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Brussels, 4 April 2002

OPINION

of the

Committee of the Regions

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

The Committee of the Regions,

HAVING REGARD TO the White Paper of 25 July 2001 on *European governance* (COM(2001) 428 final),

HAVING REGARD TO the Commission communication 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 the *protocol on 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 communication of the President of the European Commission of May 2000 on a White Paper on Governance - *Deepening democracy in the European Union* (SEC(2000) 901),

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)¹,

HAVING REGARD TO its opinion of 14 December 2000 on *new forms of governance: Europe, a framework for citizens' initiative* (CdR 182/2000 fin)²,

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 the European Parliament's resolution on the Commission's White Paper on *European governance* (A5-0399/2001),

HAVING REGARD TO the European Parliament's resolution of 13 March 2002 on the Commission Communication on a new framework for cooperation on activities concerning the information and communication policy of the European Union (C5-0465),

HAVING REGARD TO the Commission's decision of 29 June 2001 to consult it, under the first paragraph of Article 265 of the Treaty establishing the European Community, on the communication on a *new framework for cooperation on activities concerning the information and communication policy of the European Union*,

HAVING REGARD TO its Bureau's decision of 12 June 2001 to draw up an opinion on this subject and on the White Paper on *European governance* and to entrust the Commission for Institutional Affairs with the preparatory work,

HAVING REGARD TO the draft opinion adopted on 13 December 2001 by the Commission for Institutional Affairs (rapporteur: **Mr Delebarre** (F-PES), Mayor of Dunkirk (CdR 103/2001 rev. 2),

WHEREAS it seems clear that the traditional models of governance no longer cater for the complex reality of society today; and whereas political credibility and legitimacy are in deep crisis everywhere,

WHEREAS the debate on the new forms of governance must bring together the EU Member States and applicant states,

WHEREAS due regard should be had to the contributions of various organisations such as AER, CEMR, CPMR and EURADA and the results of the various seminars that the Committee of the Regions has itself organised,

adopted the following opinion at its 43rd plenary session, held on 13-14 March 2002 (meeting of 13 March 2002):

VIEWS AND RECOMMENDATIONS OF THE COMMITTEE OF THE REGIONS

1. General comments on the White Paper's proposals and the working groups' reports

The Committee of the Regions

1. **points out** that it has followed up the *European Commission's* initiative and contributed to the debate by organising a series of seminars and conferences on various aspects of governance in Europe, thereby enabling representatives of civil society, the

media, international businesses, the social partners, the political parties and national and European political bodies to express their views on this subject alongside local and regional authorities,

2. **would also refer** to its opinion on *New forms of governance: Europe, a framework for citizens' initiative*, in which it underlined the need for take all aspects of governance into account and called for the debate to consider the question of political culture, which goes beyond mere *institutional* reform,
3. **notes** the progress made in that direction for more than a year now, and considers that, in terms of its principles, the *European Commission White Paper* provides an acceptable and largely open-ended basis for a renewed dialogue,
4. **welcomes** the *European Commission* proposal to improve its system of relations with all its partners - the *European institutions*, the *Member States*, *regional and local authorities* and "*civil society*" - by calling on them to show a firm "*political will*" to move forward while respecting each other's remits and distinctive features,
5. **welcomes** the *European Commission's* wish to place all the proposed changes in the context of a "*new pact*" between the *European Union* and the *citizens* of its constituent states by holding between now and 31 March 2002 a wide-ranging public debate, which will form the second stage on the road to a new "European governance" and lead up to the amendment of the EU Treaty at the next *Intergovernmental Conference*, the aim being to close the gap between Europe and its citizens and to encourage public debate of the EU's values, concerns and decisions,
6. **wishes** to participate actively in the preparation and monitoring of the implementation of Community rules or policies by stimulating interactivity "*between the different geographical levels of responsibility*",
7. **has noted** with great interest the numerous points in the *European Commission White Paper* which can have a strong impact on *European territorial dynamism* and *people's daily lives*³,
8. **welcomes** the *European Commission's* pledge to strengthen the involvement of local and regional players in the decision-making process:
 - by giving them a more active role in communicating with the general public on European issues,
 - by establishing a systematic dialogue at an early stage in the framing of policies,
 - by making Community policies more flexible,
 - by announcing contract-based pilot projects in order that legislation and policies with a territorial impact take better account of distinctive regional and local features,

