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(Resolutions, recommendations and opinions)

OPINIONS

COMMITTEE OF THE REGIONS

80TH PLENARY SESSION 17 AND 18 JUNE 2009

THE COMMITTEE OF THE REGIONS' WHITE PAPER ON MULTILEVEL GOVERNANCE

(2009/C 211/01)

The Committee of the Regions is launching a general consultation to canvas the views of the local and regional authorities, associations and other stakeholders and calling on them to submit their comments on the best way of implementing multi-level governance in Europe. Comments can be submitted up to 30 November 2009 to the following address:

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Own-initiative opinion of the committee of the regions on
The committee of the regions' white paper on multilevel governance

The White Paper reflects the determination to 'Build Europe in partnership' and sets two main strategic objectives: encouraging participation in the European process and reinforcing the efficiency of Community action. The fact that public interest in European elections is decreasing, whilst the European Union itself is largely seen as an asset in facing the challenges of globalisation, should prompt political action to be refocused on the principles and mechanisms of multi-level governance.

THE COMMITTEE OF THE REGIONS

- **The Committee of the Regions considers multilevel governance to mean coordinated action by the European Union, the Member States and local and regional authorities, based on partnership and aimed at drawing up and implementing EU policies.** It leads to responsibility being shared between the different tiers of government concerned and is underpinned by all sources of democratic legitimacy and the representative nature of the different players involved;

- recommends that each major Community strategic reform should be accompanied by a **regional action plan** agreed between the European Commission and the Committee of the Regions, setting out the political mechanisms to facilitate the ownership, implementation and evaluation of the policies adopted, and including a decentralised communication plan;
- establishing **appropriate tools to support participatory democracy**, particularly in the framework of the Lisbon Strategy, social agenda, Gothenburg Strategy and **development of 'Local Agenda 21' type mechanisms**, which are participatory and integrated mechanisms developing long-term strategic plans;
- recommends **reinforcing the partnership practice**, both vertically between 'local and regional authorities — national government and European Union' and horizontally between 'local and regional authorities — civil society', particularly in the context of social dialogue;
- invites the **Commission and the Member States to reform the open method of coordination to make it more inclusive**, by developing **participatory governance indicators and territorial indicators**, in conjunction with regional and local authorities;
- recommends that the **territorial impact analysis should become standard practice** through the involvement, upstream of the policy decision, of the various actors concerned in order to understand the economic, social and environmental repercussions on the regions of Community legislative and non-legislative proposals;
- undertakes to submit proposals to support the use of **experimentation at local and regional level** in certain areas of intervention of the European Union, such as the strategy for growth and jobs, the social agenda, integration policy, innovation policy, cohesion policy, sustainable development and civil defence;
- recommends **establishing European territorial pacts** capable of bringing together, on a voluntary basis, the different competent tiers of government in order to adapt the implementation of the major political priorities and objectives of the European Union on a partnership basis with the local and regional authorities and invites **local and regional authorities interested in committing to such a process to indicate their interest** as part of the consultation on the implementation of the White Paper.

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'There are many goals which we cannot achieve on our own, but only in concert. Tasks are shared between the European Union, the Member States and their regions and local authorities' (1).

(1) Declaration on the occasion of the fiftieth anniversary of the signature of the Treaties of Rome, Berlin, 25 March 2007.

1. Introduction

Governance is one of the main keys to the success of the process of European integration. Europe will be strong, its institutions legitimate, its policies effective, and its citizens feeling involved and engaged if its mode of governance guarantees cooperation between the different tiers of government, in order to implement the Community agenda and meet the global challenges.

This was acknowledged by the Heads of State or of Government in the Berlin Declaration on 25 March 2007. By recognising the scope of multilevel governance, they accepted the vision and conception of Europe that the Committee of the Regions had formulated a few days earlier in its Declaration of Rome ⁽²⁾.

Within the European Union nearly 95 000 local and regional authorities currently have significant powers in key sectors such as education, the environment, economic development, town and country planning, transport, public services and social policies. They also help ensure the exercise of European democracy and citizenship ⁽³⁾.

Both the closeness to the citizens and the diversity of governance at local and regional level is a real asset to the Union. However, despite significant advances having been made in recent years in terms of recognising their role in the European process, substantial progress has yet to be achieved, both at Community level and within the Member States. Change will be gradual, but real efforts are now needed to do away with such administrative cultures that stand in the way of the ongoing processes of decentralisation.

The current global crisis underlines the importance of governance, particularly at European level, and the need for local and regional authorities to be closely involved in shaping and implementing Community strategies, since they implement nearly 70 % of Community legislation and therefore play an essential role in implementing the European Economic Recovery Plan. What is more, in a context of increasing scarcity of public funds, attempts could be made to renationalise common policies and centralise resources, despite the fact that globalisation reinforces the relevance of multilevel governance.

The EU's ability to adapt to the new global context actually depends largely on the potential of its regions to react, act and interact. The European Union must, therefore, have a form of governance that combines:

- accepting globalisation and the emergence of a multi-polar world that determines the issues to be addressed by the European Union; and
- continuing the process of European integration that abolishes borders, unifies markets and brings people closer together whilst respecting national sovereignties and preserving identities.

In order to secure and develop the European model, it is imperative to overcome two of the main dangers posed by globalisation:

- the danger that our societies will become completely uniform: diversity is a value worth promoting;
- the danger that inequalities will grow within and between Member States: solidarity is a value that must be defended.

⁽²⁾ Declaration for Europe of the Committee of the Regions — DI/CdR 55/2007 fin.

⁽³⁾ Local and regional authorities represent:

16 % of the GDP of the EU-27;

1/3 of public spending;

2/3 of all public investment expenditure;

56 % of public employment (Dexia figures — <http://www.dexia.be/fr/particulier/press/pressrelease20090205-localauthorities.htm>).

The Committee of the Regions' political initiative comes at a time of transition and change in the process of European integration. The renewal of the European Parliament and the European Commission, the transition to a new institutional framework, the recast of the EU budget and the direct and indirect effects of the global crisis all illustrate the new shape of the Community agenda for the coming years.

Over the coming months the European Union will have to define, review and adjust Community strategies to meet the major global challenges and establish new instruments for implementing them. This next cycle must lead to a new approach to European governance, both in terms of the methodology behind and substance of proposals and the impact of Community intervention.

Multilevel governance actually serves the fundamental political objectives of the European Union: a Europe of citizens, economic growth and social progress, sustainable development, and the role of the European Union as a global player. It reinforces the democratic dimension of the European Union and increases the efficiency of its processes. It does not, however, apply to all EU policies, and when it does, it rarely applies symmetrically or homogeneously.

The activities carried out by the Committee of the Regions and the recommendations made are based on the Treaties, but nevertheless reflect the prospect of the entry into force of the Lisbon Treaty, which enshrines the territorial dimension, notably territorial cohesion, as part of the process of European integration and strengthens the mechanisms of multilevel governance.

Establishing genuine multilevel governance in Europe has always been the strategic priority of the Committee of the Regions. It has now become a condition of good European governance⁽⁴⁾. This White Paper acknowledges this priority, proposes clear policy options for improving European governance and recommends specific mechanisms and instruments for stimulating all stages of the European decision-making process. It identifies lines of action and discussion, which may facilitate, in the interests of the citizens, the design and implementation of Community policies⁽⁵⁾, it makes commitments to develop these and it offers illustrations of shared governance. In addition, it represents an initial contribution by the Committee of the Regions to the Reflection Group that has been given the task by the European Council of helping the European Union to anticipate and meet challenges more effectively in the longer term (i.e. 2020-2030), taking the Berlin Declaration of 25 March 2007 as its starting point.

The White Paper forms part of a proactive political approach to 'Building Europe in partnership' and sets two main strategic objectives: encouraging participation in the European process and reinforcing the efficiency of Community action. The fact that public interest in European elections is decreasing, whilst the European Union itself is largely seen as an asset in facing the challenges of globalisation, should prompt political action to be refocused on the principles and mechanisms of multi-level governance.

2. Building Europe in partnership

The European Union's capacity to perform its role and achieve Community objectives depends not only on its institutional organisation but also and above all on its mode of governance. The legitimacy, efficiency and visibility of the way the Community operates depend on contributions from all the various players. They are guaranteed if **local and regional authorities are genuine 'partners'** rather than mere 'intermediaries'. Partnership goes beyond participation and consultation, promoting a more dynamic approach and greater responsibility for the various players. Accordingly, the challenge of multilevel governance is to ensure that there is a complementary balance between institutional governance and partnership-based governance⁽⁶⁾. The development of political and administrative culture in the European Union must therefore be encouraged and stimulated. The European public seems to want it.

