



Committee of the Regions

CIVEX-V-020

**94th plenary session
15 and 16 February 2012**

OPINION of the Committee of the Regions

BUILDING A EUROPEAN CULTURE OF MULTILEVEL GOVERNANCE: FOLLOW-UP TO THE COMMITTEE OF THE REGIONS' WHITE PAPER

THE COMMITTEE OF THE REGIONS

- believes, that a renewed Community method is needed which involves a more inclusive process and the establishment of multilevel governance;
- welcomes the political consensus expressed regarding its view of European governance and the support of the European institutions for its initiative;
- has taken the initiative of creating a Multilevel Governance Scoreboard at European Union level which will help to measure annually to what extent the main principles and mechanisms of this type of governance have been taken into account in the European Union's political cycle, focusing on the regional dimension of the policies and strategies analysed;
- believes that with a view to consolidating CoR monitoring activities, special attention could be paid to multilevel governance at the next conference on subsidiarity;
- over the coming months will draw up its European Union Charter for Multilevel Governance, which should lead to greater participation by local and regional authorities in the exercise of European democracy. Its drafting process will be participatory and inclusive, promoting a sense of ownership of the Charter on the part of local and regional elected representatives.

Rapporteur

Mr Luc Van den Brande (BE/EPP)
President of the Flanders-Europe Liaison Agency

I. POLITICAL RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

1. confirms the political commitment expressed in its White Paper on Multilevel Governance adopted on 17 June 2009¹ and therefore, having proposed a political project for **Building Europe in partnership**, intends to ensure that this objective is achieved by standing firm against any counter-tendency, as this will further European integration²;

A. GENERAL PRINCIPLES OF MULTILEVEL GOVERNANCE

2. sees the principle of multilevel governance as based on coordinated action by the EU, the Member States and regional and local authorities according to the principles of subsidiarity and proportionality and in partnership, taking the form of operational and institutionalised cooperation in the drawing-up and implementation of the European Union's policies;
3. believes, therefore, that **a renewed Community method** is needed which involves a more inclusive process and the establishment of multilevel governance; this would make the European Union's actions more effective by establishing a new culture of interinstitutional and political cooperation, which will promote participation in the European process by elected representatives from all levels, including, in any case, those from regions with legislative powers;
4. welcomes the political consensus expressed regarding its view of European governance and the support of the European institutions for its initiative, and firmly believes that building a genuine **European culture of multilevel governance** is dependant upon three factors:
 - consolidating the bases and principles for this mode of governance within European and national institutional and political frameworks;
 - implementing multilevel governance by means of the relevant mechanisms and instruments;
 - ensuring that the various tiers of governance, in particular local and regional authorities, are in a position of financial independence and able to pool resources efficiently as a result of fairer distribution of public funds;
5. points out that the Lisbon Treaty has undeniably firmly integrated multilevel governance into the operation of the European Union by enhancing its position within the institutional

¹ CoR White Paper on Multilevel Governance, CdR 89/2009 fin.

² In its resolution on the political priorities for 2011 (CdR 361/2010 fin), the CoR indicates that it "intends to continue developing a European culture of multilevel governance (MLG), and will follow up the White Paper on MLG to evaluate its implementation and monitor the state of multilevel governance within the European Union." This process is reinforced by dialogue with European local and regional associations and the main European think-tanks.

architecture and enshrining the objective of territorial cohesion and the subnational dimension of the subsidiarity principle;

6. believes that the best way to ensure that the general interests of Europe, the Member States and local and regional authorities are given priority is, therefore, now to take an unambiguous view of the **subsidiarity principle as complementing European added value** and multilevel governance as a flexible and participatory form of governance consolidating the European Union's values and its ethic of responsibility and mutual support, with a view to tackling the realities of a globalised, increasingly interdependent and competitive world;
7. considers that any reflection on European governance allows the key issue of respect for the subsidiarity principle to be discussed in the framework of a dynamic political and legislative process and stresses that the subsidiarity principle and the principle of multilevel governance are inseparable: the one relates to the remits of the various tiers of government; the other focuses on their interaction;
8. believes that placing **subsidiarity and proportionality** in the multilevel governance context also means acknowledging the need to make European political action cross-cutting and joined up. The success of those global strategies at the heart of today's European agenda is increasingly dependent on the quality of shared governance in Europe and on strict respect for the subsidiarity principle, which means that decision-making is not concentrated in one tier of authority only and ensures that policy is created and applied at the most appropriate level;
9. is presenting its proposals against the current backdrop of European integration, which calls for more responsibility and solidarity on the part of European, national and regional political leaders in accordance with the **principle of mutuality**³;

B. CONSOLIDATING THE VALUES AND PRINCIPLES OF MULTILEVEL GOVERNANCE: PROGRESS AND STRENGTHENING

Towards a new understanding of the principle of institutional balance

10. emphasises that the **principle of institutional balance**⁴, which lies at the heart of the European Union's structure, is a crucial guarantee of European democracy, and believes that, since the entry into force of the Lisbon Treaty enhanced the Committee's institutional and

3

According to this principle, it should be the obligation of each level of government as it participates in joint decision-making to foster the legitimacy and capacity of the others (Landy and Teles, *Beyond devolution: from subsidiarity to mutuality*). In other words, governance at different levels should not be seen as competing activity. Instead, the different levels should work towards mutual strengthening.

