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**Norbert Schöbel**

**The Committee of the Regions -**

**A preliminary review of the Committee's work  
during its first two years of operation.**

With a foreword of Pasqual Maragall i Mira and Dietrich Pause

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## Zusammenfassung

Der vorliegende Artikel analysiert die Arbeit der ersten beiden Jahre des Ausschusses der Regionen (AdR) von der konstituierenden Sitzung am 9. März 1994 bis zur zwölften Plenartagung am 20. und 21. März 1996 mit der Wahl des neuen Präsidenten, Pasqual Maragall, und alle wichtigen Ereignisse bis zum September 1996. Der Beitrag nimmt im ersten Kapitel Bezug auf die regionale Dimension des europäischen Integrationsprozesses. Das zweite Kapitel beschreibt die Hintergründe der Einrichtung dieser neuen europäischen Institution. Einen breiteren Raum nimmt dagegen das dritte Kapitel ein. Darin werden die einzelnen Organe des AdR vorgestellt und zugleich die Arbeit der Fachkommissionen und des Generalsekretariats beschrieben. Kapitel vier untersucht die Möglichkeiten der politischen Einflußnahme durch den AdR. Das fünfte Kapitel analysiert die bislang aufgetretenen Probleme bei der Bewältigung der Aufgaben, insbesondere die Heterogenität der Zusammensetzung des Ausschusses, die Schwierigkeiten, die im Zusammenhang mit den internen Strukturen der politischen Entscheidungsfindung und der Geschäftsordnung stehen, sowie die Entwicklung der politischen Entscheidungsfindung. Im sechsten Kapitel wird auf drei Aspekte eingegangen, die für die Zukunft des Ausschusses der Regionen von entscheidender Bedeutung sind: Die Qualität der Stellungnahmen und die damit zusammenhängende politische Schwerpunktsetzung, die Verbesserung der Öffentlichkeitsarbeit in den Regionen und Gemeinden, aber auch gegenüber den anderen europäischen Organen sowie die Beteiligung des Ausschusses an der Debatte der institutionellen Reformen im Rahmen der Regierungskonferenz 1996. Das siebte und letzte Kapitel dokumentiert die einzelnen Plenarversammlungen des AdR.

## Abstract

This article analyses the work carried out during the first two years of existence of the Committee of the Regions (COR) from its constitutional Plenary Session on 9 March 1994, to the extraordinary meeting of the Election of the new President, Pasqual Maragall, on 20 March 1996 (a number of important events up to September 1996 however are included in this article). The first chapter is concerned with the regional dimension of the process of European integration. The second chapter describes briefly the background of the creation of this new institution. The third chapter outlines the different bodies of the Committee of the Regions. Also examined is the work of the commissions and the Secretariat General. The fourth chapter sketches briefly the avenues open to COR for influencing policy, in particular the formulations of opinions and resolutions. The fifth chapter presents certain problems which have arisen, such as the heterogeneity of the members of the COR, the internal structures of the political decision-making process, the rules of procedure and the consequences of the enlargement of the EU. In the sixth chapter, three main points are given which are important for the future role of the Committee of the Regions: the quality of the opinions produced which is linked to chosen political priorities, an increase in the exchange of information with regional and local authorities but also with other European institutions and the participation of the COR in the debate of institutional reform at the 1996 Intergovernmental Conference. The last and seventh chapter concludes by documenting the main developments in the plenary sessions which have taken place up to March 1996.

## The Committee of Diversity

European integration is now at a critical stage. Europe's citizens are worried about the words "Maastricht" and "Euro" because the citizens do not always understand what they imply and how necessary they are. The citizens are also sceptical about Europe, which is a remote and unfamiliar concept.

The public needs to understand why European integration is so important - why it is essential that the more highly developed countries (or regions) should continue to help the less privileged.

One of the tasks of the 222 members of the Committee of the Regions, who epitomise and uphold the principle of subsidiarity, or proximity as I prefer to call it, is to show that subsidiarity can be more effective than working exclusively at national levels.

We have a bottom-up approach to the building of Europe. Gone are the days when Europe's future was decided by an elite. Nowadays, people want to be kept informed and rightly so.

For example grass-root concerns, for too long on the sidelines of European integration, can now be heard by Brussels thanks to the Committee of the Regions, mandated by Europe's citizens to provide information on how Europe affects their daily lives.

This is the background against which I have convened the European Summit of the Regions and Cities to be held in Amsterdam on 15-16 May. For the first time the summit will bring together the heads of EU regions, the mayors of Europe's largest cities and the national federations of municipalities and provinces, who will speak out in favour of bringing Europe closer to its citizens.

The Committee of the Regions, now in existence for three years, will continue to express its opinion on all matters falling within its sphere of activities, such as employment, cohesion and citizens' rights. These are matters close to the hearts of Europe's citizens, and the Committee of the Regions will ensure that these citizens play a greater part in European integration.

*Pasqual Maragall i Mira*

*President of the Committee of the Regions*

Although the first step is always the hardest, there is also something magical about starting a new venture. Both of these epithets can be applied to the three years of the Committee of the Regions' existence. Clearly the Maastricht Treaty did not come up to initial expectations, in particular those of the German *Länder*, which wanted to see the establishment of a specifically regional body enjoying joint decision-making powers at European level. Instead, an institution was set up with only advisory powers. But rather than complaining about what we have not (yet) achieved, we should make full use of the opportunities open to us.

By and large, this is the approach which we have adopted. And the results - which also reflect the tremendous level of commitment of many Committee members - are clear for all to see. The European Commission has a high regard for our Committee, and its opinions are more and more taken into account, particularly in the process of drafting legislation. The Committee has also managed to prevent the "cohabitation" within its ranks of representatives of both regional and local authorities from becoming a trial of strength. On the contrary, the Committee has successfully applied the motto "unity is strength". In our members' countries of origin, where they are directly accountable to citizens for their activities, clear changes are taking place. It is no longer necessary to "dig" for information from the European Commission. Mandatory consultation of the Committee of the Regions means that every idea and every plan is automatically up for discussion. Seen from the grass roots, Europe is becoming topical, tangible and accessible to the "man in the street".

To sum up, the Committee of the Regions has, generally speaking, got off to a good start, despite varying degrees of resistance and pessimism from quite a few of our fellow citizens. If, as with young children, the first few years of life are decisive, we can now face the future with confidence. All the more so, as European unification cannot be achieved without consulting the regions, still less against their wishes, but only with their support.

*Dietrich Pause*

*Secretary-General of the Committee of the Regions*

## Introduction

The Committee of the Regions, the most recent offspring of the European integration process, has now been in operation for something over two years and the initial teething problems appear to have been overcome. And yet COR continues to face a twofold challenge. Firstly, it has to meet high expectations of forging a link between decisions taken in Brussels and the problems of citizens in the European municipalities and regions. At the same time, it must assert, and build on, its position within the European institutions if it wants to involve the regional and local organisations more closely in shaping future European policy.

Leaving aside these still unresolved challenges, COR has achieved a great deal in two years. The Committee succeeded very quickly in filling the political posts, adopting the rules of procedure, getting the Secretariat General up and running and coping with the expansion in the number of members. It also adopted a whole host of high-quality political opinions within a short space of time. Lastly, after having barely left the starting block, the Committee adopted a united opinion on the question of institutional reforms in time for the Intergovernmental Conference in 1996.

The purpose of this article is to analyse the work of COR during its first two years of operation, from the constituent meeting on 9 March 1994 to the election of the new President, Pasqual Maragall, on 20 March 1996<sup>1</sup>. The first section of the article is an introduction to the regional dimension of the European integration process. The second section briefly describes the background to the birth of this new European institution. A more detailed account of COR's bodies is set out in the third section. Section four sketches briefly the avenues open to COR for influencing policy, in particular the formulation of opinions and resolutions. The fifth section contains an in-depth analysis of the problems encountered so far in accomplishing its tasks, such as setting up the administration, resolving questions relating to rules of procedure, surmounting structural problems owing to the heterogeneous nature of COR's composition as well as the difficulties in establishing internal decision-making structures. Three aspects of key importance for the future of the Committee of the Regions are examined in section six: firstly, the quality of the opinions to be delivered and the associated task of establishing the main policy areas; secondly, improving public relations in the municipalities and

<sup>1</sup> However, a number of important events which took place after this period have been included in this article. The publication reflects the situation as at September 1996.

regions, as well as with respect to the other European bodies; thirdly, the Committee's involvement in the debate on institutional reform in connection with the 1996 Intergovernmental Conference. The article concludes by documenting the main developments in the plenary sessions which have taken place to date.

## 1. The regional dimension of the European integration process

Regional policy was not seen as a policy area in its own right in the Treaties establishing the European Community. However, Article 2 of the EEC Treaty did provide for the promotion of economic and social cohesion and solidarity between the member states. This also indirectly supplied a possible premise for the task of fostering harmonious development of the regions.

But it was only after the British and Irish brought heavy pressure to bear in favour of regional measures in the run-up to their accession in 1973 that the breakthrough happened, making regional policy a sphere of EC action in its own right<sup>2</sup>. As a consequence, the European Regional Development Fund (ERDF) was established in 1975, thereby also creating the first effective regional policy instrument at European level.

Since 1986 regional policy has also had an explicit legal basis in the EC Treaty. According to Art. 130 a, with a view to strengthening its economic and social cohesion, the Community shall aim at reducing the disparities between the levels of development of the various regions. In this respect no definition of the term "region" is given. For the purposes of its support policy, the Commission solely employed what is known as the "Nomenclature of Territorial Units for Statistics (NUTS)", on which basis its regional policy activities are undertaken.<sup>3</sup>

On 18 June 1984 the European Parliament, the European Commission and the Council of Ministers signed a joint declaration:

*"The benefits of closer links between the Commission of the European Communities and the regional and local authorities, having regard to the national competences and the provisions of Community law".*

<sup>2</sup> Taken from Thomas Oppermann. "Europarecht". Munich 1990. p. 324.

<sup>3</sup> Cf. Thomas Wiedmann. "Idee und Gestalt der Region in Europa. Rechtsvergleichende Untersuchung zu Unitarismus und Föderalismus unter besonderer Berücksichtigung des Vereinigten Königreichs, Frankreichs, Spaniens und Deutschlands". Baden-Baden 1996. p. 24f.

The adoption of this document shows how much sensitivity still existed at this time on the question of direct contacts between the European level on the one hand, and the regional and local level on the other. The declaration also laid the foundation stone for the so-called partnership principle, whereby the regions and local bodies are involved in European regional policy. The partnership principle was introduced in 1988 with the reform of the Structural Funds, coordinating the activities of the regional funds with other Community structural policy instruments which had an impact on regional policy (ESF, EAGGF - Guidance Section).

On 18 November of the same year, the European Parliament passed a resolution on regional policy as well as the so-called "Community Charter for Regionalisation".<sup>4</sup> This Charter is a kind of "comprehensive programme of principles for the internal structure of the Political Union at sub-national autonomous level".<sup>5</sup> So 1988 also marked a turning point in the thinking on regional matters: "The need to strengthen the Community's powers, and consequently gradually to transfer responsibilities to the Community institutions, almost runs counter to the need for regionalisation and decentralisation."<sup>6</sup>

In 1993 the Structural Funds were once more reformed and the ECU 60 billion in resources made available for 1988-93 was raised to ECU 140 billion for the six-year period 1994-99. Of these funds, 70% are being channelled to the least-developed regions. This further substantial increase in resources makes structural policy the second largest EU budget item after agriculture. At the same time, this highlights the growing importance of regional policy within the European integration process. But the forthcoming enlargement of the European Union raises the question of how regional policy will be financed in future at European level. There also remains the problem of how the existing resources (Structural Funds, Cohesion Fund, Community initiatives, etc.) can efficiently be harnessed to achieve the aim set out in Article 130 a of the EU Treaty: to reduce the disparities between the levels of development of the various regions and the backwardness of the least favoured regions in order to promote the overall harmonious development of the Community.

<sup>4</sup> Official Journal No. C 326 of 19.12.1988. p. 289ff and p. 296ff.

<sup>5</sup> Taken from Franz-Ludwig Knemeyer. "Europa der Regionen - Europa der Kommunen: Wissenschaftliche Bestandsaufnahme und Perspektiven". Baden-Baden 1994. p. 70.

<sup>6</sup> Ibidem. p. 34.

## 2. Birth of the Committee of the Regions as a new institution of the European Union

### 2.1 How the Committee of the Regions evolved

As early as in 1951 the Council of European Municipalities (C.E.M.) was founded in Geneva with the primary aim of strengthening local autonomy. In 1984, the organisation was renamed the Council of European Municipalities and Regions (C.E.M.R.).

Another forerunner of COR developed out of the Liaison Office of European Regional Bodies (BLORE) set up in Strasbourg in 1979. In 1985 this Office gave birth to the Council of European Regions (C.E.R.), which was finally renamed the Assembly of European Regions (A.E.R.) in 1987.

Owing to the part they played in the creation of COR, C.E.M.R. and A.E.R. can be considered the "godfathers" of the Committee.

The series of conferences on "Europe of the Regions" organised by Max Streibl, starting on 19 October 1989 in Munich and provisionally ending in 1992 in Braunschweig, was an attempt to create a political platform for the politically strong regions of Europe. The main assembly of A.E.R. decided on 5/6 December 1990 to bring these conferences under its own wing. A.E.R. took a further significant step on 3 July 1992 in Santiago de Compostela, when it downgraded the founding organisations and other regional groupings to the status of "consultative members", whilst European regions or groupings of regions within individual countries were admitted as full members.<sup>7</sup> A.E.R. currently represents the interests of some 250 regions in Europe, whose territory extends far beyond the European Union. This fact alone could be used by A.E.R. to justify setting itself different policy objectives to those of the newly-fledged COR.

