8. Europäische Union/Europäische Integration
1. Introduction

The work of the Committee of the Regions (CoR) in the calendar year 2012 took place against the backdrop of ongoing debates over the next multi-annual financial framework for the EU as a whole, and progressive downsizing of the cohesion policy budget in the intergovernmental negotiations on the future budget plans. The CoR and its members are powerful advocates of the positive impact of structural and cohesion funds as agents for change on the ground and whilst today’s CoR remit extends far beyond regional policy per se, attacks on its core business have been resolutely defended. This is evidenced through the various political interactions undertaken by the CoR over the course of 2012, the increased number of Opinions and Resolutions passed by the CoR in the area of economic governance, and the sensitivities articulated within the CoR over the proposed Common Strategic Framework for managing member states’ incomes from the EU’s financial assistance programmes.

Yet in spite of this looming shadow of economic cutbacks and the continued negative climate prevailing in Europe’s economies, the calendar year 2012 saw the CoR also continue to expand its portfolio of activities. Most positively, its relations with the European Commission were re-formalised through a new cooperation agreement signed in February, offering the CoR enhanced scope to connect with some of the Commission’s larger policy initiatives at an early stage, as well as underpinning in a formal sense the informal practice of the CoR’s extensive suite of activities in the field of external relations. There was increased activity on the local and regional dimension of the Eastern Partnership, particularly through the CORLEAP forum, which brought together regional leaders from local and regional governments in the countries of the Eastern Partnership, CoR members and stakeholders.

The CoR continued to pursue its own set of political agendas in 2012, most notably in the area of “Multi-Level Governance”, with a new set of proposals being brought forward for a “culture of multi-level governance” to be operationalized within the EU. The suite of actions for the monitoring of subsidiarity was extended, as, too, was the Europe 2020 monitoring platform, which has now assumed a higher political profile given the ongoing tensions over the future of Europe’s economic direction.

Finally, the CoR itself saw a change in political leadership in 2012, with a new President, Ramón Luis Valcárcel Siso taking over the helm from Mercedes Bresso. Valcárel Siso’s leadership will most likely be marked by the economic challenges of the day; in his inaugural speech as president, Valcárel Siso stressed the importance of developing a strong local and regional dimension to the Europe 2020 strategy.

Thus, whilst much of the work and operation of the CoR is pre-defined by its Treaty role to offer Opinions in specific areas of EU policy, the new leadership and the over-
arching political agendas of this political body impacted significantly on its activities in 2012.

2. Political work

During the calendar year of 2012, the CoR held 5 Plenary sessions at which the bulk of its highest level political activity is conducted. This was the same number as in 2011. However, the Plenary sessions adopted a total of 71 Opinions during these 5 Plenary meetings, a significant increase over the level of business carried out the previous year.

2.1 Relations with the EU institutions

Relations with the EU institutions are of primary significance for the CoR, given its status on the fringes of the legislative process, as a consultative body. Through their engagement in the CoR Plenary sessions, representatives from the EU’s institutions are able to indicate a commitment to the local and regional dimension of EU politics, and to allow for an exchange of ideas and dialogue between representatives on both sides. It is important to note, therefore, that each Plenary session of the CoR, its highest political forum, was attended by members of the other EU institutions, strengthening relations between the CoR and each of these. For the most part, representatives from the Commission, the European Parliament or the Council and its Presidency attended the CoR Plenary meetings either in connection with a specific proposal on which the CoR was drafting an Opinion, in which case, the question and answer sessions were an important means by which members were able to finalise their own views on an issue, or in connection with a wider institutional development or issue agenda.

2.1.1 The European Commission

Engagement with the European Commission remained strongest amongst all of the high-level political connections established by the CoR during its Plenary debates in 2012. This is unsurprising, given the nature of the EU policy process; as the European Commission is responsible for drafting outline proposals at an early point in the policy cycle, there is the greatest scope for CoR input to have a meaningful impact on the work of the European Commission than at later points in the legislative process.

Throughout 2012, representatives from the European Commission made the greatest number of appearances before CoR Plenary sessions. At the 94th Plenary in February 2012, Maria Damanaki, European Commissioner for Maritime Affairs and Fisheries attended a debate in connection with a CoR Opinion on the Commission’s proposals for reform of the Common Fisheries policy. Her overview of the Commission approach and its long-term conservation strategy for the seas emphasised that there would be short-term transitional difficulties for regional actors, notably fewer fishing opportunities before quotas could be increased again, was met largely with scepticism by the CoR Plenary. Instead, CoR members took an alternative view, and pressed the Commissioner during this debate, to work towards a flexible implementation strategy that could ac-
commodate regional disparities in the fishing industry. Highlighting the controversial and sensitive nature of this policy area for regional representatives, splits within the CoR itself ultimately meant that the draft Opinion, put forward by Polish EPP member Mieczysław Struk, was rejected by the CoR Plenary, and returned to the Natural Resources (NAT) Commission for further re-drafting. Opinions presented at Plenary are very rarely returned to individual CoR Commissions and underscores further the sensitivities raised amongst regional actors by the reform of the EU Common Fisheries Policy.

Cecilia Malmström, European Commissioner for Home Affairs, attended the 96th Plenary session of the CoR, held in July 2012. Her presence at the Plenary debate was, as with Commissioner Damanaki’s participation, in connection with a new Commission agenda, this time the Commission’s ambitions to establish a Common Asylum Package. Her engagement with CoR members on relevant issues such as family reunification, the development of a network of regions and cities to facilitate the integration of migrants and the strategy for eradicating human trafficking was welcomed ahead of the CoR adoption of an Opinion on the Commission’s Communication regarding “The Global Approach to Migration and Mobility”. The participation of the Commissioner can be viewed therefore as an important means of working towards an inter-institutional agreement on issues where CoR perspectives are viewed by the Commission as being particularly relevant. The dialogue which is fostered through Commission engagement at CoR Plenary debates is regarded as a principal means by which to develop a coherent approach to specific dossiers with a clear regional dimension.

