

**The selection process for Committee of the
Regions members
Procedures in the Member States**

The study was written by the Studies's service of the Committee of the Regions.
It does not represent the official views of the Committee of the Regions.

A great deal of information on the European Union is available on the Internet.
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INTRODUCTION

The preamble of the Treaty on European Union includes among its goals the continuation of the "process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen".

The establishment of the Committee of the Regions (CoR) in 1992 by the Treaty of Maastricht is thus part of an institutional process seeking to guarantee real regional and local participation in the Community decision-making process.

The selection procedure for the members of the Committee of the Regions, a body representing local and regional authorities, is vitally important for its operation.

The various procedures for selecting CoR members and alternates throughout the European Union reflect the wide range of political and territorial systems in Europe. The enlargement of the Union to 27 Member States has served to emphasise this fact.

Consequently, there are two main models. In federal countries or countries with strong regional systems, such as Germany, Austria, Belgium, Spain or Italy, the representative role of the regions is explicitly described in legislation. In these countries, the national delegations to the CoR are largely made up of regional representatives, whilst local authorities are only marginally represented. However, in countries without regional systems or with weaker regional systems, representatives are mostly or even exclusively local (including Portugal, Greece, Estonia, Latvia, Cyprus, Sweden and Luxembourg).

Despite the range of selection procedures adopted for each national delegation, emphasis must be placed on the role played by the associations of local and regional authorities. In the majority of Member States and especially for the new delegations, these associations are responsible for drawing up the lists of candidates and forwarding them to the national government which will take the final decision. Although national governments have different approaches towards their subnational bodies, only rarely are the lists proposed by the associations revised. Almost all the national governments accept the list of candidates submitted to them and approve it as it stands before forwarding it to the Council of Ministers.

There have been a number of developments in the provisions governing the composition and selection process of CoR members between Article 198a of the Treaty of Maastricht up to the most recent changes made by the Treaty of

Lisbon, signed on 13 December 2007 and currently in the process of being ratified by the Member States¹.

On several occasions, the Committee of the Regions itself has made specific demands vis-à-vis its composition, such as the requirement that its members hold an electoral mandate or be politically accountable to a democratically elected assembly, and that its members' term of office be aligned with the European Parliament (five years instead of four)².

Although the Treaty of Amsterdam marked a step forward in terms of the Committee's powers, partly thanks to the extension of its consultative role, only with the Treaty of Nice were the Committee's requests concerning its selection process taken into account. Henceforth, following the entry into force of the Treaty of Nice on 1 February 2003, CoR members and alternates must be directly elected representatives or be politically accountable to a directly elected assembly. Nevertheless, it must be pointed out that since the establishment of the Committee of the Regions, with some exceptions, most of the national delegations have obeyed this principle of democratic legitimacy.

Lastly, once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon³, the new provisions governing the composition of the Committee of the Regions and the selection of its members will be as follows:

Part Six "Institutional and Financial Provisions"- Title I "Institutional Provisions" - Chapter 3 "The Union's advisory bodies" New Art. 300 (1, 3, 4 and 5 of the Treaty on the Functioning of the European Union -TFEU (provision common to the Committee of the Regions and the European Economic and Social Committee),

"1. The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions, exercising advisory functions.

[...]

3. The Committee of the Regions shall consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.

¹ For an overview of the changes to the provisions governing the selection process for members of the Committee of the Regions since Article 198a of the Treaty of Maastricht, see Appendix II.

² See appendices III and IV.

³ Consolidated version of the TFEU, OJ C 115, 9-5-2008.

4. The members of the Economic and Social Committee and of the Committee of the Regions shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union's general interest.

5. The rules referred to in paragraphs 2 and 3 governing the nature of the composition of the Committees shall be reviewed at regular intervals by the Council to take account of economic, social and demographic developments within the Union. The Council, on a proposal from the Commission, shall adopt decisions to that end."

Part Six "Institutional and Financial Provisions"- Title I "Institutional Provisions" - Chapter 3 "The Union's advisory bodies" - Section 2 "The Committee of the Regions" New Art. 305 of the Treaty on the Functioning of the European Union -TFEU (ex Art. 263 (2, 3 and 4) TEC)

"The number of members of the Committee of the Regions shall not exceed 350.

The Council, acting unanimously on a proposal from the Commission, shall adopt a decision determining the Committee's composition.

The members of the Committee and an equal number of alternate members shall be appointed for five years. Their term of office shall be renewable. The Council shall adopt the list of members and alternate members drawn up in accordance with the proposals made by each Member State. When the mandate referred to in Article 300(3) on the basis of which they were proposed comes to an end, the term of office of members of the Committee shall terminate automatically and they shall then be replaced for the remainder of the said term of office in accordance with the same procedure. No member of the Committee shall at the same time be a Member of the European Parliament".

It should be pointed out that, further to the changes made by the Treaty of Lisbon, once the Treaty on the Functioning of the European Union has entered into force the distribution of CoR members will no longer be laid down by the treaty; the Council will adopt a decision on the composition of the Committee⁴.

⁴ Further to the changes made by Art. 15, Chapter 5, Title I of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, and by Art. 13 of the Act concerning

Generally speaking, there are two criteria taken into consideration by all countries in the selection procedure: political balance and geographical and territorial balance. These two criteria are essential for the proper representation of local and regional authorities in the Committee of the Regions. Gender balance is also a priority for increasing numbers of CoR delegations.

This study comprises one chapter for each of the 27 Member States of the European Union. Each chapter focuses on one country and is divided into three parts:

- 1) distribution of seats (delegation, members and alternates);
- 2) legal basis;
- 3) nomination procedure.

In the section on the legal basis, it should be noted that several countries select their members on the basis of Article 263 of the EC Treaty (France, Netherlands, Luxembourg, Greece, Cyprus, Denmark, Estonia, Hungary, Malta, Czech Republic, United Kingdom and Sweden). Some countries, such as Finland and Slovakia, have no legal basis in Community or national law for the selection of their respective members, while others base their selection process on ministerial decrees, decisions by the ministry of the interior, legal notices or decisions.

The presentation of the various procedures for the selection of CoR members in the 27 Member States of the EU, set out in this study, has been updated to June 2007*.

the conditions of accession of the Republic of Bulgaria and Romania, seats at the Committee of the Regions are currently distributed between Member States as follows: Belgium – 12; Czech Republic – 12; Denmark – 9; Germany – 24; Estonia – 7; Greece – 12; Spain – 21; France – 24; Ireland – 9; Italy – 24; Cyprus – 6; Latvia – 7; Lithuania – 9; Luxembourg – 6; Hungary – 12; Malta – 5; Netherlands - 12; Austria – 12; Poland – 21; Portugal – 12; Slovenia – 7; Slovakia – 9; Finland – 9; Sweden – 12; United Kingdom – 24; Bulgaria – 12; Romania – 15. See also Art. 263 of the consolidated version of the Treaty establishing the European Community (Appendix II).

**THE SELECTION PROCESS FOR COMMITTEE OF
THE REGIONS MEMBERS**

Procedures in the Member States

Austria

The Austrian delegation consists of 12 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Austrian delegation	Members	Alternates
Länder	9	9
Städte und Gemeinden (cities and municipalities)	3	3

Legal basis

Article 23c, paragraph 4 of the Austrian Federal Constitution⁵ is the basis for the selection procedure for CoR members.

Nomination procedure

The federal government nominates the CoR delegation on the basis of a proposal submitted by each Land for one member and one alternate (nine of each in total) and a joint proposal by the Austrian Federation of Cities and the Austrian Federation of Municipalities (Städte-und Gemeindebund) for three members and three alternates.

Territorial and geographical criteria are taken into account in the nomination of the Austrian delegation.

The federal government takes a decision on the basis of the proposed list of candidates and submits it to the Council of Ministers of the EU which appoints CoR members.

⁵ B-VGN 1994 BGBl. 1013 Art. I Z 9; text in German, English and French available at the following address: http://www.ris.bka.gv.at/info/bvg_eng.pdf.

All Austrian CoR members and alternates are directly elected or politically accountable to a directly elected assembly. Their term of office can be terminated if they are sentenced under Article 142 (2) of the Austrian Federal Constitution or if they lose their national mandate.

Special features

There is an agreement that the head of the delegation will be a representative from the Länder. However, the local level is represented alongside the Länder in the CoR Bureau.

Belgium

The Belgian delegation consists of 12 members and an equal number of alternates. The current distribution of seats, for members and alternates, is as follows:

Belgian delegation	Members	Alternates
Vlaanderen (Flanders)	5/6 (*)	6
Région Wallonne/Communauté Française (Region of Wallonia/French Community)	4/3 (*)	4
Région Hoofdstedelijk Gewest/Région Bruxelles Capitale (Brussels-Capital Region)	2	2
Deutschsprachige Gemeinschaft (German-speaking Community)	1	-

(*) In accordance with the mid-term rotation between the Flemish and French communities so that a seat is assigned to the German-speaking community.