After repeated lobbying by A.E.R. and C.E.M.R., the Commission set up the "Consultative Council of Regional and Local Authorities" in 1988.<sup>8</sup> This Consultative Council is the institutional forerunner of COR since it was the first body to act in a direct advisory capacity to an institution of the European Community. Its constituent meeting took place on 20 December 1988 in the presence of Jacques Delors. The Consultative Council consisted of a non-independent advisory body

<sup>7</sup> Cf. Christian Engel. "Regionen in der EG: Rechtliche Vielfalt und integrationspolitische Rollensuche. Gutachten im Auftrag der Staats- und Senatskanzleien der Länder". Bonn 1993. p. 165ff.

<sup>8</sup> Commission decision of 24 June 1988 on setting up a Consultative Council of Regional and Local Authorities (88/487/EEC). Official Journal No. L 247 of 6.9.1988. p. 23

divided into two equal-sized groups of regional and local members. The appointment of the 42 members by the Commission, based solely on proposals by A.E.R. and C.E.M.R., was also highly controversial. During its lifetime the Consultative Council dealt with land-use planning and regional policy, although without succeeding in significantly influencing the Commission's decisions. On 12 March 1992 the Minister-Presidents of the German federal states called for the Consultative Council to be turned into an exclusively local authority consultative body. The Consultative Council was dissolved by the Commission after the Committee of the Regions had been set up.<sup>9</sup>

With the decision taken by the Minister-Presidents of the federal states on 7 June 1990<sup>10</sup> and the resolution by the Bundesrat of 24 August 1990<sup>11</sup>, the German federal states put forward four demands which were also largely taken up by A.E.R.:<sup>12</sup>

1. Establishment of the subsidiarity principle;
2. Involvement of the federal states and regions in the work of the Council of Ministers;
3. Setting up of a "regional body" at Community level to strengthen the position of the federal states and regions in the Community; and
4. Introduction of an independent right for the federal states and regions to institute proceedings in the European Court of Justice.

As direct participants in the negotiations on political union the German federal states North-Rhine Westphalia and Baden-Württemberg and the Belgian regions and communities as representatives of their national delegations, were able to draw attention to regional level interests at the meetings. In spite of considerable reservations by a number of member states, the subsidiarity principle was successfully anchored in Article 3b of the EC Treaty. Furthermore, the new Article 146 of the EC Treaty provides for the regions to be directly involved in deci-

<sup>9</sup> Cf. Christian Engel. "Regionen in der EG: Rechtliche Vielfalt und integrationspolitische Rollensuche. Gutachten im Auftrag der Staats- und Senatskanzleien der Länder". Bonn 1993. p. 163f.

<sup>10</sup> Printed in Franz H.U. Borkenhagen/Bruns-Klöss/Memminge/Stein (Ed.). "Die deutschen Länder in Europa; Politische Union und Wirtschafts- und Währungsunion". Baden-Baden 1992. p. 240ff.

<sup>11</sup> Ibidem. p. 245ff.

<sup>12</sup> Cf. Rudolf Hrbek/Sabine Weyand, „betrifft: Das Europa der Regionen. Fakten, Probleme, Perspektiven“. Munich 1994. p. 114.

sion-making in the Council of Ministers. Finally, the first sentence of Article 198a of the Maastricht Treaty established "A Committee consisting of representatives of regional and local bodies, hereinafter referred to as 'the Committee of the Regions'". This body was set up with the aim of involving the citizens more closely in the European opinion-forming process through active contribution of the territorial bodies, thereby enhancing the legitimacy of the EU.

## 2.2 Provisions of the Maastricht Treaty

The legal basis for the Committee of the Regions is enshrined in Articles 198a to 198c of the Treaty establishing the European Community (EC Treaty). Its members are appointed by the Council of Ministers acting unanimously on proposals from the member states.<sup>13</sup> Throughout their 4-year term of office, the members are not bound by any instructions and are completely independent in the performance of their duties in the general interest of the Community.

The Committee of the Regions has 189 members - 222 since enlargement to include Finnish, Austrian and Swedish representatives - and the same number of substitutes. The number of members per country ranges from 6 representatives for Luxembourg to 24 for the larger member states: Germany, France, Italy and the UK.

The Maastricht Treaty requires that the Committee of the Regions must be consulted in five policy areas.<sup>14</sup> These cover support measures in the areas set out in the Treaty: "Education and youth", "Culture" and "Public health", whereby the Treaty expressly excludes the harmonisation of laws, regulations and administrative provisions of the member states. In addition, the Committee must be consulted concerning trans-European transport, telecommunications and energy infrastructure networks as well as with respect to the economic and social cohesion of the Union.

<sup>13</sup> For the procedure for appointing the members in the respective member states, see Ralf von Arnim: "Die Entstehung des Ausschusses der Regionen: Die Festlegung der Modalitäten für die Auswahl der Mitglieder in den EU-Staaten". In: Christian Tomuschat. "Mitsprache der dritten Ebene in der europäischen Integration: Der Ausschuss der Regionen". Bonn 1995. p. 39ff.

<sup>14</sup> See Table 1.

TABLE 1

	Treaty Title	Areas of Compulsory Opinions	Legislative Procedure
1	Title VIII Chapter 3 Art. 126	Education and youth	Art. 189b*
2	Title IX Art. 128	Culture	Art. 189b*
3	Title X Art. 129	Public health	Art. 189b*
4	Title XII Art. 129d	Trans-European networks in the areas:  - transport, - telecommunications - energy infrastructure	Guidelines: Art. 189b*  Other measures: Art. 189c**
5	Title XIV  - Art. 130b  - Art. 130d  - Art. 130e	Economic and social cohesion  - specific actions (outside the Funds)  - objectives and organisation of the Structural Funds (Cohesion Fund likewise)  - implementing decisions of the Regional Fund (ERDF)	Council acting unanimously and after consulting the EP  Council acting unanimously and after obtaining assent of EP  Art. 189c**  * Art. 189b: Co-decision procedure ** Art. 189c: Co-operation procedure



In addition to these cases of compulsory consultation, in theory Article 198c also provides for three further instances in which opinions may be submitted:

- The Council or the Commission may ask the Committee for an opinion should either of these bodies consider this necessary (so-called "optional consultation").
- If the Economic and Social Committee is consulted pursuant to Article 198, the Committee of the Regions is informed of this request. If it considers specific regional interests to be involved, the Committee of the Regions may issue an opinion on the matter (so-called "accessory consultation").
- It may issue an opinion on its own initiative in cases in which it considers such action appropriate (so-called "own-initiative opinion").

Committee of the Regions' opinions are submitted to the Commission and the Council.

Before proceeding to describe the work of COR in the next section, two basic misapprehensions need to be cleared up at this point.<sup>15</sup> First of all, it is often assumed that the appointed members in Brussels represent their own specific interests and that the members use the Committee of the Regions to lobby for financial support for particular projects. But, as already noted, the Treaty clearly states that the members exercise their mandate in the "general interest". And secondly, it is often supposed that COR deals only with regional policy in the narrow sense. But the Committee is called upon to adopt its own opinion on all matters using its own judgement provided that the Commission's proposals have consequences at regional or local level.

### 3. Bodies of the Committee of the Regions

#### 3.1 Plenary assembly

The plenary assembly is the supreme body of the Committee of the Regions and has proved its metal in discussing and adopting COR's opinions. It also serves as a political clearing house, not just between COR and the invited guests but also between the members themselves.

<sup>15</sup> Cf. Joseph Gallacher. Committee of the Regions: an opportunity for influence. Local Government International Bureau. Special Report No. 3. London 1995. p. 3.

The main points covered and contributions made by guest speakers are documented in detail in Section 7. So this section contains only a brief reference to the organisational problems addressed to date and the proposals for improvements.

Initially some major difficulties arose due to the considerable problems concerning space and access. This caused vexation not only to the members but also particularly to their staff. Since COR has no meeting rooms of its own, it was constantly dependent on the good will of other institutions. The administration department of the European Parliament only made a meeting room used by a political group available to COR, but not the "plenary meeting room" in Brussels. This means that a number of observers are unable to follow the debate directly and co-operation between members and their assistants is hampered since no seating is available for them in the meeting room.

A further problem was the timely despatch of meeting papers. However, since the changeover at the helm of the Committee, the requirement that papers are sent out to the members one month before the meeting is strictly observed.

There were frequent complaints that the excessive number of opinions to be adopted did not leave enough time for political debate. This may be true since to date an average of six opinions have been adopted at each plenary meeting, taking up about 4-5 hours per meeting. It is a fact that there is little time left for open political discussions because in addition to the Bureau meeting, the meeting of the national delegations and the meeting of the political groups, members often have other appointments to keep in Brussels, as well as talking to journalists and groups of visitors. Co-ordination problems can also occur between meetings, particularly when commission meetings are scheduled at the same time. Presumably in future even more meetings will take place which specifically concern the regional interests of the members.

But the rigorous meeting schedule and tight organisation have proved to be effective, particularly when the members' attendance is taken as a yardstick for judgement. Although attendance of members and their designated substitutes steadily declined over the period as a whole, it was extremely high (82.8%) during 1994-95. The attendance figures of member states ranged from 64% for the Austrian delegation to 100% for the Irish members. In this connection, it can be seen that the frequency with which local and regional elections take place has a negative impact on the presence of members concerned. This is not only true at election time but also for the period following the elections. The blocking policy of the UK in the Council of Ministers concerning the "mad cow" debate has also delayed the appointment of some COR members.

The procedures of the plenary assembly still call for improvement in some respects. This concerns such matters as the need for suitable information systems

in the lobby, including information about which agenda item is currently being dealt with or producing a revised agenda for the second day of the meeting. In addition, an electronic voting system would allow the decision-making mechanisms to be checked. However, introducing the so-called "A-point" procedure, whereby non-controversial opinions can be adopted without debate does carry the risk that purely technical opinions would continue to pass through the plenary meeting. A more sensible system would be - as is explained in more detail in Section 6.1 - to adopt more political opinions, although these would also require debating in plenary session.

### 3.2 Bureau

The Bureau has a key role in organising the work of the Committee of the Regions. According to Article 22 of the Rules of Procedure, the Bureau prepares "decisions submitted to the plenary meeting and is responsible for the continuity of the Committee's activities". The Bureau is further responsible for "the preparation, organisation and co-ordination of the plenary assembly and the commissions".

At the constituent meeting of the plenary assembly, the number of members of the Bureau was set at 29 plus the President, i.e. 30 in all, on the proposal of Mr Patijn. In addition, the five member states with the largest populations were allocated three seats and the other member states two seats. At the second plenary meeting it was finally decided that the Bureau would comprise 30 members including the president, the first vice-president and one member for each country with the status of vice-president. Today the Bureau consists of 36 members, with 16 belonging to the European People's Party Group, 12 to the European Socialist Group, 6 to the Liberal, Democratic and Reformist Group and 3 to the European Alliance. By the way, it should be noted that there is only one female member of the Bureau, and also only one female chair amongst the commissions. Moreover, no other women currently hold senior posts in the Committee of the Regions.

The first task of the Bureau was to draw up a list of the 12 vice-presidents and to submit this to the plenary assembly for its approval. The Bureau also had to prepare the first agenda for the plenary session. One disputed question concerned whether this meeting would have sufficient time to hold a first political debate on the aims of COR. The Bureau also decided to arrange a meeting of an ad hoc working party on the rules of procedure. On the president's proposal, a Bureau member from each member state would sit on the working party.

The focus of discussions at the second Bureau meeting was on the examination of the preliminary draft rules of procedure. After a lengthy debate the revised text

was finally adopted at the subsequent meeting and presented to the plenary session. The Bureau also addressed the matter of the reimbursement arrangements for the members' expenses. In particular, it was unclear whether the arrangements for COR would be the same as those of ECOSOC or whether the higher rates of reimbursement applying to members of the European Parliament would apply. The outcome was that rates of reimbursement would be above those of ECOSOC but below those of MEPs.<sup>16</sup>

Since its constituent meeting on 10 March 1994 the Bureau has held seventeen further meetings, which cannot be documented here in detail. Apart from the constant succession of new political and administrative tasks which the Bureau had to address, the following items appear routinely on the agenda:

- preparation of the plenary assembly's agenda;
- discussion of the work programme, in particular the decision on formulating own-initiative opinions and assigning these to the commissions or sub-commissions;
- and administrative matters concerning personnel and budget questions.

An ad hoc Bureau group was set up to clarify important administrative and financial questions, chaired by Charles Gray.

The Bureau generally meets immediately prior to the plenary assembly. In addition, two extraordinary meetings of the Bureau take place each year. These are held in the member state which holds the presidency of the Council. In this way, the Committee of the Regions not only demonstrates its presence to national governments, but also seeks dialogue with representatives of the Council presidency.

In this connection, a more detailed account is called for of the extraordinary Bureau meetings in Athens, Bonn, Montpellier, Barcelona and Catania, since their importance for the standing of COR is not to be underestimated.

The meeting in Athens on 20 June 1994 took place at the invitation of the Greek presidency in the presence of the Greek Foreign Minister, Mr Tsochatzopoulos. The Bureau took the opportunity to address a resolution to the European Council in Corfu. In this text, the members drew attention to three points in particular:

- the importance of inter-regional co-operation;

<sup>16</sup> Cf. on this question: "Réglementation concernant le remboursement des frais de transport et d'indemnisation des jours de réunion et des jours de voyage (amended on 19 September 1996). R/CdR 258/96 rév. pt 6.2 annexe.

- the importance of European land-use planning, also having regard to the treaty reforms in 1996;
- and the involvement of COR in the preparations for this institutional reform.

The question of the seat of the Committee was also on the agenda, with Strasbourg and Luxembourg being mooted alongside Bonn. This led to a rerun of a discussion which led to an almost interminable debate and ultimately to a costly and unsatisfactory solution in the European Parliament. The COR president rightly pointed out that a differentiation was to be made between the official seat of the institution and the venue at which the meetings could take place. Since COR shared a common structure with ECOSOC, in his view the official seat of ECOSOC should for the time being also be the seat of the Committee of the Regions. The Council of Ministers needed to clarify this issue during the inter-governmental Conference in 1996.

