

RELEX - 006

Brussels, 18 December 2002

OPINION

of the

Committee of the Regions

of 20 November 2002

on the

Communication from the Commission on the Action Plans

for administrative and judicial capacity, and the monitoring of commitments

made by the negotiating countries in the accession negotiations

(COM(2002) 256 final)

The Committee of the Regions

HAVING REGARD TO the Commission's Communication on the Action Plans for administrative and judicial capacity and the monitoring of commitments made by the negotiating countries in the accession negotiations (COM(2002) 256 final);

HAVING REGARD TO the Decision of the European Commission of 6 June 2002 to consult it in this matter, under the first paragraph of Article 265 of the Treaty establishing the European Community;

HAVING REGARD TO the Decision of its Bureau of the 14 May 2002 to instruct Commission for External Relations to draw up an opinion on this subject;

HAVING REGARD TO its opinion on "Supporting the development of institutional structures at local and regional level in the applicant countries" (CdR 102/2001 fin)¹, (rapporteur: **Roger Kaliff**, (S-PES));

HAVING REGARD TO its final report from the work of the COR-EU Applicant States Liaison

Group and recommendations for the future (18 October 2001);

HAVING REGARD TO its experts' report on "Preparing for EU enlargement - Devolution in the first wave negotiating countries" (CdR 391/1999 fin);

HAVING REGARD TO its opinion on "Institutional aspects of enlargement - Local and regional government at the heart of Europe" (CdR 52/1999 fin)²;

HAVING REGARD TO its opinion on "Implementation of EU law by the regions and local authorities", (CdR 51/1999 fin)³;

HAVING REGARD TO its resolution "The ongoing EU enlargement process" (CdR 424/99 fin – 17 November 1999)⁴;

HAVING REGARD TO the Commission's White Paper on Governance;

HAVING REGARD TO the report of the European Parliament on the state of enlargement negotiations" (A5 – 0190/2002);

HAVING REGARD TO the debate on enlargement at the 45th CoR Plenary Session, 3-4 July 2002;

HAVING REGARD TO the draft opinion (CdR 244/2002 rev. 1) adopted on 26 September 2002 by the Commission for External Relations (Rapporteur: **Cllr Keith Brown**, Leader of Clackmannanshire Council (UK/EA));

adopted the following Opinion by a unanimous vote at its 47th plenary session, held on 20 and 21 November 2002 (meeting of 20 November):

The views of the Committee of the Regions

The Committee of the Regions

1. **Notes** with satisfaction the Conclusions of the Seville Council (21, 22 June 2002) reaffirming the determination of the Union to conclude negotiations with the first wave of ten negotiating countries by the end of 2002, with a view to signing the Treaty of Accession in Spring 2003.
2. **Commends** the efforts made to date by the negotiating countries in addressing the weaknesses in their administrative capacity.
3. **Welcomes** the Commission's development of Action Plans for reinforcing the negotiating countries' administrative and judicial capacity and the additional assistance of up to €250 million in 2002 for this purpose through the Phare programme.
4. **Welcomes** the Commission's recognition that this capacity improving is a long-term process which will need to continue after accession, and the proposed additional €380 million for a transition facility to support these efforts.

The challenge facing regional and local authorities in the negotiating countries

5. **Notes** that the simultaneous restructuring of both their administrative structures and the implementation of the *acquis* poses a complex challenge for local and regional authorities. The solution demands both open relations between the national and the local and regional level, and the development of capacity, where the flow of information and opportunities for exchange of experiences are essential.

6. **Recognises** that the roles and responsibilities of local and regional government are not the same within each of the negotiating countries, as with Member States. The Committee however recalls the guiding principles for enlargement with respect to local and regional authorities as laid down in its Resolution on “The Ongoing EU Enlargement process”, supported by the local and regional representatives of the negotiating countries:
 - the enlargement negotiations should be carried forward according to the principle of proximity to citizens, the subsidiarity principle and the principle of proportionality;

 - in matters affecting their competencies or vital interests, that local and regional authorities are: timely and sufficiently consulted; immediately informed about the consequences of the negotiated solutions; and consulted on a mandatory basis in areas which will have financial and administrative consequences for them, in line with the provisions of their respective constitutions.

Addressing the capacity needs of local and regional authorities in the negotiating countries

7. **Believes** that it remains the case that too little emphasis is put on the importance of the role and responsibilities of local and regional authorities in the success of the enlargement process. There is often a poor understanding of the key role that the local and regional level has to play, which is as valuable as the national level. Local and regional perspectives must be given a far higher profile in the ongoing negotiations and in the support given in preparing for EU membership. The Commission, Member States and national governments of the negotiating countries must increase their efforts in this respect.

