

EUROPEAN UNION



Committee of the Regions

A new treaty : a new role for regions and local authorities



The EU's Assembly of Regional and Local Representatives



1 The Committee of the Regions today: an evolving role

“We are ambassadors of Europe in the regions, cities and municipalities and speak for them in the European debate. We have a direct dialogue with our fellow citizens on Europe’s achievements and future challenges and we help to explain and expound the implementation and territorial impact of Community policies”

CoR mission statement

Since its creation in 1994, the Committee of the Regions – the European Union’s Assembly of regional and local representatives – has worked to make Europe more democratic, transparent and inclusive. The Committee’s overriding aim has always been to help create a European Union connected to and supported by Europeans.

The Lisbon Treaty, which entered into force on 1 December 2009, is an important step forward in enabling all levels of government across Europe to work together. It should strengthen the principle that decisions are made as close as possible to the people that they actually affect – what the EU calls ‘subsidiarity’.

The Treaty acknowledges explicitly – for the first time – the principle of regional and local self-government within the EU Member States. It also attributes further importance to the local and regional levels in the subsidiarity principle.

The Treaty ensures that the drawing up of new EU laws starts with thorough consideration of the local and regional impacts of all proposals. It also gives the Committee of the Regions more powers to follow the draft bill through all stages of the legislative process. The Treaty gives the EU Assembly of regional and local representatives more political and legal tools.

Authorities at all levels throughout Europe will have to work together to a much greater extent than previously. The Committee of the Regions is anticipating these new challenges and is ready to help further empower local and regional authorities.

This booklet explains the major changes that the Lisbon Treaty will bring for the Committee of the Regions and its partners.



The European Union strengthens its regional and local dimension – Territorial cohesion

- Europe respects explicitly the principle of **regional and local self-government**.
- There are now **four levels to the subsidiarity principle**: the EU has to respect not only national, but also regional and local competences.
- ‘**Territorial cohesion**’ – to harmonise economic and social development – becomes a fundamental aim of the EU.
- The European Commission has to **consult widely** and consider regional and local dimensions before proposing new legislative acts.
- The burden at regional and local level, whether financial or administrative, of all new EU legislation has to be analysed and **minimised**.
- National and regional parliaments have greater scrutiny over EU legislation through an ‘**early warning system**’.

The changes the Lisbon Treaty brings for the Committee of the Regions

- To bring it in line with the European Parliament’s mandate, the **Committee’s mandate extends from four to five years**. Its President and Bureau will sit for two-and-a-half years.
- The Committee is now **involved throughout the whole legislative process** as consultation is mandatory, not only for the European Commission and the Council of Ministers, but also for the European Parliament.
- The Committee has **the right to bring legal actions before the Court of Justice** to protect its powers or to annul EU legislation that infringes on subsidiarity by not respecting regional and local competences.

