

Student Policy Brief

How to make the voice of regions heard in EU legislation

Strengthening the role of the Committee of the Regions

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06 July 2022

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#Regions

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The authors are the winners of the first edition of the futurEU Competition. Elena and Neslihan, then students at Sciences Po and the Hertie School, were given carte blanche to present one visionary reform to the founding treaties of the European Union. Their proposal to reform the Committee of the Regions triumphed over an array of interesting ideas. The futurEU Competition focuses on student voices for the EU of tomorrow; for more information please follow this link: <https://www.futureu-initiative.org/>

Regions and cities welcoming Ukrainian refugees supported by EU funding and pandemic recovery measures implemented with the help of the stimulus package “NextGenerationEU”: Both cases remind us of the fundamental importance of on-the-ground resources and local management for successful policy making. To strengthen the direct link between Brussels and European regions and cities, we argue in this policy brief for a reform of the currently weak consultative mandate of the Committee of the Regions (CoR). Firstly, we propose to legally recognise the Committee’s participation in the pre-legislative Impact Assessment (IA) conducted by the European Commission (EC). Secondly, we suggest providing the CoR with the right to advise the European Parliament (EP) on taking legislative initiative. This two-tier reform implies an overdue formalisation of the Committee’s current activities.

Introduction

Whether it is the rollout of pandemic recovery measures such as the [Recovery and Resilience Facility as part of the NextGenerationEU](#) package or the support of people fleeing the Russian invasion of Ukraine [by reallocating available EU funding](#), the largest political problems with the highest priority are typically managed by the smallest actors at the local level of governance. The need for cohesion as an investment has never been clearer. In short, regions and cities are the front and centre of successful policy making.

And that is true not only in states of emergency: About [70% of all EU policies](#) require implementation by regional and local authorities.

All central challenges of our times like climate change, digitalisation, or socio-economic inequality require regionally differentiated political solutions and underpin the importance of the subnational level of governance.

The institution that was created to facilitate the integration of local and regional authorities into EU decision-making is the European Committee of the Regions (CoR). The CoR is composed of 329 representatives from local or regional authorities of all 27 Member States grouped in political parties. While being widely unknown among the general population, the Committee has - since its creation in 1994 - developed into a wide network of local and regional representatives that serves as a knowledge hub for the design, implementation and review of EU policies. The purpose of the CoR is to improve EU decision-making by gathering information from local and regional authorities as well as other stakeholders and feeding it into the legislative process of the EU. This collected information helps to identify where legislation is lacking or malfunctioning (ineffectiveness), or where it is too complex and bureaucratic (inefficiency).

However, this policy brief argues that there are several institutional obstacles preventing the CoR from seizing its role as an intermediary responsible for helping to achieve more efficient and effective EU legislation. A reform of the Committee's current mandate is necessary to improve its recognition by other EU institutions and to make sure that its advice is taken into account. This would help to bring EU decisions closer to citizens and strengthen the direct link between Brussels and European regions and cities which are more concerned with local issues. The vast expertise gathered at the CoR should be exploited to reconnect citizens with EU policies.

Why the current mandate needs a revision: Resolving inefficiencies and strengthening the Committee's advisory function

The Committee of the Regions (CoR) acts as an advisory body on questions with a strong territorial dimension. As such, it aims to ensure that the EU only steps in to the extent necessary (principle of proportionality) and when no lower authority is better suited to act (principle of subsidiarity). As guardian of the subsidiarity and proportionality principle the CoR is relevant in all stages of legislation: preparation, negotiation, and implementation.

The European Parliament (EP), the Council of Ministers, and the European Commission (EC) consult the CoR either on a mandatory or a voluntary basis. The treaties require mandatory consultation in [ten areas](#) of special regional concern like social and economic cohesion, public health, the environment and climate change, or transport. In any other instance in which the Committee considers its interests affected, it can issue voluntary consultation in the form of own-initiative opinions.