Legal basis

Article 263 of the Treaty establishing the European Community⁶.

Nomination procedure

The Interministerial Conference on Political Affairs decides on a list of candidates proposed by the regions and communities on the basis of geographical and political criteria, as well as a specific distribution between the regional and community governments. In each of the two groups (Flemish and

⁶ Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

French-speaking), one member and one alternate seat is reserved for a representative of each community from the Brussels-Capital Region. It also decided that the two main communities (Flemish and French-speaking) would allow the German-speaking community to hold one of their seats in turn, changing half-way through the delegation's term of office.

The federal government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

All Belgian members and alternates must be elected members of a regional or local authority or politically accountable to a universally directly elected assembly. The majority of Belgian members are from the regional or community parliaments. Some represent local authorities (burgomasters).

The decision to terminate a member's term of office is taken by the governments concerned and must comply with the provisions of the Treaty establishing the European Community.

Bulgaria

The Bulgarian delegation consists of 12 members and an equal number of alternates. The current distribution of seats, for members and alternates, is as follows:

Bulgarian delegation	Members	Alternates
Municipalities (<i>obstina</i>)	12	12

Legal basis

The current Bulgarian delegation was nominated on the basis of a decision of the Bulgarian Council of Ministers of 26 October 2006. The procedure was approved by the National Association of Municipalities of the Republic of Bulgaria (*NAMRB*).

Nomination procedure

In agreement with the regional associations of municipalities, *NAMRB* proposes a list of members, according to the criteria of geographical/territorial balance, equal political representation and gender equality.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members. Members' terms of office are terminated should they lose their national mandate.

Special features

It should be noted that within the Bulgarian delegation only the municipalities are represented, and not the regions (*oblasti*).

Cyprus

The Cypriot delegation consists of 6 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Cypriot delegation	Members	Alternates
Dimoi (Municipalities)	4	4
Kinotites (Rural communities)	2	2

Legal basis

No legal basis for the nomination of the Cypriot CoR delegation exists other than Article 263 of the Treaty establishing the European Community⁷.

Nomination procedure

The Minister of the Interior selects the Cypriot CoR delegation after consultation with the Union of Cyprus towns and the Union of Cyprus communities. Geographical and political criteria are taken into account as well as the type of local authority represented (town or rural community).

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

All Cypriot members and alternates are directly elected representatives. Their term of office at the CoR can only be terminated early if they lose their local mandate or in the event of a judicial sentence for a serious crime.

⁷ Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

Czech Republic

The Czech delegation consists of 12 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Czech delegation	Members	Alternates
The Association of the Regions of the Czech Republic (Asociace krajů České Republiky)	7	7
The Union of Towns and Municipalities of the Czech Republic (Svaz měst a obcí České Republiky)	5	5

Legal basis

No legal basis for the nomination of the Czech CoR delegation exists other than Article 263 of the Treaty establishing the European Community⁸. The current composition of the Czech delegation is based on governmental decree No 1372 of 19 November 2005.

Nomination procedure

The Association of Regions and the Union of Towns and Municipalities are each asked by the Czech Minister for Regional Development to nominate an equal number of members and alternates to represent local and regional government. Territorial/geographical and political criteria are taken into account in the nomination of the Czech delegation, and gender equality is a priority.

⁸ Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU, which appoints CoR members.

All Czech CoR members and alternates are directly elected members of regional or municipal councils and their term of office is terminated if they lose their national mandate.

Denmark

The Danish delegation consists of 9 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Danish delegation	Members	Alternates
Amter (Regions)	3	3
Kommuner (Municipalities)	6	6

Legal basis

No legal basis for the nomination of the Danish CoR delegation exists other than Article 263 of the Treaty establishing the European Community⁹.

Nomination procedure

The Danish Ministry of Foreign Affairs asks the Association of Danish Regions (Amtråds-foreningen), the Association of Danish Local Authorities (LGDK) and the cities of Copenhagen and Fedreriksberg to propose a list of 4, 4, and 1 candidates respectively (same number of alternates). Each association makes its proposal on the basis of geographical/territorial and political criteria. Equal representation of men and women is also a priority.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

All Danish members and alternates are directly elected representatives. Their term of office is terminated if they lose their national mandate.

⁹ Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

Estonia

The Estonian delegation consists of 7 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Estonian delegation	Members	Alternates
Cities	4	3
Rural municipalities	3	4

Legal basis

No legal basis exists for the nomination of the Estonian CoR other than Article 263 of the Treaty establishing the European Community¹⁰.

Nomination procedure

The Estonian Ministry of Regional Affairs asks the Association of Estonian Cities to propose a list of four members and three alternates, and the Association of Rural Municipalities of Estonia to propose a list of three members and four alternates. Each association informs all the Estonian local authorities and, in line with the agreement on the division of responsibilities between the two associations, makes its proposal on the basis of geographical/territorial and political criteria set by the minister of regional affairs, with particular emphasis on achieving an equal balance of men and women. Any elected representative may apply to their association.

After checking the candidates' references, the national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU, which appoints CoR members.

¹⁰ Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

All Estonian members and alternates are directly elected members of a municipal council or are politically accountable to a directly elected municipal council. Their term of office at the CoR is terminated if they lose their national mandate.

Finland

The Finnish delegation consists of 9 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Finnish delegation	Members	Alternates
Åland (autonomous province)	1	1
Maakuntien liitot (regional councils)	4	4
Kaupungit ja kunnat (cities and municipalities)	4	4

Legal basis

Finland has no basis in Community or national law for the nomination of its national delegation to the CoR. However, at national level, the Åland Autonomy Act¹¹ states that one of the Finnish delegates must come from the autonomous province of Åland.

Nomination procedure

The Association of Finnish Local and Regional Authorities makes a proposal concerning the membership of the Finnish CoR delegation to the Ministry of the Interior, which submits the proposal to the national government. The proposal is made on the basis of geographical, territorial and political criteria. The basis used for the political criterion is the results of the local elections held prior to the nomination of members. As for the territorial criterion, it has been decided to nominate four regional representatives, four local representatives and one representative from the autonomous province of Åland, with the same number of alternates. The Swedish-speaking community and equal representation of men and women are also taken into consideration.

¹¹ See Law No 138/1993 on the integration of the provisions on the Åland Islands in the Constitution and in the law on the parliament.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU, which appoints CoR members.

All Finnish members and alternates are either directly elected or politically accountable to a directly elected municipal council. Regional representatives are politically accountable to a directly elected municipal council.

France

The French delegation consists of 24 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

French delegation	Members	Alternates
Régions (Regions)	12	12
Départments (Departments)	6	6
Communes (Municipalities)	6	6

Legal basis

Other than Article 263 of the Treaty establishing the European Community¹² no procedure has been formalised in a written text. However, the arrangements for appointing French CoR members have followed the practice established after the entry into force of the Maastricht Treaty and regularly confirmed since then.

Nomination procedure

The selection of the French CoR delegation is made by the Prime Minister on the basis of a proposal from the Minister of the Interior after consultation with the French Federation of Mayors (AMF - Association des Maires de France), the Assembly of French Departments (ADF) and the Association of French Regions (ARF). Territorial/geographical and political criteria are taken into account.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

¹² Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

Germany

The German delegation consists of 24 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

German delegation	Members	Alternates
Länder	21	21
Gemeinden (municipalities)	3	3

Legal basis

Article 14 of the Fourth Law of 12 March 1993¹³ deals with the cooperation between the Federation and the Länder on questions related to the European Union.

Nomination procedure

It is the responsibility of every German Land and the three federations of local authorities (Deutscher Städtetag, Deutscher Landkreistag, Deutscher Städte- und Gemeindebund) to select the members.

With regard to the Länder, the Conference of the Presidents of the Länder submits the list of nominees to the federal government which in turn submits it to the Council of Ministers of the EU. The procedure for nomination was established by the Conference of the Presidents of the Länder on 27 May 1993. The agreement was published on 14 July 1993. In this agreement, the Länder decided that of their 21 seats, 16 should be distributed according to the criteria of one member (and one alternate) per Land. The remaining five seats would be assigned in rotation on the basis of a Länder list in order of population. Hence, the five Länder with the largest populations had, initially, one extra seat each. It

¹³ BGBl. I S. 313/ 1993

was agreed that in the next selection round, the next five would each be allocated one of the remaining seats. This rotating procedure on the basis of population will apply until a further agreement is reached. Furthermore, the Länder also agreed that the nominees chosen by the Associations of Representatives of Local Authorities should be elected representatives.

Article 14 of the 1993 law also stipulates that the Länder must ensure that three seats in the German delegation are reserved for candidates chosen by the three associations of representatives of local authorities.

