



The History

of the Committee of the Regions

25 years of cities and regions furthering
European integration

Birte Wassenberg



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A decorative graphic consisting of several curved lines of varying colors (grey, blue, and light blue) that originate from a single point at the bottom center and curve upwards and outwards, resembling a fan or a stylized 'V' shape.

Acknowledgements

This study on the history of the Committee of the Regions forms part of a new approach to European integration that focuses on the history of the EU's institutions. It aims to preserve their memories and to tell their true story, based on a combination of documentary research and interviews with eye-witnesses. It can therefore be regarded as part of the discipline of “immediate history” – a discipline that is still relatively new among researchers in the history of European integration. It started with a group of historians appointed by the European Commission to compile a three-volume history of the Commission, and is now also being pursued by the European Parliament's Research Service, which has launched a number of studies on the European Parliament's historical development. I myself have produced a study on the history of the European Parliament from 1979 to 1989¹, and I contributed to the third volume of the history of the European Commission covering the period from 1985 to 2000, including an article on the Committee of the Regions². This history of the Committee of the Regions thus follows on from a series of studies on the living history of the EU's institutions. It is based on an examination of the Committee of the Regions' archives (CRA) and on a number of interviews with CoR officials and members.

None of this research would have been possible without the invaluable assistance of my PhD student Thibault Delabarre, who did a great deal of the legwork to collate and sift through the archives, organised most of the interviews, and made a significant contribution to the process of drafting the study. I would also like to thank everyone in the CoR president's private office, in particular its head, Julien de Ridder, who was extremely helpful throughout the process. From an academic point of view, this publication owes a great deal to the work of Pierre-Alexis Féral, who published a book on the early days of the Committee of the Regions, and Justus Schönlau, who, with Simona Piattoni, wrote a very comprehensive analysis of the Committee of the Regions that took a more political approach to the subject, but also broadly covered the institution's historical development³. I am grateful to them for their advice and for the time they have spent with me setting out their view of the Committee of the Regions' development. Let me also express my

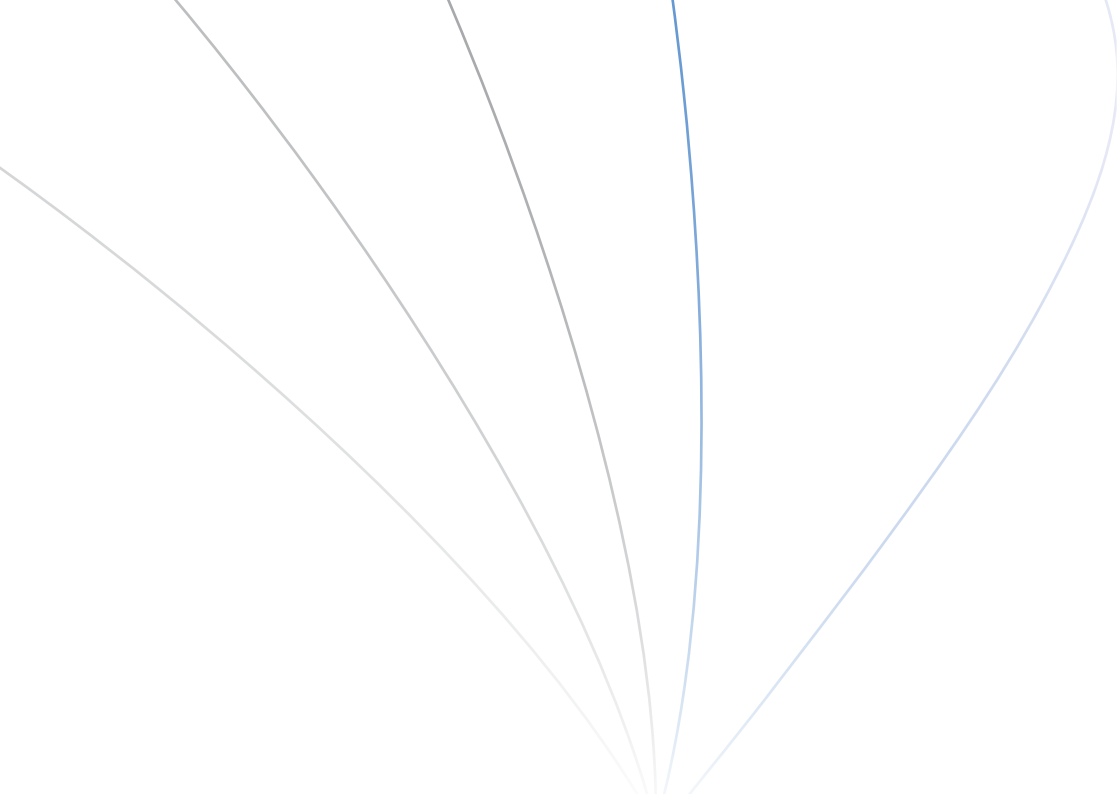
- 1 Wassenberg, B., Schirrmann, S., *Le Parlement européen 1979-1989: Culture et dynamique d'une nouvelle institution politique*, study, European Parliament, Luxembourg, 2019.
- 2 Wassenberg, B., “The Committee of the Regions”, in: *The European Commission 1986-2000. History and memories of an institution*, Publications Office of the European Union, Luxembourg, 2019, pp. 446-452.
- 3 Féral, P.-A., *Le Comité des régions de l'Union européenne*, PUF, Paris, 1998; Piattoni, S., Schönlau, J., *Shaping EU Policy from Below: EU Democracy and the Committee of the Regions*, Edward Elgar, Cheltenham, 2015.

gratitude to our interviewees: first of all, the former presidents – Albert Bore, Luc Van den Brande, Mercedes Bresso, Markku Markkula and Ramón Luis Valcárcel; and then, on the administrative side, two former secretaries-general, Gerhard Stahl and Jiří Buriánek, the secretaries-general of the EPP and PES political groups, Heinz-Peter Knapp and Jordi Harrison, and all the CoR officials who gave up their time to tell their stories about the institution they work in: the current secretary-general ad interim Pedro Cervilla, Laurent Thieule, Thomas Wobben, Béatrice Taulègne, Gianluca Spinaci, Filippo Terruso, Silke Toenshoff and Sybren Singelsma. I would also like to thank the archives team for their valuable contribution, particularly for giving us access to documentation.

Finally, I would like to extend my warmest thanks to president Karl-Heinz Lambertz for the trust he has placed in me, and for his enthusiasm for a study tracing the history of a Community institution that has too often languished in the shade of public attention, although it has been working since its creation to make the idea of Europe a reality.

Birte Wassenberg

Introduction

The image features the word "Introduction" centered in a black, sans-serif font. From the top edge of the word, five curved lines radiate upwards and outwards. The lines are arranged in a fan-like pattern, with the outermost line on the right being a light blue color and the innermost line on the left being a light gray color. The lines curve away from the word, suggesting a branching or expansion of the introductory content.

«The cities and regions need the European Union. The European Union needs its cities and regions»

(Karl-Heinz Lambertz)

This reciprocal relationship between local and regional stakeholders on the one hand, and the European Union (EU) on the other, which is essential for European integration, seems self-evident today. The creation of the Committee of the Regions 25 years ago was an expression of this willingness to involve local and regional authorities and to enable them to represent their interests in the EU's institutional architecture. In his speech on “The State of the Union: the View of Regions and Cities” at the plenary session of 9 October 2018¹, the president of the Committee of the Regions, Karl-Heinz Lambertz, emphasised that his institution needed to “continue to grow, carried forward by a simple, powerful idea that is gaining ever more support: to build Europe together, from the bottom up, with the people of Europe”². Speaking in the presence of the president of the European Parliament, Antonio Tajani, he reaffirmed the vital importance of Europe's cities and regions to the EU, highlighting, in particular, the concept of active subsidiarity as defined by the Committee of the Regions and included in the report of the European Commission's Task Force on Subsidiarity. This contribution would be confirmed by the outcome of the Citizens' Dialogues organised by the Committee, which served as the basis for its opinion on the restoration of trust in the EU³.

However, this link between Europe and its cities and regions has taken time to assert itself. The local and regional dimension in Europe thus played no part in the establishment of the first European organisations – the Council of Europe, created by the Treaty of London on 5 May 1949 in Strasbourg, the European Coal and Steel Community (ECSC), established after the Schuman Declaration of 9 May 1950, and the European Economic Community (EEC), founded by the Treaty of Rome on 25 March 1957⁴. These European organisations were set up by the founding Member States through intergovernmental negotiations, without consultation with – or the participation of – local and regional authorities. As such, according to the Statute of the Council of Europe, its objective was “to achieve a greater unity between its members” – which is to say, states. Although the preamble to the Treaty confirms that it was determined “to lay the foundations of an ever

1 Archives of the Committee of the Regions (ACR), Speech by Karl-Heinz Lambertz, president of the Committee of the Regions, Directorate for Communication, October 2018.

2 *Ibid.*, p. 3.

3 Task Force on Subsidiarity, Proportionality and “Doing Less More Efficiently”, Report to the President of the European Commission, 10 July 2018; Reflecting on Europe: the voice of local and regional authorities to rebuild trust in the European Union (COR-2018-01230).

4 See Bitsch, M.-T. (ed.), *Le fait régional et la construction européenne*, Bruylant, Brussels, 2003.

closer union among the peoples of Europe”, it was not made explicit that the first level of representation of the people of Europe was to be that of local and regional authorities⁵. There is no question that in the 1950s and 1960s the political regimes of western Europe were characterised by a dominant centralism, with the notable exception of the few federations, such as Switzerland, Austria and Germany⁶. Of course, cities and municipalities embodied a local level of democracy, but we had to wait for the first wave of decentralisation in the 1970s, particularly in Belgium and Italy, to see the regions’ power in Europe strengthened and a recognition that the concept of Western democracy was not confined solely to the national level⁷. Moreover, the major concern during the first years of the European project was to lay the groundwork for a new European order, based both on the protection of the fundamental values enshrined in the Statute of the Council of Europe (human rights, the rule of law and democracy) and on the economic reconstruction of the European continent provided by the Organisation for European Economic Co-operation (OEEC). These were objectives that could only be achieved through cooperation at state level, all the more so since in 1948, in the early stages of the Cold War, Europe was facing a bipolar world dominated by two superpowers – the United States and the USSR⁸. It is hardly surprising that the local and regional dimension did not have an important place in this Western Europe that found itself trapped in a new international system governed by the balance of power between two blocs, one capitalist and the other Communist. After the outbreak of the Korean war in 1950, the issues of rearmament and European defence were what was on the European project’s agenda, not those of local and regional democracy.

Nevertheless, two factors led European organisations to give a role to local and regional authorities. First of all, from the very beginning of the European project, cities and municipalities had contributed to one of its main objectives – reconciling the people of Europe and thus safeguarding peace on the continent. Since the end of the Second World War, for example, mayors had actively engaged in this reconciliation process through the twinning of cities and towns, particularly along the border between France and Germany⁹.

5 Article 1 of the Statute of the Council of Europe, 5 May 1949; Preamble to the Treaty of Rome, 25 March 1957.

6 Sagar, A., Calmes-Brunet, S., *Fédéralisme, décentralisation et régionalisation de l'Europe. Perspectives comparatives* (Vol.1), L'Épilogue, Paris, 2017.

7 Ruge, U., *Die Erfindung des 'Europa der Regionen'*, Campus Verlag, Frankfurt, 2013

8 Berrod, F., Wassenberg, B., *Les relations entre le Conseil de l'Europe et l'Union européenne de 1949 à nos jours. Vers un partenariat stratégique?*, Council of Europe, Strasbourg, 2018.

9 Defrance, C., Pfeil, U. (ed.), *Verständigung und Versöhnung nach dem "Zivilisationsbruch"?*, Peter Lang, pp. 14-57.

Then, at the beginning of the 1950s, several associations of cities committed themselves to a Europe based on local and regional autonomy, including the Council of European Municipalities (CEM), the International Union of Local Authorities (IULA) and the *Foreningen Norden*, which brings together the national associations of locally active NGOs in the Scandinavian countries. This movement came to the Council of Europe through a few members of the Parliamentary Assembly who held both national and local office.

The Council of Europe was thus the first European organisation to establish a representation of local authorities. This had its roots in the proposal made on 30 November 1951 by Jacques Chaban-Delmas, French member of the Council's Parliamentary Assembly and mayor of Bordeaux, to involve the considerable forces that local authorities in Europe represented in the effort to build a united Europe¹⁰. Chaban-Delmas took the initiative to organise, under the auspices of the Parliamentary Assembly, a European conference of local elected representatives, the first edition of which was held on 12 to 14 January 1957 in Strasbourg. Supported by the Assembly's president, Fernand Dehousse, he managed to institutionalise the conference through the adoption of a charter, which was accepted by the Committee of Ministers in 1961 and established the principle of a regular biennial conference¹¹. Europe's cities and municipalities thus found a way into the Council of Europe, but it was not until the 1970s that the regional level of governance would also be involved. The crisis of legitimacy besetting the traditional national political systems noted by Jürgen Habermas in 1973 was, in fact, the cause of a wave of regionalisation in Europe¹². It gave a new impetus to the idea of a "Europe of the Regions", which was then staunchly championed by leading figures in the Assembly of the Council of Europe, including the Swiss philosopher and regionalist Denis de Rougemont, through his "letter to Europeans"¹³. One of the consequences of this regional activism was the creation of new associations representing regional interests, in particular the Association of European Border Regions (AEBR) in 1971 and the Conference of Peripheral Maritime Regions (CPMR) in 1973. These associations actively lobbied the Parliamentary Assembly of the Council of Europe to convert the Regional Advisory Council into a body that also brought together regional authorities. And so it was that the Conference of Local and Regional Authorities of Europe

10 See Guerra, V., *Les régions au Conseil de l'Europe, 1957-2010*, doctoral thesis, University of Strasbourg, p. 68.

11 *50 ans de démocratie locale et régionale*, Council of Europe, Strasbourg, 2007, pp. 15-19.

12 Habermas, J., *Legitimationsprobleme im Spätkapitalismus*, Suhrkamp, Frankfurt am Main, 1973.

13 De Rougemont, D., *Lettre ouverte aux Européens*, 1970.

(CLRAE) came into being in 1975, testimony to the recognition by the governments of the Council of Europe member states of the representation of regions at European level and of their participation in the European project¹⁴. Overall, however, the CLRAE had more success in defending local than regional interests. In particular, it saw that a Charter of Local Self-Government was adopted by the Council of Europe in 1985, while an initiative for an equivalent document for the benefit of regional authorities ended in failure.

At the same time, it was only from that moment that the regional aspect was taken on board at the EEC level. While the provisions for a Community regional policy were already provided for in the 1957 Treaty of Rome, it was only effectively implemented in 1975 after the creation of the European Regional Development Fund (ERDF). However, setting up a regional policy to deal with economic imbalances across the EEC did not yet mean giving cities and regions a place in the European governance system. Indeed, the European Commission had a very different view of the role of the regions in the European project than that of the Parliamentary Assembly of the Council of Europe: it considered them more as economic units that served to distribute European funds geographically, rather than as genuine political actors. The CLRAE then attempted to influence this regional policy, calling in particular for an active association of local and regional authorities. However, little came of these efforts: it was the EEC Member States that determined the regional support programmes and the framework for implementing regional policy, mainly on the basis of economic criteria¹⁵.

Moreover, the establishment of a body representing local and regional interests within the EEC was hampered by the fact that there was already another consultative body which had existed since the Treaties of Rome were signed on 25 March 1957: the Economic and Social Committee (later to become the EESC). This committee was made up of representatives of civil society organisations, mainly trade unions and employers' organisations, and had an advisory capacity that allowed it to submit opinions to the European Commission on legislative proposals. The EESC was established, above all, to involve the various economic

14 Wassenberg, B., *Histoire du Conseil de l'Europe (1949-2009)*, Council of Europe, Strasbourg, 2012, pp. 274-276.

15 Wassenberg, B., "The Council of Europe, local and regional networking and the shaping of the European Community's regional policies (1970s-1990s)", in Patel, K., Kaiser, W. (eds.), "Multiple Connections in European Cooperation: International Organizations, Policy Ideas, Practices and Transfers 1967-1992", *European Review of History*, Special Issue, Volume 24, No 3, 2017, pp. 423-445.

and social interest groups in achieving the common market. The initiatives of the European Commission for creating a local and regional representative body should therefore be seen in the light of this experience. It was with the arrival of Jacques Delors as the head of the Commission in 1985 and the launch of the single market project that the idea of the EEC consulting local and regional authorities emerged. In fact, the Single European Act, adopted by the twelve Member States in 1987, provides for the creation of a large area of free movement of goods, capital, services and people and the translation of these four freedoms to local and regional level then seemed essential to ensure the success of the single market¹⁶. On the one hand, this project was linked to the adoption, in 1988, of a social charter which aimed to create social cohesion throughout the Community. On the other hand, the European Commission was aware that local and regional authorities were both key players in the process of European integration and laboratories for experimenting with the establishment of a “Europe without borders”. In order to facilitate their cooperation, it therefore decided to assist them with structural policies that provided financial support for cross-border, interregional and intermunicipal projects. These new policies were introduced as part of the regional policy reform, which saw the creation of the European Structural Funds in 1988¹⁷. In this way the European Commission realised the benefit it could derive from the creation of a consultative body representing Europe’s cities and regions.

Finally, on the political front, Europe was confronted with new challenges after the fall of the Berlin Wall on 9 November 1989. The first was German reunification, which was achieved on 3 October 1990 and was associated at European Community level with a project of political union advocated by the Franco-German partnership of François Mitterrand and Helmut Kohl. The second challenge was expansion to the countries of eastern Europe, which wanted to join the EEC as quickly as possible. This also meant adapting the Community system so that it could operate with 25 or even 27 Member States instead of twelve. The EEC was faced with a dilemma between expanding and deepening when it came to achieving the single market. However, it also had to address the more fundamental issue of which system of European governance this new European

16 Christiansen, T., “*Second Thoughts on Europe’s Third Level: The European Union’s Committee of Regions*”, *The Journal of Federalism*, 26(1), Winter 1996, pp. 93-110.

17 See Reitel, B., Wassenberg, B., Peyrony, J., “*European Territorial Cooperation*”, in Medeiros, E. (ed.), *European Territorial Cooperation. Theoretical Approaches to the process and Impacts of Cross-Border and Transnational Cooperation in Europe*, Springer, Heidelberg, 2018, pp. 7-23.

Community should incline¹⁸: more central, Community governance with an extension of European powers and the establishment of a genuine European federal system, or intergovernmental governance between Member States that would favour the power of the European Council?

It was from here that the new idea of multi-governance emerged, offering a place not only for Community bodies and national governments, but also for regional and local authorities. This point was at the heart of the discussions at the Intergovernmental Conference on Political Union, which started in December 1990 and led to the signing of the Treaty of Maastricht, establishing the European Union (EU), on 7 February 1992. And it was in this very specific geopolitical context that the idea of setting up a Committee of the Regions for the EU (re)appeared on the agenda and came to fruition in 1994¹⁹.

This study aims to trace the birth and development of the Committee of the Regions as a consultative body for local and regional authorities in the EU. The first part, which covers 1988 to 1995, will focus on the parties involved and the motives they had which led to its creation in the ambit of the regional policy reform in 1988 and the negotiations on the Maastricht Treaty in 1992. To this end, it will first be necessary to identify the architects behind the Committee of the Regions and how local and regional stakeholders defended their interests during this period. Particular attention will also be paid to the attitude of the Member States of the EEC: did they support the creation of the Committee of the Regions or resist it? And what role were the Commission, Parliament and the European Council able to play? This will be followed by a more general analysis of the provisions of the Maastricht Treaty on incorporating the regional dimension in Europe. Lastly, the actual establishment of the Committee of the Regions will be traced, including its membership, first session, initial administrative set-up and the difficult start to its work up to the end of its first year of operation. The second part, from 1995 to 2004, will examine the Committee's evolution and its incorporation into the Community institutional system up to its tenth anniversary in 2004. It will deal first with the course of the Committee's relations with the other Community institutions, before discussing its development as a new

18 Piattoni, S., Schönlau, J., *Shaping EU Policy from Below: EU Democracy and the Committee of the Regions*, Edward Elgar, Cheltenham, 2015, pp. 32-35.

19 Warleigh, A., *The Committee of the Regions: Institutionalising Multi-Level Governance?*, Kogan Page, London, 1999, pp. 1-4.

body with its own political culture. Who were the key players – political groups, national delegations, presidents – and what were the political priorities of the Committee of the Regions? How did its internal organisation develop, from an administrative and political point of view? This second part will also analyse the strengthening of the Committee's powers as a result of the reform of the European Treaties, as well as its role in drafting the European Constitution. Finally, the third part, 2004 onwards, examines the continuity and changes that mark the development of this new Community body. It first considers the adaptations and shifts brought about by the enlargement of the EU in 2004. More specifically: Did these enlargements have the effect of strengthening or weakening the Committee? This part will then address the changes brought about by the Treaty of Lisbon of 13 December 2007 and its impact on the life of the institution. Can we detect any major change brought about by this Treaty that strengthens the position of the Committee of the Regions within the Community system? How is its work evolving and what is its impact in the EU decision-making system? Finally, how does the Committee of the Regions seek to address contemporary challenges and European, financial, migration and other crises?



Committee of the Regions



Comité des Régions

A decorative graphic consisting of several curved lines of varying shades of blue and grey, originating from the top edge and converging towards the center of the page.

Part I

Origins of the Committee of the Regions (1988-1995)

«We need to be steadfast ambassadors for Europe. It is important that we remind people what Europe is and what it actually brings to all our people. Above all, in our regional and local communities, we need to know that we are members of the Committee of the Regions and the bearers of European hope.»^{1*}

* All quotations marked with an asterisk are translated from French.

1 Jacques Blanc, in: *Renouleaud, M., Jacques Blanc sans frontières*, Les presses du Languedoc, Montpellier, 1994, p. 143.

This first speech, delivered by Jacques Blanc from the European Parliament's rostrum in Brussels after he was elected president of the Committee of the Regions on 10 March 1994, is a good example of the main motivation behind the creation of the Committee of the Regions: the desire to have a body within the European institutions that is close to the people and establishes a direct link between the EEC in Brussels and the populations of Europe's cities and regions.

And, from the mid-1980s, the political climate in the EEC was indeed favourable to the creation of a body representing local and regional interests at Community level. From the point of view of the new European Commission, which took office in 1985 with Jacques Delors as president, local and regional players had to be brought on board in order to succeed in creating a large single market that would guarantee the free movement of goods, services, capital and people. To implement this project, it was important to avoid major regional economic imbalances. The regional policy reform launched in 1987 thus formed the basis for the active participation of cities and regions. This new regional policy went alongside an increasing political will to involve local and regional authorities in the Community decision-making process.

Jacques Blanc's speech echoed this new mindset, which was prevalent in Europe between 1988 and 1995. Fuelled by a wave of decentralisation in a number of Community countries, particularly in France, Belgium and Italy, the hope that a "Europe of the regions" could be created, which could complement the "Europe of states", facilitated to a large extent the establishment of the Committee of the Regions.

However, other, more geopolitical, factors also entered into play: the fall of the Berlin Wall on 9 November 1989 shook up the international scene and heralded the end of the Cold War and the bipolar order dominated by the two major powers – the United States and the USSR. The reunification of Germany on 3 October 1990 seriously disrupted the political balance within the EEC. Indeed, while Germany, which now included the former German Democratic Republic (GDR), was incorporated without new accession negotiations, the need for economic reconstruction in the new Länder was a concern for countries that benefited from European regional policy, in particular the new Member States of the south, namely Greece, Spain and Portugal. Regional reform was therefore

taking place at a time when the future distribution of regional development support funds was also up for discussion. But German reunification also destabilised the balance of the Franco-German partnership in the EEC. France therefore sought to constrain its new large neighbour through a project of political union, put forward by President François Mitterrand from 1990. It was in the context of this amending of the Treaties that the creation of the Committee of the Regions was eventually made possible. And it was the Treaty of Maastricht of 7 February 1992 establishing the European Union (EU) that contained the provisions for its establishment.

The creation of the Committee of the Regions was also backed by a number of interested parties who had initially supported the idea of a regional representative body within the European Commission, before working to get it included in the Maastricht Treaty. Once this Treaty entered into force on 1 November 1993, the Committee of the Regions could be set up and installed in Brussels, where it started work in spring 1994.



1. The architects behind the creation of a body to represent the regions (1988-1990)

The idea of a body representing local and regional interests in the EEC was not new. It had already been put forward by the European Parliament and championed by local and regional groupings since the 1960s.

But from the mid-1980s, the idea benefited from particularly favourable political circumstances: on the one hand, the European Union project of Altiero Spinelli underlined the idea of placing European unification at the foundations of a Europe for the people. On the other hand, the European Commission was putting forward its single market project, accompanied by a reform of regional policy, focusing on the importance of European regions for achieving an economically homogeneous Community economic space. This is where the initiatives of a number of different stakeholders of very different origins came together to endorse the creation of the Committee of the Regions. These stakeholders first helped to establish a consultative council of regional and local authorities at the European Commission and subsequently lobbied heavily during the negotiations preparing the Intergovernmental Conference that led to the signing of the Treaty of Maastricht on 7 February 1992.

a) The Committee of the Regions: an old idea and many architects

At the roots of the Committee of the Regions there were not one but several architects, whose motives, as well as the action they took and the timing of it, differed widely. They included those who had long been in favour of this idea, in particular the European Parliament and local and regional associations and groupings, and those who, for political reasons, joined the lobbying efforts following the entry into force of the Single European Act in 1987 and on the eve of preparations for the Treaty of Maastricht in 1990. These latter were mainly EEC Member States that had strong regions with legislative powers and the European Commission, which played a key role in creating the Committee of the Regions by setting up, within the Commission, the first body for consultation on local and regional interests.

Historically, within the Community institutions, it was the European Parliament that first called for the regions to be involved in European integration. In 1960, a report on regional policy presented by Bertrand Motte called for the creation in the European Commission of “a consultative committee on regional economies”, which “would consist of experts appointed by the governments of the Member States, and experts appointed by public,

semi-public or private organisations representing the basic regional initiatives”². This was, admittedly, a modest proposal: it was to be a mixed body, where regional experts would be subordinate to representatives of the Member States and that would have a role “mainly of studies and analyses to support the EEC Commission in research and coordination of regional economic policies”. While it already contained, in a way, the seed of the idea of a Committee of Regions, it reflected a rather technical approach to the contribution of local and regional authorities to the Community system. It was, however, the beginning of an idea that later came to fruition. Some MEPs would quickly take it up and develop it. Thus, Fernand Dehousse, a member of the Parliamentary Assembly of the Council of Europe and the European Parliament, proposed creating a “Senate of the Regions” within the EEC, which would be a sort of second chamber of the European Parliament³. This proposal was announced for the first time in 1969 at the CLRAE and was taken up again at a conference of the CPMR in Galway, Ireland, before 200 regional elected representatives and the EEC’s Commissioner for Regional Affairs, George Thomson. Having the regional dimension represented in the institutional set-up was also one of the elements included in the draft Treaty on European Union, put forward on 14 February 1984 by the Italian Communist parliamentarian, Altiero Spinelli⁴. Even if this project did not succeed, it heralded at that time a change in the attitude of the European Parliament towards local and regional authorities in Europe, which were starting to be considered not only as experts who could help the European Commission define regional policy, but as genuine political actors who could be fully involved in the process of European integration. The European Parliament’s resolution of 13 April 1984 was along these lines, stating that “the people [...] must have a say in the formulation and implementation of Community policies [...] via their democratically elected representatives”⁵. In 1988, the European Parliament went so far as to adopt a Community Charter on Regionalisation, with a chapter devoted to the participation of regions in the decisions of Member States and of the European Community⁶.

2 Archives of the European Parliament (EP), Motte report, 9 May 1960, p. 1.

3 Council of Europe archives, Conference of Local Authorities (PLC), *Problèmes de l'organisation politique des pouvoirs locaux européens et des régions européennes*, communication from Fernand Dehousse, 31 October 1968.

4 EP, Spinelli report, 19 March 1984.

5 EP, Resolution No 127, 13 April 1984.

6 EP, Resolution No 326, 18 November 1988.

In addition to calls from the European Parliament, it was first local and then regional interest groups that invested efforts into the creation of a body representing their interests in Brussels. As early as 1954, the Council of European Municipalities (CEM) stated “that municipalities and other local authorities [...] must have effective representation in the current and future European institutions”⁷. At the Convention of European Municipalities, it developed two models, the first of which, announced in 1958, provided for the establishment of a “Conference of Six [...] bringing together delegates of ‘the Little Europe of the Six’” in the European Parliament, which could be consulted by the Community bodies. The second was included in a 1972 plea for a European assembly elected by universal suffrage and envisaged at a later stage a bicameral parliament that would ensure institutional representation of local and regional authorities⁸. In the end, the CEM chose another path: in 1976, with the International Union of Local Authorities (IULA), it created its own Committee of the Six in Brussels, which was more akin to a lobbying body than to an advisory body attached to the European Parliament, as initially planned. In terms of its function, one purpose of the Committee of the Six was to enable the Community bodies to consult local authorities directly. However, its capacity for action remained limited; it had no legal personality, budget or secretariat and was not attached to the European Commission. Moreover, from the outset, it did not represent regional authorities that were not involved in it.

That is why, in 1979, the AEBR, the CPMR, the Committee of the Alpine Regions and the Working Community of the Pyrenees (WCP) set up their own Liaison Office for European Regional Organisations (LOERO)⁹. Finally, it was only in 1982 that local and regional organisations adopted an agreement to strengthen the representation of regions in the Committee of the Six and so share responsibilities more evenly between local and regional authorities. Thus, although local and regional authorities needed the EEC, one could say very early on that they were caught up in a competition that came at the expense of having a single voice in the Community institutions. These progenitors were therefore hindered by their diverging interests and competition among themselves. In turn, until

7 Council of European Municipalities (CEM), II Convention of European Municipalities, political resolution, Venice, 19-21 October 1954.

8 Liège, 3-6 July 1958; Cannes, 10-12 March 1960.

9 Assembly of European Regions (AER), Régions d'Europe, No 10, 1995, Strasbourg, p. 8.

the end of the 1980s, there was no body that was officially recognised as a platform for consulting local and regional authorities within the EEC.

Change came again from the mid-1980s. In 1984, the Regional Advisory Council expanded to include the representatives of regional authorities and became the Council of European Municipalities and Regions (CEMR), which was now in favour of a body representing local and regional interests in the EEC¹⁰. At the Convention of European Municipalities in Turin in 1984, the wish for “consultations [of local and regional authorities] with Community bodies to be institutionalised” was put forward, and two years later, in Berlin, there was a call for “formalisation of the advisory committee of local and regional institutions with the Commission of the Communities”¹¹. Then another player entered the game: in 1985, at the initiative of Edgar Faure, the Council of European Regions (CER) was established in Louvain-la-Neuve, Belgium. This association was composed of 47 regions and nine interregional organisations and adopted the name Assembly of European Regions (AER) at its second general meeting, in November 1987 in Brussels. Its aim was, from the outset, to work for the creation of a regional representative body which would be institutionally attached to the EEC and which could participate in the Community decision-making process¹². Together with the CEMR, these two “midwives” assisted the setting up the Committee of the Regions and tried to influence its composition and rules of procedure.

Finally, support for the idea of a Committee of the Regions also came from some EEC Member States, who exercised their influence within the European Council. The first of these was Germany, which had been putting forward the idea of transposing its model of “cooperative federalism” to the Community level since the 1970s¹³. This concept was supported in particular by the German *Länder*, but also by other regions with legislative powers within the EEC, in particular the Belgian regions and the Spanish autonomous communities. The gradual transfer of powers to Community level created a legal, even

10 Palayret, J., *De la CECA au Comité des Régions: le Conseil des communes et des régions d'Europe, un demi-siècle de lobbying en faveur de l'Europe des régions*, in Bitsch, M.-T. (ed.), *Le fait régional et la construction européenne*, Bruylant, Brussels, 2003, pp. 85-115.

11 Council of European Municipalities and Regions (CEMR), XV and XVI Convention of European Municipalities and Regions, political resolutions, Turin, 11-14 April 1984, and Berlin, 30 April to 3 May 1986.

12 De Rose, L., *Le rôle de l'Assemblée des Régions d'Europe*, in Bitsch, M.-T. (ed.), *Le fait régional et la construction européenne*, Bruylant, Brussels, 2003, pp. 115-119.

13 Borkenhagen, F.H.U., *Vom kooperativen Föderalismus zum Europa der Regionen*, *Aus Politik und Zeitgeschichte*, B42, 1992, pp. 36-44.

constitutional, problem for these countries, as it deprived the regions or federated entities of their right to participate in the legislative process. This problem became more serious in 1987 with the adoption of the Single European Act, which provided for new Community policies on research, development and the environment. The Committee of the Regions was then regarded as a means of involving the *Länder* and legislative regions in the European decision-making process¹⁴. But for the Member States concerned, this was also a simple transfer of their federal or quasi-federal practice to Community level¹⁵.

It is interesting to note that, alongside Germany, Belgium and Spain, France also supported the idea of a body representing local and regional interests at the EEC level, as confirmed by the former secretary-general of the European Commission, Emile Noël¹⁶. However, France wanted above all to involve cities and regions in an advisory capacity and not to confer a co-decision power on the body. The French vision was much closer to that of another key player in the creation of the Committee of the Regions: the European Commission. In fact, the Commission was considering another institutional link between cities and regions and the EEC: a body representing local and regional interests which would be attached to its departments as a consultative body.

b) The European Commission's Consultative Council of Regional and Local Authorities: the precursor to the Committee of the Regions (1988)

From 1987 onwards, lobbying by associations of cities and regions, and in particular the CEMR, for the European Commission's consultative council of regional and local authorities to have official status was starting to bear fruit.

The political climate was favourable. After the adoption of the Single European Act in 1986, the Delors Commission launched a reform of regional policy aimed at achieving greater economic and social cohesion in Europe. This reform was also part of the Mediterranean enlargement of the EEC, bringing the number of Member States, after

14 Warleigh, A., op. cit., p. 33.

15 Scott, A., Peterson, J., Millar, D., "Subsidiarity: A Europe of the Regions versus the British Constitution?", *Journal of Common Market Studies*, 32, 1, pp. 47-67.

16 Noël, E., *Working together: The Institutions of the European Community*, Office for Official Publications of the European Communities, Luxembourg, 1993.

the accession of Greece in 1981 and Spain and Portugal in 1987, to twelve. The regions of the new Member States were significantly lagging behind the Community average in terms of economic development, which called for financial resources to be put in place to support them. The creation of the Structural Funds in 1988 thus considerably increased the importance of regional policy in the EEC budget. In order to implement this policy, the European Commission provided for a partnership principle to involve regions as full players, alongside the Member States, in achieving economic and social cohesion in Europe¹⁷. Through this process, the Commission hoped that all levels of representation in Europe – local, regional and national – would be able to participate in the development and implementation of projects financed by the Structural Funds and thus forge a link between national governments and local and regional authorities on the one hand, and public and private stakeholders on the other. While this partnership principle was difficult to apply on the ground, it nevertheless heralded a considerable change in European governance, as it enabled local and regional stakeholders to take part in originating Community policies and come into direct contact with the European Commission¹⁸. It was also of interest to the European Commission, therefore, to maintain regular contact with representatives of cities and regions, as their expertise and knowledge on the ground provided the information necessary for the implementation and success of an increasingly complex regional policy¹⁹.

Thus, on 24 June 1988, the European Commission decided to set up under its own auspices a consultative council of regional and local authorities as an expert and advisory body²⁰. It envisaged it consisting of 42 members with an electoral mandate at regional or local level and an equivalent number of alternate members, appointed for a renewable period of three years. A balance between representatives of the regions and local entities was desirable. It was intended that the council should speak mainly on regional policy issues and on the possible regional implications of other Community policies. According to one CoR staff member, although it was formally an advisory committee to support the Structural Funds, in reality it was much more²¹. It was, in fact, nothing less than the

17 See Wishlade, F., Hooghe, L. (eds.), *Cohesion Policy and European Integration*, Oxford University Press, Oxford, 1996.

18 Marks, G., "Structural Policy and Multilevel Governance in the EC", in Cafruny, A.W., Rosenthal, G.G. (eds.), *The State of the European Community. The Maastricht Debates and Beyond*, Lynne Rienner, Boulder, 1993, pp. 391-410.

19 Tömmel, I., "The Transformation of Governance. The European Commission's Strategy for Creating a 'Europe of the Regions'", *Regional & Federal Studies*, 8, 2, 1998, pp. 54-80.

20 Historical archives of the Commission (ACE), Decision 88/487CEE of 24 June 1988, entered into force on 1 August 1988.

21 Interview with Sybren Singelsma, head of unit at the Committee of the Regions, 26 February 2019.

institutionalisation of an already-existing lobbying body of local and regional groupings, namely the Committee of the Six. It therefore had a much more political role that went far beyond the contribution of expertise and this was also reflected in its composition. The members were drawn from the local and regional groupings of the Committee of the Six, namely the CEMR and the IULA, to which representatives of the AER were added. This was the express desire of the Commission, as it envisaged that the list of members of the new council would be proposed by these three local and regional associations. In fact, local and regional groupings were “dancing a tango” with the European Commission, in particular DG16, which sought to support the implementation of the Structural Funds by involving cities and regions: it was about combining the strength of the budget with a policy element²². The idea was little more than regional lobbying of the institutions, but it was the first time this lobbying, which had previously only been done through the associations of regions, was formalised²³. While the Commission was responsible for the council’s secretariat and took part in all of the meetings, the new body also had its own internal organisation: a bureau was established, consisting of a president and several vice-presidents, and the council was divided into two sections, one for local and one for regional representatives²⁴. This organisation was set up to remedy the internal divisions that marked the Committee of the Six. The body’s establishment had been hindered by competition between local authorities on the one hand, and regional authorities on the other²⁵. But this friction persisted after the council was created at the European Commission and led to internal malfunctioning and log jams, accompanied by fierce debates between associations representing regions and those representing cities²⁶. The council’s positions were thus often divided along this local-regional line²⁷.

However, overall, the establishment of the council allowed the Commission to make easy and timely use of expertise in the field to define and guide its regional policy. The council worked for the Commission for almost six years until it was abolished in March 1994, when the Committee of the Regions replaced it. Meanwhile, it regularly issued opinions

22 *Ibid.*

23 Interview with Pedro Cervilla, director at the Committee of the Regions, 8 September 2016.

24 Mestre, C., “*Le Comité des régions: frustrations des espérances fédéralistes et future de l’Europe des régions*”, Université catholique de Louvain-la-Neuve, Louvain-la-Neuve, 1996, p. 5.

25 See above, 1a).

26 Interview with Sybren Singelsma.

27 Christiansen, T., *op. cit.*, p. 97.

on European regional policy and actively participated in the debate on the inclusion of local and regional authority in the European Treaties. The consultative council was therefore a pioneer in providing the European Commission with a platform for exchange, information and expertise, but this “Community ancestor”²⁸ of the Committee of the Regions suffered from a major shortcoming: it had neither formal status nor the institutional capacity to participate in the Community decision-making process through consultation: it was the precursor to the Committee of the Regions, but with very limited competences²⁹. Deprived of the power of initiative, it had to be convened by the European Commission for its meetings to take place and could not issue an opinion without an explicit request from the Commission. In order to be able to act, therefore, it had to seek authorisation from the Commission in advance. But it was also placed under an obligation of secrecy whenever the Commission felt that a subject was sensitive and required confidentiality³⁰.

Despite the creation of the consultative council, the European Commission subsequently also supported the setting-up of the Committee of the Regions – albeit initially only to strengthen its own powers. This was because the establishment of a representative body of cities and regions with a formalised right of intervention would enable the Commission to raise its own democratic legitimacy. Increasingly criticised as a bureaucratic administration answering solely to the Member States, remote from the needs of its citizens, it saw the benefit of being able to request an opinion from a body representing the local or regional levels of governance. The Committee of the Regions thus served the purpose of legitimising the Commission and decreasing its “democratic deficit”³¹. Finally, the European Commission was convinced that the Committee of the Regions would be an ally in the interinstitutional manoeuvring within the EEC, in particular in the application of the new principle of “partnership” in regional policy. Member States tended to decide on the allocation of Structural Funds according to their national interests, without taking into account the cohesion needs of the Community as a whole and without wishing to involve the cities and regions themselves.

28 Féral, P., *Le Comité des régions de l'Union européenne*, Presses universitaires de France, 1998, p. 9.

29 Interview with Pedro Cervilla.

30 Mestre, C., “*Le Comité des régions: frustrations des espoirs fédéralistes et future de l'Europe des régions*”, p. 6.

31 Warleigh, A., op. cit., p. 10.

This is why the European Commission, like the other progenitors of the Committee of the Regions, continued its lobbying ahead of the Intergovernmental Conference which began on 14 December 1990, the aim of which was to reform the European treaties.

c) Lobbying in the run-up to the Intergovernmental Conference (1989-1990)

The European Commission undoubtedly played a key role in getting the call to create the Committee of the Regions included in the preparations for the Intergovernmental Conference in Maastricht³².

Of the Committee of the Regions' promoters, it was the German delegation, under pressure from the *Länder*, that lobbied most strongly for it in the European Council. As part of the preparations for the conference, it submitted a proposal on 18 October 1990 that envisaged the creation of "a regional interests body to enable the particular needs and interests of the regions to be taken into account in the Community's legislative process"³³. The proposal was tailor-made to satisfy the German *Länder* and did not include local authorities. Moreover, it was ambitious in terms of the powers of the new body, since, in addition to the possibility of deciding "on all projects which concern the interests of the regions", it also conferred on it a right of appeal to the European Court of Justice "for infringement of its rights of participation or of the provisions of the Treaty relating to subsidiarity". The German delegation did, however, take on board the diversity of regional arrangements in the EESC Member States and acknowledged that not all of them were at the same stage with regard to the creation of regions with state powers and that it would therefore be necessary to leave a large degree of freedom in the composition of delegations with representatives of governments or regional assemblies. The German proposal thus provided for the possibility to have representatives of the regions, but not of cities, in the future Committee of the Regions.

A few days later, the European Commission, in an opinion of 21 October 1990, officially called for the establishment of a body representing the regions of the Community and

32 Wassenberg, B., "Le Comité des régions", in *La Commission européenne 1986-2000. Histoire et mémoires d'une institution*, Publications Office of the European Union, Luxembourg, 2019, pp. 446-452.

33 Council of the EEC, Addendum to the Presidency report to the General Affairs Council of 22 October 1990 on the preparations for the Intergovernmental Conference on Political Union, 9233/90ADD1 RERSTREINT REVTRA 16.

having an advisory role. Its approach was very different and remained cautious, but it too made no mention of local authorities. It argued that “the wide variety of regional structures in the Member States precludes [...] the involvement of such a body in the decision-making process” and thus “pending fresh developments, it should hold regular consultations with a body representing all the regions of Europe”³⁴. However, this opinion showed that the Commission was no longer satisfied with the existing consultative council and had moved towards increasing the involvement of cities and regions in the development and implementation of Community policies.

There were several reasons for this change in attitude. First of all, the European Commission considered the Committee of the Regions to be an application of the principle of subsidiarity that would be in its own interest. It would make it possible to bring in an additional level of governance, that of local and regional authorities, which could, together with the Commission itself, counteract potential excessively centralist positions on the part of the Member States³⁵. Moreover, the European Commission recognised the need to confer a status on the German *Länder* that would allow them to be fully involved in the European decision-making system, other than via the *Bundesrat* alone³⁶. Finally, prominent individuals within the European Commission were also pushing for the creation of the Committee of the Regions. Firstly, the Commissioner for Regional Policy, Bruce Millan, who took office in 1989, and was convinced that “the Commission has an interest in seeing that the elected representative bodies below the national (Member State) level are involved and committed to what is being proposed”³⁷. However, it was mainly the president of the European Commission, Jacques Delors, who ultimately supported the idea: by the time the Commission had to make its proposal for the Intergovernmental Conference, Jacques Delors believed in the cause³⁸. This was because his great concern was the realisation of the project he proposed for the future of Europe – the single market. In order to implement this, he knew that not just the trade unions had to be involved, but also regions and cities³⁹.

34 Historical archives of the Commission (ACE), European Commission, Bulletin of the European Communities, No 1, 1 May 1990, p. 16

35 Neshkova, M.I., “The impact of subnational interests on supranational regulation”, *Journal of European Public Policy*, 17(8), 2010, p. 1196.

36 Bullmann, U., Eißel, D., “Europa der Regionen. Entwicklung und Perspektiven”, *Aus Politik und Zeitgeschichte*, No B20-21, 1993, pp. 3-15.