⁽⁴⁾ In its report of 17/09/2008 on governance and partnership at national and regional levels and a basis for projects in the sphere of regional policy (A6-0356/2008), the European Parliament 'calls on the Committee of the Regions to step up its efforts to develop the practice of governance, in both quantitative and qualitative terms'.

⁽⁵⁾ The process of preparing this White Paper has involved contributions from the academic world, through the Ateliers of the Committee of the Regions (www.cor.europa.eu/ateliers), and a preliminary consultation of the main European associations of local and regional authorities.

⁽⁶⁾ European Parliament report on governance and partnership at national and regional levels and a basis for projects in the sphere of regional policy (A6-0356/2008).

I. **Citizens and shared governance: Eurobarometer results** ⁽⁷⁾

- The Special Eurobarometer 307 Report on the role and impact of local and regional authorities within the European Union, published in February 2009, highlights the fact that shared governance seems natural for Europeans. The results of this survey, conducted among 27 000 European citizens in the 27 Member States during the autumn of 2008, show that citizens consider that their national political representatives, Members of the European Parliament and local and regional political representatives are equally able to defend their personal interests at European level (29 % trust in their national political representatives, 26 % in their MEPs and 21 % in local and regional representatives).
- It confirms that citizens expect a Europe more in step with their day-to-day lives and reliant on the actions of their local and regional elected representatives. In fact, 59 % of them consider that local and regional authorities are not sufficiently taken into account in the European process.
- It demonstrates their attachment to local and regional democracy, illustrated by the level of trust that they place in their local and regional elected representatives (50 %) in comparison with the government of their country (34 %) and the European Union (47 %).
- In conclusion, this Eurobarometer encourages the establishment of decentralised communication strategies: 26 % of Europeans consider that local and regional elected representatives are best placed to explain how European policies impact on their daily lives (28 % for national political representatives and 21 % for Members of the European Parliament).

The Committee of the Regions considers multilevel governance to mean coordinated action by the European Union, the Member States and local and regional authorities, based on partnership and aimed at drawing up and implementing EU policies. It leads to responsibility being shared between the different tiers of government concerned and is underpinned by all sources of democratic legitimacy and the representative nature of the different players involved. By means of an integrated approach, it entails the joint participation of the different tiers of government in the formulation of Community policies and legislation, with the aid of various mechanisms (consultation, territorial impact analyses, etc.)

Multilevel governance is a dynamic process with a horizontal and vertical dimension, which does not in any way dilute political responsibility. On the contrary, if the mechanisms and instruments are appropriate and applied correctly, it helps to increase joint ownership and implementation. Consequently, multilevel governance represents a political 'action blueprint' rather than a legal instrument and cannot be understood solely through the lens of the division of powers.

In 2001, in its White Paper on European Governance ⁽⁸⁾, the European Commission identified **five principles underpinning good governance, namely: openness, participation, responsibility, effectiveness and coherence.** Multilevel governance ensures that these principles are implemented, maintained and enhanced.

The implementation of multilevel governance depends on **respect for the principle of subsidiarity**, which prevents decisions from being restricted to a single tier of government and which guarantees that policies are conceived and applied at the most appropriate level. **Respect for the principle of subsidiarity and multilevel governance are indissociable: one indicates the responsibilities of the different tiers of government, whilst the other emphasises their interaction.**

⁽⁷⁾ Eurobarometer: Committee of the Regions: <http://www.cor.europa.eu/> and European Commission: http://ec.europa.eu/public_opinion/archives/eb_special_en.htm.

⁽⁸⁾ European Commission White Paper (COM(2001)428 final).

The European Union is underpinned by a set of common values and fundamental rights that has been the basis for the emergence of a common political culture at the level of the European Union. Subsidiarity, proportionality, proximity, partnership, participation, solidarity and mutual loyalty are the key principles that inspire and guide Community action. They shape **the European model of protection for fundamental rights, which include local and regional autonomy and respect for diversity. Promoting and preserving this model requires responsibility to be shared between all tiers of government.**

The Committee of the Regions is also helping to implement the Memorandum of Understanding between the European Union and the Council of Europe, with a view to establishing a **pan-European consensus on multilevel governance** based on democratic values and principles and the constitutional set of fundamental rights ⁽⁹⁾.

Multilevel governance is not simply a question of translating European or national objectives into local or regional action, but must also be understood as **a process for integrating the objectives of local and regional authorities within the strategies of the European Union.** Moreover, multilevel governance should reinforce and shape the responsibilities of local and regional authorities at national level and encourage their participation in the coordination of European policy, in this way helping to design and implement Community policies.

The conditions for good multilevel governance actually depend on the Member States themselves. Although there is a clear trend in Europe towards a process of decentralisation, which is certainly not uniform but nonetheless widespread, the conditions for this shared governance have not yet been met in full. **The principles and mechanisms of consultation, coordination, cooperation and evaluation recommended at Community level must firstly be applied within the Member States.**

The constituent shift from a resource-based to a knowledge-based European society necessitates a corresponding change in modes of governance, which should focus in the future on a more cross-cutting holistic and inclusive approach resulting in more targeted Community strategies and the introduction of coordinated and integrated common policies. The European Union's budget should reflect the **progress towards integration**, based on drawing-up and financing of common policies and Community actions of an experimental nature.

The Community method must remain the cornerstone of European governance ⁽¹⁰⁾. It has in fact so far ensured the success of the process of European integration but must, however, be adaptable in order to remain an effective and transparent model of political organisation.

To put multilevel governance into practice, the Committee of the Regions:

Undertakes to:

- initiate a consultation process with a view to drawing up a **European Union Charter on multilevel governance**, which would establish the principles and methods for developing a common and shared understanding of European governance, based on respect for the principle of subsidiarity, which would support local and regional governance and the process of decentralisation in the Member States, candidate countries and neighbouring states, and which would stand as a guarantee of the political will to respect the independence of local and regional authorities and their involvement in the European decision-making process;

⁽⁹⁾ The Committee of the Regions and the Congress of Local and Regional Authorities of Europe of the Council of Europe cooperate to this end under a cooperation agreement.

⁽¹⁰⁾ In its White Paper on European Governance, the European Commission proposed a reinvigorated Community method as a method for the future, which 'means ensuring that the Commission proposes and executes policy; the Council and European Parliament take decisions; and national and regional actors are involved in the EU policy process' (COM(2001) 428 final).

- encourage **the protection of fundamental rights at various levels** and cooperate to this end with the European Union Agency for Fundamental Rights in order to promote and disseminate the best practices developed at local and regional level ⁽¹¹⁾;
- take part in the Community debate and future negotiations in order to advocate **an ambitious Community budget** which will have the necessary resources to anticipate responses to global challenges and implement integrated and coordinated strategies, and which will form the anchorage and leverage for partnerships contracted between the different public levels.

Recommendations:

- that each major Community strategic reform should be accompanied by a **regional action plan** agreed between the European Commission and the Committee of the Regions, setting out the political mechanisms to facilitate the ownership, implementation and evaluation of the policies adopted, and including a decentralised communication plan. This measure would allow a sea change in the current process, which too often leaves local and regional authorities out of the Community action design phase;
- that the growth and stability pacts produced by the Member States, and their evaluation by the European Commission, should take proper account of the quantitative and qualitative dimension of **local and regional finances** and should more closely involve local and regional authorities in the process of controlling public spending.

3. Encouraging participation in the European process

Getting the citizens to sign up to the European process is a challenge of credibility for European democracy. **European citizenship is built, and European governance is based, on participation.** This has two dimensions: representative democracy, which is its foundation, and participatory democracy, which enhances it. Good European governance actually requires the elected authorities and civil society actors to cooperate for the common good. Local and regional authorities are invested with an indisputable democratic legitimacy. Being directly responsible to the citizens, they represent a huge part of the democratic legitimacy within the European Union and exercise a large number of political powers. As a result, multilevel governance must combine the institutional recognition of the different tiers of government in Europe, through appropriate mechanisms, with the organisation of political cooperation and the stimulation of the European public sphere.

