

Position Paper

**Irish Delegation to the Committee of the Regions
and the
Association of Irish Regions**

**on the
Convention on the Future of the European Union**

Irish Regions Office, Brussels
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Table of Contents:	Page
Foreword	3
Summary of Main Points	4
1. Introduction	8
2. The Principle of Subsidiarity	10
3. Recognition of the Principle of Local Self Government	10
4. The Institutional Architecture	11
(a) The Council	
(b) The European Commission	
(c) The European Parliament	
(d) A Role for National Parliaments	
5. The Role of the Committee of the Regions in the Future European Union	13
6. The Open Method of Co-ordination	14
7. Economic and Social Cohesion	15
8. Direct and Advanced Consultation and Communication	16
Appendices	19

The European Convention on the Future of the European Union

In order to ensure a broad and open preparation of the Intergovernmental Conference (IGC) in 2004, the European Council at its meeting in Laeken in December 2001 convened a Convention on the Future of the European Union. This Convention will draw up a final document outlining either different options or recommendations for a revision of the Treaty on European Union, which will provide a starting point for the discussions at the IGC.

The Convention is working within a very broad but detailed mandate under the following areas:

- A better division and definition of competence in the European Union;
- Simplification of the Union's instruments;
- More democracy, transparency and efficiency in the European Union;
- Towards a Constitution for European citizens.

The former French President, Mr. Valery Giscard d'Estaing is President of the Convention, which is composed of 105 members nominated by the European Parliament, the European Commission and the governments and national parliaments of the EU Member States and accession countries. There are also a number of observers to the Convention, including six from the Committee of the Regions.

The Irish members of the Convention are: Mr. Dick Roche TD (representative of the Government – his alternate is Mr. Bobby McDonagh); Mr. John Bruton and Mr. Proinsias DeRossa (representatives of the Dail – their alternates are Mr. Pat Carey and Mr. John Gormley). Mr. John Cushnahan is an alternate member for the European Parliament.

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Foreword

We are at an important crossroads in European history and it is timely for all of us to ask and discuss what kind of Europe we want to develop for the future.

Membership of the European Union has been and continues to be of enormous importance and benefit to Ireland. To ensure that we continue to benefit, Ireland must remain a fully engaged and committed member of the European Union. In turn there is a responsibility on all levels of government to ensure that the citizen is fully engaged in and informed of developments within the Union.

The Irish Delegation to the EU Committee of the Regions (CoR) and the Association of Irish Regions welcomes the establishment of the Convention on the Future of the European Union as a mechanism to open up the debate on what kind of Europe we want to develop in the future. We only hope that it can deliver on the task that it has been assigned.

This submission has been jointly agreed by the two organisations with a view to addressing some of the questions raised in the Laeken Declaration and outlining some of the key future of Europe issues for Irish sub-national government. In this regard this submission is also focused on the work being undertaken by the National Forum on Europe in Ireland.

We believe that if the challenge of bringing the European Union closer to its citizens is to be faced then it must ensure a comprehensive and positive role for local and regional government within all Member States and within the EU decision-making structure.

Cllr. Seamus MURRAY
President
Irish Delegation to CoR

Cllr. Tony FERGUSON
Cathaoirleach
Association of Irish Regions

Summary of Main Points of this Position Paper

On the Convention:

- The Irish Delegation to the Committee of the Regions and the Association of Irish Regions welcome the establishment of the Convention on the Future of the European Union so that all issues related to the governance of Europe are taken into account.
- The Convention should abandon any hesitation and take responsibility in addressing the future institutional framework and in particular the balance between the Commission and Council.

General Recommendations to the Convention:

- We argue that there should be a stronger role for local and regional authorities within the framework of how public responsibility is exercised in the European Union.
- We consider that subsidiarity is a key principle of governance, which needs to be defined as one that applies from the European to the local sphere.
- We believe that it is time for a working definition of subsidiarity to be included in the Treaties.
- We recommend that the European Charter of Local Self-Government be incorporated into the Treaties or any future European Constitution, committing the EU and the Member States to formally recognise the principles of local government.
- We consider that the Convention could commend the greater use of the Open Method of Co-ordination, once care is exercised in the selection of policy areas that it will be applied to and also to ensure that its key characteristics, namely the principle of subsidiarity, flexibility and legitimacy, are maintained.
- We would insist that the promotion of economic and social cohesion is enshrined in any future European Constitution.
- We would welcome more concrete proposals to enhance the direct involvement of local and regional levels of government during the drafting of policies and legislative proposals as well as more improved channels established for the systematic and transparent dialogue between the European Commission and representatives of local and regional government.

On the Institutional Architecture:

- We emphasise that any consideration on institutional reform should be undertaken with a view to strengthening all the institutions essential to the functioning of the Community method, but within a concerted process.
- We consider that it would be preferable for the **European Council** to await the recommendations of the Convention before initiating any reforms to its structure or procedures.
- Given that the **Council of Ministers** performs a legislative task we consider that proposals should be made for making the workings of the Council more transparent and accessible – especially greater public access to Council documents.
- We would caution against any strengthening of the role of the Council because of the risk that the larger Member States may dominate.

- The exclusive right of initiative of the **European Commission** is a fundamental element of the Community Method and we do not accept any proposal to have this right shared with the European Parliament or the Council.
- We believe that the Commission must re-affirm the principles of being impartial, independent and representative of all and we therefore re-affirm the wish to have a fully representative Commission to protect the interests of all Member States and to counter-balance the extension of majority voting.
- We would urge caution on the further politicisation of the Commission as this may put its sole right of initiative into question, with the perception of a more 'political' college.
- The role of the **European Parliament** in representing European citizens must be strengthened with the possibility of the right of co-decision with the Council being more widely applied.
- We consider that the role of **National Parliaments** in EU affairs should be strengthened, primarily, by improving the national preparation processes for scrutinising EU legislative proposals and adopting positions within the Member States.
- We do not accept the need to create another, or second, chamber comprising national parliamentarians, as has been suggested.