37 Bruce Millan, cited by Warleigh, A. op. cit., p. 11.

38 Interview with Sybren Singelsma.

39 *Ibid.*

At a lunch in the Berlaymont building attended by Delors and the presidents of the AER (Edgar Faure, a former minister and president of France's Council of Ministers in the fourth republic), the CEMR and the International Union of Local Authorities (IULA), the three presidents were invited to listen to Jacques Delors, who, after cutting the bread and passing the salt, said that he would propose that the Commission's proposal for the Intergovernmental Conference include the creation of an interregional council – which became the Committee of the Regions⁴⁰.

The Consultative Council's response to this European Commission proposal was almost immediate. On 25 October 1990, just a few days after the publication of the Commission's opinion, it adopted a resolution which supported the project, but went much further in its demands and, above all, included cities in its proposal. It advocated a federalisation of the European Community through the establishment of an institutional framework consisting of a genuine executive power and in which the legislative and scrutiny powers would be exercised by a bicameral system composed of an assembly representing the peoples and a large chamber representing the States and the various local and regional authorities⁴¹. In a way, it proposed, albeit not explicitly, the creation of a European Senate, in which the Committee of the Regions would be placed on an equal footing alongside the Member States of the EEC. It even required that the preamble to the new European Treaty contain a provision by which regional and local authorities would form part of the institutional framework of the Community and participate as appropriate in European integration, which is to say that it could fully take part in the framing and implementation of European policies and demand a right of appeal before the European Court of Justice. Nor did the Council omit to call for an increase in its membership, the power of initiative to guarantee its autonomy, a general remit covering all Community policies with a direct impact on local and regional authorities, the establishment of the principal of mandatory referral and the transfer of appropriate means to work⁴². These proposals show that the Council regarded itself as the prototype of the future Committee of the Regions, which was not going to disappear, but rather, would be strengthened. It is also interesting to note

40 *Ibid.*

41 Consultative Council of Local and Regional Authorities, Resolution XVII/457/90-ES, 25 October 1990.

42 Mestre, C., "Le Comité des régions: frustrations des espérances fédéralistes et future de l'Europe des régions", *op. cit.*, p. 9.

that they reproduced, almost word for word, the political resolution of the CEMR at the Convention of European Municipalities in Lisbon on 3-6 October 1990⁴³.

The European Parliament supported this step, but without going so far as to propose a bicameral system. Having long been in favour of a body representing both cities and regions in the EEC, it ardently reiterated its call when the European treaties were being reformed. It was particularly three reports from UK MEP David Martin on institutional change in the EEC in 1990 which again emphasised the need to involve cities and regions more closely in the European decision-making process. Martin proposed inserting three new articles (198a to 198c) into the European Treaty, establishing “a Committee of the Regions and local authorities”⁴⁴. These articles already envisaged in detail the function, structure and composition of the future Committee of the Regions: it would have an advisory role and comprise democratically elected representatives from the various regions and local authorities of the Member States of the Community, who would be appointed for four years by the Council with the assent of the European Parliament and after consulting the Commission. It would then appoint a president and a bureau and establish rules of procedure. Finally, the Committee would be consulted “on proposals for measures that have an impact on regional matters or that fall within the terms of reference of the regions”. But Martin also envisaged the possibility for the Committee of the Regions, with the local authorities, to “on its own initiative draw up reports and set out proposals on all matters having an interest for the regions of the Community”⁴⁵. These reports led to a resolution of the Parliament on 22 November 1990, reaffirmed in a declaration at the Conference of Parliaments of the Community which met in Rome at the end of November 1990. Thus, the project was supported not only by the European Parliament, but also the national parliaments of the EEC⁴⁶.

Finally, a few days before the Rome European Council on 14 and 15 December 1990, it was the AER that once again came out in support of the creation of the Committee of the Regions. In their resolution, the heads of Europe’s regions, who were meeting in Strasbourg,

43 Council of European Municipalities and Regions, XVIII Convention of European Municipalities and Regions, political resolutions, Lisbon, 3-6 October 1990.

44 European Parliament, Martin reports of 14 March, 11 July and 22 November 1990.

45 *Ibid.*, Art. 198a to 198c.

46 European Parliament, Resolution on Intergovernmental Conferences in the context of the European Parliament’s strategy for European Union, 22 November 1990, OJ C 324, 24 December 1990, p. 219.

called for the establishment of an autonomous regional body with a consultative role, as well as regional participation in the Community decision-making process⁴⁷. They pointed out that it was mainly the *Länder*, regions and autonomous communities of the AER – as regional and local authorities situated immediately below the level of the central state – that must be able to benefit from proper representation of their interests at Community level. The resolution went so far as to require a right of participation of regions in the decisions of the Council of Ministers and the creation, in the long term, of an autonomous regional chamber. According to the AER, the existing Consultative Council was not sufficient, as there needed to be a form of independent Community institution, on the model of the Economic and Social Committee, in which all the member regions of the Community would have a seat.

In view of the differences between the approaches and proposals of the different architects of the Committee of the Regions, it is not surprising that, on the eve of the Intergovernmental Conference, there was no single plan at the European Council on the nature and characteristics of the new body for local and regional representation.

47 Assembly of European Regions, Résolution sur la participation institutionnelle du niveau régional au processus décisionnel de la Communauté européenne, 6 December 1990.



2. Towards inclusion of the regions in the Maastricht Treaty (1990-1992)

At the end of 1990, two Intergovernmental Conferences took place in Rome, one on the Economic and Monetary Union (EMU), the other on the political union. The Franco-German partnership, represented by Helmut Kohl and François Mitterrand, was at the heart of this initiative to speed up the political formation of the Group of Twelve⁴⁸. These conferences were to conclude on 7 February 1992 with the signature of the Treaty of Maastricht, which provided for the establishment of the Committee of the Regions. This was the result of the joint efforts of the European Parliament, the European Commission, lobbying by local regional associations and “strong” regions with legislative powers within the EEC. But it was the Member States that negotiated the provisions of the Treaty in the European Council.

The Council was confronted with different views on the type of representative body of cities and regions to be created. Throughout the intergovernmental negotiations, which started on 14 and 15 December 1990 and mainly took place over the course of 1991, these different approaches, proposed by different stakeholders, competed with one another. It was therefore a question of finding a compromise that would make it possible to agree on the structure, composition and final institutional position of the Committee of the Regions within the EEC.

a) Two different concepts for the Committee of the Regions

From the beginning of the Intergovernmental Conference on Political Union in 1991, two different views existed for the creation of the Committee of the Regions, each championed by a different player in the EEC.

The first idea for the Committee of the Regions was that of an advisory body to the European Commission, which was put forward by the Commission on 3 January 1991. The Commission proposed to simply strengthen the Consultative Council that already existed within it. The Committee of the Regions could therefore be consulted by the Commission on any matter which had a more or less direct impact on regional development and, more broadly, on any draft proposals for a Community legal provision under the EU's

⁴⁸ Bitsch, M.-T., *Histoire de la construction européenne*, Editions Complexe, Brussels, 1999, p.246.

economic and social cohesion policy⁴⁹. The Commission's approach was logical: it wanted to take greater advantage of the Consultative Council that was already attached to it and to strengthen its position in relation to the Council by proposing the institutionalisation of the Consultative Council, which would continue to serve as a platform of expertise. But it also saw it as a potential ally in the decision-making process in order to defend a position vis-à-vis the Member States⁵⁰. It should also be noted that the Commission's model significantly restricted the right of the Committee of the Regions to intervene in regional policy and the objectives of economic and social cohesion – two areas in which the European Commission mainly operated through new legislative proposals, in particular when it came to completion of the single market.

This view of the European Commission was diametrically opposed to that of the German delegation, which in no event wished to make the future Committee of the Regions, which would be composed of elected representatives, subordinate to the European Commission⁵¹. The German model provided for the creation of a fully independent body. The German delegation submitted a proposal to the Intergovernmental Conference on 20 March 1991 which envisaged a Committee of the Regions with advisory status and a membership equal to that of the Economic and Social Committee that had the power to adopt its rules of procedure. It would also have to be consulted by the Council, the Commission or the European Parliament on measures relating to regional development, including the Community's regional policy, and would have a power of initiative in all other cases⁵². For the Federal Republic of Germany, this project went hand in hand with a federalist vision of Europe and, in this connection, it emphasised that a federal structure could not be brought about in the Community unless the regions were given a responsible say in the areas affecting them⁵³. Arguing officially that the regions were the link between citizens and local communities on the one hand and states on the other and that this was the only way to ensure the utmost democratic legitimacy of a new body representing all the local

49 European Commission, Proposal on the Committee of the Regions, 3 January 1991, in Warleigh, A., op. cit., p. 12.

50 Hooghe, L., Marks, G., "Europe with the regions: Channels of interest representation in the European Union", *The Journal of Federalism*, 16, 1, 1996, pp. 73-91.

51 Féral, A., *Le Comité des régions de l'Union européenne*, p. 15.

52 Council of the EEC, Proposal from the German delegation to the Conference of the Representatives of the Governments of the Member States, CONF-UP 1775/91, 20 March 1991.

53 *Ibid.*

and regional authorities of the Member States of the Community⁵⁴, it was mainly for domestic reasons that Germany espoused this approach. In fact, the Treaty of Maastricht provided for the extension of competences at Community level to areas such as social policy, research and education. However, this was problematic for the German federal system, under which these areas were shared competences or even exclusive competences of the *Länder*. They were becoming “trapped nations” between the federal state and the EEC, at risk of a gradual erosion of their legislative power⁵⁵. They threatened the German government with a constitutional complaint to the Karlsruhe court in order, if necessary, to call the new European Treaty into question if their prerogatives were not respected⁵⁶. Only an autonomous and fully independent body with real power of co-decision in the Community legislative process could meet their requirements⁵⁷. However, the position of the German *Länder* was not unanimous. A debate is said to have taken place between the powerful *Länder*, such as Bavaria and North Rhine-Westphalia, and the small ones, such as Schleswig-Holstein: the former wanted to establish the Committee of the Regions as an emergency subsidiarity brake against the Community institutions, which were increasingly taking encroaching on their areas of operation, while the latter wanted a Committee of the Regions as a contribution to the process of Europeanisation of subnational entities⁵⁸. But, in any event, for the German delegation, a simple extension of the already existing Consultative Council of Regional and Local Authorities would not be sufficient to satisfy the demands for increased participation of the *Länder* at Community level⁵⁹.

The vision of the *Länder*, supported by Belgium and Spain, was not shared by a large majority of other national delegations in the Council. States with a centralised structure in particular – such as the Netherlands and the United Kingdom – were clearly opposed to an institutional upgrading of local and regional authorities. They feared the Community decision-making process becoming markedly more cumbersome if the Committee of the

54 Keating, M., Hooghe, L., “Bypassing the nation-state? Regions and the EU policy process”, in Richardson, J. (ed.), *European Union, Power and Policy-Making*, Frank Cass, London, 1996, pp. 445-466.

55 Piattoni, S., Schönlau, J., op. cit., p. 33.

56 Kleffner-Riedel, A., “Regionalaussschuss und Subsidiaritätsprinzip. Die Stellung der deutschen Bundesländer nach dem Vertrag über die europäische Union”, *Schriften zum Staats- und Völkerrecht*, Vol. 52, Frankfurt am Main, 1993, p. 213.

57 Kaufmann Bühler, W., “Entstehungsgeschichte des AdR”, in Tomuschat, C., *Mitsprache der dritten Ebene in der europäischen Integration: der Ausschuss der Regionen*, Europa Verlag, Bonn, 1995, pp. 97-115.

58 Interview with Gerhard Stahl, secretary-general of the CoR, 27 May 2019.

59 Mestre, C., “Radioscopie du Comité des régions: organisation, fonctionnement, compétences”, in Bourrinet, J. (ed.), *Le Comité européen des régions de l'Union européenne*, Economica, Paris, 1997, pp. 47-85.

Regions had a real power of co-decision. They also wanted to avoid the impact on the budget arising from the creation of a new body with considerable institutional clout⁶⁰.

The two proposed versions were, therefore, largely irreconcilable: one saw the Committee of the Regions as a consultative body to the European Commission and the other gave it a real role as co-legislator in the Community decision-making system. Hence the need for a compromise to be found at the Intergovernmental Conference.

b) Intergovernmental negotiations: working on a third model of the Committee of the Regions

Faced with these two opposing plans for the Committee of the Regions, the Luxembourg delegation proposed a third model, somewhere between the other two, and a compromise was reached.

At the time of the Intergovernmental Conference, Luxembourg was acting as the presidency of the European Council for the first half of the year and was able during this period to put forward a compromise solution. Its plan entailed the creation of the Committee of Regions “at” the Economic and Social Committee (subsequently the European Economic and Social Committee, EESC)⁶¹. This proposal, which formed the basis of the Intergovernmental Conference’s proceedings, immediately ruffled feathers. If the idea of appending the CoR to an already existing consultation body held out the prospect of budgetary and logistical benefits, it satisfied the aspirations of neither local and regional groupings, nor the German *Länder*, who wanted to have an independent representative body among the Community institutions. The Consultative Council of Regional and Local Authorities therefore adopted a resolution on 14 June 1991 that condemned the incompatibility between the aim of consolidating the EU’s democratic legitimacy and the idea of incorporating that council into the EESC, since its members were representatives of sectoral and professional interests, while those of the council were representatives of democratically elected bodies⁶². The resolution reasserted the need to establish an independent committee building on

60 *Ibid.*, p. 51.

61 Féral, P.-A., “Les contraintes d’une structure organisationnelle commune avec le Comité économique et social”, in Bourrinet, J. (ed.), *op. cit.*, pp. 85-119.

62 Consultative Council of Local and Regional Authorities, Resolution XVI/229/91, 14 June 1991.

the model already in existence at the European Commission. Even the EESC, whose institutional standing stood to gain from incorporating the Committee of the Regions, was not in favour of expanding its assembly by including representatives of local and regional authorities, as the plan envisaged. It feared that such a development would be unduly disruptive to the existing structure, which would operate with the “multiple and delicate political and national balances that have been gradually put in place between and within the various socio-occupational categories represented in it”⁶³. It therefore put forward a new proposal, by which the EESC should serve as a “host institution” for the Committee of the Regions, which would be able to meet at its premises a few times a year and benefit from its staff and facilities.

Faced with these reactions, the Luxembourg presidency presented a draft document on the Union on 18 June 1991 that included provisions on the Committee of the Regions similar to those for the EESC⁶⁴. In the configuration proposed here, and endorsed by Denmark, the Committee of the Regions was not incorporated into the EESC but its powers were limited: it had no right of initiative, was not an independent institution and appeared to be subordinate to the EESC. This was because, while the draft provided that the Committee of the Regions could “be consulted by the Council or by the Commission where this Treaty so provides”, it went on to clarify that it could channel its opinions, “where it considers that specific regional interests are at stake”, only via the EESC: it had first to communicate its opinion to the ESC, which would then forward it to the Council and Commission⁶⁵. Of the national delegations, those of Germany, Belgium, Spain and Italy opposed these proposals. The Consultative Council of Regional and Local Authorities was also against this subordination to the EESC. In September 1991, it adopted recommendations on the powers the Committee of the Regions should have: it should also be able to address the European Parliament and the Council of Ministers and to draft its own rules of procedure and its members should be democratically elected representatives nominated by the representative organisations of local and regional authorities⁶⁶.

63 Féral, P.-A., *Le Comité des régions de l'Union européenne*, p. 16.

64 Conference of Member State government representatives, draft Treaty on European Union, Luxembourg presidency reference document, CONF-UP-UEM 1008: 91, 18 June 1991, Title I, Chapter 4.

65 *Ibid.*, Art. 198c.

66 Consultative Council of Local and Regional Authorities, Resolution XVI/252/91, 10 September 1991.

However, in the autumn, when the presidency of the Intergovernmental Conference passed to the Netherlands, the document remained unchanged. To reassure the German delegation, it only provided that the Member States could be represented in the Council of the EEC by a regional representative if the matter at hand was devolved to regions. In the end, it was the European Commission that broke the logjam. In October, Bruce Millan, Commissioner for Regional Policy, stated that a body with extensive powers made up of elected representatives with a high degree of autonomy was needed and that the European Commission could not accept the more limited proposals of the Luxembourg and Netherlands presidencies⁶⁷. With the European Parliament and the European Commission acting in tandem, then, the presidency proposal was finally jettisoned: the final text, included in the Treaty of Maastricht signed on 7 February 1992, put an end to the attempt to subordinate the Committee of the Regions and no longer spoke of a body created “at the EESC”. An anecdote going the rounds at the Committee of the Regions sheds light on the Committee’s sudden independence in terms of powers, status and system of consultation. Apparently, the outcome was the result of a last-minute deal between the French president and the German chancellor: “It was almost over and Mitterrand wanted to leave. His plane had the engines running at the airport in Maastricht. And Mitterrand apparently said to Kohl: ‘Do you really want this Committee of the Regions?’ And Kohl replied: ‘Yes, I do, I need it for the *Länder*.’ To which Mitterrand said: ‘Then you shall have it’”⁶⁸.

Whatever its truth, this anecdote shows how turbulent the origins of the Committee of the Regions were up to the adoption of the Maastricht Treaty. While the new body had some autonomy, it nevertheless shared with the EESC an organisational structure whose mechanisms were still be established.

c) The Maastricht Treaty’s final provisions on the Committee of the Regions

At the end of these many negotiations, the Committee of the Regions was established with the authority of the Council and the Commission under Articles 198a, b, and c (Title I) of the Treaty of Maastricht. While even the name – Committee of the Regions – was a compromise, the Treaty did stipulate that it was also to include local authorities.

67 Interview in Agence Europe No 5587, 12 October 1991.

68 Interview with Sybren Singelsma.

In fact, it comprised 189 representatives of local and regional authorities, with the same number of alternates. In this sense, it inherited the EESC model of representation and appointment provided for in Article 194 of the EEC Treaty, which – although admittedly an element of continuity – also shows the limits of weighting mechanisms in putting democratic principles into practice⁶⁹. The large countries (Germany, France, Italy, United Kingdom), for example, were granted 24 seats, Spain 21, Belgium, the Netherlands, Greece and Portugal 12, Denmark and Ireland 9 and Luxembourg 6 seats. This distribution, a result of the “groundless mimicking” of the EESC, reflects a statist rationale and failed to correspond to the territorial landscape of the Member States. Barely had subnational authorities been recognised as subsidiary actors in the Community system than they found themselves hidden from sight by the national level⁷⁰. Finally, the Treaty of Maastricht made no explicit reference to the holding of elected office as a requirement for sitting in the Committee of the Regions, thus leaving Member States a wide margin of discretion in nominating members.

As far as its consultative role was concerned, the Committee of the Regions was entirely independent of the ESC, but it was undoubtedly a consultative body and not an “institution”: the European Commission was obliged to consult it on certain subjects (economic and social cohesion, public health, transport, energy and telecommunications networks, education, youth and culture) and it could also act on its own initiative “in cases in which it considers that regional interests are involved”⁷¹. It did, then, have a right of initiative, but the Council and the European Commission could also consult it in cases where they saw fit. Furthermore, the Committee of the Regions was also informed of all requests for opinions addressed to the EESC, so that it could issue an opinion on the same subjects.

The Committee was, therefore, neither attached to the Commission nor subordinate to the EESC, but shared an organisational structure with the latter. This institutional compromise is enshrined in Protocol No 16 to the Treaty on European Union, which stipulates: “The Economic and Social Committee and the Committee of the Regions shall have a common organizational structure”⁷². The legal creation and physical establishment of

69 Schneider, C., “*Morceaux choisis sur la composition du Comité des régions*”, in Bourrinet, J. (ed.), op. cit., pp. 15–47.

70 *Ibid.*

71 Wassenberg, B., *Le Comité des régions*, p. 446.

72 Protocol (No16) on the Economic and Social Committee and Committee of the Regions.

this “Common Organisational Structure” (COS) was controversial from the outset, as the need for sharing would generate numerous administrative, budgetary and legal difficulties.

The creation of the Committee of the Regions is “the story of a compromise, a compromise on the name (Committee of the Regions and not of regions and cities), a compromise on its status (an advisory body and not an institution) and a compromise on its administrative support (shared with the ESC): it was created [...] because the picture had to be completed. There was the Court of Auditors, there was the Court of Justice, there was the Commission, there was the Council, there was the Parliament, there was the ESC, and there was nothing for the local authorities”^{73*}.

The Treaty of Maastricht’s provisions establishing the Committee of the Regions are also very much concerned with the subsidiarity principle, set out in its Article 3b, which provides that: “In areas which do not fall within its exclusive competence, the Community shall take action [...] only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community”⁷⁴. This principle, which serves primarily to allocate powers between the Community and the Member States, also provides the grounds for a “multilevel” European governance system, in which the European, national and regional/local levels act together to frame and implement Community policies⁷⁵. This system, proposed by many political scientists in the early 1990s as a viable solution to the EU’s democratic deficit, identifies the Committee of the Regions as a vital link between the Union and its citizens⁷⁶. The Committee of the Regions and the subsidiarity principle are thus seen as key elements in steering the EU towards an ideal: that of a “Europe of the Regions”, more democratic and more in touch with the people⁷⁷. Based on the provisions of the Treaty of Maastricht, the task now was to set up the new body of local and regional representation and to install it in Brussels.

73 Interview with Pierre-Alexis Féral, head of unit at the Committee of the Regions, 8 September 2016.

74 Treaty on European Union, Article 3b.

75 Mestre, C., “*Radioscopie du Comité des régions*”, p. 80.

76 Bullmann, U. (ed.), *Die Politik der dritten Ebene, Regionen im Europa der Union*, Nomos, Baden-Baden, 1994; Hrbek, R., Weyand, S. (eds.), *Betritt: Das Europa der Regionen, Fakten, Probleme, Perspektiven*, Beck, München, 1994; Kohler-Koch, B., *Interaktive Politik in Europa: Regionen im Netzwerk der Integration*, Leske & Budrich, Opladen, 1998.

77 Christiansen, T., op. cit. p. 93; see also Bache, I., Flinders, M., *Multi-Level Governance*, Oxford University Press, Oxford, 2004.



3. Establishment of the Committee of the Regions (1993-1995)

After the entry into force of the Treaty of Maastricht on 1 November 1993, the time had come to actually make the Committee of the Regions a reality. This presupposed first of all appointing the 189 members, which are nominated by the Member States and appointed by the Council of the EU. But it also meant putting in place a shared administrative body with the ESC and determining how it would be run. In short, rules of procedure had to be adopted and the Committee of the Regions given its place in the institutional set-up in Brussels⁷⁸.

A number of players continued their efforts to influence and shape the new entity – the European Commission, in particular, but also European associations of local and regional authorities and the Member States in the Council. But so, too, after the inaugural meeting of 9 and 10 March 1994, did the members of the Committee of the Regions themselves, the local and regional politicians who were to set its course. They elected a president and put in place their political machinery, setting up commissions and political groups, and set to work on their first opinions. It was indeed a new political body with its own identity, but one which had, from the outset, to mark out its own territory vis-à-vis its “adoptive mother”⁷⁹, the EESC, and a European Parliament which was beginning to fear competition from a second political assembly.

a) Appointment of the Committee’s members

Choosing the members and alternate members of the Committee of the Regions was not without problems from the outset. The requirement was both to ensure a balance between local and regional representatives and to take into account territorial differences in the EU Member States. There is no denying that the Committee’s make-up mirrored that of the EESC: this is clear in the number of members (189 in each body) and the weighting between countries. But the much more political nature of the Committee of the Regions made the appointment of members more complex. For this reason, the Council only adopted the definitive membership on 26 January 1994⁸⁰.

78 *Milestones in the History of the Committee of Regions*, Committee of the Regions, Brussels, 2014, pp. 9-11.

79 Interview with Gerhard Stahl.

80 Mestre, C., “Le Comité des régions: frustrations des espérances fédéralistes et future de l’Europe des régions”, op. cit., p. 16.

The question of its members' democratic legitimacy was a first stumbling block in the process of setting up the Committee. The Treaty of Maastricht did not, in fact, require its members to be elected office-holders. This met with criticism from the outset, particularly from the European Commission and the European Parliament, which had no desire to see state office-holders in a new democratic assembly⁸¹. Jean-Claude Eeckhout's team at the Commission's Secretariat-General offered its services to the Council of the EU to help arrive at a balanced Committee membership⁸². While the Council thought the Member States were free to choose the delegates they considered to be "the most suitable to represent local and regional authorities"⁸³, at a question and answer session at the European Parliament in March 1993 the Commission re-affirmed its wish that they be elected⁸⁴. The European Parliament wanted members and alternates to be drawn from sub-national levels or to have direct democratic legitimacy from a regional or local assembly in order to ensure the Committee of the Regions' own democratic legitimacy⁸⁵. For their part, the Member States were divided on the issue: those of a more centralist nature, such as the Netherlands or the United Kingdom, favoured the appointment of officials, whereas federal countries and those with regions that had legislative powers, such as Germany, Belgium, Italy and Spain – though also France – upheld the principle of members holding elected office⁸⁶.

Since the Treaty of Maastricht clearly made the countries themselves responsible for putting together their delegations, a statist rationale – and not whether or not they held elected office – governed the final choice of members. But the choice also very much depended on how devolved the EU Member States were. In the Netherlands, for example, the queen's commissioners, heads of provincial executives, and the mayors are appointed by the crown and in Italy the local law allows mayors to choose unelected people as their deputies. Similarly, in Portugal, Greece and the United Kingdom the regional administrative tier is still largely based on the principle of a devolved region without elected office-holders⁸⁷.

81 Schneider, C., "*Morceaux choisis sur la composition du Comité des régions*", in Bourrinet, J. (ed.), op. cit., pp. 26-28.

82 Interview with Jean-Claude Eeckhout, director at the Secretariat-General of the European Commission, 27 April 2017.

83 Answer to written questions by MEPs Heinz Köhler and Alexander Alavanos, OJ C 81, 22.3.1993, p. 18 and OJ C 81, 22.3.1993, p. 24.

84 Historical archives of the Commission (ACE), Commissioner Bruce Millan's response to a question from MEP Sergio Ribiero, OJ C 58, 1 March 1993, p. 26.

85 EP, resolutions B3-0273/92, B3-0916/92, B-1067/92 of 7 April 1992 and B3-0516/93 of 23 April 1993; see also Report on the participation and representation of the regions in the process of European integration: the Committee of The Regions – Rapporteur: Mario Melis, Doc. A3-0325/93 of 4 November 1993.

86 Schneider, C., "*Morceaux choisis sur la composition du Comité des régions*", in Bourrinet, J. (ed.), op. cit., p. 56.

87 *Ibid.*, p. 25.

It is hardly surprising, therefore, that some Member States had a larger proportion of civil servants in their national delegations than others. In the end, however, the majority did in fact hold elected office: with the exception of the Netherlands, whose delegation comprised mostly queen's commissioners and unelected mayors, the other Member States nominated people who had been elected. The Spanish delegation was even made up entirely of elected office-holders⁸⁸, and in Greece, following a general election in October 1993, the list of representatives, which featured a large number of civil service secretary-generals, was amended to include more elected members.

A second aspect concerning the selection of members provoked debate: the delicate balance to be struck between local and regional authorities⁸⁹. Here, again, the Member States decided very differently depending on their domestic administrative arrangements. For some, only one level of authority was represented, either because there was no devolved regional tier and seats could only be given to the local level (as in Greece and Luxembourg) or because it was decided not to make nominations from municipalities – as in Belgium, where the priority went to the three regions of Brussels-Capital Region, Flanders and Wallonia, on the one hand, and the three language communities (German-speaking, French and Flemish) on the other⁹⁰. In the other Member States, the local/regional balance differed and was not always even-handed. Where regions existed as a federal entity or regional authority, these were given preference by the national level: in Germany, 21 seats went to the *Länder* versus three to local and municipal authorities; in Spain, the 17 autonomous communities each had one seat and the municipalities shared the remaining four; in Ireland, finally, seven seats went to the counties compared with three for the cities of Dublin and Cork⁹¹. Federal and highly regionalised countries also tended to nominate the head of their executive body, namely the minister-presidents of the German *Länder* and the presidents of Italian or Spanish regions, rather than members of regional parliaments. While this indicates a readiness to accord the Committee of the Regions a certain importance, this strong presence of the regional executive level did not necessarily find favour with the other Member States, who pointed out that the *Länder* and the Belgian regions were already entitled to sit in the Council of the European Union when this was addressing

88 Féral, A., *Le Comité des régions de l'Union européenne*, p. 26.

89 Christiansen, T., *op. cit.*, pp. 97-100.

90 Mestre, C., "Radioscopie du Comité des régions", *op. cit.*, p. 57.

91 Schneider, C., "Morceaux choisis sur la composition du Comité des régions", in Bourrinet, J. (ed.), *op. cit.*, pp. 40-45.

matters within their remit⁹². Conversely, in more centralised countries, the distribution between regions and municipalities was more balanced: in Denmark, apart from a seat reserved for the city of Copenhagen, the other eight seats were divided equally between municipalities and regions; in the Netherlands, municipalities and provinces were given the same number of seats and in Portugal ten seats were allocated to metropolitan cities and the only existing self-governing regions, Madeira and the Azores, received one each. France and the United Kingdom were cases apart. France had to decide not only how to share out the seats between towns and municipalities, but also how many members should represent intermediate levels, particularly departments. In the end, the government of Edouard Balladur tipped the scales in favour of the regional level: half of the seats went to this, while municipalities and departments had to share the remaining twelve. As for the United Kingdom, it allocated its seats on a regional basis: in England, 5 seats went to counties, 3 to districts and 6 to municipalities, while in Scotland the regions secured 2 seats as against 3 for districts; in Wales the distribution was a fair one (1 for counties, 1 for districts and 1 for municipalities) and in Northern Ireland the two seats went only to municipalities⁹³. This diversity in the make-up of the various national delegations shows that a political balancing act was needed to match the needs of the domestic subnational arrangements in each of the EU Member States, but that there was also a desire to ensure that for each Member State local and regional interests were well represented in the new body in Brussels.

The Committee of the Regions also had political imbalances: there were more members on the right (108) than on the left (81). This did not, however, translate in reality into an advantage for the European People's Party (EPP): there were only 61 Christian Democrats, but 71 members of the Party of European Socialists (PES). Nor should we forget the voice of the Liberals (22) and the Gaullists of the European Democratic Alliance (EDA)⁹⁴. Finally, in terms of gender equality, the Committee of the Regions was far from achieving a balance between the sexes. Among the larger countries, France, Germany and Italy nominated only one woman among their 24 members, and only the United Kingdom chose four women. The smaller countries fared little better: Luxembourg had 1 woman out of 6 members,

92 Féral, A., *Le Comité des régions de l'Union européenne*, p. 29.

93 *Ibid.*, p. 30.

94 Renouleaud, M., *op. cit.*, p. 96.

Denmark 1 out of 9, Ireland 2 out of 7 and Greece, Belgium and the Netherlands 1 out of 12. The Spanish and Portuguese delegations did not have a single woman⁹⁵.

On the other hand, the selection by federal or highly regionalised countries of high-profile “heavyweights”⁹⁶ was testament to their desire to see the Committee of the Regions become a politically powerful institution at the heart of the EU. From the outset, these key political figures on the national scale, in becoming Committee members, influenced not only how the institution worked and the balance of power within it, but also its visibility and its relations with the other Community institutions⁹⁷. Numbering among the 189 members of the Committee’s first term of office were – for Spain for example – Jordi Pujol, president of the autonomous region of Catalonia, Juan Carlos Rodríguez Ibarra, president of Extremadura, Manuel Chavez González, president of Andalusia regional government and Pasqual Maragall, mayor of Barcelona. From Germany came a number of ministers and minister-presidents: Erwin Teufel from Baden-Württemberg, Edmund Stoiber of the Free State of Bavaria, Manfred Dammeyer of North Rhine-Westphalia, Oskar Lafontaine from Saarland and Christoph Bergner from Saxony-Anhalt. Other “heavyweights” included Jos Chabert, minister of the Brussels-Capital Region, Luc Van den Brande, president of the Region of Flanders, Vannino Chiti, president of the Tuscany Region and the mayor of Porto, Fernando Gomes⁹⁸. These high-profile politicians from European regions with legislative powers or from major cities, particularly from Spain and Germany, played a key role in the first stages of the Committee of the Regions. However, their presence, together with the diversity of the members, could be a worrying and divisive element in those early days:

«The presidents of large regions (German Länder, Spanish regions) or large cities simply could not understand that their voice in the Committee counted no more than that of the mayors of small municipalities of a few thousand inhabitants. And, on the other hand, from the perspective of members from smaller communities, there was concern about being overshadowed by the heavyweights»^{99*}.

95 Schneider, C., *Morceaux choisis sur la composition du Comité des régions*, op. cit., p. 40.

96 Interview with Pedro Cervilla.

97 Warleigh, A., op. cit., pp. 23,24.

98 See the list in “Création du Comité des Régions. L’expression du fait régional et local”, Info Regio, 11 February 1994.

99 Interview with Pedro Cervilla.

It is indeed the case that every member of the Committee of the Regions, whether from a large region, a city or a small community, had only one vote in this new assembly. And this democratic principle would have consequences for the first plenary session, since every vote counted when the first president was being elected.

b) First plenary session

The Committee of the Regions held its inaugural session on 9 and 10 March 1994 in the European Parliament's main debating chamber ("hémicycle") on Rue Wiertz in Brussels¹⁰⁰. It was an event of some moment, held in a place awash with symbolism and attended by the presidents of the European Parliament, Egon Klepsch, and of the Commission, Jacques Delors¹⁰¹. The debating chamber itself underscored the political nature and democratic legitimacy of the new body. The moment almost suggested the inauguration of a second parliamentary assembly, a European senate, as many European associations of local and regional authorities had hoped for during the negotiations on the status of the future Committee of the Regions¹⁰². The location temporarily eclipsed the weaknesses of the body, which only had advisory power within the European architecture and was in reality more a counterpart of the EESC than the European Parliament.

The session was opened by the oldest member, Luxembourg's Léon Bollendorff, who addressed the 189 members present in the chamber before handing the floor over to the presidents of the European Parliament and the European Commission. In his speech, Egon Klepsch was enthusiastic about the Committee's creation, but also proud of his own role as host: "It is a very special honour for me [...] to welcome you", he began, before going on: "The inauguration of your Committee is an important step for the democratic development of the European Union"¹⁰³. To explain this, he referred to the principle of a new multilevel governance: "Your Committee, situated between the European and national level and at the same time representing its citizens, will make it possible in future for our people to make their voices heard formally and officially within the Union at all institutional levels

100 Féral, A., *Le Comité des régions de l'Union européenne*, p. 46.

101 ACR, Minutes on the Inaugural session of the Committee of the Regions on 9 and 10 March 1994.

102 McCarthy, R. E., "The Committee of the Regions: an advisory body's tortuous path to influence", *Journal of European Public Policy*, 4(3), 1997, p. 441.

103 ACR, Minutes on the Inaugural session of the Committee of the Regions on 9 March 1994, speech by Egon Klepsch, p. 1.

of the democratic system”¹⁰⁴. However, he did not refrain from noting the key role that his institution had played – and would continue to play – for the Committee of the Regions. He also pointed out that it was Parliament that had been at pains to ensure the Committee had “suitable budget structures” and the “necessary financial instruments”. He went on to say that Parliament had not only fought constantly for an increase in the Community budget for the regions, but had also grappled with the problems of cities. It is interesting to note that Klepsch offered a “work contract” with the Committee of the Regions, setting out the basis for this collaboration in clear terms: “the regular exchange of documents and information; frequent contact between Rapporteurs and specialized sections and bodies; [and] the forwarding of CoR Opinions to the Parliament before it adopts its Opinion”¹⁰⁵. It was a call for a genuine partnership with the Committee of the Regions.

The president of the European Commission was much more cautious. For Jacques Delors, of course, the “task for the Committee of the Regions is [...] to enhance the democratic legitimacy of the Union”, because “the establishment of the Committee of the Regions was one of the provisions designed to draw every individual citizen into this great collective venture”¹⁰⁶. One of the Committee’s roles was thus to take part in closing the increasing “gap” between the people and the European project: “You will be able to communicate local concerns and grass-roots reactions [...] The other side of the medal is that you will have the task of explaining Community policies to the people back home”¹⁰⁷. But he also pointed out that: “The European Union is the creation of nation states which have freely chosen to transfer to it some of their powers in certain areas”, and that “the Union has no say in what the nature of relations between central and regional authorities is to be”¹⁰⁸. This circumspection speaks volumes: the Commission endorsed the Committee of the Regions, but it was not the champion of a “Europe of the regions” that could call the legitimacy of states into question. He concluded with some words of advice: with the institutional situation in a state of relative flux, the Committee should find its place in order to demonstrate that it was indispensable: “Some are viewing you warily, others perhaps are pinning unduly

104 *Ibid.*, p. 2.

105 *Ibid.*, p. 5.

106 Historical archives of the Commission (ACE), BAC57/1995 197, speech by Jacques Delors at the Committee of the Regions, 9 March 1994, p. 1.

107 *Ibid.*, p. 2.

108 *Ibid.*, p. 1.

high hopes on you.” But the Committee of the Regions would be “what you make of it”¹⁰⁹. It faced, he thought, a twofold challenge: to avoid casting its net too wide – to have too many initiatives, “trying to be involved in everything” – and failing “to make a distinctive impression” and failing “to put the general interest above the internecine quarrels that may arise from the differences in your status and your own particular interests”¹¹⁰.

Just how prophetic these words of Delors were would become apparent the very next day. Because it was indeed internal quarrels that marked the Committee’s first political act – that, on 10 March 1994, of electing its president. Four members stood: Jacques Blanc, president of the Languedoc-Roussillon Region, Charles Gray, a UK councillor from Strathclyde, Pasqual Maragall, mayor of Barcelona, and Luc Van den Brande, minister-president of Flanders. Negotiations had already taken place between political groups and within the AER and the CEMR to strike a deal¹¹¹: “The secretaries-general of the political groups in the European Parliament had thought that, once it had been set up, the Committee of the Regions would follow Parliament’s model, organised by political group”^{112*}. The deal struck the day before the election was to propose a tandem that would alternate in the presidency after two years, as at the European Parliament: first Luc Van den Brande – a regional representative, EPP member and president of the AER – and then Pasqual Maragall – a local representative, PES member and president of the CEMR. Most of the AER and CEMR members were in favour – but not all.

The AER had, in fact, held a meeting in Sitges, Catalonia, on 2 December 1993 to designate Luc Van den Brande its official candidate, with the support of Jordi Pujol, president of the Catalan government¹¹³. However, joining forces with Bavaria in opposition to the proposal, Jacques Blanc blocked the unanimity needed for nomination. There were many AER members who were critical of this attitude towards a political decision. The AER bureau then had no choice but to take formal note of the candidacies of Jacques Blanc and Luc Van den Brande for the presidency¹¹⁴. Despite support from former French president Valéry

109 *Ibid.*, p. 3.

110 *Ibid.*

111 Renouleaud, M., *op. cit.*, pp. 90-119.

112 Interview with Beatrice Taulègne, deputy director at the Committee of the Regions, 10 April 2019.

113 *Ibid.*, pp. 25-33; see also interview with Jacques Blanc, former CoR president, 8 October 2018.

114 AER, minutes of the Bureau meeting of 2 December 1993 in Sitges.

Giscard d'Estaing, Blanc's own chances of success remained slim. At a reception in Paris before the election, d'Estaing had asked Blanc (a doctor by training): "Well, doctor, how is this election at the Committee of the Regions coming along?" "There are complications, Mr President, but I'm hopeful," replied the latter. To which Valéry Giscard d'Estaing, amused, said: "President Blanc is very smart, but sometimes he's naive"^{115*}.

When it came to election day, Charles Gray withdrew his candidacy before the vote, as the deal required. Although all were expecting a victory for Luc Van den Brande, a surprise was in store: Jacques Blanc received 56 votes in the first round, Pasqual Maragall 55 and Luc Van den Brande only 50. So none of them had the three-quarters majority needed. The session was suspended and talks were held to find a solution. Pasqual Maragall spoke of the need for a rotation in presidency in the first four-year term so that the Committee would be headed by representatives of both the regions and local authorities. He therefore called for a vote in favour of Jacques Blanc. In the end, Luc Van den Brande also endorsed this solution. Michel Renouleaud, Director of Communications of Languedoc-Roussillon region, was in the chamber:

«The suspension of the sitting continued [...] much to the chagrin of Luxembourger Léon Bollendorff, the father of the house, who was chairing the session and a number of times rang the bell to summon the members back into the debating chamber. There was suspense when – Jacques Blanc having very naturally declared his candidacy for the second round – Pasqual Maragall, who had eventually returned to his place, stood up: 'I ask my friends to vote for Jacques Blanc for the presidency...' And with that the mayor of Barcelona made it clear that there would be no new twists at the end of a day that few, no doubt, had imagined would end with the victory of the outsider»^{116*}.

And so Jacques Blanc was the only candidate in the second round, where he got 97 votes out of 170¹¹⁷. This key moment did not fail to stir emotions in the young assembly: "It was all played out in just a few hours. It was very close ..."^{118*}. After his defeat, Luc Van den Brande decided not to stand for vice-president, but Charles Gray and Pasqual Maragall

115 Renouleaud, M., op. cit., p. 105.

116 Renouleaud, M., op. cit., p. 15.

117 Christiansen, T., op. cit., p. 98.

118 Interview with Béatrice Taulègne.

put themselves forward and the latter won by 91 votes to 65. The election of Jacques Blanc did not pre-empt subsequent deals: the following day he signed an agreement with AER president Jordi Pujol and CEMR president Pasqual Maragall that established the principle of rotation and the idea of joint management, as at the European Parliament, between the big political groups. And so it was that, in 1996, at mid-term, Jacques Blanc handed over to Pasqual Maragall, who became president until 1998.

What accounted for this surprise election? Jacques Blanc himself sees the reason in the campaign he waged in Europe: “I ran a truly European campaign. The way nobody had done before. Because I went to see all the big voters. By that I mean the minister-presidents of the *Länder*, the presidents of the autonomous communities, the mayors of the major cities, [and] the regions [...], because I was myself president of Languedoc-Roussillon region”^{119*}. Someone working with Jacques Blanc during the campaign confirms this: “Maragall was the candidate of the associations of European cities, Van den Brande was president of the AER, which backed him, and Blanc was the surprise candidate of the regions and he won because he conducted a truly European campaign by taking his plans for the Committee of the Regions to the representatives of these regions”^{120*}. Blanc did indeed come with a different approach from that of the two major political groups, the EPP and PES. Convinced that it was “through the regions that we shall get political momentum”, his key argument was the call for a truly open election: “For Jacques Blanc, this was a mine-clearing operation conducted through nomination by both the AER and the EPP. With the idea that an open election had to be proposed. That’s what clinched it in the end”^{121*}.

Jacques Blanc was emotional after the results and could not help welling up with tears of deep joy¹²². The same emotion also marked his first speech at the Committee on 10 March 1994. He began by saying that he preferred to speak from the heart rather than make a major speech, but went swiftly on to chart the political course on which he intended to set the Committee. Referring to the EESC, he said: “From the outset I have felt that there is no need for us to worry about you wanting to keep us under your supervision; on the contrary, I have felt that you were of the opinion that it was essential to plan the running of

119 Interview with Jacques Blanc.

120 Interview with Laurent Thieule, director at the Committee of the Regions, 10 October 2018.

121 Interview with Béatrice Taulègne.

122 Renouleaud, M., op. cit., p. 121.

the Committee of the Regions independently, with its own budget and Secretary-General¹²³. As for the European Parliament, he wanted the Committee of the Regions to become a real partner for it: “we have to work hand in hand with the European Parliament; here I should like to take the opportunity to reaffirm our will to complement and not compete with the Parliament”¹²⁴. This speech by the newly elected president was also a turning point in the Committee’s relations with the European Parliament, whose members feared the emergence of a “second parliamentary chamber” asserting its greater legitimacy on the grounds of being in closer contact with the public. And Jacques Blanc did, in fact, assert that the Committee of the Regions was the “real democratic legitimacy in Europe”¹²⁵. It might be thought, however, that Blanc was referring here rather to the essential link between the Committee of the Regions and the citizens of Europe, as confirmed by his call to the members at the end of his speech: “I should also ask you to be the permanent heralds of the European message. We are members of the Committee of the Regions not only because we are meeting here in Brussels [...] we are also, and above all, members of the Committee of the Regions in our countries, regions and districts”¹²⁶.

In order to accomplish this two-fold task, in Brussels and in the regions, however, the Committee had first to determine its structure and how it would operate.

c) Structure and operation of the new body: a difficult institutional kickoff

The political organisation of the Committee of the Regions began at its very first plenary session. After the election of the president and first vice-president, the Bureau and the commissions were set up. This was a difficult task, because a balanced membership had again to be maintained, both in terms of nationality and in terms of political affiliation and types of authorities (regions, cities and rural communities)¹²⁷.