Strengthening institutional representation

Guaranteed since the Treaty of Maastricht, **institutional representation for local and regional authorities has been strengthened in the course of the successive institutional reforms.** The entry into force of the Lisbon Treaty would represent an important step towards institutional recognition of multilevel governance in the way the European Union operates. In this respect, strengthening the representation and influence of local and regional authorities in the Community decision-making process must be encouraged both within the Committee of the Regions and in the activities of the Council of the European Union. Since 1994 the Treaties have allowed the regions, in accordance with the respective national constitutional structures, to participate in the activities of the Council of the European Union. This direct participation allows the representatives of the regions concerned to be included in Member State delegations, to be authorised to lead the national delegation and, where necessary, to assume the presidency of the Council.

⁽¹¹⁾ In a report on 'Realising the Charter of Fundamental Rights', ordered by the Committee of the Regions from Birmingham University, initial proposals are made on increasing citizens' awareness of their rights and examples of good practice applied by local and regional authorities are presented (CdR 6623/2008).

To put multilevel governance into practice, the Committee of the Regions:**Undertakes to:**

- reinforce, in accordance with its Mission Statement, its **status as a political assembly**, its involvement upstream of the decision-making process in the design of European strategies and Community legislation, monitoring of the principle of subsidiarity in the spirit and tenor of the Treaty of Lisbon, evaluation of the territorial impact of Community policies, and its role as a facilitator of participatory democracy in Europe;
- develop, to this end, **its interinstitutional relations** with the European Commission with a view to revising its cooperation agreement, with the European Parliament in the context of the policy programme for the next legislative term and, finally, with the Council of the European Union in order to harmonise the intergovernmental dynamic of the political action of local and regional elected representatives in designing and implementing European decisions;
- continue its work to **get closer to the national parliamentary assemblies** and regional legislative assemblies, particularly within the process of monitoring subsidiarity.

Calls on the Member States to:

- **invite the CoR to participate systematically in the formal or informal Councils** on Community policies falling within the areas in which they must be consulted or involving in particular the responsibilities of local and regional authorities;
- allow the CoR to take advantage of **access to Council documents**, in the same way as the other European institutions participating in the preparation of Community legislation.

Invites the Member States to:

- put in place, where there is no possibility of formal representation within the Council or its preparatory commissions, internal processes of consultation and coordination with local and regional authorities with electronic access to the Member States' database for monitoring draft EU legislation, in order both to take account of their know-how in the preparation of the national position and to provide an opportunity for them to take part in subsidiarity monitoring;
- strengthen and enhance existing mechanisms for preparing the national position and for formal representation in the Council, so that these mechanisms are fully in line with the distribution of competences as established in the relevant constitutional system.

Organising political cooperation

Multilevel governance presupposes the existence of mutual loyalty between all the various levels of government and the institutions to reach common goals. The institutional framework is fundamental but is not enough to guarantee good governance. On the contrary, good cooperation between the various levels of political power and the institutions is absolutely vital; **it has to be based on trust, rather than on confrontation between the different legitimate political and democratic roles.**

European democracy would be reinforced by more inclusive and flexible interinstitutional cooperation and by more sustained political cooperation between the various levels of power; European political parties, which are a particularly important element for strengthening the European political sphere and thus helping to develop a **political culture of multilevel governance.**

Because of the political nature of the Committee of the Regions and the European Parliament, it is logical that they should work closely together to strengthen the **democratic legitimacy of the process of European integration**, both in the context of the European political groups and families, and also in the context of their various decision-making bodies ⁽¹²⁾.

Interparliamentary cooperation is gradually becoming a vital component of democratic legitimacy and of the process of drafting European legislation. Multilevel governance is a way of also involving all local and regional authorities more explicitly in the process. In particular, under the 'early warning' mechanism proposed in the Lisbon Treaty, regional parliaments and regional legislative assemblies will be able to play a part in appraising the application of the subsidiarity principle.

The proposal of the Lisbon Treaty applies to all Member States but can be implemented in different ways. Consequently, the CoR encourages Member States whose national parliaments do not have a chamber representing local and regional authorities to provide for their involvement in the monitoring of the subsidiarity principle.

To put multilevel governance into practice, the Committee of the Regions:

Undertakes to:

- strengthen **political and institutional cooperation with the European Parliament** to ensure that the concerns of citizens are taken into account in the design and implementation of Community action;
- support the pilot initiative of an '**Erasmus programme for local and regional elected representatives**' and cooperate to this end with the European Parliament, the Council and the European Commission on its conceptual and operational development, and encourage the introduction of training programmes and experience and good practice exchange programmes intended for local and regional elected representatives.

Invites:

- **councils of local and regional elected representatives** to devote special sessions to European integration and European policies and to involve, in their debates, representatives of the various European institutions engaged in shared governance.

The Covenant of Mayors forms a reference model for the active engagement of cities and regions in achieving strategic goals in the European Union and should be extended to other areas such as employment, integration policy or social exclusion.

II. The Covenant of Mayors: committing to and cooperating in the fight against climate change

- The Covenant of Mayors is a political initiative which seeks to unite the Mayors of European towns and cities around a shared goal of reducing CO₂ emissions by 2020: 20 % reduction in greenhouse gas emissions, 20 % improvement in energy efficiency and 20 % use of renewable energies in the consumption of energy.
- Cities and regions are responsible for over half of greenhouse gas emissions generated by the use of energy in human activities. It was therefore essential to create an appropriate framework so that cities, regions and Member States could assume responsibility in the fight against climate change.

⁽¹²⁾ In its opinion on Parliament's new role and responsibilities implementing the Treaty of Lisbon, the Committee on Regional Development of the European Parliament stresses the importance of its relations with the Committee of the Regions (PE404.556v02-00 (30/05/2008)).

- By signing this Covenant, Mayors voluntarily commit to implementing an Action Plan for sustainable energy in their community. The Covenant allows pioneering experiments to be shared, facilitates the exchange of good practices and increases the awareness of citizens and local socioeconomic actors with regard to sustainable energy use.
- The Committee of the Regions is working with the European Commission to develop this initiative and plans to extend it to regional authorities. The action plans of towns and cities actually need to fit within the context of regional and national action plans.
- To reinforce the effectiveness of the Covenant of Mayors, it is also essential that the political mobilisation on the ground is followed by specific responses in terms of European policy and funding: loans from the European Investment Bank should be readily accessible for local authorities and regions willing to invest in energy efficiency programmes and promote the use of renewable energy sources.

Note: In March 2009 nearly 470 European cities had signed the Covenant and many others had stated their intention to do so.

Local and regional authorities have over time become vital players in the external policy of the European Union and in the enlargement strategy. Without duplicating the relevant mechanisms at Community level, the empirical approach which has predominated in the development of the international relations of local and regional authorities is now turning them into **players in globalisation**.

The added value of participation by local and regional authorities in the enlargement process has been proven during previous enlargements and must be a reference point in the implementation of the current strategy to create a **dynamic for lasting democracy at local and regional level** ⁽¹³⁾ ⁽¹⁴⁾.

Convincing examples of the relevance of multilevel governance can also be found in the **regional approach to the European neighbourhood policy** (e.g. the Mediterranean Dimension, the Eastern Partnership, the Black Sea Synergy initiative and the Northern Dimension), as well as the European wider neighbourhood policy (incorporating the EU's outermost regions), which is intended to be supported by effective cooperation at local and regional level. It is in this way that the Euro-Mediterranean Local and Regional Assembly (ARLEM), part of the governance of the Union for the Mediterranean, a Local and Regional Assembly for Eastern Europe and the Southern Caucasus for the Eastern Partnership proposed by the European Commission or a permanent territorial Forum for the Northern Dimension suggested by the Committee of the Regions could add an integrated and operational dynamic to the neighbourhood policy.

III. Local and regional authorities as partners of the Union for the Mediterranean

- In order to give the renewed Euro-Mediterranean Partnership a territorial dimension and to ensure local and regional political representation within it, the Committee of the Regions has decided to set up the Euro-Mediterranean Local and Regional Assembly (ARLEM).
- The Euro-Mediterranean Heads of State and Government who met in Paris on 13 July 2008 supported the political initiative of the Committee of the Regions. ARLEM aims to enhance this partnership through a local and regional dimension and, consequently, to guarantee appropriate representation of local and regional authorities and their active participation in its governance. It enables local and regional authorities to produce concrete results and to make this partnership a tangible reality for citizens.

⁽¹³⁾ Opinion of the Committee of the Regions on the added value of participation by local and regional authorities in the enlargement process (CdR 93/2008 fin).

