

**Arkadiusz Ptak**

## **The role of the Committee of the Regions in implementing the Eastern Partnership targets**

Local authority is one of the staples of every political system and depending on the model of the system it may manifest itself in two ways. First type, the self-government, is decentralized with extended independence or autonomy. Its representatives are elected by the local residents and the decisions regarding the region are made also on the local level. The second type of the local authority is centralized: both decision-making and staffing are the domain of the national government bodies and the local communities have no say in the matters. Most of the modern democratic countries follow the former model.

The role and the importance of local self-government is increasing not only because of duties that are assigned to it but also because of the relatively new European Union regulations. In fact, self-government bodies had not been institutionally represented in the EU for a long time, even though many had seen the need for this. It was only in 1994 when under the European Union Treaty of 1992<sup>1</sup> a new advisory and opinion-making institution, the Committee of the Regions (CoR), was established.

In no way does the Committee of the Regions interfere with the member states' territorial structure. What is more, it accepts and preserves the diversity of regional communities across Europe. Despite the growing number of countries in the EU, local government matters were included into the Union's legislation<sup>2</sup>. Owing to the policy of non-interference, member states differ in the number of self-government levels, their tasks, and the organization of the executive and legislative bodies<sup>3</sup>. The only thing that is required by the CoR is that the Committee should "consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly" (Official Journal C 115, 09/05/2008, Article 300).

The members and the alternate members of the Committee are appointed for five years and their term of office is terminated when their mandate on the basis of which they were proposed comes to an end. Although there are no imposed

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<sup>1</sup> Treaty on European Union (Official Journal, C 191, July 29, 1992).

<sup>2</sup> see: P. Swianiewicz, *Empirical typology of self-government systems in the countries of Central and Eastern Europe*, "Territorial Self-Government", No. 65/2011.

<sup>3</sup> A certain standardization was actually put forward in 1994. See the Council Directive 94/80/EC of December 19, 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

regulations on the members of the Committee who, as such, are entirely independent, it is expected that they will perform their duties in the Union's general interest<sup>4</sup>. The Committee includes the following constituent bodies: plenary assembly, chairman, officers and Commission (Commission for Territorial Cohesion Policy (COTER); Commission for Economic and Social Policy (ECOS); Commission for Education, Youth and Research (EDUC); Commission for Environment, Climate change and Energy (ENVE); Commission for Citizenship, Governance, Institutional and External Affairs (CIVEX); Commission for Natural Resources (NAT))<sup>5</sup>.

There are three membership groups in CoR – national, political and interregional. On the national level, each of the delegations sets up own structure and chooses a chairman. In the beginning the Committee consisted of 189 members, but their number grew as more countries were joining the EU: 222 members in 1995, 317 in 2004 and 344 since 2007. At that time a decision was made that there will be no more than 350 members, irrespective of the future enlargements. The number of members per country differs. Germany, France, Great Britain and Italy have the largest representations (24 members each) with Spain and Poland following closely (21 members). Other countries have much less members: Romania (15 members), Belgium, Greece, Holland, Portugal, Austria, Sweden, Czech Republic, Hungary, and Bulgaria (each 12 members), Denmark, Ireland, Finland, Slovakia, Lithuania, (each 9 members), Latvia, Slovenia, Estonia (each 7 members), Luxemburg and Cyprus (each 6 members), and Malta (5 members)<sup>6</sup>. Poland has been present in the CoR since 2004 and the regional level is represented by 10 members while there are 11 members and their alternatives from the local communities. The bodies which have the right to designate members to the Committee come from many levels of self-government. They are the Union of Polish Cities, the Union of Polish Metropolises, the Union of Polish Towns, the Union of Rural Communes of Republic of Poland, the Union of Polish Districts, the Union of Provinces of Republic of Poland<sup>7</sup>. 14 out of 21 Polish members belong to European People's Party (EPP), 5 belongs to European Alliance Group (UEN-EA), and 2 to Party of European Socialists (PES)<sup>8</sup>. Most of the EPP members, i.e. province marshals, mayors and councilors, come from or are backed up by Civic

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<sup>4</sup> Rule 3, Rules of Procedure (Official Journal of the EU, January 9, 2010).

<sup>5</sup> <http://www.cor.europa.eu> (retrieved November 12 2011).