4

This principle consists of a system for distributing powers among the different Community institutions, assigning a precise role to each institution in the institutional structure of the Community and in the accomplishment of the tasks entrusted to the Community." The Court ensures respect for the rule of law by monitoring observance of the institutional balance, i.e. each of the institutions must exercise its powers with due regard for the powers of the other institutions (see Case 9/56, *Meroni v. High Authority*, (1957 and 1958) ECR pp. 133-152, and Case 70/88, *European Parliament v. Council* (1990) ECR pp. I-2041-2072, paras 21 and 22).

legal status, allowing it to defend its prerogatives before the Court of Justice, this principle must be fully respected in the Committee's case;

11. believes that the drafting of a **European Union Charter for Multilevel Governance**, which will seek to incorporate a shared understanding of European governance into the European Union's core values, will represent a key stage in the implementation of its political project;
12. points out that there is no coherent European administrative law guaranteeing minimum standards in the application of consultation, coordination and participation procedures for regions and cities, and therefore calls upon the Commission in due course to draw up an act on European administrative procedures, establishing more participatory procedures in accordance with the key values and principles of this future Charter;
13. considers that the ongoing review of its cooperation agreement with the Commission should take greater account of the legitimacy and responsibility of local and regional authorities in the operation of the European Union and, in the general interest of the overall European decision-making process, guarantee respect for the principles of subsidiarity and proportionality, two governing principles of European Union action, and affirm multilevel governance as a guiding principle;
14. believes that this review should be accompanied by a dynamic process which leads to the adoption together with the European Commission of a rolling action plan identifying the initiatives most likely to have a territorial impact and the ex-ante and ex-post analysis which the CoR could provide by harnessing the expertise of its members and the local and regional authority platforms it chairs (the Europe 2020 monitoring platform, subsidiarity monitoring network, EGTC platform, etc.)⁵;
15. urges the European Parliament to increase its commitment as an institution to applying the principles and mechanisms of multilevel governance and the integrated approach, and supports its proposal to create a European multilevel governance label⁶;
16. welcomes the initiative of the Council of the European Union to assemble the first informal ministerial meeting on multilevel governance in March 2010⁷, the conclusions of which explicitly invite the Committee of the Regions to "facilitate an ongoing political evaluation of progress made in multilevel governance within the framework of the European Union", and calls upon future presidencies to continue this approach; notes, moreover, that the Committee's more systematic attendance at Councils and meetings of an intergovernmental nature testifies to the progress made in relation to this type of governance;

⁵ Joint press release by Mr José Manuel Barroso and Ms Mercedes Bresso, 29 June 2010 (see MEMO/10/287 at <http://europa.eu/rapid/>).

⁶ Resolution of the European Parliament of 14 December 2010 (Ms Manescu) on Good governance in EU regional policy: procedures of assistance and control by the European Commission (2009/2231(NI)) (P7_TA(2010) 0468)).

⁷ Informal territorial policy ministers meeting held in Malaga on 17 March 2010 at the request of the Spanish Presidency, following on from the Territorial Dialogue in Palma on 18 January 2010.

17. welcomes the prospects for closer links with the Presidency of the European Council and its understanding of the impact of strategic decisions taken by Heads of State and Government on local and regional authorities, and believes that, in this context, a meeting should be arranged prior to each spring European Council;
18. intends to establish more systematic dialogue with the Court of Justice regarding respect for the subsidiarity and proportionality principles and the objective of territorial cohesion in terms of the proper transposition of European law and its impact on local and regional authorities as well as respect for the four freedoms, and with the Court of Auditors on the good governance of European funds and the impact of their management on territorial cohesion and the competitiveness of cities and regions;

A partnership approach for smart regulation

19. supports the new recommended approach involving the idea of a smart regulation based on an EU policy cycle in which legislation is constantly adapted to new challenges and circumstances with a thorough evaluation of its implementation, but believes that more account should be taken of its regional and local impact⁸;
20. reiterates its call for the forthcoming review of the interinstitutional agreement on Better Legislation to include a specific protocol covering certain provisions with which it would be fully involved, in particular those relating to impact analyses and *ex-post* evaluation of legislation;
21. intends to increase its involvement in the monitoring process of the Better Legislation action plan, in particular by ensuring that its annual subsidiarity monitoring report makes a recognised contribution to the Commission's annual Better Legislation report;
22. calls for a review of the guidelines for the impact assessments proposed by the Commission which would facilitate the drawing-up of regular *ex-ante* and *ex-post* territorial impact assessments and the development of territorial and inclusive governance indicators. The Committee will present specific proposals in this regard based on experience of the current cooperation with the Commission;
23. fully supports the necessary objective of the work of the high level group on administrative burdens (the Stoiber Group) and emphasises its commitment to this group with a view to reducing the burdens faced by local and regional authorities;
24. laments the scant involvement of local and regional authorities in comitology and strongly urges the Commission to correct this deficit, which jeopardises the proper application of European legislation at regional and local level;

8

Committee of the Regions Opinion on Smart regulation - CdR 353/2010.