On the Committee of the Regions (CoR):

- We call on the Convention to improve the CoR's capacity to represent the views of sub-national government and to improve its advisory capacity.
- We would also welcome a re-structuring of the CoR to allow it to be a resource of sub-national expertise and information.
- We consider that all sub-national authorities (legislative or non-legislative) must be treated on an equal basis in relation to EU legislation and in relation to membership of the Committee of the Regions.
- We reject any proposal that the division of seats on the CoR, under Article 263 of the EC Treaty, should be aligned more closely to the numbers of inhabitants in the regions represented.

Comments to the National Forum

On the National Forum:

- We support the continuation of the National Forum on Europe as it provides a useful setting for dialogue and discussion on Ireland's role in the European Union and a sounding board for the Government on European issues.
- We would suggest that the Forum's membership should be broadened to reflect the wider civil society, including specific representation from the local and regional government spheres.

On Irish Involvement in the Convention:

- We would encourage Irish representatives, in their contributions to the Convention, to better recognise and make reference to the sub-national level's role in bringing the Union closer to the citizen.

On Involving Irish Sub-national Government in the Future European Union:

- We suggest that Ireland needs to use all avenues open to maximise its participation in the EU and to enable this we would propose that a 'Group Ireland' approach be adopted which would bring together Irish representatives on EU bodies and other relevant public representatives to discuss key issues, develop positions and share insights.
- We propose that the analyses of EU legislative proposals, prepared for the Joint Committee on European Affairs of the Oireachtas, be more widely available.
- We support a proposal in the White Paper on European Governance for each Member State to put in place adequate mechanisms for consultation when discussing EU decisions and implementing EU policies and we would encourage the Irish Government to better involve local and regional authorities in influencing the preparation of EU issues at the national level.
- We are concerned that much of the European Union related work that local and regional authorities in Ireland undertake seems to go unnoticed or is taken for granted.
- We would encourage the greater use of local and regional government in 'communicating Europe' to the citizen and using sub-national government more effectively in broadening and deepening Ireland's involvement in the European Union.
- We would welcome the facilitation of twinning arrangements between local and regional administrations in Ireland and the Applicant States.
- We would welcome more improved channels established for direct, systematic and transparent dialogue between the European Commission and the regions in Ireland.
- We would support proposals for tripartite contracts between the European Union, Member States and regions for greater co-ordination of actions between the territorial spheres.
- We welcome the open method of co-ordination as an approach to co-ordinate policy on condition that the involvement of local and regional authorities in Ireland is provided for and is allowed to play its part in all appropriate stages of its implementation.

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1. Introduction

1.1 The Irish Delegation to the Committee of the Regions and the Association of Irish Regions welcome the establishment of the Convention on the Future of the European Union as we believe that consideration of the future of the Union needs to take into account all issues related to the governance of Europe, in order to make the Union more relevant to its citizens and enhance its democratic legitimacy.

The European Convention on the Future of the European Union

In order to ensure a broad and open preparation of the Intergovernmental Conference (IGC) in 2004, the European Council at its meeting in Laeken in December 2001 convened a Convention on the Future of the European Union. This Convention will draw up a final document outlining either different options or recommendations for a revision of the Treaty on European Union, which will provide a starting point for the discussions at the IGC.

The Convention is working within a very broad but detailed mandate under the following areas:

- A better division and definition of competence in the European Union;
- Simplification of the Union's instruments;
- More democracy, transparency and efficiency in the European Union;
- Towards a Constitution for European citizens.

The former French President, Mr. Valery Giscard d'Estaing is President of the Convention, which is composed of 105 members nominated by the European Parliament, the European Commission and the governments and national parliaments of the EU Member States and accession countries. There are also a number of observers to the Convention, including six from the Committee of the Regions.

The Irish members of the Convention are: Mr. Dick Roche TD (representative of the Government – his alternate is Mr. Bobby McDonagh); Mr. John Bruton and Mr. Proinsias DeRossa (representatives of the Dail – their alternates are Mr. Pat Carey and Mr. John Gormley). Mr. John Cushnahan is an alternate member for the European Parliament.

1.2 Under Article 1 of the Treaty on European Union, the Union is based on the principles of closeness (proximity) and subsidiarity, which we feel necessarily imply a strong role for local and regional government. However, the current Treaties provide no clear means for giving effect to these principles beyond the EU-Member State relationship.

1.3 Traditionally, local and regional authorities, which exist in all of the Member States, have been seen as playing a relatively marginal role in the European Union process. Fortunately, this perception has changed over time and especially with the entry into force of the Maastricht Treaty which provided for the creation of the Committee of the Regions in 1994, the recognition of the Principle of Subsidiarity and the provision under Article 146 (now Article 203) to allow representatives, other than those from central government, to participate in Council meetings and decisions.

1.4 The need to strengthen the interaction between the Institutions of the European Union and sub-national authorities and intensify the involvement of local and regional authorities has been further recognised by the European Commission, in its recent White Paper on European Governance¹.

1.5 It is important to recognise that local and regional governments already play a major role in the implementation, financing and enforcement of policies and legislation which

¹ European Governance: A White Paper (COM(2001) 428)

have been developed and decided at the European level. Therefore, if the challenge set out in the Laeken Declaration, that *“the European institutions must be brought closer to its citizens”*, is to be achieved it will require the active involvement and co-operation of local and regional authorities in all Member States, including Ireland. However, the Irish Delegation to the Committee of the Regions and the Association of Irish Regions is disappointed with the discussions at the Convention to date, which have seemed to focus more on the institutions than on the citizen. **We would encourage Irish representatives on the Convention to not just focus their contributions on the role of national parliaments, but to also have reference to the sub-national level’s role, in bringing the Union closer to the citizen.** We hope that future contributions from Irish members will reflect a broader-based approach.

1.6 In this paper we talk about ‘spheres’ rather than ‘levels’ of government, as the report of the Joint Committee on European Affairs of the Oireachtas (Irish Houses of parliament) outlined *“the reality is that all levels of Government – local, regional, national and Union – are nowadays in practice involved, directly or indirectly, with almost every area of government to some degree or other either in a consultative, an executive or a legislative role”*.² Therefore, the top-down linear model of governance is less appropriate. To deal with all issues facing our citizens a strong partnership, based on mutual respect, is required between all spheres of government, as competencies in a number of policy areas are shared between different territorial spheres of government and we are therefore opposed to a strict delimitation of competencies.

