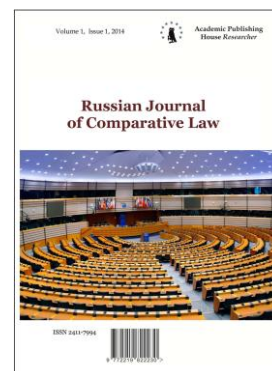


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## The Role of the Committee of the Regions in the European Union

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### Abstract

In this paper authors analyze the organizational structure, competence and role of the Committee of the Regions (hereinafter – CoR) in the functioning of the European Union and its Member States, the interaction of the Committee with the institutions of the European Union. The article justifies the importance of the principle of subsidiarity in the activities of the European Union and the formation and further development of the institution of the Committee of Regions. A number of rules of primary law of the EU, establishing a framework for the Committee of Regions, as well as to study the internal rules governing its activities is given. It considers a number of examples from actual practice of the various committees of the Committee and its structures. Local and regional authorities, represented in the EU by the European Committee of the Regions, have always been the backbone of democracy. Local and regional leaders as the driving force of local communities. This entails showcasing and strengthening the role of local and regional authorities in the EU.

**Keywords:** the European Union, Committee of the Regions, the legislative process of the EU.

### 1. Introduction

The Committee of the Regions (CoR) appeared in the structure of the European Union according the Maastricht Treaty in 1992 (Christiansen, Lintner, 2005: 7-13; Hönnige, Panke, 2013: 452-471; Wagstaff, 1999). As a result of the development of the principle of subsidiarity within the EU, laid down in Article 5(3) of the Treaty on European Union (hereinafter TEU), the CoR has become an objective need to improve the representation of regional interests at the EU level. Under the principle, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality (Protocol № 2). National Parliaments ensure compliance with the principle of subsidiarity in accordance with the procedure set out in that Protocol (Fabbrini, Granat, 2013: 115-143; Craig, 2012: 72-87). Moreover, the Committee has its own practical guide on the infringement of the subsidiarity principle (Practical guide).

This principle set the vector for the realization of good governance in the areas of EU competence (Cygan, 2013: 161-188), such as support for regional policy in the sphere of industry, tourism, education and science. The Committee's role was to promote the local and regional

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interests with respect to the EU law. CoR does this by submitting reports (opinions, reports, resolutions) in response to a proposal of the European Commission ([CoR at a glance](#)).

## 2. Material and methods

When writing this article, the author used EU documents, national legislation of the EU member states, jurisprudence, as well as scientific articles by foreign authors.

On the basis of the historical-chronological method, the author examined the functioning of the Committee of the Regions. The comparative legal method made it possible to study the dynamics of the development of the Committee. The dialectical method was used to characterize the work of the Committee as a whole and its structural divisions as its parts.

## 3. Discussion

### 3.1. The formation and functioning of the Committee

At the present time the activities of the CoR are regulated by the Treaty on the Functioning of the European Union ([Consolidated versions](#)) (hereinafter TFEU). According to Article 300(1) TFEU, the Committee shall assist the European Parliament, the Council and the Commission, exercising advisory functions. Before making decisions, these authorities should consult with the Committee on issues related to local and regional authorities in the EU (in the framework of employment policy, the environment or public health issues, and others.).

In accordance with the provisions of Section 2 of Chapter 3 TFEU, the Council unanimously on a proposal from the Commission establishes a Committee (Committee members and their alternates). In accordance with Article 305 TFEU number of members should not exceed 350 (and their 350 deputies). However, these figures were increased in connection with the accession of Croatia to the European Union. Currently, the Committee has 353 members (and the same number of alternates) from all 28 EU Member States ([Key facts...](#)).

Members of the CoR and their deputies are appointed for a term of five years by the EU Council on the proposal of their States. While each State chooses its own candidates a whole composition should reflect the national political, geographical and regional / local balance. Members are elected from the leaders and key figures of the local or regional authorities in their home region of the Member State.