123 ACR, Minutes on the Inaugural session of the Committee of the Regions, speech on 10 March 1994 by Jacques Blanc, p. 1.

124 *Ibid.*, pp. 1,3.

125 Interview with Philippe Burghelle-Vernet, European Commission administrator, 28 April 2017.

126 ACR, Minutes on the Inaugural session of the Committee of the Regions, speech on 10 March 1994 by Jacques Blanc, p. 3.

127 Mestre, C., “Le Comité des régions: frustrations des espérances fédéralistes et future de l’Europe des régions”, op. cit., pp. 17-18.

The Bureau had thirty members in addition to its president, Jacques Blanc, and its first vice-president, Pasqual Maragall. In order to ensure representation was balanced, the assembly voted for the following arrangement: three posts for each of the four large countries (Germany, France, Italy and the United Kingdom) and two posts for the other Member States¹²⁸. However, this took no account of the regional dimension of the Member States, a fair distribution between the different internal tiers: “Rather, it copied the dominant structural and decision-making philosophy in the European Union by favouring the more populous countries”^{129*}. The Bureau had a crucial political role: it was responsible for preparing and coordinating the work of the various commissions, allocating the opinions to rapporteurs and authorising the drawing-up of own-initiative opinions on a proposal from commission chairs. This is why the first Bureau, held on 10 March 1994, brought together all the big names in the Committee of the Regions at its origins: Manfred Dammeyer, Léon Bollendorff, Juan Carlos Rodríguez Ibarra (president of the Regional Government of Extremadura), Erwin Teufel, and so on¹³⁰.

The first assembly was also the occasion to set up the permanent commissions and, here again, the prevailing rationale was a balance at state level in allotting remits: Blanc’s original intention was to have a commission for each field of mandatory consultation, which would have resulted in five commissions. In order to avoid leaving some Member States empty handed, however, the Bureau proposed creating eight commissions and four subcommissions. This gave each of the four large countries a commission chair and each of the smaller Member States (Ireland, Denmark, Greece and Luxembourg) at least one subcommission chair¹³¹. However, this politically based allocation produced an illogical distribution of policy areas between the various commissions, with a high risk of overlap between remits. So, for example, commission 1, dealing with regional development and finance, could not function without reference to commission 8, which was responsible for economic and social cohesion and health. Similarly, spatial planning, agriculture, hunting, fishing, forests, sea and mountains (commission 2), transport and communication networks (commission 3), urban policy (commission 4) and town and country planning, environment and energy (commission 5) were also closely linked. In the same way, commission 7, dealing

128 Féral, A., *Le Comité des régions de l'Union européenne*, p. 47.

129 Mestre, C., “*Radioscopie du Comité des régions*”, op. cit., p. 72.

130 ACR, Minutes of the 1st meeting of the Bureau of the Committee of the Regions, 10 March 1994.

131 ACR, first activity report, 1994-1995, pp. 30-105.

with Citizens' Europe, research, culture, youth and consumers, clearly overlapped with commission 6 on education and training¹³². Alongside the standing commissions and sub-commissions, the assembly also had the possibility of setting up a temporary commission, which it did at its fourth plenary session, on 27 and 28 September 1994, when it decided to create an ad hoc committee on institutional affairs to ponder the preparation of the institutional reform foreseen in the Treaty of Maastricht¹³³. The candidacy of Jordi Pujol as rapporteur was initially rejected, but the fifth plenary session on 15 and 16 November finally saw the commission established and its work begin¹³⁴. This resulted, on 5 December 1994, in the Committee of the Regions' first resolution, which was on subsidiarity. It called for: "the principle of subsidiarity to be affirmed in the wording of Article 3b and applied at all institutional levels: European institutions and bodies, the Member States, regions and local authorities", for monitoring mechanisms to be established to enable the Committee of the Regions to verify implementation of the subsidiarity principle and, if necessary, "to bring proceedings before the Court of Justice regarding breaches of the principle of subsidiarity which affect the powers of local and regional authorities"¹³⁵.

In parallel, the first thing the Bureau had to do was draft the new body's rules of procedure. For this it set up an ad hoc Rules of Procedure group, which met on 10 March and 17 March 1994, chaired by Luc Van den Brande. This was a matter of no small importance, because under the EU Treaty the rules of procedure had to be approved unanimously by the Council and the members of the Committee of the Regions were fearful of the Member States taking over the drafting of the rules. Moreover, the Committee was in the interim obliged to work with the rules of the EESC, which was formally tasked with helping out in the initial sages by making some of its administrative and technical services available. As long as the Committee of the Regions was without its own rules of procedure, it risked being placed under the "tutelage" of the EESC. There were also others interested in having a hand in drafting the rules. The secretariat-general of the European Commission, for example, followed the matter closely and acted as a channel of communication between the requests made by the European associations of cities and regions, especially the AER

132 Mestre, C., "Radioscopie du Comité des régions", op. cit., p. 73.

133 ACR, Minutes of the 4th Plenary Session of the Committee of the Regions held on 27 and 28 September 1994.

134 ACR, Minutes of the 5th Plenary Session of the Committee of the Regions held on 15 and 16 November 1994; see also Féral, A., *Le Comité des régions de l'Union européenne*, op. cit., p. 58.

135 ACR, Resolution, Bonn, 5 December 1994.

and the CEMR, and the Council of the EU. In fact, a joint AER and CEMR draft was already circulating in the Commission's administration before the Committee of the Regions' own ad hoc group had set to work¹³⁶. For this reason, the latter decided to co-opt the secretaries-general of the two associations and use their draft as the basis for the final document. The biggest problems concerning the rules of procedure were not so much about organising the work of the Bureau or the commissions as about the question of dividing the assembly into two chambers, one for regions and one for cities, as was the case for the Congress of Local and Regional Authorities of the Council of Europe¹³⁷. Of the Member States, Germany and Belgium firmly backed the creation of a single chamber, seeing this as a senate of the regions, while wishing to dissociate itself from the congress. Such divisions were also to be found in the ad hoc group itself, the regions being more inclined to a single body and the towns and cities to two. It was the regions, however, who at this time carried greater weight and the final document thus provided for a single chamber in which regional and local authorities were represented together. These rules of procedure were finally adopted unanimously by the Council on 28 May 1994¹³⁸.

The rules of procedure also provided for the role of a secretary-general in their provisions on organisational arrangements. The first extraordinary Bureau meeting in Athens on 20 June decided to proceed with this appointment as quickly as possible, since, as Jacques Blanc put it: "Once the secretary-general takes up his post, it should be possible to put in place the autonomous and shared structure provided for in the Treaty of Maastricht"¹³⁹. Of the five candidates, the members of the Bureau, meeting in Brussels on 20 July 1994, chose the Bavarian Dietrich Pause, whose application was then forwarded to the Council of the EU, which appointed him on 30 August for a term of office of five years¹⁴⁰. Four directorates were established under Dietrich Pause to form the new body's own administration: a Directorate for the Registry, Administration and Budget, the Directorate for Interinstitutional Relations, the Directorate for Consultative Work and the Directorate for Communication.

136 ACE, BAC 57/1995 196, 197, BAC 586/2004 41, draft Committee of the Regions rules of procedure.

137 The Congress of Local and Regional Authorities was established at the same time, see Wassenberg, B., *Histoire du Conseil de l'Europe*, Conseil de l'Europe, Strasbourg, 2013, pp. 173-177.

138 Féral, P.-A., *Les contraintes d'une structure organisationnelle commune avec le Comité économique et social*, op. cit., p. 89.

139 ACR, minutes of the extraordinary meeting of 20 June 1994 in Athens; see on this the interview with Jacques Blanc, op. cit.

140 Féral, A., *Le Comité des régions de l'Union européenne*, p. 64.

The real challenge facing the Committee, however, was to settle on the arrangements for areas of administration that would be shared with the EESC, without losing its own identity in the process. The Committee of the Regions' rules of procedure only provided that "in accordance with Protocol No 16 to the Treaty, the General Secretariat of the Committee of the Regions and the General Secretariat of the Economic and Social Committee shall use joint technical services" and that "detailed arrangements shall be defined by agreement between the two Committees"¹⁴¹. Everything regarding the creation of the "Common Organisational Structure" (COS) was therefore a matter of negotiation between the two advisory bodies. On the day of the Committee of the Regions' inauguration, the EESC president, Susanne Tiemann, showed good will by stating: "I hope, with your help and cooperation, Mr Chairman, that this new form of 'cohabitation' will proceed under optimum conditions and I am sure that we can give the lie to the saying of the 19th century philosopher Taine: 'three weeks to size each other up, three months to love each other and three years to quarrel ...'"¹⁴². While she stressed that the EESC was ready to work with the Committee of the Regions in material terms, she also added that, when it came to the budget, those who were responsible for it had to accept the consequences of this sharing of administration between the two bodies¹⁴³. This sharing was therefore both a political and budgetary challenge.

In fact, the creation of the shared administration was a controversial issue, because they were an "institutional curiosity" that posed numerous administrative, budgetary and legal difficulties, while the challenge for the Committee of the Regions was to safeguard its identity and institutional position. Jacques Blanc had pointed out even in his opening speech as president that the idea was to create an "institution", whereas in fact the EU Treaty spoke only of a "body". These difficulties in claiming its place vis-à-vis the EESC were compounded by the fact that it was the ESC that, in 1993, was given resources of ECU 2 million to assist the setting up of the shared administration. This budget, allocated not only to this administration, but also for the recruitment of the Committee of the Regions' own staff, proved insufficient. As a result, the EESC twice requested amending budgets, in April and June 1994, to get more resources to distribute between

141 Féral, P.-A., "Les contraintes d'une structure organisationnelle commune avec le Comité économique et social", *op. cit.*, p. 89.

142 ACR, Minutes on the Inaugural session of the Committee of the Regions on 10 March 1994, p. 2.

143 *Ibid.*

the Committee's own infrastructure (ECU 6.5 million) and the joint services (ECU 5.5 million). However, if we look at the final share-out of posts, the Committee of the Regions, for its own services, had only 41 posts in the year it was set up, while the EESC acquired, for the shared services, 42 posts. The Committee of the Regions' own administration was therefore poorly staffed, which prompted the Bureau to assert at its second meeting that the COS had to reduce in order to guarantee the mutual autonomy of the Committee of the Regions and the Economic and Social Committee¹⁴⁴. A compromise on the sharing of resources was reached with the EESC on 6 December 1994, when Dietrich Pause, at a meeting with his EESC opposite number, Simon-Pierre Nothomb, established the basis of an agreement on the organisation and management of the joint services. Even so, this was no more than a provisional agreement and the shared administration continued to pose numerous problems, and even to be called into question when reform of the Treaties began to be mooted as early as 1995.

In the meantime, the Committee of the Regions' administration was taking shape – that is, from 12 March 1994, when the first administrators moved into the Galerie Ravenstein building in Brussels¹⁴⁵. For them this really was a pioneering moment, because, in terms of administration, everything had to be built from scratch:

«We were faced with writing on a blank page that did not even exist. [...] This project had to be written from A to Z in terms of administration, but also behind that, in the political and institutional background that deserved to be clarified so we could see how we could stay on course with what was said in the treaty of Maastricht [and] what was the political wriggle room for diverging and doing something other than what the Treaty of Maastricht had given us as our mission»^{146*}.

Although the first years of writing on this blank page were an “exhilarating period”, the Committee's launch was nevertheless far from easy, because two things had to be mastered at the same time: supporting the members in drafting their opinions and adapting to sharing administration with the EESC. “At the beginning, it was both stimulating and chaotic. There were a lot of illusions and ambition and there was a lot of energy at a time

144 ACR, Minutes of the 2nd meeting of the Bureau of the Committee of the Regions, 5 April 1994.

145 *Milestones in the History of the Committee of the Regions*, p. 11.

146 Interview with Laurent Thieule.

when the ‘Community method’ dominated and was the leitmotif of the Jacques Delors commission^{147*}. In actual fact, the European Commission was an ally when it came to the establishment of the new body. “Delors and I very much supported this idea of involving the regions in this way in the workings of Europe,” says Eneko Landaburu, former Director-General for Regional Policy and Cohesion at the Commission^{148*}.

The administration and members of the Committee of the Regions were then working closely together on drafting and following up opinions. The Committee’s first opinion was the result of a mandatory referral. Of the first of these to arrive, only one was a matter of urgency – it concerned the proposal for a regulation establishing the Cohesion Fund and had to be adopted before 9 April 1994. The Bureau appointed Alberto João Mota Amaral, president of the Autonomous Region of the Azores, as rapporteur-general. At the second plenary session, on 6 and 7 April 1994, with the Committee of the Regions still in its infancy, this was the only opinion adopted¹⁴⁹. From the third plenary session, in May 1994, however, the assembly began to run normally: eleven opinions were adopted and a policy debate was held on the priority objectives of European integration, attended by the president of the European Commission, Jacques Delors. The Commissioner for Regional Affairs, Bruce Millan, also presented the document “Europe 2000 +”¹⁵⁰. The Committee of the Regions also used its right of initiative and sought to make its presence felt by taking positions on matters of its own choosing. One such instance came in November 1994, when it adopted a highly controversial opinion on reform of the wine market. This opinion, drafted by rapporteur Juan Carlos Rodríguez Ibarra, provoked division among committee members, with some for and some against a ban on adding sugar (“chapitalisation”). Initially deferred in plenary following heated debate, it was finally adopted at the subsequent plenary, although not without protest from the rapporteur, who felt he had conceded too much to those defending adding sugar. This might seem rather anecdotal, but the opinion demonstrated how difficult it was to find common cause between members from such a diverse range of local and regional authorities and such a cultural variety¹⁵¹.

147 Interview with Béatrice Taulègne.

148 Interview with Eneko Landaburu quoted in: Wassenberg, B., *Le Comité des régions*, p. 448.

149 CoR, opinion 16/94 on the Proposal for a Council Regulation (EC) establishing a Cohesion Fund (Mota Amaral).

150 Wassenberg, B., *Le Comité des régions*, p. 448.

151 CoR, opinion 242/94 on Proposal for a Council Regulation (EC) on reform of the common organization of the market in wine (Rodríguez Ibarra); see also Warleigh, A., *op. cit.*, p. 33.

Nevertheless, at the beginning of 1995 the Committee of the Regions seems to have got to grips with the business of producing its opinions, including taking advantage of the “heavyweights” in its ranks – politicians heading the executive bodies of cities and regions: “To begin with, there were just a handful of us drafting opinions, some of which had quite an impact, not least because of the high profile and political standing of their rapporteurs”^{152*}. Nor was this routine disturbed by the Committee’s expansion to embrace local and regional authorities in the three new Member States (Austria, Finland and Sweden) that joined the EU on 1 January 1995. At this point the decision was taken to increase the number of members from 189 to 222 and that of Bureau members from 30 to 34. There were no changes in the number of commissions or in the posts of presidents and vice-president, although these were now allocated differently in order to create a new balance between the cities and regions of what were now fifteen Member States. The Committee of the Regions continued its work unruffled, not least because in many cases those now joining it had been “observers” from the local and regional authorities of the new countries and had fervently supported the Committee from the outset¹⁵³. Austria, in fact, played a decisive role from the Committee’s first meetings: its *Länder* have very significant legislative powers, comparable with those of Germany and the Belgian regions, and these worked from the very outset for Committee of the Regions that could play a strong role at the heart of the EU.

Off to a flying start both politically and administratively, the Committee of the Regions nevertheless had new challenges to face: consolidating its place within the Community institutional set-up and taking a stance on the new treaty reforms that would be announced in 1995 and conclude with the Treaty of Amsterdam on 2 October 1997.

152 Interview with Laurent Thieule, op. cit.

153 Interview with Andreas Kiefer, Secretary General of the Congress of Local and Regional Authorities of the Council of Europe, 23 May 2017.

Conclusions to Part I

«Cooperation within the Committee of the Regions and exchanges of experience in the context of cross-border cooperation and regional partnership have shown that it is important for the regions to have a strong voice in order for the public to identify with a united Europe»^{154*}.

The European Commission was certainly one of the main architects behind the creation of a Committee of the Regions in 1994, as shown by this quote from Monika Wulf-Mathies, the then regional policy commissioner and also responsible for relations with the Committee. However, it was not the only party involved in the process: the inclusion in the 1992 Treaty of Maastricht of the establishment of a body representing local and regional authorities was the result of the combined efforts of a number of very different players. The reform of the European Treaties also created a framework that was particularly conducive to the establishment of the Committee of the Regions. Launched in 1991, this reform reflected the EEC Member States' shared desire to create a genuine European Union with new powers and new areas of action.

Alongside the European Commission, the parties supporting the creation of this new representative body thus included associations of cities and regions, particularly the CEMR and the AER, and also "strong" regions within the EEC, i.e. those with legislative powers, such as the German *Länder*, Spain's autonomous communities and the Belgian regions. Each one took a different viewpoint on the future nature and organisation of this Committee of the Regions, and the form it acquired was therefore the result of a compromise: the body would have only an advisory role in the Community's legislative system, would comprise a single chamber of local and regional representatives, rather than two chambers, and would have to share its administration with the existing consultative body, the EESC. Once the Treaty of Maastricht had been ratified, these provisions on the Committee of the Regions still needed to be implemented, and the Committee needed to actually be established in Brussels. And while, at its inaugural session in 1994, all the representatives of other institutions – Commission, Parliament and EESC – applauded

154 Wulf-Mathies, Monika, "Preface", in Bourrinet, J. (ed.), op. cit., p. 3.

this key moment in the history of European integration, in practice, the Committee of the Regions' installation in premises shared with the EESC was not all smooth sailing, as the CoR first needed to find its footing before gradually establishing its working methods and its own organisational culture.





Part II

The Committee of the Regions establishes itself within
the EU
(1995-2004)

«After two years of activity, the Committee of the Regions must strive to strengthen its political and institutional role, so as to give new momentum to the Citizens' Europe. [...] Subsidiarity means proximity and responsibility. A day will come when federalism and subsidiarity join forces, free of any taint of fundamentalism»¹.

1 ACR, Pasqual Maragall i Mira, preface to the 1994-1995 Activity Report.

Pasqual Maragall i Mira, mayor of Barcelona, announced his work programme as soon as he was elected president of the Committee of the Regions in 1996. His main aims were to achieve transparent internal organisation, effective operation, recognition of the Committee of the Regions as a European institution, and a stronger presence for the Committee in discussions on the reform of the European Treaties.

The Committee of the Regions had barely started work before it had to tackle a number of internal and external challenges in order to secure its position within the EU's institutional architecture. Internally, despite the provisional arrangement made with the EESC, the shared administration and day-to-day relations with its counterpart needed to be clarified. The Committee of the Regions also needed to better define its relations with the Commission, the Council and the European Parliament – not only to lay down the legislative procedure for drafting its advisory opinions and for these to be taken note of, but also to establish itself as a trusted partner institution and thus to be able to dispel the concerns of some MEPs that it would be a competitor. However, it was also necessary for the Committee of the Regions to develop its own political culture, organising internal political groups and coordinating them with the national delegations, and to make its mark via the personality and political priorities of its successive presidents.

By 1995, the political context was conducive to strengthening the Committee's institutional position. The Treaty of Maastricht provided for an Intergovernmental Conference to be held in 1996 to revise certain provisions relating to subsidiarity. But there were other issues at the heart of the negotiations that led to the signing of the Treaty of Amsterdam on 2 October 1997: a thorough review of the institutions was needed to allow for the enlargement of the EU from twelve Member States to 25, or 27 including all the candidate countries from central and eastern Europe, Cyprus and Malta. In the end, this revision of the Treaties was not fully completed in 1997, and was therefore continued at a second intergovernmental conference in 2000 that culminated in the adoption of the Treaty of Nice on 26 February 2001. This series of institutional reforms was also accompanied by a desire on the part of the Member States for the EU to have a true constitution. This process started in December 2001 at the end of the Intergovernmental Conference in Laeken, with the establishment of a Convention chaired by former French president Valéry Giscard d'Estaing, and aimed to involve representatives of civil society and the public.

These were all good opportunities for the Committee of the Regions to get involved in institutional reform to solidify its position in the European architecture and participate in shaping the future of the EU.

There was also no shortage of external challenges, reflecting the problems faced by the EU Member States themselves between 1995 and 2004. For example, the Committee needed to prepare for enlargement, which would increase its membership from 222 to 334 representatives of the cities and regions of the 27 EU Member States. Then, it needed to address the problem of the EU's democratic deficit. Ever since the Treaty of Maastricht, the question of the democratic legitimacy of the Community's institutions had become increasingly pressing: the "no" vote in the Danish referendum and narrow "yes" vote in the French one seemed to mark the end of the European population's "permissive consensus"² towards the European integration process. Could the Committee of the Regions be an answer to this problem? Could it establish a link with the public? That, at any rate, seemed to be Mr Maragall i Mira's objective when he became its president in 1996.

2 Hooghe, L., Marks, G., "A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus", *British Journal of Political Science*, Vol. 39, Issue 1, 2008, pp. 1-23.



1. Standardisation of the Committee of the Regions' interinstitutional relations

Since its inception, the Committee of the Regions' place within the Community architecture has been largely dependent on the formal and informal relationships it has developed with the other European institutions. First, with its counterpart the EESC, from which it needed to differentiate itself and assert its independence. Then, with the three European institutions: while the European Commission remains its primary contact point, it has also been able to demonstrate its value as a consultative body to the Council and to develop a closer relationship with the European Parliament, which sought to standardise relations with a Committee that had direct democratic legitimacy.

a) Relations with the Economic and Social Committee: a gradual move towards administrative autonomy

Right from the outset, the shared administration with the EESC imposed on the Committee of the Regions by the Treaty of Maastricht – this “institutional curiosity”³ – presented a number of difficulties for the new consultative body. At a time when it was trying to assert its political nature and its independence from the EESC, the Committee of the Regions had to move into that body's premises in the Galerie Ravenstein and was largely dependent on its administrative services. As a member of staff who was there at the start explained, the Committee had been set up, but not given any resources, and that caused a number of problems⁴. Despite an initial agreement at the end of 1994 between the secretaries-general of the two Committees – Dietrich Pause of the CoR and Simon-Pierre Nothomb of the EESC – on the “provisional” arrangements for this shared administration, i.e. the creation of a “Common Organisational Structure” (COS) to combine the services of the two bodies, the Committee of the Regions would soon start calling for its own separate administration. In other words, the COS had barely been put in place before the CoR was working to abolish it.

It employed various techniques to this end: over its first few terms, the Committee asked the Council and the European Parliament every year to allocate appropriations for new posts to grow its own administrative structure⁵. The president, Jacques Blanc, also attempted

3 Féral, Pierre-Alexis, *Le Comité des régions de l'Union européenne*, op. cit., p.109.

4 Interview with Jordi Harrison, secretary-general of the PES Group, 28 June 2019.

5 ACR, Annual Reports 1995-1999, budget section.

to assert the Committee of the Regions' independence through a separate recruitment procedure – something that particularly offended the EESC administration, who saw the creation of the Committee of the Regions as an opportunity for internal promotion into posts assigned to the new body. By instead launching “internal competitions” to appoint as officials colleagues with local and regional experience who had been involved in establishing the CoR, Jacques Blanc would be able to quickly set up an initial administrative team around him⁶. This staffing policy created an ambivalent relationship, or even tensions, between the staff of the two bodies. There was a risk that strikes could paralyse the Committee of the Regions. At the end of 1995, the secretary-general, Dietrich Pause, warned Bureau members that the EESC unions that made up the majority of the shared administration had not ruled out a strike to protest against this recruitment procedure⁷. Things escalated further in 1998, when opponents of Pause began proceedings to end his term of office and succeeded in orchestrating a vote forcing him to resign. They argued that he had supported Blanc's efforts to recruit political supporters to the CoR administration⁸. These matters weakened the Committee and were not an ideal starting point for an enduring coexistence with the EESC. In response to the various criticisms made by the European Anti-Fraud Office (OLAF) and the trade unions, the Committee conducted an internal audit, followed by a lengthy process of administrative reform, which enabled it to put its affairs in order. This reform also helped to clarify the role of the political bodies vis-à-vis the administration: neither the presidency, nor the political groups insisted on setting up their own administration. This unique administrative framework facilitated work within the organisation, but also collaboration with the other Community institutions. It also had consequences for the members: local and regional politicians thus learned, on arrival in Brussels, that while they were, of course, representatives of their cities and regions, they were also – and above all – independent members of an EU institution. The administrative reform thus became a guarantee of the Committee's “resilience”.⁹

The Committee of the Regions' second tactic was to call for the abolition of the COS, putting this issue at the heart of its proposals to the Intergovernmental Conference

6 Interviews with Pedro Cervilla, Laurent Thieule and Béatrice Taulègne; ACR, minutes of the Bureau, 19 April 1995.

7 ACR, minutes of the Bureau meeting, 15 November 1995.

8 “CoR votes to force Pause out of office”, 25 November 1998, politico.eu, retrieved 9.9.2018.

9 Interview with Gerhard Stahl.

preparing the Treaty of Amsterdam in 1997¹⁰. However, during the preparations for the 1996 budget, the two bodies once again agreed on a definition of the COS that would allow for peaceful coexistence, specifying that the tasks it performed were by definition neutral in nature (involving technical and administrative support) that it would be managed by joint agreement between the ESC and the Committee of the Regions, and that it was unique in the Community administration due to the fact that the two Committees were so interdependent in the exercise of their mandates¹¹. However, there were considerable differences between the two institutions justifying the Committee of the Regions' quest for autonomy: the EESC was not a political body, but one representing civil society; the two institutions worked on different schedules, with the EESC having nine plenary sessions a year, while the CoR had four or five; and, while the EESC therefore had to provide the CoR with administrative support, it could not simply copy its own operating arrangements, which were not appropriate for its counterpart – it proved necessary to create two operating systems in a duplicated administration, which was a counter-productive and unsatisfactory combination¹².

The special commission on institutional affairs, headed by Jordi Pujol, drafted a report as part of the preparations for the 1996 Intergovernmental Conference, calling for the Committee of the Regions to be recognised as a genuine “institution” and therefore to have “greater administrative and budgetary autonomy”. The opinion adopted on 21 April 1995 indirectly called for the COS to be abolished¹³. The Committee of the Regions was supported in this call by the European Commission and some MEPs. In two speeches – one at the CoR's 7th plenary session in April 1995 and one at an international symposium in February 1996 devoted to the role of the Committee of the Regions in European integration – the Commissioner for Regional Policy, Monika Wulf-Mathies, alluded to the need for greater institutional independence for the Committee of the Regions¹⁴. Likewise, in a report presented by Jean-Louis Bourlanges and David Martin on the functioning of the Treaty on European Union with a view to the 1996 Intergovernmental Conference, the European Parliament showed that it was aware of the difficulties inherent in the COS and

10 Féral, P.-A., *Le Comité des régions de l'Union européenne*, op. cit., p. 100.

11 *Ibid.*, p. 101; see also the Rules of Procedure of the EESC and the CoR, Section VI, Part C, of the EU Budget, relating to the COS.

12 Interview with Sybren Singelsma.

13 ACR, Pujol report on institutional reform, and opinion adopted on 21 April 1995 (Doc. 1949/95 MC, p. 7).

14 See Agence Europe, No 6467, 24-25 April 1995, pp. 4,5, and “Preface”, in Bourrinet, J. (ed.), op. cit., pp. 4,5.

of the Committee of the Regions' demands, stating that "it must also be guaranteed that the Committee of the Regions is able to operate independently"¹⁵. This support bore fruit: with the adoption of the Treaty of Amsterdam on 2 October 1997, the "institutional curiosity" that was the COS was to be gradually phased out by 2000 – though this did not prevent the two bodies from continuing to share premises and certain administrative services.

Following the entry into force of the Treaty of Amsterdam on 1 May 1999, the coexistence between the CoR and the EESC needed to be re-organised on a new, more "equal" basis. Once the Committee of the Regions had gained its administrative autonomy, relations between the two consultative bodies improved, leading in the first instance to the conclusion of cooperation agreements. The first such agreement, signed on 3 June 1999 by the two presidents, Manfred Dammeyer and Beatrice Rangono Machiavelli, and the two secretaries-general, Dietrich Pause and Patrick Venturini, established the principles for the management of the shared administration (distribution of resources, the directorate, staff management and management of financial resources), the premises and the work programme. With a view to improving relations, the agreement also provided for regular meetings of a contact group, and meetings between the secretaries-general and the personnel directors. It stressed that the administrative and budgetary autonomy of the two bodies made cooperation indispensable, and that this would require a "willingness to establish a clear, well-defined legal framework"¹⁶. In 2004, this agreement was supplemented by a tripartite arrangement between the Committee of the Regions, the EESC and the European Parliament that was essentially limited to the European Parliament's commitment to making its main debating chamber and other meeting rooms available for the plenary sessions of the two consultative bodies. This was not strictly speaking a cooperation agreement, but the text nonetheless emphasised that it amounted to a "strengthening of interinstitutional cooperation"¹⁷. In fact, the Committee of the Regions did also need to review its relations with the European Parliament. Despite a bumpy start, the two political assemblies needed to progressively foster mutual trust in order to make room for genuine cooperation between them.

15 Martin/Bourlanges report on the Functioning of the Treaty on European Union with a view to the 1996 Intergovernmental Conference, 4 May 1995 (Doc. PE212/450).

16 ACR, Cooperation agreement between the ESC and the Committee of the Regions, 3 June 1999 (Doc.CES-CDR3/99).

17 ACR, CoR-EESCEP Agreement, 2004.

b) Relations with the European Parliament

Just as with the EESC – though for completely different reasons – the Committee of the Regions’ relations with the European Parliament have also been complex and ambiguous. Although Parliament was one of the architects behind the establishment of the CoR, a “rivalry”-based relationship very quickly developed¹⁸. A number of reasons can be put forward to explain how this competitive relationship came about.

We first of all need to look at the Committee of the Regions’ position via its first president, Jacques Blanc, who committed something of a faux-pas in the European Parliament’s main debating chamber no sooner had he been elected, by implying that it was in the Committee of the Regions that Europe’s true democratic legitimacy lay¹⁹. This raised concerns at the European Parliament about competition from a potential “second political chamber” that would claim greater legitimacy as it was closer to Europe’s citizens. It should not be forgotten that, in 1994, the European Parliament had only recently increased its power relative to the Council and Commission, thanks to the introduction of the co-decision procedure, and therefore did not want to lose this privileged position due to interference from the Committee of the Regions²⁰.

Moreover, right from the outset the members of the Committee of the Regions included numerous high-profile political figures from certain Member States (such as minister-presidents of German Länder, presidents of Spanish autonomous regions and Belgian regions, and mayors of major cities). The presence of prominent figures such as these, enjoying a higher political profile in their own countries than most MEPs, generated a degree of distrust on the part of the European Parliament. After all, in some cases these local and regional political figures had a decisive say in drawing up the lists for elections to the European Parliament²¹. This combative, competitive attitude from the Committee of the Regions in its first few years deprived it of a strong natural ally, and it would pay the price for that for years²².

18 Warleigh, Alex, *op. cit.*, p. 25.

19 Interview with Philippe Burghelle-Vernet, administrator at the European Commission, 28 April 2017.

20 Domorenok, Ekaterina, “The Committee of the Regions: In search of identity”, *Regional & Federal Studies*, No 19:1, 2009, p.157.

21 Interviews with Béatrice Taulègne and Pedro Cervilla.

22 Interview with Filippo Terruso, member of the private offices of the EPP presidents, 25 June 2019.

Nonetheless, the Committee of the Regions was heavily dependent on the European Parliament as the main party (along with the Council) responsible for allocating its budget, initially via resources shared with the EESC and later directly, starting in 2000 when it gained budgetary autonomy following negotiations with the two institutions (Parliament and the Council) responsible for the EU budget²³. The Committee of the Regions found it difficult to obtain funds for its operation, either for its staff or to acquire a building. The Council often reduced the CoR's requests considerably at first reading, and the Committee bemoaned a lack of support from the European Parliament, which at that time had the final say on the European institutions' administrative expenditure²⁴. As early as April 1995, a member of the CoR Bureau expressed concern at the European Parliament's attitude towards the institution, saying that "steps should be taken to raise the matter, as diplomatically as possible, with MEPs in order to change the climate that prevailed between the two Assemblies"²⁵. But there continued to be friction with the European Parliament's committee on budgetary control, which, as a result of the financial and institutional management problems of the CoR's early years, was frequently reluctant to grant budgetary discharge to the secretary-general of the Committee of the Regions²⁶. For a long time, therefore, the Committee and the European Parliament had an ambiguous relationship, "being potential allies and rivals at the same time"²⁷.

Relations did, however, start to improve in the late 1990s. The initial rivalry gradually gave way to a genuine "political partnership" in which the two bodies of elected representatives could complement each other. This shift was also fostered by the fact that the representatives of strong regions to some extent lost interest in the Committee, which lessened the feeling on the part of some MEPs that it constituted competition from "heavyweights"²⁸. Thus, on 30 March 2000, the first joint meeting was held between the presidents of the two institutions – Nicole Fontaine of the European Parliament and Jos Chabert of the Committee of the Regions – and the presidents of the political groups. This meeting laid

23 Piattoni, S., Schönlaui, J., op. cit., p. 77.

24 ACR, minutes of Bureau meetings between 1996 and 2003.

25 ACR, minutes of the Bureau, 19 April 1995.

26 Domorenok, E., op. cit., pp. 143-163.

27 Christiansen, Thomas, Lintner, Pamela, *The Committee of Regions after 10 years: Lessons from the past and challenges for the future*, Eipascope, 1, 2005, pp. 7-13.

28 Hönnige, C., Panke, D., *Is anybody listening? The Committee of the Regions and the European Economic and Social Committee and their quest for awareness*, Journal of European Public Policy, 23(4), 2016, p. 625.

the foundations for formal cooperation: they decided to organise a “Joint Conference of Presidents” twice a year and to hold one CoR plenary session a year in parallel with an EP plenary session so that members of the two bodies could meet and harmonise their points of view²⁹. It was also agreed at the meeting that the institutions’ committees/commissions could exchange observers, that shared public information campaigns would be organised, and that the two bodies would publish the same or similar positions on topical issues. The Joint Conference of Presidents in particular would make it possible to build a cooperative partnership and lead to recognition of the role of the CoR’s political groups³⁰. It was the consolidation of these groups – particularly of the two major political families, the European People’s Party (EPP) and Party of European Socialists (PES) – that made it possible to build bridges between the two institutions. The presidents of the CoR’s political groups did increasingly start coordinating with their counterparts at the European Parliament. Not everyone saw this development as a good thing, feeling that, by mimicking elements of how the European Parliament worked without focusing on local and regional concerns, the Committee of the Regions lost its individuality and became subservient to the political parties³¹. But it also demonstrated the Committee’s capacity to become a permanent feature of the European institutional architecture³².

In a metaphor for this improvement in relations, the two bodies also moved closer together physically: the Committee of the Regions moved to the Ardenne building at the heart of the European quarter in May 1996 and then, on 13 and 14 July 2000, took over the Montoyer building directly adjacent to the European Parliament³³. Finally, cooperation with the European Parliament took a particular turn for the better when, in 1997, the Treaty of Amsterdam gave Parliament the ability to consult the Committee directly. Although Parliament did not actually make use of this new prerogative until 2002, the Committee of the Regions had already established a direct link with the other institution via its own-initiative opinions, which it sent to the parliamentary assembly without an official referral³⁴. Institutionally, the first point of contact for its advisory activities in the

29 *The Committee of the Regions: 10 years of political work*, Committee of the Regions, Brussels, 2004, p. 46.

30 *Milestones in the History of the Committee of the Regions*, p. 15.

31 Interview with Thomas Wobben, director, legislative work, CoR, 9 April 2019.

32 Interview with Heinz-Peter Knapp, secretary-general of the EPP Group, 25 June 2019, and interview with Jordi Harrison.

33 *Milestones in the History of the Committee of the Regions*, p. 15.

34 Piattoni, S., Schönlaui, J., op. cit., p. 76.

European Parliament has been the Committee on Regional and Urban Development (REGI), which is responsible for regional and cohesion policy. However, the CoR has frequently criticised a very narrow interpretation that limits cooperation exclusively to issues of regional policy³⁵.

From the very first Joint Conference of Presidents in 2000, though, there had been an explicit willingness to improve the European Parliament's consultation of the Committee of the Regions on matters of common interest and to coordinate with rapporteurs for opinions at a sufficiently early stage. Some within the Committee of the Regions, however, did not want to give preference to the European Parliament, as such a shift would be at the expense of the European Commission, which should remain the Committee's "privileged" partner³⁶.

c) Relations with the European Commission and the Council

In contrast to its relations with the European Parliament, the relationship that the Committee of the Regions maintains with the European Commission has for the most part been positive. It had enjoyed the support of the Commission right from its creation, with leading commissioners attending the first plenary sessions³⁷. This support very quickly led to the formalisation of cooperation, before the Commission subsequently abandoned its "paternalistic" attitude and, from 2001 onwards, established a more functional relationship with the Committee.

The European Commission primarily offered political support for the Committee of the Regions' activities, though this did not mean that it was not interested in establishing a more formal relationship so as to be able to provide a "framework" for its work on legislation. In 1995, the new Commission president, Jacques Santer, came to a CoR plenary session to present his work programme, and the Commissioner for Regional Affairs, Monika Wulf-Mathies, made a habit of attending every CoR session. It should be stressed, however, that she was the only commissioner to appear regularly at the Committee's meetings,

35 *Ibid.*

36 Interview with Pedro Cervilla.

37 See Part I, First plenary session.

since, at this early stage in its existence, the other commissioners tended to ignore the new consultative body³⁸.

The Commission very quickly emphasised the special institutional links it had with the Committee of the Regions. On 5 April 1995, it published a communication on its relations with the Committee, which even included a reference to the Commission's responsibility "towards this body whose establishment it advocated"³⁹. But the European Commission's approach remained close to its initial concept for the Committee of the Regions, namely to create a consultation body "attached to" the Commission. In a way, forging a relationship between the Committee and the Commission was also "natural". Given that the Treaty of Maastricht set out areas in which the Committee of the Regions needed to be consulted, it was necessary to establish practical arrangements by which this could happen. It is thus not surprising that the Commission undertook firstly to send the Committee a provisional schedule of mandatory and optional referrals, and also to report back regularly on the follow-up given to its opinions⁴⁰. Another aspect is more surprising, and reflects the "paternalistic" attitude towards the Committee: the Commission set up a new unit within its secretariat-general, headed by Philippe Burghelle-Vernet, with responsibility for relations with the Committee of the Regions:

«We very quickly established a method for organising relations with the Committee of the Regions. [...] It went very well. [...] I set up a little mechanism a bit like the one used for Parliament, with the involvement of the directorates-general or meetings of committees with a position to take on Committee of the Regions opinions. It all worked pretty well»^{41*}.

With this mechanism in place, a very close and amicable relationship developed between the two institutions, particularly with DG XVI, responsible for regional policy. As a Committee of the Regions official recalls: "Even before they went to talk to the Member States, they discussed proposals with us informally or formally in the ambit of commission

38 Wassenberg, B., *The Committee of the Regions*, op. cit., p. 214.

39 AEC, BAC 586/2004 44, draft of the communication from Monika Wulf-Mathies on relations with the Committee of the Regions.

40 AEC, BAC 586/2004/42, Comité des Régions (CdR), établissement et encadrement des relations avec la Commission.

41 Interview with Philippe Burghelle-Vernet.

meetings and opinions. That then strengthened the Commission's position to go to talk to the Council as a second step^{42*}. In practice, the Commission went well beyond what was required by the Treaty to inform the Committee of the Regions in advance of the measures on which it would be consulted. It was with this in mind that, at Monika Wulf-Mathies's request, the Commission even set up a policy group comprising members of European Commissioners' private offices⁴³. And yet, its paternalistic attitude was undeniable: it sometimes went so far as to advise the Committee as to the legislative initiatives in which it should involve itself and how to do so. For example, it asked the Committee to limit the number of own-initiative opinions, seeing them as an unnecessary and counter-productive distraction⁴⁴, and discouraged it from adopting resolutions on foreign policy, for example on controversial issues in Bosnia, considering this to be outside the Committee's remit⁴⁵. The Commission regarded the Committee of the Regions rather as its "own" advisory body, and therefore took the view that it should focus on mandatory referrals and on those that, while optional, were of interest to the Commission – such as opinions on its white or green papers⁴⁶. However, the Commission's approach here was not always appreciated by a Committee that wanted to establish itself as a political body that, as well as issuing mandatory opinions, also aimed to address issues of its own choice⁴⁷. Nonetheless, it did decide, for reasons of internal efficiency, to reduce the number of own-initiative opinions: they made up 18 out of a total of 43 opinions in 1996, and only 11 out of 58 in 2003⁴⁸.

At the end of the 1990s there was a shift in the European Commission's attitude towards the Committee. On the one hand, cooperation between the two bodies became normal practice: not only did commissioners regularly attend plenary sessions, but Commission officials also took an active part in meetings of the Committee's commissions, allowing for feedback from the Commission on CoR opinions at an early stage in the legislative procedure. At the same time, though, the special unit in the Commission's secretariat-general was abolished in 1998, which could suggest a loss of interest on the Commission's

42 Interview with Pedro Cervilla.

43 Levrat, N., "Les relations du Comité des régions à l'intérieur du système institutionnel communautaire", in Bourrinet, J. (ed.), op. cit., pp. 133-134.

44 Loughlin, J., "Europe of the Regions and the Federalization of Europe", *Publius* 26 (4), 1996, pp. 183-202.

45 McCarthy, R.E., op. cit., p. 443.

46 BAC 586/2004 1, note from the secretariat-general, 11 October 1999.

47 Interview with Pedro Cervilla.

48 Piattoni, S., Schönlaui, J., op. cit., p. 70.

part⁴⁹. It was only in 2001 that relations strengthened anew, with the adoption of the first formal cooperation agreement between the European Commission and the Committee of the Regions. Signed by Commission president Romano Prodi and CoR president Jos Chabert on 20 September 2001⁵⁰, it followed on from the Commission's White Paper on European Governance, which recommended a more proactive role for the Committee of the Regions and, more generally, stronger involvement of regional authorities in the European decision-making process⁵¹. Under this agreement, the Commission asked the Committee of the Regions to draw up strategic documents in order to enable the local and regional authorities represented at the Committee to be consulted an early on regarding proposals that were still at the pre-legislative stage. In return, the Commission undertook to inform the Committee twice a year of what follow-up had been given to its opinions. To ensure coordination at the highest level, it was also decided that a meeting would be held once a year between the CoR and Commission presidents. In Jos Chabert's view, this agreement "expresse[d] the willingness of the European Commission and the Committee of the Regions to work more closely together, but above all, it show[ed] the fact that the Commission [had] taken on board the importance of the local and regional dimension in the search for an EU that is more democratic and closer to the concerns of its citizens"⁵².

Relations with the Council, for their part, were initially extremely limited, or even non-existent. The Council's attitude to the creation of the Committee of the Regions had been one of "relatively benign indifference" because, other than for the sake of the governments with federal states or regions with legislative powers, they saw no need to set up a Committee of the Regions⁵³. On the contrary, most of the Member States were somewhat sceptical of the possibility of giving a platform to local and regional authorities, which risked further complicating European affairs that were already difficult to manage within the institutional interplay between the Commission, Parliament and Council⁵⁴. Thus, even though in formal terms the Committee of the Regions had the same links with the Council as with

49 Wassenberg, B., *The Committee of the Regions*, op. cit., p. 449.

50 ACR, Cooperation agreement between the Committee of the Regions and the European Commission, 20 September 2001

51 AEC, European Commission white paper on European governance, July 2001.

52 *The Committee of the Regions: 10 years of political work*, p. 45.

53 Warleigh, A., op. cit., p. 28.

54 Cole, T., *The Committee of Regions and subnational representation to the European Union*, *MaasStricht Journal of European Comparative Law*, No 12, 1, p. 54.

the Commission, very little energy was spent on nurturing relations with the Council in the 1990s. This state of affairs did not change until 2001, with the publication of the White Paper on European Governance and preparations for EU enlargement. At that point, the Council began to show an interest in the CoR's plenary sessions: the rotating presidency started coming to present their work programme priorities to the elected local and regional representatives. Then, in 2003, the Council held a meeting of ministers of regional affairs that was attended by the candidate countries and which adopted a declaration stressing the role of the Committee of the Regions in involving local and regional authorities in the EU⁵⁵. Since then, the CoR president has regularly been invited to participate in the informal Council of Ministers of Regional Affairs. In 2004, the Italian presidency-in-office of the Council consulted the Committee of the Regions directly for the first time⁵⁶.

This first consultation undoubtedly heralded a new stage in relations between the CoR and the Council, and was also a reflection of the Committee's success in claiming its place within the European architecture, while at the same time developing a distinct political culture.