As a marker of the importance of continuing to maintain a good working relationship with the CoR, the Commission President, José Manuel Barroso, took part in three CoR Plenary sessions during 2012. At each meeting, the Commission President undertook multiple roles, all of which formed part of a wider agenda to facilitate and strengthen the working relationship between both the Commission and the CoR. At the 94th Plenary in February, the Commission President undertook the formal signing of a new cooperation agreement (see below) but also used his intervention in the Plenary debate to discuss the multi-level strategies adopted by the EU for helping to alleviate the negative effects of the financial crisis in Europe.

Barroso’s presence at the 97th Plenary of the CoR was in connection with the launch of the 2012 “Open Days”, hosted by the CoR, where the Commission President also used the opportunity to praise the Cohesion policy and regional growth initiatives as markers of what Europe could deliver in the context of the Europe 2020 strategy.

His final attendance at a CoR Plenary in the 2012 calendar year was the by now traditional visit to present the Commission’s own priorities for its 2013 workplan. Perhaps inevitably against the context of significant economic challenges in the EU, this overview focused on economic recovery plans – which the Commission President termed as budgetary consolidation, structural reforms and targeted investment – and the crucial defensive policy area for the CoR, the future of the Structural Funds under the 2014-2020 programming period. Yet whilst Barroso stressed the view that cohesion policy is not just a tool of political solidarity but is important also for the economic revival of the
entire EU, CoR representatives used this dialogue as an opportunity to suggest that it would be “misguided” to make savings in cohesion policy at the present juncture, given the negative impact of the economic downturn on both territorial and economic cohesion.

Formal, representative meetings such as these help to reinforce and strengthen relations between the European Commission and the CoR. They are also a key means by which the Commission is able to offer a symbolic sign of recognition to the importance of the regional and local tier of elected government in Europe, or to express it more formally, Europe’s complex framework of multilevel governance.

2.1.2 The Council of Ministers and the European Council

Relations between the Council of Ministers and the CoR are not as intense as those between the European Commission and the CoR, as is to be expected given their very different profiles and roles within the EU legislative process. However, the CoR President, Vice President and leaders of the CoR Political Groups do have a regular schedule of one-to-one meetings with the President of the European Council ahead of summit meetings, and report back on the contents of these meetings to the wider CoR membership.

In addition, during 2012 there was a good level of dialogue between the Council of Ministers and the CoR, within the context of wider agendas and initiatives being undertaken at EU level. The President of the European Council, Herman Van Rompuy, attended two CoR Plenary sessions throughout the year. At his first visit during the 95th Plenary session in May 2012, he entered into discussions with CoR members about the future “Common Strategic Framework”, a new system by which the EU’s member states will engage with the various EU funding programmes for which they are eligible by means of overarching investment priority-setting. Van Rompuy then also took part in the opening debates of the 2012 “Open Days” held in the context of the CoR’s 97th Plenary session in October 2012, where he argued forcefully in favour of an intergovernmental (and multi-level) consensus on the future EU budget.

Engagement by representatives from the incumbent Presidency of the Council of the European Union at CoR Plenary sessions is increasingly regarded as fundamental to good protocol during the leadership role that the Presidency offers to a member state. Throughout 2012, three Presidency representatives took part in CoR Plenary debates, at separate junctures. In February, Nicolai Wammen, Denmark’s Minister for European Affairs, attended the 94th Plenary session of the CoR, and the first Plenary taking place under the Danish presidency. He outlined the four thematic priorities for the Danish presidency and the ways in which local and regional actors could contribute to the fulfilment of these aims.

In July 2012, the CoR Plenary session was attended by Andreas Mavroyannis, Deputy Minister for European Affairs, representing the Cyprus presidency of the Council of Ministers. Again, this was the first available opportunity for a high level representative from the Council Presidency to connect with the CoR Plenary session and this procedure is now becoming standard practice for all incoming presidencies. Mavroyannis, like his predecessor from the Danish Presidency, used the meeting as an opportunity to
highlight the thematic priorities for the 6 month Presidency, and to underscore the linkages between these and local and regional agendas.

Finally, a further representative from the EU Council Presidency took part in the October Open Days launch debate, alongside representatives from all of the institutions. The Open Days are one of the most significant set piece, showcase events in the CoR calendar and offer an opportunity to present CoR activities to a much wider audience. At this event in 2012, Eleni Mavrou, Minister of the Interior of Cyprus, spoke about the significance of cohesion funds in the future financial architecture of the EU.

2.1.3 The European Parliament

Relations between the CoR and the European Parliament continue to be weak in a formal, measurable sense, yet remain high at an informal level, with strong connections between the party groups in both the CoR and their EP counterparts as well as a strong degree of information sharing on relevant dossiers. In terms of engagement in Plenary debates, however, European Parliament representation remains limited. During 2012, only the President, Martin Schulz, and one member, van Nistelrooij, attended – both of these in the context of the Open Days opening debate, a formal showpiece event as noted above. This level of engagement remains broadly in line with the relationship as practiced over previous years and indicates both the significance of informal over formal channels of political linkage between the European Parliament and the CoR, as well as the differing points of the EU legislative process with which each actor is concerned.