Generally speaking, the following may put themselves forward as candidates for the CoR delegation: presidents, ministers or secretaries of state of the Länder, mayors and members of the regional parliaments or local councils.

The federal government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

All German CoR members and alternates are directly elected or politically accountable to a directly elected assembly. Their term of office can only be terminated if they lose their mandate.

Greece

The Greek delegation consists of 12 members and an equal number of alternates. The current distribution of seats for members and alternates is as follows:

Greek delegation	Members	Alternates
Koinotites-Dimoi/ (Communes – municipalities)	7	7
Nomoi (Prefectures)	5	5

Legal basis

No legal basis for the nomination of the Greek CoR delegation exists other than Article 263 of the Treaty establishing the European Community¹⁴. However, Article 219 of the Code of municipalities and communities¹⁵ stipulates that the municipal and community authorities must be represented in the Committee of the Regions of the European Union, in so far as the members must be elected representatives.

Nomination procedure

The nomination procedure is based on a decision from the ministry of the interior, public administration and decentralisation. The Greek government works on the basis of proposals from the political parties of the association of local and regional authorities.

The Greek government, taking into account geographical/territorial and political criteria, draws up a list of nominees. Balanced representation of the political

¹⁴ Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

¹⁵ Law 3463/2006, Official Journal 114/A/8-6-2006.

parties (based on the results of local elections), the Greek regions (including number of inhabitants) and the various tiers of local administration is sought. The Greek delegation is therefore composed of mayors, prefects and presidents of extended local authorities; the last two were directly elected for the first time in 1994.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

All Greek CoR members are directly elected representatives. Since 1994, the membership of the Greek delegation has changed several times owing to members resigning. Members' terms of office are terminated only if they resign or lose their national mandate. With regard to representatives of local authorities (Articles 146 and 147 of the Code of municipalities and communities) and representatives of prefectures (Article 72 of the Code of the prefectural administration¹⁶), the term of office of elected representatives is terminated in the event of criminal proceedings connected with their official duties, serious criminal proceedings or if they are suspended by the minister of the interior, public administration and decentralisation.

¹⁶ Presidential decree 30/96, Official Journal 21/A/2-2-1996).

Hungary

The Hungarian delegation consists of 12 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Hungarian delegation	Members	Alternates
7 local government associations and 7 regional development councils (acting together by consensus)	12	12

Legal basis

No legal basis for the nomination of the Hungarian CoR delegation exists other than Article 263 of the Treaty establishing the European Community¹⁷. However, despite the incomplete legislation, the procedure carried out only once to date was based on the XXI law of 1996 on regional development, and resolution 2025/2004 of the government.

Nomination procedure

According to the current rules of the EU, the national government is responsible for nomination. Specifically, it is the responsibility of the minister for local government and regional development.

In practice, the procedure adopted for the nomination of the current Hungarian delegation was as follows: in compliance with the practice of EU Member States, the government consulted the seven local government associations and the regional development councils. After lengthy negotiation, coordinated by the prime minister's office and the minister for EU affairs, an agreement

¹⁷ Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

regarding the nomination was reached. As 12 nominees appeared both on the list drawn up by the associations of local governments and the list drawn up by the regional development councils, the agreement was adopted. Efforts were made to ensure political and geographical balance, but these were only partly successful owing to the complicated nomination procedure.

In the past, in line with the rules mentioned above, the ministers for the interior and for European affairs were responsible for submitting the lists of nominees. Since the government was restructured in 2006, this responsibility has been transferred to the minister for local government and regional development. The national parliament is currently examining a proposal to amend the law on regional development, with the aim of regulating the method of selecting CoR members, giving the recommendations of local government associations and regional development councils a formalised role during the nomination procedure.

The national government takes a decision on the basis of the list of nominees and submits it to the Council of Ministers of the EU which appoints CoR members.

All Hungarian members and alternates are directly elected representatives, mayors or county presidents. Their term of office can be terminated if they lose their national mandate for reasons of incompatibility, if they resign, if they fail to take part in the activities of their national assembly for a year, if they die, if the body to which they are politically accountable is dissolved, or if they are sentenced by a criminal court for breaking the law.

Ireland

The Irish delegation consists of 9 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Irish delegation	Members	Alternates
Local and regional authorities	9	9

All members represent both local and regional authorities. Alternate members represent local authorities and may also represent a regional authority.

Legal basis

The legal basis for nominating the Irish CoR delegation is set out in the Local Government Act, 1991 (Regional Authorities) (Establishment) Order, 1993, (Amendment) Order, 1998. (Statutory Instrument No.1 of 1998).

Nomination procedure

The Irish Government establishes the composition of the delegation. The minister for the environment, heritage and local government who advises the Irish Government on the selection of persons to be proposed for appointment to the CoR "shall have regard to the objective that the Irish delegation taken as a whole should manifest an appropriate measure of gender and territorial balance". Political balance is also a priority.

All Irish CoR members and alternates must be members of a local authority at the time of the nomination procedure. Where a member of a local authority is appointed as a member of the CoR but is not a member of a regional authority then on such appointment that member will become, and be and hold office as, a member of the relevant regional authority. Members' terms of office are terminated if they lose their national mandate, are elected to one of the national

parliamentary chambers or to the European Parliament or sentenced in a court of law.

Special features

The making of Statutory Instrument No.1 ensured that the Irish Government retained the ability to propose the members of the Irish delegation. This means that members are not directly selected at regional level, as was proposed when establishing the regional authorities in 1994.

Italy

The Italian delegation consists of 24 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Italian delegation	Members	Alternates
Autonomous regions and provinces (regione e province autonome)	14	8
Provinces (province)	3	7
Communes (comuni)	7	9

Legal basis

The Italian government amended the membership of the delegation by ministerial decree of 19 December 2006.

Nomination procedure

Under this decree, the following may be proposed as CoR members: presidents of the regions and autonomous provinces of Trento and Bolzano, presidents of the provinces, mayors and elected representatives of councils and executives of these tiers. They are proposed only by the Conference of Regional Presidents (CPR - Conferenza dei Presidenti Regionali), the Italian Provincial Union (UPI - Unione delle Province Italiane) and the National Association of Italian Municipalities (ANCI - Associazione Nazionale dei Comuni Italiani).

The ANCI and UPI, acting independently, nominate their members and alternates. The decree does not ensure a geographical, territorial and political balance; no such balance is ensured automatically within the representation of each region but it is sought when the associations make their proposals. The Conference of Regional Presidents generally nominates a representative for

each region and autonomous province. The proposals are forwarded to the ministry for regional affairs which is competent for this matter and nominates CoR members.

The national government takes a decision on the basis of the list of nominees and submits it to the Council of Ministers of the EU which appoints CoR members. Members' terms of office are terminated only if they lose their national mandate. The associations responsible for nominating members carry out regular checks.

Special features

The distribution of the number of members changed with the new ministerial decree. Although the delegation still has 24 members and 24 alternates, the three tiers of local authorities have been changed as follows:

Italian delegation	Members	Alternates
	Before 2006/after 2006	
Autonomous regions and provinces (regione e province autonome)	14/14	14/8
Provinces (province)	5/3	4/7
Communes (comuni)	5/7	12/9

Latvia

The Latvian delegation consists of 7 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Latvian delegation	Members	Alternates
Rajons (Districts)	1	1
Pagasts (Rural municipalities)	1	1
Pilsēta (Towns)	1	1
Novads (municipalities amalgamated during the territorial reform of local authorities)	1	1
Republikas pilsēta (Cities, except capital city)	1	1
Rīga (Capital city)	1	1
Association of local and regional governments	1	1

Legal basis

The current procedure for nominating the Latvian CoR delegation was adopted in March 2003 by the organisation responsible for nominating members: the Latvian association of local and regional authorities. Since 2006, the delegation's membership has been based on Decision No 653 of the Cabinet of the Latvian Republic¹⁸ adopted on 5 October 2005.

Nomination procedure

The Latvian ministry of foreign affairs asks the association of local and regional authorities of Latvia to propose a list of seven candidates and seven alternates.

¹⁸ <http://www.lps.lv/faili/Dokumenti/LatvijasParstavji.doc>

Each category of local and regional authority is represented. The association's council approves the proposals and chooses one member and one alternate to represent its own interests at the CoR. The candidates are selected using criteria to ensure a geographical and territorial balance and equal representation of men and women.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU, which appoints CoR members

All Latvian members and alternates are directly elected representatives and their term of office can be terminated if they lose their national mandate.

Lithuania

The Lithuanian delegation consists of 9 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Lithuanian delegation	Members	Alternates
Local and regional authorities	9	9

Legal basis

The legal basis for nominating the Lithuanian CoR delegation is set out in the order of the minister of the interior of the Republic of Lithuania No. 1V-59 of 5 March 2004 “On the approval of the rules of procedure for the delegation of Lithuanian representatives to the EU's Committee of the Regions” as amended on 18 March 2004.