A response to enhance citizens' ownership of European integration

25. welcomes the recommendations of the reflection group charged by the European Council to help the European Union anticipate and more effectively meet long-term challenges over the period 2020-2030, proposing **a new "compact"** and recognising the validity of "governance at several tiers where the competences are shared – rather than split" and which "can and must inform EU policymaking and relations at all levels between individuals and generations and between localities, regions and Member States", and welcomes the group's recommendation to encourage "its consultation and involvement to strengthen political citizenship in Europe and thus to help citizens to take ownership of the European venture"⁹;
26. believes that an annual assessment should be carried out of the **state of affairs with regard to regionalisation and decentralisation in the European Union**, which would provide a measure of progress observed towards local and regional authorities' political, judicial and fiscal autonomy. This would be useful, in particular, as part of the Committee's commitment to monitoring subsidiarity and should fall within the framework of deeper cooperation with the Congress of Local and Regional Authorities of the Council of Europe;
27. is in favour of the setting-up of an Erasmus for local and regional elected representatives within the context of institutional cooperation with the European Parliament and the Commission, and welcomes the funding of a pilot project as proposed by the European Parliament;
28. stresses the contribution that it intends to make to the implementation of the new instrument of direct democracy, the EU citizens' initiative; in particular offers to use its own and its members' information channels and networks to increase awareness about the ECI and to support the Commission in any way deemed useful for example during the *ex-ante* assessment of the acceptability of proposed initiatives in terms of their impact on the subsidiarity and proportionality principles; moreover, it could be helpful in gathering and disseminating information about planned or ongoing European Citizens' Initiatives and in the organisation of participatory debates both in Brussels and elsewhere¹⁰; finally it would like to be fully involved in, and offer its support for, the hearings to be organised by the European Parliament in response to successful ECIs;
29. calls for the establishment of cooperation with the Commission on moving this process forward on the same basis as with other institutions; this instrument should be promoted in partnership, in particular encouraging debates within local and regional authorities and regional parliaments and enlisting the support of local and regional media;

⁹

Extracts from the report from the Reflection Group to the European Council, entitled *Project Europe 2030 – Challenges and Opportunities*, March 2010. Report submitted on 8 May 2010 to the President of the European Council, Mr Herman Van Rompuy.

¹⁰

Opinion of the Committee of the Regions on the European Citizens' Initiative - CdR 167/2010 fin. Proposal for Regulation of the European Parliament and of the Council on the citizens' initiative - COM(2010) 119 final.

30. considers that incorporating the Charter of Fundamental Rights of the European Union into EU primary legislation and the prospect of the European Union acceding to the European Convention on Human Rights would help foster **multilevel protection of fundamental rights**, and therefore asks to be involved in the interinstitutional dialogue which the Council of the European Union calls for on the Commission's annual report on the application of the Charter, stating that the "effective application of the Charter should be underpinned by actions of all EU institutions and bodies, offices and agencies"¹¹;
31. intends to enhance its cooperation with the Agency for Fundamental Rights via an annual dialogue on multilevel protection and promotion of fundamental rights, and will take further initiatives with a view to the European Year of Citizens in 2013;
32. calls for decentralised communication measures in European municipalities and regions regarding the European Union's activities and their impact on citizens, and stresses the urgent need to provide for sufficient financial resources to support its initiatives amongst regional and local media which enjoy a large audience among the public;

C. TRANSPOSING MULTILEVEL GOVERNANCE INTO THE EUROPEAN UNION'S STRATEGY AND POLICY

The principle of multilevel governance as a guiding principle for all European policies and strategies with a strong regional impact

33. believes that the proposed framework for the governance of the Europe 2020 strategy, along with the framework for cohesion policy reform, should ensure a two-fold change in paradigm:
 - multilevel governance must be fully incorporated into legislative and regulatory provisions of policies which have a strong regional impact, and must be a priority for future cohesion policy,
 - the principle of multilevel and multistakeholder partnership must be reinforced in its implementation;

A new governance framework for European growth

34. notes that, against the background of Europe's current budgetary crisis, the economic and social impact of which is the main concern of the general public, the issue of the added value provided by the European Union and the means by which it is able to achieve this, is particularly crucial;

¹¹ Council conclusions on the Council's actions and initiatives for the implementation of the Charter of Fundamental rights of the European Union - 3092nd GENERAL AFFAIRS Council meeting, Brussels, 23 May 2011.

35. supports the convention-based approach, in which it must be involved, proposed by the European Parliament and implemented by the Polish Presidency, in order to identify, in partnership, the European Union's spending priorities and their funding for 2014-2020;
36. wishes to be involved in this process, given the crucial contribution of regional and local authorities - which represent 16% of the European Union's GDP and 58% of Europe's public investment - to the Union's economic recovery¹²;
37. would stress, in this regard, the worrying situation of the public finances available to local and regional authorities, which is detrimental to the recovery of the European economy and is therefore jeopardising the success of the Europe 2020 strategy, and believes therefore that a general stock-taking exercise should be carried out regarding local and regional public finances in connection with the next multiannual financial framework;

Implementing the Europe 2020 strategy and the seven flagship initiatives in partnership by means of territorial pacts

38. notes that all of the European institutions clearly acknowledge the need to establish multilevel governance in order to achieve the key objectives of the Europe 2020 strategy and its seven flagship initiatives;
39. supports, in particular, the recommendation of the European Council, which recognised in its conclusions of 25 March 2011¹³ that subscribing to the Europe 2020 strategy objectives in the light of the implementation of the European Semester entails the close involvement, amongst other key economic and political stakeholders, of the Committee of the Regions and the regions themselves;
40. is pleased that, in some Member States, national reform programmes take better account of the potential of partnership between the different levels of government; laments, however, the clear lack of credible mechanisms and procedures to implement the principle of multilevel governance with a view to ensuring the effective integration of policies and synchronisation

¹² Opinion of the Committee of the Regions on Mobilising private and public investment for recovery and long term structural change: developing Public Private Partnerships – CdR 21/2010 fin.