55 Domorenok, E., *op. cit.*, p. 158.

56 Piattoni, S., Schönlaui, J., *op. cit.*, p. 83.



2. Development of a distinct political culture

Right from the outset, the Committee of the Regions has emphasised its political nature and its legitimacy as a body representing the cities and regions of Europe. In order to assert itself as a Community institution separate from the EESC, it needed to develop a political culture of its own and a mode of operation that could fulfil its legitimate mission of making the voice of the citizens heard at Community level, while also making the Committee of the Regions – which, until 2004, would have 222 members – a chamber that represented the various political currents of local and regional authorities in the EU. However, from the start, there were certain fundamental questions that needed to be answered: should a national approach be favoured within the Committee? Or would it instead be preferable for members to be organised in political groups and to channel their work through those groups, along the lines of the European Parliament? What role and influence would the presidents of the Committee of the Regions have in guiding its work? And, finally, in the period from 1995 to 2004, what were the political priorities and key events for this new consultative body within the EU?

a) Influence of the political groups and national delegations

In the process of setting up the Committee of the Regions, it had been national considerations surrounding the appointment of members that had prevailed. It is not surprising, therefore, that the national delegations were at the heart of the Committee in its early days, but that situation changed very rapidly.

The political groups were officially formed at the Committee's fifth plenary session, on 15 and 16 December 1994. While there were fewer of them than in the European Parliament, there were some key similarities⁵⁷. First of all, the four political groups represented at the Committee bore similar names to those in Parliament: the EPP, the PES, the European Liberal, Democratic and Reformist Party (ELDR), and the European Alliance (EA). The EA refused to use the acronym ERA (European Radical Alliance) used by the European Parliament group because, unlike the latter, it brought together members with a wide range of political views including regionalists and greens, not just representatives of the radical left⁵⁸. But the situation with regard to the majority groups was comparable to that in the

57 Mestre, Christian, *"Radioscopie du Comité des régions"*, op. cit., p. 75. Parliament had eight groups at the time.

58 *Ibid.*

European Parliament. For example, at the Committee of the Regions, the EPP and PES held three quarters of the seats between them and, just as at the European Parliament, they therefore occupied most of the positions of responsibility within the plenary assembly, the Bureau and the commissions. The Committee of the Regions being primarily a political assembly, it was logical for its members to form groups according to their political views⁵⁹. However, this logic was affected by the existence of the national delegations, the main aim of which was to allow coordination between CoR members on matters likely to affect the cities and regions of their own country. So what configuration should be prioritised?

From early 1995, a fundamental debate emerged on what importance should be attached, within the Committee of the Regions, either to the political groups or to the national delegations. As Dietrich Pause explained to the Bureau, “1996 would probably be a turning-point in achieving [the Committee’s] objectives, but [...] the CoR’s internal organization needed to be given a more permanent shape. For example, a decision would have to be made on whether it was better to focus on forming political or regional groups or national delegations”⁶⁰. He explained that these decisions would also have budget implications, as they involved, for example, supplying interpreters for group meetings. The president, Jacques Blanc, had mixed feelings. On the one hand, he considered that the main way of attracting the interest of the Council, the Commission and the European public was to devise a clear identity for the Committee, and therefore proposed allowing all the groups to meet; on the other hand, though, he considered it necessary to establish rules, such as a minimum number of members per group, and stressed that the Committee must not become a “second-string Parliament” – “it must be seen as a separate body capable of convincing citizens of the benefits of belonging to the European Union”⁶¹.

Starting in September 1995, the presidents of the political groups were invited to Bureau meetings, which helped to boost not just their presence but also their influence⁶². There was an excellent example of this in a debate at the Bureau meeting in March 1996: when Jan Terlouw, a member of the Dutch national delegation, suggested that members of the Committee of the Regions who were in a position to do so should explain to MEPs why

59 *The Committee of the Regions: 10 years of political work*, p. 40.

60 ACR, minutes of the Bureau, 1 February 1995.

61 *Ibid.*

62 ACR, minutes of the Bureau, 20 September 1995.

the recognition of national delegations, with their local and regional elements, was so important, Jos Chabert, the president of the EPP group, responded that the presidents of the political groups would also stand up for the unique way in which the Committee was organised – both by political group and by delegation⁶³.

The political groups gradually grew in scale, starting with establishing staff and secretariats to organise their work within the Committee. By 1998, they had thus managed to give themselves a structure and establish an administrative apparatus, but this had sometimes taken a huge amount of effort. It was a matter of a balance of power, and the administration initially generally favoured the national delegations, which in turn created a solidarity between the political groups in working for a more prominent position within the organisation⁶⁴.

In the early days, the situation was not always clear, and members of the Committee's administration did not always know whom they should contact. But nor were matters really any easier for the political groups: according to the secretary-general of the PES group, it had no premises of its own, and its president, Manfred Dammeyer, had to host its members in the representation of his own Land, North Rhine-Westphalia⁶⁵.

The solidarity between the political groups bore fruit: their secretariats gradually moved into the Committee of the Regions and solidified their role in its internal workings – they prepared coordination meetings before plenary sessions, sent group members the necessary information on the meetings of the CoR's various bodies (commissions, bureaux, conferences, seminars, etc.), provided assistance in making the political case for opinions and tabling amendments, and tracked down legislation relevant to local and regional bodies, thus increasing the information and expertise available when political initiatives were being prepared⁶⁶. To facilitate this operation, a system was gradually developed of coordinators and of "points" distributed to the political groups for the appointment of rapporteurs. Finally, this strengthening of the political groups' role was also reflected in the establishment, on 20 September 2000, of the Conference of Presidents, made up of the CoR president and first vice-president and the presidents of the four political groups.

63 ACR, minutes of the Bureau, 19 March 1996.

64 Interview with Heinz-Peter Knapp.

65 Interview with Jordi Harrison, 28 June 2019.

66 *The Committee of the Regions: 10 years of political work*, p. 40.

This conference quickly became a key coordination body within the Committee, enabling dialogue and compromise between the various political forces⁶⁷. Over time, it debated the agendas of the Bureau, plenary session and main political activities of the Committee, including the priorities of the six-monthly presidency, thus becoming, in the longer term, the central hub for the consultative body's policy directions.

This strengthening of the role of the political groups within the Committee of the Regions was facilitated by a number of factors. Firstly, the political groups were supported by their counterparts in the European Parliament: they forged close links, especially the two largest groups, the EPP and PES, which started to hold joint conferences in Brussels at the end of the 1990s – the EPP held a conference on the reform of the Structural Funds, and the PES held a seminar on “Think global, act local”⁶⁸. Secondly, in parallel, the national delegations became less important, not least because they were not homogeneous and did not always find it easy to reach agreement on issues based solely on national considerations. Certain topics were of course of national interest – such as the common agricultural policy (CAP) – but in general it was the political groups that took common positions on the Committee of the Regions' areas of action: it is difficult to find one guiding principle for the national delegations on social cohesion, but the EPP and the PES have well-defined positions on the subject⁶⁹. In the end, between the local/regional element and the political element, the latter seems clearly to have prevailed, according to the secretary-general of the PES group: “If a leader of a major region comes to an MEP from his own political group with an opinion, he will find it easier to convey his political message”^{70*}.

The increase in the power of the political groups within the Committee of the Regions was not always welcomed. For example, some officials lamented the shift, feeling that it had led to the withdrawal of the “heavyweights” – that is, significant political figures. The early days of the Committee of the Regions had been characterised by the presence and influence of these political high-flyers – if, for example, the mayor of Rome presented an opinion adopted by the CoR to a European commissioner, it had much more of an impact

67 *Milestones in the History of the Committee of the Regions*, p. 15.

68 *The Committee of the Regions: 10 years of political work*, p. 42.

69 Interview with Jordi Harrison.

70 *Ibid.*

than if it had been presented by the mayor of a small town⁷¹. But, as the political groups gained more power, they were no longer able to marshal their big names: “the political groups made it possible for less important elected politicians to take power. And the big names don’t like being told what to do by their own party; they want to their party to fall in with their own wishes”*. While this tendency was there from the start, it became more tangible under the presidencies of Manfred Dammeyer (1998-2001) and then Jos Chabert (2001-2003), both of whom were former presidents of CoR political groups.

Thus, over the course of the Committee of the Regions’ second term, local and regional, or even national, dynamics were rivalled, and then overtaken, by affiliation with structured political groups⁷². This progressive politicisation also went alongside a re-organisation within the Committee, which now closely resembled the European Parliament: there was an increasing convergence through the choice of rapporteurs, the establishment of a points system for the political groups, and the appointment of “shadow” rapporteurs to ensure balance between them. While this development did strengthen the Committee’s role as a political assembly, it also led to the members losing their independence in favour of a group-based approach. In the assessment of a Committee of the Regions official, there were two elements of disagreement in those first few years: between a structure with one or two chambers (a regional one and a local one), and between the national delegations and the political groups⁷³. Nonetheless, the politicisation of the Committee of the Regions also allowed it to gradually position itself not only as a body representing territorial interests, but also as a political body actively involved in the European debate, with its own views that could be very different from those advocated by the Member States – this could be attributed to the educating effect of the political groups⁷⁴.

Even so, the Committee of the Regions, unlike the European Parliament, was not just a political assembly – it remained a body representing the local and regional dimension. On 29 September 2004, under the presidency of Peter Straub, a very lively debate at the plenary session demonstrated that this discord between territorial and political claims still persisted: the discussion revolved around the question of how seats should be assigned

71 Interview with Sybren Singelsma.

72 Interview with Justus Schönlau, political adviser to the PES group, 3 July 2019.

73 Interview with Béatrice Taulègne.

74 Interview with Gerhard Stahl.

within the debating chamber, and specifically whether members should sit according to their political group affiliation, rather than in alphabetical order⁷⁵. This debate marked a new victory for the political groups and a new stage in their establishment: going forward, members would be seated in plenary according to their political affiliation.

The conclusion seems inescapable: over its first ten years, the Committee of the Regions became a body increasingly characterised by the weight of its political groups, and thus increasingly resembled the European Parliament in its operation.

b) Role of the presidents

The progressive politicisation of the Committee of the Regions also raised the question of the role of its presidents: would they give political impetus to the Committee's work? What was the role of each president, and what impact did the various presidencies have on the Committee's internal organisation and external positioning?

From the start, the Committee of the Regions adopted a system similar to that of the European Parliament in terms of the arrangements for its presidency: for example, the principle that the presidency would rotate mid-term between the two largest political groups (EPP and PES) was agreed when Jacques Blanc was elected as the first president in 1994⁷⁶. Another, implicit, rotation was also added that did not exist at Parliament: alternating between local and regional government. Thus, following the term of a president of a region (Languedoc-Roussillon) from the EPP, it was the turn of Pasqual Maragall i Mira, mayor of Barcelona and a member of the PES. However, this dual rotation principle was not always followed in the period between 1995 and 2004. For example, the presidency of Manfred Dammeyer (1998-2000), president of the *Landtag* of North Rhine-Westphalia and a member of the PES, was followed by that of Jos Chabert (2000-2002) from the EPP, who was also a regional president (of the Brussels-Capital Region in Belgium); while the next "pair" of presidents did meet the criterion of alternating between local and regional representation – Sir Albert Bore (2002-2004), from the PES, was leader of Birmingham City Council in the UK, and Peter Straub (2004-2006), from the EPP, was president of the

⁷⁵ *Milestones in the History of the Committee of the Regions*, p. 23; interview with Filippo Terruso.

⁷⁶ See Part I, 3.b).

Baden-Württemberg *Landtag*⁷⁷. As the influence of the political groups on the Committee's work grew, it became less important to adhere strictly to the rotation between local and regional leaders – the main thing was to ensure that between the two main political groups, which each selected their preferred candidate for the half-term.

During his term as president, starting on 21 March 1996, Pasqual Maragall i Mira had one major objective: to give the Committee of the Regions the status of a genuine “Community institution”. This desire was reflected in very close involvement in the discussions on the reforms provided for in the Treaty of Amsterdam. Above all, Maragall i Mira wanted the Committee of the Regions to have more decision-making power in the legislative process: “the Committee of the Regions and the European judicial system should move forward in recognition of the specificities of regions with legislative powers”⁷⁸. It is important to remember that Pasqual Maragall i Mira comes from Catalonia, a “strong” region with legislative powers, and thus also wanted the regions to have more weight in the system of European governance.

That was why he initiated the holding of a summit of regions and cities in Amsterdam on 15 and 16 May 1997, which for the first time brought together the EU's top regional presidents and city mayors. In keeping with this desire to participate in the reform of the European institutions, he aimed to send a strong signal to the EU Heads of State and Government, who were due to meet in Amsterdam in June 1997 to sign the new Treaty⁷⁹. The summit was a great success: it was attended by more than three hundred delegates, presidents of regions, presidents of federal states, mayors and representatives of associations of local and regional authorities. A number of representatives of the European Union also took part: the Commissioner for Regional Policy, Monika Wulf-Mathies, Hans Van Mierlo representing the rotating Presidency of the Council of the EU, the President of the European Parliament José Maria Gil Robles and, by video message, Commission President Romano Prodi. It was also an opportunity for the Committee of the Regions to position itself politically. At the summit, the prime minister of Bavaria, Edmund Stoiber, and the mayor of Porto, Fernando Gomes, presented a report on “Regions and cities: the

77 Piattoni, S., Schönlaui, J., op. cit., p. 37.

78 Pasqual Maragall i Mira, quoted in *The Committee of the Regions: 10 years of political work*, p. 23.

79 *The Committee of the Regions: 10 years of political work*, p. 103.

pillars of Europe”, calling for the CoR to be recognised as a European institution, and for it to be given more areas of mandatory consultation and the right to initiate proceedings at the European Court of Justice⁸⁰. The summit’s final declaration reiterated these calls, and also highlighted the need for administrative and financial autonomy⁸¹.

When Manfred Dammeyer was elected CoR president on 18-19 February 1998, this political line was continued. Coming from a powerful German federal state, he wanted to put the Committee of the Regions in a strong position within the institutional architecture, and sometimes bemoaned the lack of goodwill from the other EU institutions: “The CoR”, he said, “has deservedly gained respect as a result of the sound nature of the opinions which it has delivered. It did, however, take the other EU institutions a long time to learn to respect the CoR”⁸². During his term of office, Manfred Dammeyer focused on the quality of the Committee’s consultative role, particularly in the management of the structural funds and agricultural policy, but also undertook an internal reorganisation of the commission system⁸³. Finally, he also laid the foundations for a policy of openness towards regions in the candidate countries, by creating the CoR/Central and Eastern European countries-Cyprus Liaison Group⁸⁴.

The presidency of Jos Chabert once again played out against the background of a reform to the European Treaties, which would result in the Treaty of Nice on 26 February 2001. Priority was therefore once again given to political demands – he called for more emphasis on political opinions and less on technical opinions⁸⁵. Chabert’s political priorities also focused on five areas: employment, urban policy, European citizenship, the environment and preparations for enlargement. His presidency was also marked by the birth, in March 2000, of the joint Conference of Presidents of political groups of the European Parliament and Committee of the Regions, and subsequently by the conclusion of a cooperation agreement with the European Commission in September 2001. It was a therefore a time for strengthening interinstitutional relations, as Jos Chabert himself confirmed:

80 ACR, Gomes-Stoiber report 23/1997 on Regions and cities – the Pillars of Europe.

81 ACR, Final Declaration of the 1st Summit of Regions and Cities, Amsterdam, 15-16 May 1997.

82 Manfred Dammeyer, quoted in *The Committee of the Regions: 10 years of political work*, p. 26.

83 See Part II, 3.b).

84 Manfred Dammeyer, quoted in *The Committee of the Regions: 10 years of political work*, p. 95.

85 *Milestones in the History of the Committee of the Regions*, p. 15.

«Over the years contacts between the CoR and the Commission and Parliament have intensified. With the former the CoR has secured the right to put its case before formal proposals are drafted. With the Parliament, joint meetings at commission level have meant we can formulate parallel, if not identical, positions»⁸⁶.

With Albert Bore's election as president on 6 February 2002, the leader of a major European city, in this case Birmingham, once again came to power. But his presidency was also marked by a desire to strengthen the Committee of the Regions' position in the European architecture. Bore pointed out that, if the Committee wanted to establish itself as a real institution, it needed to prove itself⁸⁷. That required the Committee to assert itself with respect to the European Parliament as a political body, particularly through the political groups: to develop relations with the European Parliament, he said, the Committee of the Regions needed to focus on its political structure and the political groups⁸⁸. However, Bore also sought to beef up the Committee's administrative apparatus: he introduced another reform of the commissions to improve the efficiency of work relating to legislation. His term of office also played out in the context of the European Convention, launched in 2002 to draft a European constitution, to which the Committee of the Regions aimed to make a major contribution⁸⁹. Albert Bore's position with regard to this key process was to highlight the role of the Committee of the Regions as a possible cure for the EU's "democratic deficit". The CoR's participation in the convention meant that citizens could be indirectly involved in European governance, a concept that had already motivated the architects behind the Committee's creation to advocate a consultative body with wider powers. Bore's approach went hand-in-hand with the multi-level governance approach that was often touted as a solution to the EU's democratic deficit. It was primarily based on the subsidiarity principle⁹⁰: "At present, a growing number of powers have to be distributed between the European, national, regional and local levels, and care taken to ensure they are allocated to the most appropriate and effective level," he said, adding: "This requires a more flexible and interdependent vision of European governance, where the vision of a pyramid

86 Jos Chabert, quoted in *The Committee of the Regions: 10 years of political work*, p. 28.

87 Interview with Albert Bore, 10 October 2018.

88 *Ibid.*

89 *Milestones in the History of the Committee of the Regions*, p. 19.

90 Warleigh, A., *op. cit.*

is replaced by that of a network, of connection between several spheres of governance working on their own contributions while interacting with the others at different stages in the decision-making process⁹¹. This grassroots vision was also reflected in the staging, from 7 to 9 October 2003, of the first Open Days, an event organised in cooperation with the Brussels representations of ten cities and regions⁹², which hosted 1 800 guests for a series of workshops, seminars, conferences and exhibitions.

By the time Peter Straub, from the *Land* of Baden-Württemberg, took over the presidency on 11 February 2004, the Committee of the Regions had thus already taken a decision in favour of greater openness towards the general public – an approach that would be developed further in the years to come. An examination of the “tandems” of presidents shows that the left-right and regional-local divisions were not decisive factors in the presidents’ policy orientations: on the contrary, there has been a continuous guiding thread with the objective of strengthening the Committee of the Regions’ position within the EU⁹³. Though there was no division of roles between the presidents negotiated at the start of each “tandem” period between 1996 and 2004, there was nonetheless a *modus operandi* that did not follow the system of “political cleavages” that some have suggested as a key to understanding the Committee of the Regions⁹⁴.

However, an examination of the presidents of the Committee of the Regions will not on its own permit an understanding of its political priorities – they also depend on all of its members, who can determine the direction its activities take by proposing own-initiative opinions and reports.

91 Albert Bore, quoted in *The Committee of the Regions: 10 years of political work*, p. 31.

92 Baden-Württemberg local authorities, Brussels-Capital Region, Catalonia, central Italy, Hungarian regions, Ile-de-France, London, North-West England, Prague and Stockholm Region; see *The Committee of the Regions: 10 years of political work*, p. 51.

93 Piattoni, S., Schönlau, J., *op cit.*, p. 36; see also Domorenok, E., *Regioni in Europa. Il ruolo del Comitato delle Regioni nella governance europea*, Carocci, Rome, 2010.

94 Van der Knaap, P., “*The Committee of Regions: The outset of a ‘Europe of the Regions?’*”, *Regional Politics and Policy*, No 4, 2, 1994, pp. 86-100; Christiansen, T., *op. cit.*; Piattoni, S., “*The Committee of the Regions and the upgrading of subnational territorial representation in the EU*”, in Kröger, S., Friedrich, D. (eds.) *The Challenge of Democratic Representation in the European Union*, Palgrave Macmillan, Basingstoke, 2012, pp. 59-73; Hönigge, C., Kaiser, A., “*Opening the black box: Decision-making in the Committee of Regions*”, *Regional & Federal Studies*, No 13, 2, 2003, pp. 1-29; Scherpereel, J., “*Sub-national authorities in the EU’s post-socialist states: Joining the multi-level policy*”, *Journal of European Integration*, No 29, 2007, 1, pp. 23-46.

c) Political priorities

In the period from 1996 to 2004, while the work of the Committee was, of course, guided by the priorities set by each president, it was also shaped by the political context of the EU and by initiatives taken by a number of members, primarily the “political figures” that were – still – on the scene, particularly when it came to getting involved in the process of Treaty reform. Alongside the successive attempts to influence the provisions on the Committee of the Regions in the new Treaties, the following four political priorities can be discerned: interpreting and championing the principle of subsidiarity, cohesion policy, preparations for enlargement, and opening up to regional associations and offices, as well as closer relations with citizens.

Especially during its early years, there were prominent figures within the Committee who wished to obtain a more influential role for the consultative body within the EU, or to use it as a platform, a communication tool. Their presence led to a number of important own-initiative opinions early on, notably championing the subsidiarity principle and multilevel governance⁹⁵. In the period up to 1997, and the adoption of the Treaty of Amsterdam, out of the Committee’s 149 opinions, 71 were own-initiative opinions, with this option appearing to have been used as a veritable “political weapon”, particularly considering the catalogue of demands addressed in 1995 to the Westendorp “reflection group” on the direction of the Committee of the Regions⁹⁶. The Committee’s championing of subsidiarity still closely tied in with its requests to the Intergovernmental Conferences drafting the Treaties of Amsterdam and Nice, as well as in connection with the European Convention. The first such opinion was presented by Catalan politician Jordi Pujol to the Commission for Institutional Affairs on 21 April 1995 in connection with the revision of the Treaty and was accompanied by a supplementary opinion by Manuel Fraga Iribarne and Gerhard Gebauer setting out provisions for strengthening the subsidiarity principle⁹⁷. In fact, this principle was the cornerstone of the Committee of the Regions’ efforts to embed the role of local and regional authorities in the EU’s set-up. Similarly, an opinion entitled Developing a genuine culture of subsidiarity was presented in 1998 by Michel Delebarre and Edmund Stoiber, and subsequently two further opinions were submitted in 2001 and 2003 by

95 Piattoni, S., Schönlau, J., op. cit., p. 38.

96 ACR, opinion 139/95, 21 April 1995, see Féral, P.-A., *Le Comité des régions de l’Union européenne*, p. 89.

97 ACR, Opinion 136/95 on the Revision of the Treaty on European Union and the Treaty establishing the European Community (Pujol i Solely).

Jos Chabert and Manfred Dammeyer, and Albert Bore and Reinhold Bocklet, on the application of the principle of subsidiarity, in the ambit of the Laeken European Council and the preparations for the 2004 Intergovernmental Conference⁹⁸.

The Committee's campaigning for more serious attention to the principle of subsidiarity also went hand in hand with its championing of multi-level governance. Thus, during the debate on the European Convention, the Committee of the Regions, in parallel with the European Parliament, drew up a report on the role of local and regional authorities in the future institutional architecture. It also worked to promote the Prodi Commission's strategic priority on new forms of governance in Europe. Lord Tope presented two opinions in 2000 and 2001 championing local and regional authority involvement in the new forms of European governance⁹⁹. In connection with the European Commission's White Paper on European Governance, Michel Delebarre then submitted two opinions on better involving the Committee of the Regions in the drafting and implementation of European legislation¹⁰⁰. Finally, ahead of agreement on the draft Constitution drawn up by the European Convention, the Committee of the Regions' institutional commission took the initiative of convening the first subsidiarity conference on 27 May 2004 in Berlin, under the auspices of the German Bundesrat. This conference brought together members of the Committee of the Regions, the European Parliament, the European Commission, the Court of Justice and representatives of national and regional parliaments to discuss the Committee's position as a leading player in monitoring subsidiarity. It concluded that subsidiarity should be considered as early as possible in the drafting of legislation and called for the establishment of an "early-warning" mechanism enabling national parliaments to participate in its implementation, as well as the possibility of initiating proceedings before the Court of Justice for failure to comply with the principle¹⁰¹.

98 ACR, opinion 302/98 on Principle of subsidiarity 'Developing a genuine culture of subsidiarity. An appeal by the Committee of the Regions' (Delebarre-Stoiber), opinion 466/2001 on the Draft Report of the European Parliament on the division of powers between the European Union and the Member States (Chabert-Dammeyer); opinion 169/2003 on the CoR proposals for the Intergovernmental Conference (Bore-Bocklet).

99 ACR, opinion 182/2000 on New Forms of Governance: Europe, a framework for citizens' initiative; opinion 237/2002 on The role of the regional and local authorities in European integration (Tope).

100 ACR, opinion 103/2001 on the White Paper on European Governance, opinion 19/2003 on the Follow-up to the White Paper on European governance (Delebarre).

101 *The Committee of the Regions: 10 years of political work*, p. 106.

While the principle of subsidiarity was mainly championed by the Committee’s “heavyweights” through own-initiative opinions, territorial cohesion, for its part, was a priority area among the “mandatory” areas of consultation, on which opinions were requested automatically by the European Commission. Up to 1999, the EU had an ambitious cohesion policy: the budget devoted to it was increased by the Delors II package, and accompanied by the introduction of a new Cohesion Fund. From the outset, the Committee of the Regions supported the strengthening of the principles of additionality, partnership and programming announced by the European Commission, and its first opinion in 1995 endorsed, in particular, the “bottom-up” approach enabling local and regional authorities to play a central role in the design and implementation of regional policy¹⁰². However, at the end of the 1990s, during the negotiations on the new programming period, the Committee was highly critical of the fact that its involvement in the preparation of the programmes was still insufficient¹⁰³. Thus, when the Commission launched the debate on consolidating cohesion policy after the adoption of the Treaty of Amsterdam, which also tied in with the issue of the EU’s enlargement challenge, the Committee of the Regions weighed in at a very early stage. As early as 1997, it issued an opinion on the reform of the Structural Funds, since this was one of the most important and high-profile policies for local and regional authorities. In drafting this opinion it carried out extensive consultation by setting up a working group and sending out a questionnaire to all of its members¹⁰⁴. In the opinion, which focused mainly on the proposals put forward by the Commission as part of its Agenda 2000, the Committee of the Regions called for a stronger partnership with local and regional authorities in all phases of the planning, implementation, monitoring and evaluation of the programmes. Then, when the Commission set out the procedural details of the regulation on the Structural Funds and the European Regional Development Fund (ERDF) in 1998, the Committee responded immediately with two opinions on these provisions¹⁰⁵. Its message was clear: the aim had to be, on the one hand, to concentrate resources from a policy area, geographical and financial point of view and, on the other, to simplify and

102 ACR, opinion 234/95 on The role of local and regional authorities in the partnership principle of the Structural Funds (Meek-Hansen).

103 ACR, opinion 113/96 on The new regional programmes under Objectives 1 and 2 of Community structural policies (Behrendt-Acito).

104 ACR, opinion 131/97 on the Views of the regions and local authorities on arrangements for European Structural Policy after 1999 (Behrendt-Fraga Iribarne).

105 ACR, opinion 167/98 on the Proposal for a Council Regulation (EC) laying down general provisions on the Structural Funds (Behrendt-Fraga Iribarne); opinion 240/98 on the Proposal for a Council Regulation (EC) on the European Regional Development Fund (Chaves González-Kauppinen).

decentralise the implementing provisions for the funds. When the Commission ultimately published the communication on the Structural Funds in 1999, the Committee of the Regions considered its input to have borne fruit, welcoming the common guidelines, which, in its view, would “help improve their effectiveness”¹⁰⁶. But barely had the cohesion policy come into force when the debate was already relaunched in the Committee to consider its post-2006 future. Thus, at the end of 2000, it adopted an opinion pointing out the need for the future regional policy to take account of the difficulties posed by the enlargement process. It felt more emphasis had to be put on solidarity and other objective criteria adopted for assessing whether a region needed aid, since enlargement entailed significant changes for the EU landscape, especially as it increased the number of its internal borders¹⁰⁷. In 2001, following the adoption of the European Spatial Development Perspective (ESDP), this was complemented by a more general opinion on economic and social cohesion, which reaffirmed the need to mitigate regional imbalances, which were set to worsen with enlargement¹⁰⁸. Finally, by adopting an own-initiative opinion on regional cohesion in 2002, the Committee of the Regions demonstrated once again the priority it gave to this issue: with this opinion, it aimed to make the concept of territorial cohesion one of the cornerstones in the framing of the new cohesion policy from 2007¹⁰⁹. As the centrepiece of its efforts to promote territorial cohesion, on 5 and 6 May 2003, in cooperation with the city of Leipzig, it held a conference with European associations of local and regional authorities (AEBR, AER, CEMR, CPMR and Eurocities), the aim being to enable the 500 participants – regional presidents, mayors and representatives of local and regional authorities – to launch a debate on cohesion policy¹¹⁰.

The priority given to territorial cohesion led the Committee of the Regions to quickly turn its attention to the consequences of the future EU enlargement. In fact, this enlargement also became one of its major concerns, particularly as it was able to develop tools to help the candidate countries prepare for their accession to the EU. Thus, on 13 May 1998, the Committee’s Bureau decided to place the informal dialogue initiated with the candidate

106 ACR, opinion 217/99 on The Structural Funds and their coordination with the Cohesion Fund. Guidance for programmes in the period 2000-2006 (du Granrut-Pettitt).

107 ACR, opinion 157/2000 on The structure and goals of European regional policy in the context of enlargement and globalisation: opening of the debate (Klära).

108 ACR, opinion 74/2001, Second Report on Economic and Social Cohesion (Zaplana Hernández-Sarto-Tindemans).

109 ACR, opinion 388/2002 on Territorial cohesion (Valcárcel Siso).

110 *The Committee of the Regions: 10 years of political work*, p. 40.

countries on a formal footing by setting up the Committee of the Regions/CEEC-Cyprus liaison group¹¹¹. Regular contacts were established by Committee presidents making official visits to these countries and by inviting representatives of their cities and regions to attend plenary sessions as observers. From 1999 onwards, a series of conferences and seminars was also held in each of the candidate countries, with the support of their national associations of local and regional authorities. The aim was to enable dialogue and cooperation at the level of local and regional authorities in order to facilitate the accession process, for example, by giving advice on the adoption of European law, as well as on ensuring close contacts with citizens and applying the principle of subsidiarity. In 2001, the somewhat informal contacts forged with the candidate countries up to that point were placed on an institutional footing through the establishment, within the legal framework of association agreements, of joint consultative committees comprising representatives of both the Committee (eight members) and of local and regional authorities in the candidate countries. Through these consultative committees, the Committee of the Regions was then able to formally involve candidate countries representatives in the European decision-making process and familiarise them with EU practices. Finally, in February 2002, the Committee set up a commission dealing specifically with external relations and enlargement: the RELEX commission. In this commission, the Committee discussed opinions that focused on various aspects of enlargement, but also on issues such as the financial framework for the negotiations, the administrative and judicial capacities of the new countries, and so on – all of which were addressed from the local and regional authority angle. In addition to its consultative work, the RELEX commission also sought to build up contacts – for example, by holding a conference on enlargement from the subnational perspective, in Brussels on 5 July 2002. The Committee of the Regions felt that local and regional authorities served as a good democratic apprenticeship for citizens and were thus a key tool in preparing for EU enlargement¹¹².

Fully in keeping with this approach was the Committee of the Regions' fourth priority: being as open as possible to citizens, by bringing on board European associations of local and regional authorities and offices representing local and regional interests. The Committee of the Regions thus quickly realised that it could not limit its activity purely to the Community

111 *Ibid.*, p. 95.

112 *Ibid.*, p. 97.

framework. Beyond its consultative work on legislation and interinstitutional relations within the EU, it sought closer collaboration with European associations and regional and local offices that could transmit its voice to the people of Europe. It was an objective supported by the European Commission, as demonstrated by its White Paper on European Governance in 2001, as well as its communication on Dialogue with associations of regional and local authorities on the formulation of EU policy, which pointed out the Committee's crucial role in representing Europe's local and regional authorities¹¹³.

In May 2002, the Committee of the Regions decided to put its relations with regional and local associations on a more organised footing, seeking to achieve an "improved coordination of their respective activities as well as greater involvement of the CoR's partners in its institutional and political work"¹¹⁴. A number of measures were then put in place to facilitate this collaboration. Firstly, a list of "identity cards" on the associations was sent to Bureau members twice a year to inform them of their activities¹¹⁵. The Bureau also invited regional and local associations to contribute to the drafting of reports in areas where they had specific expertise¹¹⁶. From 2002 on, the Committee also ensured that it was represented politically at meetings and annual conferences of the seven most important associations¹¹⁷ and, in the other direction, the secretary-general held quarterly meetings with them in Brussels and invited them to attend hearings, plenary sessions and commission meetings. This collaboration extended to programmes of annual joint action being signed by the secretaries-general of the Committee of the Regions and the partner associations, and also to the holding of forums on a particular issue at each plenary session. These offered a dozen or so offices representing regions and cities in Brussels the opportunity to have a stand for presentation and to express their views at a workshop involving the European Commission's directorates-general. The collaboration also saw the associations being involved in the drawing up Committee of the Regions opinions. The AEBR, for example, drafted a study for the Committee in March 2002 that served as the basis for its opinion

113 ACR, Communication of 12 October 2001 (OJ C 287), see Lerousseau, N., "Les collectivités territoriales et l'élaboration du droit communautaire", in Lerousseau, N., Rossetto, J., *Les collectivités territoriales et l'intégration européenne*, PUR, Tours, 2005, pp. 43-63.

114 ACR, Bureau Decision 106/2002, 14 May 2002.

115 ACR, see for example 27/2004 Fiches d'information sur les activités, les mandataires et les calendriers des associations européennes de représentation régionale et locale mise à jour pour le 1er semestre 2004.

116 ACR, Bureau Decision 264/2002 on the Outlook and impact reports: the CoR's priorities and working methods.

117 AER, AEBR, CEMR, CPMR, Eurocities, Conference of European Regions with Legislative Power (REGLEG), and Conference of the Regional Legislative Assemblies of the European Union (CALRE).

on Strategies for promoting cross-border and inter-regional cooperation in an enlarged EU¹¹⁸. Finally, on 10 May 2004, the Committee of the Regions for the first time held a “structured dialogue” between the European Commission and the European associations of local and regional authorities, co-chaired by the president of the Commission, Romano Prodi, and the president of the Committee of the Regions, Peter Straub¹¹⁹.

However, the most significant opening-up to associations of regions and cities and to citizens was the launch of the Open Days in 2003¹²⁰: this event in Brussels enabled some 220 representations of local and regional authorities to build up their network and put the Committee of the Regions at its heart. After a successful inaugural event, the Committee held further Open Days from 27 to 30 September 2004, involving more than seventy representative offices of regions and cities. The central topic of the event was reform of regional policy, reflecting the Committee’s desire to involve cities and regions in such priority areas in the future. From that point on, the Open Days became a signature event, held in Brussels every year by the Committee of the Regions along with the European Commission’s Directorate-General for Regional Policy. This also demonstrated the growth of the consultative body, both in relation to the outside world and internally, in institutional and administrative terms.

118 ACR, opinion 181/2000 on Strategies for promoting cross-border and inter-regional cooperation in an enlarged EU – a basic document setting out guidelines for the future (Rombouts-Kauppinen).

119 *Milestones in the History of the Committee of the Regions*, p. 22.

120 Part II, 2.b).



3. Internal growth

Between 1995 and 2004, the Committee of the Regions began to prove its worth: it organised its work on legislation in a way that made it increasingly effective, targeting its opinions on a few areas of major importance for Europe's cities and regions. Its administration was restructured several times to respond to the new challenges of the European agenda and to streamline its work. But it was also through the various Treaty reforms that the Committee strengthened its institutional position – a continuous process which went from the Treaty of Amsterdam to the Treaty of Nice and culminated in its participation, from 2002 to 2004, in the European Convention, the basis for the drafting of the EU Constitution.

a) Legislative work: priority areas

In its early years, the Committee of the Regions built up an impressive output of work on legislation.

What do the figures tell us? It issued 27 opinions in 1994, and then 43 in 1996, before rising to 70 in 1999 and then falling back to 58 in 2003. While the initial policy was to increase the number of opinions, output stabilised from 2004 at around 40 to 60, as the Committee found that it was more logical and effective to present a “manageable” number of opinions, which could also be followed up¹²¹. Moreover, because of the political ambitions of the Committee's prominent political figures over the first few years, a significant proportion of these opinions – almost half – were own-initiative ones (17 in 1996 and 30 in 1999)¹²². One of the Committee's political priorities was to influence the reform of the EU Treaties and to secure more powers from the Intergovernmental Conference. And the production of own-initiative opinions was its only means of expressing its demands. However, this trend ebbed away with the entry into force of the Treaty of Amsterdam and the refocusing of the Committee towards the end of the 1990s on its core business, namely the mandatory opinions requested by the European Commission¹²³. Thus, in 2003, eleven own-initiative opinions were adopted as against 47 mandatory opinions. The Committee concentrated its legislative work on the policy areas dealt with by its commissions. In order to avoid an

121 Piattoni, S., Schönlaui, J., op. cit., p. 70.

122 *Ibid.*, p. 38.

123 Wassenberg, B., “The Committee of the Regions”, op. cit., p. 448.

excessive number of opinions, in 2004 it was also decided to increase the threshold for approval of a proposal for an own-initiative opinion: it now had to be adopted in the Bureau by a three-quarters majority, and no longer by a simple majority. Finally, bolstered by their strengthened position in the Committee, the political groups also started to filter requests to avoid consultative work being either fragmented or duplicated¹²⁴.

Among these areas of mandatory consultation, and aside from regional and cohesion policy¹²⁵, there were a number of policy areas at the heart of the Committee of the Regions' opinions. Firstly there was the economy, and in particular transport policy, competitiveness and employment, as well as social policy. Since the proposal of the European Parliament and of the Council on Community guidelines for the development of a trans-European transport network (TEN-T) in 1994, this was a project closely followed by the Committee¹²⁶. After the adoption of a new regulation in 1999 on the granting of Community financial aid in the field of trans-European networks, it voiced its regret at the insufficient development of public-private partnerships and pointed to the need to increase the number of co-financed projects in this area¹²⁷. Similarly, when the Commission published a report on the development of the TEN-T that found work was not progressing as quickly as planned, the Committee expressed the view that connections with third countries needed to be envisaged in order to embed the EU networks more firmly within world transport systems¹²⁸. Following the Commission's announcement of a fundamental review of the TEN-T guidelines in 2003, the Council, for the first time, directly requested an opinion from the Committee of the Regions, despite the absence of a preliminary document. The Committee wasted no time in responding: its opinion stressed that "the development of transport infrastructures is a vital agent in European integration [...] by contributing to territorial cohesion and by building a Europe of 'proximity'"¹²⁹. It therefore called for a strategy of proximity and also

124 ACR, 2004 revision of the rules of procedure.

125 See above, Part II, 2.c).

126 ACR, opinion 176/94 on the Proposal for a European Parliament and Council Decision on Community guidelines for the development of the trans-European transport network (Kurth).

127 ACR, opinion 217/98 on the Proposal for a Council Regulation (EC) amending Regulation (EC) No 2236/95 laying down general rules for the granting of Community financial aid in the field of trans-European networks (Valcárcel Siso-Gustáv).

128 ACR, opinion 60/99 on the Report from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the Trans-European Transport Network: 1998 report on the implementation of the guidelines and priorities for the future (pursuant to Article 18 of Decision 1692/96/EC) (Valcárcel Siso-Gustáv).

129 ACR, opinion 291/2003 on Corridors and TEN-T: a lever for growth and vector of European cohesion and the development of a Euro-Mediterranean transport network (Soulage).

recommended a greater role for the local authorities affected by the implementation of the TEN-T. With regard to competitiveness and employment, the European Council of March 2000 in Lisbon announced a ten-year strategy to make the EU “the most competitive and dynamic economy in the world”¹³⁰. Against this backdrop, the Committee of the Regions sought to champion an employment policy at all levels – European, national, regional and local – and to secure the involvement of local and regional players in this field. Its opinion on the Lisbon strategy emphasised that the Commission communication demonstrated “the continued commitment to the local dimension of the European Employment Strategy (EES) and helps create a firm basis for the continued realisation of the local and regional dimension of the EES”¹³¹. To this end, it called on the Member States to ensure that local and regional authorities were given the remit, the opportunity and the resources to develop meaningful local strategies, pointing out that they alone held the key to achieving the Lisbon strategy’s objectives on the ground. At the same time, the Committee of the Regions stressed the importance of a flexible labour market in the EU¹³². Finally, in 2003, in a first opinion taking stock of developments to date, it welcomed the fact that the Commission had shored up the stability of the Employment Guidelines, while reiterating its call for the local and regional dimension of its strategy to be stepped up¹³³. The Committee of the Regions took up the issue of social policy on a number of fronts, particularly following the approval by the Nice European Council in 2001 of a European Social Agenda, which set the framework for social policy up to 2005. Firstly, it voiced particular regret at the fact that the involvement of local and regional authorities in the early stages of framing social policy programmes was not yet guaranteed. It therefore sought to be more closely involved in the European Commission’s efforts to develop and modify the social agenda¹³⁴. Subsequently, the Committee affirmed its willingness to be part of the fight against all forms of exclusion and discrimination. Thus, in a number of opinions, it sought to promote social inclusion,

130 Lisbon European Council, 12-23 March 2000, presidency conclusions.

131 ACR, opinion 453/2001 on Communication – Strengthening the local dimension of the European Employment Strategy (Sexton).

132 ACR, opinion 224/2002 on the Communication of the European Commission on Productivity: the Key to Competitiveness of European Economies and Enterprises.

133 ACR, opinion 15/2003 on the Review of the European Employment Strategy and the Employment Guidelines for 2003 based on the Communication on Taking stock of five years of the European Employment Strategy (Hajjanen).

134 ACR, opinion 167/2002 on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions “Scoreboard on Implementing the Social Policy Agenda” (Gustáv); see also opinion 250/2002 on the Communication from the Commission on the European social dialogue, a force for innovation and change, and the Proposal for a Council Decision establishing a Tripartite Social Summit for Growth and Employment (Berthold).

supporting the national action plans and the EU action programme for 2002-2006, and endorsed the European Commission's willingness to encourage "the interaction with regional and local authorities" in this sphere¹³⁵. In the area of combating discrimination, the Committee of the Regions adopted a number of opinions expressing its opposition to racism and xenophobia¹³⁶. It proposed the establishment of an inter-institutional contact group to coordinate and promote activities at European level. In 2003, the Committee participated in the European Year of People with Disabilities through a European forum aimed at creating closer ties between people with disabilities and local and regional authorities¹³⁷. Finally, in 2004, it adopted an opinion on the implementation of the principle of equal treatment of men and women in the field of employment and social security¹³⁸.

The second major consultation area for the Committee of the Regions was agriculture, rural development, fisheries and the environment. Since it was established, the Committee had continuously invested efforts in the reform of the Common Agricultural Policy (CAP). It felt that the CAP should be based on a rational deregulation of the agricultural market through the decoupling of aid, and, in particular, the incorporation of sustainable development into the common policy. In a 1998 opinion, the Committee pointed out that it was long overdue for the CAP to address this concern, and in 1999 itself put forward avenues for sustainable agriculture¹³⁹. It also stressed the need to develop organic farming and criticised the fact that regional differences had not been sufficiently taken into account¹⁴⁰. In September 2003, it went as far as holding a seminar, in Tragermünde,

135 ACR, opinion 393/2001 on the Draft Joint Report on Social Inclusion (Hanham); opinion 21/2004 on the Joint Report on Social Inclusion summarising the results of the examination of the National Action Plans for Social Inclusion (2003-2005) (Marin-Moskovitz).

136 ACR, opinion 67/2001 on the Report from the Commission on the activities of the European Monitoring Centre on Racism and Xenophobia (Moore); opinion 313/2003 on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the activities of the European Monitoring Centre on Racism and Xenophobia, together with proposals to recast Council Regulation (EC) 1035/97 and the Proposal for a Council regulation on the European Monitoring Centre on Racism and Xenophobia (Moore).

137 ACR, opinion 282/2001 on the Proposal for a Council decision on the European Year of People with Disabilities 2003 (Brown).

138 ACR, opinion 19/2004 on the Proposal for a Council Directive on Implementing the principle of equal treatment between women and men in the access to and supply of goods and services (Norman).

139 ACR, opinion 273/98 on the Proposals for Council Regulations (EC) concerning the reform of the common agricultural policy (Bocklet-Penttilä).

140 ACR, opinion 183/99 on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on Directions towards sustainable agriculture (Algudo); opinion 66/2003 on CAP reform (Savy).

