

## **Opinion of the Committee of the Regions on the 'Follow-up to the White Paper on European governance'**

(2003/C 256/04)

THE COMMITTEE OF THE REGIONS,

having regard to the communications of the European Commission on the Follow-up to the White Paper on European Governance — COM(2002) 704 final, COM(2002) 705 final, COM(2002) 709 final, COM(2002) 713 final, COM(2002) 718 final, COM(2002) 719 final, and COM(2002) 725 final/2 — and to the working paper of the European Commission on Ongoing and systematic policy dialogue with local-government associations;

having regard to the decision of the European Commission on 11 December 2002, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult it on this matter;

having regard to the decision of its president on 23 September 2002 to draw up an opinion on the Follow-up to the White Paper on European Governance and to instruct the Commission for Constitutional Affairs and European Governance to undertake the preparatory work;

having regard to the Protocol governing arrangements for cooperation between the European Commission and the Committee of the Regions signed by their respective presidents on 20 September 2001 (DI CdR 81/2001 rev.);

having regard to the White Paper on European Governance of 25 July 2001 (COM(2001) 428 final);

having regard to the Communication from the European Commission of 27 June 2001 on A new framework for cooperation on activities concerning the information and communication policy of the European Union (COM(2001) 354 final);

having regard to its opinion of 11 March 1999 on Developing a genuine culture of subsidiarity: an appeal by the Committee of the Regions (CdR 302/98 fin) <sup>(1)</sup>;

having regard to its opinion of 14 December 2000 on New Forms of Governance: Europe, a framework for citizens' initiative (CdR 182/2000 fin) <sup>(2)</sup>;

having regard to its report of 20 September 2001 on Proximity (CdR 436/2000 fin) and the Salamanca Declaration of 22 June 2001 (CdR 107/2001 fin);

having regard to its opinion of 13 March 2002 on the White Paper on European Governance and the Communication on a new framework for cooperation on activities concerning the information and communication policy of the European Union (CdR 103/2001 fin);

having regard to the resolution of the European Parliament on the European Commission White Paper on European Governance (A5-0399/2001);

having regard to the draft opinion (CdR 19/2003 rev.) adopted on 16 May 2003 by its Commission for Constitutional Affairs and European Governance (rapporteur: Mr Delebarre, FR-PES);

whereas various contributions have been made to the debate on new forms of governance and conclusions drawn from a number of seminars organised by the Committee of the Regions itself, including the one held in Ilioupoli on 31 March 2003,

adopted the following opinion *nem. con.* with one abstention at its 50th plenary session on 2 and 3 July 2003 (meeting of 2 July).

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

<sup>(2)</sup> OJ C 144 of 16.5.2001, p. 1.

## 1. Developments relating to the follow-up to the White Paper

### *The Publication of the Green Paper*

The Committee of the Regions

1.1. observes that it has always been concerned about simplifying the workings of the institutions and improving control of decision-making mechanisms, and about the approaches set out by the European Commission in its 2001 White Paper on European Governance;

1.2. notes that the communications published by the European Commission in December 2002 provide proof that the comments requested from and provided by the Committee and several other partners have made an impression;

1.3. emphasises that the communications take into account the need for information, consultation and partnership between stakeholders at the various levels and the request of some of them to be more involved in the preparation and implementation of European policies;

1.4. congratulates the European Commission on having conducted its own assessment of these issues and for having suggested improvements, without changes to the treaties, over the policy-framing cycle, and for having stressed the need for more involvement of regional and local authorities in the decision-making process of the Union;

1.5. considers that the overall coherence and clarity of the communications on the different stages of the decision-making process are underpinned by a precise breakdown of the decision-making principles and instruments at each stage;

1.6. wishes to take part in the current discussion about the steps involved in taking these decisions, be they:

- steps preceding a decision, e.g. those involving consultation of the general public, use of experts or application of comitology, or
- steps following a decision, e.g. those involving co-responsibility of partners, delegation of responsibility to regulatory agencies, concerted mobilisation of implementing skills, monitoring, follow-up, evaluation of results, and so on.