⁽¹⁴⁾ The United Cities and Local Governments (UCLG) association regularly publishes reports on decentralisation and local democracy in the world.

- ARLEM consists of an equal number of local and regional representatives of the EU and its Mediterranean partners and aims to be recognised as a consultative assembly of the new governance of the Union for the Mediterranean. It will also focus on the participation of local and regional authorities in specific projects in a wide range of areas such as business development, the environment, energy, transport, education, culture, migration, health and decentralised cooperation. By promoting the exchange of good practices, it will encourage territorial cooperation and offer new paths for dialogue.

Moreover, traditional multilateralism, characterised by collaboration between national governments and the United Nations, is developing and expanding due to the systematic collaboration of local and regional authorities. Given this observation, the United Nations Development Programme (UNDP) has set up 'a platform for innovative partnerships' ⁽¹⁵⁾.

Multilevel governance no longer takes a sectoral approach, but rather a territorial approach to development strategies in order to achieve the Millennium Development Goals, given the constraints of overly centralising, sectoral and vertical approaches, which have for too long predominated in development aid ⁽¹⁶⁾. Diplomacy by towns and cities forms another lever for political cooperation in the framework of the European Union's external action that should not be ignored because it allows major diplomatic and political obstacles to be overcome.

Twinning and programmes for border region cooperation have become an essential tool in the accession and pre-accession process and in the framework of the neighbourhood policy. In the context of globalisation, they perpetuate the values of European integration by developing new forms of solidarity ⁽¹⁷⁾.

By recognising the contribution of territorial governance and decentralised cooperation, international and European institutions have in recent years strengthened **the role of local and regional authorities in global governance** ⁽¹⁸⁾.

To put multilevel governance into practice, the Committee of the Regions:

Undertakes to:

- evaluate the **experiences of local and regional authorities during previous enlargements**, assisted by its working groups on the Western Balkans, Turkey and Croatia, and by the Joint Consultative Committee for the former Yugoslav Republic of Macedonia;
- develop **the political and operational potential of local and regional assemblies** in support of the European neighbourhood policy; insists in this respect on the importance of interinstitutional cooperation and coordination with the other existing mechanisms;
- drive, in partnership with the European Commission, the **'decentralised cooperation stock exchange'**, in the form of an Internet portal, in order to organise, using virtual means, the exchange of information between European local and regional authorities active in development cooperation, thus helping to match up the projects of European local and regional authorities and developing countries ⁽¹⁹⁾;
- strengthen its institutional position as a body of the European Union which is responsible for the development of local and regional democracy in the framework of the EU's external policy, through **electoral observation missions in Europe and third countries**, and reinforce its cooperation to this end with the European Commission and the Congress of Local and Regional Authorities of the Council of Europe.

⁽¹⁵⁾ ART GOLD is an international cooperation initiative that brings together the programmes and activities of several United Nations agencies (UNDP, UNESCO, UNIFEM, UNCDF, WHO, UNOPS, etc.) in favour of a new multilateralism.

⁽¹⁶⁾ The Forum of Global Associations of Regions (FOGAR) and the FAO have signed a memorandum of understanding.

⁽¹⁷⁾ The Council of European Municipalities and Regions (CEMR) has developed an Internet portal to encourage twinings: www.twinning.org.

⁽¹⁸⁾ Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee and Committee of the Regions: 'Local Authorities: Actors for development' (SEC(2008)2570).

⁽¹⁹⁾ Draft opinion of the Committee of the Regions on Local authorities: Actors for Development (CdR 312/2008 rev. 1).

Calls on the European Commission to:

- consider adopting a **voluntary political charter on the involvement of local and regional authorities in the enlargement process**, which would form a common reference for developing the pre-accession aid instrument in line with the needs of local and regional authorities and for reinforcing cross-border cooperation and the institutional and administrative capacity of the local and regional structures of candidate and potential candidate countries ⁽²⁰⁾.

Stimulating participatory democracy

Governance is increasingly assuming a network structure and favours a horizontal cooperation dynamic. This development is ideal for taking account of the many active networks at local and regional level in Europe and throughout the world. Connecting them with the European process in order to contribute to the success of common policies and their ownership by the citizens is the task that falls to the Committee of the Regions with regard to these opinion multipliers.

IV. Open Days: European Week of Regions and Cities

- Each year the Committee of the Regions and the Directorate-General for Regional Policy of the European Commission organise Open Days in Brussels as part of the 'European Week of Regions and Cities'. Within the framework of an interinstitutional partnership extended to the presidency of the Union and to the European Parliament, this event brings together over 7 000 participants and nearly 250 partners. Official partners for the event are regions and their liaison offices in Brussels, together with numerous local partners, such as local associations and research institutes. These partners play a leading role in organising the numerous seminars, workshops and much of the Open Days' main programme.
- On a theme linked to the Community agenda and to the European priorities of local and regional authorities, events, seminars, workshops, media-targeted activities and exhibitions bring together, with European, national, regional and local politicians, experts and representatives of socioeconomic circles, trade unions, financial organisations and civil society.
- This event in Brussels is accompanied by events in the partner cities and regions, thereby encouraging the exchange of experiences, the interconnection of networks and the comparison of ideas and expertise ⁽²¹⁾.

Networks, organisations and associations of local and regional authorities help to mobilise these authorities within the European process and involve them in the operational mechanisms of territorial cooperation ⁽²²⁾. Since the Committee of the Regions was set up, the collaboration pursued with the main European and national associations of local and regional authorities and certain thematic networks has allowed a complementary balance to be established between its institutional role and that of these organisations. In taking forward its work, and in promotion of the objectives and measures set out in the White Paper, the Committee of the Regions will strive to work in partnership with the European associations of local and regional government.

⁽²⁰⁾ Opinion of the Committee of the Regions on the added value of participation by local and regional authorities in the enlargement process' (CdR 93/2008 fin).

⁽²¹⁾ http://ec.europa.eu/regional_policy/conferences/od2009/index.cfm

⁽²²⁾ — The Assembly of European Regions (AER) has set up a programme of interregional cooperation which has the goal of developing European awareness, promoting the Europe of the regions and mobilising regional businesses to take on trainees.

— The European Association of Elected Representatives from Mountain Regions (AEM) is developing an interregional cooperation project for mountain regions within the INTERREG programme.

— The Association of European Border Regions (AEBR) has set up a network of cross-border regions for the exchange of good practices in order to develop concrete proposals which may be realised within Community programmes.

Multilevel governance also looks as though it could be extremely useful for promoting active citizenship and could provide a decentralised communication policy that is more in line with the public's real and immediate expectations, by gradually helping to bridge the gap separating people from the Community institutions and their political leaders.

The principal aims of decentralised communication on Europe are to foster the integration of the European dimension into policy management at local and regional level and to facilitate interaction with local and regional media and the use of innovative, new communication technologies, particularly Web 2.0 resources, at local and regional level. It will also stimulate the organisation of political debates and public meetings on Europe at local and regional level, thereby fostering active citizenship and encouraging people to get involved in European matters.

To put multilevel governance into practice, the Committee of the Regions:

Undertakes to:

- develop a sustained approach for collaboration with **relevant networks at local and regional level**, which foster interconnection and interaction in European society between the political, economic, associative and cultural spheres, and take account of the best participation practices at local and regional level;
- help to implement a **genuine decentralised communication policy**, the scope of which was recognised in the joint declaration of the European Parliament, European Commission and Council on 'Communicating Europe in partnership' ⁽²³⁾, which depends on the political involvement of institutional actors to constantly drive the European debate in European cities and regions and report the decisions taken at Community level;
- establish an **action plan** which differentiates between the communication tools according to the set objectives and political areas concerned, so that communication on strategy and common policies is coherent with their result for citizens at local and regional level, and submit the appropriate recommendations to the Interinstitutional Group on Information (IGI) ⁽²⁴⁾;
- propose methods and tools to be used at local and regional level in order to bridge the communication gap and **encourage increased coverage by local and regional media** of the impact of EU policies on the daily life of citizens and to boost their **potential for communication, information and mediation on Europe** by using new communication tools, particularly the Web 2.0 instrument.