Germany, on the consequences for candidate countries of adapting to the CAP¹⁴¹. Its investment in CAP reform went hand in hand with its advocacy of a new rural development policy. The Committee of the Regions supported a multisectoral approach to sustainable and fair rural development in order to tackle the issue of rural areas lagging behind on the economic, rural, environmental and socio-cultural fronts, and put forward its views in a number of opinions between 1996 and 2003, notably on the regional consequences of European agricultural and rural policy¹⁴². In the same vein, the Committee fought for stricter rules on food safety¹⁴³. While the reform of the Common Fisheries Policy (CFP) came much later, the Committee of the Regions had already pointed to the shortcomings, or even failure, of that policy back in 2001, in its opinion on the Green Paper on the future of the CFP. It called for the fisheries sector to be restructured, taking particular account of the importance of the social aspect, the need to ensure the sustainability of marine resources, and the environmental dimension¹⁴⁴. When the reform was finally adopted by the Commission in 2002, the Committee of the Regions welcomed the fact that its recommendations had been taken on board and that the Commission had strengthened the measures geared to ensuring sustainable development in the fisheries sector¹⁴⁵. The issues of agriculture, sustainable development and fisheries are clearly closely related to the environment. The European Commission's fifth action programme on environmental protection in 2000 aimed to help improve people's living environment through greater continuity in environmental policies and "sustainable development". While the Committee of the Regions agreed with that objective, it regretted that the programme paid insufficient attention to the local and regional level¹⁴⁶. This was a shortcoming that the European Commission sought to address when it adopted the sixth programme in 2002, which was thus more favourably received by the Committee of the Regions, since it included targeted

141 ACR, Restructuring the agricultural sector in candidate countries: the example of agriculture in Eastern Germany following Reunification, September 2003.

142 ACR, opinion 389/96 on a Rural Development Policy (van Gelder); opinion 17/96 on The regional consequences of the CAP reform (Bocklet-Saraiva); opinion 253/2000 on the Regional impact of European agricultural and rural policy (a policy assessment) (Eindlein, Gelder).

143 ACR, opinion 77/2000 on the Communication from the Commission entitled "White Paper on Food Safety" (Bunyan-Gonzil); opinion 64/2001 on the Commission Proposal for a Regulation laying down the general principles of food law, establishing the European Food Authority, and laying down procedures in matters of food (Hajjanen).

144 ACR, opinion 153/2001 on the Commission Communication Green Paper on the future of the Common Fisheries Policy (von Plüskow-van Gelder).

145 ACR, opinion 189/2002 on reform of the Common Fisheries Policy (Day).

146 ACR, opinion 12/2000 on the Communication from the Commission on the global assessment of the European Community programme of policy and action in relation to the environment and sustainable development, "Towards Sustainability" (Fifth Environmental Action Programme) (Jacobs-Sitonen).

strategies covering areas such as soil protection, conservation of the marine environment, and waste recycling. On each occasion, it focused on raising environmental awareness at local and regional level and, above all, among the population¹⁴⁷.

Finally, the Committee of the Regions also played a role in the areas of education, culture, research and communication. In education, it focused on the promotion of intercultural education as early as possible in the education system. From its inception, the Committee thus supported the European Commission's Socrates and Leonardo programmes¹⁴⁸. When, in 1997, the Commission published a communication entitled *Towards a Europe of knowledge*, it called for measures to be stepped up to promote intercultural education and for teachers to be given continuous training from a European perspective¹⁴⁹. From 2002 onwards, the Committee of the Regions became an active partner in the design and implementation of European Commission initiatives in the field of lifelong learning¹⁵⁰. Nor did it confine itself to drawing up mandatory opinions. Its initiatives included the drafting of an outlook opinion on the Role of universities in local and regional development within the context of a Europe of knowledge, and the holding of a conference, in Barcelona on 5 June 1998, on "eurotraining" for local and regional authorities, and another, in Madeira on 5 May 2000, on lifelong learning and access to new technologies¹⁵¹. In the field of culture, the Committee focused on promoting cultural diversity: its 1997 opinion on Culture and cultural differences and their significance for the future of Europe argued that such differences should be turned into Europe's strength rather than a source of division¹⁵². With a view to the drafting of the European Commission's Culture 2000 programme, it first held a seminar on 26 June 1998, in cooperation with Stockholm Regional Council, on the programme's local and regional dimension, and then adopted an opinion highlighting

147 ACR, opinion 190/2002 on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions – *Towards a Thematic Strategy for Soil Protection* (McChord); opinion 239/2003 on the Communication from the Commission "Towards a thematic strategy on the prevention and recycling of waste" (Condorelli); opinion 24/2003 on the Communication from the Commission to the Council and the European Parliament – *Towards a strategy to protect and conserve the marine environment* (van Gelder).

148 ACR, opinion 194/96 on Intercultural Education (Efstathiadis-Evans).

149 ACR, opinion 432/97 on the Communication from the Commission on "Towards a Europe of Knowledge" (Bodfish).

150 ACR, opinion 49/2002 on the Communication from the Commission – *Making a European area of lifelong learning a reality* (Tallberg).

151 ACR, opinion 89/2003 on *The role of universities in local and regional development within the context of a Europe of knowledge* (Mylyvirta); see also *The Committee of the Regions: 10 years of political work*, p.85.

152 ACR, opinion 447/97 on *Culture and cultural differences and their significance for the future of Europe* (Peiponen-Efstathiadis); see *The Committee of the Regions: 10 years of political work*, p.87.

the contribution of the programme's cultural activities to social cohesion and to local and regional development, particularly through the networking of those working in culture¹⁵³. The Committee of the Regions' advocacy of cultural diversity also saw it adopt an own-initiative opinion on promoting minority languages and hold a seminar on 12 October 2003 in Graz, as part of the city's European Capital of Culture 2003 programme, on Cultural diversity – Europe's wealth¹⁵⁴. Starting from the publication of the European Commission's 1995 Green Paper on Innovation, the Committee advocated a decentralised approach to research¹⁵⁵. It set out its views on the matter when examining the Commission's 4th, 5th and 6th Framework Programmes for research, technological development and innovation¹⁵⁶. Subsequently, following encouragement from the Committee of the Regions, the Commission launched a pilot initiative on "Regions of Knowledge" on 1 August 2003, aimed at increasing cooperation between regions on research and development¹⁵⁷. In the field of telecommunications, the Committee firstly addressed the risks resulting from the development of information technologies in areas such as the protection of minors and human dignity in audiovisual services, the fight against online child pornography and cybercrime¹⁵⁸. It went on to look at how to make the best use of the information society,

153 ACR, opinion 165/2003 on the Proposal for a Decision of the European Parliament and of the Council amending Decision No 508/2000/EC of 14 February 2000 establishing the programme Culture 2000 programme (Butler); see The Committee of the Regions: 10 years of political work, p. 87.

154 ACR, opinion 86/2001 on the Promotion and Protection of Regional and Minority Languages (Kenna-Muñoz Ganuza); see also opinion 248/2003 on the Communication from the Commission on Promoting Language Learning and Linguistic Diversity: An Action Plan 2004-2006 (McNamara).

155 ACR, opinion 112/96 on the Green Paper on Innovation (du Granrut).

156 ACR, opinion 129/96 on the Proposal for a European Parliament and Council Decision adapting for the second time Decision No 1110/94/EC concerning the Fourth Framework Programme of Activities in the field of Research, Technological Development and Demonstration (1994-1998) and the Proposal for a Council Decision adapting for the second time Decision 94/268/Euratom concerning the Framework Programme of Activities in the field of Research and Training for the European Atomic Energy Community (1994-1998) (Geisel); opinion 158/97 on the Proposal for a European Parliament and Council Decision concerning the Fifth Framework Programme of the European Community for research, technological development and demonstration activities (1998-2002) (Tallberg); opinion 283/2001 on the Proposal for a Decision of the European Parliament and of the Council concerning the multiannual framework programme 2002-2006 of the European Community for research, technological development and demonstration activities aimed at contributing towards the creation of the European Research Area (Teufel).

157 ACR, opinion 246/2003 on the Communication from the Commission on Investing in research: an action plan for Europe (Nordström).

158 ACR, opinion 54/98 on the Communication from the Commission on the follow-up to the Green Paper on the protection of minors and human dignity in audiovisual and information services including a Proposal for a Council Recommendation (Onkelinx); opinion 87/2001 on the Communication from the Commission to the Council and the European Parliament on the Combating of trafficking in human beings, the sexual exploitation of children and child pornography. Proposal for a Council Framework Decision on combating trafficking in human beings. Proposal for a Council Framework Decision on combating the sexual exploitation of children and child pornography (Morsblech).

and supported, for example, the “eEurope” initiative, the accessibility of websites and e-governance¹⁵⁹.

Up to 2004, the Committee of the Regions thus played its part in virtually all of the main areas of European policy through the drafting of a large number of opinions. This sustained and constant work on legislation required it, however, to adapt its administrative set-up.

b) An increasingly streamlined administration

The early years of the Committee of the Regions’ administration were marked mainly by its desire for autonomy. Following the changes introduced by the Treaty of Amsterdam in 1997, its priorities changed: “As soon as we were able to cut the umbilical cord and have our own administration and budget and more operational autonomy, we needed to strengthen our own political identity”^{160*}. This also had implications for the administrative structure. While, in its initial phase, the Committee had first had to devise and establish its working arrangements, the second step was to streamline its operations and adapt these to changes in the political context and the reform of the Treaties.

Three major changes marked the development of the administration between 1995 and 2004: firstly, with the reform of the Treaties in 1997 and 2001, the Committee’s areas of mandatory referral increased in number, in turn increasing its workload on legislation. Thus, during its first term of office, from 1994 to 1998, the Committee drew up and adopted at its plenary sessions 94 referral opinions, eighty own-initiative opinions and ten other documents (resolutions, reports, declarations and memoranda). However, during its second term of office, between 1998 and 2002, this rose to 185 referral opinions, 94 own-initiative opinions and 32 other documents¹⁶¹. The Treaty of Amsterdam thus had the effect of doubling the number of opinions adopted by the Committee, which required an adjustment in its administrative arrangements. Secondly, the administration also had to

159 ACR, opinion 397/2001 on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions – eEurope 2002: Accessibility of Public Web Sites and their Content (Ervelä), opinion 136/2002 on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on eEurope 2005: An information society for all (Myllyvirta).

160 Interview with Laurent Thieule.

161 *The Committee of the Regions: 10 years of political work*, pp. 36-37.

respond to the progressive disengagement of political “heavyweights”. In the early days, the presence of prominent individuals, such as German minister-presidents and presidents of Belgian and Spanish regions, made administration much easier. As a Committee official recalled: “When you’re dealing with a rapporteur who is the president of Catalonia, such as Jordi Pujol, or a minister-president of Bavaria, like Edmund Stoiber, they have staff, they don’t need you, and you only play an administrative support role”^{162*}. With the withdrawal of these heavyweights, the Committee’s officials had to get more involved in the drafting of opinions. And thirdly, as the political groups gained greater influence, they geared themselves towards more involvement in the preparation and drafting of opinions within the commissions, as well as in the tabling of amendments to opinions at plenary sessions¹⁶³.

In addition to making repeated requests for more administrative staff (officials attached to the directorates, translators, and staff assigned to the political groups), the Committee’s response to these three developments primarily involved the following two measures: on the one hand, it changed the way its commissions operated and, on the other, it revised its rules of procedure several times. Thus, when Manfred Dammeyer became president in 1998, he decided to reorganise the number, composition and remit of the commissions. The consultative work was now structured around eight permanent commissions, instead of the eight commissions, four sub-commissions and a special commission that existed up to 1997¹⁶⁴. Commission 1 brought together the areas of regional policy, the Structural Funds, economic and social cohesion and cross-border cooperation; commission 2 covered agriculture, rural development and fisheries; commission 3 the trans-European networks, transport and the information society, and commission 5 social policy, public health, consumer protection, research and tourism. The subjects of urban policy and spatial planning were now grouped together in a single commission (4), while education, training, youth and sport came under commission 7, to which “citizens’ rights” was also added, and then commission 6 was responsible for employment, economic policy and the single market. Finally, the Special Commission for Institutional Affairs, which had had a central role hitherto, also became a permanent commission (8). This restructuring was accompanied

162 Interview with Laurent Thieule. He is referring here to two key Committee of the Regions reports: the Pujol report on institutional reform and opinion adopted on 21 April 1995, and the Gomes-Stoiber report 23/1997 on Regions and cities – the Pillars of Europe.

163 See Part II, 2.a) and interviews with Heinz-Peter Knapp and Jordi Harrison.

164 *The Committee of the Regions: 10 years of political work*, p. 37.

by a system of rotating commission chairs in order to ensure the necessary geographical, political and regional/local balance. This also meant that the number of meetings could be reduced, which meant they had fuller agendas and greater attendance from members.

In 2002, the then president, Albert Bore, once again reviewed the organisation of the commissions. Thus, for the consultative body's third term of office, from 2002 to 2006, the Bureau decided to cut their number to six in order give the Committee's work a sharper focus. Moreover, the discussions in the commissions were now supposed to be mainly "technical", with political debates reserved for plenary sessions. For the first time, the Bureau decided to closely involve the political groups and national delegations in the allocation of remits between the six commissions. A working group comprising their chairs was established and drew up recommendations on "The future of the Committee of the Regions", on the basis of which the Bureau decided, on 14 January 2002, on the names of the commissions and the allocation of their remits¹⁶⁵. The naming largely reflected the desire to concentrate the policy areas covered: from then on, the fields of regional and cohesion policy, transport, spatial planning and urban policy were grouped together in a single "Commission (1) for territorial cohesion policy"; employment, health and social policy were covered by "Commission (2) for economic and social policy"; and the environment, agriculture, fisheries and rural development were dealt with by "Commission (3) for Sustainable Development". Commission 4 for culture and education took over the former remits of commission 7, while incorporating research, technology, the information society and trans-European telecommunications networks. The Commission for Institutional Affairs took on greater importance, becoming the Commission for Constitutional Affairs and European Governance (5). Finally, the Committee of the Regions decided to set up a new commission (6) on "external relations" to deal with enlargement, the Euro-Mediterranean partnership, and north-south dialogue, as well as immigration, asylum and visa policy¹⁶⁶. This commission perfectly illustrated the need for the Committee to adapt not only to its new policy areas but also to changing political priorities, which in the 2000s focused on a policy of opening up to the outside world.

¹⁶⁵ *Ibid.*, p. 38.

¹⁶⁶ *Ibid.*, pp. 38,39.

As far as its rules of procedure were concerned, the Committee of the Regions first had to fight to be able to draw these up and amend them itself. In view of the reservations of a number of Member States about the establishment of the Committee of the Regions, the Maastricht Treaty provided for formal agreement by the Council for setting and amending the rules of procedure¹⁶⁷. The first version of these (comprising 44 rules), in 1994 was adopted by the Council without difficulty, since it and the European Commission had been closely involved in its drafting¹⁶⁸. One of the Committee's first challenges was thus to secure operational independence from the Council, which it requested, for example, in 1995 in the Pujol report on institutional reform. It was the revision of the Treaty of Amsterdam in 1997, however, that brought it the autonomy it sought. From that point on, the Committee of the Regions used its administrative freedom to make further changes to its rules of procedure in 2000, 2003 and 2004¹⁶⁹. These revisions were intended primarily to adapt the Committee to the changes provided for in the new European Treaties (Amsterdam, Nice, TEU and TFEU) and to prepare it for enlargement. But they were also conducted with a view to managing the increasing complexity of its internal workings, involving the interplay of directorates, political groups and members, and to assert its role within the Community's institutional architecture.

The first revision of the rules of procedure, in 2000, following the entry into force of the Treaty of Amsterdam, was significant, as it accommodated the new policy areas covered by the Committee of the Regions¹⁷⁰, but also the fact that the European Parliament could now consult it directly. Thus, between 1998 and 1999, an ad hoc Bureau working group laid the groundwork for major changes by increasing both the number of rules and the document's basic structure: while the 1994 text had had a special section dedicated to "the installation in office of the Committee" describing its constituent bodies (plenary assembly, Bureau, presidency)¹⁷¹, the new 2000 version first defined the status of Committee members, referring to the Amsterdam Treaty and pointing out that "members shall be representatives of regional and local bodies" and that they "must be independent in the performance of their

167 See Part I, 3.c); see Warleigh, A., *op. cit.*, pp. 9,10.

168 Piattoni, S., Schönlau, J., *op. cit.*, p. 60.

169 *Ibid.*, p. 61.

170 Cross-border cooperation, employment, social policy, the environment, transport, vocational training, health, see Part II, 3.c).

171 ACR, 1994 Rules of Procedure, Rules 2-13.

duties, in the general interest of the Union¹⁷². This was an important change: it underlined the fact that the Committee's members were there primarily to represent the local and regional tiers of governance in the EU and were not first and foremost representatives of their country. Moreover, the 2000 version of the rules described the two ambits in which members operated: the national delegations and the political groups¹⁷³. This was the first recognition of the importance of the latter, since the 1994 rules of procedure had merely stated that "members may hold preparatory meetings" for plenary sessions without referring to the existence of the national delegations and political groups¹⁷⁴. This importance was reaffirmed in September 2004, when the plenary assembly voted in favour of seating members on the basis of their political affiliation and no longer in their national delegations. This decision was not reached without a lively debate, especially with those members of the Committee who wished to favour the national delegations and thus maintain the status quo¹⁷⁵. The changing working methods in plenary session also reflected the Committee's growing politicisation. In the 2003 revision of the rules of procedure, in line with the practice of the European Commission and the European Parliament at the beginning of their terms of office, a new rule instructed the plenary to "adopt the political programme of the Committee at the beginning of every term"¹⁷⁶. This was only the beginning of the changes that were brought in regularly after 2004 to better manage the Committee's political work, particularly by adding rules and procedures governing the running of plenary sessions (voting arrangements for opinions and amendments, speaking time, etc.) and of work in the commissions (preparation, follow-up and impact of opinions)¹⁷⁷. While the revision of the rules of procedure also took account of successive changes in the number of commissions, their composition remained, in accordance with the original rules, tied to the principle of fair national representation. In reality, however, within the commissions, the political groups decided the allocation of opinions to rapporteurs¹⁷⁸.

172 ACR, 2000 Rules of Procedure, Rules 2-6.

173 *Ibid.*, Rules 7-9.

174 Clement, W., "Der Ausschuss der Regionen: Kritik und Ausblick – eine politische Bewertung", in Tomuschad, C. (ed.) *Mitsprache der dritten Ebene in der europäischen Union: Der Ausschuss der Regionen*, Europa Union Verlag, Bonn, 1995, pp. 33-34.

175 Christiansen, T., Lintner, P., op. cit., p. 8.

176 ACR, 2003 Rules of Procedure, Rule 13.

177 Piattoni, S., Schönlaue, J., op. cit., pp. 63-67.

178 *Ibid.*, p. 65.

Up until 2004, the changes made to the rules of procedure mainly concerned provisions helping the Committee to respond better, on the one hand, to new legislative proposals by the European Commission – with the inclusion of a rule on access to information documents – and, on the other hand, to the challenges of enlargement – through new rules on the admission of observers to plenary sessions and on the interpreting arrangements¹⁷⁹. Changes to the rules governing relations with the other Community institutions, particularly the Commission and the Council, remained limited: in principle, the Committee's rules of procedure stipulated only that its opinions were to be forwarded to these two bodies. The only further amendment in this regard was a change made in 2000 establishing that the European Parliament was also to receive the Committee's opinions and that these were also to be published in the Official Journal of the European Union alongside other legislative acts.

Finally, the adaptation, over the course of its successive terms of office, of the administrative structure and rules of procedure of the Committee of the Regions flowed from its desire to both increase the effectiveness of its work on legislation and to strengthen its position within the EU. This increased strength also came from the reforms to the European Treaties, which enabled it to broaden its remit and areas of action.

c) The strengthening of the Committee of the Regions through the reform of the European Treaties and its role in the development of a European Constitution

During the period between 1995 and 2004, the Committee of the Regions took part in the process of reforming the European Treaties, its main aim being to strengthen its own position within the European architecture. The Intergovernmental Conferences that led to the signing of the Treaty of Amsterdam on 2 October 1997 and the Treaty of Nice on 26 February 2001, and subsequently the European Constitution on 29 October 2004, were intended primarily to ensure that the EU could meet the challenge posed by enlargement from twelve to 27 Member States, which required, inter alia, a reform of the EU institutions. But the idea was also, particularly when it came to the drafting

179) ACR, 2004 Rules of Procedure, Rules 80 and 81.

of the 2004 European Constitution, to equip the EU, as an organisation, to move closer to citizens, operating on the principle of multilevel governance involving the European, national and regional/local tiers. It was this last element that gave the Committee of the Regions the opportunity to champion its four “constitutional objectives”, which, from the outset, constituted its political agenda: to transform itself into a fully-fledged EU institution, or even a “second political chamber”; to secure its political and administrative autonomy; to define the principle of subsidiarity so as to take account of the contribution made by local and regional authorities; and to obtain the right to initiate actions before the European Court of Justice for non-compliance with the principle of subsidiarity¹⁸⁰. With the exception of the first objective, the Committee of the Regions managed to have mechanisms addressing these demands included in the successive European Treaties¹⁸¹.

When the negotiations on the Treaty of Amsterdam began at the European Council in Turin on 29 March 1996, the Committee of the Regions had already drafted an own-initiative opinion on the revision of the EU Treaty, presented by Jordi Pujol on 21 April 1995. This set out its four political objectives and its ensuing demands for reform of the European Treaties¹⁸². On the basis of this opinion, the Committee argued its case on a number of occasions during the Intergovernmental Conference, in particular in October 1996, at a conference held jointly with the European Parliament on “Local and regional authorities of the EU for a democratic Europe of solidarity” and at the first Summit of Regions and Cities in Amsterdam on 16 and 17 May 1997¹⁸³. It was in connection with this that a network of regions with legislative powers (REGLEG) was set up, which undertook vigorous lobbying for recognition in the Treaty of Amsterdam of the role of regions with legislative powers. The Belgian, Austrian and German members of the network were particularly involved in producing a declaration on the matter, and this was submitted to the Intergovernmental Conference and noted by the heads of state and government as an appendix to the Treaty¹⁸⁴. The draft Treaty of Amsterdam introduced significant changes for the Committee of the

180 Jeffrey, C., “Sub-national mobilization and European Integration: Does it make any difference?”, *Journal of Common Market Studies*, No 38, 1, 2000, pp. 1-23.

181 Piattoni, S., Schönlau, J., op. cit., p. 39.

182 See Part II, 2.c) and Pujol report on institutional reform and opinion adopted on 21 April 1995.

183 *The Committee of the Regions: 10 years of political work*, p. 11.

184 Jeffrey, C., “*The Europe of the Regions’ from Maastricht to Nice*”, Queen’s University Belfast papers on Europeanisation, No 7, 2002; see Piattoni, S., Schönlau, J., op. cit., p. 48.

Regions¹⁸⁵. Firstly, it extended mandatory consultation to the areas of employment, social issues, vocational training, the environment, transport, and cross-border cooperation. It also introduced the possibility of European Parliament consultation, by adding a new paragraph to Article 198a of the Treaty: “the Committee of the Regions may be consulted by the European Parliament”. The Committee’s political and administrative powers were increased: it could now issue an opinion on its own initiative on any matter of concern to it, and it obtained administrative and budgetary autonomy under the new Article 198b, which stipulated that it “shall adopt its rules of procedure”, and by the removal of Protocol No 16 on the COS¹⁸⁶. Following the conclusion of the Intergovernmental Conference, the members of the Institutional Affairs commission broadly welcomed the outcome, and the report to this effect presented by Jos Chabert and Manfred Dammeyer was adopted unanimously at the plenary session on 20 November 1997¹⁸⁷. However, the Committee of the Regions expressed regret that some of its requests had not been met, in particular recognition of institutional status, alignment of the duration of the Committee’s term of office with that of the European Parliament, and the requirement that its members hold elected office.

Some of these requests were subsequently acceded to in the negotiations on the Treaty of Nice. Here, once again, the Committee of the Regions closely monitored the process of European Treaty reform. One month before the end of the Intergovernmental Conference and the European Council meeting in Nice on 9 November 2000, it held a conference in Lille for the purpose of reiterating its demands. However, the final declaration addressed to the heads of state and government on “new forms of governance in Europe” went well beyond the Committee’s previous demands, calling more generally for the EU’s democratic legitimacy and transparency to be increased, and for it to move closer to the people of Europe and to improve its decision-making process¹⁸⁸. In the end, the Treaty of Nice did incorporate some of the Committee’s requests: representatives of local and regional authorities now had to hold an electoral mandate or be accountable to an elected assembly, and, even though they were still to be appointed for a period of four years – and not five years like the European Parliament – that appointed would now be based on a

185 Treaty of Amsterdam, 2 October 1997, amended Article 198a.

186 *Ibid.*, Article 198b(2).

187 ACR, Resolution 305/97 on the Outcome of the Intergovernmental Conference.

188 *The Committee of the Regions: 10 years of political work*, p. 13.

decision taken by a qualified majority of the Council, and no longer by unanimity. Other provisions in the Treaty of Nice regarding the Committee of the Regions mainly focused on preparing it for enlargement: it set a maximum number of representatives of local and regional authorities in the enlarged EU at 350 and established that the Committee would have 344 members in the EU of 27 Member States, in line with the EESC¹⁸⁹. Following the adoption of the Treaty of Nice at the European Council of 7 to 11 December 2000, the Committee of the Regions adopted a resolution on the outcome of the Intergovernmental Conference in which it expressed its satisfaction at the institutional changes made to the European Union and to its own structure ahead of the accession of new Member States¹⁹⁰.

For the Committee of the Regions, however, it was primarily its participation in the European Convention and the draft Constitution for Europe that marked a genuine qualitative leap forward both in terms of its recognition in the European architecture and in the increase in its powers and status within the EU. The Laeken Declaration of the EU heads of state and government of 14-15 December 2001 provided a mandate to launch the work of the European Convention, to be led by former French president Valéry Giscard d'Estaing. Four areas were discussed with a view to convening a new Intergovernmental Conference in 2003: a better division and definition of powers in the EU; simplification of the EU's instruments; more democracy, transparency and efficiency in the EU; and paving the way for a Constitution for European citizens¹⁹¹. The Committee of the Regions' participation in the Convention process was facilitated by the fact that Valéry Giscard d'Estaing was himself a Committee member, as president of Auvergne Regional Council. Six members of the Committee took part in the proceedings of the inaugural meeting of the Convention on the Future of Europe on 28 February 2002: Jos Chabert (Belgium), Claude du Granrut (France) and Eduardo Zaplana Hernández-Soro (Spain) from the EPP, Manfred Dammeyer (Germany) and Claudio Martini (Italy) from the PES, and Patrick Dewael (Belgium) from ALDE¹⁹². It is interesting to note the predominance of members from "strong" Belgian, German, Spanish and Italian regions in this delegation. For 16 months, they played an active part in drawing up the draft Constitution for Europe,

189 Treaty of Nice, 26 February 2001, amended Article 198a and 198b.

190 ACR, Resolution 430/2000 on the Outcome of the 2000 Intergovernmental Conference and the discussion on the future of the European Union.

191 See Philip, C., *La Constitution européenne*, Presses universitaires de France, Paris, 2005.

192 Ramón Luis Valcárcel Siso replaced Eduardo Zaplana Hernández-Soro in February 2003, and Eva-Ritta Siitonen (Finland) acted as an alternate from October 2002, see Milestones in the History of the Committee of Regions, p. 19.

providing numerous written contributions on the main topics discussed, while also supplying the Convention with Committee opinions of relevance¹⁹³. But their presence at the Convention also made sure there would be a local and regional dimension to the EU's future. Two of the Convention's plenary sessions, on 25 June 2002 and 7 February 2003, were devoted to this issue, and a "regions and local authorities" contact group was formed to monitor these aspects more closely as the Convention's work progressed. On 3 and 4 July 2003, the Committee of the Regions adopted its first formal contribution to the Convention, which called primarily for recognition of the Committee as an institution, extension of the mandatory areas of consultation (specifically to agriculture, research and development), the right to initiate proceedings at the European Court of Justice for non-compliance with the subsidiarity principle, and the right to address written and oral questions to the European Commission. The Committee also stressed the need to give it new rights in the co-decision procedure – i.e. participation in the dialogue between the Commission, the Parliament and the Council – and co-decision powers in certain areas, including cross-border cooperation programmes¹⁹⁴. The European Constitution, which was adopted by consensus in July 2003, incorporated above all the elements on strengthening the subsidiarity principle: it gave the Committee the right to initiate proceedings before the Court and a key role in the procedure for monitoring subsidiarity¹⁹⁵.

Despite not all of these demands being accommodated in the draft Constitution for Europe, the European Convention was a success for the Committee of the Regions: "the constitutional method" enabled its representatives to be directly and closely involved in the first phase of the EU reform process. This was a first in the history of European integration, which led the Committee of the Regions to recommend to the Intergovernmental Conference, which opened on 4 October 2003, that it consider the draft Constitution submitted by the European Convention as the basis for the future Treaty establishing a Constitution for Europe.

193 For example: opinion 114/2002 on Towards a constitution for European citizens (Bresso); opinion 263/2002 on the Simplification of the Union's instruments (Guarisch); opinion 119/2000 on A better division and definition of powers in the European Union, opinion 120/2002 on More democracy, transparency and efficiency in the European Union (McConnell).

194 *Milestones in the History of the Committee of the Regions*, p. 20.

195 See Part II, 1.b).

Conclusions to Part II

«I think that the vision of European governance as a pyramid, with Brussels at the top, followed by the Member States, the regions, the towns and other local authorities, and finally, at the bottom of this hierarchy, the citizens, is no longer a realistic image in our societies today [...] The principles of subsidiarity and proportionality so dear to the Committee of the Regions are a perfect illustration of this»¹⁹⁶.

The period from 1995 to 2004 saw the Committee of the Regions consolidate its position as a body representing local and regional authorities, acting as a link between the EU and individual citizens. As the then president, Albert Bore, stated in 2004, the principles of subsidiarity and proportionality were the key elements of this link. And the Committee of the Regions had been successful in championing these two principles and in asserting its place within the European architecture.

Firstly, the Committee of the Regions had forged relations with the other European institutions, which had established it as an essential body within the EU legislative process to ensure multilevel governance and guarantee the link between the EU and the citizen. It had asserted its independence from the EESC, securing the abolition of the shared administration (“COS”). With the help of the political groups, but also by proving that it could assume its consultative role without overshadowing the European Parliament, it had managed to allay Parliament’s fears that a competing “second political chamber” would emerge. The relationship of the two bodies had progressed from one of rivalry to increasingly constructive collaboration, particularly after 1997 when the Treaty of Amsterdam empowered the European Parliament to directly consult the Committee. It was also managing to develop its relationship with the European Commission: while always constructive, these relations had progressed from a “paternalistic” attitude on the part of the Commission to a partnership, which acquired tangible form in 2001 with the conclusion of a formal cooperation agreement.

196 Albert Bore, president of the Committee of the Regions, quoted in *The Committee of the Regions: 10 years of political work*, p. 31.

Secondly, the Committee of the Regions had developed a genuine political culture, which could be seen in the consolidated position of the political groups, in the political direction given by each of the successive presidents and in the way it made its voice heard in the four core areas: championing the subsidiarity principle, cohesion policy, the involvement of local and regional authorities and preparations for enlargement. This gradual politicisation saw the Committee bearing increasing resemblance to its counterpart, the European Parliament – without, however, evolving towards what some of its pioneers had hoped for: a senate of the regions.

Finally, the Committee of the Regions was also making its mark through its work on legislation. It produced a large number of mandatory and own-initiative opinions and involved itself in virtually all EU policy areas. Its remit and areas of consultation had expanded with each Treaty change, starting with Amsterdam in 1997 and then Nice in 2001. The high point of its growth over these years was probably its active involvement between 2001 and 2004 in drafting the European Constitution. And although the Constitution never entered into force, the expansion of the Committee's remit would be safeguarded in the Lisbon Treaty.

COMMISSION OF THE EUROPEAN COMMUNITIES
Committee of the Regions

10th Anniversary

YOUTH DEBATE

57th PLENARY SESSION

17-18 November 2004



Part III

Continuity or change?
The evolution of the Committee of the Regions since
2004

«The CoR's action must be directed [...] to creating a culture of subsidiarity in the Union institutions themselves»¹.

«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»².

1 Peter Straub, president of the Committee of the Regions, in: *Committee of the Regions: 10 years of political work*, p. 32.

2 ACR, opinion 89/2009 on the Committee of the Regions' White Paper on Multilevel Governance (Delebarre-Vanden Brande), in Bricault, J.-M., "Les travaux du Comité des régions", *Droit et gestion des collectivités territoriales*, 2010, pp. 647-652.

Subsidiarity has been one of the Committee's main concerns since it was set up and, as emphasised by Peter Straub, the application of this principle within the European institutions started to become a daily reality from 2004 onwards. The priority accorded the principle has increasingly been matched by the Committee of the Regions' ambition to be at the centre of a multilevel system of governance in Europe: an ambition clearly set out by two of its presidents, Michel Delebarre and Luc Van den Brande, in an opinion adopted in 2009.

Since 2004, however, the European context has not always been conducive to these demands being met. As a result, the Committee of the Regions was torn between its aim of pressing ahead with its work and the need to adjust to the changes wrought by the amendment of the Treaties. The Committee succeeded in contributing to the drawing up of the European Constitution, but this never came into force as it was rejected by citizens in the referendums held in France on 29 May 2005 and in the Netherlands on 1 June 2005. The Lisbon Treaty was indeed signed on 23 June 2007 and came into force on 1 December 2009, taking on board most of the changes in the Constitutional Treaty. However, where the Committee of the Regions was concerned, the new Treaty did not reflect its ideal of a Europe close to its citizens, underpinned by the principle of subsidiarity.

Against this backdrop, the Committee faced a number of significant challenges. Firstly, it had to absorb the local and regional representatives of the new EU Member States, with the number of members rising from 222 to 344. Given the new competences conferred on it by the Lisbon Treaty, it also had to adapt how it worked internally, while continuing to forge ever-closer and more formalised relations with the other EU institutions. Fresh political impetus was needed, to focus on priority legislative work and to consolidate its "non-consultative" activities, such as the European Summit of Regions and Cities, which were taking an increasingly important place.

At the same time, the Committee of the Regions needed to become more open and to take up the challenges of the day. As the EU emerged as an increasingly important player on the international stage and strengthened its external policy from 2004 onwards by investing, in particular, in the introduction of the European Neighbourhood Policy (ENP), the Committee of the Regions also began to implement an external relations policy, especially

with the countries of eastern Europe and the Mediterranean. Lastly, the continual growth of Euroscepticism and the various crises – economic, financial, migration and Brexit-related – affecting Europe from 2008 onwards confirmed the Committee’s central institutional role as a bridge between the EU and its citizens.



1. An increasingly influential role in the EU

Following its role in drafting the European Constitution, by 2004 the Committee of the Regions had already largely demonstrated its capacity to play a key role within the EU. The inauguration of its new premises on 16 June 2004 by Committee president Peter Straub was highly symbolic: it was now based at 101 rue Belliard, in a building close to the European Parliament – although once again shared with the EESC, which was forced to move out of Galerie Ravenstein³. The Committee of the Regions hoped to continue increasing its influence among the European institutions. Circumstances were particularly favourable: in 2004 and 2007, it expanded to take in the representatives of the new Member States, and could now be described as a fully-fledged pan-European consultative body. The Lisbon Treaty subsequently strengthened its status, enabling it to set up a monitoring system for the subsidiarity principle and to put forward proposals for a multilevel governance system. Lastly, its standing was also reinforced by putting its relations with the other Community institutions, especially the European Parliament, on a more official footing.

a) The impact of enlargement

On 11 February 2004, under Peter Straub's presidency, the new members from the countries of central and eastern Europe took their places at the Committee of the Regions: 95 representatives of towns and regions from the Czech Republic, Poland, Hungary, Slovakia, Slovenia, the three Baltic States (Estonia, Latvia and Lithuania) and the islands of Cyprus and Malta joined the consultative body⁴. Following the subsequent EU enlargement, bringing in Bulgaria and Romania on 1 January 2007 during Michel Delebarre's presidency, the Committee of the Regions' plenary assembly now comprised 344 members, distributed as follows: 24 members each for Germany, the United Kingdom, France and Italy; 21 each for Spain and Poland; 15 each for Greece, the Netherlands, the Czech Republic, Belgium, Hungary, Portugal, Sweden, Bulgaria and Austria; 9 each for Slovakia, Denmark, Finland, Ireland and Lithuania; 7 each for Estonia, Latvia and Slovenia, 6 each for Luxembourg and Cyprus; and 5 for Malta⁵.

3 *Milestones in the History of the Committee of the Regions*, p. 23.

4 *Ibid.*, p. 22.

5 *Committee of the Regions: 10 years of political work*, pp. 13,14.

This growth in the number of the assembly's members was proportionally greater than that in the European Parliament: while the latter went from 626 to 788 MEPs between 1995 and 2007, an increase of only 20%, the Committee of the Regions, with 344 members in 2007 compared to 222 in 1994, grew by 55%⁶. The internal balances between the different levels of subnational representation within the Committee of the Region also changed. Until 2004, 35.1% of representatives were from local authorities and 64.9% from regional authorities. The gap narrowed in 2007, with 47.1% of members coming from towns as opposed to 52.9% from regions⁷. This rebalancing can be explained by two factors: the local and regional authorities of the new Member States tended to be smaller and their degree of regional decentralisation – with some exceptions such as Poland – was still relatively weak. In 2004, for example, neither the Baltic states, Malta or Slovenia yet had regional authorities, and Hungary decided to send only members of associations of local authorities to the Committee⁸.

At the same time as this new balance was struck between local and regional members in the wake of enlargement, other divisions emerged. Urban authorities were visibly less represented within the Committee of the Regions. The number of rural subnational bodies was greater in the new Member States than in the older ones. At the same time, the gap between rich and poor authorities was growing, with a significant proportion of new Committee of the Regions members coming from economically less-developed local and regional authorities⁹. The consequences of enlargement for the political balances within the Committee are harder to identify. While the new members fitted in well with the political families, which were strengthened as a result, political diversity also increased with the arrival of new political parties: in 2013 a fifth group joined the existing political families (the European Conservatives and Reformists, ECR)¹⁰, which also brought greater complexity to the Committee's political work¹¹.

6 Brunazzo, M., Domorenok, E., "New members in an old institution: The impact of enlargement on the Committee of Regions", *Regional and Federal Studies*, No 18, 4, 2008, pp. 429-448.

7 *Ibid.*

8 Christiansen, T., Lintner, P., op. cit.

9 Plattoni, S., Schönlaue, J., op. cit., p. 44.

10 See Part III, 2.b) below.

11 Scherpereel, J., *Absorbing the shock: Enlargement's effects on the Committee of Regions*, Paper presented at the 9th Biennial Conference of the European Union Studies Association, TX, Austin, 2005, p. 21.

Lastly, while some at the Committee of the Regions feared that enlargement would disrupt its internal workings, or even paralyse its day-to-day activity, the new members were brought in without difficulty¹². The steps it had taken prior to these enlargements undoubtedly contributed to the success of this process. The Committee set up joint committees with the candidate countries who, from the plenary session of 2 and 3 July 2003 onwards, sent observers to witness its political work, including within the commissions. Many of these observers were subsequently selected to become full members of the Committee of the Regions. In this way, they were used to the consultative body's working methods when they arrived; they had in a sense already been "socialised"¹³. A Committee official recalls, however, that this process of "socialisation" was a two-way affair, and that enlargement also prompted radical change at the Committee:

«At that time, it was a new, very important policy line to work with the local and regional authorities of the ten countries from the 2004 "big bang" enlargement. As soon as the wall came down [...] we started setting up joint committees to help the regional and local authorities of these countries to find their way into the Community system. And when 2004 came, of course it had an impact. This place has been transformed: there was definitely a before and an after in terms of members and of how we work»^{14*}.

Although the integration of the new members was facilitated by an adjustment period prepared in advance of the 2004 enlargement, problems nevertheless arose subsequently. For example, old and new members were not treated equally when it came to allocating positions of responsibility within the Committee. More specifically, few new members initially served as commission chairs or as rapporteurs for important opinions. Between May 2004 and November 2005, for instance, of 84 opinions discussed in plenary session, only three were presented by rapporteurs from the new Member States¹⁵. Similarly, in 2007 new members held only 14 of sixty positions of responsibility within the Committee; while some were indeed commission vice-chairs, none were chairs¹⁶. And while they were brought into coordination structures such as the Bureau or political group secretariats,

12 Piattoni, S., Schönlau, J., op. cit., p. 45.

13 Scherpereel, J., *Sub-national authorities in the EU's post-socialist states: Joining the multi-level policy*, pp. 39, 40.

14 Interview with Pedro Cervilla.

15 Scherpereel, J., op. cit., p. 36.

16 *Ibid.*

it took time for their influence in these bodies to be felt. The growing importance of the political groups in relation to the national delegations, however, made it easier to redress the imbalances generated by enlargement. The links between the political groups and their counterparts at the European Parliament, who were faced with similar problems, also helped in the assimilation of the new members.

The differences between old and new members eventually faded. The new members become fully fledged representatives within the Committee of the Regions' structure, took part in all legislative and para-legislative work, and were fairly represented in all the Committee's political bodies. By 2013, the day-to-day running of the Committee was scarcely impacted by Croatia's EU accession. This latest accession did, however, raise a legal problem: with the arrival of nine Croatian members, the Committee's plenary assembly was made up of 353 members, exceeding the maximum of 350 laid down in the European Treaties. Internal redistribution between the Member States was necessary for the new term of office in 2015, in order to bring the number of members back to 350¹⁷. Debate at the Committee on which of the national delegations would have to give up seats was fierce: in the end, Croatia kept its nine members while Luxembourg and Malta moved from six to five members each, and Estonia went from seven to six. This new distribution of seats was disadvantageous not to the new members, but rather to small countries and even some larger ones who would have preferred a thorough redistribution based on the principle of degressive proportionality to population, as in the case of the European Parliament.

Lastly, the Committee of the Regions' contribution to the process of integrating the new Member States – in particular, by preparing their local and regional authorities – was officially recognised when, for the first time, the Committee president, Mercedes Bresso, was invited to attend the ceremony marking Croatia's signature of the accession act in Brussels on 9 December 2011. Her presence, alongside Council president Herman Van Rompuy, also signalled the Committee's significance within the European institutional architecture¹⁸.

17 Schönlau, Justus, "Beyond mere 'consultation': Expanding the European Committee of Regions' role", *Journal of Contemporary European Research*, Vol. 13, Issue 2, 2017, p. 1172.

18 *Milestones in the History of the Committee of the Regions*, p. 42.

Even more than these successive enlargements, the Lisbon Treaty brought major changes to the structure, work and functioning of the Committee of the Regions.

b) Changes introduced by the Lisbon Treaty: bringing in subsidiarity monitoring

The Committee of the Regions' involvement in the work of the European Convention in 2003 was crucial to both enhancing its own role among the European institutions and to making changes to the draft Constitution, boosting its institutional status and powers. When the European Constitution was signed on 29 October 2004, the Committee had to deploy considerable efforts to adjust to the new situation. As emphasised by Peter Straub, "the draft European Constitution envisages a greater recognition of the role of regional and local governments in the EU", and "the Committee of the Regions is now in the process of preparing its political and administrative structures for this new task"¹⁹. Peter Straub's presidency, from 2004 to 2006, can be seen as a turning-point for the Committee of the Regions: a period of transformation which, in addition to enlargement, was marked by the challenge of implementing the Lisbon strategy of economic competitiveness and the process of ratifying the Constitution for Europe²⁰.

This ratification could by no means be taken for granted: there were to be referendums in France and the Netherlands and their outcomes were uncertain. The Committee reacted immediately: based on an opinion adopted on 17 November 2004, Peter Straub sent an open letter to all local and regional authorities in the Member States, reminding them that "ratification of the Constitutional Treaty is a key step in the process of political integration for the European venture", and that "the local and regional elected representatives of the 25 Member States represented on the Committee of the Regions say 'yes' to the European Constitution"²¹. But in spite of all the efforts made, including the "1000 debates for Europe" organised with the European Parliament and the Commission to explain the Constitution to European citizens, the ratification process was not completed.

19 *Committee of the Regions: 10 years of political work*, p. 33.

20 ACR, 89th meeting of the Bureau of the Committee of the Regions, Report by the president on the 2004-2006 term of office, 15 November 2005, p. 1.

21 *Ibid.*, p. 4, see opinion 354/2003 on the Treaty establishing a Constitution for Europe, (Schausberger-Topé).

