

RELEX-007

Brussels, 6 March 2003

**OPINION**

of the

**Committee of the Regions**

**of 13 February 2003**

on

**Towards the enlarged Union - Strategy Paper and Report of the European Commission on the progress towards accession by each of the candidate countries**

(COM(2002) 700 final and SEC(2002) 1400-1412)

and the

**Report from the Commission to the Council: Explaining Europe's Enlargement**

(COM(2002) 281 final)

**The Committee of the Regions,**

**HAVING REGARD TO** the document *Towards the enlarged Union - Strategy Paper and Report of the European Commission on the progress towards accession by each of the candidate countries* (COM(2002) 700 final);

**HAVING REGARD TO** the *2002 regular report on Bulgaria's progress towards accession* (SEC (2002) 1400);

**HAVING REGARD TO** the *2002 regular report on Cyprus's progress towards accession* (SEC (2002) 1401);

**HAVING REGARD TO** the *2002 regular report on the Czech Republic's progress towards accession* (SEC (2002) 1402);

**HAVING REGARD TO** the *2002 regular report on Estonia's progress towards accession* (SEC (2002) 1403);

**HAVING REGARD TO** the 2002 regular report on Hungary's progress towards accession (SEC (2002) 1404);

**HAVING REGARD TO** the 2002 regular report on Latvia's progress towards accession (SEC (2002) 1405);

**HAVING REGARD TO** the 2002 regular report on Lithuania's progress towards accession (SEC (2002) 1406);

**HAVING REGARD TO** the 2002 regular report on Malta's progress towards accession (SEC (2002) 1407);

**HAVING REGARD TO** the 2002 regular report on Poland's progress towards accession (SEC (2002) 1408);

**HAVING REGARD TO** the 2002 regular report on Romania's progress towards accession (SEC (2002) 1409);

**HAVING REGARD TO** the 2002 regular report on Slovakia's progress towards accession (SEC (2002) 1410);

**HAVING REGARD TO** the 2002 regular report on Slovenia's progress towards accession (SEC (2002) 1411);

**HAVING REGARD TO** the 2002 regular report on Turkey's progress towards accession (SEC (2002) 1412);

**HAVING REGARD TO** the Report from the Commission to the Council: Explaining Europe's Enlargement (COM(2002) 281 final);

**HAVING REGARD TO** the decision of its Bureau of 9 October 2002, under the fifth paragraph of Article 265 of the Treaty establishing the European Community, to instruct the Commission for External Relations to draw up an opinion on this subject;

**HAVING REGARD TO** its opinion of 11 March 1999 on Eurotraining for Local and Regional Authorities in Europe (CdR 404/1998 fin<sup>1</sup>);

**HAVING REGARD TO** its opinion of 16 May 2002 on the Information Note from the Commission: Common Financial Framework 2004-2006 for the Accession Negotiations (CdR 71/2002 fin<sup>2</sup>);

**HAVING REGARD TO** its draft opinion 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 (CdR 244/2002 fin);

**HAVING REGARD TO** its Resolution of 17 November 1999 on The ongoing EU enlargement process (CdR 424/99 fin<sup>3</sup>);

**HAVING REGARD TO** its Draft Opinion (CdR 325/2002 rev. 1) adopted on 29 November 2002 by the Commission for External Relations (Rapporteur : **Helene Lund**, councillor, Farum municipality (DK, PES);

**WHEREAS** as regards the ongoing process of EU enlargement, the Committee of the Regions

underlines its commitment to this process which it regards as an investment in peace, political stability, social cohesion and prosperity for the people of Europe;

**WHEREAS** this wave of the enlargement of the European Union represents a challenge that will shape the face of Europe for generations and that has an impact on all areas of the debate on the future nature and structure of the European Union;

**WHEREAS** local and regional government as the implementers of much of the *acquis* legislation will have a key role to play in the success of enlargement;

**WHEREAS** the basic principles of the European Union, such as the principle of proximity to citizens (Article 1 of the EU Treaty), the subsidiarity principle and the principle of proportionality (Article 5 of the EC Treaty and Protocol appended to the Amsterdam Treaty on the application of the principles of subsidiarity and proportionality) formally relate primarily to the relations between the Union and the Member States. However, in practice they are also relevant to the national decision-making process and to the transposition of European law in the Member States and the application of that law at national, regional and local level;

**WHEREAS** these principles must, therefore, also guide the accession negotiations with the applicant countries. The European Union, whilst respecting the way applicant countries' powers are organised internally, must work towards ensuring that EU law will be implemented in the future Member States as efficiently as possible but also as closely as possible to the citizen;

