

**Submission to the National Forum on Europe
by the
Irish Delegation to the EU Committee of the Regions**

Introduction

The Irish Delegation to the Committee of the Regions considers that, the Nice Referendum result apart, the establishment of a National Forum on Europe is very necessary and timely. In view of the forthcoming historic task of enlargement of the European Union and the various initiatives to re-energise public support for the Union that are on-going, it is important that Ireland takes stock of its relationship and engagement with the European Union, takes account of the various on-going developments and takes some positions on our future priorities, roles and participation at all European levels.

The Irish Delegation was disappointed with the results of the Nice Treaty Referendum and in the weeks following the result members were constantly in a position at meetings, in Brussels, of having to explain the reasons behind the result and emphasise that it was *'not a vote against enlargement'* but the result of a number of factors, not least apathy and a lack of knowledge of the issues involved.

As members of the Irish Delegation to the CoR we are involved at 'the coalface' of the European Union. We recognise the value and benefit of our membership of the EU, we are committed to developing and enlarging the Union but we also understand the apathy and the feeling of detachment that many people in Ireland feel about Europe. Being involved in meetings in Brussels with our colleagues from the other Member States, discussing matters such as the Future of Europe has opened our eyes to the lack of dialogue that takes place in Ireland on the European Union in general and in particular Ireland's role in its future development. We therefore look forward to the deliberations and conclusions of the National Forum on Europe.

This submission will directly address the purpose of the National Forum by outlining some of the CoR's responses to some of the more relevant conclusions of the Council and the communications from the European Commission recently. The submission will also provide some of the Delegation's experiences to date in working within the CoR and in so doing highlight issues, future issues, of potential relevance for Ireland's membership of an enlarged European Union.

Future of Europe

The CoR and indeed the Irish Delegation welcomes the fact that not only will there be a wide and intensive public debate but also a structured period of preparation involving all major stakeholders in the run-up to the next IGC. The CoR has requested that it be a full member in the proposed Convention that prepares the Future of Europe debate as it considers that the observer status that it is likely to be afforded is insufficient and inappropriate.

The CoR considers that its full involvement in the structured debate on the future of the Union is essential for the following reasons¹:

1. the sub-national level is directly affected by the upcoming reforms;
2. the Committee of the Regions represents the sub-national level in all its diversity;
3. the Committee strengthens the preparatory body's democratic legitimacy;
4. the Committee can make the proceedings more transparent; and
5. the Committee can draw on its experience to provide substantial input into the debate.

1 the sub-national level is directly affected by the upcoming reforms

The debate on the Union's future directly affects the sub-national level in all Member States. This applies in particular to the delimitation of competencies between the Union and the Member States, which inevitably has direct repercussions on powers at sub-national level. For this reason too, the CoR calls for its formal involvement in the debate.

For years now, the regions and local authorities have been drawing attention to the fact that increasing integration has a considerable impact on their democratic freedom of action, since the European Union has, over time, interpreted and applied its powers ever more widely in many fields. In the debate on a better allocation of competencies within Europe, it is not only a matter of improving legal instruments, but also of examining the political division of responsibilities between the Union and the Member States in key policy areas. Many of these policy areas, however, affect the remit of regional and local authorities, e.g. culture and education policy, research and technology, environment policy and regional and agricultural structural policy.

Regions and local authorities play a key role in implementing European law "on the ground" and, in some Member States, regions with legislative powers are - in certain fields - also responsible for transposing European directives. Thus, in any review of the current allocation of competencies, the regions and local authorities can bring their wide experience and practical outlook to bear in a bid to boost subsidiarity and proximity.

2. the Committee of the Regions represents the sub-national level in all its diversity

Under the Treaties, the Committee of the Regions is empowered to represent the EU Member States' regional and local bodies at European level. The Committee of the Regions alone is in a position to represent Europe's regions and local authorities generally. This applies both to constitutional regions which, in federal Member States, have their own legislative powers and enjoy major political clout, and to regions with a key political and economic role in other Member States. It is a forum in which the regions and local authorities of all Member States work together, regardless of differences in national territorial set-ups, to provide an input into the European opinion-forming process.