In the course of Michel Delebarre's presidency, between 2006 and 2008, the Committee of the Regions consequently needed to ensure that the Intergovernmental Conference on the Lisbon Treaty of October 2007 would transpose all the gains it succeeded in obtaining in the Constitution into the "simplified" Treaty. In keeping with its involvement in the constitutional process, the Committee of the Regions wished to exert its influence once again, primarily during the events to mark the 50th anniversary of the Treaties of Rome, on 22 and 23 March 2007. This represented a crucial juncture in the negotiations on reforming the Treaties, just a few months before the decisive European Council of June 2007. At a ceremonial plenary session on the future of the EU held by the Committee of the Regions together with the presidents of the European Parliament, the European Commission, the EESC, the Court of Auditors and a wide range of European ministers, it drew special attention to the need to strengthen the role of local and regional authorities in Europe. To this end, it adopted a Declaration for Europe²² restating the principles of subsidiarity and multilevel governance. It was echoed in a declaration adopted by the Heads of State and Government on 25 March 2007 in Berlin: "We are enriched by open borders and a lively variety of [...] regions. 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"²³. Subsequently, and in particular during the Intergovernmental Conference, the Committee of the Regions put constant pressure on the EU presidency, the Member States and the European institutions, with the eventual result that the Lisbon Treaty did maintain "all the areas of the Constitutional Treaty in which progress had been made for regional and local authorities"²⁴.

The first consequence of the Lisbon Treaty of 13 December 2007 was to give enhanced political and institutional recognition to the Committee of the Regions. This was reflected in several articles of the new Treaty. The EU enshrined the principle of local and regional self-government, together with cultural and linguistic diversity across Europe, and set territorial cohesion as a new objective of the Union, alongside economic and social cohesion²⁵. Since cohesion policy was one of the priority areas for the Committee of

22 ACR, final declaration of the summit of cities and regions of Europe in Rome, 22-23 March 2007.

23 Berlin Declaration, European Parliament, Council or the European Union and the European Commission, 25 March 2017, https://europa.eu/50/docs/berlin_declaration_en.pdf, retrieved 10.12.2020.

24 105th meeting of the Committee of the Regions Bureau, Stocktaking of the CoR's Work for 2006-2008, 5 February 2008.

25 Treaty of Lisbon, 13 December 2007, Articles 3 and 4.

the Regions' legislative work, this provision meant an increase in its influence within the legislative process. Above all, however, the Lisbon Treaty introduced a new definition of the principle of subsidiarity, strengthening the Committee's position. Until then, the purpose of applying the principle was to ensure that decisions were "taken as closely as possible to the citizens by defining the most relevant level for action"²⁶. The new Article 5 of the Treaty now stated that the Union would act "only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level"²⁷. The EU, then, would not act where action by local authorities was more appropriate. Moreover, before proposing legislative acts, the Commission had to carry out consultations which "shall, where appropriate, take into account the regional and local dimension of the action envisaged"²⁸. The Treaty also introduced an early-warning mechanism – a procedure for monitoring the application of the principle of subsidiarity, assigned principally to the Committee of the Regions.

Lastly, the provisions of the new Treaty also strengthened the Committee of the Regions in institutional terms. First of all, in the case of mandatory referrals, it now had to be involved at every stage of the legislative process by the Commission, the Council and also by the European Parliament²⁹. Furthermore, its term of office was aligned with that of the Commission and the European Parliament, lasting no longer for four, but for five years, enabling it to operate according to the same calendar as the other Community institutions. Finally, the Committee succeeded in having a reference to its function inserted in Article 13 of the Treaty, containing provisions on the institutions: it could now bring an action before the European Court of Justice in the event of infringement of its prerogatives³⁰, or if it considered that the provisions concerning the principle of subsidiarity had not been respected³¹. In September 2007, at the meeting of the Committee of the Regions Bureau in Vilamoura, António Vitorino, special adviser to the Portuguese presidency for institutional reform, explained that the two options for instituting proceedings granted to the CoR made it in effect a European institution, access to the Court of Justice being –

26 105th meeting of the Committee of the Regions Bureau, Stocktaking of the CoR's Work for 2006-2008, 5 February 2008.

27 Treaty of Lisbon, 13 December 2007, Article 5.

28 Treaty of Lisbon, Article 2 of Protocol (No 2) on the application of the principles of proportionality and subsidiarity.

29 *Milestones in the History of the Committee of the Regions*, p. 31.

30 Article 263 of the Treaty on the Functioning of the European Union.

31 Treaty of Lisbon, Article 8 of Protocol (No 2) on the application of the principles of proportionality and subsidiarity.

with the exception of the CoR – exclusive to the institutions in the legal sense of the term and to the Member States³².

It was still up to the Committee of the Regions to apply the provisions of the Treaty. In implementing its new power for monitoring the subsidiarity principle, the Committee of the Regions could bring to bear the relevant experience it had already built up through its numerous opinions since 1995. It could also make use of a tool it introduced in 2004, when it organised a conference on subsidiarity in Berlin, in cooperation with national and regional parliaments³³. In order to create a real forum for debate on the application of the subsidiarity principle, the Committee of the Regions decided to put these subsidiarity conferences onto a more permanent footing, to be held under each presidency. Following the second conference jointly organised with the House of Lords in London in 2005, two more were held: one in 2008 in Paris at the French Senate, and the other in Milan in 2009 at the Lombardy regional assembly, confirming the creation and consolidation of a network of local and regional authorities responsible for monitoring subsidiarity³⁴.

There was no need for the Committee of the Regions to wait for the signature or ratification of the Lisbon Treaty to get started on this work. The idea of a network of this kind had already been raised in Michel Delebarre's 2005 opinion on Better Lawmaking 2004, which advocated this tool to improve implementation of the subsidiarity principle. Following a pilot phase in 2005-2006, a website was created in 2007 so that local and regional authorities responsible for implementing European legislation could receive proposals from the European Commission and convey their views on such draft laws directly to the Committee of the Regions³⁵. On 27 June 2007 – before the Lisbon Treaty was signed – the Committee of the Regions invited the cities and regions of Europe to join the 49-member network that had already been set up³⁶. This network gradually expanded, especially following the entry into force of the Treaty of Lisbon on 1 December 2009. Noting that the network tended to be made up of members from the administrative level of local and regional authorities, in

32 ACR, 105th meeting of the Committee of the Regions Bureau, Stocktaking of the CoR's work for 2006-2008, Item 3a), p. 3.

33 See Part II, 2.c).

34 Plattoni, S., Schönlaui, J., op. cit., p. 93.

35 ACR, opinion 121/2005 on Better lawmaking 2004 and Better Regulation for Growth and Jobs in the European Union (Delebarre).

36 *Milestones in the History of the Committee of the Regions*, p. 31.

2012 the Committee of the Regions decided to establish a political monitoring committee, comprising five members from the political groups³⁷. This committee introduced an annual subsidiarity monitoring programme based on that on the Commission's work. It identified legislative proposals meriting more in-depth analysis and an assessment of the impact they might have in the field of subsidiarity. Action by the Committee of the Regions was not always easy, given the introduction of the early warning system and the very tight deadlines during the legislative procedure between the Commission, the Parliament and the Council. For this reason, Committee monitoring was also carried out upstream of the legislative process, at the pre-drafting stage³⁸.

The better to perform this task, in 2012 the Committee of the Regions also set up an electronic platform for local and regional authorities to exchange information related to legislation. Known as REGPEX, this platform was modelled on a similar tool – IPEX – introduced by the national parliaments and the EU Council to address subsidiarity questions in proposals for European legislation. REGPEX provides the same opportunities for coordination to mainly regional authorities with legislative powers. It covers 73 regions with legislative powers in the EU, and is used by the Committee of the Regions to build up its monitoring apparatus³⁹.

Lastly, in order to facilitate subsidiarity monitoring or, where appropriate, proceedings before the European Court of Justice, the Committee of the Regions also adapted its internal workings. In 2007, the Bureau laid down guidelines for rapporteurs to take better account of subsidiarity in their opinions⁴⁰. In 2010, the Committee of the Regions also revised its rules of procedure, including a paragraph enabling it to “take a decision [...] on a proposal by the President of the Committee, or the competent commission [...] to bring an action before the Court of Justice of the European Union”⁴¹. In spite of this provision, no proceedings have yet been brought before the Court of Justice.

37 In 2013, a fifth group of Conservatives and Reformists was set up at the Committee of the Regions, see Part III, 2.b).

38 Piattoni, S., Schönlau, J., op. cit., p. 95.

39 Borońska-Hryniewiecka, K., “*Subnational parliaments in EU policy control: explaining the variations across Europe*”, EU working paper RSCAS 38, Florence, 2013.

40 ACR, minutes of the meeting of the bureau of 20 April 2007.

41 ACR, 2010 Rules of Procedure, Rule 13(g).

For the Committee of the Regions, this new subsidiarity monitoring activity entailed more systematic cooperation with the other Community institutions. The Lisbon Treaty thus also had the effect of consolidating its interinstitutional relations.

c) Closer interinstitutional relations

Well before the adoption of the Lisbon Treaty, the Committee of the Regions had already embarked on “normalising” its relations with the other Community institutions: with the Treaty of Amsterdam it had secured administrative independence from the EESC and, in 2000, the date of the first cooperation agreement with the EESC, it gained budgetary independence. Its special relationship with the European Commission was reflected in a bilateral cooperation agreement signed in 2001, while links with the European Parliament improved after a somewhat rocky start⁴². Some aspects, however, still required improvement. Relations with the European Parliament, the Council of Ministers and the European Council had indeed not been formalised in 2004. Ties with the EESC remained under strain, with the two EU bodies still having to share a number of services, particularly translation and logistics (security, cleaning, IT, etc.). The Treaty of Lisbon gave the Committee of the Regions an opportunity to forge closer links with the other EU institutions, in order to enhance the effectiveness of its legislative work.

There was no difficulty in deepening relations between the Committee of the Regions and the European Commission. From the outset, the Commission was well disposed towards the local and regional advisory body, which made it easier for cooperation between them to be revised and extended by means of further agreements in 2005 and 2007. In similar vein, the most recent cooperation protocol signed by Committee President Mercedes Bresso and European Commission President José Manuel Barroso on 16 February 2012 was a comprehensive, all-embracing document where cooperation was concerned, enabling them to bring their relations into line with the reality of the post-Lisbon European Treaties. The document, consisting of 28 articles, firstly codified the annual consultations on the European Commission’s work programme, specifying that the Committee of the Regions should hold an annual plenary session debate on the future of Europe attended by the

42 See Part II, 1.c).

president of the Commission, or of its vice-president responsible for relations with the Committee⁴³. It then established a framework for cooperation during the legislative process, in particular by recognising, in the wake of the Lisbon Treaty, the Committee's role in consulting local and regional authorities upstream of the presentation of draft legislation by the Commission. The Commission could also request that the Committee draw up an opinion on the expected impact of draft legislation on local and regional authorities⁴⁴. For its part, the Committee of the Regions undertook to submit "amendments" to the Commission's legislative proposals as often as possible⁴⁵. In a section devoted to the Committee's role in structuring and organising cooperation with associations of regions and cities, it was specified that it was to act as a mediator, collecting, compiling and filtering the latter's interests for the European Commission. In other words, the Committee of the Regions was to channel the voice of the 21 local and regional associations, with which it maintains regular relations, within the European legislative process⁴⁶. The cooperation agreement also emphasised the Committee of the Regions' role in involving regional and local authorities in the Europe 2020 strategy, and in the annual economic policy planning cycle under the European Semester, notably by using the Europe 2020 monitoring platform⁴⁷.

Furthermore, the agreement referred to the Committee of the Regions' mission to monitor the principles of subsidiarity and proportionality and promote multilevel governance. The Committee also undertook to assist the Commission in preparing impact assessments for its legislative proposals⁴⁸. Turning to the EU enlargement process, the cooperation agreement also recognised the Committee of the Regions' contribution to supporting the Commission by building up relations with the regional and local authorities of the candidate countries⁴⁹. It envisaged the creation of new links as part of the European Neighbourhood Policy, more specifically by using the networks developed by the Committee of the Regions for the Eastern Partnership and the countries of the Mediterranean⁵⁰.

43 ACR, cooperation agreement between the Committee of the Regions and the European Commission, 16 February 2012.

44 *Ibid.*, Article 12.

45 *Ibid.*, Article 13.

46 *Ibid.*, Article 16; see Piattoni, S., Schönlau, J., op. cit., p. 72.

47 *Ibid.*, Article 20.

48 *Ibid.*, Article 23.

49 *Ibid.*, Article 25.

50 See Part III, 3.a).

Lastly and more broadly, the cooperation agreement made provision for joint communication activities. The Commission was subject to criticism regarding its bureaucracy, remoteness from citizens and lack of transparency, and as a result gradually became more aware of the value of genuine cooperation with local and regional authorities. It was increasingly involved in organising conferences together with the Committee of the Regions, modelled on the Open Days, in order to strengthen its ties with the local and regional level, closer to citizens⁵¹. The Commission's communication efforts also prompted, in connection with the preparation of EU policies in 2003, the organisation of "structured" dialogues with European associations of regional and local authorities on matters of shared interest. The first of these took place on 10 May 2004, with the Committee of the Regions acting as contact point for the associations⁵². A Question Time was also introduced in 2008 with the president of the European Commission, paving the way for a real debate with the members of the Committee of the Regions during plenary sessions⁵³. In the communication field, the European Commission also accepted the inclusion in Eurobarometer of a section dedicated to local and regional actors. Lastly, it instigated joint projects with the Committee of the Regions, such as the pilot project for a European Entrepreneurial Region prize, launched by president Van den Brande in 2008 and designed to celebrate regions displaying strategic vision in the entrepreneurial policy field. It was therefore entirely natural for Commission president Manuel Barroso, on 1 December 2010, to announce to the Committee's plenary session that "we cannot win the hearts and minds of European citizens without the support of local and regional representatives, who must help promote Europe. You are essential relay points for the EU"⁵⁴. This deepening of relations between the Committee of the Regions and the European Commission came about chiefly due to a mutual interest: on the one hand, the Committee of the Regions made it easier for the Commission to access the networks of local and regional authorities and its closeness to citizens; while on the other, the Commission made it easier for the Committee of the Regions to be involved more closely and earlier in the European legislative process⁵⁵. Their cooperation proved

51 See ACR, annual activity reports 2006-2009.

52 ACR, 89th meeting of the bureau of the Committee of the Regions, Report by the President on the 2004-2006 term of office.

53 ACR, 105th meeting of the bureau of the Committee of the Regions, Stocktaking of the CoR's Work for 2006-2008, 5 February 2008, p. 5; 119th meeting of the bureau of the Committee of the Regions, Review of the activities of the Committee of the Regions under the presidency of Luc Van den Brande (2008-2010), 2 December 2009, p. 2.

54 *Milestones in the History of the Committee of the Regions*, p. 38.

55 Interview with Philippe Burghelle-Vernet.

to be particularly extensive in subsidiarity monitoring, as illustrated by the Commission's decision to invite three members of the Committee to join the Task force on subsidiarity, proportionality and doing less more efficiently, set up in November 2017⁵⁶.

The Committee of the Regions experienced greater difficulty in formalising relations with the European Parliament and the Council, although it was dependent on both institutions for its annual budget. The Committee therefore sought to forge closer links with them in formal terms, but also by building up technical and political cooperation⁵⁷. Relations with the European Parliament still reflected the similarities between the two institutions, both speaking for European citizens: they both had to face the fact of their closeness, together with a degree of rivalry⁵⁸. Since the Treaty of Amsterdam, however, their relations have been formally strengthened, with the Parliament being able to refer directly to the Committee of the Regions for an opinion. This dynamic was boosted by the Treaty of Lisbon, which made it mandatory for the Parliament to consult the Committee in certain fields. The Committee of the Regions consequently adapted its working methods in order to strengthen their cooperation throughout the legislative process, in particular by enabling its opinions to be revised following the adoption of amendments in Parliament⁵⁹. In 2012, with the aim of enhancing coordination with the European Parliament, it set up a new unit responsible for ensuring a cross-cutting approach among the commissions so that their work would be better coordinated with their counterparts at the Parliament. At the political level, an annual conference has also been held bringing the Committee president and the presidents and vice-presidents of its political groups together with the Conference of Chairs of the European Parliament, while numerous contacts are forged between the members and rapporteurs of the different commissions and committees⁶⁰. Tensions continued, however, as explained by Ramón Luis Valcárcel Siso. When he assumed the presidency in 2012, he was confronted with a crisis in relations with the Parliament, which was seeking to take some of the Committee of the Regions' resources for itself.

56 ACR, annual activity report 2007, p. 5.

57 Schönlaui, J., "Beyond mere 'consultation': Expanding the European Committee of Regions' role", op. cit., p. 1177.

58 Christiansen, T., Lintner, P., op. cit., p. 8.

59 Decoster, F., Delhomme, V., Rousselle, J., "The Committee of the Regions and the European Parliament: An Evolving Relationship?", in Costa, O. (ed.), *The European Parliament in Times of EU Crisis. Dynamics and Transformations*, Palgrave MacMillan, London, 2019, p. 106.

60 See Part II, 1.c).

«Parliament, which holds the budgetary powers, started to gradually strangle us with significant budget cuts. [...] So, when I was elected president of the Committee of the Regions in 2012, I went to see the president of the European Parliament, Martin Schulz, and I told him 'your administration is killing the Committee of the Regions [...] if that's not what you want, if you want it to survive, you have to come to our plenary session and you have to support us'. And he came! That's when we started to work on a cooperation agreement with the Parliament»^{61*}.

Efforts to formalise relations with the European Parliament were also a direct consequence of this crisis. But it was 2014 before a cooperation agreement could be signed between the two political assemblies. Surprisingly, this formalisation sprang from an initiative on the part of the European Parliament: in March 2013, it wanted to tighten administrative cooperation, in particular by generating synergies for the translation services of the two assemblies⁶². And the political context was indeed conducive to deepening these relations. On 4 February 2014, the European Parliament took on board a number of recommendations set out in the Committee of the Regions' opinion on EU Regulatory Fitness (REFIT) by Lord Graham Tope, backing the idea that the legislative process should be pursued in the spirit of multilevel governance⁶³. The next day, 5 February 2014, the cooperation agreement was signed by the president of the Committee of the Regions, Ramón Luis Valcárcel Siso, and the president of the European Parliament, Martin Schulz. Although the primary aim of the agreement was to put the transfer of administrative resources from the two Committees to the European Parliament on an official footing, it also contained a political aspect. While this aspect codified existing practices, it was still of symbolic importance, since it recognised the role of the Committee of the Regions in the process of European integration, by stipulating that "the European Parliament and the Committee of the Regions will cooperate in order to strengthen the democratic legitimacy of the European Union and contribute to the Treaty objective of pursuing territorial, social and economic cohesion" and to "ensure the respect of the subsidiarity principle"⁶⁴. In practical terms, it arranged for a twice-yearly discussion on legislative cooperation and on the work plan between the chairman of the Conference of Committee Chairs of the Parliament

61 Interview with Ramón Luis Valcárcel Siso, 9 April 2019.

62 Piattoni, S., Schönlau, J., op. cit., p. 80.

63 *Milestones in the History of the Committee of the Regions*, p. 49; see ACR, opinion CIVEX-V-40/2013 on EU regulatory fitness (REFIT) (Tope).

64 ACR, cooperation agreement between the European Parliament and the Committee of the Regions, 5 February 2014.

and his or her counterpart at the Committee of the Regions. The European Parliament also undertook to involve the Committee of the Regions in the work on the European Semester⁶⁵. Lastly, the agreement consolidated exchanges between rapporteurs of the two assemblies, sought to align the Committee's opinions more closely with the Parliament's calendar and provided for closer cooperation on certain topics, including impact assessments on European legislation. Since the agreement was adopted, institutional and political cooperation between the two institutions has taken place on three levels: firstly, between the Committee's Conference of group Presidents and of the Parliament's Conference of Chairs of committees, with the twice-yearly meeting being held for the first time in 2015; secondly, between the commissions and committees of the two assemblies, who invite their respective rapporteurs and commission/committee chairs to speak at their meetings; and thirdly, between the rapporteurs themselves, who increasingly consult each other when drawing up their opinions. In principle, the European Parliament's REGI committee remained responsible for relations with the Committee of the Regions⁶⁶, but in practice other committees were also beginning to make contact with the Committee. In 2016, for example, during the European Week of Regions and Cities (formerly the Open Days), for the first time the Committee on Transport and Tourism held a joint meeting with the Committee of the Regions' Commission for Territorial cohesion to discuss transport issues in border regions⁶⁷. Lastly, closer relations were forged between the political groups, facilitated by the election of a growing number of former members of the Committee of the Regions to the European Parliament, including former presidents Mercedes Bresso and Ramón Luis Valcárcel Siso (2104 to 2019). In becoming MEPs, they brought their convictions to the Parliament's chamber, and the growing number of these personal links increased the European Parliament's regard for the Committee of the Regions. Mercedes Bresso thus became chair of the Intergroup for Rural, Mountainous and Remote Areas, explaining that she had always considered, and continued to consider, the cities and regions to be very important, as this was where things could be done, and that every other level should look to them⁶⁸. In 2019, while serving as vice-president of the European Parliament,

65 *Ibid.*

66 European Parliament, Rules of Procedure, Annex VI, Section XII, 7.

67 Decoster, F., Delhomme, V., Rousselle, J., op. cit., p. 108.

68 Interview with Mercedes Bresso, 10 April 2019.

Ramón Luis Valcárcel Siso recalled that, for him, the idea of creating a “senate of the regions”⁶⁹ was still relevant⁷⁰.

Where the Council of Ministers and the European Council were concerned, the Committee of the Regions did not achieve the same level of formalisation of relations as with the other Community institutions. Ties did, however, develop in practical terms, starting with the first direct referral to the Committee by the Italian Council presidency in 2004. The Committee of the Regions strove to work more closely with those members who, because of the federal nature of their Member States, could represent them within the Councils of Ministers (mainly Belgian, German and Austrian members). A practice which helped to strengthen the Committee of the Regions’ relations with the presidency was to hold Bureau meetings attended by ministers – sometimes prime ministers – from the country currently holding the presidency at the beginning of its term. Consultations were increasingly often held with the presidency upstream of the legislative process on subjects that might require input from the local and regional authorities⁷¹. These functional relations were further fleshed out following the adoption of the Treaty of Lisbon in 2007. The president of the Committee of the Regions was no longer invited only to ministerial meetings on regional policy and spatial planning, but also to meetings on other issues, such as maritime policy. In March 2007, then president Michel Delebarre was invited for the first time to represent the Committee at a summit. This was the Berlin summit which addressed, among other things, issues of multilevel governance⁷². The Committee of the Regions also reached agreement with the Council at the time of the Slovenian presidency on joint planning, deepening contacts at both the administrative level (COREPER – Committee of Permanent Representatives), but also the political level: from then on, specific meetings were held between the Committee and the current presidency ministers of European and/or regional affairs to determine the Committee’s role during the European Semester and to decide on joint activities⁷³. Starting with the spring 2008 European summit, official meetings began to be held with the presidents-in-office of the EU to submit recommendations on the implementation of the Lisbon strategy and, on 7 May 2009, then president Luc Van

69 See below, Part III, 2.a).

70 Interview with Ramón Luis Valcárcel Siso.

71 Plattoni, S., Schönlaui, J., op. cit., p. 80.

72 ACR, 105th meeting of the Committee of the Regions Bureau, Stocktaking of the CoR’s work for 2006-2008.

73 ACR, 119th meeting of the bureau of the Committee of the Regions, Review of the activities of the Committee of the Regions under the presidency of Luc Van den Brande (2008-2010), p. 2.

den Brande was invited to attend the Prague Summit of Heads of State and Government. Between 2010 and 2012, his successor, Mercedes Bresso, was invited to attend all informal Council meetings on regional policy and, for the first time, to take part in the informal Council on employment and social affairs during the Cyprus presidency⁷⁴. In the other direction, representatives of the Council presidency in office began, with increasing frequency, to attend formal Committee of the Regions meetings – plenary sessions and bureau meetings – together with various Committee activities, such as the Open Days, the territorial dialogue and the summits of cities and regions. Council president Herman van Rompuy demonstrated his support for the Committee of the Regions by twice speaking at plenary sessions. He also introduced the principle of regular informal meetings with the Committee’s Conference of Presidents to exchange views upstream of European summits, and specifically to pave the way for the Europe 2020 strategy⁷⁵. An ongoing dialogue with the permanent representatives of the Member States to the EU was also put in place. On 27 September 2007, an initial meeting was held in Brussels bringing together the ambassadors of the EU Member State permanent representations, the Committee president, vice-president, working group chairs and leaders of the national delegations to discuss the work programme. These meetings have been held twice-yearly since 2011 to facilitate the exchange of information between EU Member States and the Committee of the Regions. However, not all relations with the Council, even if operating on a regular basis, were formalised under a cooperation agreement.

Beyond the Council-Parliament-Commission institutional trio, relations with the EESC remained crucial to the Committee of the Regions, as the two bodies continued to live side-by-side in the same buildings and to share a number of administrative services. In spite of the Committee of the Regions’ independence from the EESC, enshrined in the Amsterdam Treaty and boosted by budgetary autonomy in 2000, relations with the sister consultative body continued to be strained. Under the Lisbon Treaty, a new cooperation agreement was reached on 17 December 2007, establishing relations on the basis of “institutional equality”⁷⁶. This agreement concerned the joint services (translation, document printing, IT

74 ACR, 138th meeting of the Committee of the Regions, Report on the implementation of the 2010-2012 policy programme, 17 July 2012.

75 *Ibid.*, p. 4.

76 ACR, cooperation agreement between the Committee of the Regions and the EESC, 17 December 2007, see annual activity report 2007, p. 7.

and telecom services, security and catering) and set up a new structure to govern relations, seeking to ensure transparency and exchange of information. Although in appearance on an equal footing, the Committee of the Regions' status remained somewhat "lower" than that of the EESC in terms of areas of consultation and budget resources. The fragility of the relationship did not, however, stand in the way of close cooperation between the officials of the two bodies and their secretaries-general. Jiří Buriánek, Committee secretary-general between 2014 and 2019, confirmed that he and his team had excellent relations with his EESC counterpart. They had a mutual interest in working together⁷⁷. He illustrated this cooperation with two practical examples: firstly, in 2017, the two secretaries-general reached agreement with the secretary-general of the European Parliament, Klaus Welle, on the voluntary transfer of a large number of EESC and Committee of the Regions translation staff to the European Parliament's newly established research service⁷⁸. This decision was not welcomed by all: many Committee of the Regions officials saw it as a deal that seriously undermined, or even put at risk, the administrative autonomy for which the Committee had fought from the outset⁷⁹. The second example was the launch, from 2017, of informal coordination meetings of the secretaries-general of the Committee of the Regions and the EESC with the directors-general of the Commission, Council and Parliament. The purpose of these meetings was to facilitate agreement and exchange of information on administrative matters⁸⁰.

Over the years, the Committee of the Regions has accordingly succeeded in strengthening, formalising and consolidating its interinstitutional relations, at both the political and the operational/administrative levels. These developments are the result of a dynamic approach, also manifested in its activities, which have expanded and diversified since 2004.

77 Interview with Jiří Buriánek, 27 February 2019.

78 *Ibid.*

79 Interviews with Heinz-Peter Knapp, Jordi Harrison, Thomas Wobben.

80 Interview with Jiří Buriánek.



2. Renewed political momentum

Following the failure of the European Constitution in 2005, the Committee of the Regions strove to retain the gains it had made regarding its status and powers within the European institutional architecture. Above and beyond the fact that these aspects were enshrined in the Lisbon Treaty, it successfully reinvigorated its political momentum by putting forward innovative projects for the future, not only for itself, but for the EU as a whole. Starting with the 2006-2010 term of office, under the guidance of presidents Michel Delebarre and Luc Van den Brande, the number of Committee policy initiatives rose steeply, ranging from multilevel governance projects to the renaissance of the idea of creating a senate of the regions. The Committee of the Regions unveiled new ambitions, reflected in new priorities for its legislative work, the impact of which now became a major concern. In addition, it increasingly built up its extra-legislative activity, highlighting both the Committee's weight as a fully-fledged Community institution and its strength as a bridge to local and regional authorities across Europe.

a) New political ambitions

Successive presidents of the Committee of the Regions from 2006 to 2019 – Michel Delebarre, Luc Van den Brande, Mercedes Bresso, Ramón Luis Valcárcel Siso, Michel Lebrun, Markku Markkula and Karl-Heinz Lambertz – have, of course, had different political priorities depending on the political context, their political loyalties – EPP or PES – and their geographical base, local or regional. All, however, have shared the ambition to make the Committee of the Regions a powerful political assembly conveying the voice of European citizens. As a result of closer consultation, greater coherence developed between the tandem of presidencies within each term of office, with their approaches even being put on a contractual basis.

When Michel Delebarre assumed the presidency of the Committee on 16 February 2006, he set an ambitious political agenda for the forthcoming term: he intended both to make the Committee “a genuinely political European assembly” and to involve it further in implementing the Lisbon strategy⁸¹. A few days later, on 1 March 2006, a territorial dialogue with more than a hundred local and regional authorities was held for the first

81 *Milestones in the History of the Committee of the Regions*, p. 28; see ACR, Resolution 11/2006 on the political objectives of the Committee of the Regions (2006-2008) and Inaugural speech 69/2006 (Delebarre), Appendix 2.

time, attended by Commission Vice-President Günther Verheugen and Commissioner for regional policy Danuta Hübner, to discuss the possibility of involving them in the objectives of growth and jobs as defined in the Lisbon strategy⁸². Michel Delebarre was convinced that the role of the Committee of the Regions must not be limited to that conferred on it by the Treaties, but also lay in promoting territorial solidarity and a political and citizens' Europe⁸³. Regarding the latter objective, in addition to the introduction of subsidiarity monitoring, advocating multilevel governance was at the core of the presidency's concerns. Following the publication of the Commission's White Paper on multilevel governance in 2001, the Committee of the Regions deployed significant efforts in this area. As early as 2003, Michel Delebarre himself presented an opinion on the White Paper which highlighted the need to involve the local and regional level more in the legislative process⁸⁴. Luc Van den Brande continued and fleshed out this approach in 2006 with the Better Lawmaking opinion that called for greater use of pre-legislative consultations and impact analyses with a view to promoting genuine governance at multiple levels within the EU⁸⁵.

This objective, shared by Michel Delebarre and Luc Van den Brande, was a constant theme throughout their terms of office. When elected president on 6 February 2008, Luc Van den Brande's message in this regard was clear: "we must jettison the hierarchical idea of Europe as a pyramid with the EU above the Member States, the Member States above the regions, and the regions above the towns and local authorities"⁸⁶. Stepping up its efforts in favour of multilevel governance, in the course of 2008-2009 the Committee held a large number of workshop-debates on this question, progressively building up a network of recognised experts acting as a think-tank and framing innovative ideas around the concept⁸⁷. The Committee of the Regions increasingly emerged as a body capable of taking a bottom-up view of multilevel governance, and therefore being close to citizens⁸⁸.

On 21 April 2009, as part of the events marking the Committee of the Regions' 15th anniversary, President Van den Brande delivered a Mission Statement to the plenary

82 *Ibid*, p. 29.

83 ACR, 105th meeting of the Committee of the Regions Bureau, Stocktaking of the CoR's work for 2006-2008, p. 1.

84 ACR, opinion 19/2003 on the Follow-up to the White Paper on European governance (Delebarre).

85 ACR, opinion 397/2006 on Better Lawmaking 2005 and 2006 (Luc Van den Brande).

86 *Milestones in the History of the Committee of the Regions*, p. 31.

87 Schönlaui, J., "Beyond mere 'consultation': Expanding the European Committee of Regions' role", op. cit., p. 1175

88 Princen, S., "Agenda-Setting Strategies in EU Policy Processes", *Journal of European Public Policy*, No 18, 7, 2011, pp. 933-934.

assembly explaining in clear and simple language the Committee's future objectives, what it did and how it did it, recalling the strengthened role and increased political and institutional powers since the revision of the European Treaties.

«Our Mission Statement describes a body that is fit for a Europe of the 21st century, built on cooperation between each level of government, connected with the daily life of the citizens, based on the principles of subsidiarity and proportionality, and on a shared commitment to economic and territorial cohesion»⁸⁹.

Using this declaration as a basis, on 17 June 2009 Luc Van den Brande and Michel Delebarre presented an own-initiative opinion on the Committee of the Regions' White Paper on multilevel governance⁹⁰. The White Paper introduced a "new" and "dynamic" way of framing the concept of multilevel governance, focusing primarily on "building Europe in partnership", a key aspect of the Mission Statement. It called for regional and local authorities to be genuine political partners rather than mere intermediaries⁹¹. The White Paper was drawn up in conjunction with a wide-ranging consultation carried out in 2009 with members of the Committee of the Regions and associations of local and regions authorities, receiving replies from more than 24 local and regional authorities, 13 regional parliaments and 35 associations⁹². The aim was to relaunch the debate on governance in the EU, taking the view that Europe could find a way out of the identity crisis brought on by the rejection of the Constitutional Treaty by means of the concept of multilevel governance, as explained by Luc Van den Brande:

«We need both a local democracy, a regional democracy, a democracy at the level of the Member States [and] a European democracy [...] I believe [therefore] that it is necessarily important to have multilevel governance, which provides a practical approach to cooperation [...] There is no need for a new constitution or European treaty if we manage to develop practical cooperation between the different levels of responsibility»^{93*}.

89 ACR, minutes of the plenary session of 21 April 2009.

90 ACR, opinion 85/2009, The Committee of the Regions' White Paper on Multilevel Governance (Delebarre-Van den Brande).

91 ACR, 119th meeting of the bureau of the Committee of the Regions, Review of the activities of the Committee of the Regions under the presidency of Luc Van den Brande (2008-2010), p. 6.

92 Schönlaui, J., op. cit., p. 1176.

93 Interview with Luc Van den Brande, 10 October 2018.

On 22 September 2009, the Committee of the Regions launched its White Paper on Multilevel Governance during a conference at the College of Europe in Bruges, attended by the Spanish prime minister, Felipe González, who recognised that “we must not shy away from addressing the crisis of the national state”, and that there should be “sharing of responsibilities to the regional and local authorities that are the very epitome of a citizen-centred approach”, since “these authorities are the guarantors of diversity in European identity”⁹⁴. Multilevel governance was not, however, the only concern of Luc Van den Brande’s presidency. The Committee of the Regions was also attempting to identify responses to the economic crisis and to work towards developing different networks of cities and regions⁹⁵. It also strove to strengthen external relations, in 2008 setting up a Euro-Mediterranean assembly of regional and local assemblies (ARLEM)⁹⁶ and ensuring the Committee of the Regions’ first attendance at an international climate protection conference. A delegation from the Committee attended COP15, held in Copenhagen from 7 to 18 December 2009, presenting an event on “Mobilising citizens: regions and cities working together for climate protection”⁹⁷. At the end of the day, Luc Van den Brande was adamant on two points of crucial importance to the Committee: first of all, its role in strengthening the political position of regions and cities within the EU Member States, in a multilevel governance model, and, secondly, the need for it to transform itself into an institution, “a second chamber of the Council”, and to leave its “comfort zone”⁹⁸.

The presidents during the Committee of the Regions’ next term of office from 2010 to 2015, Mercedes Bresso, Ramón Luis Valcárcel Siso and Michel Lebrun, clearly followed the Committee’s path as defined when the Lisbon Treaty came into force. The Committee of the Regions continued to advocate multilevel governance, and stepped up efforts on combating climate change. For Mercedes Bresso, the first woman elected to the presidency of the Committee in 2010, the main aim was to give substance to the entry into force of the Lisbon Treaty and to bring it to bear on the way the Committee of the Regions worked. She explained that this was the moment when the Lisbon Treaty took practical effect. The

94 *Milestones in the History of the Committee of the Regions*, p. 34.

95 See below, Part III, 2.b).

96 See below, Part III, 3.a).

97 ACR, 119th meeting of the bureau of the Committee of the Regions, Review of the activities of the Committee of the Regions under the presidency of Luc Van den Brande (2008-2010), p. 6.

98 Interview with Luc Van den Brande.

first step was to think about how to use these new powers⁹⁹. Given the subsequent increase in powers, she firstly reorganised the general secretariat, setting up a new directorate for horizontal policies and networks, responsible for improving the coordination of links with the services of the other Community institutions and partnership networks, and monitoring the current political agenda¹⁰⁰. She also set a number of political priorities: firstly, a commitment to ensuring that greater account was taken of local and regional interests in discussions on the future EU budget, with special reference to cohesion policy and the Europe 2020 strategy. On 31 March 2011, at a plenary session of the Committee of the Regions attended by Janusz Lewandowski, Commissioner for the budget, the president and first vice-president, Mercedes Bresso and Ramón Luis Valcárcel, Siso spoke together to criticise the year-on-year reduction of national contributions and called for the “EU to be equipped with a credible budget, above 1% of GDP, to be able to meet the objectives set by its Member States”¹⁰¹. This also meant involving the Committee of the Regions in relaunching the single market and investing in reform of the Common Agricultural Policy (CAP), in particular in order to support vulnerable rural regions. According to Mercedes Bresso, “local and regional authorities can serve as a reference point in Europe. They are in the front line in times of crisis and have always been the real crucibles for economic, social and environmental innovation”¹⁰². In this regard, she took up her predecessor’s initiative and engaged in the battle to protect the environment. Half of the proceedings at the Copenhagen Summit concerned the greening of urban strategies with a view to the United Nations Conference on Sustainable Development of 22 June 2012 (Rio+20). On 15 December 2011, the Committee of the Regions adopted an opinion on the contribution of local and regional authorities to the conference¹⁰³. At the Rio+20 summit, it not only took part in the event, but signed an agreement with the UN Environment Programme sealing a partnership on sustainable development in several areas: jointly promoting multilevel governance in environmental protection and the green economy and facilitating adaptation to climate change. A member of Mercedes Bresso’s private office described the president’s great dynamism. She also succeeded in making the voice of regional and local authorities

99 Interview with Mercedes Bresso.

100 ACR, 138th meeting of the bureau of the Committee of the Regions, Report on the implementation of the 2010-2012 policy programme.

101 *Milestones in the History of the Committee of the Regions*, p. 39.

102 *Ibid.*, p. 36.

103 ACR, opinion 187/2011 on the Contribution of the EU’s local and regional authorities to the UN Conference on Sustainable development 2012 (RIO+20) (Reepalu).

heard at the Rio conference, and secured acceptance of the fact that it was cities and regions who were making a substantial contribution to protecting the environment¹⁰⁴. Mercedes Bresso also built up external relations, supplementing the ARLEM network with the creation of a Conference of Regional and Local Authorities for the Eastern Partnership (CORLEAP)¹⁰⁵. Lastly, the president continued to work on multilevel governance, promoting the outcome of the citizens' consultation launched by Luc Van den Brande with an own-initiative opinion on Building a European culture of multilevel governance: follow up to the Committee of the Regions' White Paper, proposing the introduction of a scoreboard to "measure annually to what extent the main principles and mechanisms of this type of governance have been taken into account in the European Union's political cycle, focusing on the regional dimension of the policies and strategies analysed"¹⁰⁶. This opinion was the first step in drawing up a Charter of multilevel governance open to signature to all the cities and regions of Europe – and not only to members of the Committee of the Regions. The Charter was adopted on 20 February 2014 under Ramón Luis Valcárcel Siso's presidency, once again illustrating the continuity of the political priorities pursued by the Committee¹⁰⁷. Although it had only secured 220 signatures by 2016, it nevertheless bore witness to a process of recognition of the Committee of the Regions and its profile as a bridge between local and regional authorities and the Community institutions in Brussels¹⁰⁸.

In spite of this desire for political affirmation, Ramón Luis Valcárcel Siso's presidency was initially marked by a degree of fragility on the part of the Committee of the Regions, mainly due to the risk of the budget cuts announced by the European Parliament¹⁰⁹. In response, in his inaugural speech the president underlined his determination to uphold the Committee's positions in the negotiations on the 2014-2020 Multiannual Financial Framework, particularly with regard to the Structural Funds and cohesion policy. He also emphasised that he planned to promote the Europe 2020 strategy: "the main goal remains to increase capacity of local and regional authorities to drive growth, and create jobs contributing to the deepening of the economic union"¹¹⁰. Late in 2012, he launched a

104 Interview with Gianluca Spinaci, head of the secretary-general's private office, Committee of the Regions, 26 June 2019.

105 See below, Part III, 3.a).

106 ACR, opinion 273/2011 on Building a European culture of multilevel governance (Van den Brande).

107 ACR, Charter for Multilevel Governance in Europe, 20 February 2014.

108 Schönlau, J., op. cit., p. 1176.

109 See Part II, 1.c).

110 *Milestones in the History of the Committee of the Regions*, p. 44.

cycle of seven conferences on particular topics designed to serve as a platform for local and regional authorities to pool experience on implementing the strategy, the results of which were to feed into the Committee reports on this matter. The first of these conferences was held on 13 December 2012, on the topic of Youth on the Move¹¹¹. Valcárcel Siso's main ambition, however, remained his political project for a European senate of the regions, which he presented to the plenary session marking the Committee's 20th anniversary¹¹². The report, set out in ten chapters, advocated strengthening the Committee of the Regions politically and institutionally, with practical recommendations in each chapter, the last of which suggested creating a "European Senate of the Regions". It began by calling for additional prerogatives for the Committee in order to strengthen its political and consultative role, and for its recognition as "an official institution of the European Union" under the Treaties. The senate would be an assembly of political representatives of the EU's local and regional authorities, a "reflection chamber with semi-legislative powers" – not a fully-fledged third legislative chamber, but whose formal assent would be required for all legislative proposals regarding economic, social or territorial cohesion. It "would spur on political debate" with "reflection positions" or "own-initiative opinions" on the territorial dimension of EU policies and "would actively promote and defend compliance with the principles of subsidiarity, multilevel governance and proportionality"¹¹³. Even after Ramón Luis Valcárcel Siso was elected to the European Parliament in 2014, giving up his position as Committee president, he continued to argue for the idea of a senate of the regions. He would have liked to see two political chambers – the European Parliament, already in existence – and a chamber representing regional and local authorities. He considered that success in this area would be a great achievement¹¹⁴. Following his departure, Michel Lebrun from the Walloon Region took over the Committee presidency for an interim six-month period. This was a transitional stage, with Lebrun, who also belonged to the EPP group, continuing his predecessor's political line. He did, however, propose changing the Committee's name to

111 The first conference was on Youth on the Move; the second, on 28 February 2013, on New Jobs and Skills; the third, on 10 April 2013, on Industrial Policy for the Globalisation Era; the fourth, on 29 May 2013, on the European Platform against Poverty; the fifth, on 2 July 2013, on the Digital Agenda; the sixth, on 6 September 2013, on a Resource Efficient Europe; and the seventh, on 25 November 2013, on the Innovation Union.

112 Pazos-Vidal, S., *Subsidiarity and EU Multilevel Governance. Actors, Networks and Agendas*, Routledge Studies on Government and the European Union, Routledge, London, 2019, pp. 83-84.

113 Valcárcel Siso, R.L., *Towards a European Senate of the Regions, Report on the Future of the Committee of the Regions, 50 recommendations*, Brussels, 2014, p. 25.

114 Interview with Ramón Luis Valcárcel Siso.

emphasise its status as a Community institution – it would henceforth be known as the “European Committee of the Regions”¹¹⁵.

Change came, however, during the following term of office, which began in 2015 with the duo of Markku Markkula, mayor of Espoo in Finland (EPP), and Karl-Heinz Lambertz, of Belgium’s German-speaking Community (PES). Their approach was not based on the highly personal project of the former president, Valcárcel Siso¹¹⁶. According to one Committee official, from Markku Markkula’s term onwards, the Committee of the Regions acquired a stronger presidency: previously, the president had been rather neutral, seeing their role as being to represent the Committee as a whole¹¹⁷. For the first time in the history of the Committee of the Regions, the two presidents sharing the term of office had agreed in advance on a genuine joint programme. As Markku Markkula emphasises, he and Karl-Heinz Lambertz agreed on a joint programme for the entire five-year term of office¹¹⁸. In June 2017, five priority fields were set by the presidency for the period up to 2020: an economic domain, with the objective of job creation and sustainable development in Europe’s towns and regions; the territorial dimension of European legislation in order to work as closely as possible to the citizens; a simpler and more interconnected Europe for citizens and businesses; the stability of external relations with the EU’s neighbours and, lastly, a citizens’ Europe with the introduction of partnerships between them and the EU¹¹⁹. During the first half of the term, Markkula concentrated primarily on economic innovation projects for job creation and local and regional spatial planning¹²⁰, working in particular on Smart Cities with a substantial work programme to foster sustainable economic development, digitalisation and technological innovation in cities¹²¹. At the beginning of his presidency, Karl-Heinz Lambertz singled out four areas of work with the aim of boosting the institution’s impact: firstly, energising the functioning of the Committee’s statutory bodies; secondly, fostering its cooperation with the other EU institutions and its impact; thirdly, strengthening its bonds with cities, regions and their associations;

115 ACR, annual activity report 2015, p. 1.

116 Pazos-Vidal, S., op. cit., p. 84.

117 Interview with Silke Toenshoff, 9 April 2019.

118 Interview with Markku Markkula, 26 June 2019.

119 ACR, annual activity report 2015, p. 3.

120 *Ibid.*

121 Interview with Markku Markkula, op. cit.

and fourthly, leveraging communication and dialogue with citizens¹²². For Lambertz, the purpose was to work towards a European Committee of the Regions that communicates with the citizens and amplifies the voice of its members in the regions and municipalities: as he argued at the plenary session of 9 October 2018, “our institution must continue to grow, carried forward by a simple, powerful idea that is gaining ever more support: to build Europe together, from the bottom up, with the people of Europe”, adding that “our Committee must continue to bind itself more closely to the European Union and anchor itself more deeply in every municipality, city and region of Europe”¹²³. He considered that the Committee of the Regions had established itself step-by-step, and its strength was in the diversity of its members and the message they convey to the municipalities and regions: its specificity lay in local diversity. He argued that the Committee had to be aware that it was a contact point for citizens where they were, in the cities and regions, and not only in Europe’s capitals¹²⁴. His presidency accordingly emphasised the Committee of the Regions’ function as a bearer of the European message, through its members, to the cities and regions of the EU.