### *Strengthening consultation and dialogue*

The Committee of the Regions

1.7. notes that the European Commission has:

- published a communication <sup>(1)</sup> setting out the 'general principles and minimum standards for consultation of interested parties by the Commission' in order to 'give interested parties a voice, but not a vote' in the decision-making process;
- confirmed its intention to 'establish [...] a more systematic dialogue with European and national associations of regional and local government at an early stage of policy shaping' and presented a working paper <sup>(2)</sup> at the end of March 2003 on the conditions under which such dialogue would take place;

1.8. appreciates the efforts of the European Commission to propose standardised procedures for consulting what it calls 'organised civil society' and thus providing citizens with a 'structured channel for feedback, criticism and protest' in the context of interactive policy formulation, and points out that different representative organisations should be consulted at European level;

1.9. notes the appropriateness of the framework proposed by the European Commission for balancing the principles of participation, openness, responsibility, effectiveness and coherence and the standards relating to clear content of the consultation process, identification of target groups, accessibility of information, time limits for participation and feedback;

1.10. wishes the gradual application of such consultation mechanisms by the European Commission to effectively contribute to improving the transparency of decision-making processes.

### *Organisation of permanent dialogue with local and regional authorities*

The Committee of the Regions

1.11. considers it necessary to develop the sharing of responsibilities between local, regional, national and European authorities with respect to decision-making and policy implementation;

<sup>(1)</sup> COM(2002) 704 final.

<sup>(2)</sup> Cf. European Commission working paper: 'Ongoing and systematic policy dialogue with local-government associations', accessible on the Commission website since 28.3.2003.

1.12. welcomes the current consultation intended to define the principles and terms of this 'regional dialogue', which is the equivalent of 'social dialogue' for the regional and local authorities;

1.13. notes with satisfaction that the European Commission agrees that the Committee of the Regions — which institutionally represents European local and regional authorities — is responsible for developing the dialogue with their associations. This responsibility is already mentioned in the cooperation protocol signed by their presidents on 21 September 2001;

1.14. endorses the Commission's proposal to have the Committee of the Regions organise an annual meeting at which the Commission outlines its work programme to the national or European representative associations of local and regional authorities. Moreover, representatives of local and regional government should be able to put forward their views not only on the Commission's work programme and other plans but also on concrete legislative proposals;

1.15. considers that in order to achieve such high-quality dialogue, the Committee of the Regions must itself set out the terms of cooperation with associations representing local and regional authorities. Indeed, clear, precise rules should be framed in order to ensure proper representation when the Committee of the Regions — in close cooperation with the organisations concerned — selects organisations for inclusion in the dialogue with the Commission;

1.16. underlines that the involvement of local and regional authorities must be two-fold: on the one hand, systematic consultation of and monitoring by local and regional authorities in the pre-legislative stage, and on the other hand, a strengthened role for the CoR in the political decision-making process;

1.17. believes that there must be networked cooperation between local authorities and their national or European associations in the form of solid partnerships that provide an added value over and above a simple response to pre-decision consultations.

#### *A flexible framework of target-based contracts*

#### The Committee of the Regions

1.18. notes that concluding target-based contracts will make it possible to enhance territorial cohesion and the flexibility of policies with a strong regional impact, by simplifying European and national legislative mechanisms;

1.19. approves the European Commission's proposals seeking to involve regional authorities directly in a true partnership with their cities and local authorities in defining objectives, managing Community funds and monitoring results, partly through tripartite contracts signed between the European, national and regional levels — for it is a matter of overcoming the weaknesses of the current system by implementing the partnership principle and drawing up overall agreements between the regions, their cities and their local authorities;

1.20. believes that a framework of agreements and contracts will allow flexible, effective partnerships to be set up and so provide real added value promoting rapid realisation of well-defined joint objectives, without affecting the partners' institutional remits;

1.21. is pleased that the European Commission has decided to experiment with contracts in spheres such as sustainable development, the environment, transport and research and development, in order to highlight the advantages of a process that is likely to reduce the current routine use of certain legislative procedures and so lower the overall operating costs of the European Union;

1.22. points out that it sees itself as a body that articulates the views of regional and local authorities in the EU decision-making process. In its consultation paper the Commission should therefore avoid casting the CoR in the role of the body which prepares the ground and provides lists and addresses of EU-level and national-level associations of local and regional authorities.