2.2 New political leadership

2012 saw the leadership of the CoR change, fully in line with the pre-planned 2.5 year terms of office that the CoR’s Presidents sign up to. In July of 2012, Mercedes Bresso (Italy, PES), passed over the reins of office to Ramón Luis Valcárcel Siso (Spain, EPP), the first president of a Spanish region (Murcia) to lead the CoR. The outgoing President, Mercedes Bresso, did not simply fade into the “back benches”, but rather assumed a relatively senior new office within the CoR, that of “First Vice President”,1 and also took on the strategically fundamental role of CoR rapporteur on the multi-annual financial framework, the EU’s 7-year budget plan, negotiations on which shaped much of the CoR’s work in 2012.

In his first speech to the CoR Plenary following his election Valcárcel Siso set out his vision for his term of office at the helm of the CoR. Whereas Bresso had secured some remarkable policy and political achievements in extending the remit of the CoR into the field of external action, and securing a foothold for the CoR in some of the most senior leadership forums of the European Union, Valcárcel Siso emphasised the more pragmatic agenda of securing European growth and economic renewal, and the role of local and regional authorities in delivering on this agenda. His top priority, he claimed,

1 Bresso also acted as rapporteur for one of the most strategically important CoR Opinions in 2012, on the new MAFF post-2013 (CdR 1777/2012-BUDG-V-003).
would be to ensure that local and regional authorities were given the necessary support to tackle the crisis, promote economic growth and create jobs. As LRAs are responsible for implementing two thirds of public investment in the EU, they should be seen as “agents of change”, he said.

Clearly in political terms, there is scope for CoR Presidents to take forward particular agendas and emphasise certain priorities, which themselves can shape the future trajectory of the Committee’s development, scope and reach. We can expect to see a shift away from the External Relations focus driven by the previous CoR President, Bresso, towards an integrationist approach, and the emphasis of a local and regional dimension to economic recovery actions undertaken at the EU level.

2.3 Continued international cooperation

Two new initiatives launched during the Bresso presidency, ARLEM, the Euro-Mediterranean Regional and Local Assembly and the Conference of the Regional and Local Authorities for the Eastern Partnership (CORLEAP) took their next steps in 2012, though in slightly different directions. As these new bodies begin to consolidate their work programmes, ARLEM has continued to focus on shadowing the CoR’s procedural and political model, whereas the CORLEAP initiative has taken an approach which focuses on strategic engagement with a suite of thematic issues within the framework of the wider Eastern Partnership policy field.

2.3.1 ARLEM

The first of these new bodies to foster local and regional co-operation between the EU and its neighbourhood partners, ARLEM, was established in 2010, and has already developed a working programme of meetings and agendas. As such, there were no major new initiatives launched in the context of the ARLEM initiative in 2012, rather this was an opportunity to consolidate the existing structures of the cooperative forum and to allow the rhythm of a regular pattern of meetings to settle down. ARLEM’s institutional structure had already evolved during 2010 and 2011 to mimic largely that of the CoR itself; ARLEM is now governed by a co-presidency, held by one EU CoR representative and one from the Mediterranean partners, supported by a governing Bureau which defines the work programme of the Assembly. A secretariat underpins the administration of ARLEM and this is based in Brussels. In terms of its work programme, a regular schedule of Plenary sessions has been devised, where the work of the two thematic Commissions on “Economic, Social and Territorial Affairs” (ECOTER) and “Sustainable Development” (SUDEV) are scrutinised and Opinions are agreed.

In the calendar year 2012, one plenary session was held in Italy; three Bureau meetings took place and the ECOTER commission met twice to deliberate on thematic Opinions.

ARLEM now offers partners on both sides a forum through which to engage in dialogue and to consider areas for cooperation or the exchange of best practice. But as this rather low-key set of meetings in 2012 illustrate, ARLEM’s political profile and impact
is altogether bound up with both external circumstances and the level of interest directed towards it by the highest level political leaderships in both the EU and its neighbourhood partners in the Mediterranean region.

2.3.2 CORLEAP

There was a higher degree of political investment in the CORLEAP initiative in 2012. As the newer of these two forums for enhancing the cooperation between local and regional actors in both the EU and its neighbourhood partner countries, a degree of investment in the institutional arrangements for the CORLEAP forum was undertaken in 2012. At the first stakeholder conference of the CORLEAP initiative, held in Brussels in May, a governing and institutional framework to mirror both that of the CoR and ARLEM was established; CORLEAP was endowed with a co-Presidency leadership, a governing Bureau drawn from both the EU member states and Eastern partnership countries, as well as an administrative secretariat in Brussels.

The May 2012 meeting also saw the publication by the CORLEAP Bureau of its first ever action plan, a document which sought to scope out the potential for political action which this new initiative could undertake. Rather than establish thematic Commissions, in the model of both the CoR itself and of its partner forum, ARLEM, CORELAP was instead charged with a number of grand goals, such as articulating more fully the local and regional dimension of the Eastern Partnership itself, which would then be presented to Heads of State and Government. Beyond this, the emphasis of the CORLEAP action plan was to bring together networks of local and regional actors from the EU and the Eastern Partner countries for thematically driven events such as workshops on topical issues, for the exchange of expertise and experience, rather than to formulate more formal “Opinions” in the model of the ARLEM work programme.