9. **draws attention** to the importance of the assessments made in the reports of the *working groups*, which - while not expressing the official position of the *European Commission* - nonetheless present interesting proposals for implementing the guidelines set out in the *White Paper* and in particular the ones concerning:
- **participation of the Committee of the Regions (for matters of general interest) and of associations or groups of regions (for matters of specific interest) in the political agenda of the EU** and in consultations upstream of the policymaking process by means of a direct dialogue with the directorates-general and commissioners and/or discussion platforms,
 - **general use of partnership** as a method of governance for policies with a territorial impact,
 - **mainstreaming of the territorial dimension and sustainable development** in Community policies, by responding to the initiatives taken by the *European Commission* but also by providing it with input in the form of preliminary reports,
 - **organisation of cooperation mechanisms and use of a contractual framework** as the main instrument for defining objectives and methods,
 - **development of transnational and interregional cooperation**, by devising systems specially suited to each area of cooperation and by creating a **new Community legal instrument for cross-border cooperation** to replace the national problem-ridden instruments,
10. **regrets** that the *White Paper* is lacking in ambition with regard to the procedures for implementing the principle set out therein, and **trusts** that the discussions to be held between now and March 2002 will result in the rapid application of the proposed reforms, without the need to change the Treaties,
11. **calls** for a more democratic partnership and better coordination of tasks and responsibilities between the different spheres of government, in accordance with the principles of subsidiarity, proximity and proportionality,
12. **stresses** that regional and local authorities are already responsible in practice for the implementation of Community legislation and numerous common policies,
13. **calls** on the *European Commission* to take account of its proposals' administrative, financial and territorial consequences for regional and local authorities prior to the adoption of legislation,
14. **is pleased** that the *European Commission* has pledged to indicate the extent to which it has taken account of *Committee of the Regions'* opinions, by stating, where necessary, why it cannot incorporate these opinions into its proposals.

2. A new political and administrative culture

The Committee of the Regions

1. **welcomes** the Commission's suggestion that it "must focus on its ... tasks of policy initiation; execution; guardian of the Treaty; and international representation of the Community" and that "the European Parliament and all national parliaments of the Union and the applicant countries should become more active in stimulating a public debate on the future of Europe and its policies",
 2. **is of the view** that the Council should meet in public, that the areas of qualified majority voting should be extended considerably, and that in any case the European Parliament should have co-decision rights in all areas where QMV applies,
 3. **is baffled** by the idea that in response to the democratic deficit a second chamber consisting solely of national parliamentarians should be set up,
 4. **underlines** the need to strengthen the role of the *European Parliament* in order to make up the democratic deficit, and **considers** that the call for proximity could also be answered by reinforcing the coherence and input of local and regional bodies at European level, first and foremost via their representative assembly, the *Committee of the Regions*,
 5. **is convinced** that a new political culture is necessary for the governance of such a complex society as Europe in the 21st century and that the emphasis must be placed on the *process* as much as the *procedures* and on the *issues* as much as the *institutions*,
 6. **underlines**, however, that this requires new definitions and clear rules for *transparency* and *accountability*, applicable across-the-board to all stakeholders involved in the process,
 7. **considers** that the balanced participation of women and men and of other under-represented groups in decision-making is a defining condition of good governance, and this consideration should be mainstreamed into the implementation of the White Paper,
 8. **approves** the Commission's proposal to increase "*transparency*" by launching a "*comprehensive programme of simplification*" for Community legislation using the "*open method of coordination*" within the limits of EU powers. However this method of coordination must not undermine the decision-making power of Member States or the local and regional level, nor should it allow the powers of the EU institutions to creep into areas in which they have no Treaty-based power to act,
 9. **thinks** that, given the impact of EU legislation at local and regional level, EU directives should be general in scope and local and regional authorities should be left to decide on the practical arrangements for applying EU legislation.
3. **New methods of decision-making in Europe**

The Committee of the Regions

1. **is pleased** that the *Commission* wants "*stronger interaction with regional and local governments and civil society*" in the form of a systematic dialogue,

