

***CONSULTATIONS CONDUCTED FOR THE PREPARATION
OF THE WHITE PAPER ON DEMOCRATIC
EUROPEAN GOVERNANCE***

REPORT TO THE COMMISSION

Governance Team

June 2001

What they have told us about the White Paper, about European governance and about what is expected from the Commission.

The gist of it

In accordance with the spirit of “good governance”, the work programme approved by the Commission on 11 October 2000 made provision for a report to be drawn up, before publication of the White Paper on democratic governance, on the consultations to which its preparation had given rise. In this way, the lessons drawn by all the working groups and the governance team from the numerous consultations in which they had engaged were to be reflected.

This document gives an account of those lessons. It sets out the most salient or most contrasting points in *Part One*. *Part Two* reports on the lessons learned individually by each of the working groups and sets out the methods used to assemble them.

This report marks a stage in the process of drafting the White Paper: the time when stock is taken of contributions from outside, the opinions which were expressed and those which were not. It seeks to place the facts on record as faithfully as possible, in a spirit of clarity, evaluation and contribution to collective learning. It precedes the presentation of the White Paper itself by some weeks and even now gets to the heart of the matter. For listening is not a public relations exercise - it underpins the quality of the White Paper's recommendations. The messages we have received have been recorded and analysed and they have contributed towards stimulating the collective thinking of the 200 or so Commission officials who are actively participating in the White Paper's preparation. These messages have been collated here, contributing towards explaining the recommendations which the report will comprise.

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PART ONE: *The most salient messages*

■ *Who was consulted? How? When?*

In addition to the specialist consultations conducted by each of the 12 working groups in their specific work areas, there have been transversal consultations organised by the governance team and a spontaneous relaying of viewpoints by a large number of organisations and institutions, whether in writing or at the events to which we were invited.

The very varied procedures of the *consultations conducted by the working groups* are described in detail in Part Two. Among those involved, a mix of theoreticians and practitioners consulted for their expertise, their experience and their representativeness may be noted. Concerning the *modes of consultation*, three main formulas were used: restricted *dialogue* with the working group, structured *hearings* and *wide consultation by questionnaire, off-line or on-line*.

A major *public hearing* on the central question of the use of subsidiarity and proportionality and also a series of “*governance lunches*” which brought together the members of the working groups with one or more leading figures were organised by the governance team (see p. 17). On-line contact with the public was maintained via the *governance site on Europa*¹ (http://europa.eu.int/comm/governance/index_en.htm) and a periodical *newsletter* was e-mailed to the correspondents listed on a database which currently contains over 1 500 names.

Finally, the announcement of the White Paper has generated a great many *spontaneous reactions* from individuals, groups, organisations and public players. Independently of the consultation organised by the inter-service groups, the institutions took action of their own to draw up opinions (European Parliament, Economic and Social Committee, Committee of the Regions).

The *debate on the reform of modes of governance has already begun*; publication of the White Paper can only broaden it.

Consultations took place over a period of *four months* between December 2000 and April 2001, viz. within tight deadlines. This short time was not without some impact on the exercise: the interest and willingness of all the persons approached to act, at short notice, were revealed and there is every reason to acknowledge the quantity and richness of the proposals, appeals, standpoints, advice and opinions collected within that period. While stamping a strong dynamism on the exercise, this limited time did not facilitate research into points of view which for reasons of language, culture or other it is not easy to express spontaneously. It must therefore be acknowledged that the debate on European governance, embarked upon as part of this preparatory work, has involved *those who are already involved and those who wish to be involved more*: the new players, in other words a large public made up of initiates estimated to number some 500 000. What do

¹ Nearly 500 e-mails have been received on the governance website, ranging from simple requests for inclusion on the list of correspondents to comments of substance.

citizens have to say about it, i.e. those who do not make the effort to elect their European MPs or who do not seem greatly concerned with developments in the Union? It was via a broad survey in January in all the Member States and many of the candidate countries that the pulse of public opinion was taken. The conclusions of this survey offer a rich backcloth of expectations from the governance exercise.

■ *The new players in Europe*

The messages conveyed to us from these consultations are strong, instructive and sometimes surprising. They are expressed mainly by five categories of players in European public life:

➤ **The regional and local players** are indisputably those who have proved to be the most numerous, spontaneously with the most insistent messages. The institutional part has been played as from December 2000 by the Committee of the Regions [CoR] with the adoption of an own-initiative opinion.² The Presidents of the German Länder and also the LGIB³ had, for their part, established contact even earlier. Substantial contributions will follow in the form of position papers from Eurocities, the CEMR,⁴ ARE,⁵ the CRPM,⁶ the Austrian Länder, the Association of German Towns and Municipalities, the Association of European Border Regions, and the Scottish Executive and COSLA,⁷ plus the contributions from local authorities (e.g. Landstinget Sörmland), not counting the multitude of players who have responded to requests via the Internet or by mail launched by Groups 3b and 4c (see Part Two). From this abundance of contributions, we single out for consideration four strong messages:

- *First, a request for involvement* formulated in different ways: it is either vindictive “*European policy must no longer be restricted to the communication after the event of decisions already taken*” (amendment by Mr Bocklet to the opinion of the CoR), or propositional “*several countries involve regional players in European action*”,⁸ *why not organise a process of exchange on these experiences equivalent to the Luxembourg process for employment policies*” (CRPM). It emanates from the regions but also from the local players who wish to be consulted early on in the process regarding the European measures which concern them (hearing of 16 March) and who often offer their own experience of implementing effective consultations (Landstinget Sörmland) by way of an example.
- The *contrast* between the concept of *political responsibility*, without sharing, of certain Länder Presidents, and the proliferation of ideas and proposals on the exercise and sharing of political responsibility as practised in reality. Thus for a great many players, the principle of *active subsidiarity* reflects a reality

² *New forms of governance: Europe, a framework for citizens' initiative* CoR 182/2000.

³ Local Government International Bureau.

⁴ Council of European Municipalities and Regions.

⁵ Association of European Regions.

⁶ Conference of Peripheral and Maritime Regions.

⁷ Convention of Scottish Local Authorities.

⁸ The most frequently cited examples are those of the Netherlands and Denmark.

which integrates the contribution from regional and local players better than a rigid allocation of powers.

- The *prudence* which elected representatives in the German Länder urge us to display; they put us on our guard against a *blind or over-detailed normative activism* but also dispute the dangers posed by certain new ways of achieving integration. Hence the method of open coordination is perceived as an *unlawful political technique which extends the sphere of European action beyond what the Treaty provides for, excluding as it does the regional level*. Others, by contrast, stress the fact that the extensive involvement of regions and towns via networks and more inter-activity could to some extent counteract the excessive centralism of European legislation and increase collective efficiency in achieving the essential policy objectives.
 - The allegedly *cumbersome nature* of the European institutions. The cause is thought to be the verticality of Community processes, which prevents proper interaction between the different policy fields and makes it impossible for outside players to assess all the implications for their region or locality or field of action.
- **Civil society**, in other words those whose participation is recognised by the Treaty, namely, both sides of industry, but also the proliferating milieu of associations or federations of associations created to defend causes of general interest (social causes, the environment, human rights, consumers) or specific or private interests.
- Their request relates firstly to a clarification of the conditions under which *consultations prior to a decision* are conducted. Who is consulted on what? More transparency, rigour, foreseeability and equity are wanted. This is particularly important since the use of “soft” legislative tools, recognised as effective in certain cases, may also generate major inequalities through lack of transparency.
 - The consultation procedures are too numerous and too dispersed (“we are wasting our time”, both sides of industry tell us); they seem to depend on the goodwill of people who are here today but may be gone tomorrow and they often bear the stamp of clientelism.
 - The administrative fragmentation of the issues also bothers our interlocutors in civil society, forcing them to disperse their energies among multiple centres of discussion; they often find themselves excluded from others and in any event receive little feedback on their input. “*The deliberations of the advisory committees are carried out for the benefit of a single service when they could well be cross-sectoral and no public explanation is given concerning the decisions taken pursuant, or contrary, to the opinion of these committees*” (National Consumer Council).