Recommends:

- establishing **appropriate tools to support participatory democracy**, particularly in the framework of the Lisbon Strategy, social agenda, Gothenburg Strategy and **development of 'Local Agenda 21' type mechanisms**, which are participatory and integrated mechanisms developing long-term strategic plans ⁽²⁵⁾;
- exploring the scope for cooperation, once the Treaty of Lisbon enters into force, between itself, local and regional authorities and the other EU institutions with regard to developing the instrument of a European Citizens initiative in order to realise its potential to foster a genuine European political debate and thus improve the legitimacy of the EU's multilevel governance system;

⁽²³⁾ Communicating Europe in partnership: European Parliament decision of 9 October 2008 and joint declaration of the European Parliament, European Commission and Council (P6Ta(2008) 0463).

⁽²⁴⁾ The Committee of the Regions is already proposing a communication tool kit for members of the Committee of the Regions and local and regional authorities in order to explain European Union policies to the citizens (CdR 234/2008 fin).

⁽²⁵⁾ Further to an initiative launched in 2002 during the Johannesburg Summit on sustainable development, the Conference of Peripheral Maritime Regions of Europe (CRPM) and FOGAR (Forum of Global Associations of Regions) became active members of the Network of Regional Governments for Sustainable Development (nrg 4SD).

- **improving European civic education** through the know-how of local and regional authorities.

Calls on the European Commission:

- to take account of new parameters in its evaluation of the opinion of European citizens (**Eurobarometer**), as these parameters indicate the real engagement of local and regional authorities in the functioning of the European Union and the implementation of common policies and strategies.

Invites:

- the Member States to implement **more inclusive e-governance** for cities and regions and the latter to convey, via their communication policy and their system of e-governance, an increased awareness of the achievements of the European Union and its challenges for the citizens;
- the Community institutions to put in place a Web 2.0 type communication strategy and use the new Internet social sites such as YouTube/EU Tube.

4. Reinforcing the effectiveness of Community action

Multilevel governance aims to reinforce Community action in those areas which are at the heart of European citizens' concerns. In an area as cohesive as the European Union, any Community measure has a direct impact on the regions and their inhabitants. Striking a balance between the Community's goals and the territorial impact of these policies is thus crucial. The White Paper's recommendations will therefore aim to match the Community's ambitions more closely to the practical and diverse management and planning situations faced by local and regional elected representatives when implementing major Community policies.

Choosing appropriate instruments is the key factor in guaranteeing the effectiveness of the Community method and in developing the standards of European governance by affording greater importance to differentiation and specialisation. Linking these instruments between the different tiers of government therefore guarantees coherence in the Community action. The processes of consultation, experimentation and territorial impact analysis, the open method of coordination and the legal instruments for establishing contracts, such as regional pacts or the European Grouping for Territorial Cooperation, must be developed in order to counteract the negative effects of the concentration of decision-making power, dispersal of action and dilution of results. These mechanisms and instruments form new ways of achieving the strategic goals of the European Union.

Designing and implementing common policies in partnership

This flexible form of governance can be successfully adapted, using various mechanisms, to the different common policies according to their characteristics. Cohesion policy is regarded as a good example of multilevel governance and environment policy has been a laboratory for certain mechanisms and practices.

V. **European cohesion policy: leverage effects for Community policies**

- For 20 years cohesion policy has consistently proven its added value and has become for citizens, through the development of specific projects, the perfect example of European solidarity. It has developed over time: created to accompany the launch of the single market in order to ensure the development of the weakest regions, it has helped to mitigate the socioeconomic disparities generated by successive enlargements of the Union. It has also become an important tool for supporting the strategy for growth and jobs in all the EU territories. Recently it has been required to support the European Economic Recovery Plan.

- European cohesion policy, which currently represents one-third of the Community budget, has a real financial leverage and interinstitutional partnership effect, boosted by the use of public-private partnerships and financial tools of the European Investment Bank. The leverage effect of European cohesion policy can also be seen in its capacity to encourage harmony at European level between local, regional and national strategic development priorities.
- Another notable aspect of the leverage effect associated with the use of the Structural Funds is the reinforcement of the institutional abilities of governments. By stimulating their management capacity and harmonising their procedures at European level, cohesion policy has encouraged the implementation of Community policies. Finally, due to the virtues of the partnership and cooperation between public institutions and civil society actors, cohesion policy has led to the establishment of comprehensive solutions to differing situations within the European Union.
- To provide a broader definition of territorial cohesion that takes into account the new challenges faced by regional and local authorities (globalisation, climate change, energy security, immigration, etc.), the specific objectives for which European funding is given need to be defined in a more flexible way which allows for the fact that each region has very different characteristics and each has its own competitiveness and sustainability strategy.

Furthermore, in the policy fields where the European Union does not have explicit responsibility but where Community policy does have an effect, such as housing policy and large segments of services of general interest, multilevel governance is a tool which enables the cross-cutting nature of these fields to be seen and makes it possible to transcend an overly rigid interpretation of the division of responsibilities in order to reach common objectives whilst maintaining due regard for the constitutional and administrative diversity of the respective Member States.

To put multilevel governance into practice, the Committee of the Regions:

Undertakes to:

- **plan and launch initiatives aimed at disseminating good practices in the area of partnership**, linked to the definition of local, regional, national and supranational political priorities in the Member States, and support all the initiatives launched by the Member States, the European Parliament and the European Commission in order to apply the principle of partnership with local and regional authorities, not only during the policy implementation phase but also, and above all, during the preparation of these policies;
- **propose interinstitutional mechanisms reinforcing the political and strategic nature of the evaluation of European cohesion policy**, by consolidating the reports drawn up at national and regional level within a European framework of analysis and projection.

Recommends:

- **reinforcing the partnership practice**, both vertically between 'local and regional authorities — national government and European Union' and horizontally between 'local and regional authorities — civil society', particularly in the context of social dialogue, ensuring that Europeans can participate through the bodies which have been set up for the purpose by the different public authorities, especially those authorities which — due to their geographic location or the principle of subsidiarity — are closest to the European people. This will allow different social groups to put forward their opinions on aspects of EU initiatives and make suggestions;

- **simplifying and rationalising administrative procedures** in order to establish a legal, administrative and financial framework that is capable of innovative action, and creating new tools to foster regional innovation and increase methods of financing (venture capital, business angels, micro-credits, etc.);
- **reinforcing the administrative capabilities of local and regional authorities** in order to guarantee competent management of projects and increase exchanges of good practices in the European Union in terms of regional governance;

Calls on the European Commission to:

- study on a case-by-case basis the possible changes to Community policies in terms of a reinforced partnership;
- **encourage coordination** between the actions of the Structural Funds, sectoral programmes and rural development programmes;
- **evaluate the progress made in simplifying and decentralising the management of the Structural Funds during the period 2007-2013**, looking in particular at the proportionality of administrative burdens with regard to the type and size of the action and to the effects these have on local and regional authorities.

Coordinating the European process

The coordinated action of the various levels of government, on the one hand, and the coordination of policies and instruments, on the other hand, are vital to improve European governance and the implementation of Community strategies. The economic crisis and the agreement on the urgent need for a coordinated EU response underline the essential nature of coordination, but also illustrate the persistent difficulties in ensuring such joint action because of a lack of coordination and mutual trust. The crisis is therefore a test for the process of European integration. The challenge is whether the EU has the capacity to coordinate the political action in aid of recovery in order to propose a more balanced alternative of sustainable development and territorial cohesion through the cooperation of various actors, the direct involvement of local and regional authorities and recourse to the public-private partnership⁽²⁶⁾. The mechanisms of European integration through the Community method and intergovernmental cooperation must be coordinated based on European recovery instruments of a financial, economic, social and regional nature and improved coordination of crisis management policies (extra flexibility in the European Structural Funds, the European Globalisation Adjustment fund, support from the EIB, etc) and post-crisis policies (innovation policies, industrial policy, etc.)⁽²⁶⁾.

The Community method is the best way to guarantee the implementation of multilevel governance.

However, without calling into question its predominance, the open method of coordination, which seeks to enhance the Community method based on the institutional triangle and exclusive legislative initiative of the Commission, in areas where the European Union is only empowered to coordinate or support, has been used for a number of years. Used on a case-by-case basis, it would offer a way of encouraging cooperation, exchanging good practices and agreeing on common objectives and strategies for the Member States, while taking into account the subsidiarity principle.

The open method of coordination has not yet, however, with regard to its initial objectives, provided the expected added value and has not proven satisfactory for local and regional authorities, which are not sufficiently involved. On the other hand, the latter consider that it could be extended, provided that it becomes more inclusive, like other areas of action.

⁽²⁶⁾ Conclusions of the European Summit of the Regions and Cities, Prague, 5-6 March 2009 (CdR 86/2009 fin).