Nomination procedure

Taking into account political, territorial and gender balance criteria, the ten regional development councils draw up a list of candidates for CoR members and alternates, proposing three times more candidates than seats allocated to the region. All proposals from the regional development councils are sent to the Lithuanian Association of Local Authorities which selects candidates and draws up a final list. The final list of candidates is sent to the interior and foreign affairs ministers who present it for approval to the Government of Lithuania.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

All Lithuanian members and alternates are either directly elected or politically accountable to an assembly.

Luxembourg

The Luxembourg delegation consists of 6 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Luxembourg delegation	Members	Alternates
Communes (Municipalities)	6	6

Legal basis

No legal basis for the nomination of the Luxembourg CoR delegation exists other than Article 263 of the Treaty establishing the European Community¹⁹.

Nomination procedure

The selection of the Luxembourg CoR delegation is made by the government on the basis of a proposal submitted by the Luxembourg Union of Local Authorities (SYVICOL - Syndicat des Villes et Communes Luxembourgeoises) which federates all 116 municipalities. Territorial/geographical and political criteria are taken into account in the nomination process.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

All Luxembourg CoR members proposed by the national government are directly elected representatives and their term of office is terminated if they lose their national mandate.

¹⁹ Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

Malta

The Maltese delegation consists of 5 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Maltese delegation	Members	Alternates
Local authorities	5	5

Legal basis

The legal basis for nominating the Maltese CoR delegation is set out in the Regulations published by Legal Notice 49 of 1994 (as amended) and the policy decision of the Cabinet of Ministers.

Nomination procedure

The Local Councils Association, established in 1994 and comprising six elected members from the ranks of mayors and councillors from throughout the country, draws up a list of five members and five alternates taking into account political, territorial and gender balance criteria. The list of candidates is sent to the ministry for justice and home affairs which presents it for approval to the Government of Malta.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

Special features

Maltese members are also members of the executive committee of the Local Councils Association, a legal body. Maltese members of the CoR are either elected representatives or accountable to an elected assembly.

Netherlands

The Dutch delegation consists of 12 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Dutch delegation	Members	Alternates
Provincies (Provinces)	6	6
Gemeenten (Municipalities)	6	6

Legal basis

No legal basis for the nomination of the Dutch CoR delegation exists other than Article 263 of the Treaty establishing the European Community²⁰. However, in December 2006, guidelines were drawn up setting out the roles of the minister of the interior and kingdom relations, the association of Dutch provinces and the Association of Municipalities of the Netherlands, responsible for proposing candidates.

Nomination procedure

The Dutch CoR delegation is therefore nominated by the minister of the interior and kingdom relations on the basis of a joint proposal submitted by the Association of the Provinces of the Netherlands (IPO - Interprovinciaal Overleg) and the Association of Municipalities of the Netherlands (VNG - Vereniging van Nederlandse Gemeenten). These two bodies take many criteria into account when deciding on the membership in order to obtain:

equal representation of provinces and municipalities

equal representation by size of province and municipality

²⁰ Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

balanced territorial and political distribution (according to the most recent elections)

fair representation of the various administrative functions

gender balance

The government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

All Dutch CoR members and alternates are directly elected members of a provincial or municipal council, or are politically accountable to a directly elected provincial or municipal council (i.e. Queen's Commissioners for the provinces and/or burgomasters for the municipalities). Their term of office is terminated only if they lose their national mandate, whatever the reason.

Poland

The Polish delegation consists of 21 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Polish delegation	Members	Alternates
Regional authorities (voivodships, województwo)	10	10
Local authorities (Counties, Cities, Metropolises, Rural communities, Towns, gminy)	11	11

Legal basis

The legal basis for the nomination of the Polish delegation to the CoR is the Law on the joint commission of the government and the local authorities and on the representatives of the Republic of Poland to the Committee of the Regions of the European Union.

Nomination procedure

The composition of the Polish delegation to the CoR is set out in the rules and schedule for appointing candidates to the institutions of the European Union. In cooperation with the joint commission of the government and the local authorities, the Polish Government decides how to allocate the positions of CoR members and alternates. They are firstly distributed between the large associations of local authorities, according to size and importance. These associations then nominate their candidates, after which the Commission for European affairs of the Diet (the Sejm, the lower chamber of parliament) decides on the final membership of the Polish delegation and submits its recommendations to the prime minister.

The distribution between the large associations of local authorities is arranged as follows:

10 members and 10 alternates are nominated by the Union of voivodships (regional authorities);

3 members and three alternates are nominated by the Association of Polish towns;

3 members and three alternates are nominated by the Union of Polish counties;

2 members and 2 alternates are nominated by the Union of Polish metropolises;

2 members and 2 alternates are nominated by the Union of Polish rural communities;

1 member and one alternate are nominated by the Union of small Polish towns.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

All Polish members and alternates are either directly elected or politically accountable to an assembly, and their term of office at the CoR is terminated if they lose their national mandate.

Portugal

The Portuguese delegation consists of 12 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Portuguese delegation	Members	Alternates
Autonomous regions of the Azores and Madeira	2	2
Municípios (Municipalities)	10	10

Legal basis

The official procedure for appointing Portuguese CoR members has never been clearly established. However, in May 1993, the Assembly of the Republic of Portugal debated the criteria for appointing national candidates and approved the Resolution of 5 January 1994²¹.

Nomination procedure

The State Secretariat for Local Administration is responsible for initiating the nomination procedures for representatives of the autonomous regions and local authorities. It draws up a list of nominees on the basis of geographical/territorial and political criteria. The resolution approved by the Assembly of the Republic recommends that the list of representatives of local authorities be drawn up after the National Association of Portuguese Municipalities has been consulted.

The government then makes a decision on the basis of the list and submits it to the Council of Ministers of the EU which officially appoints the members of the CoR Portuguese delegation.

²¹ Resolution No. 1/94 of 5 January 1994, published in the Official Journal of the Republic, 1st series, A, of 25 January 1994.

Portuguese membership of the CoR is as follows: two members for the autonomous regions (one for Madeira and one for the Azores) and the remaining ten – appointed by the government – comprise local councillors, according to the representation of the different political parties within local authorities.

All members and alternates of the Portuguese delegation are elected representatives or politically accountable to a directly elected assembly.

Romania

The Romanian delegation consists of 15 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Romanian delegation	Members	Alternates
National Union of county councils (judet)	6	6
Romanian association of municipalities (municipii)	3	3
Romanian association of towns (orase)	3	3
Romanian association of communes (comune)	3	3

Legal basis

No legal basis for the nomination of the Romanian CoR delegation exists other than Article 263 of the Treaty establishing the European Community²² and Article 23 of the Act on the conditions for the accession of the Republic of Bulgaria and Romania to the European Union.

Nomination procedure

The Romanian Government has adopted a memorandum signed by the prime minister, setting out the procedure for the nomination of the Romanian delegation to the CoR. This procedure was approved by the four associations of local authorities before being adopted by the government. Each of the four associations representing the local authorities (National Union of county

²² Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

councils, Romanian association of municipalities, Romanian association of towns and Romanian association of communes) submits its proposals to the ministry of the administration and the interior. The criteria to be met concern geographical and territorial distribution and political and gender balance. Members must also have a good knowledge of English or French.

The national government makes a decision on the basis of the list of members proposed to it, and submits it to the Council of Ministers of the EU which officially appoints the Romanian CoR delegation.

All members of the Romanian delegation are elected representatives or are accountable to an elected assembly, and their term of office is terminated if they lose their national mandate.

Slovakia

The Slovak delegation consists of 9 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Slovak delegation	Members	Alternates
Regional authorities (self-governing regions)	5	4
Local authorities (cities and municipalities)	4	5

Legal basis

Slovakia has no legal basis in Community or national law for the nomination of its national delegation to the CoR.

The legal acts on territorial self-government grant regional and local entities the right of association and the right to organise their representation at national and international level. However, the final decision is taken by the national government.

Nomination procedure

The proposal to the national government is made by the Union of Towns and Cities of Slovakia (UMS), the Association of Cities and Municipalities of Slovakia (ZMOS) and the presidents of the eight autonomous regions.

In the framework of a conference held on 17 and 18 May 2001 in Bratislava and co-organised by the CoR, the Union of Towns and Cities of Slovakia and the Association of Cities and Municipalities of Slovakia, a Slovak Liaison Committee (SLC CoR) was set up to manage the country's relations with the CoR.

The SLC CoR comprises local and regional representatives as well as representatives of the Slovak government and approves, by common consensus and on the basis of political and territorial/geographical criteria, a list of nine members and nine alternates which is submitted to the Slovak Government. Nominations are organised as follows: the regions select five members and four alternates, and the towns and municipalities select four members and five alternates.

The national government takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU, which appoints CoR members.