¹³ With regard to the Conclusions of the European Council of 24 and 25 March 2011 -EUCO 10/1/11 REV 1, the Committee of the Regions, in the context of the work of its Europe 2020 platform, has found that, on the basis of the information contained in the NRPs:

- in two-thirds of Member States (19 of 27), regional and local authorities have played a role in the drawing-up of the NRP;
- in the majority of Member States, RLAs were consulted, and in eight of them, RLAs participated directly in the drawing-up of the NRP;
- in the NRPs of thirteen Member States (including the five with the largest populations) initiatives based on multilevel governance were mentioned;
- two Member States (BE, PT) have adopted targets differentiated by region;
- one Member State (RO) has said that it will adopt the CoR's proposal on territorial pacts, mentioning it explicitly;
- certain Member States have set themselves the objective of implementing an "integrated approach" and enhancing "synergies" between the different levels of government by means of more effective coordination/dialogue structures.

of the timetables and budgets of different levels of government in accordance with the subsidiarity principle;

41. therefore, urges Member States to involve local and regional authorities fully both in the drawing-up and implementation of national reform programmes and in stability and convergence programmes, since the disparity between the overall objectives of the Europe 2020 strategy and the contributions described in the NRPs can only be removed through partnership between the different levels of government¹⁴;
42. also calls upon the European Commission to enhance the monitoring of the "governance" component of Member States' national reform programmes and annual progress reports so that the Council of the European Union can adopt explicit recommendations to encourage Member States to extend and strengthen partnerships between different levels of government in the implementation of NRPs;
43. reiterates the **objective of multilevel contracting** which should accompany the implementation of the seven initiatives and the establishment of innovative mechanisms¹⁵ such as the local digital agendas and stakeholder arrangements proposed in the context of the Digital Agenda for Europe (DAE)¹⁶, the Smart Specialisation Platform launched by the European Commission and the achievement of the objectives of the *Youth on the move* and *Innovation Union* flagship initiatives, increasing consistency between all actors and strategies at all levels¹⁷;
44. regrets that there has been little direct involvement of local and regional authorities at all stages of the open coordination method for implementing the Europe 2020 strategy and strongly urges that they be integrated into that process;
45. points out the added value of an **integrated approach**, particularly in terms of enhancing, in accordance with the subsidiarity principle, the synergies between the EU's sustainable development strategy and the Europe 2020 strategy and the use of structural funds for energy investments; also the integration of the objective of mitigating the effects of climate change and adapting to these changes into all of the EU's existing strategic frameworks, particularly agricultural and rural development policy;

¹⁴ Opinion of the Committee of the Regions on The role of local and regional authorities in achieving the objectives of the Europe 2020 strategy – CdR 72/2011 rev. 1, and Resolution of the Committee of the Regions on Stronger involvement of local and regional authorities in the Europe 2020 strategy – CdR 199/2010 fin.

¹⁵ Resolution of the Committee of the Regions "For a better tool-box to implement the EU 2020 Strategy: the integrated guidelines for the economic and employment policies of the Member States and the Union" – CdR 175/2010 fin.

¹⁶ Commission working document – SEC (2011)708 (http://ec.europa.eu/information_society/digital-agenda/scoreboard/docs/scoreboard.pdf). To this end, in its opinion CdR 104/2010 fin, the CoR called for a proactive role for the Committee, RLAs and their associations in the European Digital Agenda Governance Cycle.

¹⁷ CdR 373/2010 fin.

A new paradigm for future cohesion policy

46. points out that the results of the consultation on the Commission's 5th cohesion report echo its calls, and those of all local and regional authorities, for the principle of partnership to be reinforced, an approach confirmed by the Council, which recognises the importance of multilevel governance in achieving the objectives of the Europe 2020 strategy by means of the new cohesion policy¹⁸;
47. welcomes the fact that the 2020 Territorial Agenda, adopted by the Council in May 2011, recommends using multilevel governance to bring about territorial cohesion, calling on the European Commission to take account of the territorial dimension in its impact assessments and asking the Committee of the Regions to supply input from local and regional authorities;
48. is pleased to note that, with regard to post-2013 cohesion policy, the Commission has responded to the Committee's expectations by taking into account the principles and mechanisms of multilevel governance and the **integrated and multifunctional approach**¹⁹, incorporating into its draft for the new general regulation on the Structural Funds and the Cohesion Fund the following requests:
- to include an explicit reference in the new article to partnership and multilevel governance, two principles which must be respected at all stages in the procedure for partnership contracts and operational programmes,
 - to incorporate these general principles into the other relevant articles of the regulation concerning partnership contracts and operational programmes,
 - to include a request to Member States to indicate in their annual report any progress made with regard to respect for the principles of partnership and multilevel governance,
 - to provide for the possibility of developing functional operational programmes;
49. welcomes the Commission's proposal to create a common strategic framework combining the different instruments for EU action in the area of regional development (EAFRD, Structural Funds, ERDF and ESF, Cohesion Fund, EFF); and calls, also in this context, for local and regional authorities to be practically involved in the drawing up of partnership contracts;
50. calls upon the European legislator, therefore, to confirm these provisions and consolidate them by means of:

¹⁸ Council conclusions on the fifth report on economic, social and territorial cohesion – 3068th session of the General Affairs Council, Brussels, 21 February 2011.

