



Committee of the Regions

CONST-IV-008

**68th plenary session
13 and 14 February 2007**

**OPINION
of the Committee of the Regions
on the**

EUROPEAN TRANSPARENCY INITIATIVE

THE COMMITTEE OF THE REGIONS

- welcomes the initiative of the Commission to promote transparency. Greater transparency is crucial if EU institutions are to remain accountable and democratic; efficient and in touch with the needs of the public; recalls, in this context, that if the EU is genuinely to increase its democratic legitimacy, there is also a need for greater involvement of local and regional actors in the EU legislative and decision-making processes;
- regrets, however, that the local and regional dimension has not been mentioned in this initiative and urges the Commission to involve it more closely;
- underlines that the EU is a multilevel institutional partnership in which regional and local authorities are involved in European policy-making at national and European level;
- believes that it is necessary to stress once again the need to differentiate between EU institutions' consultation with elected local and regional authorities and their associations, on the one hand, and lobby organisations representing special interests on the other;
- welcomes the fact that the European Commission has introduced an ongoing and systematic dialogue with local and regional authorities and their European and national associations in areas where they are responsible for transposition or implementation; nevertheless believes that improvements can be made to the way this dialogue is organised;
- welcomes the greater transparency that registration of lobby organisations would bring;
- does not believe, however, that an arrangement based on voluntary registration provides an adequate framework to ensure sufficient transparency;
- is convinced that it is important to ensure an efficient and simple procedure for future registration. The register should be managed by the European Commission;
- supports the Commission's ambition to strengthen transparency as regards the use of EU funds and encourages Member States to administer community funds under "shared management". It is in the interest of all beneficiaries to be transparent about EU funding.

THE COMMITTEE OF THE REGIONS,

Having regard to the Green Paper of the European Commission on the *European Transparency Initiative* COM(2006) 194 final;

Having regard to the decision of the European Commission of 3 May 2006 to consult it on the subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its Bureau of 25 April 2006 to instruct its Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice to draw up an opinion on this subject;

Having regard to the communication to the Commission from its President, Ms Wallström, Mr Kallas, Ms Hübner and Ms Fischer Boel of 9 November 2005 *Proposing the launch of a European Transparency Initiative*¹;

Having regard to the communication of the European Commission *Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission* COM(2002)704 final;

Having regard to its opinion of 12 October 2005 on *Better Lawmaking 2004 and Better Regulation for Growth and Jobs in the European Union*, CdR 121/2005 fin (Rapporteur: Mr Delebarre, FR-PES)²;

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* COM(2001) 428 final, COM(2001) 354 final, CdR 103/2001 fin (Rapporteur: Mr Michel Delebarre FR-PES)³;

Having regard to its draft opinion (CdR 235/2006 rev.1) adopted on 29 November 2006 by the Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (rapporteur: **Mr Per Bødker Andersen** (DK/PES), Mayor of Kolding Municipality;

- 1) **Whereas** transparency is one of the key elements in a democracy of multilevel governance;
- 2) **Whereas** it is important to give greater consideration to the principles of subsidiarity, proportionality and proximity in order to develop simple and clear European legislation that can be readily understood by European citizens;

1 http://ec.europa.eu/comm/eti/index_en.htm.

2 OJ C 81 of 4.4.2006, p. 6-10.

3 OJ C 192 of 12.8.2002, p. 24-31.

- 3) **Whereas** it is vital to ensure that regional and local players are fully involved, among other things through the CoR, in the core issues on the European agenda;
- 4) **Whereas** regional and local authorities, if appropriately involved in the preparation of legislative acts, can play a key role in transposing and implementing them in their own areas;

adopted the following opinion at its 68th plenary session, held on 13 and 14 February 2007 (meeting of 13 February):

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The Committee of the Regions' views and recommendations

The Committee of the Regions

1. General remarks

- 1.1 **welcomes** the initiative of the Commission to promote transparency. The launch of the European Transparency Initiative is an important step by the Commission to promote the transparent functioning of the EU institutions. Greater transparency is crucial if EU institutions are to remain accountable and democratic; efficient and in touch with the needs of the public; **recalls**, in this context, that if the EU is genuinely to increase its democratic legitimacy, there is also a need for greater involvement of local and regional actors in the EU legislative and decision-making processes;
- 1.2 **considers** that with the transparency initiative, the European Commission has launched a necessary debate and **believes** that it is important to have the debate now, also in the context of the period of reflection and debate on Europe's future, because decision-makers need to ensure and demonstrate that the EU functions democratically and effectively. Ensuring transparency is one crucial way of bringing Europe closer to its citizens;
- 1.3 **regrets**, however, that the local and regional dimension has not been mentioned in this initiative and **urges** the Commission to involve it more closely; **recalls** the Commission's statement in the White Paper on European Governance (2001) that it would ensure that regional and local knowledge and conditions would be taken into account when developing policy proposals;
- 1.4 **welcomes** the decision during the Finnish presidency in the second half of 2006 to strive for more transparency in the work of the Council. It is a very positive development that the Council has also agreed to allow more open decision-making and access to Council documents; **believes** nevertheless that this a first step in the right direction and **urges** the