All members and alternates of the Slovak delegation are directly elected representatives of local or regional authorities.

With the exception of Bratislava, the autonomous regions are all represented by their president who takes office as member or alternate (directly elected by all qualified voters in their region). The term of office of CoR members is terminated if they lose their national mandate.

Slovenia

The Slovenian delegation consists of 7 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Slovenian delegation	Members	Alternates
Local communities	7	7

Legal basis

The standards and procedure for setting up a delegation of Slovenia's local communities in international organisations of local self-governing communities and in other international organisations are laid down by the Government of the Republic of Slovenia in the administrative autonomy law of 1993 and in the decision of the Government of the Republic of Slovenia on selection criteria and procedures for the nomination of members of local Slovenian authorities in international organisations, adopted in 2002.

Nomination procedure

The members of the Slovenian delegation and their alternates are nominated on the basis of proposals by both representative associations of Slovenian municipalities, i.e. the Municipality Community of Slovenia (SOS) and the Municipality Association of Slovenia (ZOS). A number of criteria (set out in the abovementioned government decision) are taken into account, specifically position as elected representative, gender and political balance, and geographical and territorial distribution.

The members and alternates of the Slovenian delegation are elected representatives from small and medium-sized municipalities from different regions of Slovenia, and represent both associations. Their term of office is terminated if they lose their national mandate.

Spain

The Spanish delegation consists of 21 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows:

Spanish delegation	Members	Alternates
Comunidades Autónomas (Autonomous communities)	17	17
Municipios (Municipalities)	4	4

Legal basis

The Spanish Government decides on the delegation's membership on the basis of a motion by the Senate from 20 October 1993²³.

Nomination procedure

The Senate motion states that 17 of the 21 seats are allocated to the Spanish regions (the autonomous communities) and the remaining four are reserved for local representatives. It also states that each member and alternate is proposed by the region concerned and that the four representatives from the local authorities are proposed by the Spanish Federation of Provinces and Municipalities (FEMP - Federación Española de Municipios y Provincias).

The secretary of state of the ministry of foreign affairs takes a decision on the basis of the proposed list of members and submits it to the Council of Ministers of the EU which appoints CoR members.

All Spanish CoR members are elected representatives (prime ministers of regions or mayors). Alternates are elected or politically accountable to an elected assembly. Their term of office at the CoR is terminated if they lose their national mandate.

²³ Boletín Oficial de las Cortes Generales, Senado, Series I, n° 34, 28 October 1993.

Sweden

The Swedish delegation consists of 12 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows

Swedish delegation	Members	Alternates
County councils (landsting)	4	6
Municipalities (kommuner)	8	6

Legal basis

No legal basis for the nomination of the Swedish CoR delegation exists other than Article 263 of the Treaty establishing the European Community²⁴. However, in practice the political parties, associations and government cooperate.

Nomination procedure

The political parties begin by submitting the names of potential members to the Association of local and regional authorities, which draws up a list for the government on this basis. Criteria taken into account are as follows: political, geographical and territorial balance, equal distribution between the authorities by size and responsibilities, and gender balance.

The national government, by the decision of the committee of internal affairs, makes a decision on the basis of the list of members proposed to it, and submits it to the Council of Ministers of the EU which appoints CoR members.

²⁴ Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

All Swedish members are directly elected representatives in office, and their term of office at the CoR is terminated if they lose their national mandate.

United Kingdom

The UK delegation consists of 24 members and an equal number of alternates. The current distribution of seats, both for members and alternates, is as follows

UK delegation	Members	Alternates
England	16	16
Scotland	4	4
Wales	2	2
Northern Ireland	2	2

Legal basis

The European Communities (Amendment) Act, 1993 specifies that a person may be proposed as a member or alternate of the Committee of the Regions, constituted under Article 198a of the Treaty establishing the European Community²⁵, only if at the time of proposal he is a member of a local authority. Since then, additional legislation has been passed to allow a person to be proposed if they are at the time of proposal a member of the devolved authorities in Scotland, Wales, Northern Ireland and London.

Nomination procedure

The Foreign and Commonwealth Office is responsible for the appointment of the UK delegation. The Local Government International Bureau (LGIB) acts as the secretariat on behalf of the UK Government. Since devolution, there are different selection procedures for each of the home countries of the United Kingdom:

²⁵ Once the Treaty on the Functioning of the European Union has entered into force, incorporating the changes made by the Treaty of Lisbon currently being ratified by the Member States, Art. 263 TEC will be replaced by Art. 305 TFEU. Consolidated version of the TFEU, OJ C 115, 9-5-2008.

England

The Office of the Deputy Prime Minister approves appointments in England. The English Regional Chambers/Assemblies (consultative appointed assemblies) and Greater London Authority make 18 nominations and the Local Government Association makes 14 nominations. The LGA with the LGIB are then responsible for ensuring the final nominations are politically, geographically, ethnically and gender balanced. The political balance is determined by the strength of each political party in local government.

Scotland

The First Minister is responsible for coordinating the appointment of the Scottish nominees. The Scottish Executive and Parliament each make two nominations; the Convention of Scottish Local Authorities (CoSLA) makes four nominations. The Scottish Parliament then approves all Scottish nominees.

Northern Ireland

The First Minister coordinates the nominations process, with the Assembly and the Northern Ireland Local Government Association (NILGA) making two nominations each. The Assembly then approves the appointments. If the Assembly is suspended, then powers of nomination pass to the Secretary of State for Northern Ireland in consultation with the political parties in Northern Ireland and NILGA.

Wales

The First Minister coordinates the nominations process, with the Assembly and the Welsh Local Government Association (WLGA) making two nominations each. The Assembly then approves the appointments.

After the procedures in the four home countries, all the nominations are forwarded to the UK Government for final adoption and approval.

Summary of nominations

	Members	Alternates
England		
Local Government Association	7	7
English regional assemblies	9	9
Scotland		
Scottish Executive	1	1
Scottish Parliament	1	1
Convention of Scottish Local Authorities	2	2
Northern Ireland		
Northern Ireland Assembly	1	1
Northern Ireland Local Government Association	1	1
Wales		
National Assembly for Wales	1	1
Welsh Local Government Association	1	1

Possible revision expected:

The only revision expected would be to incorporate any new directly elected regional assemblies in England into the process. However, no new regional assemblies are expected to be established before 2007.

APPENDICES

Appendix I

The structure of local and regional authorities in the European Union
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<p style="text-align: center;">Austria 9 länder 2359 municipalities (<i>Gemeinden</i>)</p>	<p style="text-align: center;">Belgium 3 regions (<i>regio's</i>) 3 communities (<i>gemeenschappen</i>) 10 provinces (<i>provincies</i>) 589 municipalities (<i>gemeenten</i>)</p>	<p style="text-align: center;">Bulgaria 28 regions (<i>oblasti</i>) 3 850 districts 264 municipalities (<i>obstina</i>)</p>
<p style="text-align: center;">Cyprus 6 regions 33 towns (<i>dimi</i>) 353 rural communities (<i>kinotites</i>)</p>	<p style="text-align: center;">Czech Republic 14 regions (<i>krajů</i>) 6254 municipalities (<i>obci</i>) (The capital, Prague, has the double status of region and municipality)</p>	<p style="text-align: center;">Denmark 14 regions (<i>amter</i>) 271 municipalities (<i>kommuner</i>)</p>
<p style="text-align: center;">Estonia 15 counties 241 municipalities (39 towns, 202 rural communities)</p>	<p style="text-align: center;">Finland 1 autonomous province (<i>Åland Islands</i>) 19 regions (<i>maakuntaa – landskap</i>) 432 municipalities (<i>kuntaa – kommuner</i>)</p>	<p style="text-align: center;">France 26 regions 100 departments 36 783 municipalities</p>
<p style="text-align: center;">Germany 16 länder 306 district authorities (<i>Kreise</i>) 112 urban municipalities (<i>kreisfreie Städte</i>) 13 862 municipalities (<i>Gemeinden</i>)</p>	<p style="text-align: center;">Greece 54 prefectures (<i>nomi</i>) 901 towns (<i>dimi</i>) 134 municipalities (<i>kinotites</i>)</p>	<p style="text-align: center;">Hungary 7 administrative regions 19 counties 3 169 municipalities (3 123 towns and villages, 23 towns with the status of urban county and 23 districts in the capital, Budapest)</p>