2. **calls** for wide-ranging *consultation* of the representatives of *civil society*, but **thinks** that the democratic legitimacy of representatives elected by direct universal suffrage must not be confused with the greater involvement of NGOs and other arrangements for the representation of individual interests within society,
3. **trusts** that the code of conduct for consultation suggested by the *European Commission* will take account thereof,
4. **proposes** the greater involvement of young people in European projects,
5. **notes** the need for close transnational cooperation to "improve the ways rules are applied and enforced across the Union",
6. **wishes** to be involved in the development of mechanisms for *consultation "upstream" of decision-making* and in the implementation of "*co-regulation*" instruments, which could be "*an effective way of achieving EU objectives*"; but **stresses** that the co-regulation method should be used only for the development of technical standards and for reasons of democratic supervision, and should on no account extend to areas in which, in the light of the interests to be considered, legislation is required,
7. **is interested** in the Commission proposal to create "*further autonomous EU regulatory agencies in clearly defined areas*", but **thinks** that there are reservations which can be expressed here about the democratic control and transparency aspects and that the exceptional nature of the EU's administrative powers must be strictly respected,
8. **takes the view** that decision-making *procedures should be simplified* and that legislation should be reviewed in order to allow the EU institutions to react more promptly and more effectively to developments while ensuring that decision-making is democratic.

4. **The importance of information and communication**

The Committee of the Regions

1. **underlines** the crucial importance of *access to information* in a society where participation in democratic decision-making is increasingly a matter of individual choice and where the nature of collective representation is constantly changing. Consequently efforts to frame a European *transparency* principle should be speeded up,
2. **welcomes** the impetus provided by the *Commission* and its declared wish for more "*openness*", to be provided by an *information policy* which uses *information technologies*, provides a regular flow of *on-line information* and creates an *extensive on-line data base*, as set out in the document entitled "*a new framework for cooperation on activities concerning the information and communication policy of the European Union*" (COM(2001) 354 of 27.6.2001),
3. **intends** to promote the establishment of *e-government*, with a view to modernising administrative systems and improving access to public services, particularly at local and regional level. In the CoR's view, *e-government* is the best way not only to step up interaction between the public and government but also to boost the effectiveness and quality of the services on offer while also promoting the principles of proximity,

transparency and access to information,

4. **underlines** the crucial importance, for a vital democracy, of public access to objective, complete and reliable information, and **observes** that television, radio and newspapers and, to an ever increasing extent, the Internet are the main sources of information on world events,
5. **draws attention** to the need for EU institutions to conduct effective media initiatives to publicise as widely and objectively as possible the issues under consideration and the decisions taken,
6. **thinks** that this new information policy must not be confined to information content and how information is to be circulated. In order for the European Union to be better understood and therefore held in higher esteem by the European public, it must distinguish between technical documents, which do not directly concern the public, and public information, which must be more accessible and free of all technocratic jargon,
7. **calls on** regional and local politicians to cooperate with the *Committee of the Regions* on improving communication,
8. **calls** on all spheres of government to provide more programmes to enable people of all ages and all backgrounds to acquire *computer literacy* and *language skills*, since these are the basic tools necessary for participation in European democracy and public debate,
9. **encourages** all national, regional and local authorities to ensure that European citizenship and knowledge of the integration process up to the current enlargement phase are specifically included in school curricula and teacher-training programmes,
10. **stresses** the Committee of the Regions' contribution to the *Dialogue on Europe* initiative launched by the European Commission in February 2000 and the recognition given by the European Commission to the Committee of the Regions' multiplier potential in *The debate on the future of the Union* (COM(2001) 176 final) and its wish for a proper decentralised information system at grassroots level,
11. **would refer** to the commitments made in the protocol on arrangements for cooperation between the European Commission and the Committee of the Regions regarding the latter's role within the framework of the EU's information and communication policy and, more especially, points 15 and 16 of the protocol on the European Commission's role in highlighting and publicising the activities of the Committee of the Regions,
12. **proposes** that, within the framework of this protocol, the European Commission's and Committee of the Regions' information services hold regular meetings to identify events that could be organised jointly, with priority being given to subjects which directly influence the lives of Europe's citizens and which are mainstream policy competencies of local and regional authorities either in full or in part, such as education, employment, transport and the environment,
13. **requests** that action be taken in connection with the recasting of information and communication policy to guarantee the participation of the Committee of the Regions and regional and local authorities in the interinstitutional cooperation advocated by the European Commission and that this partnership be granted the appropriate instruments, means and financial resources.