3. the Committee strengthens the preparatory body's democratic legitimacy

Full CoR involvement can boost the democratic legitimacy of the body set up to prepare for the next intergovernmental conference. The vast majority of CoR members already have a democratic mandate from voters in their local authority or region and have the same direct and strong democratic legitimacy as members of national parliaments and MEPs. This practice has been made mandatory by the Nice Treaty.

Regions and local authorities are key elements in Member States' systems of government. They act solely in the public interest and carry out public tasks. Regions and local authorities are democratically organised and have a democratic mandate. Therefore, they should not generally be placed on a par with NGOs.

¹ Memorandum on the involvement of the CoR in the Structured Debate on the Future of the Union (CdR 325/2001fin)

4. the Committee can make the proceedings more transparent

Over the past few years, public support for European integration has fallen in many Member States. As well as having a democratic legitimacy, the preparatory work will thus also have to be transparent, as this will be a crucial factor in enabling the public in local authority areas, regions and Member States to take part in the debate on the future of the Union and endorse its outcome. Transparency can be enhanced by the full involvement of regional and local authority representatives who are in direct, ongoing contact with local citizens.

5. the Committee can draw on experience to provide substantial input into the debate

The CoR reiterates its call for a better delimitation of competencies between the European Union on the one hand, and the Member States and their regional and local authorities on the other. The Committee calls for powers which go beyond a purely consultative role. It rejects the establishment of a new second chamber for the European Parliament made up of members of national parliaments and demands instead that any institution of this kind should be filled with representatives of regional and local authorities and should evolve from the Committee of the Regions.

The Irish Delegation supports these calls made by the Committee but unfortunately accepts that the Committee is unlikely to be given full membership of a convention, if it is decided to establish such a mechanism. However, the Delegation considers that many of the principles set out in the CoR reasoning should also be considered by the National Forum and be reflected in 'the Irish' position on the Future of Europe debate.

The recent Barcelona and Flanders Declarations by the regions with constitutional or legislative powers also needs to be considered in the Future of Europe Debate. These regions consider that the principle of subsidiarity should be fully respected and that their political role should be strengthened within the European Union. The Delegation would not agree with these regions' call for competencies to be clearly circumscribed or delimited between levels or spheres of government and the EU. This rather sterile debate about the competencies of regions, states and the EU ignores the fact that the real problems concerning people such as, unemployment, social exclusion or the environment cannot be solved by one level of government acting alone. The citizen must be put firmly at centre stage in the debate.

The White Paper on European Governance

The publication of the White paper on European Governance² is an attempt by the European Commission to address the way in which the Union uses the powers given by its citizens. The Paper outlines that *'many people are losing confidence in a poorly understood and complex system to deliver the policies that they want. The Union is often seen as remote and at the same time too intrusive. The Irish 'no' highlights the impact of these problems on many people. This was reflected not only in the final outcome of the referendum, but also in the low turnout and quality of the debate which preceded it.'* The White Paper aims to develop proposals to better connect the people with the EU institutions and greatly reflects representations made by the CoR in demands for greater 'bottom-up' involvement.

The White Paper proposes opening up the policy-making process to get more people and organisations involved in shaping and delivering EU policy. Through numerous

² European Governance: A White Paper COM(2001) 428

proposed actions, it promotes greater openness, efficiency, accountability and responsibility for all those involved.

The proposals for change are divided into four sections:

- Increased and better involvement in shaping and implementing policy
- Improving the quality and enforcement of EU policies
- Strengthening links between the EU governance and its role in the world
- Improving the role of the EU institutions

A key section of the paper enumerates proposed actions for improving the contact with citizens through local and regional authority channels. This could be achieved through

- Enhanced roles and responsibilities for the Committee of the Regions
- Greater dialogue with associations of regional and local government
- Increased opportunities for staff exchanges and joint training
- Promoting delivery of information through local and regional authority channels
- Examining opportunities for implementing EU legislation and programmes more flexibly at regional level to take account of regional differences

The proposals contained within The White Paper have a number of direct implications for the CoR and the Irish Delegation but also for all local and regional authorities and how they interact with the European Union and its institutions:

The Committee of the Regions should:

- *Play a more proactive role in examining policy, for example through the preparation of exploratory reports in advance of Commission proposals.*
- *Organise the exchange of best practice on how local and regional authorities are involved in the preparatory phase of European decision-making at national level.*
- *Review the local and regional impact of certain directives, and to report to the Commission by the end of 2002 on the possibilities for more flexible means of application. The Commission will then consider a more systematic approach to allow such flexibility for some parts of Community law.*