In Bonn the question of the seat was back on the agenda again since North-Rhine Westphalia had emphatically argued the case for Bonn as the Committee's seat. Today this question no longer seems to excite much interest. In spite of the new communication technologies and the fact that in future COR may become independent from ECOSOC in its organisational structures, the Secretariat-General will undoubtedly be able to work most effectively if it is seated at the same place as the other European institutions.

A central issue in the discussions was the COR resolution on subsidiarity directed to the European Council in Essen. The meeting in the Bonn Waterworks took place in the presence of Bundestag president Prof. Dr. Rita Süßmuth, who indicated that the Committee's present powers represent only a first step on the road to a three-tiered structure (Europe, the national state and the regions) of the future European Union. Also attending the meeting were the secretary of state in the Chancellor's office, Bernd Schmidbauer, and the secretary of state in the Foreign Office, Dr Werner Hoyer.

In Bonn on 5 December 1994, the Bureau meeting in camera also drew up a "final" organisation plan for the Secretariat-General.

The 10th Bureau meeting of COR took place in Montpellier, marking the first year of operation of the Committee, and was held in the presence of Prime Minister Balladur and Minister for European Affairs, Mr Lamassoure, representing the French Council presidency. Once again there were some important issues on the agenda, such as the 1996 preliminary estimated budget and the Bureau's resolution on "Europe 2000+". In order to create more scope for political debate, the possibility of introducing the "A-point procedure" was discussed (previously re-

ferred to for COR plenary meetings, borrowing from the EU Council of Ministers).

Following on from the Bureau meeting, a meeting of the special commission on institutional affairs took place, covering the possible contribution of COR to the Intergovernmental Conference in 1996. The Montpellier meeting also pioneered a successful model for possibly linking up extraordinary Bureau meetings and commission meetings.

During the second half-year, the Bureau met in Barcelona at the invitation of the authorities in Catalonia and Mr Maragall. The agenda of the Bureau meeting held on 1 and 2 October 1996 included the question of commission meetings outside Brussels and the future role of the political groups in the Committee of the Regions.

The 17th Bureau meeting took place under the Italian presidency in Catania, Sicily on 8 March 1996. At this meeting the 1996 work programme for the commissions was adopted. Also on the agenda were resolving the dispute between COR and the trade unions, and the draft budget for 1997. Looking ahead to the Intergovernmental Conference, the Bureau also adopted a declaration on the revision of the Treaty on European Union (known as the Catania Declaration), designed to re-emphasise the Committee's positions.

The Bureau has proved that it has the capacity to act and that it is an effective decision-making body. As evidence of this agenda items are only rarely deferred to the next meeting. However, an analysis of the decision-making structures has not yet been undertaken. One fundamental problem is that the Bureau members - who have since acquired no little experience in carrying out their duties - do not always have enough information to correctly judge the course of events in Brussels. Very often the members have to rely on information prepared by the secretariat-general which for its own part wants to improve its information policy. Moreover, it has proved useful to include the chairs of the commissions in the Bureau from time to time so as to enhance co-ordination of the work.

### 3.3 Commissions

The plenary assembly initially had the task of deciding what form the drafting of the opinions should take. The A.E.R. and C.E.M.R. joint proposal to set up five commissions served as a basis for this decision.<sup>17</sup> The proposal had been advantageous insofar as it would have allowed to focus work on a number of key areas.

<sup>17</sup> Cf. Pre-draft rules of procedure of the Committee of the Regions (R/CdR 1/94 Article 22). Paris/Strasbourg 21.12.1993. p. 6.

But according to this proposal, one body would have been responsible for environmental questions exclusively whilst another body would have had to cover questions spanning regional development, urban and rural issues, and transport and communication networks.

However, at its second meeting the Bureau decided to set up in total eight specialised commissions and four sub-commissions. The new proposal fulfilled the political requirement that each national delegation chair a commission or sub-commission. The largest member states were assigned the chairmanship of the commissions, and the smaller member states (Denmark, Ireland, Luxembourg and Portugal) chairmanship of the sub-commissions.

Not surprisingly, this decision left a number of questions unresolved concerning the demarcation between individual commission remits. For instance, the decision to assign research to commission 7, which is also responsible for the "Citizen's Europe", culture, youth and consumer issues, may be criticised. This is even more apparent with the creation of a separate sub-commission for youth and sport. The Maastricht Treaty requires that the Committee deal with support measures in the spheres of education and youth. The setting up of commission 6 for education and training along with the above-mentioned sub-commission to deal with youth issues as well as sport, is not exactly in accordance with the Treaty's provisions, but instead creates confusion. Certain problems regarding the demarcation of responsibilities with respect to the structural funds have also arisen between commission 1 for regional development and commission 8 for economic and social cohesion.

It is also hard to understand the difference between the term "spatial planning" for commission 2 and "land-use planning" for commission 5. It has been shown in practice that not only do several commissions consider themselves responsible for land-use planning questions, but that this area covers many different aspects. For the document "Europe 2000+" on European land-use planning policy a new procedure was therefore developed involving a working party comprising two representatives from each commission. This avoided a costly procedure in which one co-ordinating commission would be appointed and at the same time a number of supplementary opinions by other commissions would be permitted. The new procedure, which seems a very good idea for documents encompassing various issues, as in this case, is not provided for in the rules of procedure so that legal objections were raised against it from various quarters.

The creation of a separate commission for urban policy was justified by the importance of this question not only for the local representatives of COR, but also particularly in connection with the Treaty reform of 1996. The commission also

produced an important basic document on this subject.<sup>18</sup> However, the commission is not exactly stretched to capacity in dealing with this subject.

By setting up four sub-commissions, there also arose the problem of the relationship between "commission" and "sub-commission". The chair of commission 1, Secretary of State Dr Ermisch from Saxony, had already at an early stage entered into a written agreement on this matter with the chair of the sub-commission on local and regional finances, Mr Andersen from Denmark. Under this arrangement, the sub-commission is to some extent made subordinate to the commission, as the title - at least in English - already implies. For the other three sub-commissions, this subordination did not apply in practice. No clear ruling has been laid down on this matter to date. For the work in practice this does however have the advantage that the sub-commission's opinions can be discussed in the plenary session immediately after they have been adopted without first having to be discussed again in the relevant commission. This approach not only saves time but also money.<sup>19</sup>

It also became clear in practice that subjects such as media policy as a policy area in its own right were not taken into account when the remits were shared out. Here too it was possible to find flexible solutions. The sub-commission on telecommunications, for example, shares responsibility for this subject with commission 7. For the opinion on pluralism and media concentration this led to the rather singular situation whereby commission 7 drafted a supplementary opinion for the co-ordinating sub-committee.

The commissions and sub-commissions have now settled into their own work rhythm, holding around five meetings a year on average. But there are considerable differences in the way individual commissions approach their work, particularly between commissions 1, 3 and 8 on the one hand, and commissions 4, 6 and 7 on the other.

The distribution of remits between the commissions is therefore set to undergo far-reaching reforms for the second term of office. In this connection, the members' attendance figures in the commissions are also highly instructive. Since the importance of these matters for the future work of COR cannot be underestimated, this question will be considered again below.<sup>20</sup>

<sup>18</sup> Draft opinion of Commission 4 of COR on urban policy (CdR 32/95 rév.).

<sup>19</sup> Cf. Section 5.2 on rules of procedure.

<sup>20</sup> Cf. Sections 5.3 and 6.1.

### 3.4 Commission on Institutional Affairs

In addition to the commissions, one "special commission" has been set up to deal with institutional questions. The remit of this commission is to monitor the reform process in the European Union and to contribute relevant demands to the debate, as viewed from the angle of the local and regional bodies. The composition of the commission also demonstrates its importance, with the chairmanship being taken by the president himself, Mr Blanc, and Jordi Pujol being appointed as first principal rapporteur. Many of the members, moreover, are members of the COR Bureau.

The constituent meeting of the commission did not take place until 15 November 1994. The first resolution by COR, concerning the subsidiarity principle, was discussed in this commission. On 5 December 1994 the Bureau was able to adopt this resolution as a result of the work done by the institutional commission and to forward it to the European summit in Essen.

A series of further meetings have taken place at irregular intervals since then, on a number of occasions immediately prior to the plenary session and also, as already mentioned, linked to the extraordinary meetings of the Bureau.

As a consequence of the constructive work carried out by this commission, COR succeeded in being the first European institution to produce a contribution for the Intergovernmental Conference. The own-initiative opinion adopted by the plenary assembly on 21 April 1995, certainly is, and remains, a COR document of fundamental importance.<sup>21</sup> With the Blanc Report on the regional and local bodies as actors in European Political Union<sup>22</sup>, the debate is continuing in the Committee.

<sup>21</sup> Cf. CdR 136/95.

<sup>22</sup> Cf. CdR 282/96.

## 4. Avenues for influencing policy

### 4.1 Formulating and adopting opinions

A central part of the Committee's activities consists of formulating and adopting opinions, either following consultation by the Council or Commission, or at its own initiative.<sup>23</sup> The following procedure was developed in practice for 1996:

The Advisory Services Directorate first of all analysed the work programme of the European Commission for its relevance to the work of COR. The work programme was then discussed at a number of joint meetings between COR and the Secretariat-General of the Commission. The Commission then produced a specific programme covering the main areas on which COR needs to be consulted. The Secretariat-General of COR added further subjects to this programme which were in principle of interest to COR and put this to the Bureau for a decision. The advantage of this procedure was that the members could be informed at an early stage about the opinions to be formulated. In addition, the commissions were in a position to appoint rapporteurs directly after the work programme was adopted and could start work immediately after publication of the Commission documents.

But the procedure has not turned out to be successful:

Firstly, it is very difficult for the European Commission to anticipate the content of the announced initiatives, what titles the texts will carry and when the documents can be adopted. A series of documents were adopted late for this reason and published under a different title, often leading to confusion. Moreover, the changes in content meant that the documents may have been assigned to the wrong commissions.

And secondly, COR not only receives documents from the Secretariat-General, but is also invited by individual Commissioners to deal with specific questions. Moreover, the Council is not involved in this procedure, which in the case of compulsory opinions sets the deadlines for COR, often without taking account of its work structures.<sup>24</sup>

The procedure also does not take account of the own-initiative opinions proposed by the members which the Committee has formulated in accordance with Article

<sup>23</sup> Cf. the document "Arbeitsablauf bei der Ausarbeitung von Stellungnahmen" of 28th June 1995 (R/CdR 194/95).

<sup>24</sup> As an example, COR was recently forwarded a document in August 1996 with the deadline set for September.

10 of the rules of procedure at the proposal of a commission, the Bureau or at least 32 members.

In formulating the opinions, the following procedure has been developed: on receiving the basic text, it is immediately scrutinised by those responsible in the commissions and discussed by the Advisory Services Directorate. This has the advantage that the work can be co-ordinated amongst the commissions and consequently contradictory statements in different opinions can be avoided. The Secretariat-General contacts the rapporteur, who in turn appoints an expert to draw up an opinion. This three-sided process of member, expert and secretariat leads to the first draft of an opinion, whereby the actors involved exert differing degrees of influence. It is worth mentioning incidentally that by resolution of the Bureau - unlike ECOSOC - the expert's work is unremunerated; only travel expenses are reimbursed. This is problematic for some members who do not have a large staff locally. The designated experts generally have a major role in preparing opinions, although they have no right to address the meeting concerned and therefore are not themselves able to obtain a hearing.

As a rule, the opinion is approved at the second meeting of the commission, following a preliminary discussion, and then adopted at the next plenary meeting at which all the members have another opportunity to table proposals for amendments, provided that they have collected the signatures of at least six supporters.

The secretariats of the commissions also work on a draft for what are known as "locomotive opinions" designed to enhance the opportunities for exerting influence on opinions with an exceptional political impact. A typical procedure can be illustrated briefly with the example of the opinion on short-haul maritime transport. In this case a mini-hearing took place in Brussels, attended by a number of experts and also the rapporteur from the European Parliament. The hearing served to assist the COR rapporteur, Mr Bourges, in his work and at the same time to foster contacts with the parties involved. It was possible to adopt the opinion in the plenary meeting so early on that the documents were available in time for the public hearing in the European Parliament on the same question. The rapporteur was also invited on that occasion to state the position of the Committee.

Independent of this process of establishing the main policy areas, the opinions are forwarded to the Council and the European Commission after six months on average. Publication in the Official Journal, by contrast, unfortunately still continues to take a long time. In addition, the Advisory Services Directorate conveys the opinions to the chairs of the committees, to the rapporteurs and to the secretariats of the political groups in the European Parliament.

So a procedure for adopting opinions is in operation, although with room for improvement. But that does not by any means signify that political influence auto-

matically follows on from formal adoption. The avenues for such influence will be discussed again below.

#### 4.2 Impact and consequences of opinions adopted to date

In April 1994, the first opinion to be adopted concerned the Cohesion Fund. The first success story for the Committee likewise concerned this opinion, in particular the so-called support committees which are responsible for implementing the Community projects co-financed through the Cohesion Funds. In this way the regional and local authorities directly concerned would in future be involved in the work of these support committees.

The second success story concerned the so-called "Community initiatives", whereby a number of COR demands were also taken into account: for instance, the member states are able to propose a limited number of areas, which are highly dependent on the iron and steel, coal and armaments industries, as being eligible for assistance. The Commission now also supports cross-border co-operation between traditional steel industry sites or coal-mining regions under RESIDER II or RECHAR II, respectively. With the INTERREG programme, the Commission has considerably modified the appendix setting out the eligible regions. It now also permits support measures for urban systems in frontier regions. In line with COR's demand, the age limit for the YOUTH-START programme has been raised from 20 to 25.