- During the individual hearings but also during events organised by civil society players themselves (ECAS⁹, Platform of the NGOs, Confrontations) or via contributions passed to us by organisations (ATD Fourth World, CEDAG,¹⁰ CEMR,¹¹ UK National Consumer Council), we are asked to recognise that the institutions do not have a monopoly on public life, that these new players are also centre stage and that they have a useful part to play. We need to reckon with them: the EU may construct itself for all to see and they wish to contribute to it, as they often do already at national level (e.g. DK, cited by CEMR) or local level (examples given by the Sörmland Landstinget).
 - This demand for recognition takes different forms, going as far as the suggestion by the players already the most involved in the Commission's consultative practices for “participating status” (ATD Fourth World), an article in the Treaty or a Council regulation (Platform of social NGOs).
- **The national parliaments:** It is not by chance that the role of national parliaments in the architecture of Europe is one of the four questions included in the declaration on the future of the Union contained in the Final Act of the last IGC. The interest in the White Paper on governance expressed by different representatives of national parliaments (*Swedish Presidency of COSAC, French Senate, Bundestag, Camera dei deputati, and the authors of the Green Paper of the Conference of Speakers of European Parliaments*) bears out the ***ambition on the part of parliaments to play a more direct part in European affairs***. This comes at a time when national parliaments are developing a knowledge of and interest in European affairs and realising their potential contribution.¹²
- Conversely, while this new role was not properly brought out in the context of reforming the modes of European governance, we are put on our guard against a backlash by these intermediate institutions which parliaments are, were they to feel marginalised. The “*representative democracy for and/or against participatory democracy*” debate easily takes a rival turn and, in this tense context, the emphasis placed on the consultation of civil society players by executives without any mention of the “*parliamentary filter*” could spark a negative reaction. “*Parliaments offer the greatest guarantees of transparency and disclosure in the consultative process between governments and the members of civil society*” – a point forcibly made at the last meeting of the Conference of Speakers of European Parliaments.

⁹ European Citizen Action Service.

¹⁰ European Committee of General Interest Associations.

¹¹ Council of European Municipalities and Regions.

¹² Andreas Maurer, in a study carried out for the Swedish Presidency (National parliaments after Amsterdam: adaptation, re-calibration and Europeanisation by process), establishes the increasingly powerful Europeanisation of national parliaments which is confirmed by all those we are in discussion with.

This vision is widely shared by the civil society players who recognise the irreplaceable nature of the parliamentary guarantee (National Consumer Council).

- Thus, according to *Luciano Violante*, it could come down to the parents to define a “*charter of citizenship*” for organisations that sometimes act “*as if they were taking the place of the government or parliament as the expression of the public will*” (Dahrendorf). “*How is it that different national situations can cease to act as brakes and become a driving force of integration?*” In formulating this question, A. Palanza, the Secretary-General of the *Camera dei deputati* emphasises that national parliamentarians want to take their share of responsibility in European affairs but that they **feel poorly supported and under-resourced**. Consequently the conditions under which these parliamentarians are currently consulted by their governments or by the European institutions are not set up according to clear procedures. In the European Parliament in particular, “*the demands made on national parliaments are considered on a par with generic consultations of civil society*”. They are not coordinated and it is not unusual for national parliamentarians to be “heard” by two different committees on the same subject. Too tardy and too fragmented, these examinations are not a “*representative method of consultation*” and prevent national parliaments from exploiting their potential to politicise European debates on the national stage.
- “*We must have the common objective of setting up the conditions for a public debate open to the different national communities which does not overlook what is done nationally in terms of political representation and conflict resolution*” (L. Violante). Only **parliaments can lead the debate today, on their respective national stages, concerning the long-term questions dealt with at European level which are neglected by media “focused on controversy rather than on debating ideas”**. Nor is this the only reason why the national parliaments feel it is urgent to act: faced with the difficulties encountered by executives in basing public decisions on *scientifically uncertain choices*, the elected representatives stand as useful *intermediaries* in contributing towards defining the *societal acceptability* of difficult public decisions which entail risks.
- To go down a more cooperative road, “*national parliaments with agendas which could coincide ought to create permanent, horizontal and vertical interconnections between them and the European Parliament*” (J. M. Ferry).¹³ It is proposed¹⁴ that the European and national institutions should develop an *integrated strategy* based on the networks of representative assemblies initiated in recent years, including the *Conference of Speakers of European Parliaments which will meet in Stockholm in September 2001*. The COSAC¹⁵,

¹³ Philosopher, author of *La question de l'Etat européen [The question of the European state]*, heard by Group 1a.

¹⁴ Green Paper *The future of parliamentary democracy: transition and challenge in European governance* prepared for the Conference of Speakers of European Parliaments.

¹⁵ Conference of Bodies specialising in European and Community Affairs of the Parliaments of the EU, which brings together the national parliaments of the Member States and candidate countries and the European Parliament.

under the presidency of the Swedish Parliament has, for its part, created a standing working group to organise the participation of national parliaments in the debate on the future of the Union.

- The parliaments, both national and European, have obviously not had their last word. They are stimulated by their validation in the post-Nice debate and by their experience of the Convention which worked on the Charter of Fundamental Rights. The White Paper on governance is received against this background. Thus the group of European Socialist Parties in the European Parliament, in its position made public in April 2001, welcomed the “contribution which the White Paper may make in favour of the democratic legitimacy and effectiveness of the Union”, proposing in particular “so that improvements in terms of European governance are meaningful and successful”: *“a joint and co-operative approach on the part of the Commission, the Council and the European Parliament ... which could be expressed by an interinstitutional agreement on democratic governance between these three institutions, to be drafted and signed after the end of the consultation process on the White Paper.”*

➤ **The governments of the Member States:** Two main messages come to us from the representatives of national administrations with whom contact has been made (the legal advisers' group of the permanent representations and the high-level group chaired by D. Mandelkern, and an appreciable number of senior officials and advisers of prime ministers and governments as well as several persons responsible for the implementation of new forms of governance in the Netherlands Ministry of the Interior). Here, too, the British Government should be singled out from among all the governments of the Member States, as having without doubt shown from the very outset the greatest interest in the Commission's initiative on governance, ranging from the participation of the Minister for European Affairs at a meeting organised very early on by the Centre for European Reform to the presentation of a position paper from the Government transmitted to the Governance team.