5. Participation of local and regional authorities in European governance

The Committee of the Regions

1. **reiterates** its call for recognition of the *principle of local and regional self-government* and hopes that this principle will be enshrined in the Treaties,
2. **supports** the *decentralisation* in progress in Europe, and **calls** on regional and local authorities to pursue a policy of cooperation and greater solidarity and to learn about their diversity and development,
3. **considers** that policy coherence and legislative flexibility – using appropriate means - are vital for the development of legislation and programmes with a strong territorial impact,
4. **supports** the steps taken by the *European Commission* in that direction subject to a reappraisal of the proposals once they have been fleshed out,
5. **would like to see** the objective-related tripartite contracts proposed in the White Paper developed as an effective instrument for involving regional and local authorities in the implementation of those Community policies which most directly affect them, taking account of the internal distribution of powers in each of the Member States,
6. **reiterates** the proposal for coordinating Community policies in four stages:
 - presentation by the *European Commission* of a periodic strategic policy document for furthering the coordination of Community policies and their impact,
 - strategic impact assessment procedure and consultation of regional and local authorities prior to the drafting of general policy documents,
 - presentation by the *European Commission* to the other institutions of its proposals, with the possible inclusion of the options which prompted its choices,
 - calls from the *European Commission* to the *Council* and the *Parliament* to organise internal trade-offs, with due regard to the expected impact and the need to coordinate with various sectoral decision-making bodies,
7. **thinks** that the role of the *Committee of the Regions* in the decision-making process must be considerably strengthened so that regional and local public authorities play a greater part in projects from the very start and are closely involved in the European political agenda,
8. **welcomes** in this respect the development of the Committee of the Regions'

consultative role, as advocated by the European Commission, but points to the need to expand on the guidelines given before taking a decision. The Committee of the Regions should

- play a more proactive role in examining policy, for example through the preparation of exploratory reports in advance of Commission proposals;
 - organise the exchange of best practice on how local and regional authorities are involved in the preparatory phase of European decision-making at national level;
 - review the local and regional impact of certain directives, and report to the Commission by the end of 2002 on the possibilities for more flexible means of application. The Commission will then consider a more systematic approach to allow such flexibility for some parts of Community law,
9. **accepts** that the Committee will have to reform its structures and working procedures to ensure that it fulfils its representational and advisory roles effectively, and **asks** that it be given the means to enable it to play a more proactive role in determining policy in order to be more influential than it has been to date,
 10. **considers** consequently that it is vital to profit from this period of consultation to formalise the arrangements for applying these guidelines with the European Commission,
 11. **queries** how the Commission intends to "establish a more systematic dialogue with regional and local government through national and European associations at an early stage in shaping policy", and to "organise (this) systematic dialogue with European and national associations of regional and local government, while respecting national constitutional and administrative arrangements",
 12. **reiterates** in this respect its intention to cooperate more closely with national and European associations that represent regional and local government, and **is pleased** that the Commission wishes to support its efforts in this area,
 13. **considers** therefore that, given the wish for transparency and efficacy, the structured dialogue which the European Commission wants to establish with these associations must be fully commensurate with the need to strengthen and enhance the Committee of the Regions' proactive role in the Community decision-making process, as explicitly advocated in the White Paper, and must respect the commitment made by the European Commission in the joint declaration of 20 September 2001 by **Commission President Prodi** and the president of the Committee of the Regions to make the CoR an "*indispensable intermediary between the EU institutions and the regional and local authorities*",
 14. **feels** that new forms of governance must allow the different tiers of authority to engage in more substantial and efficient *cooperation*,
 15. **advocates** the strengthening of *cooperation with local players* who will be responsible for the practical implementation of *European decisions with a territorial impact*, and an *appraisal of the costs* of implementation and of the additional financial strain on the budgets of local and regional authorities,
 16. **points** to the need for the wide range of regional and local authorities, with their multiple approaches to the question of *remits and competencies*, especially in the run-

up to enlargement, to be able to voice their views in the various stages of the Community decision-making process, and **underlines** that this participation could strengthen their role as active proponents of the European ideal at *grassroots level*,

17. **welcomes** the fact that in its list of priorities the Belgian presidency has made clear reference to the *role of the regions*, and *trusts that the Spanish presidency will do likewise*, in line with the regions' wish to have a greater say in decision-making, and **requests** that this dialogue facilitate the global strengthening of the procedures for consultation of all regional and local authorities.