The 2nd annual meeting in Chişinău in September saw the CORLEAP initiative set out more concrete policy actions and an agenda for fuller and more intensive engagement with the thematic areas where local and regional perspectives were found to be of merit to the development of the Eastern Partnership programme. The political conclusions published in the wake of this meeting set out areas where local and regional activity could assist in meeting the global aims of the Eastern Partnership itself, as well as a commitment to meeting the demands of the European Charter of Local Self-Government across the Eastern partnership countries.2 It outlined an agenda to support the training and capacity building of local and regional actors in the Eastern Partnership countries in cooperation with the European Training Foundation. At a strategic level, this second annual meeting of the CORLEAP initiative established three primary areas which would serve as the focus of activities undertaken within the framework of the CORLEAP forum going forward: public administration reform, fiscal decentralisation and territorial cooperation.

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2 CdR 2003/2012.
2.4 Review of CoR impact

At the 96th Plenary session, held on 18 and 19 July 2012, the CoR presented to the assembly an annual review of its own “impact” within the legislating institutions of the EU. This report was drafted in accordance of Article 55 of the Rules of Procedure, which state that the Secretary General will submit a report on the impact of Committee opinions at least once a year to the Plenary Assembly.

The report itself offered an assessment of “CoR opinions in major fields of political activity”. It maps core areas where CoR business was regarded as having been influential upstream in the decision-making process. However, crucially, the methodology on which this report was drafted, rested solely on an internal perspective. In the spring of 2012, each of the CoR’s six thematic commissions had been asked to identify the Opinions which had had the most significant impact (they felt) in 2011.

This report maps areas where direct CoR influence can be traced through the final regulatory outputs of the institutions, in areas such as the Europe 2020 strategy, the forthcoming Multi-Annual Financial Framework (MAFF), the European Grouping of Territorial Cooperation (EGTC) and future Research and Technology policy. Where there is overlap, or where the CoR has encouraged a reformulation of final workings, this is noted in the impact report. Overall, the major contribution that the CoR has been able to claim in the legislative process has been the incorporation of text which enhances the recognition of the role of local and regional authorities in new legislation. For instance, the CoR Opinion on “Simplifying the implementation of the Research Framework Programmes” was noted to have directly influenced a minor rewording of the European Parliament’s report on the same, which listed “the involvement of regional and local authorities as crucial in enhancing the research and innovation capacity of their region”.

What this CoR impact report does not offer is a cumulative assessment of areas where there are perceived to have been CoR-driven amendments in EU legislation, or where CoR Opinions have shaped thinking upstream, that is to say, within the EU institutions themselves. It also does not list the set of EU legislation produced by the EU institutions which disregarded entirely any CoR input, though it is unlikely for political reasons that areas where regional interests are vested in that legislative output that the CoR’s views would have been entirely sidelined. As has been shown by the most recent academic research work on the CoR, the consultative body is most likely to be significant in shaping legislative issues in areas of its core competence, or in areas where there is no fixed view within the EU institutions. Nor does this impact assessment offer any attempt to quantify the percentage impact of CoR opinions, focusing rather on a meth-
odology that addresses directly those Opinions which are regarded internally by members as having been the most significant/had the most impact.

What is perhaps more interesting to note is the manner in which the CoR has continued to push at the margins of its remit, and extend its field of action into areas on which is has no direct power under the strictest reading of the political role of the CoR.

3. Institutional developments

In 2012 there were some significant new institutional developments which have altered slightly the CoR’s position within the EU’s overall institutional architecture.

3.1 New cooperation agreement with the Commission

In February 2012, European Commission President Barroso attended the CoR Plenary session to sign, together with the CoR President, a new cooperation agreement between the CoR and the Commission.

The signing of this agreement dates back to a review process which was launched by the CoR Bureau in May 2011. In the context of the coming into force of the Treaty of Lisbon, and the new institutional framework which this ushered in, it was felt by the CoR political leadership that the nature and scope for relations between the Commission and the CoR needed to be reassessed, as the existing agreement no longer reflected the “current background to the political activities of our institution”, nor how the CoR contributes to the “dynamics and operation of the European Union” (CdR 143/2011).

Furthermore, the group working on this new agreement was also tasked back in 2011 with reflecting more appropriately the shift in status of the CoR under the terms of the new Lisbon Treaty:

• Recognition of the local and regional dimensional in the Treaty of Lisbon;
• The Committee of the Regions' new responsibilities in respect of the subsidiarity principle;
• Recognition of multilevel governance as a mode of governance within the EU

The following items are the most important political achievements of the revised draft agreement:

• More proactive CoR participation in the preparation of the European Commission's work programme, through an annual meeting between the Commission President and the CoR President to evaluate the impact of the CoR’s Opinions and the Commission’s work programme for the forthcoming year.
• Enhanced planning for cooperation on subsidiarity monitoring throughout the legislative process, with possible arrangements for passing on infor-
mation on the positions of national and regional parliaments. Subsidiarity monitoring also forms part of the new agreement – “if, during a legislative procedure, the Committee raises substantial concerns regarding the respect of the principle of subsidiarity, it will immediately inform the co-legislators”7

- A new referral process from the Commission to the CoR, in the case of substantive amendments to an initial legislative proposal introduced during the legislative process or by the Commission itself.
- Arrangements for cooperation between the Commission and the CoR on impact assessments.
- Recognition for the activities of the CoR's platforms and networks.
- Contribution to the European Semester through political dialogue on the annual growth surveys and the implementation of the National Reform Programmes.
- The establishment of a framework for a “genuine decentralised communication policy” at the local and regional level of the EU, giving formal recognition also to a concept that the CoR has both devised and championed since the launch of the Plan D process for Democracy, Dialogue and Debate back in 2005 under former Commissioner Wallström’s leadership.