For instance, Germany is represented in the CoR by 24 delegates and 24 deputies ([National Delegation of Germany](#)). Their election is particularly arising from the federal structure of Germany. The delegation of Germany consists of: a) 21 members and 21 deputy representing the 16 federal states and the German Parliament; five seats are in the rotation system on the basis of population; b) three members and their alternates representing the three local government organizations: the German Association of Cities (Deutscher Städtetag), German Association of Land (Deutscher Landkreistag) and the German Association of Towns and Municipalities (Deutscher Städte- und Gemeindebund). The federal government sends to the EU Council the names of the delegates on the proposal of the above land authorities and government organizations.

The Finnish delegation is composed of nine members and nine alternates. The members represent municipalities, towns and regional councils. The Ministry of Employment and the Economy asks the Association of Finnish Local and Regional Authorities to nominate persons to be elected to the CoR. Following their Autonomy Act the Åland Islands ([Act 1991/1144](#)) nominate one member and one alternate. The political distribution of the delegation seats is determined according to the outcome of the previous local election. In the election of members the geographical balance and the balance between local authority members and regional council members shall be observed. The representation between men and women shall be equal in the delegation.

The members are appointed for five years at a time by the Council of the European Union on the proposal by the Finnish Government. The CoR was the first of the EU bodies to produce documents addressing the Northern Dimension. The Finnish delegation finds it necessary that there will be additional focus on the Northern Dimension. The Northern Dimension is linked to cooperation between states in the Baltic Sea region and EU policy towards Russia, the development of which is both timely and necessary. Moreover, the delegation emphasizes the importance of the Baltic Sea strategy, employment policy, enlargement issues, the European digital strategy, information society and sustainable development, among others ([National Delegation of Finland](#)).

The CoR elects the chairman and officers from among its members for a term of two and a half years (Art. 306 TFEU). The Committee also adopts its Rules of Procedure ([Rules of Procedure](#)).

On the basis of Article 304 TFEU the Committee of the Regions shall be informed by the European Parliament, the Council or the Commission of the request for an opinion. Where it considers that specific regional interests are involved, the Committee of the Regions may issue an opinion on the matter. The Committee may make an opinion on its own initiative when it considers useful, according to the Article 41(b) Rules of Procedure of the CoR. For example, the CoR made on its own initiative opinion EDUC-V-040 «Measures to support the creation of high-tech start-up ecosystems» ([Measures to support...](#)). The opinion of the Committee, together with a record of the proceedings, shall be forwarded to the European Parliament, to the Council and to the Commission.

Thus, the Treaty of Lisbon has radically changed the relationship of the CoR with key EU institutions. The Committee has gained more influence at all stages of the creation of the EU law ([Boronska-Hryniewiecka, 2013a; Domorenok, 2009: 143-163](#)).

A novelty in the work of the CoR is an «early warning procedure» provided by TFEU ([Kiiver, 2012: 18-34; Kiiver, 2012: 98-108](#)). The European Parliament may reject a legislative proposal by a simple majority votes of MEPs, if a majority of national parliaments express objections to the subsidiarity ([De León, 2012: 305-321](#)). Thus, the CoR, pointing to the «doubts» of national parliaments, indicates that they will be forwarded to the European Parliament. This fact testifies to strengthening the political ties of the CoR and the European Parliament ([Boronska-Hryniewiecka, 2013a](#)). The Council of the EU has a similar competence.

The Committee's ability to monitor the the implementation of the EU law by regional and local authorities of EU member states is also important, as they implement around 70 % of all EU law ([Biriukov, 2020](#)).

The Lisbon Treaty extended the competence of the CoR ([A new treaty](#)), including to the list of policy areas civil protection and climate change for which the EU institutions are obliged to consult with it. So, the Committee adopted: Opinion of the Committee of the Regions ENVE-V-042 «Affordable Energy for All» ([Affordable Energy for All](#)).

The Committee convenes by the Chairman at the request of the European Parliament, the Council or the Commission. According to Article 307 TFEU, the EU institutions shall consult with the Committee where the Treaties so provide and in all other cases ([The Quality Framework for Traineeships](#)), in particular those which concern cross-border cooperation, in which one of these institutions considers it appropriate ([Mobility...](#)).