Council to open up more of its proceedings to the public. This is an important way for citizens to follow the decision-making process;

- 1.5 **feels** that the term "improper lobbying" should be defined as accurately as possible so that lobbyists' activities can be monitored and any infringements penalised;
- 1.6 **considers** that the objective of transparency must be to bring the European Union closer to its citizens; in order to promote transparency and thus reduce the distance between the European institutions and citizens, and that it is of fundamental importance to encourage measures which, like those developed under the *Plan D for Democracy, Dialogue and Debate*, endeavour to publicise the activities and competences of the Union among Europeans and among young people in particular, as is the intention with the Youth Forum.

2. **Multilevel partnership and governance**

- 2.1 **underlines** that the EU is a multilevel institutional partnership in which regional and local authorities are involved in European policy-making at national and European level. The best way to ensure that new EU law is relevant and practicable is to consult local and regional authorities on relevant issues, stepping up dialogue and forums for participation and decision-making. These authorities are responsible for implementing and transposing EU policies and thus play a major part in ensuring transparency;
- 2.2 **recognises**, however, that not only the European Union has an obligation to ensure transparency. The Member States, but also the CoR and all levels of government it represents should set an example by providing efficient service-minded and democratic public administrations. Consequently, local and regional authorities in the Member States should also be open-minded towards ensuring transparency in their own administration.

3. **More consultation**

- 3.1 **believes** that it is necessary to stress once again the need to differentiate between EU institutions' consultation with elected local and regional authorities and their associations, on the one hand, and lobby organisations representing special interests on the other; **stresses** that, together with the local and regional authorities it represents, it is part of European governance and that it should therefore be directly involved in any initiative by the European Commission to improve the transparent functioning of decision-making in the Union;
- 3.2 **calls** on the European Commission to annex to any legislative or non-legislative proposal a list of meetings held and received position papers in the preparation of the specific proposal;
- 3.3 **underlines** that the structured dialogue between the Commission and the associations of local and regional government, which has been developed on the basis of the White Paper on European Governance, is an important step towards actually getting local and regional

authorities involved; **welcomes** this development and **stresses** the central role it is called upon to play in this context;

3.4 **welcomes** the fact that the European Commission has introduced an ongoing and systematic dialogue with local and regional authorities and their European and national associations in areas where they are responsible for transposition or implementation. It is important to continuously develop this dialogue so that both parties can fully benefit from it. In this connection, it is particularly important to strengthen this dialogue in the drafting of those legislative proposals that affect regional and local authorities;

3.5 nevertheless **believes** that improvements can be made to the way this dialogue is organised and therefore **suggests** that:

- four sessions per year normally take place, including the annual event attended by the President of the Commission, so as to guarantee optimum political visibility;
- in order to make the discussions more inter-active and spontaneous, the structured dialogue should become more of a questioning and answering time;
- the agenda for the structured dialogue should be developed in close cooperation between the CoR and local and regional authorities; and that the themes identified should be refocused on those aspects of fundamental importance to local and regional authorities;
- the interface with local and regional media should be developed;
- local and regional authorities should be able to submit written comments, and to propose topics that are of general interest to local and regional authorities and coincide with the political agenda of the European Union;
- the Commission should also be able to provide written feedback following meetings;
- emphasis be placed on better monitoring of the structured dialogue through regular evaluation in close cooperation with the CoR and the local and regional authorities it represents;
- the dialogue should whenever possible be targeted more clearly towards those local and regional stakeholders which are directly affected by a legislative proposal;
- the Commission should intensify its cooperation and use of hearings with elected representatives and the experts from the national and European associations of regional and local government, using the appropriate channels;

3.6 **calls on** the Commission to improve the existing tools for providing feedback on its opinions, which contain concrete responses to the Commission's request for consultation and tangible proposals that take account of regional and local interests. Furthermore, the Commission should, as a minimum, explain or clarify the reasons for not taking its recommendations into account;