*Applying the principles of subsidiarity, proximity, proportionality, etc.*

#### The Committee of the Regions

1.23. stresses that the principles of subsidiarity, proximity and proportionality should be clearly written into the EU's new constitutional treaty and be evaluated and taken into consideration during the various stages of the Union's legislative process;

1.24. considers that the European scope of the principles of subsidiarity, proximity and proportionality should not be restricted to the spheres where there is dialogue between the Union and the Member States; these principles must also apply to all policy areas for which local and regional authorities have responsibility;

1.25. expects the respect for these principles and establishment of new forms of governance to substantially strengthen cooperation partnerships between the different levels of power, with a view to achieving the objectives of economic, social and territorial cohesion. This involves formulating a concept for balanced and multi-centred development, better integration of the urban and rural dimensions, and a greater coordination of regional policy with the main sectoral policies, particularly competition policy and policy towards services of general economic interest;

1.26. would like the inclusion in the constitutional treaty of a better allocation of tasks and responsibilities between the different levels of government, in accordance with the practical application of the principles of subsidiarity, proximity and proportionality.

#### *Instruments of regulation, information and communication*

##### The Committee of the Regions

1.27. recognises the value of using European regulatory agencies to take over some of the executive tasks of the Union, provided this happens in clearly defined areas;

1.28. therefore endorses the European Commission's proposal to introduce a framework adapted to the different agencies;

1.29. recommends that to protect the public interest such agencies should be subject to an effective surveillance and control system for technical and administrative, as well as political, purposes;

1.30. reiterates its support for the European Commission's efforts to promote the development of its information policy by using information technologies and providing regular online information;

1.31. recalls its wish to introduce its own strong communication policy of highly decentralised and broad dissemination of information accessible to all citizens, in partnership with local and regional government.

## **2. Recommendations of the Committee of the Regions**

##### The Committee of the Regions

2.1. wishes to be granted the status of fully fledged institution with increased responsibilities in the new European architecture, so that it can play an even more constructive role

in the debate on the preparation and implementation of Union policies and thus be in a position to:

- put into practice the cooperation protocol signed with the Commission in 2001;
- properly carry out its duties as representative of the local and regional authorities;
- participate fully in improving the implementation of European governance.

#### *The role of the Committee of the Regions in consultations and dialogue with local and regional authorities*

##### The Committee of the Regions

2.2. stresses that for our fellow citizens territorial cohesion policy is crucial for EU action;

2.3. reiterates its call for territorial cohesion policy to be regarded as a shared responsibility between the European Union, the Member States and local and regional authorities;

2.4. wishes to take an active and complementary part in developing governance at regional and local level, in particular by participating in:

- consultations with local players and the organisation of discussion platforms between local and regional authorities and civil society;
- the organisation and running of exchange networks designed to formalise cooperation between the various levels of local and regional authority, in particular with regard to the territorialisation of EU policies;
- the promotion of transnational and interregional cooperation, on the basis of arrangements tailored to each area of cooperation, and of new instruments for cooperation between regions situated in different Member States;

2.5. offers its services in setting up partnerships with organisations representing local and regional authorities so as to capitalise on the special knowledge that such authorities may have in the various areas which concern them, with a view to presenting local or regional proposals to the European institutions when they are drawing up Community policies, thus contributing to a more balanced development of the Community's regions and to participation of the regions in the implementation of the Union's political agenda;

2.6. reiterates its proposal for the treaties to contain a provision allowing the CoR to play a major role in the consultation of regional and local authorities and their European associations by the European Commission, in particular by providing an effective link for any authorities wishing to bring an action before the Court of Justice because they consider that a Community act impinges on their powers and hence does not respect the subsidiarity principle. Notwithstanding this proposal, the regions in which they are represented should have their own right to bring an action before the European Court of Justice in connection with the subsidiarity principle;

2.7. also reiterates its call for local and regional authorities to be granted the right to bring an action before the European Court of Justice when they feel that their powers are not being respected by the European Union institutions.