- The first of the messages relates to the know-how which exists in the Member States and the preparedness of the governments to embark on cooperative processes. Concerning the question “how to legislate better”, for example, the Commission often appears to be in the back seat in relation to the expertise which has developed in the Member States on, for example, *impact studies* in the United Kingdom, *codification* in France, *consultation* in Denmark, *agencies* in Sweden and the importance of a *hierarchy of norms* in Italy. The German example is also impressive in that it reveals how, through a series of internal reforms undertaken over several years now, administrative modernisation has integrated a complete review of the role of public institutions and their way of operating with a view to democratic governance.

In terms of the application of Community law and its monitoring by the Commission, the very positive reception accorded by the national governments (in reply to a questionnaire from the Commission departments) to the proposals to consolidate the yearly meetings between themselves and with the Commission and to put them on a systematic footing with a view to improving this application, points to a great preparedness to adopt a proactive attitude of cooperation

committed to maintaining mutual trust and a knowledge of the good practices existing in other governments. The recommendations from the Member States to the Commission as regards its working methods when it acts in its capacity as “guardian of the treaties” have also proved to be most useful and may nurture the internal improvement process in the Commission departments responsible for monitoring the application of Community law.

- The second message indicates to us that the decentralisation intended to be synonymous with getting closer to the citizens does not necessarily entail their greater involvement. The criticisms which local elected representatives level at regional elected representatives, for example, are very informative on the fact that the participation of citizens via the vote is not sufficient to guarantee the representation of the multiplicity of interests which it must be possible to take into account in European decisions. Thus, as other players suggest to us (UK National Research and Social Council, formerly of Birmingham) and basic Community players (Combined European Bureau for Social Development) who provide input for the White Paper with the results of their methodical efforts to promote creative participation by marginalised, different or excluded groups, *citizen participation is a process under construction*. It does not stem automatically from decentralisation.

➤ **Citizens:**

- Citizen participation, beyond decentralisation, requires a better *intelligibility of the processes*. Citizen involvement is achievable at this price but, in fact, both the press and the elected representatives tell us of the confusion facing them as soon as they have to throw light on the complexity of the European process. “*Information overkill*” is the collective refrain of initiators among segments of the public whose comments have nurtured the drafting of the White Paper, be they national parliaments, civil society players or academics (Paul Magette, Jean Monnet Group) but also journalists (workshop on the communication of the ECAS meeting of 21 March).
- It is proposed the Commission should contribute towards refocusing the debates geographically, in time (major yearly meetings) and thematically with subjects designed to create stable reference points. The testimony of press correspondents in Brussels who confess to having difficulty in separating the wheat (what makes sense for citizens) from the chaff of the jumble of technical decisions taken daily is symptomatic of the confusion conveyed to citizens.
- What would make Europe intelligible to its citizens? Two schools of thought, one more directly utilitarian and the other more symbolic, reflect the opposition between what is directly useful in daily life and what conveys the sense of belonging to a wider community.

What do citizens think? Changing the register,¹⁶ the following messages take over the conclusions of a *qualitative* study, carried out on the basis of in-depth discussions with several groups of citizens in each Member State and nine candidate countries. In brief, the expectation from Europe is that it should organise itself to preserve a quality of life regarded as “typically European”, comprising the organisation of a collective life founded on solidarity, social links and quality value. Priorities certainly vary from one group of country to another, the concept of solidarity being assessed differently in the few Member States (UK, DK, NL, S) where “European-ness” founded on the concept of roots and cultural proximity is less highly valued. This divide is reflected in the perception of the Union, its role, its institutions and its legitimate right to federate the nations constituting it (first group) or to limit itself only to fields of action which directly serve the clearly understood interests of the country (second group). However, in general, while the survey reveals an ignorance of the institutions and the decision-making system, where the European decision-making system is presented to the audiences being canvassed and the status and role of each institution are clarified, the interest of the participants is manifest and the Commission is, of all the institutions, *the most credible*. The ambitious positioning of the institution which is the standard-bearer of the general interest, the arbiter and the spearhead of the future of the Union is thus strongly supported.

- **Academic circles** have been widely consulted by the working groups (see details in Part Two) but they have also mobilised themselves spontaneously in an exercise which they undoubtedly link to the constitutional debate. Concerning this link, they express a hope: “*the Commission contribution to the institutional debate ought to be characterised by breaking with a deadlocked and abstract debate which is purely normative and judicial and identifying the constitutional question as a leap forward rooted in the Community acquis and in the most innovative supranational governance practices*” (contribution of Jean Monnet professors coordinated by Mario Telò, ULB), original available on http://europa.eu.int/comm/gouvernance/whats_new.htm.

This hope is based on ascertaining major changes to be taken into account in the pursuit of integration. Thus, for example, “*functionalism has had its life, the Commission must abandon it*”, they tell us. Contrary to the formula of a Europe produced “*by concrete achievements*”, which has led us far along the path of integration, we are today encouraged to go beyond the fragmentation of the European area brought about by advances through major policies (single market, monetary union, etc.). *Europe no longer has to be demonstrated, it is de facto*; it no longer has to seek its legitimacy only in what it produces (outcome) but also through what it is made of (inputs). The exercise of executive functions is today highly political. The role of a government is precisely that of making itself the synthesiser of this multiplicity of contributions. This function is clearly distinct from that of parliaments which act as mediators and guarantors of the multiplicity of interests.

Thus the message repeated as it were in unison by academics who closely monitor the progress of integration is that *Europe must now declare its identity*. It can do this:

By asserting itself on the world scene: “it is not only in our interest but in the interest of the whole world that the project of better world governance needs to be placed on the agenda” (M. Porto: Coimbra).

¹⁶ The foregoing remarks are the product of direct consultations whereas the citizens' views have been canvassed via a broad opinion survey.

This same message is also relayed and spelled out in greater detail by the participants, academics and representatives of civil society in Africa, Asia and the Americas brought together by the members of the working group on world governance (see Part Two).

However, to become a world power and a source of inspiration, consolidating also from the inside, it must call on all the interest groups that play an active part in it, in other words increase its own legitimacy first.

- *“There cannot be good governance without good parliamentarianism”, we are reminded by Christopher Lord, who suggests that the European Parliament should make itself the author, trustee and guarantor of a charter of governance with benchmark norms for the European consultation, deliberation and public decision-making processes.*
- *A European identity cannot emerge from the simple “consensus by cross-checking”, which is the business of States, adds J. M. Ferry, who urges the construction of “consensus by confrontation” arising from citizen debates led by an enlarged circle of players of representative democracy.*
- *“Debate needs reference points” and Paul Magnette suggests “without upsetting existing institutional balances or radically reforming the deliberation machinery, they can be ordered and references introduced which allow ordinary citizens to perceive the issues involved”.*
- *Similarly, a number of researchers representing the NGOs and policy-makers attending a workshop on 23 and 24 April argued for the development of a “European citizenship that transcends frontiers and identities”, a European citizenship that must have the courage to innovate. It will be a natural complement to national citizenship, the one superimposed on the other, if it can be both inclusive (“transcending identities”) and specific (capable of guaranteeing rights which meet the needs of trans-national citizenship, for example in relation to work, education, health, mobility). Restricting citizenship to the right to vote is not enough; that would mean accepting to exclude those (most often women) who are not able to participate in public life for economic and social reasons. Taking into account the gender dimension of citizenship (Birte Siim) is thus essential if we are to achieve a democracy that is genuinely participative.*
- *Innovation was also the thread running through the interventions by Philippe Schmitter, Hubert Heinelt and the group of researchers who on hearing the announcement of the preparation of the White Paper immediately organised a workshop on “participative governance” at the Florence University Institute, which focused on the clarification of the role of different stakeholders in general but also other “holders”, those possessing rights, expertise, residence for example, when it comes to conferring rights to participate.*

Finally, by way of conclusion, let us come back to the citizen with the statement by an analyst of federal systems, *Nicolas Levrat (IEUG Geneva)*.

