

EUROPEAN COMMISSION

COMMITTEE OF THE REGIONS

Protocol on cooperation between the European Commission and the Committee of the Regions (2012/C 102/02)

PREAMBLE

The European Commission (the Commission) and the Committee of the Regions (the Committee),

- having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), in particular Articles 305 to 307 and 263 thereof and Article 8 of the Protocol on the application of the principles of subsidiarity and proportionality annexed to the Treaties,
- having regard to the Protocol on cooperation between the European Commission and the Committee of the Regions signed on 17 November 2005 and the Addendum to it signed on 5 June 2007,
- A. whereas the Lisbon Treaty strengthens the territorial dimension of the European Union by referring to the principle of self-government, by introducing the aim of territorial cohesion and by including the regional and local dimension in the respect of the subsidiarity principle;
- B. where the Treaties provide for this, consultation of the Committee of the Regions is mandatory for the European Commission, the European Parliament and the Council;
- C. whereas the multilevel governance approach is an important tool for designing and implementing EU policies, the European Commission and the Committee of the Regions agree as follows:

I. COOPERATION AS REGARDS LEGISLATIVE PROCEDURES AND PLANNING

(i) Commission work programme

1. In the first semester of a given year the Committee will adopt a resolution addressed to the Commission outlining the Committee's key positions regarding the Commission's work programme for the forthcoming year. This resolution will be based on the Committee's political priorities and an assessment of the follow-up given to previous CoR opinions.
2. A meeting between the President of the Commission or the Vice-President responsible for relations with the Committee and the President of the Committee shall be organised once a year during the preparation of the Commission's work programme to evaluate the application of this Protocol, in particular the impact of the Committee's opinions.
3. The President or the Vice-President of the Commission responsible for the relations with the Committee presents each year to the Committee the strategic priorities for the following year. For this purpose, the Committee will organise a debate on the future of the Union.

The Committee takes into account the Commission's priorities and deadlines in the establishment of its annual policy priorities and the organisation of its own work.

4. A meeting could be organised once a year between the services of the Commission and the Committee in order to review medium-term Commission initiatives on which the Committee could provide a substantial contribution and to monitor their implementation.

(ii) **Procedures throughout the legislative process**

Exchange of information and presence of the Commission at meetings of the Committee

5. The Commission and the Committee exchange any necessary documentation and information as speedily as possible.

6. The members of the Commission shall be invited by the President of the Committee to take part in the Committee's work, particularly in Plenary Sessions and Bureau meetings, as well as in special activities organised by joint agreement. A member of the Commission is entitled to take the floor at the Committee's Plenary Session when legislative proposals are debated which fall into his/her responsibility.

7. In exceptional circumstances senior Commission officials may be heard by the Bureau of the Committee. Commission officials in charge of the dossiers which the Committee is examining shall take part as far as possible in the meetings of the Committee's commissions to which they are invited in order to clarify the Commission's proposals and take note of the positions expressed by members of the Committee.

List of consultations

8. On the basis of the Commission's work programme, the Secretary General of the Commission shall forward to the Committee a list of proposals for mandatory consultation, along with proposals for possible optional consultation including outlook opinions. This list could also include documents of a non-legislative nature on which the Commission intends to request the Committee's opinion and the proposals for collaboration in the field of compliance with the principles of subsidiarity and proportionality.

Optional consultations

9. Optional consultation can be envisaged if at least one of the following criteria applies:

- the issue concerned relates to the regulatory or executive remits of the devolved authorities: regional, local or intermediate,
- the projected Union legislation or the national measures that will have to be adopted for the purposes of its implementation are likely to have a direct impact on local or regional budgets and/or the operation of the regional or local administration,
- the Union measure concerned is likely to have an impact on economic, social and territorial cohesion,
- the future legislative act has a particular sensitivity as regards subsidiarity,
- the projected measures relate to informing the European public and raising their awareness of European Union policies in the areas of competence of the Committee.

Outlook opinions

10. The Commission welcomes a more proactive role for the Committee through outlook opinions on future Union policies before action is taken at Union level and in areas where the Committee has appropriate local information resources.