Significantly, the new cooperation agreement also provides a framework for integrating the CoR into the external action of the EU. This marks a step forward for the scope of CoR activity, in that it offers a formal underpinning to the informal practices already deployed by the CoR. Recent years have seen the CoR undertake an increasingly wide set of actions in the realm of external engagement with countries particularly in the European neighbourhood. Whereas this had previously gone far beyond the original role conceived for the CoR, this new cooperation agreement with the Commission offers a more solid basis for supporting the CoR’s actions in this particular regard. It also goes some way towards formalising the CoR’s activities in the field of external relations, an important first step towards extending its competences into this arena.

What this process demonstrates is the capacity of the CoR, which in formal terms remains only a consultative committee, to extend its remit through strategic engagement in specific areas. The decision to move further into the realm of external action was taken incrementally through an increasing number of initiatives under President Bresso, and before her, President van den Brande. Their leadership on international issues and the development of new initiatives which connected the CoR with a local and regional dimension of wider EU external policies, extended the remit of the Committee, and gave it new purpose and shape. This action has now been legitimated “post hoc”. At an institutional level, this does perhaps open up new potential for a consultative body such as the CoR to develop its scope incrementally through action, rather than through political decision making by the EU institutions themselves.

7 Protocol on cooperation between the European Commission and the Committee of the Regions 2012/C 102/02, point 23.
3.2 Multilevel governance

There were continued and sustained efforts in 2012 by the CoR to promote the concept of “multilevel governance” as a tool for good governance across all of the EU’s policy areas. It is interesting to note that what started out as an academic concept, a metaphor for the manner in which governance networks were created in areas of primary regional competence such as the implementation of the structural funds, has been latched onto by the CoR’s leaders as a normative benchmark of qualitatively, measurable “good governance” standards. In 2012, the CoR continued to express the desire that “multilevel governance” be regarded by levels of political authority across the EU as a practical aspiration and began to articulate a framework for achieving this end goal.

3.2.1 Calls for the creation of a “culture of multilevel governance”

At the 94th Plenary Session of the CoR in February 2012, a former President of the CoR, Luc Van den Brande, current Chairman of the Flemish-European Liaison Agency in Belgium, presented an own initiative Opinion, on “Building a European culture of multilevel governance”8. Pitched as a follow up to the 2009 White Paper on Multilevel Governance, this Opinion set out practical steps for “building a genuine European culture of multilevel governance”.

The framework for delivering a new approach to multilevel governance put forward by Van den Brande in this Opinion is wide-ranging and has an extensive reach. In detail, some of the key action points he suggests can be summarised as follows:

- A recommendation that the Commission develop a rolling action plan identifying the initiatives most likely to have a territorial impact and involve at an early stage the expertise of the CoR and its members
- A call for an annual assessment of the “state of affairs with regard to regionalisation and decentralisation in the European Union” to be delivered
- An enhancement of the European Grouping of Territorial Cooperation (EGTC) as a governance model, as this can be regarded as “a genuine crucible for multilevel governance”.9
- A plan to establish more systematic dialogue with the Court of Justice regarding respect for the subsidiarity and proportionality principles.
- Enhanced CoR involvement in the monitoring process of the ‘Better Legislation’ action plan

This Opinion is the latest stage of a step process to give greater political weight towards an inclusive practice of governance in the EU, though the term “multilevel governance” has possibly been misappropriated in this instance. What this overall process does illustrate, however, is an agenda at the most senior level within the CoR to elevate the notion of inclusive governance to the status of the principles of both subsidiarity and partnership, which are recognised as governing principles within the EU and have secured

9 Ibid. page 11 point 51.
effective legal status. A similar benchmarking of multilevel governance practices may, over the longer term, offer a step change in the engagement of local and regional authorities in EU governance.

The pursuit of “multilevel governance” as a political objective is likely to remain a rallying cry of the CoR for the foreseeable future. The challenge, the CoR notes, is to make multilevel governance “evolve from an expert concept and put it into practice at a larger scale”\(^\text{10}\).

3.2.2 A new Charter on Multilevel Governance

As part of this global CoR objective to upgrade progressively the political status and operation of a “culture of multilevel governance” in the EU, 2012 also saw steps taken by the CoR towards the finalisation of a “European Union Charter for Multilevel Governance”. Since van den Brande and Delebarre’s White Paper on Multilevel Governance was first published in 2009, the CoR has been running a consultation exercise as a means to draw up a this new Charter, by means of a broad and inclusive dialogue on what such a Charter might cover. The thinking behind this approach to the drafting of the Charter was that by stimulating a broad co-design process, many of the end user audiences would actively participate in the drafting process, thereby stimulating ownership of the end product. Since 2009, the Charter design process has involved elected representatives, civil servants from local authorities around the EU, multilevel governance researchers alongside both lawyers and journalists.

Whilst the process to draft the Charter is still ongoing, the ultimate aim is to establish a non-binding Charter with voluntary signatories with a shared understanding of multilevel governance.

3.2.3 The Multilevel Governance Scoreboard

A final, further element of this CoR agenda to elevate the status of multilevel governance as a political objective and a normative aspiration is the CoR’s “Scoreboard on Multilevel Governance”, set up similarly in the wake of the 2009 White Paper on Multilevel Governance. This is a tool created and managed by the CoR to monitor on a yearly basis the development of multilevel governance at the European Union level.

The scoreboard provides a comparative assessment of the performance of multi-level governance in the EU under four priority policy strategies of the EU. The 2012 edition of the Scoreboard is focused on the analysis of four policy fields:

- The Common Agricultural Policy
- The Structural Funds
- The Single Market Act
- The European Neighbourhood Policy

As an overall assessment, the scoreboards find that there are clear gaps in institutional practices, and identify potential for more effective operationalization of multilevel governance, or as they term it, “multilevel architecture”, when designing EU policies and strategies.\(^\text{11}\)

The key finding of this report across the 4 policies areas inspected in 2012 was that “although regular and adequate consultations took place with stakeholders, LRAs were not addressed specifically and transparency about the outcomes is often lacking”. In fact, the CoR’s findings suggest that the only area which illustrates effective “best practice” in regard to consultation and stakeholder involvement remains the Structural Funds.