Meanwhile, the secretariats of the commissions have been working hard on the follow-up to the opinions, whose results are submitted twice a year to the Bureau.<sup>25</sup> As part of its public relations work, in March 1996 COR published a very interesting document entitled, "The impact of opinions - The contribution of the Committee of the Regions to the construction of Europe", which gives a detailed picture of the effects of the opinions.<sup>26</sup>

Once the opinions have been adopted by the plenary meeting, the European Commission carries out regular analysis of these opinions in its departments and forwards a document to COR setting out the detailed reasoning behind the Commission's positions. This internal document, produced in English, French and

<sup>25</sup> Cf.: CdR 73/95, R/CdR 184/95 rev. 5 d). R/CdR 428/95 rev. 5 c), CdR 298/96. R/CdR 335/95 4 a).

<sup>26</sup> The booklet is broken down into seven sections: regional and local economic development, economic and social cohesion, structural policies; education, youth, culture; health; information society; trans-European networks, environment; agriculture, rural areas; and general topics.

German, is extremely important for the work of the Committee. The Commission has now come to treat COR increasingly as a partner in its endeavours to carry through its own position, particularly with the Council of Ministers. The European Parliament has also come to recognise COR as a potential partner. For example, the chair of the Transport Committee in the European Parliament recently wrote to the COR president, Mr Maragall, inviting him to take part in the debate on a new maritime transport strategy.

But an exact analysis of the effect and impact of opinions continues to remain subject to three major reservations:

1. COR demanded to be involved at an early stage in the legislative process with a view to the Intergovernmental Conference. This has already happened in the meantime. But this also means that COR frequently has to adopt a stance on Green or White Papers before work on European legislation has been completed.
2. Furthermore, the opinion, which is usually framed in a very general form, is not always a suitable instrument for analysing the effects and impacts of opinions. But this situation could be improved if COR itself were able to make actual proposals for amending planned legislation more often than hitherto, as for example in the case of the directive on the postal services.
3. Finally, the European decision-making process is so complex that even when COR is able to make actual proposals for amendment, it is not possible to "prove" that these amendments came about solely as a result of the Committee's position.

#### 4.3 Other forms of influence

On examining the EC Treaty and the rules of procedure of COR, it can be seen that the Committee's only formal means of exerting political influence as an advisory body is the opinion. As soon as it had adopted its first resolution on the subsidiarity principle it clearly emerged that a more appropriate means would have to be found than the relatively laborious and costly procedure of the opinion. The problem arose as to whether, and if so, how the Committee should react to topical political issues with major implications. At the eighth plenary meeting for the first time two motions for a resolution were tabled.<sup>27</sup> But since no procedure for resolutions had yet been established at that time and furthermore, the motions had not been submitted to the Bureau in time, the Bureau decided not to discuss

<sup>27</sup> These concerned the massacre of the Moslem population in Bosnia and the resumption of French nuclear testing in the Pacific.

the two motions and simply to make them available for signature at the entrance to the meeting room. It was then decided at the next plenary meeting to set up an ad hoc working group, to be chaired by Prof. Dr. Dammeyer, to lay down the principles and procedure for resolutions. The so-called "Dammeyer group" concluded its work on 11 January 1996 and its findings were taken up by the Bureau in accordance with Article 22, § 3.

The main object of the meetings was to find a solution to the legal issue concerning the existing rules of procedure, which did not make provision for the form of a "resolution", so as to establish its possible content as well as the role of the political groups in this procedure. Article 10 of the rules of procedure stipulates that 32 members, a commission or the Bureau can propose the formulation of an own-initiative opinion. This rule was similarly adopted for resolutions, whereby the political groups are assigned the same right provided that 32 members support the proposal.

The following was decided with respect to resolutions:<sup>28</sup>

- strong emphasis on their exceptional character;
- content confined to purely political European Union matters directly concerning the regions and local bodies;
- similar application of the procedure for resolutions as for own-initiative opinions (article 10 and 9 of the rules of procedure);
- debate in plenary meeting restricted to a maximum of 30 minutes.

COR has hitherto made sparing use of this instrument and only adopted resolutions on important topical questions, such as the Catania declaration for the Intergovernmental Conference and the resolution on the territorial employment pact. Another resolution on the information society is in the offing.

The Committee has also adopted a "report" on cohesion, to serve as a document of fundamental importance for the first joint conference with the European Parliament on the role of the local and regional bodies in the European Union. However, the legal significance of this instrument is still unclear.

There remain three outstanding questions in this connection:

1. How will COR react in future to the profusion of reports announced by the European Commission?

<sup>28</sup> Cf. the minutes of the 3rd meeting of the ad hoc working party on the rules of procedure held on 11.1.1996 (CdR 58/96).

2. What avenues are open to COR for continuing to exert influence after its opinion has been adopted, particularly in the case of very long-winded procedures as was the case for the co-decision procedure for trans-European networks?
3. In future, how will COR bring its rather more technical expertise to bear, alongside the general political demands, concerning actual regulations and directives by the European Union?

As well as formally delivering its opinions, and drafting resolutions and reports, there are a whole host of other activities through which the Committee can assert its presence and political influence. Some examples are holding commission meetings outside Brussels, attending European Parliament sessions as well as organising conferences and seminars. For instance, in 1995 for the first time COR jointly organised with DG XVI for Regional Policy and the relevant host regions a series of seminars to discuss European land-use planning policy. Invitations to these events were issued by the host regions - Tuscany, Bavaria, Galicia, Scotland, France Comté and the city of Maastricht - to discuss specific topics, such as the Mediterranean, the Alps or the Atlantic Rim. Another series of seminars has been planned for 1997 on "The contribution of the European regions and local authorities to an integrated, efficient and environmentally beneficial transport system in Europe".<sup>29</sup>

Additional opportunities for influence also exist through a newly-emerging network of informal contacts whose importance, especially for the future, is not to be under-estimated and therefore calls for in-depth consideration.

## 5. Problems encountered in accomplishing its tasks

### 5.1 Getting the administration up and running

Within the space of twelve months, COR's Secretariat-General was up and running. The first organisational unit to be formed was the president's Cabinet. In this body the first decisions were also taken on the recruitment of auxiliary staff, initially on six-monthly employment contracts. Towards the end of 1994 almost all the contracts were converted into one-year fixed-term contracts and then extended for a further year in 1996. During 1996, the Secretariat-General organ-

<sup>29</sup> Cf. DI/CdR 30/96.

ised an internal competition to give the staff who had already acquired experience working in COR an opportunity to obtain permanent employment. But the competition was fiercely criticised by unionised staff in ECOSOC. It is true to say that almost all the A grade staff passed the competition and now have the status of European officials. In any case COR, for which the statute of European official only went through on 8th July 1996, applied the statute in all personnel policy decisions. In fact, the statute allowed both open and internal competitions, but COR was obliged to decide against an open competition because it did not have the necessary staff, time or resources to organise a general competition. However, one possibility would have been to organise what is known as an inter-institutional competition or to recruit officials from the "waiting list" already drawn up by the Commission following general competitions. But this would not have been a solution for the staff already working at COR.

The dispute over personnel policy and the repeated call for strike action by the so-called "common structure" not only adversely affected the Committee's work, but also and above all badly tarnished the image of the new institution. Even the conciliation efforts by a senior European Parliament official were ultimately doomed to fail. A preliminary screening by the business consultancy Roland Berger has so far only come up with the finding that a solution needs to be found for the common organisational structure<sup>30</sup> which, according to Protocol No. 16 of the Maastricht Treaty, is shared by ECOSOC and COR. Within the common structure, 500 staff are after all employed - 402 in ECOSOC and 98 in COR - who are responsible for the technical services such as translation, printing, despatch and data processing. For the purposes of comparison, it is worth noting that COR had only 86 budgeted posts for 1996. Obviously it is not easy to administer such a large number of staff jointly. It was difficult for COR, for example, to make organisational changes because the staff at ECOSOC were accustomed to operating what they saw as their own tried and tested practices. Moreover, COR was in many respects at a disadvantage from the outset, for instance in meeting deadlines for translations, reserving meeting rooms, etc. Some staff at ECOSOC were also suddenly put under greater pressure of work while others were disappointed not to have been offered interesting jobs at COR. But all the technical and employment-related problems could have been resolved if the real problem had not been that it was always a COR policy objective to become independent of ECOSOC. Since the Council had reserved for itself the right to decide the content and detailed arrangements of this common structure in due course by agreement

<sup>30</sup> Cf. memo DI/CdR 18/94, 2., p. 3. The pre-draft rules of procedure for COR referred to this structure as the "common technical service", but the Council rejected the addition of "technical".



with ECOSOC and COR, this question is set to crop up again on the agenda of the intergovernmental conferences.

Besides the president's cabinet another important unit was set up, known as the president's office. This is responsible for preparing the plenary assembly and the Bureau meetings. The directorate has since been expanded by a Legal Service and a Research Unit.

The Directorate for administration, personnel, finances and disputes was also set up, whereby the administration and finances services, including personnel administration, were largely taken over by ECOSOC's own services until the end of 1994.

The Directorate for press and communications was also set up at an early stage and keeps in close contact with journalists. This vigorous and go-ahead unit has produced a series of informative and attractively designed documents, such as press packs, press releases, the so-called press books with original articles from the regional and local press, a handbook listing COR members as well as other useful and constantly updated information booklets for visitor groups and other interested persons in all official EU languages. The directorate further seeks to ensure a COR presence at all major events by providing information stands. Plans are also afoot to organise forums on the fringes of the plenary sessions, showcasing the wide range of local and regional initiatives on various themes, such as the employment pacts.

There is also a relatively small directorate covering inter-institutional and external relations. Contacts are forged and maintained with other EU institutions, the Council of Europe, existing regional and local associations such as AER and CEMR, as well as municipal and regional information offices.

The fifth directorate for Advisory Services, mainly handles the organisation of the commissions and sub-commissions as well as the content of the work programme. The staff organise commission meetings and take charge of contacts with members and their own staff. They analyse the basic documents, draft the opinions with the rapporteur and corresponding experts and scrutinise their progress. The staff can be contacted concerning all specialised questions, they have in particular forged contacts with the European Parliament committees and with the ECOSOC sections, and seek dialogue with appropriate officials at the Commission. By performing a whole host of further activities, such as preparing the work programme, looking after visitor groups and students, participating in specialised conferences and seminars, producing statistics, reviews and the first annual report for 1994-95, and concluding a number of co-operation agreements with the other directorates, the Advisory Services Directorate has demonstrated

that it is willing and able to present COR and its Secretariat-General in a positive light.

At the helm of the Secretariat-General is the secretary-general, Dietrich Pause, who was previously with the Bavarian state chancellor. Mr Pause was appointed at the extraordinary Bureau meeting on 26 July 1994 from amongst 13 candidates and proposed to the Council as COR secretary-general for a term of five years. With his appointment a cabinet was also set up, although this comprises only a chef de cabinet and two secretaries. Besides being responsible for all the representational, organisational and conflict-resolving duties, the secretary-general also faced the additional challenge of organising the move of the administration to the Ardenne building. In 1997 the Committee will be on the move again, this time to the Van Maerlant building.

When Pasqual Maragall was elected COR president, a small but efficient cabinet was created to co-ordinate all COR policy issues and maintain close contacts with the COR directorates.

## 5.2 Resolving important matters concerning rules of procedure

The rules of procedure, which were discussed and finally adopted on the basis of a joint draft submitted by AER and CEMR, left a number of unanswered questions owing to the speed with which they were pushed through.

For example, the AER and CEMR joint proposal left unclear whether it would be possible to send under-secretaries of state or other high-ranking officials as substitutes to meetings of the commissions and the plenary assembly. And yet this could have been sorted out by getting the rules of procedure adopted by the plenary session and finally approved by the Council of Ministers. This meant that representation by an expert, as called for by AER, by contrast to CEMR, was not allowed. "The full member can only be represented by a substitute of his choice from amongst the duly appointed substitutes."<sup>31</sup>

When COR started its work some additional practical problems arose which were not covered in the rules of procedure. For this reason the Advisory Services Directorate set up an internal working party when the commissions began functioning with a view to discussing the problems encountered and prepared a first discussion paper on this matter. On 15 November 1994 the Bureau decided to set up an ad hoc working party which, according to Article 22 § 3 of the rules of procedure, was responsible for producing draft directions by the Bureau concerning

<sup>31</sup> Quoted from Rudolf Hrbek/Sabine Weyand, "betrifft: Das Europa der Regionen. Fakten, Probleme, Perspektiven." Munich 1994, p. 143.

the work procedure of the commissions. Following its first meeting chaired by the Chef de Cabinet of the secretary-general, Mr Peter Schwaiger, it was possible to resolve a series of technical problems. An ad hoc working group of Bureau members was then set up at the Bureau meeting on 5 December 1994 with the aim of settling any policy questions still unresolved.

The meeting held on 9 March 1994, conducted by the German vice-president, Prof. Dr. Dammeyer, succeeded in clarifying the disputed policy questions thanks to the excellent preparatory work by all sides as well as the chairmanship. On 19 April 1995 the Bureau then adopted the final draft.<sup>32</sup>

The Bureau's directions regulate the following matters:

*Commissions and sub-commissions, composition of the commissions, meetings, working groups, access to meetings, attendance list, status of experts, substitutes - assignment of voting rights, voting procedure, quorum - absence, deadlines, written procedure, submitting draft opinions, minutes, translation of texts, supplementary opinions, conflicts of competence between commissions and relations with the other Community institutions.*

A particularly drawn-out debate was held on the question of the relationship between a commission and a sub-commission. Although the principle was established that the procedure laid down for the commissions would also apply to the sub-commissions, at the same time a protocol declaration stipulated that in principle the sub-commissions are subordinate to the commissions. This means in practice that where there is basic agreement between the chairs concerned, a fairly large measure of flexibility continues to exist in the manner of working.