**unanimously adopted the following Opinion at its 48th plenary session of 12 and 13 February 2003 (meeting of 13 February 2003):**

#### 1. The Committee of the Regions' position

#### The Committee of the Regions

1. **is pleased** with the conclusion of the negotiations with the first ten candidate countries at the European Council meeting in Copenhagen on 12-13 December 2002, with a view to the signing of the accession treaty on 16 April 2003 in Athens;
2. **notes** with satisfaction that the European Council shared the Commission's assessment that Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia all have stable institutions which ensure democracy, the rule of law, human rights and respect for and protection of minorities, and that those countries thus meet the political conditions for EU membership;
3. **notes** with satisfaction that the European Council shared the Commission's assessment that the ten candidate countries are all in a position to take on the obligations which arise from membership, including acceptance of the goal of a political, economic and monetary union, and a functioning market economy which will be capable of coping with competitive pressures and market forces within the European Union in 2004, and that those countries thus meet the economic criteria;
4. **approves** of the European Council's decision, in the light of the recommendations in the Commission's strategy for enlargement, to increase pre-accession support for Bulgaria and Romania with a view to those countries becoming full members of the EU in 2007;

5. **supports** the European Council's decision, in the light of the recommendations in the Commission's strategy for enlargement, that after the signature of the accession treaty there will be continuous follow-up of the commitments arising from the negotiations through ongoing monitoring;
6. **notes** that building up capability is by far the greatest challenge for the candidate countries, and is pleased in this respect that the European Council, in the light of the recommendations in the Commission's strategy for enlargement, decided to implement special transitional arrangements with a view to improving the capability of the administration and the judiciary in the candidate countries;
7. **supports** the Commission's proposal that once the accession treaty is signed the representatives of the candidate countries should be included in the European decision-making process and the European institutions' work as observers until final accession in 2004. The Committee of the Regions wishes in this context to make the necessary decisions to enable the candidate countries' local and regional representatives to take part in the Committee's work as observers until final accession in 2004;
8. **welcomes** the fact that in the final negotiations on some particularly difficult chapters the EU and the Member States have honoured their responsibility to show solidarity and understanding with the candidate countries which, besides their efforts to meet the conditions required for integration, have had to deal with extensive economic and social problems. Solidarity remains a key element if enlargement is to be a success.

### **Specifically with regard to local and regional authorities:**

#### **The Committee of the Regions**

9. **notes** that the local and regional authorities in the candidate countries are working in a committed and competent way on the implementation of those parts of the EU *acquis* which involve a reorganisation or extension of the tasks for which local and regional authorities are responsible, and of the political decision-making procedures, in the candidate countries;
10. **notes** that the management of EU legislation places considerable administrative and training demands on local and regional authorities not only in the candidate countries but also in the EU Member States;
11. **is pleased** with the considerable interest shown by the fact that the candidate countries' local and regional authorities are very confidently and purposefully seeking information and knowledge about the significance of EU membership for the local and regional authorities' day-to-day work;
12. **welcomes** the many successful cooperation projects - especially cross-border projects - carried out by local and regional authorities in the EU countries and candidate countries. These projects make a fruitful contribution to European cohesion;
13. **recommends** that efforts be made to exchange experiences and establish measures to support the creation of non-primary sector enterprises;
14. **expresses satisfaction** at the great readiness and interest shown by local and regional authorities in the present Member States for sharing experience with their counterparts

in the candidate countries. This would include experience of EU membership and its influence on the local and regional authorities;

15. **attaches importance** to maintaining the good results achieved with the regional policy pre-accession funds – ISPA, Sapard and Phare – when the new Member States make the transition to the Structural Funds.