Opinion of the Committee of the Regions on the Contribution of cohesion policy to the Europe 2020 strategy – CdR 223/2010 fin.

¹⁹ Outlook opinion of the Committee of the Regions on The Future of Cohesion Policy (CdR 210/2009 fin).

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions and the European Investment Bank – Conclusions of the fifth report on economic, social and territorial cohesion: the future of cohesion policy – COM (2010) 642 final.

- the presence of representatives of local and regional authorities in the Member State's delegation negotiating the content of the partnership contract with the European Commission;
 - fully incorporating the principles of partnership and multilevel governance into the future European Code concerning the objectives and criteria for those principles;
 - a dialogue between the European Commission and the Committee of the Regions on the governance dimension of their annual reports in order to assess the progress and obstacles observed in each of the Member States before the adoption by the Council of its recommendations;
 - creation in the future of a cooperation index to measure the level of participatory governance within Member States;
51. sees **territorial cooperation** as an integral part of regional policy, with the European Grouping of Territorial Cooperation acting as a genuine crucible for multilevel governance²⁰;
52. welcomes the fact that the proposed review of the EGTC regulation presented by the European Commission in October 2011 reflects the desire to implement the objective of territorial cohesion and includes a certain number of proposals framed upstream by the CoR, particularly as regards drawing up bilateral EGTCs with third-country bodies²¹. Draws attention to the EGTC's potential as a structure for cooperation in EU sectoral policies other than just regional policy;
53. underlines the role of the CoR's EGTC platform in promoting the instrument and providing operational support for the establishment of new EGTCs, particularly through the exchange of good practices;
54. calls upon the Commission, in relation to the development of macro-regional strategies, to pay particular attention to:
- strict compliance with the principle of multilevel governance within the bodies responsible for consultation, drafting, implementation and monitoring in the field of macro-regional strategies,
 - the establishment of monitoring instruments and financial programmes which, being based on local and regional development plans and strategies, ensure a multilevel approach with a view to developing these macro-regions also as "territorial clusters",
 - the structural involvement of regional and local authorities in the final architecture of these strategies to avoid a possible concentration of governance at national level,
 - showing the European added value of these strategies, particularly by means of a White Paper;

²⁰ Own-initiative opinion of the Committee of the Regions on New perspectives for the revision of the EGTC regulation – CdR 100/2010 fin.

²¹ Own-initiative opinion of the Committee of the Regions on New perspectives for the revision of the EGTC regulation – CdR 100/2010 fin.

Building the Single Market in partnership

55. welcomes the twelve levers for growth, competitiveness and social progress proposed in the Single Market Act and supports the Council's call for governance of the Single Market to be strengthened, urging the European Commission to continue its work to that end²²;
56. notes that the European Parliament, in its report on governance and partnership in the Single Market, stated "that Single Market rules are frequently implemented by local and regional authorities; calls on the Commission and Member States to further develop and broaden partnership with local and regional authorities from cohesion policy to Single Market policies"²³;
57. calls, therefore, for overall implementation of the Single Market Act to be monitored to ensure that the initiative is coordinated and to build the Single Market in partnership; considers that such a task should fall to the monitoring platform of the EU 2020 strategy, one of whose components is the revitalisation of the Single Market;
58. stresses the contribution of its "Enterprising European Region" label to developing a strategic vision of integrated territorial development, based on the principles of the Small Business Act²⁴; and also calls for the creation of "Small Business Act Partnerships" to implement the SBA at regional level and the establishment of "SME envoys" at national level and at regional and local level, and wishes to be involved in the SBA advisory group to be set up;
59. reiterates the need for regional and local authorities and regions with legislative powers in particular to be involved in the participatory mechanisms for the full transposition and application of the Single Market legislation;

The future environmental, climate change and energy policies²⁵²⁶

60. urges international institutions and the European Union to take account of the added value offered by regional and local authorities in global environmental and sustainable development governance, including the implementation of Multilateral Environmental Agreements, such as the United Nations Framework Convention on Climate Change (UNFCCC) and the

²² Council conclusions on the Single Market Act – priorities for re-launching the Single Market – 3105th session of the Economic and Financial Affairs Council, Brussels, 12 July 2011.
Opinion of the Committee of the Regions on the Single Market Act – CdR 330/2010 fin.

²³ Report on governance and partnership in the Single Market (2010/2289 (INI)).

²⁴ Draft opinion of the Committee of the Regions on Review of the Small Business Act for Europe – CdR 151/2011 rev. 1.

