Commission working paper

Ongoing and systematic policy dialogue with local-government associations
INTRODUCTION

In response to the wishes expressed by local organisations in the consultation process for its White Paper on European Governance\(^1\), the Commission committed itself to “establish [...] a more systematic dialogue with European and national associations of regional and local government at an early stage of policy shaping”. When adopting, on 11 December 2002, its report on European Governance\(^2\) and its communication on a reinforced culture of consultation and dialogue\(^3\), the Commission affirmed this commitment by announcing its intention to issue a communication laying down the framework, goals and procedures governing this dialogue with local and regional government associations.

As part of the preparatory work for the communication, the Commission is setting out in this working document a number of core principles intended to govern its relations with associations gathering local actors and local representatives and defining the scope of the dialogue.

Once comments from interested parties have been gathered, following an Internet publication of the document, \(^1\), the Commission will present a communication as the final stage of its deliberations on this issue.

The goals of this communication are as follows:

- to involve local actors - via European and national associations of regional and local government - by giving them the opportunity to express their views on the Community policies they help to implement before the formal decision-making processes are launched;

- to ensure improved information and appropriation of EU political orientation and of Community legislation, thereby making the activities of the Union more transparent and meaningful to the public.

If these goals are to be attained, we must first set out the ground rules for this dialogue. This entails:

- **identifying its purpose**;
- **identifying the participants**;
- **deciding the subjects to be covered**;
- **setting the rules**.

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1. **Purpose of the Dialogue**

To observe the basic principles of good governance, as set out in the White Paper: *openness, participation, effectiveness and coherence*.

1.1. **Openness**

The principle of openness stems from the Commission’s desire to increase information and incorporation of EU political orientation and of Community legislation.

Better explanation of Community action requires more than simply improving communication and information activities, although these are clearly necessary.

1.2. **Participation**

Highlighting the increased responsibility of local government in implementing Community policies, in its White Paper the Commission stresses that "[...] At EU level, the Commission should ensure that regional and local knowledge and conditions are taken into account when developing policy proposals. For this purpose, it should organise a systematic dialogue with European and national associations of regional and local government, while respecting national constitutional and administrative arrangements. The Commission welcomes on-going efforts to increase co-operation between those associations and the Committee of the Regions [...]".

The need, therefore, is to specify how the sub-national, national and Community levels of decision-making can be associated before decisions are taken. To this end, it appears necessary to organise regular – rather than occasional - debates. Such debates, however, should not supplant the existing consultation arrangements by which civil society and the various organisations and Member States channel their reactions to Commission proposals, as envisaged in the Commission communication on general principles and minimum standards of consultation. On the contrary, these debates should be complementary, aiming to allow local actors and local representatives to take a more active role in the process of policy formulation.

The Committee of the Regions already plays a vital role in consulting such actors, as envisaged in the Treaties. Its role as intermediary between local and regional authorities and the EU institutions has been enhanced by the cooperation protocol it signed with the Commission, under the terms of which the Commission may call on the Committee to hold consultations. The following sections are not intended to anticipate the arrangements for these consultations.

1.3. **Coherence**

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4 Idem.
In the course of the consultations on its White Paper on European Governance, and in the light of the various studies and reports commissioned or drawn up by the EU institutions, the Commission became aware of the need to take greater account of the local effect of Community policies, in areas such as transport, energy or the environment.

As a first step, the Commission has already established an integrated impact-assessment method that combines "all the sectoral analyses of the direct and indirect implications of a proposed measure [to form] one comprehensive instrument, thus moving away from the existing situation of a number of partial and sectoral assessments". This method can also be the starting point for dialogue and debate between the Commission and the various interested parties.

In this way, the impact assessment will, on the one hand, contribute to inform the different actors in the EU of the consequences of Community activity, and on the other hand to provide guidance and to help preparations of national and local actors for the adoption of the measures necessary to ensure optimum implementation of Community decisions.

Secondly, the Commission has adopted a set of general principles and minimum standards for consulting non-institutional parties on the main political initiatives it proposes. Where relevant, Commission departments involved in preparing a new policy for which an impact assessment is required will enter into such consultations.

This working paper proposes complementing these specific consultations with regular debate with European and national associations of regional and local government, and invites the Committee of the Regions to play a pivotal role in this dialogue.

### 1.4. Effectiveness

Some Community policies mainly effect at the local level. Regional and local authorities are therefore well placed to assess the coherence and effectiveness of policies that have a marked local impact.

If the Union wants to improve its action, notably in terms of coherence and the public’s perception of the broad policy orientation, it must have information on the local impact of its activities at the earliest possible moment, i.e. before they are actually implemented. This will allow improved identification of the type and intensity of the measures to adopt, and to assess the outcome and future impact of activities that ultimately affect the local level.

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PARTIES TO THE DIALOGUE

The choice of participants in a more systematic dialogue with the Commission must take the following elements into consideration:

- the current Treaty provisions (e.g. subsidiarity);
- the Union’s institutional architecture (e.g. the Commission’s right of initiative, the legislative powers of the European Parliament and the Council, the new consultative role of the Committee of the Regions following the signing of the cooperation protocol with the Commission, etc.);
- the principle of respect of the constitutional autonomy of the Member States, which organise their relations with local governments in different ways.

Furthermore, following enlargement, the Union will include some 250 regions and 100 000 local authorities. Therefore, as pointed out in the White Paper on European Governance, the best partners for a dialogue preceding the initiation of the formal decision-making procedure, can only be the national and European associations of local and regional government. Local authorities will, of course, still be able to express their individual views directly, within the consultations launched by the Commission, notably through the Internet.