2 New responsibilities in the EU legislative process

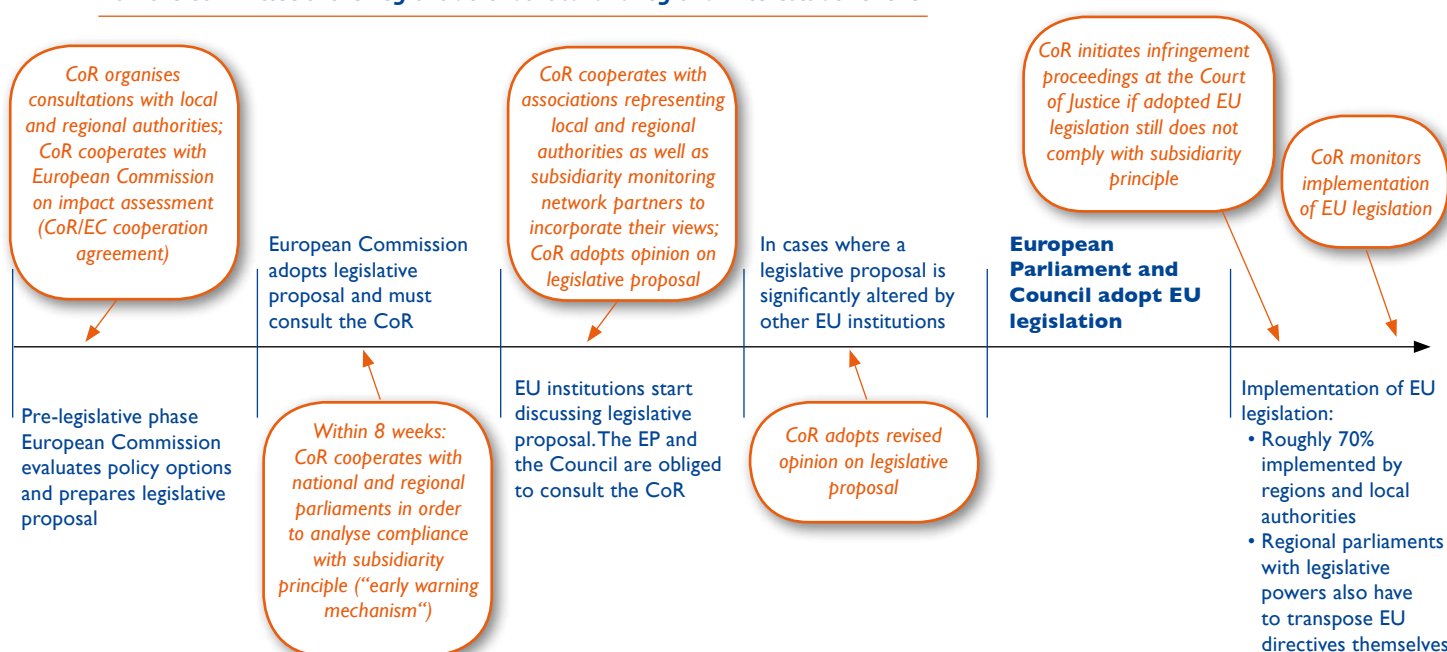
The Lisbon Treaty changes the relationship between the Committee of the Regions and the other EU institutions. The Committee gains a **greater presence in all stages of the creation of EU laws** – in the preparation, amendment and monitoring of legislation which affects regional and local authorities.

This will ensure greater input in EU policies from the levels of authorities that are closest to the public, and foster greater public involvement in European integration.

All three institutions that decide on EU legislation – the European Parliament, Commission and the Council – will now have to consult the Committee when making laws in any area with a regional impact. The Committee’s opinions will cover several new policy areas, including **energy and climate change**. **‘Services of general interest’** i.e. social, public and infrastructure services and their importance for local and regional authorities, are covered in a protocol to the Treaty.

In addition, the Committee now has **legal teeth** to back up its consultation rights at the European Court of Justice. It can protect its prerogatives if it deems that they were not respected by other EU institutions and challenge EU legislation breaching subsidiarity due to a violation of regional and local competences.

How the Committee of the Regions defends local and regional interests at EU level



Consultation is mandatory for all EU laws in the areas of economic, social and territorial cohesion; trans-European networks; transport, telecommunications and energy; public health; education and youth; culture; employment; social policy; environment; vocational training and climate change.

The European Parliament, the Council or the Commission can choose to consult the CoR in any other area, and should do so, in particular, in those cases concerning cross-border cooperation. The CoR may issue an opinion on its own initiative in cases in which it considers such action appropriate.

New procedures

The Committee has adapted its procedures to incorporate the legal changes that Lisbon brings.

- **Greater presence in the EU’s legislative process:** CoR commissions will be able to redraft opinions, enabling them to react quickly and appropriately to discussions between the European Commission, Parliament or Council.
- **Actions at the European Court of Justice:** to protect the Committee’s powers and to annul EU legislation infringing on subsidiarity, actions can be launched either through a majority vote in the plenary session or, in the case of urgent action, a decision by the Bureau.

3 A closer working relationship with the European Commission



“If we are to address the complex challenges facing us, all the players in society – the European institutions, national, regional and local authorities, the social partners and civil society – must act together in order to move forward in the same direction. It is only in partnership that we can make Europe progress”

Jose Manuel Barroso,
European Commission President

The Lisbon Treaty creates a new dynamic in the relationship between the Committee of the Regions and the European Commission.