<p>Ireland 2 regional assemblies 8 regional authorities 29 county councils 5 city councils 80 municipalities</p>	<p>Italy 20 regions (<i>regioni</i>) and 2 autonomous provinces (<i>province autonome</i>) 107 provinces (<i>province</i>) 8100 municipalities (<i>comuni</i>)</p>	<p>Latvia 26 districts (<i>rajons</i>) 35 urban areas (<i>novads</i>) 60 towns (<i>Republikas pilsēta et pilsēta</i>) 432 rural communities (<i>pagasts</i>)</p>
<p>Lithuania 10 counties (<i>Apskritis</i>) 60 municipalities (<i>Savivaldybes</i>)</p>	<p>Luxembourg 116 municipalities</p>	<p>Malta 3 administrative regions grouping together the local councils (Gozo, Malta Majjistral and Malta Xlokk) 68 local councils (54 in Malta and 14 in Gozo)</p>
<p>Netherlands 12 provinces (<i>provincies</i>) 467 municipalities (<i>gemeenten</i>)</p>	<p>Poland 16 voivodships (<i>województwo</i>) 379 districts (<i>powiat</i>) 2 479 rural communities (<i>gminy</i>) 64 metropolitan districts Special status for Warsaw</p>	<p>Portugal 2 autonomous regions (<i>regiões autónomas</i>) 18 districts (<i>distritos</i>) 308 municipalities (<i>municípios</i>) 4252 parishes (<i>freguesias</i>)</p>
<p>Romania 42 counties (including Bucharest, <i>judet</i>) 2 820 communes (<i>comune</i>) 210 towns (<i>orase</i>) 103 municipalities (<i>municipii</i>)</p>	<p>Slovakia 8 autonomous regions 79 districts 2 887 municipalities (<i>obec</i>)</p>	<p>Slovenia 58 decentralised authorities 193 municipalities (including 11 towns)</p>

Spain	Sweden	United Kingdom
17 autonomous communities <i>(comunidades autónomas)</i> 50 provinces <i>(provincias)</i> 8089 municipalities <i>(municipios)</i>	4 experimental regions <i>(försöksregioner)</i> 18 county councils <i>(landsting)</i> 290 municipalities <i>(kommuner)</i>	<u>England:</u> 34 counties 33 London Boroughs, Greater London Authority 36 metropolitan districts 101 unitary councils 238 district councils <u>Wales:</u> 22 unitary councils <u>Scotland:</u> 32 unitary councils <u>Northern Ireland:</u> 26 district councils

Source: *Devolution process in the European Union and the candidate countries*, The Committee of the Regions, September 2005; national delegations to the Committee of the Regions.

Appendix II

Overview of the changes to the provisions governing the selection process for members of the Committee of the Regions since Article 198a of the Treaty of Maastricht

1. Provisions in the Treaty of Maastricht (signed in 1992, entered into force on 1 November 1993)

The Committee of the Regions was established by Article 198a of the Treaty establishing the European Community, as introduced by Title II Article G of the Treaty on European Union²⁶. This article lays down the provisions of European law governing the selection of Committee of the Regions members. The provisions are as follows:

Part Five "Institutions of the Community", Title I "Provisions governing the institutions", Chapter 4 "The Committee of the Regions", Article 198a of the Treaty establishing the European Community:

"A Committee consisting of representatives of regional and local bodies, hereinafter referred to as "the Committee of the Regions", is hereby established with advisory status.

The number of members of the Committee of the Regions shall be as follows:

Belgium – 12; Denmark – 9; Germany – 24; Greece – 12; Spain – 21; France – 24; Ireland – 9; Italy – 24; Luxembourg – 6; Netherlands – 12; Portugal – 12 ; United Kingdom – 24.

The members of the Committee and an equal number of alternate members shall be appointed for four years by the Council acting unanimously on proposals from the respective Member States. Their term of office shall be renewable.

²⁶ Official Journal C 191 of 29 July 1992.

The members of the Committee may not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the Community".

2. Provisions in the Treaty of Amsterdam (signed in 1997, entered into force on 1 May 1999)

With the Treaty of Amsterdam, Articles 198a-c became Articles 263-265²⁷. With regard to the selection of members of the Committee of the Regions, the new Article 263 was amended to specify that the office of Committee member was incompatible with that of Member of the European Parliament.

Part Five "Institutions of the Community", Title I "Provisions governing the institutions", Chapter 4 "The Committee of the Regions", Article 263 of the Treaty establishing the European Community:

"A Committee consisting of representatives of regional and local bodies, hereinafter referred to as "the Committee of the Regions", is hereby established with advisory status.

The number of members of the Committee of the Regions shall be as follows:

Belgium – 12; Denmark – 9; Germany – 24; Greece – 12; Spain – 21; France – 24; Ireland – 9; Italy – 24; Luxembourg – 6; Netherlands – 12; Austria – 12; Portugal – 12; Finland – 9, Sweden – 12, United Kingdom – 24.

The members of the Committee and an equal number of alternate members shall be appointed for four years by the Council acting unanimously on proposals from the respective Member States. Their term of office shall be renewable. No member of the Committee shall at the same time be a Member of the European Parliament.

²⁷ Official Journal C 340 of 10 November 1997.

The members of the Committee may not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the Community".

3. Provisions in the Treaty of Nice (signed in 2000, entered into force on 1 February 2003)

Article 263 was amended and the Treaty of Nice effected a number of major changes requested by the Committee of the Regions with regard to the selection process for Committee members and in particular democratic legitimacy, specifying that CoR members or alternates must be local or regional elected representatives, and thus politically accountable to an elected assembly. Furthermore, CoR members and an equal number of alternates would henceforth be appointed by the Council voting by a qualified majority, and no longer unanimously.

The provisions currently governing the composition of the Committee of the Regions and the procedure for selecting its members in the consolidated version of the Treaty establishing the European Community²⁸ is as follows:

Part Five "Institutions of the Community", Title I "Provisions governing the institutions", Chapter 4 "The Committee of the Regions", Article 263 of the Treaty establishing the European Community:

"A committee, hereinafter referred to as "the Committee of the Regions", consisting of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly, is hereby established with advisory status.

The number of members of the Committee of the Regions shall not exceed 350.

The number of members of the Committee shall be as follows:

²⁸ *Official Journal C 321E of 29 December 2006.*

Belgium – 12; Czech Republic – 12; Denmark – 9; Germany – 24; Estonia – 7; Greece – 12; Spain – 21; France – 24; Ireland – 9; Italy – 24; Cyprus – 6; Latvia – 7; Lithuania – 9; Luxembourg – 6; Hungary – 12; Malta – 5; Netherlands - 12; Austria – 12; Poland – 21; Portugal – 12; Slovenia – 7; Slovakia – 9; Finland – 9; Sweden – 12; United Kingdom – 24²⁹.

The members of the Committee and an equal number of alternate members shall be appointed for four years, on proposals from the respective Member States. Their term of office shall be renewable. The Council, acting by a qualified majority, shall adopt the list of members and alternate members drawn up in accordance with the proposals made by each Member State. When the mandate referred to in the first paragraph on the basis of which they were proposed comes to an end, the term of office of members of the Committee shall terminate automatically and they shall then be replaced for the remainder of the said term of office in accordance with the same procedure. No member of the Committee shall at the same time be a Member of the European Parliament.

The members of the Committee may not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the Community".

²⁹ The Act of accession of the Republic of Bulgaria and Romania to the European Union (OJ L 157 of 21 June 2005) establishes the number of Bulgarian and Romanian members as follows: Bulgaria – 12, Romania – 15.

Appendix III

OPINION
on the
revision of the Treaty on European Union
and of the Treaty establishing the European Community

**Special Commission for
Institutional Affairs**

Brussels, 21 April 1995

OPINION
of the
Committee of the Regions
on the
REVISION OF THE TREATY ON EUROPEAN UNION
AND OF
THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY

Rapporteur: **Mr Pujol i Soley**

FORWARD

With an eye on the lengthy process which lies ahead for reforming the Treaty on European Union, the Committee of the Regions has thought fit to submit its own contribution.

The present interim paper, setting out our current thinking, will be forwarded to the European Parliament, the Council of the Union, the European Commission and the Reflection Group. It should allow the Committee of the Regions very soon to launch, with these institutions, the talks necessary for its political activity in the context of the 1996 Intergovernmental Conference.

The CoR's Assembly will be able to take account of the results of these interinstitutional talks throughout its work on the reform of the Institutions.

In July, a paper will be drawn up on the developments needed to create a positive momentum with the European Parliament and the other institutions.

The present paper is thus not definitive, but merely represents a point of departure.

The Committee of the Regions calls on the European Parliament and the other EU institutions to inform it of any proposals affecting the Committee of the Regions' powers that might win the CoR's support.

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A. EXPLANATORY MEMORANDUM

The revision of the Maastricht Treaty

The Maastricht Treaty is a further milestone on the road towards European integration. It opens up new areas of Union activities whilst at the same time strengthening a number of existing areas and paving the way for a reform of the institutional machinery in order to increase efficiency and democratic legitimacy.