<sup>6</sup> The Treaty of Nice amending the Treaty on European Union, treaties establishing the European Communities and relevant acts (Official Journal, C 80, March 10, 2011).

<sup>7</sup> The Act of May 6, 2005 on the Joint Commission of the Government and Territorial Government and on representatives of the Government of the Republic of Poland in the Committee of the Regions of the EU (Official Journal No. 90/759) and the Ordinance of the Council of Ministers of January 29, 2008 on listing state-wide self-government bodies appointing representatives to the Joint Commission of the Government and Territorial Government (Official Journal No. 15/97).

<sup>8</sup> <http://cormembers.cor.europa.eu> (retrieved November 12, 2011).

Platform and Polish People's Party. Mr. M. Woźniak, the Marshal of Greater Poland Province, is the head of the Polish group.

Political association is another important factor by which members are grouped. Essentially, members sharing similar views create an affiliation. A group can be established by at least 18 members who represent no less than 20% of the member states. A member or their alternative may belong to one group only<sup>9</sup>. Present groups reflect political parties in the EU Parliament (European People's Party, Party of European Socialists, Group of the Alliance of Liberals and Democrats for Europe, and European Alliance Group). Political affiliation is a key factor determining the political priorities of CoR, as well as the choice of a chairman, deputy chairman and the heads of commissions.

Interregional groups are the third and the last division in CoR. Such a group comprises at least ten full members of the Committee of the Regions belonging to either at least four national delegations or a group of regions working together on the basis of an agreement between States to promote trans-border cooperation. Existing groups belong to one of the three categories. The first category groups aim at including each region's authorities into CoR operations. Groups belonging to the second category are more geographic or territorial in their character while the third category is based around themes and business interests. Currently there are eight approved groups: The "Saar-Lor-Lux" Group, The "Wine" Group, The "Regions with legislative power" Group (REGLEG/CALRE), The "Baltic Sea Regions" Group, The "Mediterranean" Group, The "Danube" Group, "North Sea" Group, and The Automotive Crisis Group<sup>10</sup>.

Owing to the increasing importance of local and regional self-government in the member states, the role of the Committee of the Regions has been growing as well. Ever since the Committee was established, all three main EU institutions, Parliament, Council and the Commission, have been obliged to consult CoR if a proposal concerns areas that directly affect local and regional authorities. The scope of consultation and the number of areas that CoR deals with was eventually formed and incorporated into the Treaty on the Functioning of the European Union<sup>11</sup>. In the beginning, though, CoR addressed such issues like social and economic cohesion, health, trans-European transportation, telecommunication, and energy, education, youth and culture. However, CoR was not limited in its obligatory consultative function as the treaty allowed the Committee to voice an opinion on any relevant issue at will. The Amsterdam Treaty of 1997 added five more areas: employment policy, social policy, the environment, vocational training and transportation<sup>12</sup>. The Lisbon Treaty of

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<sup>9</sup> Rule 9, Rules of Procedure (Official Journal of the EU, January 9, 2010).

<sup>10</sup> Information of the Secretary General from the Plenary Assembly of the Committee of the Regions, June 8 2010, Brussels, May 18, 2010.

<sup>11</sup> Treaty on the Functioning of the European Union (Official Journal, C 83, March 30, 2010).

<sup>12</sup> The Treaty of Amsterdam amending the Treaty on European Union, treaties establishing the European Communities and relevant acts (Official Journal, C 340, November 10, 1997).

2007<sup>13</sup> was equally significant as for the first time the rules for local and regional self-government were defined. It also authorized CoR to come up with decisions regarding territorial integrity and monitoring how the consultative function is used at any stage of Union's legislative works. Additionally, the CoR has the right to go to the European Court of Justice if it believes it has not been correctly consulted by the Commission, Parliament or Council. Thus, all the proposals for the local and regional governments start with thorough consideration of the local and regional impacts of all proposals<sup>14</sup>.

The CoR competence extension within the EU structures comes from the fact that the local and regional communities have more say in their own countries in matters applicable to them. Thus, it is understandable their opinions need to stand out at the EU legislative level. It is estimated that local and regional communities implement 70% of EU legislation, generate as much as 16% of EU-27 GDP, represent 56% of public employment, around 30% of public spending and over 60% of all public investment expenditure<sup>15</sup>.