Another problem concerned the quorum in the commissions. It was decided that a quorum can be proposed by six members. This prevented a single delegation from a large member state from being able to table a proposal. The vote is postponed until the next meeting if no quorum is found to be present. Other work may be continued, however, provided that the chair so directs.

A third problem concerned the procedure for documents spanning more than one subject, as in the case of "Europe 2000+". The arrangement is now that in exceptional cases where more than one commission can claim that a particular opinion falls within their province, the Bureau shall, in accordance with Article 9 of the rules of procedure, determine which commission is to be responsible and propose the creation of a working party comprising representatives of the commissions concerned. The result was a procedure which complies with the rules of proce-

<sup>32</sup> Cf. CdR 182/96.

cedure and is also more efficient and less expensive than preparing a number of supplementary opinions.

The question of meeting deadlines for submitting proposals for amendment was also discussed. The Bureau has issued a recommendation to all members on this matter - albeit not until 12 June 1996 - to waive the 24-hour deadline stated in the rules of procedure and apply a limit of three working days for the plenary session so as to allow sufficient time for translations to be carried out and proposals to be distributed.

Besides the question of the mode of operation of the commissions, the Dammeyer working party raised a number of points concerning the rules of procedure as a whole. Accordingly, in keeping with Article 43 of the rules of procedure, it is necessary to set up an ad hoc commission to conduct an overall review of the rules of procedure. This means that questions concerning the COR rules of procedure will continue to be on the agenda for some time to come.

### 5.3 Composition and attendance of the members

The diversity of the Committee's membership has been identified by many experts as the greatest problem for COR's work. In some quarters it is even asserted that "lumping together" local and regional representatives in the new body was a deliberate ploy by the Council of Ministers to weaken COR's position from the outset. Moreover, the Maastricht Treaty left room for interpretation so that the appointment of COR members by the corresponding national governments caused considerable tension and ill feeling, especially in Germany, and in the end also delayed the time of COR's formal establishment. The main issue of contention was whether all States should also send representatives from the local level, or only those states which do not have a clearly identifiable "regional" level established by law.<sup>33</sup> In Germany, for example, the arrangement adopted was to have 16 seats at federal state level, three seats for the main local authority associations and the remaining five seats are rotated among the federal states.<sup>34</sup>

<sup>33</sup> Taken from Rudolf Hrbek/Sabine Weyand. "betrifft: Das Europa der Regionen. Fakten, Probleme, Perspektiven." Munich 1994. p. 135.

<sup>34</sup> Cf. the appointment procedure in each member state, von Ameln in: Christian Tomuschat (Ed.). "Mitsprache der dritten Ebene in der europäischen Integration: Der Ausschluß der Regionen". Bonner Schriften zur Integration Europas. Volume 2. Bonn 1995.

TABLE 2

	Regions	"Intermediate Area" (Provinces, departments, districts, etc.)	Local authority level	Total
Belgium	12			12
Denmark		4 (+1)	4	9
Germany	21	1	2	24
Finland	1		8	9
France	12	6	6	24
Greece		2	10	12
Ireland		7	2	9
Italy	12	5	7	24
Luxembourg			6	6
Netherlands		6	6	12
Austria	9		3	12
Portugal	2		10	12
Sweden		4	8	12
Spain	17		4	21
UK		8	16	24
<b>Total</b>	<b>86</b>	<b>44</b>	<b>92</b>	<b>22</b>

Table 2<sup>35</sup> above sets out the provisions made in each EU member state. But this table is only an attempt to reflect the situation in the member states and to assign the members to the various regional and local levels. This task becomes problematic when, for example in the case of Ireland, local representatives are called on by the government to participate in representation at "regional" level or again in the case of France, where regional representatives usually hold the office of mayor as well.

It would be more instructive to distinguish the regions by their legislative or administrative powers or to apply the criterion of fiscal sovereignty. Dividing up the regions according to scientific criteria<sup>36</sup>, making a well-founded distinction from the local level and assigning COR members to the corresponding categories is still a task to be undertaken.<sup>37</sup>

On examining Table 2 it can be seen that the total number of regional representatives comes to 86. At local level, however, there would be 92 COR members. But the table cannot mirror the broad diversity existing within Europe. Rather than taking a single snapshot of COR's composition it is actually more instructive to observe the dynamic process by which politicians are appointed COR members.

So far there have been no signs in practice of a conflict of interests between local and regional representatives. Proposals for amendment have, it is true, frequently added the adjective "regional" or "local" to the texts. But the members have clearly demonstrated their will to take COR's work forward on a joint basis and - after the running-in period during which mayors and minister-presidents had to get accustomed to sitting side by side - to pursue a common goal: achieving stronger local and regional bodies in Europe.

The enlargement to include 9 members from Finland and 12 each from Austria and Sweden has not changed this situation. The Secretariat-General was in any

<sup>35</sup> See also Joseph Gallacher. Committee of the Regions: an opportunity for influence. Local Government International Bureau. Special Report No. 3. London 1995. p. 11.

<sup>36</sup> Cf. the attempt by Knemeyers to devise five model regions. In Franz-Ludwig Knemeyer. "Europa der Regionen - Europa der Kommunen: Wissenschaftliche und politische Bestandsaufnahme und Perspektiven." Baden-Baden 1994. p. 90.

<sup>37</sup> In an internal document, Thomas Wiedmann arrives at different conclusions. First of all, he only differentiates between "regions" and "local bodies", whereby he makes a distinction between a "higher level" and a "lower level" for the local bodies. Furthermore, as a departure from Table 2, he places six Dutch members squarely in the regional category rather than the "intermediate area". In his view, all Greek members should also be placed exclusively in the lower local level. Altogether, his method results in 92 regional representatives, and 35 representatives at the higher level and 95 at the lower level of the local bodies.

case confronted with major new organisational problems in that COR still had scarcely any fixed structures at that time. But perhaps it was also an advantage for COR to be able to continue to tap the talent for improvisation which had served it so well so far. In any case, the room/space problems affecting the plenary assembly in February 1995 recalled the early days of COR. In this connection, not only did the rules of procedure require revision in order to make two seats available in the Bureau for each of the three new delegations. Arrangements also needed to be made for the new members to participate in the work of the commissions. The Secretariat-General had taken the precautionary step of formulating some proposals for the event that delegations from the acceding countries claimed to chair a commission. However, the Finnish, Swedish and finally also the Austrian delegations decided to waive this claim in the interest of COR. That does not mean that they will never seek to assert this claim. It is foreseeable that this question will be placed on the agenda again, at latest during the new term of office. The Bureau also had to deal with the consequences for the budget since the number of members had risen by 17.5%. This led to higher costs, for the reimbursement of members' travel expenses and for interpretation and translation into two new official EU languages. Apart from the financial consequences, other arrangements had to be made concerning extra staff in the Secretariat-General.

But the political consequences of enlargement are more important for COR's work than the organisational challenges. For in spite of the new, traditionally strong regions from Austria, only 10 of the 33 new members can definitely be categorised as being at regional level. There has therefore been a shift of emphasis towards the local bodies. The enlargement also involved a strengthening of the northern regions, thereby creating a potential counterweight to the hitherto successful "southern wing" within COR.<sup>38</sup>

38

The "southern wing" has already scored a success with the election of Blanc and Maragall as president and first vice-president of COR against the alternative pair of Van den Brande and Gray.

STATISTICAL OVERVIEW 1994-95

Advisory Services Directorate - Statistics on "Attendance by COR members from 14 June 1994 to 18 December 1995 (%)"

	D	A	B	DK	SP	FIN	F	GR	IR	I	L	NL	P	UK	S	Total	Rank
Commission 1	78	42	33	46	28	75	28	6	71	40	79	4	29	80	58	47	7
Sub-commission 1	53	0	50	40		67	30	0	80	36	100	30	100	88	50	55	2
Commission 2	48	33	63	33	43	100	58	38	67	36	81	13	54	93	75	54	3
Sub-commission 2	33		25	25		100			100	45	100	25	75	90		64	1
Commission 3	52	44	37	40	42	89	28	60	73	34	60	7	43	72	89	48	6
Sub-commission 3	56	50	0	50	50	58		50	78	37	67	8		70	88	51	4
Commission 4	46	38	5	38	6	83	17	38	90	21	71	14	48	86	92	41	12
Commission 5	45	0	8	38	11	100	38	54	81	36	75	33	33	80	67	45	10
Commission 6	29	100	27	33	28	67	30	80	85	8	90	7	47	88	100	46	9
Sub-commission 7	51	25	52	19	0	100	38	52	86	29	93	0	19	89	83	49	5
Commission 7	33		0	50				67	42	20	100	0		73		47	7
Commission 8	15	31	23	55	13	61	31	32	80	25	82	35	32	71	94	42	11
Total	45	35	28	39	20	81	34	42	78	30	80	18	39	81	81	47	
Rank	6	10	13	8	14	1	11	7	5	12	4	15	8	1	1		

TABLE 3

At this point we shall take a look at the very instructive statistics on members' attendance of the commissions.<sup>39</sup> It can be seen that members' attendance at meetings averaged 47% in 1994, levelling off at this level during the 1994-95 period as a whole.<sup>40</sup> But attendance of individual commissions ranged from 41% to 64%. The percentages differ even more widely when the attendance figures are viewed according to the criterion of nationality. In that case the figures fluctuate from 18% to 81%. The following trend emerges here: one group of delegations with a distinctly higher attendance (Finland, Sweden, United Kingdom, Luxembourg and Ireland), another group in the centre with figures of between 34% and 45% (Germany, Greece, Denmark, Portugal, Austria and France) and a third group with extremely low attendance figures (Belgium, Spain, Italy and the Netherlands). It is also clear that the representatives of local bodies are much more closely involved in the work of the commissions than the regional representatives. Furthermore, the table shows that members' attendance is linked to the nationality of the corresponding chair. However, the table does not reveal how often the members attend in person or how often they arrange to be represented by another member, whether on one occasion or regularly.

The importance of the statistics on members' attendance of commission meetings, in particular those giving the first indications about such matters as the quorum, the political weighting of members or their commitment within COR, should not be under-estimated for the future work of the commissions. This question will be discussed again at the end of this document.<sup>41</sup>

#### 5.4 Developing internal structures for political decision-making

The internal structures for political decision-making in COR are only gradually taking shape and are by no means established yet. For instance, COR members who hold important political offices in their regions and local authorities, unlike members of the European Parliament, do not have the opportunity to concentrate exclusively on the work in Brussels and to build up a corresponding European network of contacts "on the spot in Brussels". So it is not surprising - although contradictory for an institution such as the Committee of the Regions - that the national element should step into this "void". A series of preliminary decisions were taken largely by the national delegations, on such matters as the following:

- the election of the president and first vice-president of COR;

<sup>39</sup> The statistics include the duly appointed substitute members.

<sup>40</sup> Cf. Table 3.

<sup>41</sup> Cf. Section 6.

- preparation of proposals for the vice-president of the Bureau;
- appointment of deputy chairs of the commissions;
- appointment of members of the working party on the rules of procedure (working procedures of the commissions)
- as well as on the assignment of members to the commissions and sub-commissions.

The national delegations also ensure that national quotas are observed when staff are recruited to the Secretariat-General. Five auxiliary staff are also employed at the Secretariat-General which - apart from the German and Austrian delegation - deal with COR delegations and associated questions. Given the tight budget situation these six posts originally planned to be temporary contracts are competing with the six temporary posts planned for the political groups. The future of the regional co-ordinators in COR is still uncertain.

To date co-ordination through the national delegations has had the major advantage of fewer language problems: meetings could be held without expensive interpreting. However, it is understandable that only questions of principle could be co-ordinated in this fashion, and that no political majorities could be obtained. Other mechanisms are needed for that purpose, mechanisms currently in genesis.

On the sidelines of the plenary meeting in November 1994, the two large political groups were formed: the European People's Party and the European Socialists. Today, each group has 83 full members. Mr Chabert was elected chair of the European People's Party and Mrs Onkelinx chair of the European Socialists. Prof. Dr. Dammeyer has since taken over as chair of the Socialist group.

In February 1995 the political group of the so-called "Radicals" was founded, including members of the Volksunie from Flanders in Belgium, the Scottish National Party, Plaid Cymru of Wales, Fianna Fail of Ireland and the Green Party. Today it is called the European Alliance and has 13 members. The Welshman, Mr Wyn, was elected as its chairman. The chairmanship of the fourth political group - the Liberal, Democratic and Reformist Group, also created at this meeting with 25 members at present - was assumed by Mr Roscam Abbing of the Netherlands.

At the 6th meeting of the Bureau it was decided to make a suitable meeting room with interpreting facilities available for meetings of the groups. The second meeting of the ad hoc working party on the rules of procedure, chaired by Mr

Dammeyer, succeeded in establishing the essential provisions for the recognition and working procedures of the political groups.<sup>42</sup>

1. At least 22 full members or substitutes from at least three member states are required to form a political group. In order to cater for the smaller groups, an additional provision also allowed at least 20 members from at least four member states to form a political group. In both cases, however, half the required number of members must be full members.
2. Notification of a political group is officially declared and published in the Official Journal.
3. The chairs of the political groups attend Bureau meetings in an advisory capacity.
4. The Secretariat-General assists the work of the political groups and makes the necessary material and human resources available. Six temporary A7-grade posts are provided for this purpose, whereby both of the large groups get two posts each, and both of the small groups one post each.

Although the Bureau defines the role of the political groups in accordance with Article 22 § 3 of the rules of procedure, a range of other matters still remain outstanding for the future:

It is not yet possible to predict whether other political groups will emerge or what role they will play in future political decision-making. It is also not yet clear whether the groups will have their own budget.

The formation of the political groups has not in any case affected the content of COR's work so far. But this will certainly change if the political groups influence the appointment of the rapporteurs as well as the work programme of the commissions. One other question under discussion is whether the political groups should be given the right to come forward with proposals in the commissions. The future importance of the political groups will mainly reside in their co-operation with the political groups in the European Parliament. This could enable COR to get across some important political messages to the European Parliament and in that way win greater influence over the legislative process. Furthermore, the groups will certainly play a key role in future personnel policy.