²⁵ See detailed recommendations issued in its Outlook Opinion CdR 164/2010 fin on *The role of local and regional authorities in future environmental policy* on how to apply a multilevel-governance approach within all phases of EU environmental policy making.

²⁶ See, amongst other documents, the Commission White Paper "Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system" – COM(2011) 144 final.

Convention on Biological Diversity (CBD), as well as the Rio+20 Agenda for a green economy and sustainable development governance²⁷;

61. argues that a constructive way of engaging between local and national levels on climate adaptation measures is via outcome-type agreements whereby each governance level can voluntarily commit to work towards a climate mitigation outcome and jointly take ownership and responsibility for their respective contributions²⁸;
62. points to the growing importance of sectoral or cross-sectoral energy and climate "alliances" between regions and companies. These alliances should be explicitly encouraged with a view to further developing and applying low-carbon technologies as soon as possible with partnerships between local- and regional-level decision-makers, and small and medium-sized businesses (SMEs);
63. notes that urban areas produce 75% of carbon emissions and underlines that effective global action requires a multilevel governance approach involving a coordination of efforts between the local, regional, national and supra-national levels of government based on the principle of subsidiarity; in this respect, emphasises its proposal for a Territorial Pact of Regional and Local Authorities on the Europe 2020 Strategy as an efficient tool in tackling climate change;
64. emphasises the need to consider carefully the impact of the strategic guidelines and legislative instruments related to the 2020 Energy Strategy in terms of the administrative and financial burdens for local and regional authorities and to ensure respect for the subsidiarity and proportionality principles, and strongly supports the creation of innovative instruments for the implementation of this strategy²⁹;
65. restates its commitment to the Covenant of Mayors working towards the common objective of reducing CO₂ emissions, and recommends that this be extended beyond reducing CO₂ emissions to other areas of the sustainable economy, such as water management, extended geographically to the Union for the Mediterranean and the Eastern Partnership with the political platforms which it has set up, i.e. ARLEM and CORLEAP, and to world level by means of a worldwide covenant of mayors;

²⁷ Opinion of the Committee of the Regions on EU and international biodiversity policy beyond 2010, CdR 112/2010 fin, Opinion of the Committee of the Regions on International climate policy post-Copenhagen – CdR 245/2010 fin, Draft Opinion of the Committee of the Regions on the Contribution of the EU's local and regional authorities to the UN Conference on Sustainable Development 2012 (Rio+20), CdR 187/2011 rev. 1.

²⁸ Opinion of the Committee of the Regions on "International climate policy post-Copenhagen" – CdR 245/2010 fin.

²⁹ Outlook opinion of the Committee of the Regions on The role of regional and local authorities in the future environmental policy – CdR 164/2010 fin; and Outlook opinion of the Committee of the Regions on Climate change mainstreaming and the future EU budget – CdR 104/2011 fin.

The future common agricultural policy, fisheries policy and maritime policy

66. believes that the establishment of a multilevel governance framework is crucial for the successful reformulation of the CAP after 2013, in order to ensure that local and regional authorities are involved in choosing the guidelines and methods for its implementation and management and that synergies are established between the rural development policy and other EU policies, particularly cohesion policy³⁰;
67. in order to enhance the upstream involvement of local and regional authorities in the drawing-up of the common agricultural policy and rural development policy, the Committee wishes to be fully involved in the preparatory work of the European Commission's advisory groups;
68. considers that an integrated approach should be taken in the new fisheries policy in order to ensure the viability of fisheries and the sustainable use of fisheries resources; is in favour of the decentralisation of decision-making with a view to reducing the inconsistencies caused by European micro-management, employing the comitology procedure in the decision-making process in certain cases, and of the EU legislation entrusting the management of certain fisheries activities to the Member States, the regions and the sector itself;
69. calls for coordination between sectoral policies that are relevant to the use of marine areas and the establishment of a single European fund for fisheries and maritime affairs, combining all existing instruments in these sectors in a single framework, and thus supports the establishment of a European maritime platform, bringing together the local and regional authorities and relevant stakeholders in order to provide an instrument which can help to share responsibilities and disseminate good practice³¹;

Implementation of the Stockholm Programme with local and regional authorities

70. points out the importance of its involvement in the implementation of an action plan regarding the Stockholm Programme and in the drawing-up of assessment methods in order to ensure that more account is taken of the experiences of local and regional authorities;
71. believes, in particular, that the involvement of local and regional authorities in the drawing-up of a European framework for legal immigration, the establishment of measures to combat illegal immigration, the protection of the fundamental rights of immigrants and the implementation of development cooperation with countries of origin, will enhance the legitimacy of the EU's actions and provided that the principle of subsidiarity is strictly observed;

³⁰ Own-initiative opinion of the Committee of the Regions on The future of the CAP after 2013 - CdR 127/2010 fin.

³¹ Opinion of the Committee of the Regions on The development of an integrated maritime policy and marine knowledge 2020 – CdR 339/2010 fin.