1.7 We fully acknowledge that it is the role of each Member State to determine its own infra-national legal and constitutional structure and to determine the allocation of competences. However, we believe that certain principles need to be respected across Europe and within all Member States – democracy, consultation, partnership, openness and transparency and participation. We consider that Ireland has an opportunity to learn from experiences of other Member States in the application of these principles.

Key Principles of Governance	
Democracy:	within all spheres of government, with a formal recognition of the principle of local self-government
Consultation:	by each sphere of government, at a formative stage, of those affected by its decisions, including other spheres of government
Partnership:	the need to recognise that on many issues no one sphere of government can act successfully alone
Openness:	all spheres of government providing freedom of information and clear reasons for decisions
Participation:	enabling citizens and other players to take part in government, whilst respecting formal decision-making roles.

1.8 We argue that there should be a stronger role for local and regional authorities within the framework of how public responsibility is exercised in the European Union.

1.9 However, simplifying procedures and reforming the Union’s institutions will not ‘bring Europe closer to its citizens’, it will take more than that. It is a challenge for the European Union but also all its Member States and all levels of governance.

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² Report of the Joint Committee on European Affairs on the Future of the European Union 2002 (Section 4.45)

2. The Principle of Subsidiarity

2.1 The principle of subsidiarity and how it should be applied is set out in the Treaties. The Irish Government representative to the Convention has stressed that the European Union should apply more assiduously the principle of subsidiarity. However, there is no clear definition of the subsidiarity principle. **We believe that it is time for a working definition of subsidiarity to be included in the Treaties.** This definition, of course, would probably only apply to the EU-Member State relationship but it should also apply to the relationships between all spheres of government, including the local, regional and national.

2.2 The Irish Government representative to the Convention has also rejected the idea of drawing-up a new catalogue of competences. We agree and in calling for a working definition of the principle of subsidiarity we are not arguing for the Treaty to allocate competences or requesting a resolution of how it is to be applied in each Member State. Nonetheless, **we consider that subsidiarity is a key principle of governance, which needs to be defined as one that applies from the European to the local sphere.**

2.3 It would be for each Member State to determine the competences of each sphere of government and the means of ensuring the application of the subsidiarity principle within broad EU guidelines.

2.4 Subsidiarity is a political rather than a legal principle. If, however, it is to stop being all things to all spheres of government, there needs to be review mechanisms, at the political level in the European and national domains, to oversee its proper application. Within Ireland there has been little consideration of this issue and we would encourage the Government to initiate such an initiative. Within the European domain, the Committee of the Regions has been considered, and has accepted the mantle, as the guardian of subsidiarity. However, such a role needs a body representing EU institutions, national parliaments and local and regional governments to provide a more comprehensive watchdog function.

2.5 We believe that the Protocol on the Application of the Principles of Subsidiarity and Proportionality provides some guidelines for application of subsidiarity that could also be applied within each Member State.

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3. Recognition of the Principle of Local Self Government

3.1 As an enhancement to the points on subsidiarity **we recommend that the European Charter of Local Self-Government (Council of Europe 1985) be incorporated into the Treaties or any future European Constitution, committing the European Union and the Member States to formally recognise the principles of local government.**

3.2 Both the European Parliament and the Committee of the Regions recommend including the principle of local self-government in the Treaties. In the long-term we would also like to see the European Charter of Regional Self-Government included.

3.3 A consolidation of the principles of local self-government would have a significant political impact, given the role that local and regional authorities play as democratic intermediaries between the European Union and the citizen. Formal recognition of these principles would also give a clear indication to the new democracies of Central and Eastern Europe and further impetus to the incorporation of these principles in their national legislation.

4. The Institutional Architecture

4.1 It is important to emphasise that any consideration on institutional reform should be undertaken with a view to strengthening all the institutions essential to the functioning of the Community method, but in the framework of an inter-institutional approach and concerted process. We consider **that the Convention is ideally structured to do this and we feel that it should abandon any hesitation and take responsibility in addressing the future institutional framework**, in particular the balance between the Commission and Council.

(a) The Council

4.2 In this regard we are concerned by the Seville Council's conclusions regarding the structure and functioning of the Council, as it seems to pre-empt the recommendations of the Convention on the Future of Europe. These conclusions would also seem to lack a consideration of the inter-institutional dimension. In particular Annex II of the conclusions sets out that the Council adopts a three-year multi-annual strategic programme and an annual operating programme of Council activities. At present it seems to us unclear whether the multi-annual strategic programme is of the Union or just the Council. However, given that the Commission is not the proposer of either programme but is merely consulted and that the European Parliament is not even mentioned, it would seem that this proposal circumvents the 'Community Method'.

4.3 It would also seem that these proposals are a further attempt to erode the sole right of the Commission to propose Community legislation. This is a considerable concern as these proposals go against public commitments to democracy and political legitimacy within the European Union decision-making process. Although the Seville proposals do not require Treaty amendment, we consider that it would have been preferable for the European Council to have awaited the recommendations of the Convention before acting.

4.4 Given that the Council of Ministers performs a legislative task we consider that proposals should be made for making the workings of the Council more transparent and accessible – especially greater public access to Council documents. In this regard we welcome the proposals agreed at the Seville European Council, which we consider are a start but rather limited and not very ambitious. However, we are concerned at the increasing influence of inter-governmentalism and would **caution against any strengthening of the role of the Council because of the risk that the larger Member States may dominate**, in the cause of efficiency but, with the effect of diminishing the role of the smaller states, including Ireland.

(b) The European Commission

4.5 We believe that the Community Method has served the European Union well. It ensures fair treatment of all Member States from the largest to the smallest. It provides arbitration between different interests: the general interest at the Commission; and the democratic representation at the Council and the European Parliament. **The exclusive right of initiative of the European Commission is a fundamental element of this Method and we do not accept any proposal to have this right shared with the European Parliament or the Council of Ministers.** Such a move would undermine responsibility and lead to the possibility of a less coherent European agenda being pursued.