The Maastricht Treaty is the first occasion on which a European constitutional text has included mechanisms for regional and even local participation in the drawing up of Union policies. Moreover, by declaring subsidiarity to be a fundamental principle, the Maastricht Treaty limits Union activities to fields where efficiency requires supranational action; indeed it defines the Union, under the second paragraph of Article A, as one "*in which decisions are taken as closely as possible to the citizen*".

Article N of the Maastricht Treaty stipulates that an Intergovernmental Conference shall be convened in 1996 to examine the revision of certain Treaty provisions. This reflects an awareness that a short-term review of the Treaty is desirable, partly because of the innovative nature of some of its provisions and partly because of the profound changes facing the Union, particularly those stemming from its continuous expansion through the accession of new Member States.

At the Corfu summit held in June 1994 the European Council decided to set up a Reflection Group to prepare for the Intergovernmental Conference, inviting not only the Commission and Parliament, but more generally all the other institutions and bodies forming part of the Community's institutional machinery, to draw up reports and forward their comments to the Reflection Group.

As part of this process the Committee of the Regions, in its capacity as the body representing European regional and local authorities, considers that it would be appropriate to make a contribution to the revision of the Treaty in those areas falling within its remit. These areas will be analyzed later on in this Opinion.

Scope of the Committee proposals

The composition and functions of the Committee of the Regions are such that its remit is limited to regional and local issues. Its experience, and particularly that of the regional and local authorities represented on it, can therefore be brought to

bear solely on Union policies affecting the powers and essential interests of "sub-state" levels of government and is naturally confined to the institutional channels which enable these levels of government under the Maastricht Treaty to participate in the European decision-making process.

The Committee of the Regions has also only recently become part of the institutional make-up of the European Union and thus lacks the extensive experience of the Parliament, Commission and Council. Nor is there any Treaty provision which requires the Committee's participation in the institutional reform process.

Controversy surrounds the extent of the reform. Some institutions are intent on using the Intergovernmental Conference to revise the Treaty in depth with the aim of consolidating a future Union of more than twenty members, whilst the Member States themselves would seem to be more inclined to concentrate on those aspects whose revision is explicitly provided for in the Treaty, seeking to bring about a number of additional changes designed to improve the functioning of Union institutions on the basis of the experiences of the last few years.

The Committee of the Regions, which is a central pillar of democratic legitimacy in the Union, must not only support amendments designed to improve the functioning of the system, but must also lend support to any changes aimed at adapting it to an enlarged Union. The political function and composition of the Committee of the Regions give it the authority to express its views on the revision of the Treaty as a whole, enabling it to participate on a permanent basis in the consultations of the Reflection Group and at a later date in those of the Intergovernmental Conference itself. This Opinion along with the appended resolution - drawn up on the basis of the fourth paragraph of Article 198c of the EC Treaty conferring on the Committee the right to draw up Opinions on its own initiative - constitute the Committee's specific contribution to the Treaty review process. This contribution should focus on aspects that are of direct concern to the Committee of the Regions.

The Maastricht Treaty also provides an extremely solid platform from which to call for improvements in regional and local participation in the Union. When Article N of the Treaty speaks of revision, it points out that this will be carried out in accordance with Articles A and B. The second paragraph of Article A in turn specifies that one of the objectives is to "create an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen". It therefore goes without saying that the formulation of the subsidiarity principle, and the deepening and improving of mechanisms for regional and local

participation, are an integral part of the philosophy underlying the revision of the Treaty.

For all of these various reasons the Committee of the Regions has confined its proposals on reform to the following aspects of the Treaty:

- the principle of subsidiarity,
- the system for instituting proceedings in the Court of Justice against acts by the institutions,
- the Committee of the Regions.

It is also proposed that regional and local involvement in the policies of the Union be stepped up and that consideration be given to further developing the concept of European citizenship and cooperation in the fields of justice and home affairs.

The principle of subsidiarity

The principle of subsidiarity implies that the public authorities do not take action when this can be done adequately and effectively by citizens. The principle also introduces the concept of gradation, i.e. higher levels of government act only when lower levels cannot do so satisfactorily. Subsidiarity in general, and subsidiarity within the process of European integration in particular, strengthens:

- democratic legitimacy, inasmuch as it avoids the creation of an excessively centralized European power disconnected from the problems of ordinary citizens, the closeness of the Union to its citizens being one of the basic components of this legitimacy,
- transparency, since it encourages a clear-cut allocation of functions between various levels of government, making it easier for the citizen to identify areas of action appropriate to each level,
- efficiency, since it presupposes that powers are exercised at the most appropriate level of government.

The Committee of the Regions, reiterating the position of its own members and that of the Assembly of European Regions and the Council of European Municipalities and Regions, thus warmly welcomes the inclusion of the principle of subsidiarity in the Maastricht Treaty. It nevertheless regrets that the concrete formulation of the principle of subsidiarity in Article 3b of the EC Treaty does no

more than lay down a criterion for the exercise of shared powers between the Union and the Member States.

The Committee of the Regions believes that the principle of subsidiarity needs to be looked at both in terms of its formulation in the Treaty and in terms of its applications, viz: the prior examination of new legislation; the examination of existing legislation; the analysis of the case for undertaking new policies or activities; subsequent monitoring by the Court of Justice. We believe in particular that the Committee of the Regions must be more deeply involved in monitoring application of the principle of subsidiarity and must be brought into the heart of the work done by the Commission in this area.

Despite this, the scope of this Opinion and the appended resolution is restricted to the revision of the Treaty so that we shall be looking only at those aspects requiring constitutional changes at the same time. The Committee of the Regions, acting within the framework of its Special Commission for Institutional Affairs and taking into particular consideration a) the resolution at the Plenary Session of 15 November 1994 and b) the Opinion of the Commission for Regional Development, Economic Development and Local and Regional Finances on the "Application of the principle of subsidiarity in the European Union", will nevertheless also be taking appropriate action to ensure that progress is made on those aspects of subsidiarity which are not to be found in the Treaty and so are not covered by the appended resolution.

On the constitutional front, the Committee proposes a new formulation of Article 3b that defines the principle of subsidiarity not only as a criterion for exercising shared powers between the Union and the Member States, but also as a criterion for sharing powers and responsibilities among all levels of government participating in the European Union; the Committee also calls for appropriate mechanisms that enable it to institute proceedings in the Court of Justice in the event of infringements of subsidiarity affecting the powers of regional and local authorities.

Listing the powers of the Union and of Member States will make it easier to apply the principle of subsidiarity. The Committee of the Regions therefore urges the institutions of the Union, on the occasion of the revision of the Treaty, to initiate negotiations to establish a clear demarcation between the powers of the Union and those of the Member States. The Committee in turn calls upon the Member States to apply the principle of subsidiarity on their own territory, i.e. with regard to their own regions and local authorities.

The system for instituting proceedings in the Court of Justice

In the case of annulment proceedings, Community procedures confer on the Commission, Council and Member States the general right to bring actions, whereas the Parliament and European Central Bank may only bring actions to protect their prerogatives. Other natural or legal persons have to demonstrate that a legal act affects them directly and individually - which in practical terms means that decisions (e.g. sanctions) are applicable to specific parties since in other cases it is very difficult to provide proof. With some modification the same procedure applies to proceedings in the event of failure to act, i.e. when Union institutions have infringed the Treaties by neglecting to take action.

The Committee of the Regions and its constituent members are in an extremely weak position in respect of this system. The nature of the subsidiarity principle coupled with the lack of direct effect make it impossible to appeal against an act or a failure to act of a Union institution in breach of the above principle, insofar as the plaintiff has to provide proof that he has been directly and individually affected. Consequently, the Committee and its constituent members find themselves in practice in a situation where they are unable to defend themselves - something which is contrary to the spirit of Community law.

The Committee of the Regions thus considers it necessary to propose that, in the case of annulment proceedings, as provided for under Article 173 of the EC Treaty, the Committee should be accorded the same special right to bring actions as the European Parliament and the European Central Bank. In the case of the Committee of the Regions, action could also be taken in order to defend the principle of subsidiarity. This would enable the Committee to fight legal provisions which, by infringing the principle of subsidiarity or demonstrating other violations, are prejudicial to the functions and powers of the Committee of the Regions and its constituent members.

Moreover, the legislative activities of the Union are of particular concern to regions endowed with legislative powers. The Committee therefore proposes that such regions also be granted the right to institute proceedings for the purpose of defending their powers.

In the case of proceedings for failure to act, as provided for under Article 175 of the EC Treaty, the Committee considers it equally necessary to be accorded the same right to bring actions as the institutions. Being accorded the status of an institution (a proposal made elsewhere in this report) would in fact resolve the problem and obviate the need to amend the above-mentioned Article 175.

The Committee of the Regions

The Maastricht Treaty makes it possible for the first time for regional and local authorities to participate, in an advisory capacity, in the European Union's decision-making process. Such participation is channelled through the Committee of the Regions which, by virtue of its composition and functions, helps to bring the Union closer to the citizen, thereby reinforcing the Union's democratic legitimacy - both of which are basic objectives of the Treaty.