“The question of legitimacy within the European Union is too often perceived in a fragmented fashion, from the point of view of each institution or each level of government. This is overlooking an important player, namely that legitimacy arising from the realisation of the democratic process (input legitimacy) must be measured not so much from the point of view of each institution taken individually as from the general

point of view. In fact, the source of democratic legitimacy (input) is in all cases and at all levels (local, regional, national and European) the citizen. The difficulties in the perception of the legitimacy of the political system leading to the democratic deficit are not attributed by the citizen to a specific institution or to a single level of government; what is perceived by European citizens today is often a general lack of legitimacy of all things political.”

■ *Break down walls, build bridges*

So the messages which reached us from the different parties mentioned above needed to be summed up in a single formula, and the variation on a Chinese proverb¹⁷ at the head of this section seems to us to aptly describe both the seismic movements needed to abolish obsolete practices and the solidity of the multiple links to be created if the obstacles which European societies encounter when they try to solve their common problems jointly are to be overcome.

“Break down walls, build bridges” - this message to European governance also emanates from a single location where, in the space of one day, all the players referred to above attended a large public hearing organised by the governance team on the concepts of “subsidiarity” and “proportionality”. This event brought together over 400 participants from national administrations, parliaments, associations, regions and towns, and of course academics on 16 March in Brussels.

The main conclusions of this seminar are as follows: scepticism largely prevailed as regards the possibility of arriving at a strict delimitation of competences in the European Union overall is in line with the traditional federal model on account of the profoundly interdependent nature of the political challenges facing the Union and very different administrative cultures in the Member States. However, there was a consensus on the need for action to regulate the exercise of powers and the interaction between the different spheres of government. Hence, whether one wishes it or not, the links between the governance exercise and the new IGC is established by the facts; those who see an opportunity in it are numerous indeed.

As regards the competences of the EU, the main suggestions coming from this seminar are as follows:

- an indicative description of EU actions, possibly accompanied by a more precise definition in the Treaty as to what the EU ought not to concern itself with;
- a better application of the Protocol of Amsterdam on subsidiarity, either through new structures (political or judicial) or only through new procedures, with stronger emphasis on explaining the need for action at European level;
- definition of a “centre of gravity” for each policy domain, without ruling out action at other levels; some of those present stressed the need to define the "coordinating competences", as well as the exclusive and shared competences, as an integral part of the responsibilities conferred on the European Union;
- a hierarchy of norms would allow responsibility for certain decisions to be devolved downwards;
- assign a more important role to national parliaments to increase the acceptability of European action.

¹⁷ "Unfortunately there are more men who build walls than men who build bridges."

The need to step up the involvement of institutional and social players at all levels in the preparation of European decisions was strongly reiterated. In this connection, some referred to the importance of the role of regions with legislative powers while others stressed the challenges of defining and delimiting competences posed by new modes of regulation more flexible than traditional legislation. In other words reforming governance is not just a question of new institutions and legal procedures; there also has to be a more intensive use of interactive policy-making.

“Political responsibility” was advanced time and time again as a crucial concept. Some used it to argue forcefully for a clear definition of competences at each level of government, as the electorate needs to know who it is voting for. Others, with equal conviction, argued that political responsibility is not confined to polling days and that elections are the business of parties rather than institutions. It was, however, admitted by both sides that the current system can obfuscate the exercise of political responsibility.

A strong criticism from the public was that the debate was too inward-looking (to the institutions) rather than outward-looking (towards society and the involvement of civil society players in European integration). There was also a call for more "compact" or "covenant"-type approaches with an obligation to deliver for the players involved (at different levels of government plus civil society) defined jointly at EU level.

(A full report on the proceedings of this seminar can be found on the site http://europa.eu.int/comm/governance/index_en.htm).

PART TWO: Account of consultations and lessons by work area

Some working groups chose to conduct an external validation of their work by panels of experts (acting as sounding boards), while others preferred to organise internal discussions of the questions at issue by a consolidated group before opening them up to a wider audience for more concentrated one- or two-day examinations; others carried out individual hearings at which leading figures gave their views, providing back-up information and arguments, and generated fresh questions.

Further stimulus was provided by reading, exchanging experiences and attending outside events.

■ ***Work area No 1: Broadening and enriching the European public debate***

➤ ***Building the European public space***

Public debate is definitely the substance which fertilises the soil of good governance and the working group focused first on the arrangements for an institutional information and communication strategy capable of creating the conditions of growth for a “European society”. The conclusions drawn by B. Sutlief (UK information service office) from his analysis of the communication strategies underlying the policies conducted by the Labour Government set the tone straight away by focusing on the ways in which public policies are framed: only policies formulated with civic involvement can be properly communicated.

That being said, informing properly - a primary condition for all communication - is to give form to. Hence the Commission is encouraged to opt for a “proactive information policy” based on the interest of citizens (interview by the head of the “Proactive government” project, NL), and to organise information dissemination according to social or policy criteria rather than administrative ones (B. Sutlief), indeed even to make the Europa site a gateway to all the administrative and political information needed by European citizens, from the cradle to the grave, from the local to the global (P. Levy). The example of “Firstgov.gov”, Bill Clinton’s initiative, was cited (Steven Clift, Minnesota). Would the principle be applicable to a “Europagov.Eu”, the gateway providing access to the executive, legislative and judicial structures and actions of the EU, the Member States, and local and regional authorities? Admittedly, a good dose of shared political will and a diversity far greater than that of the United States of America would need to be worked in. Take linguistic diversity for a start: directly an attempt is made to overcome the obstacles, languages are let loose – as is the imagination. The Canadian examples cited by J. Shahin (International Institute of Infonomics, NL) are instructive, although not as much as the new interactive policy-drafting initiative which was launched by the Commission itself to assemble and analyse the reactions of the markets or the bilingual Internet forums managed by the Charles Léopold Mayer Foundation. The philosopher Pierre Levy makes nine specific proposals for action to the European Union, ranging from imaging the flow of

funds through the European institutions to simulating the effects of economic acts on the biosphere and public health in an attempt to promote economically responsible patterns of consumption (drawing their inspiration from the Commission's Green Paper on integrated product policy). Would this correspond to those "public anchors" advocated by *Prof. Joseph Weiler* to make the meaning of the EU clearer?