A new form of activity for the CoR is taking part in a new European initiative, i.e. the Eastern Partnership, whose aim is to strengthen the European Neighbourhood Policy. Member states clearly realize that politically and economically stable neighbors secure the European Union safety. None the less, many of those countries, mostly to the south and east of the EU, require foreign aid and are in need of reforms. Hence European Neighbourhood Policy (ENP), which covers countries from Eastern Europe (Belarus, Moldova, Ukraine), South Caucasus (Armenia, Azerbaijan, Georgia), Northern Africa (Libya, Algeria, Morocco, Tunisia, Egypt), and Middle East (Palestine, Israel, Jordan, Lebanon, Syria). The ENP offers financial and institutional assistance, in exchange for the implementation of strict procedures and standards which could have a positive effect on political and financial stability of the countries in question.

The project of the Eastern Partnership, designed by Poland and Sweden, is meant to develop a regional cooperation between the EU and Armenia, Azerbaijan, Georgia, Moldova, Ukraine and Belarus<sup>16</sup>. The goal of the bilateral relations is forging new legal basis for cooperation with EU in order to create free trade areas, implement Association Agreements and liberalize EU visa regime<sup>17</sup>. Multilateral co-operation, on the other hand, is based on the following principles: democracy, good governance and stability; economic integration and

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<sup>13</sup> The Treaty of Lisbon amending the Treaty on European Union, the Treaty establishing the European Community (Official Journal, C 306, December 17, 2007).

<sup>14</sup> *A new treaty: a new role for regions and local authorities*, Committee of the Regions, p. 2.

<sup>15</sup> *Ibidem*, p. 8.

<sup>16</sup> T. Kapuśniak, *The eastern dimension of the European Union's neighbourhood Policy. Inclusion without membership?*, Centrum Europejskie Natolin, Warszawa 2010, p. 41.

<sup>17</sup> *Partnerstwo Wschodnie – raport otwarcia*, red. B. Wojna, M. Gwiazdowski, Polski Instytut Spraw Międzynarodowych, Warszawa 2009, p. 6.

convergence with EU policies; energy security; and contacts between people<sup>18</sup>. However, the Partnership does not declare that the countries within its framework, even after meeting all the requirements, will ever be integrated into European Union itself.

A special role in reaching the Eastern Partnership goals may belong to members of the CoR, who have actually been elected by the representatives of the Eastern Europe local and regional governments, which, in turn, had gathered experience at their Western counterparts before joining the EU. The latter cooperation, which had begun in the 1990's, was very wide and included study and exchange visits, courses, and common projects.

It was the Czech Republic presidency in 2009 and a motion of the European Commission that engaged the CoR with the Eastern Partnership. The said motion invited the Committee to work with the Partnership in the form of two thematic platforms: "Democracy, good governance and stability" and "Contacts between people". As a result, the CoR presented an opinion on the above initiatives at the 79<sup>th</sup> plenary session on 21-22 April 2009<sup>19</sup>. It stated that locally-driven democracy, with a direct partnership of towns and regions, required to be given a very high priority when there arose a need for cooperation with countries to the East of EU. The opinion also underlined that focusing only on diplomacy did not create permanent solutions and that cooperation must involve local and regional governments. Moreover, the scope of partnership should be determined by grass-roots efforts while the outcome must be beneficial to individuals and worth promoting in other countries<sup>20</sup>.

Having observed the deficiency in the democratic processes in the Eastern Partnership countries, the Committee of the Regions announced it was eager to support the European Commission in drafting a program of courses and in creating a contact network for local self-government in order to streamline its administration and promote reforms of the local institutions<sup>21</sup>.

The opinion of the Committee was presented on 7 May 2009 during the summit of the heads of state or government in Prague. The presence of the CoR at the summit strengthened its role as a leading force in setting up the Eastern Partnership. Subsequently, other meetings followed, for example Civil Society Forum of the Eastern Partnership conference<sup>22</sup> on 16-17 June 2009 which was excursively devoted to the Partnership as viewed from the towns and regions' perspective. Also in 2009 there was a meeting of foreign ministers of the Eastern Partnership countries during which the chairman of the CoR expressed

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<sup>18</sup> T. Kapuśniak, *The eastern dimension...*, op. cit., p. 43.