While there is no obligation for the EP, Council, or EC to abide by any of the CoR's opinions, the Committee can institute proceedings before the European Court of Justice (ECJ) if it regards its own prerogatives as neglected or considers that a legislative act breaches the principles of subsidiarity and proportionality. [In 2018, the CoR considered challenging a legislative proposal of the EC before the ECJ for a regulation concerning the EU regional funds for the period 2014-2020 if the proposal was formally adopted.](#) The Committee noted that the legislative proposal did not comply with the principle of subsidiarity. Consequently,

the EC later decided to take the Committee's arguments into account and adjust the text of the proposal accordingly.

While regional and local authorities as represented by the CoR are recognised by the EC as key actors to achieve better law-making, the Treaties do not secure the Committee a position in the decision-making procedure that would allow it to implement this goal. A reform is necessary because the current advisory position of the CoR is weak and inefficient. As its opinions are non-binding, the Committee's influence is contingent on the willingness of the EP, the Council, and the EC to listen. At present, these EU bodies lack institutional incentives to consider the Committee's advice. As an example, Members of the European Parliament (MEPs) are typically [not aware about whether a CoR opinion exists](#), let alone what its position is. The CoR's impact in the legislative procedure is further diminished by a time disadvantage. The Committee receives the legislative proposals at the same time as the co-legislators but holds only six plenary sessions each year to adopt opinions. This means the Committee cannot always issue opinions before the EP and Council have agreed on their initial positions which is when they are most receptive to advice. The limited and ambiguous recognition of the Committee's opinions makes the status quo inefficient and leads to a waste of resources and a discouragement of regional engagement in Brussels.

Why nothing has changed so far: A successful reform needs to respect inter-institutional power dynamics

A reform of the CoR's formal institutional standing is not easy to achieve given the reluctance of the main institutional players to change current power dynamics. All institutions have their own reasons for objecting to a stronger and more visible CoR. Firstly, the EP considers itself the prime representative of the people and therefore disapproves of any measure that would strengthen the CoR as a competitor for this role, e.g., by granting it co-decision rights. Secondly, the EC values the CoR specifically as a contributor of technical expertise but is equally reluctant to recognise it as an actor with an independent political agenda. Finally, relations with the Council of Ministers have traditionally been weak as they speak for different - sometimes competing - levels of government, the national and the subnational. Furthermore, that the CoR is structured by the same political groups as the EP makes it, in theory, an ideal partner to the EP, but institutionally deters closer cooperation with the Council.

Any successful reform must take into account these institutional interests. Ultimately, an expansion of the CoR's competencies is only realistic if it does not initiate a new power rivalry by elevating the CoR disproportionately relative to the EP. Additionally, in light of substantial public frustration with the incomprehensibility of EU policy making, a reform must not render the EU legislative procedure even more complex and cumbersome. That is why we do not propose a paradigm shift. We argue for institutionalising and strengthening the existing ties with the EC and the EP, as both benefit from leaving ambiguous institutional ground.

First, the contribution of the CoR to the EC's impact assessments (IAs) and its legislative reviews should be formalised. Second, cooperation with the EP should be taken to the next level by making the CoR an effective advisor to the EP in the legislative procedure. In May 2022, the report of the final outcome of the Conference on the Future of Europe, allowing EU citizens to express their expectations of the EU, also includes a proposal for a reform of the CoR concerning the subsidiarity principle. It states that the CoR should ["encompass adequate channels of dialogue for regions as well as cities and municipalities, giving it an enhanced role in the institutional architecture, if matters with a territorial impact are](#)

concerned”. Against this background, we pledge for the introduction of these changes via new editions of the inter-institutional agreements which structure the CoR-EP and CoR-EC relations.