4.6 We consider that the European Commission must be fully representative and that a fully representative Commission which makes proposals which reconcile as much as possible the interests of the majority with the interests of whoever may be in a minority on

any particular issue – makes majority voting and the re-weighting of votes in the Council acceptable. We believe that the Commission must re-affirm the principles of being impartial, independent and representative of all.

4.7 While there is a proposed agreement on the issue of fewer Commissioners than Member States, a workable system for the rotation of commission places is unresolved and will have to be considered at a future stage. **We therefore re-affirm the wish to have a fully representative Commission to protect the interests of all Member States and to counter-balance the extension of majority voting.**

4.8 Of the options set out in the Laeken Declaration we consider that the direct election of the President of the European Commission by the citizens of Europe to be the most preferable. This would enhance the public profile of the office and give the Commission a much-needed sense of direction. **However, we would urge caution on the further politicisation of the Commission as this may put its sole right of initiative into question, with the perception of a more ‘political’ college.** There will need to be a careful balance struck here.

4.9 We welcome the proposals from President Prodi on the future role of the Commission published on June 17, 2002. We consider these to be a valuable input into the process, in particular the proposals to reorganise the responsibilities of the college around a limited number of essential tasks and rationalising the Commission’s internal decision-making structures. However, we must be careful not to create a two-tier Commission structure whether in practice or by perception and we must not undermine the key principles set out above, namely impartiality, independence and representativeness.

(c) The European Parliament

4.10 The role of the European Parliament in representing European citizens must be strengthened. The right of co-decision with the Council should be more widely applied. In order to maintain a direct link between the citizens of the Union and their MEPs we recommend the retention of regional constituencies for elections to the European Parliament and we would further propose that the constituencies within Ireland should be realigned with the existing regions of sub-national government.

4.11 Given the high level of cases taken to the Ombudsman and Petitions to the European Parliament that have been deemed inadmissible would seem to underline that citizens are not aware of their rights or of the power of the Union and its institutions under the Treaties. This would seem to indicate the need for citizens to receive better and more appropriate forms of information on the European Union and the impact it has on people’s lives. We consider that citizens should know ‘who does what’, but also understand how decisions are taken.

(d) A Role for National Parliaments

4.12 Within the European Union the Parliament and the Council provide for two legislative bodies. **We do not accept the need to create another, or second, chamber comprising national parliamentarians**, as has been suggested. However, if such a chamber were to be advocated we would urge that it include representatives of local and regional government of all Member States.

4.13 We consider that the role of national parliaments in EU affairs should be strengthened, primarily, by improving the national preparation process of EU policies/positions in the Member States. **National parliaments must develop arrangements providing for proper scrutiny of EU legislation and the role of the Executive in representing national interests** and in this regard we welcome the recent

procedures that have been introduced in the Houses of the Oireachtas, following the result of the first Nice Referendum. However, we would also support a proposal in the White Paper on European Governance for each Member State to put in place adequate mechanisms for wide consultation when discussing EU decisions and implementing EU policies.

4.14 As part of this process we would welcome initiatives by the Irish Government to better involve local and regional authorities in influencing the preparation of EU issues at the national level.

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5. The Role of the Committee of the Regions in the Future European Union

5.1 In July 2002 the Committee of the Regions adopted its first contribution to the Convention.³ This contribution is a synthesis of a number of previous opinions by the CoR and a summary of its key demands to previous IGC, including recognition of the CoR's status as an institution and the power to bring actions before the Court of Justice. We recommend the contribution to the Convention. However, we accept that the Committee of the Regions, before it can achieve any of its demands, has to be better recognised within the EU decision-making structure for the potential added-value it can bring.

5.2 We consider that the CoR has fulfilled its role as enshrined in the Treaties but we accept that it has not delivered on some of the expectations since its creation in 1994. We therefore **call on the Convention to improve the Committee's capacity to represent the views of sub-national government and to improve its advisory capacity**, by:

- Involving the CoR in regular pre-legislative drafting or proactive consultation on issues of direct interest to local and regional authorities;
- Increasing the capacity of the CoR to use expertise directly from local and regional authorities, to help inform debate and discussions;
- Granting the CoR the ability to question the Commission directly on relevant issues and ensuring that the Commission regularly reports to it on consideration of its positions;
- Ensuring that the Commission be required to give reasons if it fails to take the position of the CoR into account, in key policy areas.

5.3 In its initial submission to the National Forum on Europe the Irish Delegation to the Committee of the Regions outlined the Protocol for Co-operation between the CoR and EC⁴ to improve procedures for consultation (see Appendix 1). We welcome this proactive and open approach to consultation of local and regional government representatives and would ask the Convention to enhance this role for the CoR.

5.4 We would also welcome a re-structuring of the CoR to allow it to be a resource of sub-national expertise and information.

5.5 The Committee of the Regions not only represents regions, but also cities, municipalities, town councils, local authorities, district councils as well as regions with and without legislative powers. We consider that all sub-national authorities must be treated on an equal basis in relation to EU legislation and in relation to membership of the Committee

³ Contribution of the Committee of the Regions to the European Convention (CdR 127/2002 rev.2)

⁴ Joint declaration of the President of the European Commission and the President of the Committee of the Regions (DI CdR 81/2001 rev.2)

of the Regions. Regions holding legislative powers should not be endowed with a special status and we urge the Convention to avoid such a distinction.

5.6 In this regard **we emphatically reject any proposal that the division of seats on the CoR, under Article 263 of the EC Treaty, should be aligned more closely to the numbers of inhabitants in the regions represented.** This would undermine rather than enhance the representativeness of the CoR.

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6. The Open Method of Co-ordination

6.1 The Open Method of Co-ordination (OMC) is, in general, a welcome new approach to encouraging co-operation, the exchange of best practice and agreeing common targets and guidelines for Member States, backed up in some cases by national action plans. We believe that it is not a harmonisation of policy but rather a co-ordination of policy and acts as a complement to the Community Method.