VI. The Lisbon Monitoring Platform of the Committee of the Regions

- In 2006 the Committee of the Regions set up a Lisbon Monitoring Platform (LMP), which now consists of over one hundred regions and cities from 26 Member States. This exchange and evaluation network monitors the involvement of local and regional authorities in the governance of the Lisbon Strategy and its link with cohesion policy.
- In its monitoring report: 'Achieving the Lisbon goals through coordinated and integrated territorial policymaking', it underlines the need for all the relevant government levels to step up a gear towards the synchronisation and integration of their policy agendas and to adopt a wider range of legal tools.
- During the European Summit of the Regions and Cities in Prague on 5-6 March 2009 the Committee of the Regions specifically launched a consultation process on the future strategy for growth and jobs, with a view to the local and regional authorities participating upstream of its design (www.lisbon.cor.europa.eu).
- In order to improve the framework conditions for businesses, particularly SMEs, the Committee of the Regions intends to create an innovative prize designed to identify the most enterprising regions across the European Union. The label of '**the most enterprising European region**' awarded each year will give the regions an incentive to develop a strategic plan of long-term economic and social reforms that will be widely supported by the population and local stakeholders.
- In this way the Committee of the Regions aims to give added impetus to the launch of the new strategy for growth and jobs post-Lisbon, while ensuring the widespread use of the 10 principles of the 'Small Business Act' of the European Union at local and regional level.

The Lisbon Strategy undeniably lacks coordination and continues to represent an exclusively top-down approach. The Lisbon paradox highlighted by the Committee of the Regions' LMP reveals that the level of involvement of local and regional authorities has been insufficient and underlines the urgent need to introduce a more decentralised Community strategy for growth and jobs, based on the potential of the regions and cities, which, due to their know-how, are the main drivers of innovation, research and education in Europe ⁽²⁷⁾.

The recovery of the European economy also requires the goals of the 'Small Business Act' for Europe to be achieved. This must involve a partnership with the local and regional authorities ⁽²⁸⁾.

To put multilevel governance into practice, the Committee of the Regions:

Undertakes to:

- examine the opinions on an **open method of regionalised coordination** and determine the areas of Community action in which the open method of coordination would be most appropriate for the local and regional authorities, by considering, in particular, immigration and integration policy, innovation and education;
- present to the European Council in March 2010 the results of the consultation with local and regional authorities on the future of the Lisbon Strategy for growth and jobs.

⁽²⁷⁾ EUROCITIES is conducting a project with the support of the European Commission through the Sixth Framework Programme for Research and Technological Development, which facilitates the exchange of good practices, expertise and application in sustainable urban development.

⁽²⁸⁾ Opinion of the Committee of the Regions on the theme 'Think Small First' — A 'Small Business Act' for Europe, 12 and 13 February 2009 (Cdr 246/2008 fin).

Calls:

- on the Member States to support the open method of coordination through **local or regional action plans** and, conversely, to help ensure that regional and local plans are taken into account in national plans and are the subject of multilevel written agreements; and, as a result, calls on the European Commission to recognise the existence of regional and local contact points in the context of monitoring the open method of coordination.

Invites the Commission and the Member States to:

- reform the open method of coordination to make it more inclusive, by developing, in conjunction with regional and local authorities, more effective participatory governance indicators and territorial indicators ⁽²⁹⁾;
- identify, in close collaboration with local and regional authorities, the obstacles to the application of the single market which are currently being faced by the regions, cities and municipalities, and the appropriate solutions to adapt the single market to the current economic and social context;
- ensure the local and regional authorities are properly involved in revising the Lisbon Strategy post-2010.

Developing integrated policies

The integrated approach guarantees the effectiveness of common policies. It involves a vertical dimension, which presupposes better coordination and cooperation between the different tiers of government, and a horizontal dimension, which imposes a coherent implementation of sectoral policies to ensure sustainable development and synergy with the other relevant policies of the European Union.

Implementing territorial cohesion as a Community objective is therefore fundamental for the future of common policies. The scope of territorial cohesion must take account of three dimensions: firstly, a reform dimension by 'reducing existing disparities' and ensuring all Europeans have equal access to essential public services wherever they live; secondly, a prevention dimension to make sectoral policies which have a spatial impact more coherent by striving for the full use of the endogenous resources of less favoured areas, thereby helping the population to continue living in these areas and thirdly, an incentive dimension by improving 'territorial integration' and encouraging cooperation.

Territorial cohesion, which with the Treaty of Lisbon becomes a responsibility shared between the European Union and Member States, must be present in all sectoral policies and must become an incarnation of multilevel governance. Urban governance is also vital for the successful implementation of sustainable development strategies in urban areas, not only to coordinate all the tiers of government but also to involve local players. Urban governance in an integrated approach must tackle the three pillars of sustainable development — the environment, the economy and social issues — in order to guarantee real social and territorial cohesion. Other common policies are also appropriate to foster an integrated and coherent approach. Integrated strategies should be drawn up for rural areas which are based on multi-level governance and are designed to boost sustainable development and competitiveness. These strategies should contain measures designed to tackle the regions' natural handicaps, together with the imbalances between these areas and urban areas.

⁽²⁹⁾ The Committee of the Regions 'recommends that new indicators be designed allowing territorial disparities to be better taken into account in all public policies' and 'recommends that new tools and specifically indicators be developed to meet the requirements of implementing territorial cohesion, not least by means of sub-regional analyses'. Opinion of the Committee of the Regions on the Green Paper on Territorial Cohesion (CdR 274/2008 fin).

'In order to develop suitable regional strategies and policy responses, appropriate instruments are needed to take account of territorial disparities in public policies (for example, disposable income per capita to take account of transfers in addition to GDP per capita, tax revenues and accessibility of different services ..., demographic structure and population settlement patterns ..., or even the creation of composite human development indices)'. Opinion on the Green Paper on Territorial Cohesion (CdR 274/2008 fin).

VII. An integrated maritime policy for the European Union

- The development of an integrated maritime policy for the EU represents one of the rare examples at European level of an attempted common approach to several sectoral policies based on a territorial typology. The process, which began with the Green Paper in 2006 and continued with the Blue Paper, has heavily involved local and regional players interested in developing an integrated approach to the management of maritime areas: transport, environment, renewable energies and economic development are some of the sectors covered by a policy born of the ambition to integrate, in a horizontal manner, the requirements linked to sustainable development and to the safety of our seas, at last recognised as natural and economic resources that are crucial to the European continent.
- This ambition must be accompanied by appropriate mechanisms to reinforce the federating effect of an integrated maritime political vision. In this regard, the Committee of the Regions believes that it is necessary to change the EU's financing mechanism to a single simplified system, which would bring together all maritime issues — or the majority of them — within a European Coast and Island Fund, and to create a European marine platform, uniting local and regional authorities and the relevant players to give an instrument which can help divide up the responsibilities and disseminate good practices.

Optimising the reinforced culture of consultation

Since 2002 steps have been taken to develop the reinforced culture of consultation called for in the White Paper on European Governance, which recognised that 'investment in good consultation "upstream" may produce better legislation which is adopted more rapidly and easier to apply and enforce'.

The dialogue that takes place between the European Commission and stakeholders prior to the presentation of proposals and the adoption of political initiatives can take several different forms:

- consultation as part of the legislative process, particularly with the Committee of the Regions, as the institutional representative of local and regional authorities;
- mechanisms for sectoral consultation, which take account of the specific conditions for EU intervention in its various policy fields;
- the establishment of a coherent consultation framework with minimum standards for consultation;
- structured dialogue with the associations representing local and regional authorities.

To put multilevel governance into practice, the Committee of the Regions:

Undertakes to:

- develop cooperation with the European Commission and European and national associations of local and regional authorities within the **framework of Structured Dialogue** in the phase for preparing the legislative work programme of the European Commission;
- work with the other EU Institutions to develop an effective impact assessment of its activities, in order to strengthen its role as an advisory body under the Treaties and to demonstrate the added-value it brings to EU decision-making.

Calls on the European Commission to:

- **report on the follow-up** given to its political recommendations in the form of oral and written questions.

Better lawmaking

The coordination of the legislative process proposed in the 'Better Lawmaking' action programme and supported in the interinstitutional agreement on 'Better Lawmaking' adopted by the European Parliament, the Council and the European Commission in 2003 must take full account of the contribution of local and regional authorities and the legal and policy instruments that they advocate in its strategy for improving legislation.