Since 2004, then, the European Committee of the Regions’ political priorities have been marked by a certain continuity aimed at promoting its role as an advocate of multilevel governance, but also as a consultative body that can influence European legislation, especially in the field of cohesion policy. This is also reflected in the focus of its legislative work on a certain number of priority areas.

b) Legislative work and its impact

One of the European Committee of the Regions’ main strengths is its wealth of legislative opinions, both mandatory and own-initiative, which is continually growing. Not only has the volume of this work increased since 2004: the Committee’s working methods have also been adapted in line with the new competences it has acquired. The political groups’ sway over the legislative process compared to the national delegations has also grown.

122 ACR, annual activity report 2017, p. 4.

123 ACR, speech by Karl-Heinz Lambertz, president of the Committee of the Regions, October 2018, op. cit.

124 Interview with Karl-Heinz Lambertz, 2 March 2019.

Since the entry into force of the Lisbon Treaty, the number of mandatory subjects of referral has increased and the Committee of the Regions has begun to present its key opinions in the form of amendments, so they can be directly incorporated by the co-legislators¹²⁵. Moreover, with the introduction in 2007 of the subsidiarity monitoring procedure and, in 2009, of the impact assessments, the Committee of the Regions' secretariat also had to adjust its ways of working: it must act both upstream of the legislative process to identify priorities areas of work and, subsequently, to ensure follow-up¹²⁶. The increased strength of the political groups within the European Committee of the Regions has also been reflected in growing involvement in the legislative process, entailing adaptation of the Committee's internal mechanisms, including its rules of procedure. Not only do the political groups decide on the rapporteurs for the various commissions, but their secretariats even prepare "voting lists" ahead of commission meetings and plenary sessions for the guidance of their members¹²⁷. From Michel Delebarre and Luc Van den Brande's term of office (2006-2010) onwards, the political groups have adopted agreements on how to distribute the posts of president, first vice-president and chairs of commissions. For allocating opinions, these agreements also grant points to each political group in keeping with their weight¹²⁸. The alternating presidency, with a mid-term change between the EPP and the PES, also forms part of the agreements. A quota of points is set for mandatory and own-initiative opinions, so that each political group can decide on how to use its stock of points in keeping with its own priorities. This system avoids "opinion inflation" and compels the political groups to target their legislative work on a number of key issues.

Then, in 2013, the new rules of procedure institutionalised the Conference of Presidents, set up in 2000 to bring together the president, vice-president and presidents of the political groups¹²⁹. As a result of this step, the growing weight of the political groups weakened, to some extent, the hitherto dominant position of the Bureau. The revision of the rules of the procedure came at the same time as a fifth political group, the European Conservatives and Reformists (ECR), was set up at the Committee. At its 100th plenary session, on 11 and 12 April 2013, the new group, chaired by UK member Gordon Keymer from Tandridge

125 Pazos-Vidal, S., *op. cit.*, p. 82; interview with Thomas Wobben.

126 *Ibid.*

127 *Ibid.*, p. 79.

128 ACR, agreements between the four political groups EPP, PES, ALDE and EA (2006-2010), agreement between the five political groups EPP, PES, ALDE, EA and ECR (2015-2020).

129 ACR, revised rules of procedure 2014.

District Council, took part in the Committee's proceedings for the first time¹³⁰. Lastly, the political priorities of the legislative work mainly carried out by the policy commissions was also reflected in changes to their internal organisation. In 2011, during Mercedes Bresso's term, when the Committee presented two opinions on the budget review and the new Multiannual Financial Framework, it set up a new ad hoc commission on the budget¹³¹. At the same time, the new environmental protection priorities led to the Commission on Sustainable Development (DEVE) being divided into two, with a NAT commission to deal with agricultural policy, rural development, fisheries and natural resources, and an ENVE commission for environmental questions and climate change. The CONST commission on European governance, subsidiarity and implementation of EU Treaty reform and the RELEX commission on enlargement and external policy were merged into the CIVEX commission, focusing primarily on citizens and external relations¹³². In 2015, at the beginning of the Markkula-Lambertz term, the ECOS commission on economic and social policy and EDUC on culture and education were reformed to take into account the priority attached to promoting social and economic cohesion: the SEDEC commission now dealt with questions concerning culture and education in relation to employment and social policy, while the ECON commission concentrated on economic policy¹³³.

From 2007, the work of the policy commissions was supplemented by the creation of interregional groups, which must comprise at least ten full members of the Committee from at least four national delegations or a group of regions representing cross-border cooperation and acting as platforms to exchange views and create new ideas between local and regional authorities¹³⁴. They can be compared to the intergroups set up at the European Parliament since 1979 on certain issues, and again illustrate how the operating methods of the two political assemblies have progressively converged¹³⁵. The first two interregional groups were set up in 2007: the Saar-Lor-Lux cross-border region group chaired by Karl-Heinz Lambertz (PES), and the Regions with legislative power group chaired by

130 *Milestones in the History of the Committee of the Regions*, p. 47;

131 ACR, opinion 283/2011 on the New Multiannual Financial Framework Post-2013 (Clucas). ACR, 138th meeting of the Bureau of the Committee of the Regions Bureau, report on the implementation of the 2010-2012 policy programme, p. 9.

132 ACR, annual activity reports 2010 and 2011.

133 ACR, annual activity reports 2015 and 2017.

134 <https://cor.europa.eu/en/our-work/Pages/Interregional-groups.aspx>, retrieved 27.10.2018.

135 See Wassenberg, B., Schirmann, S., *Le Parlement européen 1979-1989 : Culture et dynamique d'une nouvelle institution politique*, study, European Parliament, Luxembourg, 2019.

Jean-François Istasse (PES), principally to monitor the subsidiarity principle. Two types of interregional group followed: those grouping a certain type of region, and those dealing with a specific European topic. The first macroregional group was set up in 2008 for the Baltic sea regions, followed by the Adriatic-Ionian regional group in 2013 and the Alpine macroregional group in 2014. In 2015, two geographical groups were created, one on insular regions and the other on less developed regions, followed by the Carpathians group in 2016. The first group to be set up on a particular issue came in 2009. Concerned with the future of the automotive industry, it sought to defend areas where that industry played a significant role. It was followed by a health group in 2010, which aimed to reinforce the work of local and regional health networks at health officer level. The establishment of the cross-border cooperation group in 2015, of the Nord Stream 2 group, which studies the pipeline's impact on regional development, in 2017 and, most recently, of a Brexit group in 2018¹³⁶, ensued. Although not statutory bodies of the Committee, the interregional groups allow a number of subjects to be examined in-depth upstream of – and in parallel with – the legislative process, helping to build up the Committee's expertise and know-how.

With these administrative tools in place, the European Committee of the Regions can focus on the “production” of legislative opinions, in keeping with the political priorities laid down by each of the 2004 and 2019 presidencies. It continues to involve itself in all European policies requiring referral to the Committee and to draw up own-initiative opinions where it considers that a contribution is crucially necessary to upholding the interests of local and regional authorities. There has, however, been a trend towards rationalising and channelling legislative activity – in other words, quality rather than quantity. An average of 55 to 60 mandatory opinions are adopted annually. For own-initiative opinions, the revision of the rules of procedure in 2014 introduced a filter system through the political groups, as each initiative from a member must firstly be adopted – in order to be carried forward by his or her political group – by a policy commission by a simple majority and then by a three-quarters majority of the Bureau¹³⁷.

As well as asserting its political role through own-initiative opinions on monitoring subsidiarity and multilevel governance, the European Committee of the Regions uses such

136 <https://cor.europa.eu/en/our-work/Pages/Interregional-groups.aspx>, retrieved 27.10.2018.

137 ACR, revised rules of procedure 2014, Rule 44.

opinions principally to avoid having to wait for a formal referral from the Commission or Parliament¹³⁸. As far back as 2014, for example, it adopted an opinion on The Transatlantic Trade and Investment Partnership (TTIP) to highlight the considerable impact the agreement would have on many fields falling within the regional remit and the fact that, in some EU Member States, it would have to be ratified by the regional parliaments¹³⁹. Similarly, it voiced its views on the partnership agreements and operational programmes in connection with cohesion policy, a key area of work for the European Committee of the Regions, in which it had been deeply involved since the debates on the future of cohesion policy for the 2014-2020 period¹⁴⁰. Then there are also own-initiative opinions that go further than the Committee's purely consultative framework and convey a real political message. In 2015, the Committee sought, by means of an own-initiative opinion, to participate at a very early stage in the European Commission's European Citizens' Initiative, believing that it could play a major role in this area as a link with citizens¹⁴¹. Other own-initiative opinions included those on Local and regional support for fair trade in Europe, and The local and regional dimension of the sharing economy, voicing the concern of local governments at the impact at all levels of governance of the new forms of economic exchange due to digitalisation¹⁴². An own-initiative opinion on Developing the potential of Ocean Energy suggested that the EU should create a better EU legislative framework so that maritime regions could harness this potential¹⁴³. These opinions clearly demonstrated the European Committee of the Regions' intention of going beyond its strictly advisory legislative role to play an active part in framing European policies¹⁴⁴.

In the case of mandatory opinions, two priority areas can be identified: more "traditional" cohesion policy and common agricultural policy (CAP) issues on the one hand, and new subject areas such as services of public interest, environmental protection, climate change, and developing and monitoring a legal tool for regional cooperation, on the other. The

138 See above, Part III 1.b) and 2.a); Schönlaui, J., "Beyond mere 'consultation': Expanding the European Committee of Regions' role", op. cit., p. 1177.

139 ACR, opinion ECOS-VI-63/2014 on the Transatlantic Trade and Investment Partnership (Töns).

140 ACR, opinion COTER-VI-1/2014 on the Outcome of the negotiations on the Partnership Agreements and Operational Programmes (Zagar).

141 ACR, opinion CIVEX-VI-5/2015 on the European Citizens' Initiative (Van den Brande).

142 ACR, opinion CIVEX-VI-3/2014 on Local and regional support for fair trade in Europe (Duden); opinion ECON-VI-5/2015 on The local and regional dimension of the sharing economy (Brighenti).

143 ACR, opinion ENVE-VI-4/2015 on Developing the potential of ocean energy (Thomas).

144 Schönlaui, J., "Beyond mere 'consultation': Expanding the European Committee of Regions' role", op. cit., p. 1174.

European Committee of the Regions has also had an interest in the impact assessment relating to implementation of the Lisbon and Europe 2020 strategies.

Cohesion policy has been a priority area in the Committee's work on legislation, featuring as a continuous theme right through from 2004 to 2019.¹⁴⁵ Since 2005, the Committee's COTER commission has been organising a joint meeting with the REGI committee of the European Parliament on the future of European cohesion policy and its financing¹⁴⁶. The Committee of the Regions also presented an opinion on the leverage effect of cohesion policy in 2006 and another on economic and social cohesion in 2007¹⁴⁷. Since the adoption of the Lisbon Treaty, which established territorial cohesion as a policy objective, the Committee has regularly put forward its views on this subject. Between 2011 and 2012, it produced seven opinions on cohesion policy reform¹⁴⁸ with the aim of bringing to bear its own perspective on the future of territorial cohesion, as well as countering the tendency in certain EU Member States to re-nationalise cohesion policy and apply a purely sectoral approach, to the detriment of local authorities¹⁴⁹. With this in mind, the Committee also worked closely with the European Parliament's Committee on Regional Development (REGI) and Committee on Employment and Social Affairs (EMPL) and with the European Commission's DG for Regional and Urban Policy (DG REGIO). Negotiating cohesion policy post-2013 was problematic because this immediately followed the latest enlargement of the Union with the accession of Croatia, raising a more general issue of the future distribution of structural funding between "poorer" and "richer" regions. As demonstrated in the opinion presented on 9 October 2013 by Jerzy Zająkowska (Poland/AE), the challenges faced by disadvantaged rural regions made it necessary to mobilise substantial resources for creating a sustainable development strategy based on an integrated territorial approach. Ensuring sustainable development in rural areas thus remained one of the Committee's top

145 Schönlaui, J., *The Committee of the Regions and EU Cohesion Policy*, in: Piattoni, S., Polverari, L., *The EU Cohesion Policy Handbook*, Edward Elgar, Cheltenham, 2016, pp. 156-169.

146 ACR, conference held at the Committee's headquarters on 6 April 2005; see ACR, 89th meeting of the Bureau of the Committee of the Regions, President's Report on the 2004-2006 term, p. 3.

147 ACR, opinion 118/2006 on The leverage effect of the Structural Funds; opinion 97/2007 on the Fourth report on economic and social cohesion.

148 ACR, opinion 4/2012 on the Proposal for a general regulation on the funds covered by the Common Strategic Framework (Marini); opinion 5/2012 on the Proposal for a regulation on the ERDF (Schneider); opinion 6/2012 on the Proposal for a regulation on the European Social Fund (Simitis); opinion 7/2012 on the Proposal for a regulation on the Cohesion Fund (Stavarache); opinion 647/2012 on the Proposal for a Regulation on European Territorial Cooperation (Osvald).

149 Mendez, C., *The post-2013 reform of EU Cohesion Policy and the place-based narrative*, *Journal of European Public Policy*, No 20, 5, 2013, pp. 639-659.

priorities¹⁵⁰. Michel Delebarre's 2011 opinion on the Fifth Report on Economic, Social and Territorial Cohesion also called for cohesion policy to cover all of Europe's regions, even if the focus must be on the less developed ones¹⁵¹. This was important, because the EU had to address the consequences of the 2008 financial crisis that destabilised the euro area and weakened the economies of many Member States, which then wanted to reduce budget contributions to regional policy¹⁵². Finally, this was also the first time that the Multiannual Financial Framework had been set subject to co-decision with the European Parliament. It was therefore not surprising that the efforts of the European Committee of the Regions should be directed at the European Parliament: through its various opinions it persuaded Parliament to support certain positions, e.g. on defending the principle of cohesion policy covering all Europe's regions, introducing a category of intermediate regions, ensuring an enhanced partnership with local and regional authorities during the planning stage, and rejection of macroeconomic conditionality¹⁵³. By way of example, several recommendations in the opinion by Pavel Branda (Czech Republic/ECR) of 29 November 2013 on the Solidarity Fund, which identified key reforms to improve the help provided through the fund to regions and cities hit by natural disasters, were taken into account by the European Parliament after interinstitutional negotiations in March 2014¹⁵⁴.

With regard to reform of the Common Agricultural Policy, the Committee continued to argue for a "fairer" CAP to support employment and farms in fragile regions. It also stressed the importance of the sustainability and greening of European agriculture and of implementation that better reflected the situation on the ground and complied with the principles of multilevel governance¹⁵⁵. French member René Souchon (PES) presented an opinion on 4 May 2012 on reform of the PAC post-2013¹⁵⁶. Although Parliament's Committee on Agriculture and Rural Development was receptive to that opinion, its impact was negligible because the European Committee of the Regions was not involved in the

150 ACR, opinion of 9 October 2013 on The sustainability of rural areas (Zajackala).

151 *Milestones in the History of the Committee of the Regions*, p. 32.

152 Stahl, G., Gsodam, C., "Die Rolle der Kohäsionspolitik in der Wirtschafts- und Währungsunion im Rahmen des europäischen Mehrebenensystems", in: *Jahrbuch des Föderalismus*, 2011, Nomos, Tübingen, Baden-Baden, pp. 436-445.

153 ACR, 138th meeting of the Bureau of the Committee of the Regions, report on the implementation of the 2010-2012 policy programme, p. 7.

154 ACR, opinion of 29 November 2013 on the European Union solidarity fund (Branda); see *Milestones in the History of the Committee of the Regions*, p. 49.

155 *Ibid.*, p. 9.

156 *Milestones in the History of the Committee of the Regions*, p. 43; ACR, opinion on reform of the CAP, 2012.

negotiations on CAP reform, despite making substantial proposals, e.g. on regionalising greening measures negotiated under so-called territorial contracts¹⁵⁷.

One of the new subject areas which the Committee of the Regions had been addressing since 2004 was public services. Recommendations made since its 2004 opinion on the White Paper on services of general interest even fed into the Lisbon Treaty, which devotes an article (Article 14) and a protocol (Protocol 9) to this matter, thus providing a legislative basis for establishing a protective legal framework at EU level¹⁵⁸. In 2006, the Committee also consolidated its position as a key interlocutor in discussions between the Commission, Parliament and Council, by addressing two issues in more detail, namely social services of general interest and housing¹⁵⁹. In the case of the directive on liberalisation of postal services, the Committee even drew up an opinion that was essentially used as the basis for a compromise between Parliament and the Council¹⁶⁰.

Climate change and environmental protection more generally were another new area of interest for the Committee. It was proactive here, for example in the debate on greening of the economy, combating climate change, energy efficiency, and conservation of all natural resources. One of the Committee's key texts on this subject was undoubtedly the November 2005 outlook report by Wim van Gelder (Netherlands/EPP) on landfill of waste at local and regional level, which effectively positioned the European Committee of the Regions as a key partner for the other EU institutions in terms of passing on the experience of local authorities when implementing EU environmental policy¹⁶¹. After Mercedes Bresso took over as president in 2010, that position was further strengthened through the Committee's attendance at the informal Council meetings on these issues. Its participation in the COP15 summit in Copenhagen in 2009 and the Rio+20 summit in 2012 even gave international visibility to the Committee's work in this sphere of legislation. It should be noted that in this area the Committee often submitted opinions

157 ACR, 138th meeting of the Bureau of the Committee of the Regions Bureau, report on the implementation of the 2010-2012 policy programme, p. 9.

158 ACR, 105th meeting of the Committee of the Regions Bureau, Stocktaking of the CoR's work for 2006-2008, p. 8; opinion 327/2004 on the White Paper on services of general interest (Martini).

159 ACR, opinion 181/2006 on Social services of general interest in the European Union (Destans); opinion 345/2006 on Housing and regional policy (Clucas).

160 ACR, opinion 395/2006 on Community postal services (Lehto).

161 *Milestones in the History of the Committee of the Regions*, p. 25.

demonstrating a quasi “activist” stance, going beyond what the other EU institutions were willing to accept. For example, opinions adopted in 2013 on the 7th Environment Action Programme and in 2016 on the circular economy evidenced a position that was very exacting in terms of environmental protection and sustainable development, while also calling for greater European integration in these areas¹⁶².

Finally, the Committee promoted the idea of an EU legal instrument for regional cooperation, which it first mooted in an opinion presented on 18 November 2004 by Hans Niessl (Austria/PES)¹⁶³. That opinion resulted in July 2006 in the adoption of a regulation on the European Grouping of Territorial Cooperation (EGTC)¹⁶⁴, which assigned to the Committee the task of centralising information on the adoption of future EGTC agreements and statutes, and paved the way for the creation of a future EGTC register at EU level. The Committee of the Regions was particularly active in this area. Between 2006 and 2008 it published a legal study on the EGTC, added a new EGTC page on its internet site, and – on 17 January in Brdo, Slovenia – set up a group of experts of local and regional authorities to monitor EGTCs in Europe¹⁶⁵. Lastly, in January 2011, the European Committee of the Regions set up an actual monitoring platform for EGTCs, designed to promote their creation and facilitate networking and information-sharing between them. Importantly, it was also made possible for EGTCs to be set up between regions that were not immediate neighbours.

The Committee’s work on EU legislation was thus considerable, but it also wanted to contribute to the production of impact assessments by the European Commission. The idea of territorial impact assessments emerged with the publication of the Commission’s Green Paper on Territorial Cohesion on 6 October 2008. In its section on Better coordination, the Green Paper asked: “Which sectoral policies should give more consideration to their territorial impact when being designed?”¹⁶⁶ The European Committee of the Regions

162 ACR, opinion ENVE-V-44/2013 on the 7th Environment Action Programme (Matoniené); opinion ENVE-VI-11/2016 on Closing the loop – An EU action plan for the Circular Economy (Winter); see Pazos-Vidal, S., op. cit., p. 78.

163 *Milestones in the History of the Committee of the Regions*, p. 24.

164 Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC).

165 ACR, 105th meeting of the Committee of the Regions Bureau, Stocktaking of the CoR’s work for 2006-2008, p. 6.

166 ACR, Green Paper on Territorial cohesion: Turning territorial diversity into strength (SEC(2008) 2550) of 6 October 2008; see Piattoni, S., Schönlau, J., op. cit., p. 100.

wasted no time in replying: in its 2008 opinion on the Green Paper, it asked the European Commission to publish a White Paper defining the concept of territorial cohesion and its goals more clearly, and providing for a territorial impact assessment procedure¹⁶⁷. In its opinions on territorial cohesion policy, the Committee on several occasions reiterated its call for a methodology and criteria to be developed for putting territorial impact assessment in place.

But what real impact did the opinions of the European Committee of the Regions have? It is difficult to put a figure on it for its work on legislation. A 2010 study on the impact of the European Committee of the Regions on EU legislation between 1997 and 2007 – i.e. before the adoption of the Lisbon Treaty – showed that measuring relevant changes in European Commission proposals would give quite a high rate of influence, or 37%¹⁶⁸. On the other hand, if the criterion is a complete (i.e. 100%) change in a Commission proposal, then the Committee's impact is still small: very rarely has it managed to bring about a complete withdrawal of a proposal for a directive.

But there is one case where the European Committee of the Regions did secure a reversal by the Commission by threatening to use its weapon of an appeal to the Court of Justice for failure to comply with the subsidiarity principle. On 6 December 2017, the Commission had published a proposal to change the rules governing EU regional funding for the 2014-2020 period so that it could deploy cohesion policy resources to support structural reforms in the Member States¹⁶⁹. The Committee had serious concerns about the proposal for a regulation because it would have enabled national governments to use the performance reserve attached to the EU cohesion funds to support structural reforms, as opposed to using it for specific regional projects. And so, on 1 February 2018, a draft resolution was presented at the plenary session on the initiative of the Committee's political groups arguing that the proposed legislation violated the subsidiarity principle, since the objective of cohesion policy implemented through EU regional funds was not to support structural reforms in the Member States but to reduce economic and social disparities between EU

167 ACR, opinion 274/2008 on the Green Paper on Territorial Cohesion (Le Drian).

168 Neshkova, M., *op. cit.*, p. 1201.

169 ECA, Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund, COM(2017) 826 final.

regions¹⁷⁰. The Committee's intention was to issue a "red card" on compliance with the subsidiarity principle by announcing its readiness to appeal to the Court if the regulation was adopted¹⁷¹. During the discussion in plenary, the Committee's president, Karl-Heinz Lambertz, emphasised:

«At a time when citizens rightly demand a Europe that is more present and more effective in their daily lives, a Europe that increases territorial and social cohesion, we cannot accept this basic EU principle being undermined by an attempt to re-nationalise cohesion policy»¹⁷².

The resolution was adopted on 1 February 2018, and the threat of an appeal to the Court eventually led to the European Commission withdrawing the proposal. This shows that the new powers of the European Committee of the Regions as a subsidiarity watchdog could leverage more influence for its opinions in the Community legislative process.

But the impact of opinions issued by the European Committee of the Regions also varied according to the policy area: for example, in relation to culture it stood at just 28.4%, whereas in environmental matters it was 37% and in regional policy even 45.5%¹⁷³. Moreover, from the entry into force of the Lisbon Treaty, the question of the CoR's impact has also included the European Parliament's consideration of its opinions, since Parliament was increasingly acting as co-legislator in the EU legislative process. The results here were more disappointing: over 20% of MEPs attached low priority to the Committee's opinions and recommendations¹⁷⁴. This could only improve if the Committee were proactive, increasing its meetings, contacts and discussions with MEPs before any legislative work began¹⁷⁵. The influence of the European Committee of the Regions on the Commission and the European Parliament at the pre-legislative stage thus seemed to be conditional on its ability to express the wishes and needs of local authorities very early on¹⁷⁶. It was above all through

170 ACR, Resolution 6/29 of 1 February 2018.

171 <https://cor.europa.eu/en/news/Pages/subsidiarity-red-card.aspx>, retrieved 28.10.2019.

172 ACR, minutes of the 127th plenary session, held on 31 January and 1 February 2018.

173 Neshkova, M. I., p. 1202.

174 Hönnige, C., Panke, D., p. 628.

175 *Ibid.*

176 Pazos-Vidal, S., p. 84.

the development of networks and expertise that its impact was growing, as has been the case with its cohesion policy activities¹⁷⁷.

In conclusion, the strength of the European Committee of the Regions has appeared to lie not so much in the extent to which its amendments to legislative proposals are taken into account as in its general ability to influence the framing of European policies by aggregating and channelling local and regional interests so that these feed into European legislation¹⁷⁸. Studies on the impact of the Committee have also demonstrated that if it wishes to exert maximum influence in the European legislative process, then its work on legislation must be combined with other activities in order to give greater visibility to its opinions. Over the past fifteen years the Committee has steadily increased its extra-legislative work. One example of this is the European Summits of Regions and Cities.

c) European Summits of Regions and Cities

When the EU treaties were revised in 2005, the Committee of the Regions realised that for the constitutional process to succeed, it would be necessary to increase both its own visibility as a political representative of cities and regions in Europe and to ensure that European policies were communicated to local and regional authorities, as the players closest to ordinary citizens. The Committee therefore revived the concept of summits of cities and regions in Europe, the first of which had been organised in Amsterdam in 1997 just before the new EU treaty was adopted, and decided to make this a regular political event from that point on¹⁷⁹. The summits subsequently become an integral part of the political programme of the European Committee of the Regions. Seven further summits were staged between 2005 and 2019, involving more and more local and regional actors in Europe, as well as representatives of the other EU institutions, in particular the Commission and the Parliament. Summits have generally taken place in a city, in most cases the capital, of the country holding the rotating presidency of the EU Council. The principle of organising summits away from Brussels, each time hosted by a city or a European region, provided an opportunity for the Committee's voice to be heard at local level. But the principle of

177 Hönninge, C., Panke, D.

178 Piattoni, S., Schönlau, J.

179 See above, Part II, 2.b).

the summits being organised by the country holding the EU presidency also meant that they reflected the priorities of each president. Thus each summit was devoted to a specific European topic and concluded with the adoption of a declaration containing a political message from the Committee on that issue.

The 2nd European Summit of Regions and Cities was hosted by the mayor of the Polish city of Wrocław, Rafał Dutkiewicz, on 19 May 2005. It was attended by more than 300 mayors and presidents of regional government from the 28 EU Member States, and focused on the potential contribution of local and regional authorities to cohesion, competitiveness and democracy¹⁸⁰. The Committee's then president, Peter Straub, noted when the political declaration on the role of cities and regions in an enlarged Europe was signed: "Decentralisation is key to achieving Europe's goals"¹⁸¹. The 3rd European Summit of Regions and Cities was held in Rome on 22 and 23 March 2007 in conjunction with events celebrating the 50th anniversary of the Rome treaties. The occasion was also marked by the Committee holding its 69th plenary session in Rome in the famous Santa Cecilia Hall, with more than 500 people attending. The European Committee of the Regions used the event above all as an opportunity to highlight that the diversity of its members was an asset in advancing the European integration process¹⁸². Following the rejection of the European constitution, the final declaration of the summit presented both the objectives and the areas of intervention that local and regional authorities considered priorities in terms of reinvigorating the European project.

The 4th European Summit of Regions and Cities, held on 5 and 6 March 2009 in Prague and hosted by the Czech presidency, took place in the run-up to the entry into force of the Lisbon Treaty. In his speech at the summit, which was attended by Commission president José Manuel Barroso, the then Committee president Luc Van den Brande stressed the need to avoid responding to the economic crisis with protectionist measures¹⁸³. The summit also provided a platform for launching a consultation exercise, involving all local and regional authorities, on "Lisbon post-2010", which subsequently served as the basis for the Committee of the Regions' recommendations to the Council for a new, post-

180 ACR, Final Declaration of the European Summit of Regions and Cities held in Wrocław on 19 and 20 May 2005.

181 *Milestones in the History of the Committee of the Regions*, p. 25.

182 ACR, Final Declaration of the European Summit of Regions and Cities held in Rome on 22 and 23 March 2007.

183 *Milestones in the History of the Committee of the Regions*, p. 33.

Lisbon strategy. The summit declaration noted that no strategy could work without the involvement of local and regional government in its development and implementation¹⁸⁴. But above all the summit introduced an original idea that earned it wide media coverage, namely a fringe event called the Get a taste of Europe festival, held from 5 to 7 March 2009 for the citizens of Prague. The aim was to provide an opportunity for European cities and regions to present themselves in an exhibition and so demonstrate the diversity and cultural richness of Europe's local and regional heritage¹⁸⁵. The festival was a huge success, with more than 20 000 visitors and 27 stands representing 33 European cities and regions. Thus the Prague summit not only enabled the political representatives of local and regional authorities to express their views, but also introduced both the Committee of the Regions European cities and regions to the general public.

Subsequent summits of regions and cities were not always as successful in terms of public relations. And it was not until 22 and 23 March 2012 that the 5th summit was held, in Copenhagen, on the topic of "The European urban fabric in the 21st century". That summit focused on a more specific area of European policy. Bringing together over 700 participants, it focused on sustainable development and the green economy, which local and regional authorities had identified as key factors in combating climate change¹⁸⁶. The main message of the summit was that these were two essential aspects of an approach to overcoming the economic crisis and restoring growth and jobs¹⁸⁷. Mercedes Bresso, the Committee's then president, said – on this occasion in front of the Council, the Commission and the European Parliament presidents: "At this time of economic and financial crisis, in this world overexploited by an unsustainable development model, cities are at the forefront of efforts to change our way of life"¹⁸⁸. The presence of heads of state and leaders of the other EU institutions at the summit was notable. It was also accompanied by an exhibition entitled Beautiful, green, smart and inclusive: Colourful cities, but which attracted only limited media attention. The city of Copenhagen was not very involved in the event, which may partly explain the low level of public interest. This was therefore an instance of an important summit that received little media coverage, perhaps partly because of its very narrow focus.

184 ACR, Final Declaration of the European Summit of Regions and Cities held in Prague on 5 and 6 March 2009.

185 ACR, Communication on the Get a taste of Europe festival, 5-7 March 2009.

186 <https://core.europa.eu/en/events/Pages/copenhagen-2012.aspx>, retrieved 18.10.2019.

187 ACR, Final Declaration of the European Summit of Regions and Cities held in Copenhagen on 22 and 23 March 2012.

188 *Milestones in the History of the Committee of the Regions*, p. 43.

Nevertheless, two years later, on 7 and 8 March 2014, the 6th European Summit of Regions and Cities, held in Athens, adopted a more pragmatic approach, with its main topic the development of a territorial dimension for the Europe 2020 strategy. Participation figures showed the increasing importance and success of the summits, with 1 400 representatives of local authorities attending. In order to improve the performance of the Europe 2020 strategy, then Committee president Ramón Luis Valcárcel Siso stressed that more needed to be done to involve local and regional authorities: “There are unacceptable disparities among regions. We now need to reconsider our direction making it easier for our cities and regions to shape the strategy and take ownership”¹⁸⁹. The final declaration of the summit set out a seven-point plan for reforming the Europe 2020 strategy, noting the need to re-think the approach to enable the development of a smart, sustainable and inclusive economy by 2020¹⁹⁰. Coming three months before the 2014 European elections, the summit did not confine itself to a technical discussion of the Europe 2020 strategy. In the context of the European election campaign, it also allowed a real political debate to take place with European Parliament representatives on the future of the EU, thus helping to draw attention to the campaign at local and regional level and facilitating exchanges of views between cities and regions on the one hand and candidates in the European elections on the other.

The debate about EU economic policy was resumed at the 7th European Summit of Regions and Cities, hosted by the city of Bratislava during Slovakia’s EU presidency, on 8 and 9 July 2016, on the topic “Invest and connect”¹⁹¹. At that summit the Committee of the Regions not only engaged in discussions with representatives of local and regional authorities about how to strengthen links between people, regions, ideas and resources through investment, but also encouraged involvement of the private sector in this area. On 14 and 15 March 2019, the Committee held the 8th European Summit of Regions and Cities in the Romanian capital, Bucharest. Some 600-700 representatives of local authorities met over the two days, at the end of which a declaration was presented to Romanian president Klaus Iohannis, representing the presidency of the EU Council. The subject of the summit was the European Committee of the Regions’ contribution to drawing up the strategic agenda for 2019-2024. Its focus was above all on the need to consult and involve cities

189 *Ibid.*, p. 51.

190 ACR, Final Declaration of the European Summit of Regions and Cities held in Athens on 7 and 8 March 2014.

191 <https://cor.europa.eu/en/events/Pages/bratislava-2016.aspx>, retrieved 10.10.2018.

and regions more widely with a view to reinvigorating the European project, renewing links between the EU and its citizens, and meeting their social and economic needs¹⁹². This is why the final declaration also supported the launch of a permanent mechanism for consulting EU citizens. The declaration noted that “against this background, the EU’s cities and regions, and their elected representatives, provide proximity, trust and stability in the Union at a time when divergences and antagonisms are growing”, while advocating multilevel governance, application of the “active subsidiarity” concept, and awareness-raising among EU citizens, especially young people¹⁹³.

The Bucharest Declaration emphasised the need for the European Committee of the Regions not only to validate its position as a real political assembly, but also to open up more to the outside, and particularly to Europe’s citizens.

192 <https://cor.europa.eu/en/summit2019>, retrieved 18.10.2019.

193 ACR, final declaration of the summit of European regions and cities in Bucharest, 14 and 15 March 2019.



3. The European Committee of the Regions responding to new challenges

After the 2008 economic and financial crisis, the European Committee of the Regions – like all the European institutions – faced major economic and social challenges, as Europe’s citizens became increasingly sceptical about the European project and even started to disengage from the EU. The Committee’s response to rising Euroscepticism, which was always expressed as growing criticism of the EU’s democratic deficit and doubts being raised about the European project as a whole, was to promote its international visibility as a body representing local authorities and therefore closest to ordinary citizens. This objective was reflected in the Committee’s development of relations with cities and regions in non-EU countries and with other European and international institutions and organisations, and also in its stepping up of communication with citizens and establishment of networks between local and regional associations. Ultimately, since 2015, the European Committee of the Regions has had to find responses to grave crises – Brexit, the independence movement in Catalonia, the migration emergency – that have shaken the very foundations of European integration.

a) Development of external relations

External relations were not a new activity for the European Committee of the Regions: it had already developed a neighbourhood policy in conjunction with preparations for EU enlargement in 2005-2007, by setting up a liaison group for relations with the central and eastern European countries (CEECs) and Cyprus in 1998, establishing joint consultative committees with the candidate countries and creating a commission for contacts with these countries (CIVEX), and developing north-south cooperation and a network with the Mediterranean regions¹⁹⁴. After the big wave of eastern enlargement, it was much more a question for the European Committee of the Regions of deepening those relations and making them more systematic by creating proper networks.

To that end, the Committee stepped up its accession support policy, first establishing relations with Turkey and Croatia by setting up two working groups, and then a third one for the western Balkans, which enabled Committee members to meet a broad range of political representatives from the national, regional and local levels in the countries concerned.

¹⁹⁴ See above, Part II, 2.c) and Part III, 1.a).

The Committee progressively established joint consultative committees (JCCs) with all the EU candidate countries¹⁹⁵. The JCCs helped local and regional representatives from the countries in question to learn about the Community acquis, and also to defend their interests vis-à-vis their national authorities, e.g. in pushing for decentralisation measures. Until 2015, the European Committee of the Regions also supported cities and regions in the candidate countries by organising training sessions for local and regional authorities (Local Administration Facility), with financial support from the European Commission. However, this represented a very considerable investment in time and money that could only be sustained over the long term for certain key countries and with strong partners, on the basis of members' expertise¹⁹⁶.

The European Committee of the Regions also pursued its engagement in north-south cooperation. It was even recognised as a key point of contact for the European Commission in relation to decentralised cooperation, a decision that resulted in the adoption in 2005 and 2007 of two opinions on this subject that were subsequently taken on board by the Commission¹⁹⁷. The Committee then demonstrated its potential to support the diplomatic efforts of cities. At a meeting of the RELEX commission in May 2007, the mayor of Gaza and president of the association of Palestinian local authorities, Majed Abu Ramadan, and the mayor of Ness Ziona representing the association of Israeli local authorities, Yossi Shevo, were both invited to speak to Committee members¹⁹⁸. On 2 December 2009, the Committee held the first Assises of Decentralised Cooperation in Brussels in collaboration with the European Commission. Over 300 representatives of local and regional authorities from around the world attended the event, where they discussed the effectiveness of development aid, sustainable economic growth, and the best ways of achieving the Millennium Development Goals¹⁹⁹. Lastly, in 2010 the Committee introduced an actual tool for north-south cooperation – still in cooperation with the European Commission – in the form of the Atlas of Decentralised Cooperation.

195 Turkey, Albania, Montenegro, North Macedonia, Bosnia and Herzegovina, Serbia, and Kosovo.

196 Interview with Silke Toenshoff.

197 ACR, opinion 224/2005 on Decentralised cooperation in the reform of the EU's development policy (Soulabaille); opinion 383/2006 on Governance in the European Consensus on Development (Soulabaille).

198 ACR, 105th meeting of the Committee of the Regions Bureau, Stocktaking of the CoR's work for 2006-2008, p. 9.

199 *Milestones in the History of the Committee of the Regions*, p. 35.

But the most significant development in relation to external relations was the setting up by the European Committee of the Regions of two new bodies: the Euro-Mediterranean Regional and Local Assembly (ARLEM) in 2008 and the Conference of Regional and Local Authorities for the Eastern Partnership (CORLEAP) in 2011. The Committee decided to organise a forum of Mediterranean local authorities as part of the Euro-Mediterranean partnership, and this was held on 13 July 2008 in Marseille, with France in the chair²⁰⁰. At the forum the then president of the Committee, Luc Van den Brande, announced that the Committee wanted to set up a proper Euro-Mediterranean assembly that would serve as a permanent representative body for members of local authorities in the EU and their partners on the southern rim of the Mediterranean. This arrangement was intended to reflect the regional arm of the Euro-Mediterranean partnership²⁰¹. ARLEM was formally set up and held its first plenary session in Barcelona on 31 January 2010. Since then, ARLEM plenary sessions have been held annually to promote dialogue between the three shores of the Mediterranean²⁰². ARLEM enabled the European Committee of the Regions to realise its ambition of formalising the role of local and regional authorities in the Union for the Mediterranean (UfM), a body with 43 members (including the 28 EU Member States) which was set up in 2008²⁰³. With a co-presidency between the north and south shores, ARLEM's objective was to promote dialogue and cooperation in the region. It was also able to play an important role in supporting the democratic transition process at local and regional level. Between 2010 and 2012, there were numerous exchanges and two meetings, held in Tunis and Rabat, through which the network facilitated the decentralisation processes in Tunisia and Morocco. During this period, ARLEM was also given official observer status within the UfM, signalling recognition of its role by the EU Member States²⁰⁴. In terms of areas covered, the network focused primarily on water resources management, urban development, desertification and climate change, renewable energy, and cultural heritage. From 2012, the assembly also addressed economic issues. Thus at its third plenary session on 30 January 2012, organised in Bari by the Italian region of Puglia and co-chaired by

200 ACR, Bureau Decision 200/2007 of 7 September 2007.

201 *Milestones in the History of the Committee of the Regions*, p. 32.

202 ACR, 119th meeting of the Committee of the Regions Bureau, Stocktaking of the CoR's work under the presidency of Luc Van den Brande (2008-2010), p. 7.

203 Egypt, Turkey, Algeria, Morocco, Syria (participation currently suspended), Tunisia, Albania, Bosnia and Herzegovina, Israel, Jordan, Lebanon, Mauritania, Palestine, Monaco and Montenegro. Libya also participates as an observer.

204 ACR, 138th meeting of the Bureau of the Committee of the Regions, report on the implementation of the 2010-2012 policy programme, p. 10.

Mercedes Bresso and Mohamed Boudra, president of the Moroccan region of Taza-Al Hoceima-Taounate, discussions covered regional cooperation, especially in strategic spheres such as sustainable development, energy infrastructure and cohesion policy. At that meeting, representatives of cities and regions from over thirty Mediterranean countries agreed that it was paramount to promote local authorities' access to funding available under European Neighbourhood Policy²⁰⁵. At its ninth plenary session, held in Giza, Egypt, in 2018, and at the tenth session in Seville, Spain, on 27 February 2019, ARLEM addressed more political issues. Reports were presented on the role of women in politics, combating radicalisation, and governance and transparency in the Mediterranean region. The last-mentioned highlighted the need for good governance to achieve a better public understanding of elected representatives' work, more involvement of ordinary people, and better oversight of government action²⁰⁶. At its plenary session held in Nicosia in January 2016, ARLEM also opened its doors to Libyan mayors, as observers, enabling dialogue with CoR members on decentralised cooperation with Libya in areas such as waste and water management, training, transparency, and other sustainable development activities of local and regional authorities (Nicosia Initiative).

At the request of the European Commission, the European Committee of the Regions set up the equivalent to ARLEM for neighbourhood policy to the east on 8 September 2011 during the Polish presidency of the EU, when it held a Conference of Regional and Local Authorities for the Eastern Partnership (CORLEAP) in Poznań²⁰⁷. The Eastern Partnership was effectively an EU neighbourhood policy, inaugurated in Prague on 7 May 2009, for the purpose of concluding agreements with Armenia, Azerbaijan, Georgia, Moldova, Ukraine (with which the Committee had also been deepening bilateral relations through a special task force), and Belarus. On that occasion, the President of the Committee of the Regions, Luc Van den Brande, had in fact already broached the idea of a Conference of Regional and Local Authorities for the Eastern Partnership²⁰⁸. As with ARLEM, the objective of CORLEAP was to strengthen the decentralisation and regional cooperation capacity of the partner countries and to promote the regional dimension of the Eastern Partnership.

205 *Milestones in the History of the Committee of the Regions*, p. 42.

206 <https://portal.core.europa.eu/arlem/Pages/default.aspx>, retrieved 28.10.2019.

207 ACR, 138th meeting of the Bureau of the Committee of the Regions, report on the implementation of the 2010-2012 policy programme, p. 10.

208 Interview with Luc Van den Brande.

CORLEAP's first meeting brought together 36 local and regional representatives from the countries in question and mainly addressed issues of cross-border cooperation. Štefan Füle, the then Commissioner for Enlargement and European Neighbourhood Policy, highlighted at the time how essential it was to have cooperation between local authorities in the Eastern Partnership countries and the European Committee of the Regions: "... there is no true democracy without local democracy"²⁰⁹. From 2011, CORLEAP was an important component of the Committee of the Regions' external relations, and the Committee developed new initiatives within this network. Thus, in 2018, the Committee launched a peer-to-peer cooperation project on decentralisation in Ukraine, with financial support from the European Commission. The president of the European Committee of the Regions, accompanied by the co-chair of CORLEAP, regularly attended summits of heads of state or government of the Eastern Partnership. At the 2018 summit, Karl-Heinz Lambertz supported the inclusive approach of the Eastern Partnership, noting that:

“during the second decade of cooperation the EU should lend greater support for decentralisation, pay greater attention to governance and be prepared to increase funding for people-to-people projects and cooperation between local and regional authorities”²¹⁰.

As well as creating these two important networks for neighbourhood policy, the European Committee of the Regions was enhancing relations with other European and international organisations. The first of these was the Congress of Local and Regional Authorities, its sister body within the Council of Europe, which was set up in 1994. The Congress counts 648 members of local authorities from the 47 member states of the Council of Europe. It has two chambers, one for cities and the other for regions, and acts primarily to promote democracy, the rule of law and respect for human rights in “Greater Europe”²¹¹. The two consultative bodies had shared interests: they both described themselves as “political assemblies” and supported decentralisation, the principle of local and regional autonomy, and multilevel governance. They also complemented each other, because the Congress of Local and Regional Authorities enabled the European Committee of the Regions to

209 Stefan Füle, in: *Milestones in the History of the Committee of the Regions*, p. 41.

210 <https://cor.europa.eu/fr/news/Pages/Eastern-Partnership-Academy-idea.aspx>.