The Open Method of Coordination

The Open Method of Co-ordination (OMC) was defined at the Lisbon Summit in March 2000 as a means of cooperation without using the Community Method. The OMC originates from the 'recommendation policy' and benchmarking exercise of the OECD, as well as the economic co-ordination of the EMU process, built around annual broad economic guidelines and including peer review. Employment policy was the first policy area where the OMC was introduced, in 1997, even though the method had, at this early stage, not yet been named.

OMC is seen as a means of spreading best practice and achieving convergence towards the main EU goals by:

- fixing guidelines for the Union with specific timetables for achieving goals which the Member States set in short, medium and long-terms;
- establishing where appropriate quantitative and qualitative indicators and benchmarks for comparison purposes;
- translating the Union guidelines into national and regional policies by setting specific targets and adopting certain measures;
- periodic monitoring, evaluation and peer review organised as a mutual learning process.

The use of OMC in employment policy, without having to harmonise legislation encouraged the European Commission to use it in other policy areas. At present some form of the method is applied in: public health, equal opportunities, enterprise, employment, health and safety at work, social protection (pensions), social policy (social inclusion), economic, information society, research, training and education, youth and immigration policies. Following some evaluations of its use the OMC may now be described as a new approach to governance and a tool for achieving defined Treaty objectives. It is thus a method that the Convention will need to fully consider when it discusses simplification of the Union's instruments and a way of achieving more transparency and efficiency in the European Union.

6.2 **We consider it thus to be an instrument that the Convention could commend, especially in an enlarged Union.** However, care must be used in the selection of policy areas that OMC will be applied to and also to ensure that its key characteristics, namely the principle of subsidiarity, flexibility and legitimacy, are maintained.

6.3 The open method of co-operation as agreed at the Lisbon Summit specified that it be *"a fully decentralised approach to be applied in line with the principle of subsidiarity in which the Union, the Member States, the regional and local levels, as well as the social partners and civil society, will be actively involved, using variable forms of partnership"*⁵. While application of the OMC varies between policy areas we consider that it does nonetheless provide for a clear role, in appropriate policy areas, for local and regional authorities in both involvement in drawing up national action plans and also in the implementation of these plans.

⁵ Presidency Conclusions from the Lisbon European Council, March 23-24, 2000.

6.4 We consider that the open method of co-ordination could be more widely applied and complement existing programme-based and legislative approaches, but in line with the principle of subsidiarity and with the “*aim of achieving Treaty objectives*”⁶. We also consider it to be an alternative to traditional European legislation as it can be applied in policy areas, which are often a shared competence between various spheres of government, once there is recognition of national and regional differences (flexibility) and real involvement of stakeholders (legitimacy).

6.5 The open method of co-ordination places some new requirements on national decision-making processes, especially with regard to the direct involvement of the local and regional levels. We therefore believe that the successful implementation of this method depends on transparency and a willingness of national government departments to co-operate. **We welcome the introduction of the open method of co-ordination as an approach on condition that the involvement of local and regional authorities is provided for and is allowed to play its part in all appropriate stages of its implementation.**

6.6 At present the European Commission is commencing a strategic evaluation of the open method of co-ordination, which will be concluded in 2003. As part of this review we would firstly, welcome some guidelines on implementing the open method of co-ordination - in particular minimum standards on consultation. Secondly, we would support proposals that Member States include descriptions of how they involved the local and regional levels in the evaluation reports they must produce and thirdly, we would welcome further initiatives at the national level to develop clear vertical partnerships with the local and regional levels and other stakeholders as requested in the White Paper on Governance – in the drafting of national action plans, their implementation and when preparing evaluations on implementation.

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7. Economic and Social Cohesion

7.1 The promotion of economic and social cohesion is a primary objective of the European Union. We would therefore insist that this objective is enshrined in any future European Constitution. It must also be recognised that economic and social inequalities exist not only between Member States, between current and future Member States but also within Member States and within regions. The European Union’s regional policy has been effective in assisting Europe’s poorest regions in terms of raising their competitiveness and relative prosperity.

7.2 There are some moves to re-nationalise the regional policy, supported by some Member States, which we feel would be a retrograde step. Of all the current policies led by the European Union, regional policy is the main policy that makes the Union tangible and closer to its citizens, by providing the necessary added-value to the projects that authorities at local, regional and national spheres wish to develop, in partnership with the European Union. The objectives of the regional policy have made the European Union a reality for the citizen – they can identify its results and reap the benefits. Regional policy has also enabled regions to act as key partners in implementing EU policy and provided direct contact between the regions and the European Commission. We consider that such approaches should be enhanced.

⁶ As stated in: European Governance: A White Paper (COM(2001) 428)

7.3 A partial or total abolition of the Union's regional policy, as is seemingly advocated by a number of existing Member States, would also be interpreted by sub-national authorities and other partners as a step backwards and out-of-line with the trend in favour of a greater decentralisation of public action. We would support proposals brought forward by Commissioner Barnier for tripartite contracts between the European Union, Member States and regions, adapted for different national contexts, for greater co-ordination of actions between the territorial spheres.

Tripartite Contracts

The White Paper on European Governance set out some proposals to achieve greater flexibility in implementing EU policy. One proposal advanced by the European Commission was that of the Tripartite Contract between the Member States, local and regional authorities and the Commission.

The aim of these tripartite contracts is to achieve better targeting in implementing certain EU policies. Often varying local conditions can make it difficult to establish one set of rules that covers the entire Union, without over complicating the legislation. Tripartite contacts would provide some flexibility in implementing regulations or directives in fields with a strong territorial impact and which local and/or regional authorities have a responsibility for implementing, once existing Treaty provisions and the requirements of the internal market are maintained.

Clearer guidelines on how tripartite contracts would be applied and in which policy areas they may be most appropriate would be welcome but in principle they have the potential to be a useful instrument in ensuring flexibility through agreed goals, methods and practices of policy implementation.