The Commission will:

- *Establish from 2002 onwards a more systematic dialogue with European and national associations of regional and local government at an early stage of policy shaping.*
- *Launch, from 2002 onwards, pilot "target-based contracts" within one or more areas, as a more flexible means of ensuring implementation of EU policies.*

The Member States should:

- *examine how to improve the involvement of local and regional actors in EU policy-making.*
- *promote the use of contractual arrangements with their regions and localities.*

The Irish Delegation to the CoR has consistently sought stronger interaction for local and regional government in the consultative and decision-making phases of policy determination, ensuring that views and concerns expressed at a local level are represented. Thus the Commission initiative is strongly supported. The increased emphasis of the role of the CoR in guiding policy development and in identifying more responsive ways of implementing EU programmes are also welcomed, reflecting the realisation that the EU must become closer and more responsive to citizens.

This phase of the consultative process on the governance of the EU will continue until the end of March 2002 and all interested parties are invited to respond to the paper and contribute to the debate directly. However, while it is difficult to assess, it is very likely that there has been a low level of direct contributions to the pre-consultation and consultation phases thus far. The Irish Delegation, through a number of channels has tried to engender some debate on this, but whether the lack of dialogue or response is a result of apathy, ignorance or lack of organisational capacity, it is worrying that there is little dialogue, public debate and response to this important issue, within Ireland.

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 bodies³. 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*

³ Joint declaration of the President of the European Commission and the President of the Committee of the Regions (DI CdR 81/2001 rev.2)

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,*
 - *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.

Brussels Representation

In May 2000 the Irish Delegation established a representation office in Brussels to provide the members with direct support in undertaking their duties as members of the Committee of the Regions, to establish working contacts with the other EU Institutions and to give the regions of Ireland a shop-window in Brussels. This office was initiated by the Minister for the Environment and Local Government, Mr. Noel Dempsey TD and is financially supported by his department.

This has proved to be a very beneficial development to members in performing their duties as CoR members. The Delegation now has two full-time officers who act as its secretariat; one Dublin and one Brussels based officer. This is a marked improvement on when members were first appointed to the CoR in 1994 without any support services or assistance provided. The secretariat is responsible for:

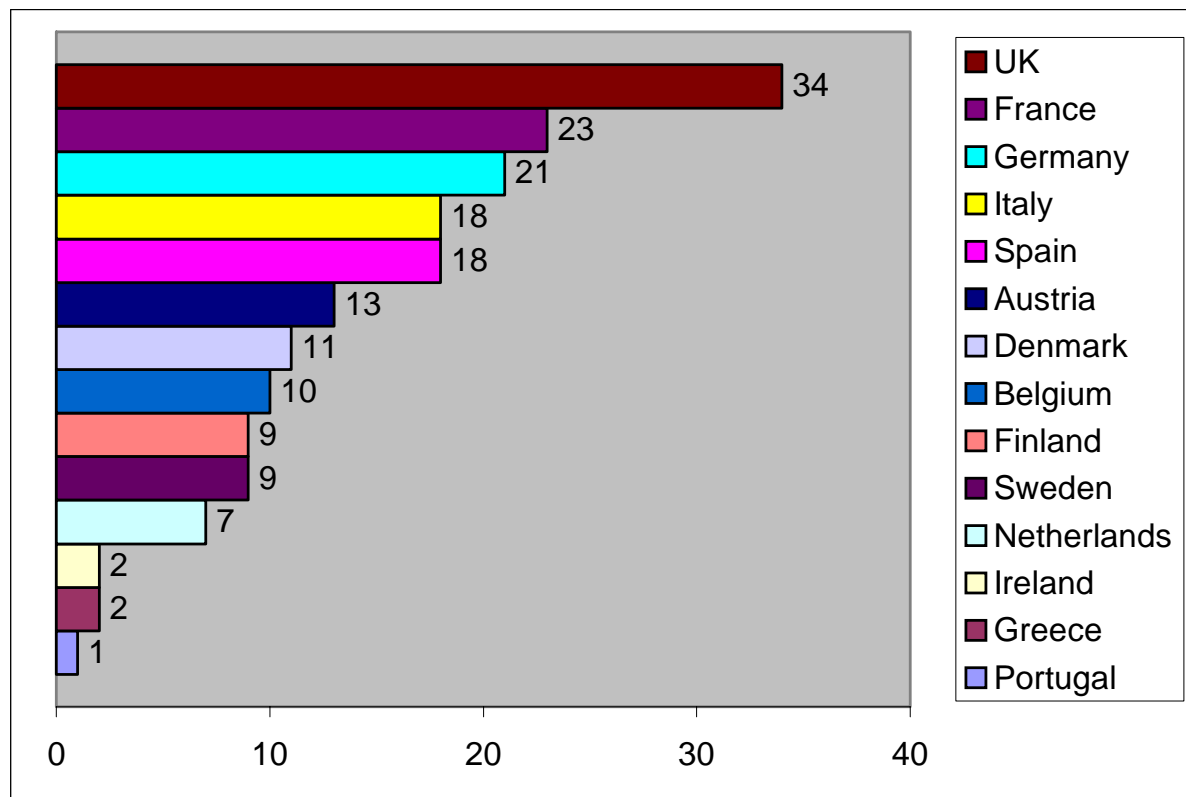
- Providing members with information and briefings;
- Assisting members in drafting opinions;
- Assisting members in tabling amendments to other opinions;
- Building up contacts with the CoR administration and regions in other Member States;
- Promoting and raising the profile of the Delegation and its work.