Based on the Treaties, and pending the entry into force of the Treaty of Lisbon, the existing internal and Community mechanisms allow the **establishment of an agreed and coordinated approach to monitoring and controlling the principle of subsidiarity**. In a number of Member States, an internal reform process has also begun, which reinforces the intervention of regional legislative assemblies in the mechanisms advocated in the Protocol on the Application of the Principles of Subsidiarity and Proportionality of the Treaty of Lisbon so that they can act as a component part of the parliamentary mechanism in their country or as chambers of the national parliament. This approach should be extended, in accordance with national constitutional structures.

Furthermore, the capacity of local and regional authorities to understand Community law must be strengthened in order to **reinforce legal certainty within the European Union and facilitate the correct transposition of Community legislation**. In that regard, the need to more closely involve local and regional authorities is motivated by the fact that the effects of a Community directive or regulation may vary significantly from one Member State to another due to its internal territorial organisation, the degree of autonomy of local and regional authorities and the extent of their responsibilities. The difficulties encountered during the transposition of the Directives on landfill of waste ⁽³⁰⁾ and award of public works contracts, public supply contracts and public service contracts ⁽³¹⁾ are important examples of the need to involve local and regional authorities throughout the process of formulating Community legislation ⁽³²⁾.

Impact assessments of draft legislation are a key tool for achieving better Community legislation. An impact assessment must pay attention to the implementation and maintenance of regulations. It is very important here that the territorial aspect of new legislation should have a key position in the Commission's current impact assessments. In order to assess this territorial aspect properly, the Commission's departments should explain the consequences of new legislation for the regions and municipalities in good time. The Committee of the Regions can play a key role here.

VIII. The Subsidiarity Monitoring Network of the Committee of the Regions: a useful tool for reinforcing democratic responsibility and participation in the lawmaking process of the European Union

- The principle of subsidiarity seeks to ensure that, in areas of non-exclusive Community responsibility, decisions are taken at the most appropriate level. As a result, in these areas, tests must be carried out to ensure that Community action is justified with regard to the options available at national, regional or local level.
- The Subsidiarity Monitoring Network set up by the Committee of the Regions, which currently consists of 96 members (local and regional authorities, national and regional parliaments, associations of local and regional authorities), conducts online consultations via its Internet site. It has the following objectives:

⁽³⁰⁾ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1-19); Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (OJ L 114, 27.04.2006, p. 9-21).

⁽³¹⁾ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.2004, p. 114-240).

⁽³²⁾ A study has been entrusted to the European Institute of Public Administration (EIPA) on the theme of 'The impact of Community law at local level'. This will examine in particular these two practical cases, with the results being presented to the High Level Group on Governance and the EU under the Swedish Presidency in October 2009.

- *Organise consultations with partners in the network* on European Commission documents and proposals, which help to analyse the application of the principles of subsidiarity and proportionality and assess the impact of measures proposed. In so doing, the Network aids communication between local and regional authorities and the Committee of the Regions with regard to the European legislative process;
- *Serve as an information point* allowing local and regional authorities to access more quickly information of interest to them in connection with the EU and to give them an additional route for making their voices heard;
- *Help the Committee of the Regions to broaden its consultation base* by giving it access to the political and administrative structures of the regions and cities of Europe and by placing these resources at the disposal of its rapporteurs;
- *Involve members of the Subsidiarity Monitoring Network* in future studies on the territorial impact of the Commission's proposals, at an early stage in the pre-legislative process.

To put multilevel governance into practice, the Committee of the Regions:

Undertakes to:

- increase its involvement in the process of monitoring the **'Better Lawmaking' action plan and develop its internal policy process** and its consultations through interactive platforms in order to obtain reliable information on how the local and regional dimension is taken into account in the preparation of legislation;
- **strengthen its interinstitutional relations** throughout the legislative process with the Council, the European Commission and the European Parliament;
- **develop with national parliaments and regional legislative assemblies a 'modus operandi'** in order to enhance the position of local and regional authorities in all Member States both in the ex-ante phase and in the context of the early warning system ⁽³³⁾;
- contribute to the **work of the High Level Group of Independent Stakeholders on Administrative Burdens**, give an opinion on the suggestions that it makes and plan to set up a High Level Group of Local and Regional Authorities.

Calls for:

- the **'Better Lawmaking' interinstitutional agreement** between the European Parliament, the Council and the European Commission to be accompanied by a memorandum of understanding with the Committee of the Regions on implementing certain evaluation and consultation mechanisms in particular.

Calls on the European Commission to:

- continue the efforts being made to **simplify the regulatory environment**, particularly in terms of cohesion policy, and introduce a regional aspect in national action plans to simplify legislation;
- ensure **ready access for local and regional authorities** to comitology and to groups of experts responsible for implementing the 'Better Lawmaking' action plan ⁽³⁴⁾ ⁽³⁵⁾.

⁽³³⁾ The Conference of European Regional Legislative Assemblies (CALRE) has set up a technical and political network for monitoring the application of the principle of subsidiarity.

⁽³⁴⁾ Report of the High Level Seminar on Local Governance (Biarritz, 14-16 September 2008).

⁽³⁵⁾ The Conference of Presidents of Regions with Legislative Power (REGLEG) organises exchanges of good practices on the participation of experts representing regions with legislative power in the context of the comitology procedure and within the groups of experts of the Commission and also the working groups of the Council.

Invites the Member States to:

- set up a mechanism for consulting local and regional authorities with a view to **facilitating the transposition of European legislation**;
- ensure that when European legislation is transposed and applied, the internal distribution of competences is respected;
- through the Council of Europe, continue to work towards the proposed Charter for Regional Democracy.

Evaluating the territorial impact of Community intervention

Evaluation mechanisms can determine whether decisions have been taken and applied at the appropriate level, identify the right political instruments and define the scope and scale of Community intervention. Vital work has been started to define the concept of territorial impact, determine the common objectives that can be adapted to the specific characteristics of the regions, and develop appropriate quantitative and qualitative indicators. This may also help to give specific content to the principle of territorial cohesion.

To put multilevel governance into practice, the Committee of the Regions:**Undertakes to:**

- **reinforce cooperation with the European Commission in implementing its cooperation agreement** in order to convey the reasoned opinions of local and regional authorities on the impact analysis of Commission proposals at an early stage in the legislative process;
- set up, with the support of the European Commission's impact analysis committee, a **technical 'high level group' responsible for evaluating the territorial impact of major Community policies** in order to adopt measures likely to improve legislation, simplify administrative procedures and increase the acceptance of Community policies by the citizens.

Recommends:

- that **the territorial impact analysis should become standard practice** through the involvement, upstream of the policy decision, of the various actors concerned in order to understand the economic, social and environmental repercussions on the regions of Community legislative and non-legislative proposals;
- reinforcing the territorial impact evaluation mechanisms ready for when **substantial modifications are proposed to the original proposals during the legislative process**;
- developing the conditions for an **ex-post evaluation** in order to examine the local and regional impact of certain directives, or even the implementation at local and regional level of European legislative acts and have the findings incorporated by the Commission into its evaluation report;
- that **European and national statistics** should reflect the diversity of the territorial situation in order to more accurately understand the impact of policies on the regions.

Calls on the European Commission to:

- ensure that its various **road maps**, established to measure the progress of certain key policies for European integration, include the variable of multilevel governance so as to evaluate the true impact of Community intervention, and stresses in this respect the need to **reinforce the local and regional dimension of the Internal Market road map**.

Developing the potential of territorial cooperation

Strengthening territorial cooperation is vital to meet the objectives of economic, social and territorial cohesion. Substantial efforts need to be made over the next few years to foster opportunities for vertical and horizontal partnership underpinned by a political, legal and financial framework for transnational cooperation enabling cooperation between several regions in different European states.

Within a geographic framework, cooperation enables political authorities and administrations at different levels to collaborate and promote common interests by improving living conditions for the populations concerned and pooling resources and know-how.

In view of the upcoming consolidation of the European Grouping of Territorial Cooperation and the revision of its regulations, the Committee of the Regions is drawing up proposals on how to get the best added value from this instrument.