7.4 In the context of simplification of EU policies we would also support further consideration of linking 'regional policy' and 'employment, education and training policies' so that they may be jointly implemented at regional level, possibly by means of a single fund. Also the second pillar of the Common Agricultural Policy – designed to encourage diversification, may also be linked with regional policy. We also feel that consideration must be given to developing more clearly the link between regional policy and competition policy, which are both at the core of territorial competitiveness.

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8. Direct and Advanced Consultation and Communication

8.1 As a follow-on to the proposals set out in the Commission's White Paper on European Governance we would welcome, as well as the enhanced role for the CoR in this area, more concrete proposals to enhance the direct involvement of local and regional levels of government during the drafting of policies and legislative proposals. Irish local and regional government is currently involved in a number of informal networks and platforms (such as EPRO (see below) and ENCORE), which provide for pre-drafting exchanges of information and early warning of forthcoming legislative proposals, with the European Commission.

8.2 We are concerned by the low level of representation of Irish interests in Brussels, in particular sub-national or regional representation offices, which in turn reduces the potential for access to such exchanges and networking. At present there are just two such offices from Ireland – NASC the West of Ireland European Liaison Office and the Irish Regions Office.⁷ **This we feel minimises Ireland's ability to better influence policy decisions, avail of opportunities to forge alliances and bid for projects and funding sources** (see also Appendix 2). We would like to see an enhancement of this representation and encouragement from national government in this regard.

⁷ Up until 1999 Dublin was represented by the Dublin European Office which was funded and operated by the four local authorities in the Dublin region.

EPRO: Environmental Platform for Regional Offices

EPRO was established in October 2001 to act, informally, as both a channel for the dissemination of early information on EU environmental policy and new legislative proposals to local and regional authorities and also to facilitate direct participation by these authorities in the early stages of the EU policy making process. This is intended to lead to the development of better balanced, higher quality proposals from the Commission, with faster decision-making processes and easier and more compliant implementation.

EPRO was formed following the publication of the White Paper on European Governance and is composed of one Brussels regional office representative from each of the EU Member States. DG Environment is cooperating actively with EPRO and sees it as a potential model to develop better relations between the Commission and local and regional authorities, which may in the long-term be adopted by other DGs.

EPRO has to date placed local and regional authority experts on a number of DG Environment's Working Groups, on issues such as Biodiversity, Coastal Erosion and Infrastructure for Spatial Information. EPRO also meets regularly with DG Environment to exchange information on the DG's work programme.

Ireland is represented on EPRO by Mr. John Bennett (NASC Office Brussels) and Mr. Robert Collins (Irish Regions Office Brussels).

8.3 We would highlight that local and regional authorities in Ireland already play a considerable role in implementing and influencing EU policy of interest to them. **We regret that much of this work seems to go unnoticed or is taken for granted**, (for example local government is not specifically represented on the National Forum on Europe). Many of these authorities are involved in bidding for, negotiating on and implementing EU funded projects directly with the European Commission. Some of the regions act on an agency basis for EU programmes in Ireland and many others are involved in EU networks and European associations of sub-national government.

8.4 We would propose that there should be more improved channels established for direct, systematic and transparent dialogue between the European Commission and representatives of local and regional government. We consider that such a dialogue is necessary to ensure that valuable experience and expertise, which exists at the local and regional levels, is taken into account during the important stage of the design and development of policies and legislation, legislation that these authorities will have a vital role in implementing.

8.5 To enable this we would further recommend that the European Commission would develop a database of regional and local authorities in the European Union and use this database to directly seek, from the outset of policy development, the comments, objections and insights of these authorities. We would contend that by directly involving the democratic institutions closest to the citizen that the EU will be in a position to prepare real, meaningful and compliant policy documents.

8.6 The provision of information and discussion on European affairs is at a particularly low level in Ireland. The lack of informed debate and the low political priority which EU affairs has received, until post-Nice Referendum I, would seem to indicate a less than enthusiastic approach to our membership of the European Union, which some Euro-sceptic press has exploited. Increased public attention and the recently established National Forum provide an ideal opportunity for Ireland to consider what its role in the Union is, identify its priorities and include, as well as inform, the general public in this process. We feel that this is a responsibility of all players involved in governmental affairs.

8.7 In terms of broadening and deepening our membership of the Union we need to use all avenues open to us. **We would propose that a 'Group Ireland' approach be adopted which would bring together Irish MEPs, Irish members of the Committee of the Regions and the Economic and Social Committee, members of the Joint Committee on**

European Affairs and other relevant public representatives to discuss key issues, develop positions and share insights. We are open to further consideration on this proposal and urge the Irish Government to take action in order that Ireland maximises its influence and role in all EU institutions.

8.8 We would propose as an initial measure to make the analyses of EU legislative proposals that are prepared for the Joint Committee on European Affairs of the Oireachtas more widely available (at least on the Oireachtas website). This would assist, for example the Irish members to the Committee of the Regions, in adopting positions and when participating in debates during Committee meetings.

8.9 We also **support the continuation of the National Forum on Europe, or a similar structure, in the post Nice Referendum II era, as it provides a useful setting for dialogue and discussion on Ireland's role in the European Union and a sounding board for the Government on European issues.** It also contributes towards a key objective of the Laeken Declaration of helping to bring Europe closer to its citizens. To further enable this we would suggest that the Forum's membership should be less party political (as these parties can influence debate in the Oireachtas) but broadened to reflect the wider civil society.

8.10 We consider that **there is a role for local and regional government, either in association with Government or the European Commission representation in Dublin, to actively participate in communicating Europe to people at the local level.** At present some Regional Authorities are providing Eurotraining programmes for their members while others are organising debates on the Nice Treaty within their regions. Many local and regional authorities are open to pursuing future such activities and we therefore consider that local and regional government is a resource that has been under-utilised in this regard in Ireland.

8.11 We would welcome the facilitation, by the Irish Government, of **twinning arrangements between local and regional administrations in Ireland and the Applicant States.** Already national government has developed such arrangements at the national level with these states and where expertise and experience exists at the local and regional levels similar arrangements should be encouraged and developed. This would allow for the identification of best practice, drawing on experience and promoting awareness of Community Law. It would also be a positive and practical contribution to enlargement and a demonstration of solidarity with the new Member States.