3.7 **considers** that the introduction of minimum standards for consultation in 2002 opened up new possibilities for a wide consultation of stakeholders and in-depth impact assessments prior to legislative proposals. These standards attach a specific importance to local and regional

authorities, which has been confirmed in the Cooperation Agreement between the CoR of the Regions and the Commission. It is important that consultation is timely and gives the stakeholders a real possibility to respond to legislative proposals;

- 3.8 **would like to see** other forms of direct and pre-legislative consultation of regions and cities developed alongside the structured dialogue with the associations of local and regional government, under the auspices of the Committee, so that the voices of these stakeholders can also be regularly heard during the preparation stage of proposed legislation; **notes** that, in this connection, consultations were envisaged as part of the Commission's 2002 initiative aimed at establishing minimum standards for consultation and that, in this context, the CoR was asked to play a proactive role, by organising consultations on behalf of the Commission⁴;
- 3.9 **regrets** that the territorial dimension is not given enough consideration in the Green Paper on the European Transparency Initiative, and likewise in the new impact analysis strategy; therefore calls on the Commission to mainstream consultation of local and regional authorities in all work on multi-level governance and to extend the method of consultation it is already applying, successfully, in relation to the cohesion policy, to all policies with a regional or local impact;
- 3.10 **believes that** impact assessments must play a substantial role in reducing the administrative burden of EU legislation on local and regional authorities, as stated in the opinion on better lawmaking (CdR 121/2005);
- 3.11 **reiterates** its opinion that the preliminary assessments, apart from analysing the policy objective of a legislative proposal and the most appropriate policy instruments, must include an impact assessment of legislative acts at local and regional level in *financial terms*.

4. **Registration of lobbyists**

- 4.1 **welcomes** the greater transparency that registration of lobby organisations would bring. As part of the EU governance system, the CoR and its members are themselves the focus of lobbying activity and therefore agree that a system of registration/accreditation could improve the transparent functioning of the EU political process;
- 4.2 **stresses** that, owing to their democratic legitimacy, local and regional authorities and their associations are clearly different from commercial lobbyists or special interest groups. Local and regional authorities are part of the European governance structure. Any registration must take this difference into account. Local and regional authorities should, therefore, not be listed on the register of lobbyists, in any way which could risk blurring the distinction between their role and that of other organisations on the list;

⁴ COM(2002)704, p. 8.

- 4.3 **does not believe**, however, that an arrangement based on voluntary registration provides an adequate framework to ensure sufficient transparency. A voluntary arrangement will not contain public speculation and mistrust in the institutions' consultations with private parties. Registration should be a requirement for access by all lobby organisations to any EU institution, as is already the case with the European Parliament;
- 4.4 **is convinced** that it is important to ensure an efficient and simple procedure for future registration. The register should be managed by the European Commission. There should be only one contact point for registration with all EU institutions and registration should be required for entire organisations rather than individuals. Given that the Committee already possesses information on regional and local authorities and the associations representing them, there is no need for every local and regional authority or their associations to register individually. The CoR could therefore pass this information on to the Commission so that it can be included in the relevant section of the register;
- 4.5 **feels** there is a need to specify the nature, frequency and required scope of the information to be provided by lobbyists.
5. **Disclosure of beneficiaries of community funds**
- 5.1 **supports** the Commission's ambition to strengthen transparency as regards the use of EU funds and encourages Member States to administer community funds under "shared management", i.e. the structural fund projects aimed at improving exchanges of best practice. It is in the interest of all beneficiaries to be transparent about EU funding;
- 5.2 **welcomes** the initiative of the Commission to create a website providing access to existing information about the beneficiaries of projects and programmes. In order to make available information which is comparable in respect of all citizens of EU Member States and hence transparent, the requisite data should be published on a central basis by the European Commission. It would be in the interest of the European citizens also to have a description of lessons learned and initiatives with a "human face";
- 5.3 **welcomes** the Green Paper's proposal to create common community-wide regulations for publicising how EU funds are spent.
6. **Revision of regulation 1049 on access to documents**
- 6.1 **is satisfied** that in 2001 the Commission opened access to unpublished documents of the EU institutions and bodies through a register of documents or following individual requests and **underlines** that in 2002 it followed this up by introducing a code of Good Administrative Behaviour which defines rules on public access to documents. Both initiatives are major steps towards ensuring the transparency of the European Commission;

6.2 **looks forward** to the planned revision of regulation 1049 and **intends** to contribute to this process.

Brussels, 13 February 2007.

The President
of the
Committee of the Regions

The Secretary-General
of the
Committee of the Regions

Michel Delebarre

Gerhard Stahl