The scorecard assessed the quantity and quality of LRA interventions (open consultations and other dialogues, for instance) and in the case of the Structural Funds, these have been outstanding. In some instances, the CoR argued that in consultation procedures, a clearer categorisation of respondents with a specific category for LRAs would mark a significant improvement in the quality of “multilevel governance” in operation. Similarly, it was argued that a more pro-active awareness campaign on the part of the European Commission in particular could articulate more fully to LRAs the potential impact of their involvement and the relevance of their input at an early stage in the policy cycle.

The scoreboard also drifted, inevitably, into the realm of impact analysis: it was noted during this scoreboard analysis of MLG that some of the CoR’s “recommendations and opinions were not taken into account, and no form of justification or explanation was provided”. The CoR therefore argues in this MLG scoreboard paper that there needs to be a more effective two-way dialogue: “This refers in particular to the Commission’s considerations of the CoR’s opinions: at least some response should be provided that would acknowledge submitted opinions or recommendations and explain the reasoning behind a decision taken.”\(^\text{12}\)

### 3.3 Subsidiarity

#### 3.3.1 A new strategy on subsidiarity monitoring

In May 2012, the CoR Bureau adopted a new strategy for monitoring the principle of subsidiarity as it is exercised through EU decision-making.\(^\text{13}\) This new approach was devised as a means of strengthening and enhancing the mechanisms for the CoR’s subsidiarity monitoring actions, as well as developing a more comprehensive and systematic approach to the monitoring of subsidiarity across the decision-making process in its entirety. This enhanced and more robust framework for subsidiarity monitoring was

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meant also to facilitate the CoR’s readiness should there be a need potentially to take
action before the Court of Justice.

At a political level, this new subsidiarity monitoring strategy for the CoR established
a high-level steering group to oversee the work taken in this field. This new group in-
cludes one representative from each of the political groups in the CoR, and ensures the
proper coordination and political follow-up of subsidiarity monitoring activities
throughout the year. In particular, this Steering Group’s task is to highlight a set of an-
nual subsidiarity priorities, that is to say, a list of priority policy areas to track.

The Subsidiarity Steering Group is also charged with making proposals and present-
ing texts to be adopted by the CoR Bureau regarding subsidiarity. It monitors closely
the implementation of the CoR’s Subsidiarity Annual Work Programme, which is itself
drafted on the basis of the European Commission’s work programme, and focuses on
those dossiers which may be relevant from a subsidiarity viewpoint.

The work of the Subsidiarity Steering Group is supported by an Expert Group, which
is a collective of local and regional subsidiarity experts, who provide input into the Sub-
sidiarity Annual Work programme and is available to support CoR rapporteurs as ap-
propriate.

This new subsidiarity strategy adopted by the CoR in 2012 seeks to capture the en-
tirety of the EU policy-making process, something which had been lacking up until this
point. As a result, CoR subsidiarity monitoring activities will now commence in the pre-
legislative phase. Based firstly on an in-depth analysis of the work programme of the
European Commission and its Roadmaps for the legislative process, the Subsidiarity
Expert Group selects a number of EU initiatives of potential interest from a subsidiarity
viewpoint. In line with this work programme, the CoR administration then sets up an
internal early flagging system to ensure the proper monitoring of EU legislative pro-
posals that might have potential subsidiarity issues that would require action by the
CoR. As soon as such cases are identified, an action plan within the CoR is established
to monitor and track the development of these particular initiatives.

3.3.2 The Subsidiarity Monitoring Network

The adoption of this new Subsidiarity Strategy by the CoR represents a significant en-
hancement of its activity in this area. This more politicised and systematic approach to
subsidiarity monitoring reflects the increased importance of subsidiarity as a political
concept in the Lisbon Treaty, which gave to the CoR the right to bring actions before
the Court of Justice if due regard had not been given to the principle of subsidiarity in
the EU legislative process.

The new framework for subsidiarity monitoring within the CoR which was estab-
lished in 2012 aims primarily to provide CoR rapporteurs and members with quality
input from a subsidiarity viewpoint, so that proper subsidiarity assessments can be in-
cluded in CoR Opinions. This happens through two principal activities: impact assess-
ment consultations and targeted consultations. Firstly, impact assessment consultations
are carried out during the pre-legislative phase in cooperation with the European Com-
mission. Their aim is to assess the territorial impact of Commission proposals and to
allow potential subsidiarity issues to be identified at a very early stage in the decision-making process. The CoR has recently also launched consultations with the European Parliament to look at more systematic cooperation on impact assessments at a later phase of the legislative process. By contrast, the second of these action areas, targeted consultations, can be launched by the Subsidiarity Monitoring Network in the legislative phase, and in the context of the preparation of a draft opinion by a CoR rapporteur. These consultations are focused on subsidiarity and proportionality issues and provide valuable input from external stakeholders. External partners of the Subsidiarity Monitoring Network are also invited to send in open contributions on any EU initiative for which a subsidiarity analysis may be regarded as appropriate. Such contributions are then published on the network’s website and are forwarded to the relevant CoR rapporteur for deliberation.