In implementing the Lisbon Treaty, the Committee will intensify its discussions with the Commission from the beginning to the end of a legislative procedure. Its input, tabled in consultations and opinions, will concretely improve the efficiency of legislation and lead to more coherent EU laws that are less of a burden for local and regional authorities.

Under the new process, the Committee takes a pro-active role before the Commission tables a proposal for new legislation. At this stage, the Committee is an intermediary between regional and local authorities and the Commission in assessing **social, economic and regional impacts**. The framework for this is set by the provisions on enhanced consultation enshrined in the Treaty and an existing cooperation agreement between the European Commission and the Committee of the Regions.

The Committee will work with national, regional and local authorities and with associations of regions and cities in analysing the local and regional impacts of EU laws, as well as ensuring that member states apply them correctly.

Once the Commission has made a formal legislative proposal, the Committee’s opinions will put more emphasis on determining the proposal’s compatibility with the **subsidiarity principle**. The CoR will cooperate with national and regional parliaments and use its subsidiarity monitoring platform to channel input from regions and local authorities throughout Europe into its opinions.

The CoR will also ask the Commission to respect its right to be re-consulted should the nature of proposals be significantly changed during the legislative process. The Committee’s ability to challenge legislation in the European courts will further influence the Commission to ensure that the Committee’s opinions are built into proposals before they become law.

Co-operation between the Committee and the Commission

- A 2007 agreement between the Commission and the Committee aims to build a closer working relationship and consult local and regional stakeholders at the earliest possible stage. The Lisbon Treaty enables this agreement to be fully realised.
- The Commission presents its annual work programme to the Committee. Priority area proposals – subject to mandatory or optional consultation – are identified.
- The Commission will ask the Committee to produce ‘outlook opinions’ on future EU policies and studies on the impacts of proposals and, in some cases, assessments of the impacts of Directives that have already come into force.

The Subsidiarity Monitoring Network

The Committee will build on its Subsidiarity Monitoring Network to ensure that local and regional authorities are involved in the development, implementation and evaluation of EU policies.

Created by the Committee of the Regions in 2005, the network enables better information exchange between regional and local authorities, their associations and national parliaments across the EU on European Commission policies and proposals that will have a direct impact on local and regional authorities.

The more than 120 partners submit their assessments of all political and legislative documents which are examined by the Committee, giving rapporteurs valuable input when drafting their opinions.

Subsidiarity: the principle that decisions must be taken as closely as possible to citizens. This means that in areas of shared competence, action should only be taken at an EU level if the policy aims cannot be achieved at local, regional or national level, and can be better achieved at Union level.

Subsidiarity is linked to the proportionality principle, which states that EU actions must be limited only to what is necessary to achieve the aims set by the EU treaty. If there are a number of options, the EU should take the actions that give national, regional and local authorities the most freedom.

4 A more political relationship with the European Parliament

As the elected representatives of European citizens, the members of both the European Parliament and the Committee of the Regions increase the **democratic legitimacy** of the European Union.

The Lisbon Treaty introduces a closer and more clear-cut relationship between the two institutions. This should enable greater public connection to the European Union and confidence in its democratic character.

The biggest change under the Treaty is that the Parliament – in addition to the Commission and the Council – **is obliged to consult the Committee** on proposals in any policy area where only the European Commission and the Council had to do so previously.

With the possibility to revise its opinions after changes made by the EU Institutions, the Committee will be able to follow political discussions in the Parliament, advise its rapporteurs and react promptly to political developments. Through this process, the relationship between the Committee and the Parliament will become **more concrete and political**.

Under a **new ‘early warning’ procedure**, the European Parliament can stop legislative proposals by a simple majority vote if a majority of national parliaments have raised objections over subsidiarity. When the Committee shares the concerns of the national parliaments, it will ensure that they are followed through in the European Parliament. The Council has a similar power to reject proposals.



“We need the regional input into the European lawmaking process, as local and regional authorities represent, very often, the level where this legislation is implemented.”