So far, there has not been any institutionalisation of single-issue or regional groups. There is only the informal "Mediterranean group" whose request for recognition as a group sparked off a lively debate about the future of COR. This

<sup>42</sup> Cf. CdR 37/95.

debate also highlighted a new form of north-south conflict which COR had already experienced with the debate on the wine market regulations, and which again made itself felt when the drafting of an own-initiative opinion on the drought in southern Europe was being assigned to the commissions.

An institutionalisation of single-issue groups within COR currently seems premature for two reasons. Firstly, this would incur expenses not foreseen by the COR budget. Secondly, the formation of groups is a diversion from the main common objectives which the members should be pursuing, particularly during the early stages. But in the medium and long run COR may well be confronted with a series of "Intergroups" in emulation of the European Parliament.<sup>43</sup>

## 6. The future of the Committee of the Regions

### 6.1 Establishing the main policy areas

Already during its first year of operation, the Committee of the Regions had to tackle a heavy workload. And yet during 1994 only 27 opinions were adopted, rising to 38 in 1995 and 47 in 1996. The adoption of 50 opinions per year, with the number of plenary meetings continuing at the tried and tested rate of 5 per year, can certainly be regarded as a maximum - without making any judgement as to what the "optimum" workload will be in the future. Establishing the main policy areas is crucial for COR's future from two angles. Firstly, in order to have enough time for policy debate during the plenary meetings, and secondly to make it clear that COR only deals with subjects which are of general interest to local bodies. COR would forfeit its credibility if it turned into just a "production line". Therefore, when drafting opinions it must always be ensured that the interests of local and regional bodies are actually concerned. Consequently, when COR is required to be consulted by the Council, it must also have the option of refusing to draft an opinion, as has already happened when it was consulted on the "Portuguese textile industry" or on "satellite communications".

In this connection, the ratio of "optional" to "compulsory" opinions is very significant. Whereas during 1994 only 6 out of the 27 opinions delivered were own-initiative opinions, in 1995 the 24 own-initiative opinions outnumbered the 14 consultations by the Council and Commission. However, in a conscious effort to limit the number of own-initiative opinions, the ratio in favour of consultation

<sup>43</sup> See CdR 4/95 rév. (15).

opinions was restored in 1996: 20 own-initiative opinions compared to 27 compulsory or optional opinions. At the same time, this shows that the problem of an excessive number of own-initiative opinions was recognised early on and that COR was able to remedy the situation.

At this point, it is again worth considering the link between establishing main areas of policy and attendance by members. With 5 two-day plenary meetings taking place annually and some five commission meetings, a member - who generally sits on two commissions - must set aside at least 20 days a year for working in Brussels. And that does not even take account of the time taken up with travelling to and from Brussels. However, the members' schedules are generally very tight - even leaving aside their duties as mayor or president of a region. So there is certainly room for some improvement here, for which there are two possibilities. One would be to staff the commissions with officials who take charge of preparing the work - as the German federal states are calling for along the lines of the *Bundesrat*. However, this model was and is scarcely viable, particularly in view of the demands being made to the Intergovernmental Conference that an election mandate be laid down as a precondition for membership of COR, thereby underlining the political orientation of the Committee. Alternatively, the number of commissions could be reduced and each member assigned a seat on only one commission. At present this appears to be the more realistic option.

So if COR wants to avoid taking up even more of its members' time in future, but maintain and improve the quality of its opinions and to enhance its political influence, then it needs to take further steps to tighten up its working procedures. Below are some possible examples of such action:

1. First of all it is important to give the COR work programme a strategic slant and to design it with a view to achieving co-ordination between the commissions and also - as far as possible - to incorporate the own-initiative opinions. Since the Bureau is prevented by its heavy workload from doing so itself, a high-ranking expert group should look into the idea of a multi-annual work programme.
2. With this object in view, the themes selected for the coming calendar year should in the first instance be those which can be dealt with as quickly as possible. The major advantage of COR is its high degree of flexibility and the fact that it can draft relatively rapidly very concise position papers which can then serve as the first basis for debate. Accordingly, COR position papers could be distributed at the beginning of the debate in the European Parliament. These position papers, which could be largely identical with the resolutions to be adopted, would at the same time serve as a basis for comprehensive lobbying.

3. At the same time a number of themes should be filtered out which for reasons of their importance or complexity call for more in-depth discussion. That also includes subjects on which a preliminary position has already been adopted. Furthermore, these activities should be built into a strategic overall concept encompassing, for example, seminars, conferences and the production of studies.
4. It should also not be forgotten that COR needs to take its role as an advisory body very seriously if it wants to claim participation rights in the long term. COR should therefore in future step up the number of proposals for amendment it produces concerning important planned EU legislation. New procedures must also be found to enable COR to deal adequately with the European Commission reports which will frequently be forwarded to COR in future.
5. As well as the strategic orientation of the work programme, it is important to keep a constant check on the efficiency of COR's work structures. For example, the "filter" for the drafting of own-initiative opinions must be strengthened - at the level of both the Secretariat-General and the Bureau. Own-initiative opinions which extend beyond the boundaries of the work programme should only be permitted in well-founded cases. Work structures should also be transparent, for instance with respect to the appointment of rapporteurs. In addition, it is important that the structures continue to have a simple form, e.g. as already practised, such that supplementary opinions are avoided. The same applies to the appointment of co-rapporteurs, at least in those cases in which an opinion has to be issued as quickly as possible.
6. Greater efforts are also required to improve the input from the regions and local authorities and to create a better feedback. The full range of modern communications technology should be considered for this purpose so as to institute an on-going dialogue between the members, local bodies and regions and COR. This is necessary not only to input the existing but widely-dispersed expertise into COR's work, but also to bring decision-making closer to the citizen, which the creation of COR was intended to achieve. By involving local and regional bodies more closely as a whole, this might also in certain circumstances lead to other priority areas of work, such as internal affairs and justice.
7. One last aspect concerns the work "output", in particular involving the rapporteurs more closely in the follow-up of opinions. For each opinion a plan should be drawn up which embraces all the possible avenues for political influence. Feedback on this "follow-up work" by the rapporteurs

should take place in the commissions, covering such matters as their attendance of conferences, etc.

As already mentioned, the number of commissions should be reduced for the second term of office. Possibly, there could be six "committees" with the following remits:

- regional development, structural funds, cohesion
- trans-European networks, transport, energy, telecommunications, information society
- agriculture, spatial planning, environment
- culture, media, education, training, research, youth, sport
- health, social affairs and employment, consumer protection
- economy and finances, SMEs, tourism, internal market.

Mid-way through the term of office, the post of chair could be rotated, i.e. after two years the chairmanship would be given to a vice-chair. In addition, small working groups meeting on an irregular basis should be founded to deal with important European Union issues covering a number of areas. Three bodies could be created, covering institutional affairs, urban policy and the "Citizens' Europe". These working groups should be set up in the medium term with a remit to prepare reports aimed at a wide public readership and the findings of which could in some circumstances form the input into opinions and resolutions.

COR would then also be in a position to do justice to the following three functions:

1. to fulfil the task laid down in the EC Treaty to act as an advisory body in the areas stipulated for this purpose;
2. to act as a catalyst in that way that COR takes up existing initiatives by the regions and local bodies and formulates own-initiative opinions;<sup>44</sup>

<sup>44</sup> This was the case, for example, concerning the cooperation of COR members instituted by North-Rhine Westphalia on 26 October 1994 on the subject of the information society, and concerning the initiative of the European regions on 3/4 November 1994 in Gatwick for a European airport network - in both cases own-initiative opinions were produced.

3. delivering important and urgent messages as well as serving as a necessary and valuable bridge between the European institutions on the one side, and the European citizen on the other.

## 6.2 Successful public relations work

During a meeting of the Bureau, the secretary-general, Mr Pause, rightly referred to the three key objectives of the Committee of the Regions, namely "to influence the decision-making process of the European Union, to monitor compliance with the subsidiarity principle and to be seen as the intermediary in the Citizens' Europe".<sup>45</sup>

But before it can achieve this last objective, COR still has a long way to go. It will take years of intensive public relations work until COR as representative of a "Europe of the regions" also comes to be seen as the European citizens' own champion. According to a study published by the Commission on the citizens' familiarity with European regional policy, 70% said that they had not heard of the Committee of the Regions.<sup>46</sup>

The problem is not only that COR's commitment to achieving greater involvement of local and regional bodies and thereby greater closeness to the citizen is hardly known about. The importance of the work first needs to be "translated" and so rendered comprehensible to the citizen. The idea of a "Europe of the regions" is after all very easy to get across. "There is much to indicate that an accountable regional political level with sufficient powers and resources is an important factor in the economic success of the internal market and structural change in the economy."<sup>47</sup> Furthermore, it has been observed that the citizens have a "greater interest in protecting linguistic, cultural and other specifically regional characteristics".<sup>48</sup>

Much depends on the commitment of the members who bring their experiences to Brussels and take information about European policy back to the regions and local bodies. In this respect, COR should seek to cooperate more closely than

<sup>45</sup> Cf. R/CdR 17/95.

<sup>46</sup> Cf. European Commission: "La notoriété des politiques régionales en Europe. Etudes de développement régional. No. 23. 1996. Page 65.

<sup>47</sup> Cf. Christian Engels. "Der Ausschuß der Regionen im institutionellen Wandel der Europäischen Union. In: Joachim Jens Hesse (Ed.): "Regionen in Europa - Regions in Europe - Régions en Europe. Die Institutionalisierung des Regionalausschusses." Volume I. Baden-Baden. 1995/96. Page 274.

<sup>48</sup> Idem. Page 274.



hitherto with the regional and local authority offices, now numbering over 100, which have set up in Brussels, for they have a key role in processing and relaying information for their own particular region. There is also a need to improve the way in which the numerous visitor groups are catered for. It would be a good idea, furthermore, to increase COR's presence in the regions by such means as holding commission meetings more often in the regions themselves. It may also be possible that a "European Year of Local and Regional Bodies" may be designated, as COR has called for in a resolution.

COR should also make a contribution to the European Commission information campaign which is designed to bring European Union policies closer to the citizen. The Commission could then justifiably use COR as an "instrument for popularising the Community" for its three current information campaigns "Shaping Europe together", "The Euro, a currency for Europe" and "Citizens First". The COR "Info Point" set up in Brussels is just one example of how seriously COR takes the idea of a policy tailored specifically to the citizen.

For improving public relations work, greater use must be made of modern communications technologies. This not only involves communication between Committee members themselves, but also those between regional and local bodies on one hand, and COR on the other. On this point, in conjunction with DG XIII, the highly promising initiatives such as IRISI, ELANET and EPRIWATCH could be pursued and expanded. The networking between European federalism research and COR, as planned by Tübingen university, should also receive backing.

Also of decisive importance for COR's work, however, are the public relations activities with respect to the EU institutions. This is relatively unproblematic as regards the European Commission which, thanks to the Commissioner responsible for regional policy, Mrs Wulf-Mathies, has made every effort always to support the work of COR.

Strategically of greater importance is the improvement in co-operation with the European Parliament. This firstly concerns direct contacts between the corresponding rapporteur of COR and the European Parliament. As a result of, for example, good contacts between the rapporteurs, commission 6 has succeeded in causing the European Parliament to incorporate several passages from the COR opinion<sup>49</sup> which were then published in that form in the Official Journal.

The political importance of the European Parliament for COR ought not to be under-estimated. Not only does the Parliament have an important place in the

<sup>49</sup> The opinion concerned was on organising a "European Year for life-long learning (1996)" (CdR 244/94).

legislative process, but as the budgetary authority it also decides on the so-called non-compulsory expenditure and therefore also on the COR budget, which in 1994 stood at just ECU 12 million and in 1996 amounted to ECU 16.07 million.<sup>50</sup> The political groups in COR could try to find political partners in the European Parliament, particularly since the shared aims of COR and the European Parliament are to implement the principles of democratisation, transparency and closeness to the citizens.

In connection with the Intergovernmental Conference, the Council of Ministers also needs to be convinced that COR's work can make an important contribution to enhancing the European Union's legitimacy in the eyes of the citizen.

### 6.3 Participation in the debate on institutional reform

At the meeting of the Institutional Affairs Commission in Montpellier, the members achieved agreement in principle on the following points of their demands to the Intergovernmental Conference:<sup>51</sup>

- on the reformulation of the subsidiarity principle, which Mr Maragall once described as the "visiting card of the Committee of the Regions"; in particular the criterion for assigning responsibilities and tasks between all the administrative levels represented in the European Union;
- in the demand for a political mandate to be laid down as a precondition for membership of COR; COR was in this way countering the danger - as Mrs Wulf-Mathies expressed it - of throwing away its future as a "committee of civil servants";
- in COR's demand for recognition as a fully-fledged body with organisational and budgetary autonomy.

With the adoption of the opinion on the "Revision of the Treaty on European Union" by the plenary session on 21 April 1995, COR succeeded in being the first European institution to make a contribution for the Reflection Group desig-

<sup>50</sup> AER had called for ECU 40 m and ECOSOC assessed the COR budget at ECU 23 m. The member states Germany, Spain and Belgium had put on record during the budget discussions in the Council of Ministers that they considered the amount decided on - of ECU 12 m - too low to allow the Committee to operate; cf. Ulla Kalbfleisch-Kottsieper in: Udo Bullmann (Ed.). "Die Politik der dritten Ebene: Regionen im Europa der Regionen". Baden-Baden. 1994. Page 139. As a consequence of enlargement the 1995 budget was raised to ECU 15.7 m.