3.3.3 The Subsidiarity Early Warning System

The CoR’s activities on subsidiarity monitoring also extend to the new Subsidiarity Early Warning System (EWS) which was put in place by the Lisbon Treaty. Under the Lisbon Treaty, Regional Parliaments may be consulted by National Parliaments in the context of the EWS. In other words, they may be involved at an early stage of the EU legislative procedure to assess whether draft legislative acts comply with the subsidiarity principle.

This sphere of activity relates directly to the sub-set of regions within the CoR which have legislative powers. In February 2012, the CoR launched a specific online knowledge centre as part of the Subsidiarity Monitoring Network, known as REGPEX. Mirroring the IPEX database, which publishes reasoned opinions adopted by national parliaments, this new REGPEX exchange system was set up by the CoR as a means to allow regional governmental actors to upload and share their respective subsidiarity analyses. It aims to act as a source of information and exchange between regional parliaments, assemblies and governments in the preparation of subsidiarity analyses. CoR rapporteurs and members can also make use of this information when assessing compliance with the subsidiarity principle at a later stage of the EU legislative process.

The first dossier considered by regional parliaments and assemblies in 2012 was a set of proposals issued by the European Commission concerning a review of EU legislation on public procurement in early 2012.

4. Thematic activities

Thematic activities in the areas of core CoR business continue to constitute the mainstay of the CoR’s operations, and this was seen clearly in the calendar year 2012. Forums and other multi-stakeholder meetings were hosted not simply in connection with specific...
ic legislative agendas but rather, in connection with more cross-cutting thematic areas of CoR business. The CoR has developed a strong profile for delivering these kind of events, pushing at the boundaries of its formal, legal role within the EU Treaties.

4.1 Forums

“CoR Forums” are one-day workshops which offer an opportunity for the CoR to connect with the wider “stakeholder” community around a specific issue of note, to strengthen their relations with these sets of actors, as well as members of the European Commission, representatives of the Council of Ministers and MEPs, and to develop an agenda for future cooperation on these particular issues. Forums usually take place on the margins of Plenary sessions, so as to ensure a good participation level from the CoR members themselves. The thematic content of the annual forums programme is determined largely by the CoR’s own political priorities, or through wider, multi-annual agendas such as the longer term question of the regional dimension of the Europe 2020 strategy.

In 2012, four “Forums” were held, on the local and regional dimensions of the issues raised by the “European Year” for 2012, the European Citizens’ Initiative (ECI), the controversial issue of the proposed “Common Strategic Framework” which had already been hotly debated in the CoR Plenary together with the European Council President, in the context of a CoR Opinion, and “Regions and cities ready for the European Year 2013: Citizens’ Agenda going local”, one month before the official launch of the European Year for 2013.

4.2 Open Days

The CoR “Open Days” are the showpiece multi-stakeholder event hosted by the CoR and the European Commission’s Directorate General for Regional Policy during its annual calendar, and in 2012, the 10th such event took place. The Open Days offer a three day long showcase of conferences, seminars and exhibitions, and there are presentations of local and regional cultural diversity. The numbers of people attending these Open Days continues to increase year on year and now totals somewhere in the thousands. The public interest in the Open Days offers an even greater incentive for representatives of the EU institutions to connect with the CoR on the Open Days programme.

The opening debate of the Open Days week is the heaviest-hitting political forum during the week and 2012 was no exception. In a debate on 8th October, in the context also of the 97th CoR Plenary session, speakers included Danuta Hubner, chairwoman of the European Parliament’s Regional Development Committee (REGI), Martin Schulz, President of the European Parliament, Herman Van Rompuy, President of the European Council, and Eleni Mavrou, Minister of the Interior from Cyprus on behalf of the EU Presidency, alongside José Barroso and Johannes Hahn from the European Commission. Again perhaps unsurprisingly given the economic situation in Europe at this particular time and the ongoing debate over the future financial perspective for the EU, this...
debate aired various perspectives on EU cohesion policy, its merits and its future funding scope.

The Open Days themselves were then made up of – alongside exhibits, networking and cultural events – around 100 thematic workshops on issues of regional interest, ranging from energy efficiency, innovation policy in cities and the partnership principle to the reform of the Common Fisheries Policy or the Atlantic Strategy.

4.3 The Europe 2020 Monitoring Platform

Europe 2020 is regarded as a natural priority for the new CoR Presidency, as it focuses on achievements in growth in both quantitative as well as qualitative terms – growth should be smart, sustainable and inclusive. The Monitoring Platform is a collective of more than 160 cities and regions from the 27 EU Member States and it works to assess the extent to which the EU, national, regional and local levels of government work in partnership to achieve the goals of the Europe 2020 strategy. In late 2012, Michel Delebarre, a former President of CoR and one of its most senior figures took on the position of Political Coordinator of the Europe 2020 Monitoring Platform, in another expression of the high political profile the CoR attaches to its actions in the field of the Europe 2020 strategy.

In the first half of 2012, the CoR ran a survey assessing the implementation of Europe 2020 on the ground. It also looked to gauge local and regional authority involvement in and evaluation of National Reform Programmes. The aim of the survey was to help the CoR to monitor the extent to which Europe 2020 adds value to local and regional policies in operation in the member states, and to assess whether the National Reform Programmes are being implemented in partnership by all government levels, possibly with recourse to what the CoR terms “multilevel governance agreements”, such as the Territorial Pacts launched by the CoR.

This survey found that whilst it might remain an aspiration in a normative sense, multilevel coordination and governance is still far from widespread: the Europe 2020 National Reform programmes are still decided mainly by national governments, in spite of more frequent consultation with the various bodies representing local and regional authorities. Thus, Europe 2020 is, in the CoR’s view, failing to bring the benefits of coordination and integration of policies or to take account of and adapt to different socio-economic perspectives (sections 4.3 to 4.5).15

That said, it was found that the Europe 2020 Strategy has given different tiers of government a “common language” with which to talk to each other about growth and jobs (p.24), as well as an incentive for closer coordination between local policymaking and higher levels of government.