Reform I: Formalisation of the CoR’s involvement as contributor to the EC’s impact assessments and legislative reviews

Under the current mandate, the CoR can assert control by monitoring compliance with the subsidiarity principle after a piece of legislation has been adopted, i.e., ex-post. If it considers subsidiarity to be infringed, it can institute proceedings before the ECJ. While the threat of taking legal action is a potentially powerful instrument, in fact, bringing a case before the Court is both politically risky and financially unattractive for the CoR, as it conflicts with the CoR’s self-conception as a constructive force in the European political arena and as an actor that helps shape legislation instead of turning it down. Making use of the right to take legal action would also prevent the Committee from being considered as a reliable ally by the EC and the co-legislators. Consequently, the Committee has recently pursued actions to informally alter the perception and nature of its role, taking an institutional path towards a stronger constructive involvement in the assurance of subsidiarity and proportionality, following the notion of “[active subsidiarity](#)”. For example, the CoR has gradually expanded its activities in stakeholder consultation and data collection from the local and regional authorities by the means of multiple [networks](#). The goal is not to be taken seriously through a threat of legal action, but to appeal with soft power through the contribution of high-quality, first-hand information and data.

Both the Committee’s internal interpretation of its true role and the informal actions it has recently taken to live up to it, make it the ideal partner to contribute to the EC’s ex-ante impact assessments and its ex-post reviews of legislation. However, at the moment, the EC consults the CoR only if it [deems its implication necessary](#). We argue that a formalisation of this cooperation is thus overdue to exploit the full potential of the CoR’s expertise.

Pre-legislative phase: the CoR informing legislative impact assessments

The inclusion of CoR opinions by the EC during the pre-legislative stage should no longer remain discretionary. It is in the interest of both institutions to better institutionalise this cooperation by using the CoR’s knowledge on the territorial impact of new EU legislation. To do so, the CoR’s [Territorial Impact Assessments](#) (TIAs) should become an integrated component of the EC’s impact assessment. As the name states, TIAs are reports in which the impact of a new legislative proposal is estimated. The assessment is based on online expert workshops whose results are gathered with an interactive web application (ESPON TIA tool). In the fields of mandatory referral, the CoR should be charged by the EC to conduct TIAs and issue its recommendations to the relevant DG. To flank this upgraded alliance institutionally, the CoR should receive a permanent seat on the [Board](#) that oversees the EC’s impact assessments. This reform can be achieved by updating the [Cooperation Agreement](#) between the EC and the CoR as well as the [Interinstitutional Agreement](#) between EP, Council and EC on Better Law-Making.

Audit phase: the CoR supporting the monitoring and evaluation of EU legislation

Also later in the legislative cycle, the CoR should have a secured advisory position to contribute to the EC’s audit of legislative acts, supporting it in the implementation of the [Better Regulation agenda](#). An initial step in the right direction was taken by the EC when integrating the CoR’s “Regional Hubs Network” (RegHub) into the Fit for Future Platform (F4F), a high-level expert group that supports the EC in simplifying and reducing the burden of EU laws. This institutional interlocking should be replicated for the Better Regulation

objective of subsidiarity and proportionality assurance. We propose that the EC revives and institutionalises the [Task Force on Subsidiarity, Proportionality and Doing Less More Efficiently](#) bringing together officials from the EC, CoR, and National Parliaments (NPs).

This would establish a direct channel to communicate the results of the CoR's Subsidiarity Monitoring Network (SMN) and the Early Warning Mechanism (EWM).

Reform II: Entitling the CoR to intertwine with the EP on taking legislative initiative

A central hurdle inhibiting the influence of the CoR downstream of the legislative process is its weak institutionalised connection to the co-legislators, such as the EP. There is no proper institutional incentive to involve the CoR due to its lack of legal binding force. Since the CoR is only an advisory body, the recognition of its opinions requires it to proactively promote the added value of its consultation. The possibility to draft own-initiative opinions has made the CoR less dependent on mandatory and optional referrals. However, this right has been used very carefully in the past precisely due to its political nature. An internal filtering process of opinions was established which ensures that no opinion is passed which could be perceived as too particularistic by the other institutions. As a result, the CoR has thus only formalised institutional channels very restrictively to advocate for actions it considers as imperative. This has incited the Committee to gradually extend its measures of informal institutional activism via communication campaigns and citizen engagement. Against this background, a cooperation with the EP bears potential as both are structured by political groups. However, the fear that the CoR could occupy the EP's prerogatives and compete with its representative function forestalls a strong alliance.