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Appendix 1: Extract from Irish Delegation submission to the National Forum (November 30, 2001)

The Protocol for Co-operation between the CoR and EC

In September 2001 the Committee of the Regions and the European Commission signed a protocol governing arrangements for co-operation between the two bodies⁸. The signing of this protocol was made in the context of the respective remits of the European Commission and the Committee of the Regions, the work of the IGC concluded in Nice in December 2000 and takes account of the guidelines set out in the 'Declaration on the Future of the Union' appended to the Nice Treaty.

In the preamble to the protocol the Commission considers that given the role and membership of the CoR – with members either holding an electoral mandate or being politically accountable to an elected assembly – it is in a position to “*make a major contribution to the framing of Community legislation and to be an appropriate channel for information and an instrument for boosting awareness, reflecting the aspirations and expectations of regional and local authorities vis a vis the European institutions*”. The protocol aims to improve procedures for consultation of the CoR, to improve the Committee more closely and to make a practical contribution to the implementation of the proposals for reform of governance in Europe as set out in the Commission's White Paper on European Governance.

Some of the practical arrangements set out are:

- *On the basis of the European Commission's annual work programme, the Commissioner responsible for relations with the Committee of the Regions shall forward to the Committee a list of proposals for mandatory consultation, along with proposals for possible optional consultation. This list shall also include documents of a non-legislative nature on which the Commission intends to request the Committee's opinion.*
- *The European Commission shall encourage the Committee of the Regions to draw up strategic documents reviewing matters which the Commission regards as important; these reports shall explore in greater depth problems in areas where the Committee of the Regions has the appropriate local information resources. These reports shall be officially presented to the European Commission following their adoption in plenary.*
- *To enable the Committee to prepare regular impact assessment reports of its work, the European Commission shall provide it twice a year with substantive replies, setting out the reasons why the comments contained in the CoR opinions have or have not been taken into account. More specifically, the suggestions accepted by the Commission shall be incorporated in its amended proposals.*
- *The European Commission officials responsible for work on issues which the Committee of the Regions is examining shall participate as far as possible in meetings to which they are invited so as to set out the Commission's proposals and take note of the positions expressed by the members of the Committee of the Regions.*
- *Bearing in mind the close ties between the members of the Committee of the Regions and the citizens of their constituencies, the Committee of the Regions shall encourage local and regional authority information campaigns and schemes to publicise the Community's work, including the organisation, possibly in conjunction with the Commission, of seminars, hearings and conferences in spheres of particular importance.*
- *Among other ad hoc forms of support, the European Commission shall do its utmost to ensure appropriate coverage of the Committee of the Regions in the information brochures which it publishes on the EU institutions. It shall also instruct its representative offices to:*
 - *disseminate the publications provided by the Committee of the Regions,*
 - *designate a liaison officer for CoR work,*

⁸ Joint declaration of the President of the European Commission and the President of the Committee of the Regions (DI CdR 81/2001 rev.2)

- *get involved, as far as possible, in events organised by the Committee of the Regions in the country concerned.*

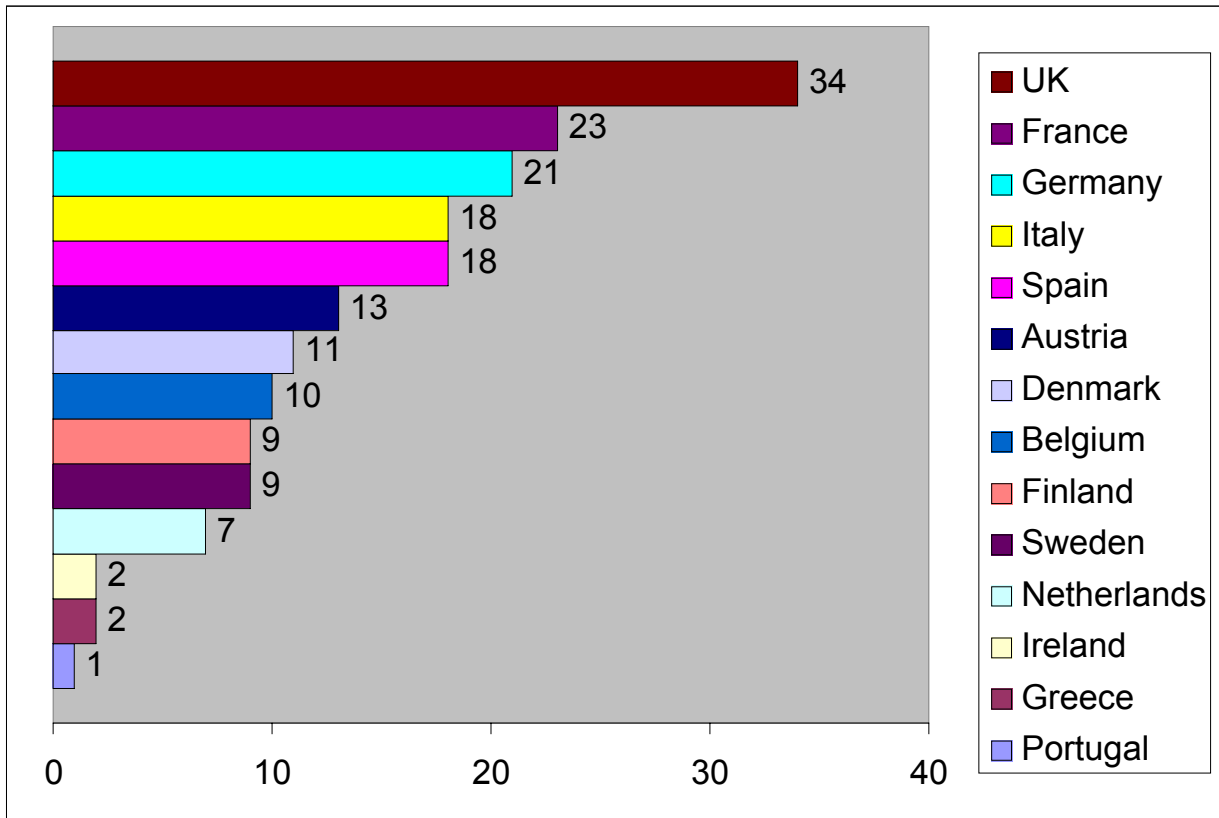
These arrangements will, it is hoped, provide for a more effective and responsive input into the EU decision-making process from the CoR and will make the Commission more accountable to the views of local and regional authorities. The Irish Delegation supports these arrangements and considers that they will enable the CoR to be more proactive in influencing policy and propose new initiatives where EU action is necessary and desirable from a local and regional government perspective. The arrangements might also enable the CoR to fulfil both its representative and advisory role, both of which it has not been able to achieve effectively to the satisfaction of the Irish Delegation.