So much creativity and so many resources down the drain if the filter of national policy affecting the extent to which citizens are informed on European questions continues to distort. Where national policy has the assets that go with a quality production (well-known players, institutions with clearly defined powers, national media and recognised journalists, etc.), there can be no question of sharing with the poor European parent? The European public space needs references and "temporal, spatial and ideological" markers if it is to exist (*Paul Magnette*). Let us enrich the representation of opinions, interests and experiences at European level in order to improve parliamentary representation; let us attend to creating forums for autonomous citizen debates (*A Moussali, Eurocities*) but also to ensuring sustained cooperation between journalists (*European Journalists Training Association*), the major media (*J. M. Ferry*) and the national/European institutional players (governments, parliaments). Are these not some of the ingredients brought together by the Convention on the Charter of Fundamental Rights? ... The working group has listened to these "experts", as it has also to the representatives of citizens' activities who take the city, the Internet and the school as their platform to promote, in very specific terms, the establishment of communities and the formation of identities within the European field.

➤ **Democratising expertise and establishing European scientific benchmarks**

The White Paper has come just at the right time to increase the need for decision-makers to draw on knowledge other than solely scientific expertise to respond usefully to the questions posed in a changing and interdependent world and define ways of acting adapted to this new situation.

Challenged to devise recommendations whereby the diversity of knowledge and expertise can be integrated into political decision-making, the working group made its mark through the diversity of the modes of consultation it deployed. Following a request for the validation of its terms of reference by a small group of five experts (T. Burns, A. Kahn, J. Ravetz, J. Van Eijndhoven, P. Weingart), it undertook a series of hearings aimed at clarifying the relationship between expertise and democracy (G. Majone) and setting out the factors affecting the credibility of the expertise (A. Koenig on the basis of a study conducted with J. Jasanoff). On 6 March, researchers, practitioners and politicians met for a *day to debate* the role of the committees and the working groups which advise the European institutions, as a prelude to a seminar with sixty participants held on 30 March, during which representatives of the different groups of players affected by the relationship between expertise and public decision-making (European institutions, national administrations, agencies, both sides of industry, NGOs, researchers) were called on to comment on case studies drawn up by the working group and to discuss ways of improving both the organisation and the use of expertise by the European institutions.

Finally, a *questionnaire* e-mailed to a targeted public of scientists, industrialists and government representatives and NGOs and published simultaneously on the governance site and CORDIS produced more than 200 replies.

This set of consultations made it possible, in the first instance, to *check the relevance of the questions asked*. How can the appropriate expertise be mobilised where compartmentalisation and “preserves” prevent a broad selection providing the best guarantees of quality? What does democratising mean when experience shows that the law of the majority can operate to the detriment of effectiveness and sound anticipation of risks and prevent the adoption of preventive measures defended by minorities? Finally, how is it possible to accommodate one or more European scientific reference systems which are necessary in particular in crisis situations, without falling into the trap of centralisation?

In the second phase of the consultations the working group *explored a number of different options*: guidelines for the selection and use of expertise; a mechanism for promoting interaction among experts, citizens and decision-makers throughout the stages of public action; procedures to broaden the spectrum of the expertise used; the strengthening of interfaces between evaluation, management and communication in respect of risks at European level. On the subject of *democratisation*, the opinions received emphasised the need for procedures to retrace the sources of the expertise and justify the choices made; and the need to take better account of minority viewpoints and highlight more clearly areas of ignorance and uncertainty. On the establishment of *European scientific reference systems*, the consultations made it possible to underline the benefit of relying on non-hierarchical networked organisations, and searching for forms of cooperation encouraging learning (e.g. by the identification of good practices) and promoting diversity as an antidote to bureaucracy.

A more transparent use of expertise within the different European committees was the object of a forceful request to the Commission although, quite obviously, democratising expertise does not stop at the Commission’s doorstep. The same principles of *openness* and *accountability* must be applied to all levels of decision-making, in the EU and beyond.

■ **Work area No 2: Improving the transparency and effectiveness of the European decision-making chain**

- **Participation of civil society:** The great debate on evolution and European democracy is often presented as representative democracy versus participatory democracy; it also generates reaction from supporters of direct democracy (ECAS meeting of 21 March).

In the first category, “*new forms of governance are unacceptable if they are drawn up to the detriment of parliamentary democracy*” was a point made at the outset by the Group of European Socialist Parties in the European Parliament in its contribution of April 2001. The same opposition was reiterated by the representatives of the German Länder, who stressed the “responsibility and accountability of the elected representatives” (speech by *Mr Bocklet and*

Mr Samland at the hearing of 16 March). It is also shared by a number of those who see in what is termed civil society something vague and disorganised, and easily influenced, and consulting it as “*a substitute for the democratic legitimisation of rules and policies.*”

At the other end of the spectrum, the passion for different forms of direct democracy seems to unite under the same label the leaders of Bavaria (representative at the ECAS meeting of 21 March) and certain libertarians (Green MEP at the same meeting).

This is an aspect of the tense context in which the confusion continuing to surround the image of civil society is expressed today. Caught in a stranglehold in an eminently political debate, the working group nevertheless got the impression that there was fairly general agreement on the need to formalise the modes of consultation currently used at European level, a solid option being to rely on revitalising the role of the European bodies representing functional and regional and local interests, namely the CES and CoR. From among the resounding lessons to emerge from the hearings held by the working group, we will single out for consideration:

- The fact that civil society players do not ask to be involved in decision-making; above all they want to be listened to.
- The recognition of abundance but also of inefficiency - even a degree of iniquity - in the consultation practices developed by the different Commission departments.
- The acknowledgement of a richness nurtured by interaction with initiatives taken in the international context (Convention of Aarhus in the case of the environment, proceedings of the OECD Development Assistance Committee in the case of the Cotonou Convention, etc.).
- The refusal of both sides of industry to continue to be used as tools in excessively numerous and ill-defined consultation or cooperation procedures; at the same time, their wish to be recognised for their capacity to organise European social relations by themselves.
- The virtue of protest as embodied in non-organised civil society; the world of NGOs represents a component rich with promise in European policy; it would be futile to tie it down in general formal structures and a pity to reduce it to the role of consensus-former.
- The great difference in sensitivity between northern and southern Europe as regards the integration of civil society into the public decision-making process.
- The commitment of the Economic and Social Committee to reform in order to be better able to listen to the wide range of interests expressed; hence the opinion adopted on 25 April by that institution clearly differentiates the participation which requires meeting criteria of quantitative but also qualitative representativeness and the consultation which must allow the expression of all interested parties. This opinion puts forward concrete proposals to allow the

functional interests which it represents to be taken into account better throughout the European decision-making chain.

- The exemplary nature of the Aarhus Convention is underlined and the question is asked whether the Commission “will have the courage” to ratify it (Confrontations).

➤ **Evaluation, transparency and committees:** *The consultations carried out by this working group consisted of bringing together two groups of experts on evaluation and transparency on 14 and 21 March and of holding three hearings of leading figures on the theme “transparency and committees” on 20 and 21 March and 2 April.*

- Concerning the first theme, a series of five times three questions was submitted in advance to two sets of evaluation specialists who had come from Rome (Istituto di Ricerca Sociale then Budget Ministry), Paris (Société d'évaluation française), Utrecht (European Evaluation Association), London (Tavistock Institute and CMPS), Stockholm (Stockholm University then Finance Ministry), Potsdam (University of Potsdam), Maastricht (European Public Administration Institute) and the OECD.

