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Brussels, 22 November 2001

OPINION

of the

Committee of the Regions

of 14 November 2001

on

**The Committee of the Regions' place and participation
in the European decision-making process**

The Committee of the Regions,

HAVING REGARD TO the Resolution on the outcome of the 2000 intergovernmental conference and the discussion on the future of the European Union (CdR 430/2000 fin);

HAVING REGARD TO the Resolution on the preparations for the Laeken European Council and the further development of the European Union in the context of the next intergovernmental conference in 2004 (CdR 104/2001 fin – now adopted);

HAVING REGARD TO the Report on proximity (CdR 436/2000 fin);

HAVING REGARD TO the Salamanca Declaration (CdR 107/2001 fin);

HAVING REGARD TO the Opinion on the participation of regional government representatives in the work of the Council of the European Union, and of the CoR in informal Council meetings (CdR 431/2000 fin);

HAVING REGARD TO the Memorandum on involvement of the Committee of the Regions in the structured debate on the future of the Union (CdR 325/2001 fin);

HAVING REGARD TO the Opinion on New forms of governance: Europe, a framework for citizens' initiative (CdR 182/2000 fin¹);

HAVING REGARD TO the Opinion on EU citizenship (CdR 226/99 fin²);

HAVING REGARD TO the Commission's White Paper on European governance of 25 July 2001 (COM(2001) 428 final);

HAVING REGARD TO the Joint Declaration of the President of the European Commission and the President of the Committee of the Regions on the appended protocol (CdR 81/2001);

HAVING REGARD TO the Declaration on Regionalism of the Assembly of European Regions (Basle, 4 December 1996);

HAVING REGARD TO the position of the CEMR set out in the Oulu Declaration on good governance in Europe today, adopted at Oulu on 17 June 2000;

HAVING REGARD TO the charter on local autonomy and the draft charter on regional autonomy of the CLRAE (Council of Europe);

HAVING REGARD TO the decision of its Bureau of 13 June 2000, in accordance with the fifth paragraph of Article 265 of the Treaty establishing the European Community, to draw up an opinion on the subject and to instruct the Commission for Institutional Affairs to carry out the preparatory work;

HAVING REGARD TO the draft opinion adopted on 5 October 2001 by the Commission for Institutional Affairs (rapporteur: **Mr Van Den Brande**, B/EPP) (CdR 105/2001 rev. 1);

WHEREAS the progressive integration of Europe has reached a point where in-depth discussion of its future objectives is needed;

WHEREAS the institutional architecture is of great importance here, but is merely a means and an instrument for consolidating Europe's democratic dimension;

WHEREAS Europe must once again become the common project of all its citizens, with their involvement and participation playing a key role;

WHEREAS good, credible and responsible governance is a precondition for this;

WHEREAS in accordance with the decisions of the Nice European Council the necessary agreements were reached to launch and map out a path for the 2004 intergovernmental conference in the Laeken Declaration;

WHEREAS it is necessary for the Committee of the Regions, in addition to its various contributions on the future of Europe, to state its views on its place and participation in the European decision-making process;

WHEREAS this statement of views requires discussion of the nature and role of the Committee, its internal operation, its attitude to the EU institutions and its institutional position in the light of the 2004 intergovernmental conference;

WHEREAS this discussion must not be restricted to a purely technical analysis, and thought needs to be given to the broader issue of the regions' and local authorities' own, recognisable responsibilities in the framework of European decision-making;

WHEREAS it would appropriate for the Committee to be assisted in the task by a committee of

experts;

WHEREAS the Committee wishes, through this exercise, to provide added value with a view to higher-quality and more efficient governance in Europe, particularly in the light of the forthcoming major enlargement of the Union;

unanimously adopted the following opinion at its 41st plenary session of 14 and 15 November 2001 (meeting of 14 November):

Views and recommendations of the Committee of the Regions

1. General comments

The Committee of the Regions

1. notes that at the end of its second four-year term of office there is a need for a fundamental discussion of its place and participation in the European decision-making process;
2. considers it appropriate that this discussion should extend to the nature and role of the Committee, its internal operation, its relationship with the Commission, the Council and the European Parliament, as well as to the Committee's institutional position in the light of the 2004 intergovernmental conference;
3. is nonetheless convinced that the debate on the future of Europe cannot focus purely on institutional issues, powers and financing, but that the tasks of the European Union and the allocation of responsibilities to the Member States and the regional and local authorities need to be based on, and evaluated in the light of, the subsidiarity principle and the principles of proportionality and allocated powers for the EU and on the obligation to respect Member States' national identity; that this exercise must lead to greater transparency and responsibility, as well as to a more efficient and democratic decision-making process focusing on policies offering the greatest added value and increasing involvement of the general public;
4. considers that, in the course of this exercise, it should be assisted by a committee of experts in order to enable it to make a useful contribution to the debate on European governance and the future of the European Union, particularly with a view to the forthcoming major enlargement of the Union;
5. wishes, in the light of the forthcoming enlargement, to make the special experience and expertise of the Union's regional and local authorities available to their counterparts in the applicant countries.