Making the CoR a sparring partner of the EP to jointly set the agenda

To overcome the hurdles that have complicated the evolution of stronger ties between the CoR and the co-legislators, it is necessary to venture onto new institutional ground. An expansion of the CoR's competencies is only realistic if two criteria are met: First, it must not initiate a power rivalry by elevating the CoR disproportionately relative to the EP. Secondly, it must not render the EU legislative procedure even more complex and cumbersome. Against this background, we suggest equipping the CoR with the right to proactively approach the EP with a request for action.

The Committee should advise the EP on taking legislative initiative based on Article 225 TFEU only in areas of mandatory referral. The EP decides whether it considers it necessary to ask the EC to propose a new law. Accordingly, the CoR would be entitled to draft consultative initiative reports in the [areas subject to mandatory referral](#). In turn, the EP should inform the CoR about reasons for not acting upon its recommendations. This justification should be enforceable in front of the ECJ. This implies the CoR may initiate complaints before the Court if it considers the response to its opinion to be insufficient. The CoR already has the right to go before the ECJ for an ex-post review of legislation. The new right would expand this, enabling it to secure subsidiarity early in the legislative process. Even though the CoR would probably take this step as a last resort, the mere possibility for the CoR to act accordingly increases the leverage for negotiations and fosters visibility among the other EU institutions and accelerates institutional incentives for cooperation.

Ensuring exchange of expertise with the parliamentary committees

We also suggest formalising the CoR's inclusion in the areas of its responsibilities by granting members of the CoR the right to participate in relevant parliamentary committee meetings, such as in the Committee on Budgets (BUDG) or in the Committee on Regional Development (REGI). This stems from the fact that the [parliamentary committees prepare](#),

amend and approve legislative proposals and own-initiative reports. There are certainly other committees which debate legislation relevant to the CoR. However, these two parliamentary committees are essential since they regulate the EU Cohesion Funds. In case other EP committees address topics which lay in the area of the CoR's responsibility, it should be able send its rapporteurs to these committee meetings as well. In that case, the CoR would have the legal right to contribute its ideas in the legislative process on time and within a systematic framework. This is an opportunity for the CoR to make concrete suggestions in the form of amendments and to pool its limited resources.

The objective of this innovation is to foster the cooperation between EP and CoR by formally aligning them towards a common goal, namely efficient and locally forceful policies. The new consultation mechanism would be a tool to strengthen the EP's indirect influence on the political agenda of the Union instead of undermining it. The CoR would steel the EP's connection to local realities and help increase the visibility of its legislative initiatives. The Committee's early involvement ensures that the EP is equipped with more bargaining power in the trilogues through a solid mandate as a representative of citizens' concerns. Moreover, making the EP and CoR strategic allies would improve coordination within the political groups that decisively structure the work in both bodies. This would institutionalise new channels for talks and debates. Also, parliamentary committees would adjust their working procedures since both institutions would like to reach common political goals. In the long-run, this would lay the cornerstone for an even closer alliance on matters close to the local realities of the EU citizens.

Way forward: Why institutional recognition is needed now

Our two-tier reform proposal echoes the long-standing claim that the regional and local governance level needs a secured place in the institutional setup of the EU. Its first element is an enhanced and fully fledged formalisation of the CoR's involvement in the IA procedure. Its second element calls for the establishment of two new mechanisms for cooperation with the EP on legislative proposals.

Formalising the involvement of the CoR in the EU legislative procedure generates more visibility for regional concerns. By balancing the Committee's consultative and political-representative role, this reform is a seamless continuation of the CoR's recent institutional evolution. Ultimately, this reform would bring the EU closer to its citizens because it helps to show how its legislation impacts their daily lives. It builds a stronger bridge between Brussels and local realities by listening and responding to the needs and acting according to the wishes of EU citizens.

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