The experience acquired over the years in regional policy or environmental, transport, research and rural development policy, could of course serve as a basis for identifying the ‘target groups’ for the dialogue. However, whilst bearing in mind the input of the various sectoral organisations and the specific contributions they have made, compartmentalisation of this new partnership should be avoided.

Given the remit conferred on the Committee of the Regions by the Treaty, the Commission believes that it is the body best placed to identify the associations concerned by the various policies in question and to suggest lists of European and national associations for each policy area on a case by case basis. Such organisations must be representative bodies that are able both to deliver a collectively agreed opinion from their members and to pass on to them the Commission’s proposals and policy guidelines.

To this end, the Commission will invite the Committee of the Regions to adopt clear and transparent selection procedures for drawing up the lists. The lists should contain associations which:

- are concerned by the policy/policies;
- are involved in implementing the policy/policies;
- have a direct interest in the policy/policies, according to their objectives.

The following aspects should also be borne in mind:

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7 Source: Committee of the Regions.
• the contributions made by participants in earlier consultations concerning the same policy;
• the possible need for specific experience, expertise or technical know-how;
• the possible need to keep a fair balance between associations representing different categories of local government.
3. **SCOPE AND CONTENT OF THE DIALOGUE**

The dialogue with European and national associations of regional and local government that the Commission wishes to make more systematic is designed to encourage these bodies to make their views known before the formal decision-making processes are launched.

This dialogue will not prejudice the specific consultations provided for in the Treaties (for example, the consultation of the institutional advisory bodies\(^8\), the social dialogue under Articles 137-139 of the Treaty) or in other Community texts in the framework of “comitology” procedures\(^9\). Moreover, the dialogue described in this document will complement, not replace, the provisions adopted by the Commission on 11 December 2002 in its communication on general principles and minimum standards for consultation\(^10\).

It is therefore proposed to institute a systematic dialogue covering the following:

1. **the Commission’s annual work programme**, and

2. **major initiatives of policies with a direct or indirect** impact at local level (economic and social cohesion, regional policy, social policy, employment policy, transport, energy, environment, technology research and development, common agricultural policy, trans-European infrastructure networks, health, education and culture, vocational training, justice and home affairs, consumer policy, etc.).

4. **RULES FOR AND ORGANISATION OF LOCAL AND REGIONAL DIALOGUE**

The dialogue on the Community policy agenda could be organised in the following manner:

1. the Commission would invite the Committee of the Regions to organise an annual meeting with the European and national associations of regional and local government, at which the President of the Commission would present the Commission’s work programme for the coming year;

2. at the request of the Commission, the Committee of the Regions would also be invited to organise additional meetings with associations, during which the Commissioners responsible for the policies with a territorial impact would present their major policy initiatives and highlight their impact at local level.

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\(^8\) Concerns in particular the Committee of the Regions and the European Economic and Social Committee, the dialogue proposed in this document would take place without prejudice to their new consultative functions ('outlook opinions', 'exploratory opinions') which result from the co-operation protocol concluded with the Commission in September 2001.

\(^9\) Under the terms of Council Decision 1999/468/EC.

The list of associations attending these meetings would depend on the specific initiatives in question.
CONCLUSION

The Commission’s guiding principle in proposing the introduction of a systematic dialogue with local associations is to give interested parties the opportunity to express their views without undermining the decision-making process. It seeks to allow the Commission understand their views on the Community policies which they help to implement and which ultimately have an impact at local level, before the formal decision-making processes are launched. Furthermore, the proposed working method allows the Committee of the Regions to strengthen its ties with the various associations of regional and local government, and will no doubt help it prepare its own opinions.

The arrangements proposed in this document will be only effective if the condition of representativeness of the associations participating in the dialogue is met. In this respect, the involvement of the Committee of the Regions, and the role it takes, are of key importance.
The Commission wishes to encourage all interested parties, in particular European associations of regional and local government, to express their views on this working paper, and thus calls on them to submit their comments.

All reactions and comments will be carefully analysed with a view to drawing up a communication which the Commission intends to adopt in the first half of 2003, on the introduction of a systematic dialogue between the Commission and local actors and local representatives, through their representatives in the European and national associations.

Reactions to the Commission’s proposals should be sent before 23 May 2003. They can be sent by e-mail to the following address:

"REGIO-dialogueasscolter@cec.eu.int"

or by post to:

European Commission
Directorate-General for regional policy
Office: CSM2 1/16
B-1049 Brussels
Belgium

All the comments made will be posted on this Internet site:


Sectoral bodies that send observations are requested to provide background information on the general field of activities and structure of their organisation, as well as on the way their members were consulted on the Commission proposals. This information should be made available either through the CONECCS database (where organisations are eligible for this database and wish to be included on a voluntary basis), or through other measures, e.g. special information sheets. If this information is not provided, submissions will be considered as individual contributions. If these organisations are already in the CONECCS database, they will be asked to confirm that the data on them is up to date.

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**Notes:**


12 In order to be eligible, an organisation must be a non-profit representative body organised at European level, i.e. with members in two or more European Union or candidate countries; be active and have expertise in one or more of the policy areas of the Commission, have some degree of formal or institutional existence; and be prepared to provide any reasonable information about itself required by the Commission, either for entry into the database or in support of its request for inclusion.