### 3.2. Internal structure of the CoR

The structure of the CoR consists of the President, First Vice-President, the Bureau, the Plenary Assembly, the CoR commissions, the Secretary-General, the Secretariat-General ([Organization Chart, 2021](#)).

President of the CoR is elected at a plenary session for a term of two and a half years and directs the work of the Committee, led by its plenary meetings and is an official representative of the CoR. First Vice-President is also elected by the plenary and represents the President in his absence.

The Bureau is the executive body of the CoR. It includes: the President, First Vice-President, 28 Vice-Presidents (one for each EU member state), the presidents of the political groups of the CoR and other members of national delegations ([The Bureau...](#)). This allows the Bureau to reflect national and political interests. The Bureau generally meets seven/eight times a year, presents the program of the policy and requests the implementation of its decisions.

Committee of the Regions conducts five or six plenary meetings a year to determine the general policy and adopt opinions, reports and resolutions.

For example, in the framework of the 108th session, the Committee adopted a number of important documents. In particular, Opinion of the Committee of the Regions «A policy framework for climate and energy in the period from 2020 to 2030» was expressed ([A policy framework](#)).

There are eight CoR commissions to prepare the opinions to be debated in plenary which consider the various policy areas (territorial cohesion (COTER); Economic and Social Policy (ECOS) and others). The Commissions are actively functioning, in particular, they adopt «opinions». For example, the Commission for Citizenship, Governance, Institutional and External Affairs (CIVEX) expressed Draft opinion of the Committee of the Regions «Reconnecting Europe with its citizens – more and better communication at local level» ([Reconnecting Europe](#)). The Commission's «opinions» shall reflect such important principles of regional policy of the EU as

the principles of multi-level governance in the EU and the close relationship of the individual citizen to EU institutions (proximity), greater democratization and transparency of the dialogue between citizens and the Union at all levels of the political mechanism.

The Secretary-General of the CoR shall be appointed for five years by the Bureau. He is responsible for implementing Bureau decisions and the smooth operation of the administration. It is composed of seven departments: Administration and Finance; custom services and the Registry; advisory work; PR, media and events; horizontal policies and networks ([Secretary General](#)).

After the entry into force of the Lisbon Treaty the role of the Committee was sufficiently increased. The Treaty of Lisbon confirmed for the first time the right of the CoR for the first time to appeal to the European Court of Justice to protect its prerogatives and the principle of subsidiarity.

In general, the CoR has two grounds of appeal to the Court of Justice:

1) when the EU legislation violates the principle of subsidiarity and, in particular, violates certain regional or local authority ([Horsley, 2012: 267-282](#));

2) if, during the legislative procedure, the EU institutions have not consulted with the CoR, thereby detracting its institutional rights. However, it has not yet been initiated any such procedure, and the technical and legal framework in this matter is still in the process of development ([Boronska-Hryniewiecka, 2013b: 14](#)). However, this power strengthened the political role of the CoR, allowing it to operate more efficiently at EU level to promote its interests.

Under the Lisbon Treaty the European Commission is obliged to consult with local and regional authorities and their associations of the EU before the legislative stage. Committee as the «voice» of local and regional authorities should take an active part in this dialogue. For example, it is important to notice Opinion of the Committee of the Regions «A European Platform against Undeclared Work», in which the Committee «welcomed the Commission's proposal on the European Platform against informal labor» ([A European Platform against Undeclared Work](#)). Section 3 of the Opinion contains a number of important amendments to the Commission's Proposal for a Decision of the European parliament and of the Council «On establishing a European Platform to enhance cooperation in the prevention and deterrence of undeclared work» ([Proposal for a Decision](#)).

### **3.3. The impact of the CoR on EU regional policy**

Committee has a major impact on all European Union policy in general. The Committee's annual «impact reports» are quite interesting which analyze the impact of its opinions in the key areas of political activity ([CoR Impact Report 2020](#)). Thus, in the opinion on the Green Paper Long-Term Financing of the European Economy ([Green Paper](#)), the Committee expressed its concern over the fact that certain local and regional circumstances prevent the provision of long-term financing and implementation of legal measures aimed at it.