<sup>51</sup> Cf. the report of the Baden-Württemberg State Ministry of 16 March 1996.

nated to prepare the 1996 Intergovernmental Conference. As well as the points mentioned above, the list of demands by Mr Pujol-Papiers<sup>52</sup> includes establishing local autonomy and cross-border co-operation in the Treaty, the communalisation of justice and internal affairs, further development of the concept of Union citizenship and looking into the incorporation of a list of basic rights. COR also demands that its advisory functions be extended and that the EU institutions be required to give their reasons for departing from COR opinions. Whereas in the case of complaints of inaction it is being demanded that only COR have a right to initiate proceedings before the European Court of Justice, in the case of actions for annulment it is being demanded that a right of action be provided for COR and also for those regions which have their own legislative powers. On the other hand, the members have refrained at the present time from instituting a two-chamber system, as exists for example in the Council of Europe between the local and regional sides.<sup>53</sup>

This shows that COR has both a sense of realism and willingness to compromise. The constantly-recurring question of a so-called "third chamber" has dropped off the agenda for the time being. But that is not to say that in the long term COR cannot develop into a "third chamber" with rights of legislative initiative and participation.

The Reflection Group for the preparation of the Intergovernmental Conference considered the future role of COR at a number of meetings. The chair, Mr Carlos Westendorp, delivered a report on this subject at the plenary meeting on 16 November 1995. He let it be clearly understood that at the present time only the extension of COR's advisory functions and organisational independence from ECOSOC would be likely to attract majority support.

In the meantime, the Commission for Institutional Affairs has prepared a report on "The regional and local bodies as actors in European Political Union", which takes up and carries forward COR's positions to date. The report<sup>54</sup> analyses the possible contribution of the local and regional bodies to the democratic functioning of the Union and outlines the reasons why the involvement of these bodies in formulating, implementing and assessing Community policies is necessary. Considerable space is given over in particular to recognition of the principles of local

<sup>52</sup> Cf. CdR 89/95 fin.

<sup>53</sup> A division into two sides would have carried the additional risk that a third group of "intermediary bodies" might split away; cf. Ulla Kalbfleisch-Kottsieper in: Udo Bullmann (Ed.). "Die Politik der dritten Ebene: Regionen im Europa der Regionen. Baden-Baden. 1994. Page 142.

<sup>54</sup> Cf. CdR 282/96.

and regional autonomy, the practical application of the partnership principle and cross-border, inter-regional and inter-local authority co-operation. The report also recommends that the expression "territorial cohesion" be incorporated in the Treaty text. The rapporteur, Jacques Blanc, was unsuccessful in getting his proposal adopted that political surveillance of the subsidiarity principle be transferred to a tripartite body composed of members of the European Parliament, the national parliaments and the Committee of the Regions.

From 1 to 3 October 1996, the European Parliament and COR organised their first joint conference in Brussels: "Towards a democratic and solidarity-based Europe", covering economic and social cohesion and the future role of regional and local bodies in Europe.

In the joint final declaration the following positions concerning COR were adopted:<sup>55</sup>

- a) the recognition of its organisational and budgetary autonomy,
- b) the condition that its members must be elected representatives or politically accountable to a democratically elected assembly,
- c) the extension of its powers to a hearing by the European Parliament,
- d) an increase in the number of areas on which the Committee of the Regions must be consulted,
- e) the right to provide itself with its own rules of procedure,
- f) the incompatibility of simultaneous membership of the Committee of the Regions and the European Parliament,
- g) the right to initiate proceedings in the European Court of Justice to safeguard its powers.

The final declaration further expressed the view that States with a regional or federal structure must have guarantees that regions recognised in the constitution are represented in the Committee of the Regions.

The debate on federalism in the member states, as for example currently taking place in Portugal, Sweden and the United Kingdom, is also of importance for the future work of COR. This will also have repercussions for COR's future work. The point here is not to strive to harmonise the regional structures in Europe - even in Germany federal states have widely-differing structures. The aim is rather

<sup>55</sup> Taken from PE 219.693/end. Page 3.

to preserve the existing diversity of regional structures, which will contribute to strengthening construction of Europe.

It has rightly been claimed in various quarters that the present debate on the Intergovernmental Conference has come too early for COR because so far it has had little time to convince the other EU bodies of the importance of its work. Therefore, the consolidation of its work is now in the foreground. At the same time a discussion is under way at every level on the possible future role of COR: at the level of the Secretariat-General, the Bureau, the commission chairs, the working party on questions concerning the rules of procedure and at the level of the political groups and the national delegations. Their deliberations have focused both on ways of improving the internal organisation and on COR's external position. In so doing, all unanswered questions are on principle thrown up for discussion, such as the question of the future seat allocations, the inclusion of the "Euroregions" in COR's work, closer co-operation with the regional parliaments, the question of the "parliamentarisation" of COR, as well as the future ratio between regional and local bodies. This dynamic process in the wake of the first phase of COR's development and consolidation is entirely desirable and hopefully will have a positive outcome.

The process of European integration has so far seen a one-sided shift of the pendulum towards the centre in Brussels. But since it is the local and regional bodies which are responsible for implementing decisions taken in Brussels, the aim must now be to carry out a rebalancing exercise by means of greater decentralisation in Europe. "This rebalancing is unavoidable if European integration is not to grind to a halt. Federalism and subsidiarity provide the necessary framework for this development."<sup>56</sup> The Committee of the Regions can play its part by acting as watchdog and catalyst. In this way "a picture is emerging of a European condition in which democratic opinion-forming takes place at several geographical levels, whereby the relative weights of these levels can be distributed very differently depending on the political subject concerned."<sup>57</sup>

<sup>56</sup> Taken from Christian Calliess in: Tilman Evers. "Chancen des Föderalismus in Deutschland und Europa." Baden-Baden 1994. Page 191.

<sup>57</sup> Taken from Thomas von der Vring in: "Zukunft und Kulturwerkstätte (Ed.) Designing Europa. Entwürfe zur politischen Architektur Europas." Werkstattblätter Nr. 1h. 6th year. Vienna 1994. Page 107.

## 7. Documentation of the plenary sessions

This section reviews the proceedings of the first twelve plenary meetings of the Committee of the Regions in chronological order. In each case a brief rundown is given of the main items on the agenda. Key statements by the guest speakers are also outlined so as to give an impression of views concerning the newly-fledged institution.<sup>58</sup>

### The constituent meeting on 9 March 1994

The constituent meeting of the Committee of the Regions took place on 9 March 1994 in the new plenary chamber of the European Parliament. The interim president, Mr Bollendorff of Luxembourg, opened the meeting and first of all read out a letter from the President of the Council of the European Union, which included the following:

*"I would point out that Article 198 b of the Treaty on European Union states that: The Committee of the Regions shall adopt its rules of procedure and shall submit them for approval to the Council, acting unanimously.*

*Until these rules of procedure have been adopted, the Committee of the Regions could be guided in its operation by the rules of procedure of the Economic and Social Committee, a copy of which is enclosed."*

Being in possession of the above-mentioned rules of procedure, the interim president declared that the Committee was constituted for the first four-year term of office in accordance with Article 2. For the purposes of determining the number of Bureau members, however, it was decided not simply to take over the ECOSOC provisions. The number of Bureau members was accordingly set at 30 and it was decided to set up a preparatory group to co-ordinate the process of putting forward candidates from the various member states.

In his opening address, the interim president, Mr Bollendorff, said that the restructuring of the European area and the desire of the citizens of the Union for participation rights and decentralisation made it necessary to create a forum to evaluate Community policies in which the regions and local bodies are themselves in the driving seat. "The creation of a regional committee is an expression of the will to take the new dynamics and fresh points of reference into account

<sup>58</sup> Cf. the minutes of the plenary sessions: DI/CdR 25/94, CdR 22/95, CdR 51/94, CdR 184/94, CdR 250/94, CdR 23/95, CdR 149/95, CdR 236/95, CdR 306/95, CdR 278/95, CdR 26/96 and 117/96.

and to open the way for decentralising the process of European construction. Whether it be a federal state, region, autonomous community, province, department, canton or district: all are essential and indispensable cogs in a new "Realpolitik", as mapped out in the Treaty on European Union and as reflected in the expectations of its citizens." The interim president went on to say that the continued efforts to promote democratisation and bring EU policies closer to the citizen mean that the "elitist approach which is far-removed from the citizen" must be relinquished. In his view, the Committee of the Regions is visible proof of the diversity which constitutes the wealth of the Community and is a guarantee of its continued existence."

As the first external speaker, the former president of the European Parliament, Mr **Egon Klepsch**, addressed the members of the assembly. Mr Klepsch took the view that the Committee of the Regions filled an existing gap: "Situated between the European and national level on the one hand, and the citizens on the other, our people now have an opportunity to make their voices heard formally and officially in the Union at every institutional level of the democratic system." Mr Klepsch emphasised that the European Parliament always held fast to its guiding principle of involving the regional and local level in the Community's decision-making process. In this connection, he referred to the second joint conference organised by the European Parliament and the Committee of the Regions in Strasbourg at the end of November 1991. Mr Klepsch offered the COR members a "work contract"; in particular, he advocated an on-going exchange of documents and information, and frequent contacts between rapporteurs and commissions or committees. Furthermore, in his view COR's opinions should be forwarded to the Parliament before the Parliament itself had taken up a position.

There was great interest in the contribution of the then Commission president, **Jacques Delors**. Mr Delors said the creation of the Committee was justified on the grounds that it enhanced the democratic legitimacy of the Union. However, he attempted to clear up some possible misunderstandings: the European Union consists of national states and Article F § 1 of the Maastricht Treaty also explicitly established this fact. At the same time, on a critical note, he remarked that the Committee of the Regions risked blurring the sharpness of its profile if it produced too many own-initiative opinions. It would, on the other hand, gain credibility if it focused on a few key subjects such as structural policy, the trans-European networks, implementation of the White Paper on "Competitiveness, Growth, Employment", European land-use planning as well as the application of the subsidiarity principle.

Representing the Greek presidency of the Council, the Greek Foreign Minister, Mr **Tsochatzopoulou**, addressed a few words to the members of COR. He like-

wise pointed out that, along with the European Parliament, the Committee was a key institutional factor in filling the "democratic deficit". As such, the Committee could in particular help to overcome the regional disparities in Europe. Mr Tsochatzopoulou expressed special gratitude to the founding organisations, CEMR and AER, which had laid the foundation stone for what, in his view, was a particularly important new Community institution.

Taking centre stage at this meeting was the election of the president. There were four candidates standing for election, although Charles Gray withdrew his candidature before the first ballot. The first ballot resulted in 56 votes for Mr Blanc, 55 for Mr Maragall and 50 for Mr van den Brande. As both Mr Maragall and Mr van den Brande then also withdrew as candidates, Jacques Blanc (member of UdF, president of the Region of Languedoc-Roussillon and president of AER at that time) was the only candidate for the second ballot. Mr Blanc was elected by 97 out of 170 votes as the first president of the Committee of the Regions. It was however agreed that Mr Blanc would hand over this office after two years to Mr Pasqual Maragall (member of PSOE, Mayor of Barcelona and president of CEMR at the time). The election of Mr Maragall as first vice-president of COR and the agreed changeover of the presidency mid-way through the term of office was also an elegant solution to balancing the regional and local interests as well as the party-political interests of the members.

#### **The second plenary meeting on 5 and 6 April 1994**

During the second plenary meeting, the spotlight was on the pre-draft rules of procedure for the Committee of the Regions, which was adopted on 6 April 1994 and submitted to the Council for formal approval. Compared with the draft produced by the ad hoc group which met on 17 March 1994 under the chairmanship of Mr van den Brande, the changes made were only minor. These included provisions governing the urgent submission of opinions to the Council, clarification of the substitute question and changes in the number of members and vice presidents of the Bureau. Provision was also made for the Bureau to resolve implementing rules for the rules of procedure governing the detailed operation of the Committee's bodies and financial aspects of its work. The plenary session further decided that COR members might belong to at least one, but a maximum of two commissions. The task of establishing the commissions was however postponed until the next plenary meeting. Proposals for amendment relating to the possibility of forming political groups were rejected.

During this plenary meeting, the Committee of the Regions also adopted its first opinion which concerned the setting up of the cohesion fund and for which the

rapporteur was Mota Amaral, president of the Autonomous Region of Azores (Portugal).

In his address, the president, Mr Blanc, welcomed the Commissioner, Mr Schmidhuber, and in particular expressed a desire for COR to have its own premises and to be independent from the Economic and Social Committee.

#### The third plenary meeting on 17 and 18 May 1994

The plenary assembly returned its attention to the rules of procedure following the decision by the Bureau meeting on 16 May 1994 to make a number of formal amendments asked for by the Council. These amendments concerned Articles 11, 15, 27 and 29 of the pre-draft rules of procedure. The only matter which prompted discussion in the Bureau concerned the question as to whether meetings of the commissions should be in camera. The Bureau reached agreement that the commission chair should decide in view of each agenda whether or not to open the meeting to the public. The plenary assembly approved this amended text of the rules of procedure.

On the occasion of the plenary meeting, the constituent meetings of the commissions also took place, which in turn elected their chairs. Altogether, eight commissions and four sub-commissions were formed to prepare the content of the plenary session discussions.

The meeting also revolved around the adoption of opinions. A total of 11 obligatory opinions were adopted. Of foremost importance amongst these was the opinion on the future of Community initiatives under the structural funds. Mr Gerster, the then Rhineland-Palatinate Minister for European Affairs and first German rapporteur for the Committee of the Regions, succeeded in marshalling the differing interests of the members and achieving a general consensus in spite of some protests.

The guest speaker, **Jacques Delors**, reviewed the process of European integration and highlighted the importance of the three principles of competition, co-operation and solidarity for the future of Europe. He again welcomed the creation of the Committee of the Regions, since this could foster support amongst the population.

The president, Mr Blanc, thanked the Commission president for the personal interest he showed in the new institution, and went on to stress that at all events efficiency, democracy and transparency in Europe must be safeguarded and further developed.