## 2. Dialogue with citizens on EU enlargement

### The Committee of the Regions

1. **agrees** with the Commission that public opinion in the Union and the candidate countries will play a decisive role in the closing stage of the accession negotiations, together with the referenda to be held in most of the candidate countries. In this context there is a need for even more specific information on the background, development and status of the enlargement process – both for the general public and for specific target groups;
2. **notes** that there is a real need to build up support for enlargement among European people. Both in the candidate countries and in the present Member States citizens do not feel sufficiently orientated, with the result that in many countries citizens regard enlargement with great uncertainty;
3. **welcomes** the European Commission's efforts to produce a coherent long-term communication strategy for enlargement with a view to keeping EU and candidate countries' citizens informed, ensure their participation in the enlargement process and gain their support for it;
4. **suggests** that the local and regional authorities in the present Member States be given more opportunities to help promote their citizens' knowledge of the future member countries. Cooperation between local and regional authorities in EU and candidate countries is an important instrument for promoting international understanding;
5. **agrees** with the Commission that a successful communication strategy involves not merely communication at government level between the candidate countries, the Member States and the EU institutions, but also an open debate bringing in all social levels and groupings in civil society – regional and local authorities, NGOs, business, farmers, trade unions etc.;
6. **emphasises** in this connection that the regional and local authorities play a special role as the political and administrative level which is in direct contact with citizens and is thus best placed to promote the desired dialogue with them and explain the consequences of the enlargement process at regional and local level;
7. **adds** that in practice local and regional authorities serve as a good democratic apprenticeship for citizens, and hence are an important element in ensuring and consolidating well-functioning democracies in both present and future Member States;
8. **calls on** the governments of candidate countries and Member States to involve the local and regional authorities in the implementation of the communication strategy for enlargement, and calls on the Commission, which plays a unique role in the preparations for accession, to support cooperation with all suitable levels in the

candidate countries and the Member States.

### 3. Improving the capacities of the administration and the judicial system in the context of enlargement

#### The Committee of the Regions

1. **notes** that the most important task in connection with EU accession, for all the candidate countries, is improving the capacities of the administration and the judicial system;
2. **notes** that the Member States have the full responsibility vis-à-vis the EU for implementing EU legislation, but that in many of them these tasks are shared between the state and the local and regional authorities, and points out that the *acquis* cannot be effectively implemented without the participation of the local and regional authorities;
3. **recognises** that there are considerable variations in regional and local powers among the Member States and among the candidate countries, but underlines that a large part of the responsibility for the implementation of EU legislation can be expected to lie with the local and regional authorities in the candidate countries;
4. **notes** that there is a need to strengthen and build up the local authorities' capacity to administer, supervise and maintain EU rules in fields which to a varying extent are administered at local and regional level, or in fields where the regional and local authorities are expected to support and supplement the state's contribution. This applies particularly to EU regional, structural, environmental and agricultural policies, to social and employment policy, public purchasing, supply policy, IT strategies and IT tools – fields which are also a challenge for the local and regional authorities in the present Member States;
5. **thinks** it desirable to emphasise that in the candidate countries the regional and local levels, subject to their respective powers and roles, should be responsibly involved from the initial stages in the programming and use of the Structural Funds;
6. **notes** that the local and regional authorities need to strengthen and build up economic, monitoring and reporting tools in fields where these authorities' contribution is essential to the overall national effort;
7. **points out** that in many candidate countries there is a need for greater attention to, and definition of, which parts of the EU *acquis* are in practice implemented there by the local and regional authorities and which parts have direct as well as indirect influence on local and regional government and the political decision-making process. This definition will differ from one candidate country to another depending on their division of tasks and the process of implementing the *acquis* so far;
8. **notes** that a number of the candidate countries need to strengthen their administrative and legal capacities in areas which in part can be expected to be administered at local and regional level, and in part will be of decisive importance for welfare and development in the municipalities and regions of the candidate countries;
9. **endorses** in that respect the Commission's proposal to implement special transitional arrangements with a view to ensuring that the administration's and judicial system's

capacities are sufficiently improved for the Community's rules to be implemented and enforced from accession onwards;

10. **acknowledges** the Commission's action plans to strengthen the candidate countries' administration and judicial system and its efforts with a view to institution-building as part of the Phare programme since the beginning of the 1990s;
11. **takes the view**, however, that the importance of the regional and local authorities for the enlargement process should be given greater weight and more attention in proportion to the assistance they provide in improving the administrative and legal capacities of the candidate countries;
12. **underlines** that improving local and regional administrative capacities is a long-term process requiring cooperation between the Commission, the candidate countries' governments and the regional and local authorities in the form of information, consultation, feedback and tailor-made training programmes.