On each of the five themes of the questions, the conclusions were as follows: *The role of evaluation with regard to democratic governance* goes well beyond its function of “rendering account” specific to parliamentary democracies. This is even more true in the European political system. In fact, evaluation must serve to give citizens data allowing them to develop their capacity to judge public policies (“*empowerment*”). Its role is also to *enrich debate* and *develop mutual understanding*.

As regards the *relevance and specific problems of evaluation in a political context*, several participants made the point that evaluation provides tools for assembling and imparting sense to a fragmented knowledge, tools which ought also to benefit the dialogue between technical experts and politicians. There remains the question of the possible instrumentalisation of evaluation to meet short-term, notably budgetary, political objectives. In response to this question, several experts underline the need, even in budgetary matters, to place evaluation in a long-term perspective and a continuous process, as widely informed as possible.

As regards the *reliability and quality of evaluations*, the experts' answers to the questions posed concerning the broad involvement of the persons directly concerned and the methods most able to guarantee credibility were contrasting; some stressed the need for openness and peer reviews, others the need for the proper questions to be asked. As for the methods, the choice seemed above all to be governed by the emphasis placed more on final impact or on the process.

How to organise evaluation in such a way as to contribute effectively to democratic governance and develop a “European” capacity for evaluation? On this fourth set of questions, the experts recognised that a culture of evaluation exists which is fairly well developed at European and national level (with major north/south differences) but very inadequate at regional level. Hence the Commission is encouraged by some to develop exchange and training programmes

and to foster networking, comparative evaluations, quality assessments and common standards for developing a genuine European capacity for evaluation.

Should evaluation take place throughout the decision-making process?

Impact evaluation is meaningful if it serves democratic control. Use by the legislature, following the example of the US General Accounting Office, to support democratic control by parliament, was mentioned, though the point was made that the European Parliament is already well equipped to play a role in impact evaluation.

The monitoring of implementation measures by Parliament was also addressed by the group on *committees and transparency*, which invited a number of experts, including an MEP (Monica Frassoni), a national civil servant and several academics, to discuss the role of committees in the context of democratic governance. While acknowledging that these committees contribute to the opacity of the system, most of the speakers agreed - for reasons that were occasionally contradictory but always well-grounded - that the committee system was unique and played a vital role in the operation of the Community machine.

➤ **Regulating better:** Group 2c conducted a series of hearings involving civil society, Parliament, senior officials from national administrations and politicians, as well as Commission colleagues not participating directly in the work of the working group.

As regards civil society, the key hearing which took place at a governance “lunch” on 13 December was that of *Bruno Vever*, rapporteur for the Economic and Social Committee on simplifying rules in the single market. Following an analysis of the causes of the difficulties associated with Community regulations, this report proposes measures such as setting up a simplification task force in the Secretariat-General, developing a culture of impact evaluation and transparency in respect of consultations and their results, more frequent recourse to regulations instead of directives, co-regulation and self-regulation, drawing up codes of conduct relating to the regulatory process to be observed by the various institutions involved in the process and the need to accord major political importance to monitoring the conclusions of the European Council of Lisbon.

As for the European Parliament, on 29 March the working group invited Ana Palacio, the Chair of the Legal Affairs and Internal Market Committee, to speak about the role of the public authorities, particularly in the case of co-regulation. She focused on the need for “considered co-regulation adapted to the requirements of the Union”. She advised caution in the matter of self-regulation. Dissuasion under the justice system which can inflict very heavy fines in the event of default in the United States does not exist in so firm a form in the Union. Thus, in quite a few cases, it makes more sense to resort to regulations; unlike directives, they avoid distortions when it comes to transposing them into national law. Finally, subject to proper democratic control, she came out in favour of a greater margin of manoeuvre for the Commission in secondary legislation (regulatory responsibility).

Very close cooperation has also been established with the administrations of the Member States. In fact, following the Lisbon European Council and the mandate

given to the Commission, the Council and the Member States to organise themselves better to improve and simplify the regulatory environment, the Member States set up a *High-Level Group* chaired by *Dieudonné Mandelkern* (Council of State, France) bringing together senior officials of the Member States in charge of the “better lawmaking” dossier. This high-level group presented an interim report to the Stockholm European Council.

Several members of the group came to Brussels at the invitation of Group 2c, including Luigi Carbone (member of the Italian Council of State, Head of the simplification unit reporting to the Italian Prime Minister) on 31 January, and Phil Wynn Owen (Director of the UK Cabinet Office unit for the evaluation of the impact of regulations) on 2 February.

On this visit, Mr Owen outlined to the working group the scope for simplification offered by codification (drastic reduction in volume) and the benefit of work in the “e-governance” field, particularly for the consultation process; he argued the case for a central structure for the quality of regulations and presented the principles established in the context of impact evaluation (successive refinements over the course of the cycle, examination of alternatives, transparency of consultations).

For his part, Mr Carbone presented the Italian experience, which certainly does not consist of deregulation but of simplification (he used the word “delegislation”) which has received strong political support (including from Present Prodi when he was Prime Minister); he also spoke of the setting up of the High-Level Group and outlined the broad thrust of his report on simplification drawn up for this Group.

These hearings have made it possible to take note not only of the existence of a real interest in co-operating among Member States and with the Commission but also of the abundance of experiments conducted over the last few years by the administrations of the Member States on the setting of quality objectives, modes of consultation and communication of results, impact evaluation throughout the life cycle, a correct balance between decentralised and centralised reviews, and training exercises to provide a sound basis for the “better lawmaking” the culture and the necessary expertise.

■ **Work area No 3: Improving the exercise of executive responsibilities through decentralisation**

➤ **Establishing a framework for decision-making agencies:**

The consultations were mainly intended to draw on the experience of other players in connection with the problems associated with regulatory agencies. Hence, apart from officials from the Commission Directorates-General with an agency reporting to them, the following were included in the hearings: *Professor Majone* (European Institute, Florence, 27 February 2001), *Professor R. Dehousse* (IEP, Paris, and Fondation Notre Europe, 12 March 2001), *Dr Harold Relyea* (US Congress Research Office, 27 March 2001), *Bart Kiewiet* (Director of the Community Plant Variety Office, Angers, 26 March 2001), *Johan van Rens* (Director of the European Centre for the Development of Vocational Training, Thessalonika, 26 March 2001), *Claus Dieter Ehlermann* (former Commission

Director-General, 27 February 2001). An informal meeting was also held at the office of the European Agency for the Evaluation of Medicinal Products (London, November 2000), the former Director of the Agency, *F Sauer*, also Chairman of the working group.

A series of studies was undertaken with a common backdrop (policy considered, reasons for setting up agency, its framework and obligations and those of its partners, evaluation in terms of anticipated impact). The hearings were particularly useful in relation to the following aspects of the report: *delegation of powers, coordination and control of the agencies' activities, future role of the Commission, American experience.*

➤ **Geographical decentralisation: Criteria and conditions for the involvement of regions and cities**

As mentioned in Part One of this report, regional and local players and their associations were the most numerous to respond and views on the governance exercise relayed to the Commission included letters from Italian regional authorities to President Prodi.

A large proportion of these players, institutional and otherwise, were also represented at the public hearings organised in Brussels on 13 and 14 March by the group on vertical decentralisation.