These arrangements are included in this submission to highlight the potential that still exists within the CoR, and the Irish Delegation to it, to be an effective body in influencing policy decisions. The Delegation considers that this potential needs to be maximised in Ireland's membership of an enlarged Union.

Appendix 2: Regional Representation in Brussels

At present Irish sub-national interests are represented in Brussels by the Irish Regions Office (which is the secretariat for the Irish Delegation to the CoR) and NASC – the West of Ireland European Liaison Office.

Number of regional representation offices based in Brussels in 2001 (source: NASC 2001)



Obviously, while many of the larger Member States and those with federal structures have the highest levels of representation in Brussels, Ireland compares badly with some of the other similar sized states, such as Denmark, Finland and Sweden. (See Table: This table does not include regional offices from the candidate countries, many of which are only developing their systems of sub-national government but have already established a strong presence in Brussels).

The two Irish offices are currently located in ‘Scotland House’, which also houses many, if not all, of Scotland’s key agencies represented in Brussels (such as Scotland Europa, the Scottish Executive, Locate-in-Scotland, CoSLA, and Scottish regional offices). Scotland as a country, in scale and in size, is not unlike Ireland but with the establishment and development of Scotland House has managed to create a positive, unified and powerful presence within Brussels, which has helped Scottish interests to forge alliances with other regions and within the institutions, while at the same time ensuring operational independence to each resident and opening up residence to key non-Scottish interests. There are a few other similar such models in Brussels.

Obviously, it is important that Irish interests in Brussels maintain a level of independence, for operational and political reasons, however there are many advantages to having a recognisable and allied location, with some pooled resources and partnership arrangements. There is no reason why Ireland could not develop such a model.

Appendix 3: The Irish Delegation to the Committee of the Regions and the Association of Irish Regions

The Irish Delegation to the Committee of the Regions

The Committee of the Regions (CoR) represents local and regional government in the EU policy formation and decision-making processes. The CoR is an advisory body, established in 1994, to ensure that the public authorities closest to the citizen are consulted on EU policies of direct interest to them. The CoR is composed of 222 members representing local and regional spheres of government of the 15 Member States. Ireland has 9 members and 9 alternate members. They are:

Members

Cllr. Seamus MURRAY (Head of Delegation)
Cllr. Royston BRADY
Sen. Ald. Maurice CUMMINS
Cllr. Constance HANNIFFY
Cllr. Joe LEDDIN
Cllr. Annette McNAMARA
Cllr. Mae SEXTON T.D.
Cllr. Anthony VESEY
Vacancy

Alternates

Cllr. Terry BRENNAN
Cllr. P.J. COGHILL
Cllr. Catherine CONNOLLY
Cllr. Angela LUPTON
Cllr. Catherine MURPHY
Cllr. Vivian O'CALLAGHAN
Cllr. John PENDER
Cllr. Margaret RICHARDSON
Cllr. Noreen RYAN

The Minister for the Environment and Local Government nominates the Irish members on behalf of the Government, taking into account geographical, gender and political considerations. All eight of the Regional Authorities are represented by at least one member and one alternate member.

The Association of Irish Regions

The Association of Irish Regions is the national representative organisation of the eight Regional Authorities and the two Regional Assemblies in Ireland. Its objectives are:

- To function in a representative manner to express the collective view of the membership of Regional Authorities and Regional Assemblies on matters concerning their constitution and the functions for which they have statutory responsibility.
- To offer advice to the Government of Ireland and any Minister of the Government of Ireland on any matter pertaining to the economic and social development of the State or any region thereof.
- To facilitate exchange of information and experience between members of Regional Authorities.
- To arrange meetings, seminars or publications which will further the objective of improving the quality of service which members can give to their authorities and to the public service.

The Association is composed of the Cathaoirleach and Directors of the Regional Authorities and Regional Assemblies of the Republic of Ireland:

Border Regional Authority

Mr. Matt DONNELLY (Director)

Cllr. Tony FERGUSON (Cathaoirleach)

South-East Regional Authority

Mr. Tom BYRNE (Director)

Cllr. Michael MAGUIRE (Cathaoirleach)

Dublin Regional Authority

Ms. Patricia POTTER (Director)

Cllr. Stanley LAING (Cathaoirleach)

West Regional Authority

Mr. Jim McGOVERN (Director)

Cllr. Peter SWEENEY (Cathaoirleach)

Mid-West Regional Authority
Mr. Tom KIRBY (Director)
Cllr. Mattie RYAN (Cathaoirleach)

Midlands Regional Authority
Mr. Jim STONE (Director)
Cllr. Joseph DOOLEY (Cathaoirleach)

Mid-East Regional Authority
Mr. John BYRNE (Director)
Cllr. Pat DOYLE (Cathaoirleach)

Border/Midlands/West Regional Assembly
Mr. Gerry FINN (Director)
Cllr. Joseph DIGAN (Cathaoirleach)

South-West Regional Authority
Mr. John McALEER (Director)
Cllr. Annette McNAMARA (Cathaoirleach)

Southern and Eastern Regional Assembly
Mr. Stephen BLAIR (Director)
Cllr. John STAFFORD (Cathaoirleach)