IX. The European Grouping of Territorial Cooperation (EGTC)

- The EGTC is a new European legal instrument (Regulation (EC) No 1082/2006) designed to stabilise territorial cooperation between the different tiers of government and across borders. It is particularly relevant in view of strengthening territorial cohesion policy. Around 30 EGTCs are being set up in Europe and six have already been established.
- The dimension of multilevel governance is at the heart of the process to launch, establish and manage an EGTC. The latter allows public authorities to be brought together, according to a variable institutional geometry, by virtue of their levels of responsibility and to promote an enlarged partnership with socioeconomic actors. The areas of application of the EGTC, according to emerging experience, are varied: from health to civil defence, from economic development to the protection and promotion of natural resources, from training to research and innovation policy, etc.
- The Committee of the Regions is working in concert with local and regional authorities, the European Commission, the European Parliament and the Member States to optimise the potential of this tool and facilitate the creation of a public space for communication, information, analysis, research and pooling of expertise.

The European Union's internal strategy is also aimed at developing macro-regions. However, this innovative approach requires a high level of coherence in its design and integration within the European process and must without question be supported by a form of multilevel governance which defines a new type of partnership bringing together the strategic approaches of the internal and external policies of the Union. The lessons learnt from the implementation of the Strategy for the Baltic Sea region and from the forthcoming launch of the Strategy for the Danube, together with the possibilities created by the wider neighbourhood plan drawn up for the outermost regions, will be essential in determining the relevance of these macro-regions with regard to European governance, development of territorial cooperation and the objective of territorial cohesion.

X. Strategy for the Baltic Sea region

- The Strategy for the Baltic Sea region aims to reinvigorate cooperation within this maritime area in order to improve the environmental status of the region, support its sustainable economic development, increase its level of accessibility and add to its level of security. This integrated and participatory strategy, which is currently being developed, is a typical example of the implementation of multi-sectoral policies, led by numerous actors and focused on a European macro-region. It aims to integrate the different lines of programming and financing at European, national and infranational level, with the possibility of using the cohesion policy programmes as a reference framework.
- Governance will determine the degree of success of this strategy. Its development demands a multilevel approach, with reinforced cooperation between the European, national, regional and local levels and also at cross-border level and between the public and private sectors ⁽³⁶⁾.

To put multilevel governance into practice, the Committee of the Regions:

Undertakes to:

- evaluate the relevance of **macro-regional development strategies** in the light of the involvement of local and regional authorities in their design, preparation, implementation, communication to the citizens and evaluation phases, and in their respective action plans, and in this case demand sufficient provision in the Community budget for appropriate financial mechanisms and resources;
- cooperate with the European Commission, Member States and other institutions involved on a **major action involving communication and operational support for the implementation of new EGTCs** and for the exchange of good practices in the context of those EGTCs already established;
- make its contribution with a view to a possible **revision of Regulation (EC) No 1082/2006 on the EGTC**, based on the experience of its Group of Experts ⁽³⁷⁾, particularly with regard to greater integration of the socioeconomic partners, easier implementation at the external borders of the EU, greater flexibility in the installation procedures, a reference in the main European legislative texts particularly affected by the cross-border dimension (e.g. cross-border health), planning of stimulus measures, including legal, economic and financial stimuli, whether at European level or at national level, and promotion of this tool in the Community legislation in Europe.

⁽³⁶⁾ Opinion of the Committee of the Regions on the Role of local and regional authorities within the new Baltic Sea strategy (CdR 381/2008 fin).

⁽³⁷⁾ The Committee of the Regions has set up a group of experts from local and regional authorities and research institutes in nearly 23 different countries. This group has the task of:

- monitoring the adoption and implementation of the Regulation's provisions at Member State level;
- facilitating the exchange of experiences on the establishment of EGTCs at territorial level and sharing knowledge of best practices in the field;
- identifying the potential exploitation of the EGTC as a tool for cohesive territorial development;
- improving communication on EGTC opportunities and challenges at territorial level. Website: www.cor.europa.eu/egtc.htm.

Recommends:

- that **additional resources should be allocated to the three aspects of territorial cooperation**, due to its indisputable contribution to the process of European integration.

Calls:

- on the European Commission to announce, in its next **evaluation/revision report on the EGTC Regulation**, how it plans to fully exploit this legal tool;
- on the European Commission and the Member States to increase **awareness of this tool** by very significantly expanding the internal information within the Directorates-General and Ministries and by enhancing its added value;
- on the Member States to work closely with the regional and local authorities in the process of setting up EGCTs so that they can be rolled out and implemented diligently in accordance with the letter and spirit of Regulation 1082/2006.

Encouraging innovative and partnership-based methods of governance

Economic, technological and societal developments force mentalities and practices to change. **The Community method should be enriched by innovative and experimental practices benefiting from the experience and expertise of local and regional elected representatives who are, more often than not, required to implement the common policies and apply Community legislation.**

In that regard, experimentation is an instrument of good governance which enables actions to be implemented on a small scale to test their impact, with a view to wider implementation if the results are convincing, and allows policy-makers to base their decisions on data which has already been verified at the level of their territorial impact.

Furthermore, the establishment of contracts which has generated, within Community regional policy, a phenomenon of ownership of the European strategic priorities by the national, local and regional levels and which has reinforced coordination of the public policies introduced and their administrative capacities should be extended to other European policies.

To put multilevel governance into practice, the Committee of the Regions:**Undertakes to:**

- submit proposals to support the use of **experimentation at local and regional level** in certain areas of intervention of the European Union, such as the strategy for growth and jobs, the social agenda, integration policy, innovation policy, cohesion policy, sustainable development and civil defence;
- develop lines of action to make more frequent use of the **method of controlled experimentation** in order to understand the effects of wide-ranging reforms of the common policies, particularly the common agricultural policy;

- defend the prospect of concluding contracts of agreed objectives, as envisaged in 2001, by proposing to readjust the political and legal terms of implementation, particularly with the aid of **flexible and diversified tripartite instruments**. In doing so, it is especially important to fully respect the Member States' institutional and procedural autonomy in transposing and above all implementing Community law.

Recommends:

- **establishing European territorial pacts** capable of bringing together, on a voluntary basis, the different competent tiers of government in order to adapt the implementation of the major political priorities and objectives of the European Union on a partnership basis with the local and regional authorities ⁽³⁸⁾;
- planning for European territorial pacts to include the commitment of an institution or agency of the European Union, the commitment of national authorities and one or more local and regional authorities, the identification of the European political objectives to be achieved, their breakdown into concrete aims in the region in question, a monitoring system and, finally, **the definition of a budgetary structure bringing together the contributions of the various parties needed to achieve this**.

Invites:

- any discussion of the **issue of funding European territorial pacts** to be focused on potential synergies between, on the one hand, at European level, existing budget headings in the policy areas concerned and the Structural Funds and, on the other hand, budget resources available at local, regional and national level, without creating an additional Community regional policy instrument or applying for additional funding to achieve the aim in question;
- **local and regional authorities interested in** committing to such a process to **indicate their interest** as part of the consultation on the implementation of the White Paper.

5. Implementing and monitoring the White Paper

By publishing this White Paper, the Committee of the Regions has taken the initiative to submit its vision of the Community method, based on a mode of governance which involves local and regional authorities in the formulation and implementation of Community policies. This vision is based on progress made following the European Commission's White Paper on European Governance adopted in 2001 and sets out the stakes and challenges of shared governance in Europe. The development of a European culture of multilevel governance is a permanent challenge. It will therefore regularly evaluate the progress made in its implementation and will present, every three years, a report on the state of multilevel governance within the European Union.

On the publication of the White Paper, the Committee of the Regions will commence a process of consultation with the Community institutions with a view to clarifying the lines and commitments presented.

⁽³⁸⁾ Opinion of the Committee of the Regions on the Establishment of European territorial pacts: proposal for a revision of the tripartite contracts and agreements (CdR 135/2006 fin).

It is also beginning a general consultation in order to gather the opinions of the authorities, associations and interested parties and invites them to submit their observations on the best way to implement multilevel governance in Europe. Comments may be submitted up to 30 November 2009 to the following address:

Comité des régions de l'Union européenne
Cellule de prospective
Bureau VMA 0635
Rue Belliard/Belliardstraat 101
1040 Bruxelles/Brussel
BELGIQUE/BELGIË

or by email to: governance@cor.europa.eu ⁽³⁹⁾

Based on the results of the general consultation and the lessons learnt from its consultation with the institutions and stakeholders, the Committee of the Regions will draw up an action plan to implement its recommendations.

Brussels, 17 June 2009

The President
of the Committee of the Regions
Luc VAN DEN BRANDE

⁽³⁹⁾ The process of monitoring the White Paper will be accompanied by the activities of the Ateliers of the Committee of the Regions www.cor.europa.eu/ateliers.