An announcement on the governance website led to requests for attendance from over 1 000 persons; the number who actually attended was put at around 500, including a strong contingent of *European elected representatives - national and regional*. The rest of the audience was made up of representatives from *national administrations, regional and municipal authorities, NGOs, and both sides of industry, and experts* in law or other disciplines, from the Member States and the *candidate countries*.

There were a number of key conclusions:

1. Concerning the application of Community law, the monitoring system must *remain sufficiently centralised*, the current main advantage being to be able to refer complaints to the Commission free of charge; however, greater capacity for *application at decentralised level is recommended, subject to a number of pre-conditions* (simplification, better information, training of the players concerned) as well as *backup measures* to prevent excessive diversity (guidelines for interpretation, compatibility of the concepts used in legislative texts; system of assistance provided by the Commission, national courts with better facilities, network of national ombudsmen).
2. Concerning the involvement of the public and of “*civil society*” in decentralisation, the first recommendation is that any confusion between this involvement and administrative decentralisation proper must be avoided, just as between *consultation and participation in decision-making*. For there to be proper consultation, certain obstacles (knowledge deficit, financial barriers, etc.) must disappear. If the aim is to go further than involvement and set up the conditions

for participation in policy-shaping, this would entail an effort in terms of resources not only for the Commission but also for the national decision-makers.

3. As what we are talking about are contract-type provisions able to promote sound decentralisation, *regions with legislative powers* will need special treatment, bearing in mind their accountability to their own parliaments, which also ought to be more *involved in contacts with other national parliaments on European affairs*. The attention of the Commission has also been drawn to the heterogeneity of the constitutional frameworks governing the organisation of sub-national powers, the need for a work programme with a more pronounced strategy and a monitoring system, the advantages of a decentralisation which is not restricted to administrations and other public bodies (cf. chambers of commerce, etc.).
4. Finally, as regards *transnational networks of cities and towns and other regional and local entities*, the importance of their expertise has been stressed, as has their demand for involvement as from the consultation stage; the compartmentalisation of Commission departments by sector dictates against the added value of these networks, which is often horizontal and tackles the impact of several policies simultaneously, being taken into account. A European legal framework fostering this kind of transnational cooperation has been requested. Finally, the *constructive role of cities and towns* in the implementation of measures contributing to European objectives, not to mention the enlargement process, was highlighted.

■ **Work area No 4: Promoting coherence and cooperation between different levels of public decision-making in a networked Europe**

- **Increase expertise in the convergence processes for national policies:** The working group heard the following experts: *Professor Helen Wallace* (Sussex European Institute), *Professor Renaud Dehousse* (IEP Paris, Association Notre Europe), *Marie Françoise Wilkinson*, Director of the European Anti-Poverty Network and Vice-Chair of the platform of social NGOs, *Stephen Hughes*, Member of the European Parliament, and *Professor Maria Joao Rodrigues*, former Minister and special adviser to the Portuguese Prime Minister. These hearings were intended to deepen the knowledge and critical analysis of the different instruments for cooperation and policy coordination used in the Union. The contributions related primarily to the methods existing in the framework of economic, employment, enterprise and education policies.

Particular reference was made to the *open method of coordination (OMC)* (in this connection, Mrs Rodrigues, Minister at the time of the Portuguese presidency, provided invaluable input on the way the concept had developed and the arguments advanced to support it in the run-up to the European Lisbon Council) and also to its new applications (social inclusion, etc.). This method was the subject of a globally positive assessment in the course of the hearings, with emphasis placed on the following *strengths*: its compatibility with the Community method; the mutual learning and modernisation process it triggers in relation to national policies; its flexibility and adaptability to the problems to be solved; and

the opportunity it provides for future Member States to adapt pragmatically to integration in certain fields.

The techniques used within this framework (comparative approach using commonly accepted indicators, benchmarking, management by freely agreed objectives) seem to have a knock-on effect extending the European dimension of the national policies concerned. The trade the Commission is called on to ply in this context is comparatively new in relation to the one in which it is engaged within the traditional Community framework; it is no longer a matter of exercising a right to initiate legislation but of performing a role as active promoter, innovator, catalyst and arbitrator, responsible also for monitoring and evaluation.

The OMC is not a substitute for the Community method but may prove a useful complement to it, in the preliminary stages or where the Community method is not provided for in the Treaty or is politically impracticable. Its **main drawbacks** would seem to be: sectoral compartmentalisation; a problem of democratic control (role of European and national parliaments); and a certain opacity or lack of participation within the Member States.

It should be pointed out in this connection that the reactions received in other forums reflect a critical attitude towards the open coordination method from the regional authorities, particularly the regions with legislative powers, which do not feel they are involved enough in determining policies that, at least partially, are thought to lie within their jurisdiction (see the concern of the German Länder referred to in Part One and expressed in a letter to President Prodi from Mr Stoiber, Minister/President of the *Land* of Bavaria).

As regards the Jean Monnet Chairs, they too have made a valuable contribution to discussion of this issue, with Professor Mario Telo having produced several studies devoted to the open coordination method.

- **Organisation structures for trans-European networks:** The working group consulted experts in the theory or with experience of networking, particularly in the context of public policies. The following took part in the hearings: *F. Biancheri* (President/founder of the *Prometheus Europe* association, 29 November 2000), *L. Ledoux* (Arthur D Little, 5 February 2001), *E. Loeffler* (Federal Polytechnic College, Zurich, 24 January 2001) and *G. Mulgan* (UK Cabinet Office Performance and Innovation Unit, 6 April 2001). In a second round specially devoted to the use of networks within national administrations, *Mr Cabane*, the *prefet chargé de mission* responsible for administrative reform under the French Prime Minister, 5 February 2001, *Mr Degen* (member of the Rhineland/Westphalia Representation to the European Union, 5 February 2000) and *J. Lundberg* (International Relations Department, National Association of Local Authorities in Denmark (NALAD), 19 March 2001) contributed their thoughts on the subject. Finally, on the basis of a draft report, *C. Leclerq*, manager of *Euractiv.com* (service for on-line information on European affairs, 19 March 2001) was also requested to respond, as were two senior Commission officials.

It emerged from these hearings that networks, compared with other forms of interaction (contractual or hierarchical), appear as an *intermediate form* linking independent partners in a structural but flexible manner, each one controlling some

of the resources and expertise needed by all in order to attain common objectives. However, there are different categories of network. Following an inventory four major groupings were identified:

- networks providing citizens and organisations with information and assistance in relation to Commission policies;
- networks for consultation purposes when policies are being formulated or reviewed;
- networks for implementing and adapting Union policies;
- networks for developing political decisions or policies (including rules and regulations).

The major benefit of networks for European governance is that they allow the necessary flexibility to deal with problems by cross-cutting administrative diversities. They are not a substitute for the rule of law or the Community method; on the contrary, they can reinforce them. In particular, it emerged that European construction by élites had hitherto involved only a limited number of players (put by some at 300 000 or so), yet today there are 1 to 2 million Europeans involved in transnational networks which represent a prime tool for consciousness-raising and mobilisation phenomenon. What role is there for the Commission at the heart of this new development? It has been suggested it should play a role involving *technical assistance, organisation, structuring and conflict management*. To ensure the efficiency, transparency and accountability of networks, it is important to work in a climate of transparency and trust, taken account of the human aspects and recognising minority points of view; a certain formalisation of fundamental basic rules might be desirable, but not of duties and competences laid down in rigid fashion. Finally, the capacity to anticipate crises is needed.