72. calls for territorial impact assessments to evaluate the requirements imposed on regional and local authorities as a result of legally-applicable measures laid down at European or national level;
73. is pleased to note that its participation in the annual interministerial conferences on integration and its contributions to the European Integration Forum, to the Commission's handbook on integration, by presenting the best practice of local and regional authorities, and to the setting of the annual and multiannual priorities of the European Integration Fund, have led to the recognition of the multilevel approach in the 2nd European Agenda for Integration³², which recommends:
- "territorial pacts" between relevant stakeholders at different levels,
 - the involvement of local and regional actors in the definition of integration policies within the framework of EU programmes,
 - that consultative processes be reinforced with strategic meetings with the Committee of the Regions,
 - the development of a flexible European toolbox with "European modules" to support national and local policies and practices;

Multilevel governance mechanisms to support the EU enlargement strategy

74. is in favour of adjusting the instrument for pre-accession assistance (IPA) to bring it into line with the needs of the local and regional authorities of beneficiary countries and the development of territorial cooperation, in particular of EGTCs, which are crucial tools for consolidating the pan-European dimension of multilevel governance;

A neighbourhood policy consolidated by multilevel governance

75. points out that the Euro-Mediterranean regional and local assembly (ARLEM) and the Conference of local and regional authorities for the Eastern Partnership (CORLEAP), which bring together local and regional elected representatives of the European Union and of the countries of the Union for the Mediterranean and of the Eastern Partnership respectively, supplement the institutional framework for these two processes;
76. believes that multilevel democracy and an inclusive approach are crucial to their success, and notes that these two political initiatives, which enhance the territorial dimension of the neighbourhood policy, respond to the clear need to establish permanent political and administrative structures at local and regional level, to make effective use of financial instruments and to set up mechanisms to bolster the economic, social and territorial development of the partner countries, particularly by means of interregional cooperation;

32

Commission Communication: European Agenda for the integration of third-country nationals – COM(2011) 455 final.

77. is taking steps to ensure that ARLEM is closely involved in the governance of the Union for the Mediterranean, thereby enabling the local and regional authorities of the three sides to take part in the political dialogue within its various bodies and to benefit from access to the mechanisms and instruments set up to enhance cooperation;
78. wishes, in the context of consolidating the institutional platform set up with CORLEAP, to establish permanent dialogue with the European Commission and the partner countries in order to identify specific methods to enable the local and regional authorities of the Eastern Partnership countries to participate in the work of the partnership's four platforms, to be involved in the preparation of association agreements, strategic documents and actions plans and, in particular, to implement and assess national indicative programmes;

Multilevel governance and globalisation: new developments likely

79. advocates the territorial approach in the review of European development policy and greater participation by local and regional authorities in the context of the Millennium Goals³³; stresses the need for support to be provided in order to develop the financial and technical capacities of the local and regional authorities of partner countries;
80. points to the added value of decentralised cooperation and, in particular, initiatives such as the conference on decentralised cooperation - which is aimed at facilitating political dialogue and exchange between the local and regional authorities of the EU, developing countries and the EU institutions – the decentralised cooperation portal and the decentralised cooperation exchange, instruments which must be consolidated in the context of institutional cooperation at European level;
81. is pleased that major contributions from several international organisations to the consultation process for the White Paper on multilevel governance³⁴ have demonstrated the extent to which this European-level approach is of interest to them in developing the regional aspect of their actions and establishing partnerships with other regions of the world while promoting compatibility between sectoral policies;
82. highlights, in the context of the role played by local and regional authorities in global governance mechanisms:
- the trend towards taking greater account of the territorial impact of globalisation on local and regional authorities, particularly among international organisations, and the emergence of a reflection on a global policy of balanced development and territorial cohesion at world level³⁵,

³³ Opinion of the Committee of the Regions and European Commission Green Paper on EU development policy in support of inclusive growth and sustainable development – Increasing the impact of EU development policy - CdR 408/2010 fin.

³⁴ Consultation report on the White Paper of the Committee of the Regions on multilevel governance – CdR 25/2010 fin.

³⁵ See the activities of the Forum of regional governments and global associations of regions (FOGAR).

- the relevance of para-diplomacy amongst local and regional authorities, particularly towns, and diplomacy practised by regions with legislative powers,
- the contribution of dialogue and exchange of experiences with other large regional areas with sub-national chambers, such as the West African Economic and Monetary Union (UEMOA) and the regional chamber of MERCOSUR,
- the existence of new channels of cooperation and political dialogue proposed by certain international organisations in respect of the Committee of the Regions and local and regional authorities (OECD, ILO, UNEP, UNDP, UNHABITAT, UNESCO, FAO, etc.)³⁶;

83. concludes, therefore, that the trend towards decentralisation and the increased influence of sub-national players within the global community will inevitably lead to their involvement in global governance mechanisms and thus foster the emergence of a new kind of multilateralism;

D. FURTHER STAGES IN THE IMPLEMENTATION OF MULTILEVEL GOVERNANCE

84. has taken the initiative of creating a **Multilevel Governance Scoreboard at European Union level** which will help to measure annually to what extent the main principles and mechanisms of this type of governance have been taken into account in the European Union's political cycle, focusing on the regional dimension of the policies and strategies analysed. The first edition will indicate the progress and obstacles identified in the European decision-making process with regard to four key strategies and policies in the European Union's 2010 political programme: the Europe 2020 Strategy, the 2011-2020 Energy Strategy, the Stockholm Programme and the Spring Agenda³⁷;

