in which the *Committee of the Regions* can play a full role;

12. **wishes** to be able to monitor correctly the application of the *subsidiarity and proximity principles*, and consequently to have the resources to:

- effectively *investigate* the implementation of the *subsidiarity principle* by the many levels of players and decision-makers in Europe;
- effectively ascertain that the *subsidiarity and proximity principles* are being applied properly, in particular when legislative proposals with a territorial impact are being discussed;
- be able to bring an action before the *Court of Justice* when these principles are not respected.

### **The construction of a genuine European citizenship**

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

13. **reasserts** its firm conviction that successful integration of the various forms of territorial organisation in the Member States hinges on *local democracy* taking root and public action being *closer to citizens*;

14. **intends** to fully assume its role as a *link with and mouthpiece for local and regional authorities* so as to ensure respect for the *traditions* and specific features of their regions and help to reduce the current *democratic deficit*;

15. **considers** that it must be able to make a specific contribution to the construction of a *genuine European citizenship* by:

- helping to *inform citizens*;
- facilitating their *participation* in decision-making;
- developing *participatory democracy*;

16. **calls on** the next *intergovernmental conference* to grant it the necessary powers and responsibilities and **declares** that it is ready to exercise them to help improve *European governance*.

Brussels, 2 July 2003

The President

The Secretary-General

of the

of the

Committee of the Regions

Committee of the Regions

**Albert Bore**

**Vincenzo Falcone**

<sup>1</sup> OJ C 198 of 14.7.1999, p. 68

<sup>2</sup> OJ C 144 of 16.5.2001, p. 1

<sup>3</sup> COM(2002) 704 final

<sup>4</sup> Cf. European Commission working paper: "Ongoing and systematic policy dialogue with local-government associations", accessible on the Commission website since 28.3.2003.

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CdR 19/2003 fin FR/SG/CAT/ht

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