6. Institutional reforms and recasting of the Treaties

The Committee of the Regions

1. **considers** that the White Paper and its proposals in favour of new forms of European governance should be discussed in the debate on the future of the Union,
2. **demands** that *territorial cohesion* policy be incorporated in the *Treaties* as a responsibility to be shared by the European Union, the Member States and regional and local authorities; it must be ensured, however, that this does not prevent Member States and regions from pursuing their own regional policies. It must be possible to use regional and interregional policy initiatives, designed to remove the barriers to the endogenous development of each regional community, to iron out (sub-) regional disparities, as measured within a single region rather than by reference to a schematic EU average,
3. **calls** for the *Charter of Fundamental Rights* to have the force of law and be integrated in the *Treaties* as part of a constitutional process,
4. **trusts** that in an enlarged Union the legal and institutional recognition of individual and collective fundamental rights will help to strengthen ties between Europeans and make a key contribution in helping to give tangible substance to a *true European citizenship*,
5. **welcomes** once again the fact that the Treaty of Nice has taken account of the *Committee of the Regions'* request that its members must either hold a regional or local authority electoral mandate or be politically accountable to an elected assembly if they wish to become or remain *Committee of the Regions'* members,
6. **agrees** therefore with the President of the *European Commission* regarding the need to strengthen the legitimacy of the *Committee of the Regions*, which must have a real voice in the debate on the future of the Union,
7. **welcomes** the launch of the Convention, which is going to prepare for the next revision of the *Treaties*,
8. **appreciates** the fact that the *Committee of the Regions* has been granted observer status at the Convention and is in a position to make a direct contribution to proceedings,
9. **thinks** that the European Union's basic texts should specify how grassroots democracy requires recognition of a statute for regional and local authorities in their

dealings with the Union, and **requests** that the role of local and regional authorities be underlined in the scenarios for enhanced cooperation,

10. **stresses** that a precise demarcation of powers and greater respect for the principles of proportionality and subsidiarity are essential starting points for the EU reform process and the definition of governance. The drafting process of all EU measures should include a careful analysis of why EU level action is necessary, which matters fall within the respective remits of the EU institutions and Member States, as well as how national, regional and local differences have been taken into account,
11. firmly **trusts** that more flexible arrangements for *vertical decentralisation*, and cooperation between different tiers of territorial authority, will be fittingly supplemented by new mechanisms for *horizontal interregional cooperation* and a partnership based on *contractual ties* of varying degrees with other local authorities or with the representatives of *civil society*, as well as recourse to the expertise of existing interregional organisations,
12. **considers** that, when developing tripartite or multipartite contracts, the internal distribution of powers must be respected, so that the authorities which sign the contract with the Commission are those which hold the powers, whether they be legislative or implementing,
13. **intends** to implement the *protocol on arrangements for cooperation* which it recently signed with the *Commission* on 20 September 2001, to participate fully in the preparations for the 2004 IGC and to exercise with greater force its role as the link for regional and local authorities,
14. **wishes** therefore to be provided with the means for enabling it to "play a more proactive role in examining policy" and "organise the exchange of best practice on how local and regional authorities are involved in the preparatory phase of European decision-making at national level",
15. **reiterates** its request that the *Committee of the Regions* be granted the right to instigate proceedings before the *Court of Justice* of the European Communities in order to defend its prerogatives, and also be granted full institutional status,
16. **requests** that its role be reassessed within the new European architecture, that it be assigned responsibilities extending beyond its consultative remit, especially during the pre-legislative phase and in connection with the effective monitoring of executive action, and that it be granted investigative powers as regards respect for the subsidiarity principle and a "*monitoring mandate*" as regards the impact of directives and regulations on regional and local authorities.

Brussels, 13 March 2002.

The President

The Secretary-General

of the

of the

Committee of the Regions

Committee of the Regions

Albert Bore

Vincenzo Falcone

¹ OJ C 198, 14.7.1999, p. 68

² OJ C 144, 16.5.2001, p. 1

³ - Opening up the policymaking process so as to get more people and organisations involved in shaping and delivering EU policy;

- Enhancing the quality of EU policies and simplifying rules;

- Applying the principles of good governance to the Union's global responsibilities;

- Improving cooperation between the institutions and making EU policies more coherent.

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