<sup>19</sup> See *Rola samorządów lokalnych i regionalnych w rozwijaniu Partnerstwa Wschodniego*, Brussels 2009.

<sup>20</sup> Ibidem.

<sup>21</sup> Ibidem.

<sup>22</sup> *Biuletyn informacyjny Komitetu Regionów*, No. 65, June-July 2009, p. 6.

the necessity of adding a *territorial* dimension to the initiative, as well as engaging local authorities in it thanks to special mechanisms<sup>23</sup>.

The next step in committing the Committee of the Regions in the Eastern Partnership was establishing an institutionalized dialog between local authorities from the countries covered by the Partnership and the European Union. The idea materialized as the Conference of the Regional and Local Authorities for the Eastern Partnership (CORLEAP) whose main goals are, as follows:

1. enabling local and regional authorities to help implement the EU's Eastern Partnership thanks to the CoR's coordination and the cooperation among the interested parties,
2. backing up the European Commission initiatives as well as the initiatives from other parties in order to reach the Eastern Partnership aims,
3. boosting cooperation between local and regional authorities from the EU and the Eastern partner countries, and showcase examples of cooperation and multilevel governance,
4. encourage internal reform and capacity building at the local and regional level in the Eastern partner countries<sup>24</sup>.

CORLEAP's organization and decision-making are similar to those of the Committee of the Regions, especially when the representation of local authorities is concerned. A special accent is put on a political and territorial balance.

The inaugural meeting of the Conference took place in September 2011 in Poznań, during Polish presidency of the Council of the European Union. Each EU and the Eastern Partnership country was represented by 18 members of local and regional authorities. The mandates were given out on the basis of the presence of political parties in the CoR. The European People's Party (EPP) had 7 seats, the Party of European Socialists (PES) – 6; the Group of the Alliance of Liberals and Democrats for Europe (ALDE) - 3, and the European Alliance Group (UEN-EA) – 2<sup>25</sup>.

This first meeting was basically a political statement which handed out duties and described the role of local self-governments within the Eastern Partnership framework. Never the less, it also included suggestions whose completion would influence the scope of participation of self-government and, as a result, the effectiveness of the project. The suggestions may be categorized into three types:

1. financial: direct access to appropriate financial instruments by the local authorities;
2. institutional: turning CORLEAP into the network representing the local authorities; establishing permanent representatives to the Conference who

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<sup>23</sup> *Analiza oddziaływania Komitetu Regionów w 2010 roku*, p. 23.

<sup>24</sup> Information presented at the 130<sup>th</sup> meeting of the Committee of the Regions, May 10, 2010.

<sup>25</sup> <http://www.cor.europa.eu> (retrieved November 15, 2011).

would work on the four thematic platforms; holding regular thematic meetings with various associations and authorities as participants;

3. political: defining and detailing the regional level of cooperation within the Eastern Partnership; including a chapter on the role of local and regional authorities in the Association Agreements; amending a directive on setting up the European Grouping of Territorial Cooperation (EGTC)<sup>26</sup>.

Presently, it is too early to predict how the Conference and the Committee of the Regions will meet the goals of the Eastern Partnership. Notwithstanding, the Committee has received a valid political mandate - its members are democratically elected officials who represent genuine local communities and have the necessary political backing required for making decisions in the EU institutions. Furthermore, the members of the Committee, mostly from Eastern Europe countries, have a first hand experience with transition processes of local authorities – they themselves are the beneficiaries of the knowledge of the Western Europe self-government.

It is worth noting that the experience of the Council of Europe may be of utmost value owing to its continuous efforts to consolidate and integrate solutions for democracy at the local level (e.g. European Charter of Local Self-Government). Even though the Council is not an European Union institution, it may aid and facilitate the work of the Eastern Partnership as many of members of the initiative are actually members of the Council.

Above all, the key factor for attaining the goals of the Eastern Partnership is handing real instruments (including the financial ones) to the Committee of the Regions. It is only through such means that the project may reach the next stage and move from political commitments to real action, as long as there is a will and determination of the cooperating countries to go on with the political and economic transformation.

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<sup>26</sup> Instruction for the heads of states and governments at the 2<sup>nd</sup> Summit of the Eastern Partnership, 29-30 September, Warsaw.

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