#### *Outlook reports, expertise and impact studies*

#### The Committee of the Regions

2.8. approves the idea of creating a regulatory environment in which the fruits of scientific and technical expertise can be mobilised and put to good use by means of open-ended, transparent, pluralist and well-honed processes;

2.9. wishes to put the experience and know-how of its members and the local and regional authorities which they represent at the service of everyone, and to help share the good practice which exists at regional and local level and in framing policies which have a territorial impact, both when these policies are being drawn up and when their results are being evaluated;

2.10. to this end wishes to have the means enabling it to 'play a more proactive role in examining policy', so as to:

- improve its ability to provide the most appropriate possible opinions;
- place the expertise of its members at the disposal of the other institutions;
- assess the impact of European policies at local and regional level and better evaluate the cost of their implementation and their financial implications for the budgets of local and regional authorities;

- prepare or coordinate outlook reports, to ensure the integration of the territorial dimension and sustainable development in Community policies;
- promote the use of target-based tripartite contracts and agreements.

#### *Application of the subsidiarity principle*

#### The Committee of the Regions

2.11. recalls the proposal which it submitted to the Convention on the Future of Europe calling for the treaties to contain:

- a clear definition of the subsidiarity principle guaranteeing respect for the competences of local and regional authorities, which may vary from one country to another;
- the introduction of a system for ex-ante and ex-post checks on compliance with the subsidiary principle, in which the Committee of the Regions can play a full role;

2.12. wishes to be able to monitor correctly the application of the subsidiarity and proximity principles, and consequently to have the resources to:

- effectively investigate the implementation of the subsidiarity principle by the many levels of players and decision-makers in Europe;
- effectively ascertain that the subsidiarity and proximity principles are being applied properly, in particular when legislative proposals with a territorial impact are being discussed;
- be able to bring an action before the Court of Justice when these principles are not respected.

#### *The construction of a genuine European citizenship*

#### The Committee of the Regions

2.13. reasserts its firm conviction that successful integration of the various forms of territorial organisation in the Member States hinges on local democracy taking root and public action being closer to citizens;

2.14. intends to fully assume its role as a link with and mouthpiece for local and regional authorities so as to ensure respect for the traditions and specific features of their regions and help to reduce the current democratic deficit;

2.15. considers that it must be able to make a specific contribution to the construction of a genuine European citizenship by:

- helping to inform citizens;
- facilitating their participation in decision-making;
- developing participatory democracy;

2.16. calls on the next intergovernmental conference to grant it the necessary powers and responsibilities and declares that it is ready to exercise them to help improve European governance.

Brussels, 2 July 2003.

*The President*  
*of the Committee of the Regions*  
Albert BORE

**Opinion of the Committee of the Regions on the ‘Communication from the Commission to the Council and the European Parliament: “A strategy for the sustainable development of European aquaculture”’**

(2003/C 256/05)

THE COMMITTEE OF THE REGIONS,

having regard to the Communication from the Commission to the Council and the European Parliament: A strategy for the sustainable development of European aquaculture (COM(2002) 511 final);

having regard to the decision taken by the Commission on 22 October 2002, under the first paragraph of Article 265 of the Treaty establishing the European Community, to consult it on the matter;

having regard to the decision taken by its President on 23 September 2002 to instruct the Commission for Sustainable Development to draw up an opinion on this subject;

having regard to the Communication from the Commission: A European Union Strategy for Sustainable Development (COM(2001) 264) final;

having regard to the document of the Sub-Committee on Aquaculture of the FAO’s Committee on Fisheries following its meeting in Beijing, China on 18-22 April 2002;

having regard to its Opinion of 14 November 2001 on the Green Paper on the future of the Common Fisheries Policy (COM(2001) 135 final) — CdR 153/2001 fin <sup>(1)</sup>;

having regard to its Opinion on the Proposal for a Council Regulation (EC) on the common organisation of the markets in fishery and aquaculture products (COM(1999) 55 final — 1999/0047 (CNS)) — CdR 182/1999 fin <sup>(2)</sup>;

having regard to its Opinion on:

- the Communication from the Commission on the reform of the Common Fisheries Policy (‘Roadmap’) (COM(2002) 181 final — 2002/2174 (COS)) — CdR 189/2002 fin <sup>(3)</sup>,

<sup>(1)</sup> OJ C 107 of 3.5.2002, p. 44.

<sup>(2)</sup> OJ C 374 of 23.12.1999, p. 71.

<sup>(3)</sup> OJ C 128 of 29.5.2003, p. 6.