The establishment of the Brussels office has taken this assistance a little further by developing linkages with the other EU Institutions, developing working alliances with other national delegations within the CoR and other regional offices in Brussels, helped to identify funding opportunities for regional and local authorities and assisted in the identification of partner searches for project submissions.

However, in comparison with many of our colleagues on the CoR, the Irish Delegation is under resourced and often dis-regarded within the general context of Ireland's membership of the Union.

Also, as a follow-on from some of the recommendations of the White Paper on European Governance the European Commission has begun to investigate the possibility of establishing direct systems of dialogue and consultation with the Brussels based offices. At present DG Environment has proposed a structured, advanced consultation model between the regional offices and the Commission, so that the DG Environment can get direct feedback and suggestions to its work programme and comments on policy proposals during the pre-drafting stages. This is a useful and very productive method of trying to influence policy. Work on progressing this proposal is on-going but it does provide a number of potential opportunities for these regional offices to get advanced notice of environmental policy, much of which has to be implemented directly by local and regional authorities, but it also poses a number of problems for Ireland in that it has one of the lowest levels of Brussels based regional representation amongst the Member States.

Table 1: Number of regional representation offices based in Brussels in 2001



Obviously, while many of the largest Member States have the highest levels of representation, Ireland compares badly with some of the other similar sized states, such as Denmark, Finland and Sweden. (See Table 1. This table does not include regional offices from the candidate countries, many of which have already established a strong presence in Brussels). At present Ireland is represented 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.

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. 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. There is no reason why Ireland could not do the same.

Conclusions

The Irish Delegation considers that the National Forum on Europe should:

- Provide an important link between the 'European process' and the citizen, especially given the debate that is taking place on governance within the EU at present;
- Give an insight into the future role of Ireland in the EU and our relationship with the other Member States at all levels;
- Assist Ireland's public representatives, on all EU bodies, to better represent the interests of our citizens generally.

The Irish Delegation considers that post Nice referendum Ireland must now see that its membership of the European Union is entering a new phase. We cannot take our membership of the Union for granted and the role that we play within it lightly.

The European Union itself is changing and Ireland's relations with all our partners, at all levels – national, regional and local, sectoral and political must be reinforced.

If we are members of the European Union then we must be fully participating members. Many may have seen our priority in the past as Regional Policy, the Structural Funds and the transfers under the CAP. We need to get away from the general perception that the EU is about money. We are now in a new climate where we need to be actively involved, using all avenues at our disposal, in influencing policy, forging alliances and being proactive in our approach.

We are fortunate that our public representatives and officials engaged directly in EU activities, either in Council, the European Parliament, the CoR and the Economic and Social Committee, have largely adopted a 'team Ireland' approach. This is an obvious strength that should continue and be nurtured.

To enable this we need to devote more resources, at all levels, to European engagement. While Ireland has, in the main, a positive image among other Member States and in Brussels, this is not reinforced with a strong presence.