8. **Underlines** the importance of local and regional authorities in implementing a significant proportion of EU legislation as well as for dealing with structural funds programmes. Building the capacity of regional and local stakeholders who are in a situation of political and economic transition is a long-term process that requires regular assistance in information, consultations, and tailor made training programmes.

For the attention of the Commission, the Committee

9. **Fears** that the Commission is focusing its efforts on working with national governments, to the detriment of its responsibility towards the local and regional level because it is administratively more burdensome. The Committee calls on all directorates of the Commission to step up their efforts to engage with the regional and local levels of governance of the negotiating countries in accordance with the principles of the White Paper on European Governance.
10. **Welcomes** the progress made with the establishment of the TAIEX regional training programme (Phare funded) in 2002 and the start of the third wave of training for officers from Latvia, Slovenia, Slovakia, Czech Republic and Estonia (the programmes for Poland, Lithuania and Hungary are already underway).
11. **Calls** on the Commission to undertake a survey of the specific training needs of local and regional authorities in the negotiating countries in consultation with the relevant national associations of both Member States and the negotiating countries and to increase the funding available to support the expansion of the TAIEX programme to address the findings.
12. **Joins** the Commission in encouraging the negotiating countries to make full use of the opportunities afforded through programmes such Phare (TAIEX) and other interregional cooperation programmes; in particular, for national governments to increase their efforts in promoting these opportunities to ensure a higher level of take up at a local and regional level.
13. **Expresses** concern at the low take-up to date of training in transport policy, public procurement and social policy (occupational Health and Safety and labour market law) at a regional and local level. The Committee calls on the Commission to raise awareness of the significance of these fields.
14. **Calls** on the Commission to support participants at the end of their training period to promote their expertise in order to develop domestic centres of expertise for training, encouraging local responsibility for improving administrative capacity.
15. **Notes** that although many regions have established independent representation in Brussels to support the efforts of the cities and regions in the integration process, many are financially not able to do so. The Committee calls on the Commission to support the regions and the national associations of local authorities in their initial efforts to establish representation in Brussels.

For the attention of local and regional authorities in Member States and the accession countries,

16. **Reiterates** the call made in its Resolution on “The Ongoing Enlargement Process” to

encourage local and regional authorities in all Member States to participate in the pre-accession process:

- to incorporate the enlargement dimension into their bilateral cooperation arrangements, e.g. twinning or cooperation agreements;
 - as far as their resources and remit allow, to exchange officials or to host trainees;
17. **Stresses** the mutual benefit that accrues to local authorities in the Member States from such exchange programmes. For instance, participants in TAIEX will have had expert technical training and can be better informed than their counterparts in the Member States, although they lack practical experience. It also provokes host authorities to evaluate their own procedures. The placements are a two way learning process.
18. **Urges** local and regional authorities to take the initiative unilaterally now in areas of mutual interest, to realise opportunities, rather than missing out by waiting for the intervention of Commission or Member State led programmes.

The relation between the national and the local and regional levels

19. **Calls** on the national authorities of the negotiating countries to give full recognition and support to the role of local and regional government in ensuring that membership of the EU is successful.
20. **Effective** implementation and enforcement of the acquis requires good functioning relations between the local/regional and national level and flow of information to the local level in all accession countries. Formalised consultation procedures are key to avoiding future problems and to ensure the principle of subsidiarity.
21. **Calls** on negotiating countries to continue to pursue the process of decentralisation and stresses the importance of democratic legitimacy in line with the European charters of local and regional self-government. In addition, the CoR calls on the negotiating countries to ensure that the division of responsibilities in respect to the implementation of the acquis is clearly established. In the context of the White Paper on Governance, the Commission attaches increasing importance to tri-lateral contacts between spheres of government working together at a local, national and European level.
22. **Notes** the fear expressed by local and regional spheres of government in the negotiating countries that they will be usurped to an extent in the initial phases of membership, in

particular in relation to the implementation of structural funds programmes due to lack of local capacity. The Committee believes that this should only happen where the need for it is evidence based and unavoidable with specific time scales given for the devolution of responsibilities to the local and regional spheres of government.

23. **Recalls** its concern at the financial problems facing local and regional self-government, with particular regards to the additional responsibilities with which they are now faced. The Committee highlights the importance of tax raising powers as a fundamental in establishing effective and autonomous local and regional self-government.

Capacity building in relation to adoption, implementation, and enforcement of the acquis

24. **Agrees** with the action plans in strengthening the following administrative capacities:

- Reform of judicial systems
- Respect for human rights and the protection of minorities
- Developing effective anti-corruption capacity

25. **Notes** with concern that reference to capacity building within local and regional authorities is only specifically mentioned within the context of environment policy and the management of Community funds. Regional and local authorities will be responsible for implementing the acquis in many fields including public procurement, consumer protection, health and safety, promoting regional development and employment and social policy.