Working with networks necessitates specific knowledge but above all a team spirit tailored to the tool being used. Hence it is suggested that the staff of the institutions should increasingly be trained to work with networks. The initial investment may seem heavy but it will pay off in the long run.

➤ **Linking the various regional and local levels by social cohesion and sustainable development**

The group on multi-level governance carried out its work with the participation of *local and regional players* and inter-regional and local *organisations* at European level. The *CRPM*¹⁸ coordinated the entire exercise and acted as the interface between the authorities and the European Commission during the operational consultation stage. A *questionnaire* sent out in January 2001 made it possible to collect the contributions from players in the field.

¹⁸ Conference of Peripheral and Maritime Regions.

On the basis of the 48 replies received from regions and cities in 16 countries (including countries which are not members of the European Union - Norway, Romania, Latvia), transnational geographical areas and national associations or networks of local and regional authorities, the CRPM produced a summary for the working group.

Other general contributions to the governance White Paper (including from *Eurocities*, *CEMR* and the *Scottish Executive*), referring to certain subjects on the questionnaire, have also served as input.

The main messages to emerge from these hearings relate to the strongly felt need for better linking between the different levels of governments and a strengthening of their networking, both at vertical level (between the different levels of competences: Community, national and sub-national) and horizontal level (transnational).

It is pointed out in particular that the development of regional and local authorities increasingly depends on their integration in a broader context, calling for ever more developed inter-regional and transnational forms of cooperation. However, the objective of reinforcing the link between the different public authorities is not perceived as a necessity everywhere: the German Länder in particular place less emphasis on networking and more on a separation of powers. More generally, the regions with legislative powers are demanding greater involvement in the decisions of the European Union which fall within their sphere of competence. They consider that on account of the weakness of the Committee of Regions they should have the right to participate directly in the proceedings of the Council of Ministers as well as the right to bring legal action challenging decisions on matters within their jurisdiction.

The working group also had hearings with experts on local measures for employment and sustainable development (*Local Agenda 21*) on the issue of the cooperation existing between several levels of powers. The message received highlights the lack of information and involvement at regional and local level, despite their potential strategic role in these areas. Moreover, the lack of integration between European policies and the weak linkage between the geographical levels are felt to be obstacles to effective action. A lack of regional and local capacity but also weak political will at all levels to engage in joint projects would explain this situation.

■ **Work area No 5: Strengthening the EU's contribution to world governance**

A seminar was organised in Brussels on this subject on 15 March 2001 introduced by the Trade Commissioner, Pascal Lamy. In addition to Commission officials, the seminar was attended by 20 or so *experts from Europe* (EU, Switzerland), *the Americas* (USA, Costa Rica), *Africa* (Ghana) and *Asia* (India, Nepal). *Professor Marco Bronckers* (University of Leiden) and *Tom Spencer* (Chair of Global Governance at the University of Surrey, Guildford) played a decisive part in leading some of the sessions. The main lessons to emerge from the seminar can be summarised as follows: the EU is a *laboratory for world governance* in which it must itself play a *part commensurate with its economic and commercial importance* while at the same time keeping a close eye on the currently negative aspects of its own image; developing countries need to be allowed greater

influence in world governance, where the current agenda still appears to be excessively dominated by major international companies; the establishment of joint institutions at global level is less of a priority than the *pluralism of principles and values*; global governance must also incorporate humanist data, not only scientific and “knowledge-based” data.

■ **Work area No 6: Strengthening the integration and strategic dimension of Union policies across the continent**

This working group conducted a *series of hearings with outside experts* on 23 and 30 January, then on 6 and 7, 13 and 14, 20 and 21 March. In all, there were *18 experts, 7 of them nationals of the future Member States*.

The hearings covered the following *themes*: competitiveness and cohesion, (*Daniel Gros* CEPS); proximity strategies of the EU (Northern dimension: Michael Emerson from the CEPS; Southern dimension: *Eberhard Rhein* from the EPC; views from a candidate country, *Lazlo Csaba*, Central European University, Hungary), the integration of labour markets in a context of rarification of human resources and growing use of new information and communication technologies (*G. Coomans*, ISMEA); cohesion policy (*Marjorie Jouen*, Notre Europe); the expectations of Czechs and Slovaks (*Peter Bugge*, Aarhus University); the disparities between candidate countries (*Heather Grabbe*, Centre for European Reform, London); the special features of the Czech Republic (ageing population, highly-qualified and -educated labour force with no take-up on account of budgetary restrictions, the weakness of the rule of law and the lack of a legal framework for channelling the energies of civil society), *Tomas Vrba*; the correlations between cultural identity, the efficiency of the institutions and economic and social performance in 14 regions and nations of Europe, *Frank Delmartino* (Institute of European Affairs, Belgium); the minorities in Slovakia, *Olga Gyarfasova*, Institute of Public Affairs, Slovakia; the theme of the trust to be built up between East and West was specially expounded by the two Polish speakers, *Jan Truszczyński* (Under-Secretary of State) and *Lena Kolarska-Bobinska* (Institute of Public Affairs), the latter arguing the need to consider the implementation of social change more of a priority than integration of the *acquis*; the external relations of the enlarged Union (*Peter Balazs*, University of Economics, Budapest); political culture and actors for change in East and West (*H. D. Klingemann*, Social Research Centre, Berlin); regionalisation, minority rights and trans-border cooperation (*Judy Batt*, University of Birmingham, UK); common policies, (Alan Mayhew, Sussex European Institute) and finally the institutional underdevelopment of the countries of central and eastern Europe was denounced by *Jiri Pehe* (New York University, Prague).

The main lessons taken on board by the working group, particularly from listening to experts from the future Member States, are as follows: enlargement will not only impose adaptation obligations on the candidate countries, it will also have a significant impact on the policies of a Union confronted by a greater demand for cohesion. Most of the experts strongly recommended the involvement of nationals from the candidate countries as quickly as possible and at all levels of governance to facilitate the process of adaptation through a proactive policy of cooperation and exchanges.

■ **Study on the application of Community law: control and cooperation**

This study, which was referred to in the White Paper work programme, did not strictly speaking form part of a work area, as the issues dealt with have a more transversal impact. However, it is mentioned here as it was conducted “in consultation” with the national administrations. In fact, the consultations serving as input for the study were conducted via a questionnaire aimed at updating expectations vis-à-vis the Commission regarding the application of Community law and at assembling concrete proposals from the national administrations to make it easier for them to apply Community law at national level. These questionnaires were sent to the administrations of the Member States via the legal advisers of the Permanent Representations who met on 23 April. This was the only meeting in the context of the preparation of the White Paper in which representatives of the governments of all the Member States participated together. The following two points were made forcefully:

1. A request for clarification, for the outside world of the link between the White Paper on governance and preparations for the big event in 2004.
2. The proposal to link monitoring and continuous and structured cooperation between national administrations in respect of the application of Community law was particularly well received. It is, in fact, recognised that a knowledge of the internal operation of the national administrations is absolutely vital if monitoring is to be effective.

A summary of the findings will be published in the second volume of the White Paper on governance.