The Committee of the Regions in its activities is closely associated with all the EU institutions. Committee's actions, in turn, are reflected in some documents and provisions of the European Parliament and the European Commission. The main EU institutions refer to the Committee's activities with due attention, cooperate with it and take into account its recommendations on current issues of economic and other policies. However, this is the bilateral cooperation, the dialogue between them, which is reflected in the recommendations of the EU institutions addressed to the Committee. This kind of a cooperation increases the overall coordination of the joint work and its effectiveness in the long run.

However, the main actor in the field of regional policy in the institutional structure of the Committee's is the Commission on economic and social policy (ECON). It's interesting to view its Opinion «On the Long-Term Financing of the European Economy» ([Opinion Long-Term Financing](#)), based on the consultation procedure, in accordance with Article 41(a) of the Rules of Procedure of the CoR and Article 307(4) TFEU. This Opinion is a particular example of a legal instrument aimed at developing a regional economic policy of the EU. It was expressed by the ECON on the Communication from the Commission to the European Parliament and the Council «On Long-term Financing of the European Economy» ([Communication from the Commission...](#)). The Commission, in turn, intends to carry out initiatives and calls on it to support their EU member states and institutions of the Union. The Committee expressed its general policy recommendations of the communiqué and confirmed its support to the proposal on the structural reform of the European banking sector ([Opinion Structural reforms](#)).



### 3.4. The Committee's right to appeal to the European Court of Justice

The agreement gives the Committee the right to challenge EU documents before the Court, if there is reason to believe that in the process of creating them were not taken into account regional or local aspects, and if the EU institutions have violated the rights of the Committee for consultation. The presence of such a guarantee contributes to the implementation of the Committee's powers to protect regional interests and compliance with the subsidiarity principle in EU decision-making, as well as the effective implementation of its consultation rights. The right to appeal to the Court of Justice will ensure that the EU institutions will consult with the Committee again when the Commission, the European Parliament or the Council substantially change the contents of the bill. On behalf of the Committee, the application to the Court is served by the President.

There are two main cases, when the Committee can initiate a case in the Court of the EU: a) where the EU law was adopted in violation of the principle of subsidiarity; b) if, during the legislative procedure of the EU institutions have bypassed the Committee and neglected its consultative right.

Thus, the Committee of the Regions carries out its work on the basis of three principles: multi-level governance; proximity; subsidiarity.

Fields of competence of the Committee of Regions reflect a key policies of the Committee, which, in turn, aims to promote the priorities of the European Union in the regions. In preparing the Committee's opinion on the bill of the Commission it is performing most of the work: receiving a request from the EU institutions, the President of the Committee determines the relevant committee, which shall be assigned to prepare a report. This report will be subsequently discussed at the plenary session of the Committee. It lays down, in fact, on the basis of the received opinion.

## 4. Results

The European Committee of the Regions (CoR) holds a European Summit of Regions and Cities. These summits bring elected representatives from regional and local authorities together to discuss the main challenges facing the European Union. The national delegations to the CoR have good working relations with their respective national permanent representations to the EU. Contacts with national permanent representations could be used as a platform for developing cooperation between the European Union and the CoR. Such cooperation would serve as an important channel for promoting the interests of local and regional authorities at EU level. The promotion of cooperation between the member state currently holding the EU Presidency and the CoR is particularly important. All European decisions should be taken in light of commitment to tackle the major societal transformations facing villages, cities and regions of the EU. These include global pandemics, the green and digital transitions, demographic challenges and migratory flows.

## 5. Conclusion

Thus, the Committee of the Regions is an EU consultative body representing local and regional authorities in the European Union. Today the organizational structures of the CoR have an extensive legal practice in different areas of the regional policy, reflecting the actual implementation of the principle of subsidiarity. The Committee has a significant influence on the development of European law in the area of economic policy, using specific procedures for cooperation with the EU institutions. It is in practice protects the interests of the regional economic sector, expresses the needs of small and medium-sized businesses for its security and sustainable growth.

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