211 See Wassenberg, B., *Histoire du Conseil de l'Europe (1949-2009)*, pp. 427-437.

establish contacts with representatives from regions outside the EU, while the Committee provided the Congress with access to the EU institutions. Even though the two bodies worked independently, informal links had already been established between them, at administrative and political level, since some elected representatives belonged to both. Their cooperation was not formalised until 13 April 2005, when the first cooperation agreement between the two organisations was signed. That agreement was intended to allow experience-sharing in preparation for the accession of new members – in particular anticipating the EU enlargements to countries that were already members of the Council of Europe (notably in the Balkans)²¹². Additions were made to the agreement in 2009 and it was revised in 2018 to formalise the spheres and methods of cooperation, in the broader context of the Memorandum of Understanding concluded in 2007 between the European Union and the Council of Europe. The two bodies now began to meet annually through a working group composed of the president of the Congress, the presidents of its two chambers, the president and first vice-president of the European Committee of the Regions, and the chair of its external affairs commission (CIVEX). Establishing regular, formal contacts made it possible to set particular areas as priorities for collaboration and to monitor their application²¹³.

To increase its political influence, from 2008 the Committee also set about stepping up its work with specialised EU agencies and other European organisations. Thus, on the initiative of then president Luc Van den Brande, it began staging an annual debate with the European Union Agency for Fundamental Rights on multilevel protection of human rights, and it initiated ad hoc cooperation with bodies such as the European Environment Agency²¹⁴. It also made its expertise on local government available to other European organisations, such as the Organisation for Economic Cooperation and Development (OECD) and the European Investment Bank (EIB). With the EIB, for example, the European Committee of the Regions organised a meeting in Brussels, supported by the Irish presidency, on the economic situation and outlook for long-term investment in Europe's cities and regions. This is just one instance of the regular cooperation that allowed the Committee to draw attention to the potential for local responses to current challenges. On

212 ACR, Annual Activity Report 2005; see also Berrod, F., Wassenberg, B., *Les relations entre le Conseil de l'Europe et l'Union européenne*, pp. 117-118.

213 <https://www.coe.int/en/web/congress/contact-group-congress-/committee-of-the-regions>.

214 Piattoni, S., Schönlaui, J., *op. cit.*, p. 88.

the occasion mentioned, Committee of the Regions president Ramón Luis Valcárcel Siso and the president of the EIB identified maintaining a high level of investment in Europe's cities and regions as a way of dealing with the economic crisis²¹⁵.

Finally, the European Committee of the Regions also became involved in collaboration with specialised agencies of the United Nations. In 2010, it signed an administrative memorandum of understanding with the United Nations Human Settlements Programme (UN-Habitat) on housing issues; in 2012 another memorandum, this time in relation to policy-making, was signed in 2012 with the United Nations Environment Programme (UNEP) on joint activities to combat climate change. The European Committee of the Regions also took part in the UN climate change conferences, including the COP15 in Copenhagen in 2009, the Rio+20 conference in 2012, and the subsequent post-Kyoto negotiations²¹⁶.

In its external relations, the European Committee of the Regions thus progressively opened up, both to cities and regions of countries neighbouring the EU and also to other European and international organisations. In this way it reinforced its role of political assembly open to the rest of the world and ensured its visibility on the international stage. It nevertheless remained the case that the Committee had to improve its relations with citizens and communicate better with them if it was to act as a channel between them and the EU.

b) Communication with the public and networking

After the failure of the European constitution initiative in 2005, communication with citizens became a major focus for all the European institutions, which hoped that this would provide a response to criticism of the EU's democratic deficit and would also counter growing Euroscepticism. The European Committee of the Regions has taken pride in being closer to European citizens, and in its ability to ensure better communication with the general public and disseminate the EU's message at local level.

215 *Milestones in the History of the Committee of the Regions*, p. 47.

216 See Part III, 2.b).

In this context, a key event for the Committee has always been the Open Days, held for the first time in 2003, which brought together representatives of local authorities, via their representative offices in Brussels, for a few days every year to debate European policy in meetings and workshops²¹⁷. This event, held jointly with the European Commission, increasingly provided an opportunity for the Committee to communicate directly with the local level and to launch motivational initiatives. At the Open Days on 7 October 2009, for example, it introduced a European Entrepreneurial Region award for European regions deploying innovative strategies for small and medium-sized enterprises. This annual award gave three regions the title of “entrepreneurial region of the year” in recognition of the quality and efficacy of their local economic policies²¹⁸. The 2011 Open Days were quite politically significant, with the president of the European Parliament Jerzy Buzek, European Commission president José Manuel Barroso and the Commissioner for Regional Policy, Johannes Hahn, present at the opening ceremony alongside then president Mercedes Bresso. The attendance was impressive: 5 700 participants in Brussels on 10 October, including 527 speakers and 231 journalists. The three key subjects discussed were the Europe 2020 strategy, implementation of cohesion policy, and the territorial dimension of European policies²¹⁹. The Committee president who opened the 10th Open Days the following year was Ramón Luis Valcárcel Siso, and the debates focused on cohesion policy. Johannes Hahn was again present, to launch the Erasmus initiative for elected representatives of the European Committee of the Regions, through which around 100 local and regional representatives could come to Brussels to learn about EU working methods, in particular implementation of cohesion policy²²⁰. In 2013, participation hit a new high for the 11th Open Days, with 6 279 participants meeting through 101 workshops to exchange views on the future of cohesion policy for the 2014-2020 period²²¹. The number of participants continued to grow, and the Open Days were increasingly seen as the major event co-organised by the European Committee of the Regions and the European Commission. In 2016, the Open Days were re-named the European Week of Regions and Cities, to avoid confusion with the European institutions’ annual Open Doors Day on Europe Day (9 May)²²². This

217 See Part II, 2.c).

218 *Milestones in the History of the Committee of the Regions*, p. 35.

219 *Ibid.*, p. 41.

220 *Ibid.*, p. 45.

221 *Ibid.*, p. 48.

222 <https://cor.europa.eu/en/events/Pages/European-week-of-regions-and-cities-EWRC.aspx>, retrieved 18.10.2019.

change of title did not imply any change in either the substance or the approach of the Open Days, as many cities and regions in Europe continued to call the event.

The European Week of Regions and Cities was not the only event organised by the European Committee of the Regions to improve its contacts with local authorities. It was above all through creating and maintaining networks of cities and regions that the Committee played the role of bringing different levels of government and the population together. In 2004, the Committee therefore introduced an annual “structured dialogue” between local and regional authorities and the European Commission, which enabled the Committee to act as a key link between local authorities and the European institutions²²³. But the Committee also created its own networks of local authorities focusing on various European issues. It set up several monitoring networks along the lines of the network for monitoring compliance with the subsidiarity principle²²⁴. In 2006, it initiated a “territorial dialogue” with local and regional authorities – in which the European Commission also takes part – to monitor the objectives set out in the Lisbon strategy. In 2010, this platform was named the Europe 2020 Monitoring Platform. By that time it already included more than 160 cities and regions and its monitoring activities covered in particular the implementation of the objectives of the Europe 2020 strategy for coordinating EU economic policies. Local and regional authorities were invited to contribute to monitoring reports and studies set up by the European Committee of the Regions in relation to Europe 2020²²⁵. The networks also included a platform which the Committee set up in 2011 to promote monitoring, networking and pooling of experience between European Groupings of Territorial Cooperation (EGTCs)²²⁶.

Another example of networks devoted to one particular cause was the Covenant of Mayors, whose purpose was to bring together cities to fight climate change. The idea actually originated in an opinion of the European Committee of the Regions published in 2005²²⁷, but it was taken up by the European Commission in 2006 in its energy efficiency programme. The Commission wanted to set up such a network in 2007 with 20-30 mayors

223 See Part II, 2.c).

224 See Part III, 1.b).

225 *Milestones in the History of the Committee of the Regions*, p. 37.

226 See Part III, 2.b).

227 ACR, opinion 65/2005 on Winning the Battle Against Global Climate Change (Correia).

of the “most pioneering” cities in Europe²²⁸. The European Commission asked for the European Committee of the Regions to provide technical support and invited it to take part in a number of DG TREN meetings on transport and energy. But the Committee was reluctant, as it did not want to be relegated to a simple administrative support role. In addition, the European Commission’s initiative did not fully match the Committee’s vision of a Covenant of Mayors as a broad network that could represent all of its members and which would also have included small cities²²⁹. The Covenant of Mayors was set up anyway in 2008 by the European Commission, and the Committee hailed the initiative in an opinion that same year, with certain provisos, for instance that the network should be an opportunity for all local authorities to be represented and express their views on the issue of climate change²³⁰. The Covenant of Mayors ultimately operated as a consortium formed of a network of local and regional authorities that was actively involved in the various United Nations meetings on climate change²³¹. The European Committee of the Regions supported this network, while also sending its own delegation to the meetings. After the Paris COP in 2015, the Covenant tried to link up with a similar network of mayors in the United States, and this initiative was also supported by the Committee, its interest in networking encouraging it to expand contacts beyond Europe’s borders.

Finally, a more recent network-creating initiative of the European Committee of the Regions is the #CohesionAlliance, which was set up with the adoption at the plenary session on 11 and 12 May 2017 of an opinion on the future of cohesion policy post-2020 (rapporteur Michael Schneider, State Secretary of Saxony-Anhalt and president of the EPP Group)²³². On 18 May, the Committee held the first meeting of this alliance for the future of cohesion policy in the EU, in cooperation with major regional associations (AER, AEBR, CPMR, Eurocities, and the CEMR). The #CohesionAlliance was then officially launched in October 2017. Its main purpose was to campaign against drastic cuts in cohesion policy funding when the EU budget for 2021-2027 was drawn up. To that end, the alliance composed a declaration that was signed by certain key regions and

228 Schönlaui, J., “Beyond mere consultation: Expanding the European Committee of Regions’ role”, op. cit. p. 1177.

229 *Ibid.*

230 ACR, opinion 241/2008 on How regions contribute to achieving European climate change and energy goals, with a special focus on the Covenant of Mayors (Twitchen).

231 Including the networks Energy Cities, Climate Alliance, Eurocities, Fedarene, and the CPMR.

232 ACR, opinion COTER-VI-15/2017 on The future of Cohesion Policy beyond 2020 – For a strong and effective European cohesion policy beyond 2020 (Schneider).

cities. This had a snowball effect: in November 2018 the declaration already carried 10 000 signatures, and the network expanded to include 121 regions, 135 cities, 46 associations of cities and regions, and 35 other associations. The #CohesionAlliance therefore became a real success, embracing a wide variety of members, also including universities, business clusters, hospitals, and business associations²³³. This network showed that the European Committee of the Regions was capable of mobilising a broad range of European cities and regions behind a common objective, in this case maintenance of cohesion funding.

To promote more direct communication with Europe's citizens it was necessary to adopt a different approach to that of creating networks between cities and regions. Thus, in 2009, the European Committee of the Regions – in cooperation with the European Commission, European Parliament, Council of the European Union, European Economic and Social Committee, European Investment Bank and European Organisation for Cooperation and Development – started to hold an annual European conference on communication, the European Public Communication Conference, or EuroPCom. This conference brought together communication experts from the local, regional, national and European levels, private communication agencies, NGOs and academia to discuss and share good practice with a view to improving communication with Europe's citizens²³⁴. At the EuroPCom conference on 16 October 2013, 650 participants gathered to discuss how to increase the involvement of local authorities in the debate on the upcoming European Parliament elections in 2014²³⁵. EuroPCom has gradually grown: over 1 000 participants came to Brussels for the 10th conference in 2019. Together with the Open Days, the European Public Communication Conference became one of the flagship communication activities of the European Committee of the Regions. The Committee also organised more subject-specific events, like the forum held in Brussels in 2012 on active citizenship, free movement, and voting rights, in preparation for the European Year of Citizens 2013. This gave the Committee an opportunity to underline the crucial role that local authorities could play in the public debate on European citizenship²³⁶.

233 <https://cor.europa.eu/en/engage/Pages/cohesion-alliance.aspx>, retrieved 18.10.2019.

234 <https://cor.europa.eu/en/events/Pages/europcom.aspx>, retrieved 18.10.2019.

235 *Milestones in the History of the Committee of the Regions*, p. 49.

236 *Ibid*, p. 45.

All of these activities are part of a fully-fledged communication strategy which the European Committee of the Regions set out for the period 2015-2020. The European Week of Regions and Cities (Open Days) and the European Public Communication Conference (EuroPCom) were particularly prominent among these. But communication activities should also help to explain the Committee's message about the European Union's political agenda and should reflect all the local and regional contributions that can serve to strengthen links between local and European interest groups²³⁷. This opening up to citizens has also taken the form of consultation. Further to a request from European Council president Donald Tusk in 2016, the Committee launched the Reflecting on Europe initiative, which was designed to get citizens directly involved in the European project. The "citizens' dialogues" that were held as part of this convinced the presidents of both the European Committee of the Regions (Karl-Heinz Lambertz) and the European Economic and Social Committee (Luca Jahier) that a permanent mechanism should be set up for consulting citizens via local and regional authorities. To establish this new model for direct participation, a series of seminars was held from April to June 2019 between experts from regional and local government and representatives of other organisations, whose conclusions were used to identify a number of ways of bringing the European Union closer to its citizens²³⁸. This was the starting-point for a new "bottom-up" approach in European governance to which the European Committee of the Regions has actively contributed.

The new mechanism was particularly necessary in view of waning public interest in the European Union that has resulted from the frequent crises its citizens have faced since 2015.

c) The European Committee of the Regions' response to European crises

The European Union has always had to deal with crises, and the Committee of the Regions had to make its voice heard in 2008-2009 in the midst of an economic and financial crisis, drawing attention to the opportunities that were available at local and regional level to support efforts to restore growth and jobs. Since 2015, the Union has faced crises of a more political nature that threaten the very essence of European integration. The migration crisis, Brexit and the unrest in Catalonia are three examples of crises that have

237 ACR, Communication strategy of the European Committee of the Regions 2015-2020.

238 <https://cor.europa.eu/en/engage/Pages/future-of-europe.aspx>, retrieved 18.10.2019.

had considerable repercussions for local authorities in Europe. The European Committee of the Regions has not hesitated to engage in a sometimes difficult debate on the best way of tackling these issues.

The 2015 migration emergency, when an influx of refugees entered the Schengen area, prompted stricter border checks and unsupportive, even sometimes xenophobic, rhetoric in certain Member States. Regions and cities of the European Union were on the front line in having to manage the reception and integration of thousands of refugees and migrants. During that crisis, the European Committee of the Regions avoided becoming embroiled in the polemic about immigration, preferring to promote the development of local and regional initiatives to integrate migrants. One way of doing this was to provide a platform for local authorities to exchange good practice and share positive experiences of local migrant reception policies, and also to distribute information on EU funding options for supporting such initiatives. On 10 April 2018, the European Committee of the Regions launched the Cities and regions for integration of migrants (#Regions4Integration) initiative in cooperation with major European associations²³⁹. The CPMR, which includes many Mediterranean regions directly affected by the refugee situation, contributed significant expertise to this initiative, having already produced a number of documents and studies on migration, refugees and EU policy in this area²⁴⁰.

The Brexit crisis that unfolded with the referendum on 23 June 2016, when a majority of those who voted decided that Britain should leave the European Union, has been closely monitored by the European Committee of the Regions. An orderly Brexit has since become a major policy priority of the European Union, but Brexit was never on the Union's policy agenda and it could not have been envisaged by the founding fathers of the European Community. Brexit had serious implications at regional level, especially for Northern Ireland, where the existing border with the Republic of Ireland could become an external border of the Union, jeopardising the peace that was built over years of cross-border cooperation supported by the EU's PEACE programme. It was in this context that the European Committee of the Regions drew attention to the asymmetric consequences of

239 <https://cor.europa.eu/en/our-work/Pages/cities-and-regions-for-integration.aspx>, retrieved 27.10.2018.

240 CPMR Issue Paper, Migration and asylum in EU regions: towards a multilevel governance approach, February 2018; CPMR Issue Paper, The external dimension of EU migration policy. Working together: the regional strategy, March 2019.

Brexit for cities and regions of the European Union, some of these being more exposed than others. The Conference of Presidents of the European Committee of the Regions was aware of the stakes involved in the negotiations on both sides of the Channel through its many contacts and local visits, including in Northern Ireland, London and Edinburgh, and it passed on the concerns of local and regional authorities to the negotiators. An initial resolution on Brexit was adopted by the European Committee of the Regions at its plenary session in March 2017²⁴¹, and this was followed by a lengthy debate at the November 2017 plenary session where the views were heard of local and regional elected representatives for whom the outcome of the negotiations would have direct implications. Members of the European Committee of the Regions all drew attention both to the issues for Northern Ireland and to the absolute need to ensure that the specific consequences of Brexit for certain very vulnerable local authorities were addressed in the negotiations. CoR president Karl-Heinz Lambertz therefore launched a wide survey among members of the Committee to identify their concerns about Brexit and catalogue all its local and regional implications. An interregional group on Brexit was also set up in the Committee in January 2018²⁴², through which local and regional authorities were able not just to exchange views and information on the consequences of the United Kingdom's departure from the European Union, but also to look at possible solutions, such as developing joint post-Brexit projects to support the local authorities that would be most affected. Concurrently, the Committee's ECON commission set up a study on the economic impact of Brexit on local authorities. This was published in 2018 and led to the adoption of another resolution on Brexit at the May 2018 plenary session²⁴³. Two conclusions are worth drawing attention to: firstly, that Brexit would have an overall negative impact on the economy of the United Kingdom and on the European Union, and secondly, that the impact would not be the same for all Europe's cities and regions but would depend on the volume of their trade with the UK and would vary by economic sector (transport, agriculture, services, etc.)²⁴⁴. In the worst affected regions it would be above all small and medium-sized enterprises that would need help to cope with Brexit, because these companies lacked the technical capacity and staff to prepare for it. Finally, at the 8th European Summit of Regions and Cities, which

241 Resolution of the European Committee of the Regions of March 2017 on The implications for local and regional government of the UK's intention to withdraw from the European Union (COR-2017-01049-00-01-RES-TRA).

242 <https://cor.europa.eu/en/our-work/Pages/Interregional-groups.aspx>, retrieved 27.10.2019.

243 ACR, Resolution of May 2018 (COR-2018-01976-00-01-RES-TRA) on The implications of the United Kingdom's withdrawal from the European Union for the EU's local and regional authorities.

244 <https://cor.europa.eu/Documents/Migrated/news/impact-brexit.pdf>, retrieved 27.10.2019.

took place in Bucharest on 14 and 15 March 2019, two weeks before the scheduled Brexit date, the European Committee of the Regions held a major debate with representatives of regions and cities attended by the EU's chief Brexit negotiator, Michel Barnier²⁴⁵. The European Committee of the Regions has gradually managed to draw the attention of the EU Member States to the local and regional implications of Brexit.

The crisis in Catalonia that alarmed Europe in 2017 also had an impact on the European Committee of the Regions. That crisis was sparked by a declaration of independence following a referendum held on 1 October 2017 that was considered unconstitutional. Some of the Catalan leaders were subsequently arrested and received prison sentences, triggering numerous demonstrations in the region. The European Committee of the Regions, which has Catalan members, found itself on the front line. The issue was sensitive: Catalan independence is destabilising for the EU because Spain considers this an internal matter in which the EU should not interfere. Catalonia was hoping for official support from Europe, but in the end this was not forthcoming. After the violence and clashes with police during the referendum, Karl-Heinz Lambertz, having just taken over the Committee presidency, nevertheless decided to hold a debate on the situation in Catalonia at the plenary session of 10 and 11 October 2017. European Council president Donald Tusk took the opportunity of the Committee of the Regions' debate on "The State of the European Union: the view of regions and cities" to appeal to Catalan president Carles Puigdemont not to declare Catalonian independence, which he had planned to do on the same day. There was a difficult, but nevertheless calm, debate during which Mr Lambertz pointed out that the European Committee of the Regions was not opposed to regions affirming their identity, but that upholding democracy and the rule of law must remain paramount. For his part, the head of the Spanish delegation, Ximo Puig i Ferrer (PES), pointed out that Spain was one of the most decentralised countries in Europe and that the referendum had not been legal. He believed that the emotional fractures could be overcome with political will and dialogue²⁴⁶. The permanent representative to the European Union of the Autonomous Community of Catalonia, Amadeo Altafaj i Tardio (EA), compared the referendum in Catalonia to that held in Scotland, and condemned the use of violence. He deplored the

245 <https://cor.europa.eu/en/summit2019>, retrieved 18.10.2019.

246 ACR, minutes of the 126th plenary session of the European Committee of the Regions, 10 November and 1 December 2017, Item 2, Appendix 5.

undermining of people's rights and stressed that Catalonia was a pro-EU region, while noting that the majority of Catalans felt abandoned by Spain²⁴⁷. Thus positions were diametrically opposed and the other speakers struggled to find a compromise position. Some supported Catalonia, such as UK member Joseph Cooney (ECR), who thought that Catalan independence was a matter for the Catalan government and Catalonia's citizens, condemning the violence against people who were in the pursuit of democratic freedom. Belgian member Karl Vanlouwe (EA) pointed out that the desire for decentralisation and autonomy, as well as people's democratic voice, could not be repressed²⁴⁸. Others, such as Italian member Arno Kompatscher (EPP), disagreed, supporting the Spanish government and pointing to the need to respect the rule of law and uphold the Spanish constitution. Belgian member Olga Zrihen (PES) said that the EU should not interfere in an internal discussion in Spain because it had no legal competence in this area²⁴⁹. However, all agreed in condemning the use of violence and urging the two parties to the conflict to engage in political dialogue. Finally, Luc Van den Brande (EPP) eloquently pleaded for compromise, saying that freedom of expression must be upheld, but that action must be in compliance with the constitution²⁵⁰.

This debate illustrates the difficulties that the Committee of the Regions could face when taking a position on a subject of crucial importance to local authorities such as (extreme) regionalism. The issue here was not so much fear of getting involved in an internal Spanish issue, but rather the diversity of the Committee's members, reflecting the varying degrees of decentralisation in the EU Member States. Ultimately, the Catalonia crisis demonstrated that the role of the Committee of the Regions may also be to calm a situation and call for dialogue.

247 *Ibid.*

248 *Ibid.*

249 *Ibid.*

250 *Ibid.*

Conclusions to Part III

«... in its role as EU institution, the CoR might gradually develop into the 'European Senate of the Regions'. This Assembly of political representatives of the EU's LRAs would be a 'Reflection Chamber' with semi-legislative powers, rather than a fully-fledged third legislative chamber, at EU level»²⁵¹.

The call of the president, Ramón Luis Valcárcel Siso, in 2014 to set up a European Senate of the Regions illustrates the tension between continuity and change in the Committee of the Regions' development since 2004. Continuity in the sense that the idea of a European senate has existed since the Committee of the Regions was established in 1994. And change because a president of the Committee was now proposing it as an official project in a programme for the future of this EU institution.

From 2004 to 2019, these two opposing trends were manifest within the Committee, in its political priorities and in every sphere of its work, which had multiplied but also become more concentrated. After the 2005 and 2007 enlargements the number of members had increased substantially, but that did not have a significant impact on its political *modus operandi* in plenary sessions or in the commissions and their remits. The 2009 Lisbon Treaty conferred new powers on the European Committee of the Regions and strengthened its role in the legislative process, but these changes led it above all to continue its work on promoting subsidiarity and multilevel governance, two concepts that it had also defended since it was first set up. The process of formalising its relations with the other EU institutions – the European Commission, European Parliament and European Economic and Social Committee in particular – was also an aspect of continuity, as evidenced in the revision of agreements already concluded with the Commission and the EESC. But one change did take place during this period: the European Committee of the Regions focused more and more attention on the European Parliament, which was now co-legislator in many spheres of EU policy. This culminated in the conclusion of a cooperation agreement in 2014.

251 Ramón Luis Valcárcel Siso, *Towards a European Senate of the Regions: report on the future of the Committee of the Regions. 50 recommendations*, p. 25.

The role of the European Committee of the Regions as a body that makes an active and substantial contribution to the drafting of EU legislation has been a priority ever since the Committee was set up. In this role it has continually defended compliance with the subsidiarity principle. From 2006, each successive president – Michel Delebarre, Luc Van den Brande, Mercedes Bresso, Ramón Luis Valcárcel Siso, Michel Lebrun, Markku Markkula and Karl-Heinz Lambertz – has continued this strategy of defending multilevel governance with renewed political vigour: a White Paper was adopted in 2009 and a Charter in 2014, culminating in the proposal for a European Senate of the Regions announced in June 2014. But a real change took place in 2015, when Markku Markkula and Karl-Heinz Lambertz took over as president and first vice-president respectively, as the Committee acquired a stronger presidency and a new title – European Committee of the Regions – as well as a political programme set out for the full five-year term up to 2020.

With regard to its work on EU legislation, the Committee continued to make recommendations on key aspects of cohesion or agricultural policy, but it was also taking an interest in new priorities such as public services or the fight against climate change. It consequently changed its working methods: first, the political groups ensured more and more prior screening of opinions; second, the Committee was acting at an increasingly early stage in the legislative process, even before the European Commission had formulated legislative proposals; and third, the Committee was focusing its attention more and more on the impact of opinions.

The last and most significant change introduced by the Committee after 2004 was its opening up to the outside world and to the general public. Having already established contacts with regions and cities in countries wanting to join the EU, the Committee invested a lot of energy on this front by setting up joint consultative committees with all the candidate countries. The two networks it created with local authorities in the Mediterranean region (ARLEM) and the Eastern Partnership countries (CORLEAP) complemented the EU's neighbourhood policy at local and regional level. The European Committee of the Regions took on an international role both through this neighbourhood policy and through its relations, contacts and cooperation with the specialised agencies of the EU, the UN and other European organisations such as the Council of Europe and the European Investment Bank. But the greatest change was undoubtedly its deepening of direct contacts with the regions and with citizens: the European Committee of the Regions has become a forum

for mobilising and organising networks of associations. During the Open Days members of the Committee, as well as the European Commission, can now establish contacts with local authorities in Europe. Communication with ordinary citizens has become the main preoccupation of the Committee at a time when Euroscepticism is threatening the very foundations of the European project.

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Conclusions

«Our Assembly must become a forum where Europeans come together to shape their Europe. [...] our added value lies in the fact that we bring local and regional concerns to the European level and, in return, bring European concerns back to the grassroots»¹.

(Karl-Heinz Lambertz)

¹ CoR, Address by Karl-Heinz Lambertz, President of the Committee of the Regions, Directorate for Communication, October 2018.

In 2019, the president, Karl-Heinz Lambertz, defined the European Committee of the Regions primarily as a platform for local and regional authorities to express their views and a bridge between Europe and its citizens.

However, strengthening ties between the EU and its citizens was not the main concern of the architects of the European Committee of the Regions at the end of the 1980s. In the beginning, there were two opposing visions: one a consultative body advocated by the European Commission, the other a European senate of the regions, called for by federal states or those with strong regional powers – Germany, Belgium and Spain. Ultimately, Article 198 of the Maastricht Treaty enshrined the first option. The Committee had a number of architects – Community institutions, local and regional associations and later federal states – but it was also created in a very specific and favourable international context, namely the reunification of Germany following the fall of the Berlin Wall in 1989. This had led the French president François Mitterrand to seek a framework for the new Federal Republic of Germany, with a project of political union for the European Community. This project called for better account to be taken of the German Länder and the Belgian regions in the Community legislative process. Following the negotiations on the Maastricht Treaty, however, it was the idea of a consultative body, not a senate of the regions, which came out on top. The deal was that regions with strong legislative powers would be able to get involved in European governance via another route, namely by participating in the Council of Ministers of the EU. For these reasons, the European Committee of the Regions, which was set up following the adoption of the Maastricht Treaty in 1992, has relatively weak institutional standing and powers. Moreover, it was administratively dependent on the EU's other consultative body, the Economic and Social Committee, which had existed since the 1957 Treaties of Rome.

It came as no surprise, therefore, that the establishment of the European Committee of the Regions in the run-up to 1995 was marked by a series of difficulties in achieving recognition by the other Community institutions and in adopting an independent organisational structure and working methods. Firstly, this was due to the fact that the membership of the European Committee of the Regions is decided by the Council of the EU, where the Member States sit, and thus follows a national approach and, secondly, because the joint services – the administrative support shared with the EESC – did not

facilitate relations with the EESC. Despite all this, even at its first plenary session on 9 and 10 March 1994, the European Committee of the Regions was seeking to carve out a distinctive role. Jacques Blanc, who was not expected to become Committee president and who was elected following a truly European campaign, set the tone by declaring in his inaugural speech that the European Committee of the Regions was a legitimate political assembly of the EU and the one closest to European citizens. This statement, which reflected the Committee's desire to carry weight within the EU, also created a strained relationship with the European Parliament, which was concerned that a competitor might emerge. The European Commission therefore remained the Committee's main partner, although it primarily sought to maintain its status as a consultative body and to benefit from its expertise when drawing up draft legislation.

From 1995 to 2004, therefore, the European Committee of the Regions needed to secure its administrative independence, normalise relations with the other Community institutions – especially with the EESC and the European Parliament – and to successfully extend its areas of legislative work and its statutory prerogatives. The reforms to the Treaties between 1997 and 2004, which began with the aim of preparing the enlargement of the EU to 27 Member States in 2007, were key to achieving its objectives. The European Committee of the Regions made the most of these reforms in order to strengthen its status, though without obtaining recognition *de jure* as a Community institution. With the Treaty of Amsterdam in 1997, the Committee obtained administrative autonomy and the joint services gradually disappeared. Emphasising the need to interpret the subsidiarity principle as a way of taking better account of the local and regional level of governance, the Committee also managed to extend the fields of compulsory referral under the Treaty of Amsterdam in 1997 and the Treaty of Nice in 2001. However, the European Committee of the Regions benefited above all from its participation in the European Convention, launched in 2001 with the task of drawing up a constitution for the European Union. This Constitution, which was put forward in 2003, contained key elements to strengthen the Committee's powers, including the possibility of bringing an action before the Court of Justice of the European Union in the event of failure to comply with the subsidiarity principle. The acquisition of this right of redress, which has never actually been used, was an important step in the process of achieving recognition for the Committee. Yet its enhanced status stemmed far more from the politicisation of its organisational structures and working methods. There was, in fact,

a gradual consolidation of the political groups at the Committee, which were the conduit for its work on legislation and responsible for it adopting an approach on party lines. By becoming more similar to the European Parliament in this respect, the Committee also reassured the latter by stressing that its work was complementary and that it was not a second political chamber. Normal, less strained, relations were the result. At the same time, the Committee's opinions, of which there were many in the early days and with a high proportion of own-initiative opinions, increasingly focused on key areas, such as territorial cohesion policy. This trend helped to further strengthen the Committee's relations with the European Commission, leading to the conclusion of a cooperation agreement in 2001.

From 2004, the European ambit became less favourable, especially following the failure of the European Constitution in 2005. During the negotiations on the Lisbon Treaty, however, the Committee did manage to maintain the advances it had made in strengthening its role. Following the Treaty's adoption in 2007, it made every effort to carry out its new tasks, in particular the creation of a system for monitoring subsidiarity. While the introduction of new members after the 2005 and 2007 enlargements – doubling the number of elected representatives from 189 to 350 – in no way disrupted the workings of the Committee, the Treaty of Lisbon did require reform of its work on legislation. The European Committee of the Regions now had to concentrate its efforts on priority areas, focus more on the European Parliament and, finally, adapt its working methods by acting as early as possible in the legislative process, even before legislative proposals had been drafted. There was also a closer relationship between the Committee and the Parliament, formalised by a cooperation agreement in 2014, which added to all the agreements already concluded with the European Commission and the EESC. The Council therefore remained the only institution with which the European Committee of the Regions had not managed to formalise its relations.

From 2004 to 2019, the Committee grew in confidence and increasingly sought to present itself as an essential partner within the EU in shaping future European integration. This determination was reflected in the adoption of important own-initiative opinions that promoted multilevel governance, took up new EU policy fields such as climate protection, and supported the establishment of innovative projects such as the EGTC – a legal tool for cross-border territorial cooperation. To support this work on legislation and with a view

to raising its profile on the international scene and among Europe's citizens, the European Committee of the Regions developed and stepped up its other activities. Key elements of its public relations work include the Open Days event – which it has been staging every year since 2003 and which later became known as the European Week of Cities and Regions – and, since 2010, the EuroPcom conference. The launch of European summits of cities and regions has enabled each presidency to assert itself politically on the European scene. It has also developed a genuine external policy towards the Mediterranean countries through ARLEM, and with the Eastern Partnership countries through CORLEAP. At the Committee's 20th anniversary in 2014, this bigger role on the European scene led the president, Ramón Luis Valcárcel Siso to relaunch the earlier idea of a European senate of the regions. His successors, Markku Markkula and Karl-Heinz Lambertz, were in favour of establishing a genuine shared agenda and consolidating the Committee's role as a key link between Europe, local and regional authorities and citizens. In 2019, these two central ideas – communication with European citizens and greater openness towards them – have guided the Committee's work.

The history of the Committee of the Regions has thus followed a linear trend, starting from a relatively weak position in the EU before gradually becoming stronger and then being recognised by all the Community institutions. However, is it possible to pick out particular high and low points in this evolution?

Looking back over the past 25 years, the European Committee of the Regions has experienced at least two key moments and two times of crisis. Undoubtedly, the first plenary session on 9 and 10 March 1994 was a major event – and for two reasons. Firstly, it marked the culmination of the long process of actually setting up the consultative body. The venue where the 189 members met – the European Parliament's main debating chamber (“hémicycle”) in Brussels – was prestigious and underlined its political role. Then, after his election, the new president, Jacques Blanc, delivered an ambitious speech which identified the Committee as a genuine political assembly. This episode shows that the Committee intended to use the modest tools at its disposal to find its place in the European institutional architecture. The second crucial moment is the European Committee of the Regions' participation in the European Convention to draft an EU Constitution. By sending a delegation of six members on 28 February 2002 to work at the Convention for 16 months, the Committee

not only saw its role recognised in the European institutions, but also had the opportunity to include elements in the draft Constitution that would strengthen its own position.

Looking at the crises experienced by the Committee, it is worth first of all returning to the critical phases before it was set up. During the Maastricht Treaty negotiations in 1992, the Dutch presidency proposed creating a new consultative body within the EESC, meaning that it would have been dependent on it but also that it would have lacked political visibility. Although it shared its administration with the EESC, the European Committee of the Regions ultimately managed to have its own status, a certain degree of independence and a defined role in the Community legislative process. However, it had not long been set up when it was faced with the disengagement of its “heavyweights”, the German minister-presidents, the presidents of the Belgian regions and the Spanish autonomous communities. For some, this was not a crisis, but simply a gradual change in the political functioning of the Committee, which became more pronounced from 1998 onwards until the end of the terms-of-office of presidents Jacques Blanc and Pasqual Maragall. Nevertheless, the European Committee of the Regions managed to adapt to this change – firstly, by focusing its work on the consultative expertise largely provided by its administration and, secondly, by organising itself more and more via the political groups which at that time managed the Committee’s political activities. More recently, the European Committee of the Regions went through a new crisis: in 2012, while Mercedes Bresso’s presidency was coming to an end and with Ramón Luis Valcárcel Siso preparing to take over, the European Parliament announced major cuts to its budget and the transfer of a large number of translators’ posts to the Parliament. These measures, far from expressing dissatisfaction with the Committee’s work, were above all the result of the economic crisis, which required budget cuts in all Community institutions. However, Valcárcel Siso was able to rely on the support of Martin Schulz, who he would bring to the first plenary session of his presidency. He even took advantage of that moment of crisis to launch a draft cooperation agreement with the European Parliament, which was finally signed in 2014.

But, beyond these events, what are the strengths and weaknesses of the European Committee of the Regions? In many cases, the two go hand in hand. First and foremost, it succeeded in establishing itself, from a fragile position and with no administrative autonomy at the outset, as an institution *de facto* recognised by all Community institutions. In order to

achieve this, it took advantage of the reforms of the European Treaties, from Amsterdam to Lisbon, while maintaining a high quality of work on legislation. It remains the case that the impact of its opinions is not sufficiently visible: thus, awareness of the European Committee of the Regions' contribution among representatives of the Commission, but above all among MEPs, is not satisfactory. Only a proactive approach by the Committee towards these two institutions in the early phase of the legislative process can remedy this problem. The Committee's second strength is that it is a genuine political assembly, with its own way of working and culture. From the end of the 1990s, the consultative body rapidly became politically driven, with the growing role of the political groups, which set the legislative work agenda in the commissions and orchestrated the process of amending opinions at plenary sessions. Each president also promoted his or her own policies at the European Committee of the Regions, using a well-defined and targeted work programme, which did not stop at simply setting priorities for legislative work. With the presidencies of Markku Markkula and Karl-Heinz Lambertz for the 2015-2019 terms-of-office, the European Committee of the Regions took a new step in asserting its identity: it announced a five-year programme, like that of the European Parliament and the European Commission. However, the Committee has not managed to become a senate of the regions – in other words, to acquire the powers of co-legislator. Some say this is why the institution is often ignored, not least by the Council, but also by governments in regions with legislative powers, which prefer to focus their efforts on meetings of the Council of Ministers of the EU. But is this really a weakness? Should the European Committee of the Regions become a second legislative chamber alongside the European Parliament?

In fact, a third strength of the Committee seems to be that it is not meant to acquire co-decision powers in the European legislative process. Since the 2000s, the European Committee of the Regions has been able to develop a series of activities presenting it as a possible response to the EU's democratic deficit and the rise of Euroscepticism. By opening up to associations of cities and regions, creating numerous networks and events and introducing new communication strategies, the Committee has in recent years redefined itself as a body representing local and regional authorities which conveys Europe's message to regions and citizens. This is the case for Open Days, summits of cities and regions, ARLEM and CORLEAP. It is also true of the many other monitoring networks which were set up with the aim of broadening the discussion on European issues to include all local

and regional elected politicians. This was the case when it launched citizens' consultations in 2017. The Committee of the Regions' role is therefore not so much to become a senate of the regions, but to put forward a new bottom-up approach to European governance where citizens can also participate. However, there is a weakness in this approach: for it to work, the CoR needs sufficient budgetary and human resources and its members must be committed to achieving this goal. For, as Karl-Heinz Lambertz points out, it is up to them to be the voice of the European Committee of the Regions and the EU in their local and regional areas and to bring the views of their citizens to Brussels².



2 Interview with Karl-Heinz Lambertz.

Names and abbreviations

- ◆ Assembly of European Regions (AER)
- ◆ Association of European Border Regions (AEBR)
- ◆ Central and Eastern European Countries (CEEC)
- ◆ Common Agricultural Policy (CAP)
- ◆ Common Fisheries Policy (CFP)
- ◆ Conference of Regional and Local Authorities for the Eastern Partnership (CORLEAP)
- ◆ Conference of Peripheral Maritime Regions (CPMR)
- ◆ Congress of Local and Regional Authorities (CPLRE)
- ◆ Committee of Permanent Representatives (COREPER)
- ◆ Common Organisational Structure (COS)
- ◆ Council of European Municipalities (CEM)
- ◆ Council of European Municipalities and Regions (CEMR)
- ◆ Council of European Regions (CER)
- ◆ Economic and Monetary Union (EMU)
- ◆ Euro-Mediterranean Regional and Local Assembly (ARLEM)
- ◆ European Alliance (EA)
- ◆ European Anti-Fraud Office (OLAF)
- ◆ European Coal and Steel Community (ECSC)
- ◆ European Conservatives and Reformists (ECR)
- ◆ European Democratic Alliance (EDA)
- ◆ European Economic and Social Committee (EESC)
- ◆ European Economic Community (EEC)
- ◆ European Entrepreneurial Region prize
- ◆ European Grouping of Territorial Cooperation (EGTC)
- ◆ European Investment Bank (EIB)
- ◆ European Liberal Democrat and Reform Party (ELDR)

- ◆ European People's Party (EPP)
- ◆ European Radical Alliance (ERA)
- ◆ European Regional Development Fund (ERDF)
- ◆ European Spatial Development Perspective (ESDP)
- ◆ European Union (EU)
- ◆ German Democratic Republic (GDR)
- ◆ International Union of Local Authorities (IULA)
- ◆ Liaison Office for European Regional Organisations (LOERO)
- ◆ Organisation for Economic Co-operation (OECE)
- ◆ Organisation for Economic Co-operation and Development (OECD)
- ◆ Party of European Socialists (PES)
- ◆ Regional Advisory Council
- ◆ Transatlantic Trade and Investment Partnership (TTIP)
- ◆ Trans-European Transport Network (TEN-T)
- ◆ Treaty on the European Union (TEU)
- ◆ Treaty on the Functioning of the European Union (TFEU)
- ◆ Union for the Mediterranean (UfM)
- ◆ United Nations (UN)
- ◆ United Nations Environment Programme (UNEP)
- ◆ United Nations Human Settlements Programme (UN-Habitat)
- ◆ Working Community of the Pyrenees (WCP)

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Treaties

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- ◆ Preamble to the Treaty of Rome, 25 March 1957
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- ◆ Protocol No 16 on the Economic and Social Committee and the Committee of the Regions to the Treaty on European Union, 7 February 1992
- ◆ Treaty of Amsterdam, 2 October 1997
- ◆ Treaty of Nice, 26 February 2001
- ◆ Treaty establishing a Constitution for Europe, 29 October 2004
- ◆ Treaty of Lisbon, 13 December 2007

Interviews

- ◆ Interview with Justus Schönlau, political adviser to the PES Group, 3 July 2019
- ◆ Interview with Jordi Harrison, secretary-general of the PES Group, 28 June 2019
- ◆ Interview with Gianluca Spinaci, head of the secretary-general's private office at the CoR, 26 June 2019
- ◆ Interview with Markku Markkula, CoR president, 26 June 2019
- ◆ Interview with Heinz-Peter Knapp, secretary-general of the EPP Group, 25 June 2019
- ◆ Interview with Gerhard Stahl, secretary-general of the CoR, 27 May 2019
- ◆ Interview with Béatrice Taulègne, deputy director at the CoR, 10 April 2019
- ◆ Interview with Mercedes Bresso, CoR president, 10 April 2019
- ◆ Interview with Silke Toenshoff, head of unit at the CoR, 9 April 2019
- ◆ Interview with Thomas Wobben, director, legislative work, CoR, 9 April 2019
- ◆ Interview with Ramón Luis Valcárcel Siso, CoR president, 9 April 2019
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- ◆ Interview with Jiří Buriánek, secretary-general of the CoR, 27 February 2019
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- ◆ Interview with Philippe Burghelle-Vernet, administrator at the European Commission, 28 April 2017
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- ◆ Interview with Jean-Claude Eeckhout, director in the secretariat-general of the European Commission, 27 April 2017
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Appendices

List of Presidents



1994-1996 » **Jacques Blanc**
Languedoc Roussillon, France, EPP



1996-1998 » **Pasqual Maragall i Mira**
Barcelona, Spain, PES



1998-2000 » **Manfred Dammeyer**
North Rhine-Westphalia, Germany, PES



2000-2002 » **Jos Chabert**
Brussels Capital Region, Belgium, EPP



2002-2004 » **Albert Bore**
Birmingham, United Kingdom, PES



2004-2006 » **Peter Straub**
Baden-Württemberg, Germany, EPP



2006-2008 » **Michel Delebarre**
Dunkirk, France, PES



2008-2010 » **Luc Van den Brande**
Flanders, Belgium, EPP



2010-2012 » **Mercedes Bresso**
Piedmont, Italy, PES



2012-2014 » **Ramón Luis Valcárcel Siso**
Murcia, Spain, EPP



2014-2015 » **Michel Lebrun**
Wallonia, Belgium, EPP



2015-2017 » **Markku Markkula**
Espoo, Finland, EPP



2017-2019 » **Karl-Heinz Lambertz**
German-speaking Community of Belgium, PES

List of secretaries-general

- ◆ 1994-1999 Dietrich Pause
- ◆ 2000-2003 Vincenzo Falcone
- ◆ 2004-2014 Gerhard Stahl
- ◆ 2014-2019 Jiří Buriánek



European Committee of the Regions

Created in 1994 following the signing of the Maastricht Treaty, the European Committee of the Regions is the EU's assembly of 350 regional and local representatives from all 28 Member States, representing over 507 million Europeans. Its mission is to involve regional and local authorities and the communities they represent in the EU's decision-making process and to inform them about EU policies. The European Commission, the European Parliament and the Council are obliged to consult the Committee in policy areas affecting regions and cities. It can appeal to the Court of Justice of the European Union if its rights are infringed or it believes that EU law infringes the subsidiarity principle or fails to respect regional or local powers.

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