36

The Committee of the Regions reiterates that the Rio+20 Summit mandates UNEP, or the Sustainable Development Council (SDS) to create a standing committee for subnational and local governments as a new structure that adequately reflects multilevel governance and offers a permanent mechanism of consultation of and cooperation with subnational governments and local authorities across the world. The Committee of the Regions could serve as a model in this respect. Also the fact that within the so-called UN Rio Conventions, subnational governments and local authorities have recently been given increased recognition of their special status as governmental institutions, including for example their recognition as "governmental stakeholders" in the Cancun Agreement, and Decision X/22 of COP 10 CBD - Plan of Action for Subnational Governments, Cities and Other Local Authorities - is promising. The CoR has reiterated that subnational governments and local authorities need to have a place in the institutional framework for sustainable development alongside national governments and UN entities. In its draft opinion, CdR 187/2011 rev. 1 on the Contribution of the EU's local and regional authorities to the UN conference on Sustainable Development 2012 (Rio+20), the CoR deplores that in the current international governance architecture, despite their specific role in governance, their representation at UN bodies is often putting them on the same level as civil society and business as other major groups.

37

This first scoreboard is based on a study by the EIPA.

85. Notes in relation to its first Scoreboard that:

- the developed methodology³⁸ reveals the emergence of a multilevel governance system at EU institutional level where information is fluent and provided (mostly) in an open and transparent multilevel way, where consultation mechanisms are normally well in place and involve all levels, etc. However, in the evaluation of additional MLG mechanisms and practices, important shortcomings are detected. This refers especially to the use of mechanisms and innovative instruments that translate MLG requirements into the content of policies;
- concerning the comparative scoreboard, the political process around the making of the Europe 2020 strategy has achieved the highest overall score. This means that practices have been detected that correspond more to the Multilevel Governance indicators which were formulated for assessing the quality of Multilevel Governance. The lowest scores have been given for the Multilevel Governance in the framework of the Spring Package 2010 on the Millennium Goals. Here, the lack of transparency of the stakeholder's involvement process in particular has made scoring difficult and led to low scores. In general, for all four policy dossiers there exists a clear potential for better Multilevel Governance practices³⁹;

86. believes that with a view to consolidating CoR monitoring activities, special attention could be paid to multilevel governance at the next conference on subsidiarity, in order to analyse the trends observed in the first Scoreboard and their impact on the European decision-making process;

³⁸ Six categories under two headings of concrete practices for MLG (I. Procedures: Information & consultation; Stakeholder involvement and Responsiveness; II. Content of EU policies: Territorial/integrated/place based policy; Smart regulation mechanisms and Innovative instruments for implementation and partnership) are defined. What can be considered as "good practice" with respect to these six practices referring to the general MLG principles and objectives is also defined, and establishes indicators in order to measure or assess the implementation of practices.

³⁹ Concerning the different scores for "procedures" and "content", the different sub-scores for the category group "procedures" and "content" reveal that, with the exception of the spring package, MLG practices are far better developed under the "procedures" grouping (information/consultation, stakeholder involvement, responsiveness) as compared to the "content" grouping (innovative instruments for implementation, smart regulation mechanisms, territorial/integrated approach). Both Europe 2020 and energy/climate attain the minimum threshold of a 3/6 score for the "procedures" grouping. However, the scoreboard also reveals that the overall positive score for Europe 2020 is mainly attained due to the relatively high score attained under its MLG "procedures" practices.

When we look more in detail at the three components of each subgroup, the diagrams of the scoreboard reveal that – with the exception of the spring package - the relative higher scores for the first subgroup, "procedures", as compared to the "content" subgroup, can be explained by (very) high scores for "information/consultation" and, to some extent, by a mere satisfactory score for "Stakeholder involvement". However, in general, "responsiveness" does score relatively low. In the second subgroup, "content of EU policies" only Europe 2020 could attain a somehow satisfactory score for "smart regulations mechanisms" and "innovative instruments for implementation". The same holds true for energy/climate and the spring package as far as "territorial/integrated approach" practice is concerned. All other practices score relatively low.

87. over the coming months will draw up its **European Union Charter for Multilevel Governance**, which should lead to greater participation by local and regional authorities in the exercise of European democracy. Its drafting process will be participatory and inclusive, promoting a sense of ownership of the Charter on the part of local and regional elected representatives.

Brussels, 16 February 2012

The President
of the Committee of the Regions

Mercedes Bresso

The Secretary-General
of the Committee of the Regions

Gerhard Stahl

II. PROCEDURE

Title	CoR own-initiative opinion: Building a European culture of multilevel governance: follow-up to the Committee of the Regions' White Paper
Reference	Own-initiative opinion
Legal basis	Article 307(4) TFEU
Procedural basis	Rule 39(b)
Date of Council referral/Date of Commission letter	
Date of Bureau/President's decision	30 April 2011
Commission responsible	Commission for Citizenship, Governance, Institutional and External Affairs (CIVEX)
Rapporteur	Mr Luc Van den Brande (BE/EPP), President of the Flanders-Europe Liaison Agency
Analysis	26 October 2011
Discussed in commission	6 June 2011
Discussed in commission	18 October 2011
Date adopted by commission	1 December 2011
Result of the vote in commission	Majority
Date adopted in plenary	16 February 2012
Previous Committee opinions	White Paper on Multilevel Governance (CdR 89/2009 fin)