2. Nature and role of the Committee

The Committee of the Regions

1. notes at the end of its second four-year term of office that its position in the Union's institutional framework and its role in the European decision-making process has been gradually strengthened, with the Treaty of Amsterdam marking an important new stage

in granting the Committee organisational and financial autonomy and extending its consultative powers;

2. points out that, whilst the Treaty of Nice fulfilled the Committee's request that its members should be required to be elected representatives of regional or local bodies or politically accountable to an elected assembly, it did not satisfy the Committee's other claims, such as greater participation in the European decision-making process;
3. endorses the analysis contained in the White Paper on European governance on the subject of reaching citizens through regional and local democracy and the action points which the Commission suggests the Committee undertake in this area: playing a more proactive role in examining policy, organising the exchange of best practice on how local and regional authorities are involved in the preparatory phase of European decision-making at national level and reviewing the local and regional impact of certain directives with a view to more flexible application;
4. notes however that these action points go beyond the Committee's current advisory role and that no mention is made of the financial and human resources to be made available to the Committee to this end, or of strengthening the Committee's institutional position in the European decision-making process;
5. believes that in the course of the European debate on governance it will be difficult to discuss specific issues in isolation and wishes to prevent this debate resulting in the Committee's current advisory role being "cast in stone" given that the Committee, as a democratic body, also has an important role to play as a discussion forum, communications channel and policy-making, or at least policy-assessment, body;
6. considers it necessary that sufficient scope and resources be made available for:
 - the holding of political debate and discussions at all levels in order to awaken the public's interest in politics;
 - additional information and awareness-raising efforts;
 - a special focus on the subject in school and further education curricula;
 - increasing citizens' on-going contribution to European policy, e.g. by involving the social players and civil society in European policy in a structured way;
7. wishes to make a constructive contribution to the debate on European governance from this point of view and believes that to this end it needs to consider its own internal operation, its inter-institutional relationships and its institutional position with a view to the 2004 intergovernmental conference.

3. **The Committee's internal operation**

The Committee of the Regions

1. wishes to examine its internal operation in depth and assess it in order to contribute to the implementation of the principles of governance referred to in the White Paper, namely openness, participation, accountability, effectiveness and coherence;
2. considers that the key question is whether the Committee succeeds in carrying out the

advisory tasks assigned to it by the Treaty both in qualitative and quantitative terms, and that in this connection the following questions arise:

- Are the areas in which the Committee has been assigned advisory responsibilities in keeping with the Committee's potential, its political priorities and the responsibilities of the local and regional authorities?
 - Are the deadlines laid down by the Treaty sufficient to enable the Committee to make a useful contribution?
 - Are the Committee's internal procedures, including the urgency and simplified procedures, appropriate to the tasks assigned to the Committee by the Treaty?
 - Does the Committee need greater continuity in its work, e.g. by setting up a standing committee?
 - Does the Committee need to restructure its internal organisation in accordance with the powers of the regions and local authorities represented therein?
 3. should set about rationalising its internal procedures with regard to the referral of its opinions;
 4. considers it necessary, with a view to greater accountability and coherence, to pay particular attention to the mandate, legitimacy and ethical code of its members in order to ensure greater coherence between their activities as Committee members, which they have to perform completely independently, in the general interest of the Community, and their activities as representatives on local and regional bodies;
 5. considers that a thorough analysis of these issues should be carried out by the committee of experts referred to in point 1.3 of this opinion, in order to enable the Committee to determine its standpoint on the matter in good time and, wherever and whenever necessary, to assist the Committee in its further contribution to the debate on the future of the European Union.
- 4. Relationship between the Committee and the Commission, the Council and the European Parliament**

The Committee of the Regions

1. welcomes the Joint Declaration of the president of the European Commission and the president of the Committee of the Regions and the appended protocol with a view to more intensive cooperation between the two bodies, but considers that the protocol needs to be interpreted dynamically in order to take account of the action points

referred to above, set out in the White Paper on European Governance, particularly playing a more proactive role in examining policy, so that the Committee will be able to provide useful input even before the adoption of the Commission's annual work programme;

2. considers it necessary for the efficient performance of its consultative function that substantial changes be made to the formalism of the procedure for consultation by the European Commission and that the Committee's effective and systematic involvement be guaranteed at all stages of the process of drawing up European Commission policy documents such as white and green papers;
 3. calls on the Council to draw up a code of conduct with the Committee on the arrangements for consultation of the Committee and the political impact of its opinions on Community legislation, covering deadlines etc., with due regard for the specific arrangements of the co-decision procedure;
 4. recommends that the one month deadline imposed on the Committee for the issue of opinions under Article 265 of the EC Treaty be extended to three months to bring it into line with the Committee's working methods;
 5. also calls on the European Parliament, in parallel with the existing cooperation between it and the Committee at rapporteur level, to agree with the Committee arrangements for consultation, whether mandatory or on the Parliament's initiative;
 6. reiterates its view, expressed in the context of the 2000 intergovernmental conference, that, if the Commission and the Council choose not to act on the Committee's recommendations made in the context of a mandatory referral, they should state their reasons and that the Parliament should also be able to do this on a voluntary basis;
 7. stresses the need for a permanent and fruitful dialogue between the institutional players, particularly in the light of the recommendations of the White Paper on European governance;
5. **Institutional position of the Committee with a view to the 2004 intergovernmental conference**

The Committee of the Regions

1. wishes to examine its institutional position in depth with a view to 2004 intergovernmental conference, with due regard to the analyses and recommendations of the committee of experts referred to in point 1.3 of this opinion;
2. supports in this connection improvement of local and regional authorities' possibilities to participate and the special position of the regions with legislative powers in the framework of the Union's institutional machinery.

Brussels, 14 November 2001.

The President

The Secretary-General

of the
Committee of the Regions

of the
Committee of the Regions

Jos Chabert

Vincenzo Falcone

¹ OJ C 144, 16.5.2000, p. 1

² OJ C 156, 6.6.2000, p. 12

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CdR 105/2001 fin FR-NL/NT/ss .../...

CdR 105/2001 fin FR-NL/NT/ss