4.4 Other CoR Initiatives in 2012

The CoR continues to expand its own role through the development of new initiatives, whether these be political, such as the new ARLEM and CORLEAP forums, or policy-driven, such as the hosting of numerous multi-stakeholder events in their headquarters in Brussels. 2012 saw a number of new initiatives being established by the CoR:

- An ‘Erasmus scheme’ for local and regional representatives, building on the successful exchange model that the Erasmus scheme has provided for European students, a new initiative was launched by the CoR in 2012 to encourage the exchange within Europe of local and regional elected representatives. 100 candidates were selected to participate, from all 27 Member States.
- A new “Atlas of decentralised cooperation” was launched, offering a new online portal sharing information on decentralised cooperation and promoting decentralised partnerships.
- The “European Entrepreneurial Region” (EER) prize for 2013 was awarded, allowing three European regions — Nord Pas de Calais, Southern Denmark and Styria (Austria) — to label themselves as such for the duration of 2013.

5. Forward Look

In the short term, the uncertainty over the future of the budget for the next EU programming period will be eradicated, once an agreement between the member states is achieved at a political level. This may not achieve the full support for the cohesion funds going forward which the CoR would wish to see, but it will at least provide a degree of stability in that the uncertainty will removed and CoR activists can re-focus on the new situation that is provided for.

The challenges presented by the negative economic climate in Europe will not be resolved as simply, and future engagement in wider EU initiatives in this regard is likely to be a priority for the CoR in the short to medium term. The debates and Opinions undertaken in 2012 illustrate the growing relevance of EU economic matters for the core business activity of the CoR and the upward trajectory indicates that this is likely to continue throughout 2013 and beyond.

The operation of the new European Commission – Committee of the Regions cooperation agreement in practice will be an important new development as the relationship between these two bodies moves into a new phase. Any substantive alterations in that relationship will most likely be visible throughout 2013.

Finally, the new leadership of the CoR will be struggling to make an impact in the face of so many external challenges to the organisation. It may well be that the launching of new political ambitions and initiatives is curtailed until a more secure economic climate can be established, but the momentum underpinning a number of the key political initiatives launched by the CoR in recent years is likely to sustain these activities further for the foreseeable future.
Unionsbürgerschaft ohne Bürgerrechte? – Vom Wohnbürger zum Wahlbürger!

Ulla Kalbfleisch-Kottsieper

1. Vorbemerkung

Im umfangreichen Schwarze’schen EU – Kommentar findet sich in der 1. Auflage im Stichwortverzeichnis das Wort „Bürgerrechte“ noch nicht, dafür aber eine gute Kommentierung zur Bürgernähe und zur Unionsbürgerschaft: „Im Übrigen verlangt Bürgernähe ein bestimmtes Maß an demokratischer Partizipation; in letzter Konsequenz lässt sich das Gebot der Bürgernähe auf die Menschenwürde zurückführen, der gem. Art. 6 und dem dritten Präambelgrund auch die Union verpflichtet ist. Das Gebot soll auch hier verhindern, dass die von den Auswirkungen hoheitlichen Handelns betroffenen Einzelpersonen von den Akteuren des Systems nur als Objekt wahrgenommen werden.“3 Die Zahl der „Objekte“, um die es bei der Diskussion um die Erweiterung des Wahlrechts für EU-Bürger/-innen geht, umfasst für die gesamte EU rd.8 Mio., für die Bundesrepublik Deutschland etwas über 2 Mio. Menschen. Sie alle sind „Wohnbürger“ in Mitgliedstaaten der EU, leben dort, tragen zum Bruttosozialprodukt bei und bereichern auch das kulturelle Leben der neuen „Heimat“. Oft sind sie dort allerdings nur Wahlbürger zweiter Klasse! Spätestens bei der nächsten Revision der EU-Verträge sollte dies geändert werden, allerdings könnten die Mitgliedstaaten selbst dies auch jetzt schon tun, wenn sie gewillt wären, das Entwicklungspotential der Verträge im Interesse der Bürgerinnen und Bürger zu nutzen. Das Wahlrecht ist „auf eine weitere Entwicklung angelegt.“4

Die EU-Kommission nimmt ihren Auftrag aus Art. 18 – 25 AEUV (frühere Evoluvklausel Art. 22 EGV) zur Berichterstattung und zur Weiterentwicklung der Unionsbürgerschaft sehr ernst. Bisher hat sie allerdings eher zu zivil- und strafrechtlichen Entwicklungen und zu Themen berichtet, die den – früher einmal „Marktbürger“ genannten – Unionsbürger in seiner Eigenschaft als Verbraucher betreffen. Im Zweiten Bericht zur Unionsbürgerschaft, der im Mai 2013 vorgelegt worden ist, hat sich die Kommission aber erstmals auch zur „umfassenden demokratischen Teilhabe“ und auch zum Wahlrecht geäußert.6

1 Schwarze, Jürgen (Hrsg.), EU – Kommentar, Baden – Baden 2000.
2 Bezogen auf Artikel des Amsterdamer Vertrages, trifft auch für den Lissabonner Vertrag zu.
4 Haag, Marcel, in BBPS, Die Europäische Union, 5.Aufl., Kap./Rn.10.2/671; s.a. Rn 676.
5 Haag, Marcel unter Hinweis auf Ipsen, S.250 ff.; Grabitz (10.3.2.1), S. 65 ff.