26. **Suggests** that training programmes should be widened to include areas such as State Aid rules (competition and regional development policies); citizens rights, such as the right of all EU citizens to vote and to stand as a candidate in municipal elections; VAT directive and consumer tax system directive with regards municipal and regional finances.

27. **Notes** that there have already been delays in implementing new programmes such as Sapard (agriculture and rural development) and Ispa (infrastructure and environment) due to their complex nature. Problems in implementing programmes and delays in committing funding in existing Member States has already lead to the scrutiny of the complex rules of the Structural Funds by DG Regio. Lack of resources and training at local and regional levels is likely to aggravate such problems in the negotiating countries.

28. **Highlights** that to ensure efficient and effective absorption of the Funds, training at a local and regional level needs to focus on project preparation, application and selection, audit requirements, and management of transnational projects in addition to overall programming, management and control. The Committee believes that technical assistance funds should be made available to local and regional authorities for this purpose from the beginning of the

programming period. Exchange of experiences on local partnership building is important as well as it is recognised as the key to the success of regional development strategies.

29. **Calls** on the Commission to provide more opportunities and financial assistance for small-scale, local and regional cooperation programmes between authorities in the applicant countries and the Member States through programmes such as Phare and Interreg III. There is considerable expertise in the regional administration of structural funds in the Member States and, post accession, this expertise is likely to be available at a discount in these countries, and at a premium in the accession states. A co-ordinated programme therefore suggests itself.

Public awareness campaigns

30. **Notes** the waning support for EU membership amongst the public in many of the negotiating countries, which reflects anxiety about the effects of enlargement, and gives added importance to the Commission's Enlargement Communication Strategy. The local and regional authorities, as the sphere of governance closest to the citizen, have direct contact with the citizens and are therefore in the best position to explain the policy of enlargement and its impact in local terms. The Committee calls on the Commission to support better strategic co-ordination of efforts at a local and regional level.
31. **Although** the principal tool of pre-accession assistance for Institution Building is the Phare funded twinning programme, twinning at a municipal level also has a role to play in this respect (DG Education & Culture). These exchanges bring Europe closer to the ordinary citizen and promote greater mutual understanding and respect of different cultures and traditions in the European Union. The Committee therefore expresses concern about the European Commission's recent proposal to cut the twinning budget by almost 50% and would like to see it reinstated.

The Work of the Committee of the Regions

32. The Committee **should step up** its efforts in this area in the short time remaining to accession. Recommends that the RELEX Commission draws up an action plan to take forward the recommendations of this and preceding Opinions on the Committee's enlargement strategy.
33. **Notes** the constructive start in addressing the issue of implementation of the *acquis* made by the Joint Consultative Committees (JCC) established with Poland and the Czech Republic, (Cyprus JCC is in hand) building on the work of the Liaison Group which was well received in the negotiating countries. The Committee should timetable regular meetings, and provide more support to ensure the effective working of the JCCs.
34. **Similar** to the European Parliament, the CoR should welcome the new member states on an observer basis as soon as the accession treaties are signed.

35. **Reiterates** the recommendation of the Liaison Group that there should also be a specific budget for trainees from local/regional administrations in negotiating countries which would allow for a tailor-made programme of placements in the CoR (Report October 2001).
36. **Believes** that there should be more cross-working between applicant countries, and that the Committee should support this respect through establishing joint working initiatives on specific policy areas such as regional policy, environment, transport, social and health policy.
37. The Committee **should lead** and **work** closely with the national associations of local/regional authorities as well as the European associations to support their work with the negotiating countries. One example is the LOGON project lead by the CEMR enlargement working group which is building a network for cooperation between local authorities associations within the EU and the Central and Eastern European Countries to exchange know-how.
38. The Committee underlines its demand to be recognised as an EU Institution in order to enable it to carry out, with the maximum efficiency, its roles of serving as a forum for the needs of local and regional authorities in the applicant countries and representing and defending these needs.
39. The Committee should call on the European Commission to fund the establishment of an office in Brussels for the regional and local government associations of the applicant countries.

Brussels, 20 November 2002.

The President

of the

Committee of the Regions

Albert Bore

The Secretary-General

of the

Committee of the Regions

Vincenzo Falcone

¹ OJ C 107 of 3.5.2002, p. 32

² OJ C 374, 23.12.1999, p.15

³ OJ C 374, 23.12.1999, p. 25

⁴ OJ C 57, 29.2.2000, p.1

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CdR 244/2002 fin FR/Ho/ht

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