#### The fourth plenary meeting on 27 and 28 September 1994

At the centre of the meeting was the adoption of a further eight opinions. Of particular importance were the opinions on the White Paper on Growth, Competitiveness, Employment, on trans-European transport networks and on the exercise of municipal election rights "for citizens of the Union residing in a member state of which they are not nationals."

A stir was created by the debate on the reform of the common organisation of the wine market. The adoption of the opinion was postponed until the next plenary meeting owing to the strong differences of opinion between the rapporteur from Extremadura, Mr Rodriguez-Ibarra, together with his south-European "allies" and the representatives of north-European, in particular German, wine-growing regions. The dispute centred on the wording of the conclusions f) of the COR opinion, according to which:

*"Enrichment should in all cases take the form of the addition of rectified grape must concentrates so that the characteristics of the wine so obtained are not altered."*<sup>59</sup>

This wording had the effect of rejecting the use of other wine-production methods traditionally and commonly used in northern Europe, such as enrichment with sucrose.

A central aspect of the political debate was the exchange of views with the then Commissioner responsible for regional policy, Mr **Bruce Millan**, on the subsidiarity principle and European policy on land-use planning. Mr Millan emphasised that a fundamental objective of the Commission was to forge a relationship with the regional and local bodies based on genuine partnership, even if the member states did not always seem willing fully to support this aim. The principal aim of the new document "Europe 2000+" on land-use planning policy was to create a reference framework for land-use planning in Europe which would enable the potential for regional development up to the year 2000 and beyond to be evaluated. Mr Millan considered it imperative for the development of regional and local policy that the Intergovernmental Conference in 1996 concern itself with the land-use planning question.

In the course of the debate, the vice-president, Mr Dammeyer (North-Rhine Westphalia) described the Commissioner's words as encouraging since they clearly indicated that the regions were now viewed as an important partner in dialogue on the construction of the European Union. Mrs de Granrut (Picardy) in particular expressed the view that the Committee of the Regions should partici-

<sup>59</sup> Taken from CdR 242/94. Page 13.

pate in the work of the so-called Regional Development Committee, to which currently only representatives of the member states and the Commission belong.

#### The fifth plenary meeting on 15 and 16 November 1994

The fifth plenary meeting once again took a number of important decisions affecting the operation of the Committee of the Regions. The president, Mr Blanc, first of all welcomed the observers from Finland, Austria and Sweden. He introduced Mr Pause to the plenary assembly, whose appointment as secretary-general by the Council was imminent. He welcomed the official establishment of the political groups of the European People's Party and the European Socialists, to which Mr Chabert and Mrs Onkelinx were elected as respective chairs.

The plenary assembly again adopted seven opinions, including the "return" of the opinion on the wine market organisation which was finally adopted by a majority after causing considerable ill feeling amongst the members. The representatives of the northern wine-growing regions sought to have an absence of quorum declared during the plenary session but the COR president took the view that the presence of a quorum is only to be established at the beginning of a morning or an afternoon session of the meeting. A vote therefore took place on the opinion and it was adopted by a majority of the votes.

With the own-initiative opinion on the wine market organisation, for the first time the Committee of the Regions experienced the full force of the "north-south conflict" within the EU. At the same time, however, it also revealed that, in addition to their national viewpoints, the members also follow their specifically regional interests in COR.

For the first time the subsidiarity principle formed the focus of political debate. This debate ended with the passing of a resolution on this subject for submission to the European Council in Essen, and for which Jordi Pujol had drafted the basis. At the same time the special commission on institutional affairs was officially established, its remit being to prepare an opinion with proposals for institutional reforms of the Maastricht Treaty for submission to the Reflection Group meeting for the first time on 2 July 1995 in Messina.

A debate also took place with the Director-General for Regional Policy at the European Commission, Mr **Eneko Landáburu**, who welcomed the Committee's resolution on the subsidiarity principle. Mr Maragall was convinced that the most important aspect of this initiative was the fact that regional and local bodies, which had previously been in dispute with each other, were now standing together in support of this principle.

In the ensuing discussion, Mr Gomes from Portugal put forward the proposition of a link between the level of development of the European Union member states and their administrative and political structure. He pointed out that the least developed states, namely Ireland, Greece and Portugal, did not have independent regions.

#### The sixth plenary meeting on 1 and 2 February 1995

The sixth plenary meeting was attended by the new members from Finland, Austria and Sweden. This brought the number of members up from 189 to 222. The first debate also considered a possible way of institutionalising what was known as the "Mediterranean group" within COR.

The highlight of the political debate was a discussion with the new Commissioner for Regional Policy, Mrs **Monika Wulf-Mathies**. The Commissioner delivered an address which was generally highly-regarded. In her view, the concerns discussed in public about an excessive European bureaucracy and the loss of regional identity must be taken up and countered by strengthening subsidiarity and involving the citizens more intensively. She regarded COR as an important advisory body which could and should increase its influence. To this end, she offered practical support from the Commission. This would involve in particular the presence of Commission officials at the plenary and commission meetings as well as the forwarding of a Commission work programme with an overall proposal for obligatory and optional consultations in the coming year. However, she believed that not only advance planning, but also monitoring of the success or failure of opinions was required.

Mrs Wulf-Mathies further considered it necessary that the institutional independence of COR be decided at the Intergovernmental Conference in 1996. Only then could COR develop its own visible identity in the public eye. However, she expressed her scepticism at that time about hopes of making COR into a chamber with legislative powers.

In the same vein, the discussion ensued with Mr **Roberto Speciale**, chair of the Regional Policy Committee of the European Parliament, who above all referred to the need for economic and social cohesion in Europe. In this connection, he criticised the German and French presidency for not explicitly including this aim in their work programmes. He argued the case in particular for greater efficiency and for action to combat abuses in the distribution of resources. He believed that the European Parliament and COR should work together on this. He further urged that local authority autonomy be anchored in the EU Treaty. Finally, looking ahead to the 1996 Treaty reforms, he proposed that a conference be organised

jointly by the European Parliament and regional and local representatives so as to demonstrate the will to build a stronger and more democratic Europe together.

#### The seventh plenary meeting on 20 and 21 April 1995

Two opinions took the centre stage of the political debate: one own-initiative opinion on promoting peace and reconciliation in Northern Ireland and the border areas of Ireland, which was positively received on all sides and at the same time highlighted the importance of cross-border co-operation for peace in Europe. Highly controversial, by contrast, was the own-initiative opinion on the drought in southern Europe, since amongst the members in particular from the north the view was that this was too much concerned with problems specific to Spain. The adoption of the opinion was therefore postponed until the next plenary meeting.

The guest speaker, Mrs **Wulf-Mathies**, pointed out that, acting on her personal recommendation, on 19 April 1995 the European Commission had resolved a number of measures for improving co-operation between the Commission and COR. These include the following:

- forwarding of an annual Commission work programme which goes beyond the five areas of obligatory consultation in the Union Treaty;
- participation of the Commission and its departments in COR's work;
- sending of a regular report on the follow-up of adopted opinions;
- consultation of COR at an early stage on Green and White Papers;
- involvement of COR in the Commission's communications policy.

The Commissioner gave an assurance that she would argue the case for an election mandate for COR members in the Intergovernmental Conference debate. She let it be understood that she would also advocate an extension of COR's advisory role, also in relation to the European Parliament. She went on to welcome the fact that COR had currently come up with the idea of setting up separate chambers for regions and local bodies. Furthermore, she believed it was a good idea to rethink the system for allocating seats since COR had an entirely different role to play than the Economic and Social Committee. She supported the deletion of Protocol No. 16, but opposed any change to Article 3 b of the EC Treaty. As regards the right of a body to initiate legal proceedings, in her opinion this required further discussion.

#### The eighth plenary meeting on 19 and 20 July 1995

At this plenary meeting the first COR opinion on European policy on land-use planning - "Europe 2000+" - was adopted. Another opinion - highly controversial at least to the Germans - concerning the Green Paper on Pluralism and Media Concentration was also adopted. Only the German members opposed a European directive because they perceived the risk of violating the subsidiarity principle in view of the sovereignty of the federal states in media questions. For the first time a debate was also held on the extent to which COR should express its viewpoint on topical issues in the form of resolutions.

With the address by the president of the European Parliament, Mr **Klaus Hänsch**, to the COR assembly, relations between both institutions were also considered. However, Mr Hänsch confined himself to speaking about the complementary role played by both partners and indicated that the European Parliament would advocate a strengthening of co-operation. He expressed the Parliament's support for an extension of COR's consultation rights and also of a consultation of the Parliament by COR. However, Mr Hänsch stressed that he did not see COR as the sole guardian of the subsidiarity principle - as is often claimed. Moreover, he rejected the view whereby the Committee of the Regions should be a kind of "third chamber" with the power of legislative initiative. He further believes that it would be mistaken to believe that local politics is the politics closest to the citizen or that regional politics is already itself close to the citizen. There are some foreign policy questions which are just as close to or far-removed from the citizen as local issues. Mr Hänsch went on to inform the members about the European Parliament's positions on the future development of the European Union.

#### The ninth plenary meeting on 20 and 21 September 1995

The plenary session adopted another series of opinions and resolved to set up an ad hoc group chaired by Prof. Dr. Dammeyer to lay down the principles and procedures for passing resolutions.

The guest speaker was Commission president, **Jacques Santer**, who in his address covered the unemployment problem in Europe, reform of the European Union and the enlargement question. Mr Santer emphasised COR's role in promoting the smooth operation of democracy in Europe and spoke in favour of involving the local and regional bodies in decision-making. He took the view that the subsidiarity principle represented a kind of code of conduct and at the same time a kind of "self-discipline" in the exercise of public power, which also made it unnecessary to define responsibilities.



The Commissioner Mrs **Wulf-Mathies** delivered an extremely interesting address on the role of the regions in the information society. She believed that Europe was still a long way from the ideal picture of a regionally well-balanced European information area and that disparities could even widen further. In this connection she mooted the following three questions:

- Are the European regions capable of becoming an integral part of the future information society and are trends already discernible?
- Which measures has the European Union taken so far to ensure the regions are embraced within the European information area on an equal footing?
- What additional political initiatives and regulatory measures are required to secure a regionally and socially well-balanced information society?

#### The tenth plenary meeting on 15 and 16 November 1995

The tenth plenary meeting was overshadowed by the strikes by the so-called common structure with ECOSOC, which were called by two European trade unions in protest against the COR competitions. The strike action did not, it is true, affect the proceedings of the meeting. But the quality of meeting papers suffered considerably because the translations were carried out by an external translation agency. Nonetheless, it was still possible to adopt a series of important opinions, even though their wording had to be improved afterwards.

Mr **Westendorp**, chair of the Reflection Group for the Intergovernmental Conference, gave a report at the plenary session on the preliminary findings of this preparatory body. Whereas a large majority in this group wanted COR to be an independent body with increased advisory powers, the majority of the members rejected a COR demand for the amendment of Article 3 b of the EC Treaty or for the right to initiate proceedings in the European Court of Justice.

#### The eleventh plenary meeting on 17 and 18 January 1996

The president, Jacques Blanc, announced among other matters that the Bureau had decided in accordance with Article 13 of the rules of procedure to allow each speaker only a maximum of five minutes speaking time. Commission 8 was also charged with preparing a report on economic and social cohesion for discussion at a joint conference with the European Parliament in October 1996. The assembly adopted a series of additional opinions, although two were referred back to the commissions: the opinion of commission 2 on hunting migratory wild animals and the opinion of sub-commission 7 on the impact of sports education on young people.

Three guest speakers were invited to this plenary meeting: Mr **Alexander Tchernoff**, chair of the Congress of Municipalities and Regions from the Council of Europe, drew attention to the need for co-operation between his organisation and COR. Mr Gray was charged with considering this question in more detail in the form of a contact group. Mrs **Wulf-Mathies** spoke on a new Communication on Cohesion and the Environment, which she had recently presented jointly with Mrs Bjerregaard. Lastly, the Permanent Representative of Italy to the EU, Mr **Calcalchini**, gave an address on the programme of the Italian presidency and in this connection explained his concept of European citizenship.

#### The twelfth plenary session on 20 and 21 March 1996

Only seven opinions were on the agenda for adoption at the twelfth plenary session owing to the agreement that two years into COR's term of office the first elections for the president would be held. The president, Mr Blanc, first of all took stock of his work during the past two years. The rules decided by the Bureau for the election of the president and the first vice-president were then announced. After the election, during which 189 members were present, the interim president, Mr Bollendorff, announced the results of the vote: the sole candidate, Mr Maragall, received 161 of the 180 votes, with four invalid votes, 15 empty ballot papers and 9 abstentions. In the election for first vice-president, Mr Jacques Blanc received 135 of the 154 votes, with 19 empty ballot papers and 34 abstentions.

In his first address on taking up office, the president spelled out his aims, including that of consolidating the Committee's role in the process of constructing Europe, involving COR in the debate on reforming the Maastricht Treaty and obtaining recognition for the Committee as a European body. Mr Maragall went on to say that there was a need to raise the profile of its opinions. He voiced his conviction that the members of the Committee of the Regions are the best-placed to put the message across explaining the process of constructing Europe and thereby helping to fill the democratic deficit.

Mr **Speciale**, chair of the Regional Policy Committee in the European Parliament, congratulated Mr Maragall on his election as president. He expressed his hope of wide-ranging co-operation with the Committee of the Regions in connection with the conference to be organised jointly by the EP and COR on 2 and 3 October 1996. Mr **Verde I Aldea**, vice-president of the European Parliament, emphasised that the aims of the European Parliament and COR overlapped in many respects and that this would be even more in evidence in future. Mr **Moran**, chair of the Institutional Affairs Committee of the European Parliament, gave an assurance



that this committee would continue to be open to the concerns of the Committee of the Regions.

The Italian Minister for European Affairs, Mr **Ferraris**, passed on the congratulations of the Italian presidency of the Council. He stressed that the voice of the regions and local bodies is an essential factor when it comes to defending democratic values and bringing the decision-making process in the Union closer to the citizen.

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