European Parliament President, Jerzy Buzek



5 Working with national parliaments: an EU closer to the citizen

“The Committee of the Regions invites national parliaments, which, like the Committee itself, have been given a right to bring actions before the Court of Justice of the European Union, to enter into a continuous dialogue with it in order to develop joint strategies for the efficient application of the subsidiarity protocol and to effectively and transparently pursue at national level the consultation of representatives of the local and regional level, in particular regional parliaments with legislative powers.”

CoR opinion on The application and monitoring of the subsidiarity and proportionality principles (2005).



The Lisbon Treaty gives national parliaments a say in EU legislation. Under the new **early warning subsidiarity monitoring mechanism**, the EU Commission submits proposed legislation to national parliaments for scrutiny before the legislative process can move on. Seven out of thirteen “second chambers” represent regional and local authorities. In member states with regional parliaments that have legislative powers, national parliaments will have to consult these bodies.

During the eight weeks of the early warning system, the Committee of the Regions will work in **close partnership with the national and regional parliaments** to enhance mutual information exchange and to analyse the territorial impact of Commission proposals and whether they would be better addressed at a national, regional or local level. The CoR’s subsidiarity monitoring network, to which many regional and several national parliaments belong, will be the focus for this political activity.

In its opinions, the CoR will be able to oppose or to support the concerns of national parliaments and, equally, be able to ask that the Commission continues or reconsiders its proposals. The Committee will also be able to redraft its initial opinion based on the outcome of the early warning phase. If the Committee shares the opinion that the Commission’s proposal infringes on subsidiarity, it can **ask the European Parliament and/or the Council to stop the ongoing legislative procedure**.

The Committee of the Regions can join an action brought to the Court of Justice by any national parliament – or one of their chambers – seeking to annul an EU law on the basis of subsidiarity.

Subsidiarity and national, regional and local authorities

- The Treaty, for the first time, makes specific reference to the **local and regional self-government**, as well as the **regional and local dimension of subsidiarity**.
- The Treaty states: “Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level!”
- **Early warning mechanism:** national parliaments have eight weeks to send an opinion to the European Parliament, Council and Commission stating why they think that the suggested EU law breaches subsidiarity. Each national parliament decides which regional parliaments and assemblies it will consult.
 - If one-third of national parliaments consider that a proposal is not in line with subsidiarity, the Commission reviews its proposal, but may maintain it.
 - If a simple majority of national parliaments object, the Commission reviews its proposals, but may maintain it. However, in this case the Council of Ministers or the European Parliament can decide that the proposal doesn’t comply with the subsidiarity principle and scrap the proposal (by a 55% majority of Council members or a majority of votes cast in the EP)

6 Access to the European Court of Justice consolidates CoR's powers

The Treaty gives the Committee the **right to challenge EU laws** in the European Court of Justice if it believes regional or local aspects have not been adequately addressed, or if the EU institutions have not respected the Committee's rights to consultation.

Having this legal back up re-enforces the Committee's stronger consultation rights and greater powers in the decision-making process. It should encourage **increased consultation earlier on in the legislative process**. The Committee hopes that it will not have to resort to action in the European courts.

The right to legal action will also help to ensure that the Committee is re-consulted when the Commission, the European Parliament or the Council substantially change the nature of a proposal during the legislative proposal. In cases where the Commission has in effect tabled a new proposal, the Committee will be able to state that the proposal is not the same as the one on which it gave its initial opinion.

In the main, there are **two instances** when the Committee can initiate legal action in the European Court of Justice:

- if an EU law does not respect the subsidiarity principle – and particularly violates regional and local competences;
- if, during the legislative procedure, the EU Institutions bypassed the Committee and neglected its institutional rights



Regional and local authorities in Europe

- More than 90,000 local and regional authorities across the EU, including 75 regional assemblies with legislative power
- Local and regional authorities implement **70% of all EU legislation**
- They represent:
 - 16%** of the GDP of the EU-27
 - 56%** of public employment
 - 1/3** of the public spending
 - 2/3** of all public investment expenditure

The Committee of the Regions in numbers

Created in 1994, the CoR – the European Union's Assembly of local and regional representatives – **has 344 members** from 27 EU countries – elected representatives at the regional or local level

The Committee has 15 mandatory consultation policy areas, covered under 6 thematic commissions

The Committee holds **5 plenary sessions** per year and drafts **50 - 60 opinions**

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