#### 4. The Committee of the Regions' practical recommendations

##### The Committee of the Regions

1. **calls** for close dialogue and cooperation between public authorities at all levels in the candidate countries in connection with their future EU membership;
2. **proposes** that the candidate countries set up an institutionalised procedure for the involvement of local and regional authorities in preparing for the implementation of the EU *acquis* in the policy areas where it depends in practice on those authorities;
3. **recommends** that cooperation between central/state institutions and local and regional authorities takes place on an equitable basis. In practice cooperation could take place through national associations of local and regional authorities;
4. **draws attention** to the positive experience gained in many EU Member States where local and regional authorities are involved in the decision-making processes relating to the practical implementation of the EU *acquis*, just as a timely involvement of local and regional authorities in the national EU decision-making process plays a part in legitimising EU cooperation for public opinion. Furthermore, influencing and learning from each other can be an advantage, as it leads to a mutual understanding of the objectives and direction for implementation of the individual parts of the EU *acquis*;
5. **underlines** that a binding form of cooperation is known to ensure the most appropriate implementation of EU legislation. The local, regional and central authorities can - within their respective spheres of competence - contribute their practical experience of day-to-day problem-solving, and legislative competence;
6. **attaches** great importance to the fact that the local and regional authorities in the candidate countries should have the necessary resources available for implementing the EU *acquis*. In principle cost calculations should be made when tasks are allotted to local and regional authorities, to ensure that responsibility and funding go hand in hand;
7. **recommends** that the local and regional authorities in the candidate countries should

have more access to exchange of experience and to assistance on how the practical implementation of the EU *acquis* is handled at local and regional level. There is a need in the candidate countries for very specific and practical experience in specialised fields, since general knowledge of the EU is to some extent already present and accessible in those countries;

8. **underlines** that cooperation between local and regional authorities should not be restricted to the transfer of experience from the present Member States to the candidate countries, but that the local and regional authorities in each candidate country, in their efforts to live up to the *acquis*, have gleaned experience which should benefit the local and regional levels in the present EU countries and the other candidate countries;
9. **is pleased** to note that the European Parliament, in its report on the enlargement negotiations, emphasises that regional cooperation between the candidate countries is of the greatest importance. The Committee of the Regions supports the Parliament's call to the Commission to make further arrangements to promote the development of regional cooperation between the candidate countries and to provide the necessary funding;
10. **draws attention** to the positive experience being gained from the many town-twinning exchanges, local and regional partnerships and forms of cooperation currently taking place. For a relatively small financial outlay, the exchanges give many EU citizens a unique insight into the daily life of the people of the candidate countries, whether it be school classes, local business circles, local and regional politicians, employees in local and regional administrations, health workers, care workers or many other categories. It is therefore important to update, speed up and simplify the administrative procedures and to provide means of implementing them which will continue after the accession of the candidate countries to the EU;
11. **welcomes** the effort being made by and participation of the EBRD in the development process in the enlargement countries and calls for greater commitment to regional and local projects through investment in projects to improve the management of general interest enterprises with a view to providing better services at a more reasonable price;
12. **recommends** that the existing possibilities for interregional, particularly cross-border cooperation be further extended, especially in order to strengthen relations between local and regional authorities across the EU's future external frontiers, e.g. with Russia and the former Soviet republics. In this context experience has shown that cooperation which springs up at local or regional level can act as a motor for increased cooperation between neighbouring countries and hence greater stability in border regions;
13. **underlines** that, especially as regards local and regional authorities, there is a great need for access to programmes and forms of support which cut out red tape and are easily accessible;
14. **recommends** that the process be completed whereby all the candidate countries can participate in the various Community programmes;
15. **recommends** that the partnership principle be applied, through the possibility of decentralised access to programme and support possibilities;
16. **calls** for strengthening of, and support for, the network of training institutions, which can be a forum for exchange of experience and the sharing of knowledge about the EU *acquis* and its influence on local and regional authorities' daily work;

17. **recommends** that the principles of Eurotraining<sup>4</sup> be applied with a view to speedy implementation of training and exchange of experience;
18. **recommends** that tools be developed for coordinating the many activities offered by the European institutions and countries, including the EU and the Committee of the Regions, the Council of Europe and its Congress of Local and Regional Authorities, the CEMR, the AER, Eurocities, the EESC, the OECD, the EUMC etc. This is a way of optimising the use of resources and the quality of the effort, since experience to date can be brought into play in new activities. In this context the Committee calls upon the Commission to set up a practical working group with representatives from the relevant institutions, which can make proposals on how to implement this coordination in a flexible, non-bureaucratic way.

Brussels, 13 February 2003.

The President

The Secretary-General

of the

of the

Committee of the Regions

Committee of the Regions

**Albert Bore**

**Vincenzo Falcone**

---

<sup>1</sup> OJ C 198 of 14.7.1999, p. 68

<sup>2</sup> OJ C 278 of 14.11.2002, p.40

<sup>3</sup> OJ C 57 of 29.2.2000, p.1

<sup>4</sup> CdR 404/98

--

CdR 325/2002 fin EN/o

CdR 325/2002 fin EN/o