Such consultations shall be notified by the Vice-President responsible for relations with the Committee. Requests for outlook opinions shall be accompanied by a specific mandate and a coherent framework of actions to be drawn up by mutual agreement. The time limit for such a consultation may not be less than one month from the date on which the Committee's President receives notification to this effect. The work programme of the Commission, complemented on occasion by the rolling programme, shall be the main tool of choice for identifying the subjects for this type of consultation.

Political follow-up to outlook opinions could be provided by attendance of a member of the Commission in the Committee's Plenary Session or by Commission's senior officials attending relevant Committee's commission meetings.

New consultation

11. The Commission may invite the Committee to issue a new opinion about the implications for regional and local authorities of an emerging result of the legislative process.

If the Commission modifies substantially its proposal subsequent to the initial Committee referral and where the Treaties provides for mandatory consultation, it will ensure that the Committee is re-consulted.

Follow-up of the opinions

12. In its opinions the Committee shall, wherever possible, highlight the amendments it wishes to suggest to legislative proposals by the adoption of specific amendments to Commission texts. The Committee shall also include a summary with each opinion.

13. The Committee shall communicate, as quickly as possible, to the Commission Secretariat-General the minutes of the Committee meetings and Plenary Sessions whose content could be of specific interest to the Commission, in particular when it concerns the implementation of the principle of subsidiarity.

14. To enable the Committee to issue regular impact assessment reports of its work, the Commission services shall provide it at least twice a year with substantive replies, setting out the reasons how the comments contained in the Committee opinion have been taken into account.

The Commission replies at this occasion to the subsidiarity concerns expressed by the Committee in its opinions.

II. COOPERATION AS REGARDS ACTIVITIES

15. The Commission and the Committee agree to intensify their collaboration in order to increase the synergies between their respective activities, in particular in the context of the 'EU 2020' strategy, the economic, social and territorial cohesion, and especially in the implementation of cross-border, interregional and transnational cooperation.

Consultations of the local and regional authorities

16. The Commission recognises the privileged role of the Committee in the relations between the institutions, bodies, offices and agencies of the European Union and local and regional authorities of the Member States.

17. The Committee shall develop, in cooperation with the Commission, a real strategy for consulting the regions and local authorities, with due respect for the prerogatives of each and in accordance with a consultation process which is as upstream as possible. On this basis, the Committee shall stimulate territorial dialogue in the context of the new cycle of governance of the 'Europe 2020' strategy prior to the Spring European Council.

18. In accordance with the principle of sound governance, the Committee shall play fully a role of relay in the dialogue with regional and local authority associations. The Commission ensures that the Committee is fully involved in the preparation of jointly organised meetings.

Structured dialogue with associations

19. The Commission and the Committee jointly organise the structured dialogue with associations of regional and local authorities. An annual structured dialogue shall be held with the Committee and the services of the Commission's Secretariat-General, in order to discuss the adopted work programme of the Commission. During the year structured dialogues attended by the responsible members of the Commission will be held at meetings of the relevant Committee commissions as required.

The European Semester

20. The Committee will annually submit a report assessing the implication of local and regional authorities in the 'Europe 2020' strategy, which will be taken into account by the Commission when drafting the annual growth survey. The Committee will invite the responsible member of the Commission to present the annual growth survey during a plenary session.

With a view to the spring meeting of the European Council, the Committee will organise a territorial dialogue. To prepare this dialogue the Committee will consult its 'Europe 2020' network and establish a report which will be submitted to the Commission and the European Council.

European Grouping of Territorial Cooperation

21. The Commission intends with the support of the Committee to make the European Grouping for Territorial Cooperation (EGTC) more known among local and regional authorities and the services of the Union's institutions. The Committee which is organising the register of all existing EGTCs will ensure that the Commission is informed about all new EGTCs and that this information is published in the C series of the EU Official Journal in accordance with Article 5(2) of Regulation (EC) No 1082/2006.

III. IMPLEMENTATION OF SUBSIDIARITY AND PROPORTIONALITY AND MULTI-LEVEL GOVERNANCE

An assembly composed of political representatives of local and regional authorities

22. The Commission recognises the privileged role of the Committee as an assembly composed of political representatives of local and regional authorities in the Union. It will cooperate closely with the Committee in implementing Article 2 of the Protocol on the application of the principles of subsidiarity and proportionality providing for pre-legislative consultations taking into account the regional and local dimension of an envisaged action.

23. Throughout the legislative process the Committee pays particular attention to compliance of EU legislative proposals with the principles of subsidiarity and proportionality, taking into account provisions in force and changes envisaged. For this purpose, the Committee will make use of its Subsidiarity Monitoring Network and share the results of these consultations with the Commission. The Commission and the Committee will work together to strengthen the partnership principle through multi-level governance in those Union policies for which the consultation of the Committee is mandatory.

The Commission and the Committee share information regarding subsidiarity monitoring on a regular basis, in particular as regards the relevant opinions of national and regional Parliaments. If, during a legislative procedure, the Committee raises substantial concerns regarding the respect of the principle of subsidiarity, it will immediately inform the co-legislators.

The Committee's work shall evolve as part of a collaborative effort with the Commission to create a culture of subsidiarity. The Commission and the Committee agree that decisions should be taken at the closest level to the citizen by the most appropriate means and where they can most effectively achieve their objective. The Commission and the Committee agree to identify the priorities calling for a specific monitoring of subsidiarity and proportionality.

The Commission services may ask for support from the Committee in preparing its impact assessments. The Committee's platforms and networks may provide a good access point to regional and local authorities and could therefore enable the Commission to reinforce the analysis of regional and local aspects in impact assessments if deemed necessary. The Committee will summarise its activities in this field in an annual report transmitted to the Commission.

24. The Committee provides the Commission with its subsidiarity annual report as a contribution to the Commission's 'Better Lawmaking' report.

IV. EXTERNAL DIMENSION OF THE UNION

25. The Committee shall develop activities, in particular at the request of the Commission, as regards the external dimension of Union policies where regional and local authorities have institutional powers. Cooperation with the Commission will in particular concentrate on:

- (a) supporting the enlargement process and participating in the Union pre-accession policy;
- (b) supporting the neighbourhood policy; notably through its institutional platforms set up such as ARLEM (Euro-Mediterranean regional and local assembly) and CORLEAP (Conference of Regional and Local Authorities for the Eastern Partnership);
- (c) promoting regional and local democracy in third countries (in particular the candidate countries and neighbourhood countries), particularly through election monitoring at local and regional level;

- (d) supporting the Union policies and positions as an observer at international conferences about policy areas which also concern the Committee's mandatory rights of consultation;
- (e) developing and promoting decentralised cooperation; notably through continued common support for the ATLAS, the Portal and the Assizes of decentralised cooperation for development;
- (f) cross-border cooperation between the Union and neighbourhood countries.

V. INFORMATION AND COMMUNICATION POLICY

26. The Commission and the Committee work closely together in the field of communication and information and cooperate to implement a genuine decentralised communication policy at regional and local level. They acknowledge the role played by regional and local authorities in providing the public with information on Union policies.

27. The Commission and the Committee cooperate in particular in organising fora and events relevant for regional and local authorities. They contribute to the joint media coverage of these events.

28. Common communication efforts will be established and updated on a regular basis. They will in particular focus on:

- cooperation between the EU representation offices in the Member States and Committee members to support their mutual communication activities at national, regional and local level,
- stepping up cooperation and support in order to develop activities targeting local and regional media as well as improved synergies with national associations of regional and local elected representatives,
- cooperation in the area of public opinion via exchange of information and feedback on Eurobarometer surveys of interest to the Committee and/or via Eurobarometer surveys with a local and/or regional dimension whenever possible,
- cooperation on the development of tools such as websites and newsletters in the context of the Interinstitutional Editorial Committee for the Internet to develop channels for information and communication with the general public.

Done at Brussels, 16 February 2012.

For the European Commission

José Manuel BARROSO

The President

For the Committee of the Regions

Mercedes BRESSO

The President