Through Opinions addressed to the Council and Commission, members of the Committee of the Regions make a contribution to refining Community legislation, representing as they do the points of view of the authorities responsible for actually implementing the legislation in a wide variety of fields. In this way they undeniably help to make European policies more effective. At the same time, the constant flow of detailed information stemming from the Committee of the Regions' commitments enables local and regional bodies in the Member States to influence the European policies of their respective central governments.

Despite this, the place occupied by the Committee of the Regions within the institutional machinery and its role in the decision-making process do not allow it to properly reflect the contribution it makes, through its composition, to strengthening democratic legitimacy and bringing the Union closer to the citizen.

The Committee considers that its position and powers need to be strengthened in the following areas:

- Institutional position

Article 4 of the EC Treaty defines the Committee of the Regions as a body which assists the Council and the Commission in an advisory capacity.

The nature and political legitimacy of regional and local authorities, their decisive, overall contribution to the process of European integration, and the role assigned to them in accordance with the principle of subsidiarity (which sees them as two of the political power-sharing levels in the Union), require that the Committee which brings them together and represents them in the Union should be recognized as an institution in its own right.

The Committee furthermore believes that it should be free to draw up its own

Rules of Procedure without having to submit them for approval to the Council of Ministers.

- **Composition**

According to Article 198a of the EC Treaty the Committee consists of representatives of regional and local authorities. The democratic legitimacy of which the Committee is guarantor, however, demands a more explicit reference to the political mandate and political legitimacy of its members and to the fact that they are appointed on the recommendation of the authorities they represent.

- **Structure**

The Committee of the Regions should be able to establish its structure and organize its work in keeping with its own specific character and objectives.

- **Organisational and budgetary autonomy**

The Committee needs its own independent administration and its own separate budget. The protocol appended to the Treaty, which refers to a common organizational structure with the Economic and Social Committee, should therefore be deleted and the appropriate budget decisions taken. The Committee should be guaranteed sufficient means to be able to fulfil its function, which is destined to grow in importance in the future.

- **Powers**

The Maastricht Treaty states that the function of the Committee is to respond to requests for Opinions from the Council and Commission, with mandatory consultations limited to the five areas laid down in the Treaty. The Committee may nevertheless expand its scope for action by making use of the right of initiative granted to it under the Treaty.

The Committee considers that its consultative function needs to be strengthened, firstly by providing for consultations by the European Parliament as well as by the Council and Commission, and secondly by extending mandatory referrals to Community policies administered by regional or local authorities in all, or in a significant number of Member States. It is surprising, for example, that there is no consultation of the Committee of the Regions in policy areas such as agriculture, transport, social policy, research and technological development, development cooperation, vocational training, protection of the environment,

industry, energy, or consumer protection. Thirdly, without seeking to make Committee Opinions binding, their influence on the decision-making process should be stronger, which means requiring the institutions to justify before the Committee any decision not to follow the recommendations contained in the COR's Opinions.

The Committee also wishes to be more closely associated with initiatives of the Commission, cooperating with this institution at the various stages of producing concrete legislation, legislative programmes or White and Green Papers. The Committee's cooperation would, by definition, be confined to practical areas falling under the jurisdiction of local and regional authorities.

- **The policies of the Union**

The Treaty of Maastricht extends the Union's sphere of competence to new areas of activity which at national level are frequently handled by the regions and in some cases also by the local authorities. This same phenomenon is likewise apparent with some of the Community's traditional policies.

The Committee considers that in these areas it is necessary not only to make consultation of the COR mandatory, but also to offer recognition, in keeping with the principle of partnership, of the contribution regional or even local authorities can make to the policies in question. Cooperation with regional and local authorities in these areas of Union activity should therefore be envisaged.

Such cooperation would mean in practice that European Union measures and provisions with clear-cut implications for the economies of regions and local areas are properly evaluated before being applied.

The Committee believes that the need to promote cross-border and interregional cooperation between regional and local authorities should be the principle of spatial planning and spelt out in the Treaty in the interests of strengthening economic and social cohesion.

The Committee furthermore believes that it is important to recognize and take practical account of the need for greater coordination of Community policies with a major impact on urban areas, whilst strictly adhering to the principle of local autonomy as enshrined in the Council of Europe's Charter of Local Autonomy.

As a key component of the Union's democratic legitimacy and a body of crucial importance in bringing the Union closer to the citizen, the Committee of the

Regions also considers, in the light of the experiences gained by its members, that the revision of the Treaty should be seen as an opportunity for deepening Community cooperation in the fields of justice and home affairs (the third pillar and in particular the right of asylum and immigration) as well as for developing the concept of European citizenship, by incorporating a list of fundamental citizens' rights in the Treaty.

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B. RESOLUTION

HAVING REGARD TO the Treaty on European Union signed in Maastricht, and more particularly TEU Article N in relation to Articles A and B,

HAVING REGARD TO the conclusions of the European Council held in Corfu in June 1994, and more particularly the references to the preparatory work of the Intergovernmental Conference to be held in 1996,

HAVING REGARD TO the resolution on subsidiarity adopted at the Plenary Session of this Committee on 15 November 1994, and the resolutions of the Assembly of European Regions on 6 September 1990 and 22 January 1993, and of the Council of European Municipalities and Regions on 3 December 1992,

HAVING REGARD TO the resolutions and reports on the principle of subsidiarity and on the Committee of the Regions, adopted by the various institutions of the European Union,

HAVING REGARD TO the Council of Europe's Charter on Local Autonomy,

HAVING REGARD TO the preparatory work undertaken by the Commission and European Parliament with a view to drawing up reports for the Reflection Group, and in particular the draft Opinions of the Committee on Institutional Affairs of the European Parliament,

WHEREAS the setting-up of the Committee of the Regions and the introduction of the principle of subsidiarity help to reinforce the democratic legitimacy of the European Union, bring the Union closer to the citizen and highlight the role of

the regions and local authorities in the construction of Europe.

WHEREAS the concrete regulation of these mechanisms in the Treaty nevertheless needs to be improved if regional and local authorities are to play a more adequate, more effective role in the European Union,

WHEREAS it is desirable to reinforce the regional character of certain policies and introduce elements that will also guarantee compliance with the principle of municipal autonomy,

WHEREAS regional and local authorities have a fundamental interest in issues connected with immigration and asylum, and whereas they are of the fundamental conviction that the concept of European citizenship, as formulated by the Treaty, needs to be clarified and strengthened,

WHEREAS the Maastricht Treaty, in keeping with Article N, is to be revised at an Intergovernmental Conference in 1996, and whereas a decision has been taken to set up a Reflection Group to start work on preparations for this Conference in June 1995,

WHEREAS the Committee of the Regions can and must make a contribution to this revision, and whereas it should, by virtue of its composition and function, limit this contribution to improving the mechanisms in the Treaty for local and regional participation:

1. Requests that the formulation of the principle of subsidiarity in Article 3b of the EC Treaty contain an explicit reference to regions and local authorities and proposes, to this effect, that the second paragraph of Article 3b be worded as follows:

"The Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, or by the regional and local authorities endowed with powers under the domestic legislation of the Member State in question".

Requests that, in order to facilitate application of the principle of subsidiarity, the respective powers of the Union and of the Member States be clearly defined so that the European Union acts within the limits of the powers expressly conferred on it by the Treaty and in compliance with the principle of subsidiarity.

2. Requests that the Committee of the Regions and regions endowed with legislative powers be given the right to initiate annulment proceedings, and proposes that the third paragraph of Article 173 of the EC Treaty be amended to read as follows:

"The Court shall have jurisdiction under the same conditions in actions brought by the European Parliament, the European Central Bank and the Committee of the Regions for the purpose of protecting their prerogatives. It shall also have jurisdiction in actions brought by the Committee of the Regions against violations of the principle of subsidiarity, and in actions brought by the regions whose legislative powers may be affected by a regulation, directive or decision".

3. Requests that the Committee of the Regions likewise be granted the right to initiate proceedings for failure to act, and realizes that this can be achieved without having to amend Article 175 of the EC Treaty if the Committee of the Regions is granted the status of an institution. The COR proposes that, in the event of not being accorded the status of an institution, the first paragraph of Article 175 should be amended to read as follows:

"Should the European Parliament, the Council or the Commission, in infringement of this Treaty, fail to act, the Member States, the other institutions of the Community and the Committee of the Regions may bring an action before the Court of Justice to have the infringement established".

4. Requests that the Committee of the Regions be made an institution and accordingly proposes that Article 4 of the EC Treaty be worded as follows:

"1. The tasks entrusted to the Community shall be carried out by the following institutions:

- a EUROPEAN PARLIAMENT*
- a COUNCIL*
- a COMMISSION*
- a COURT OF JUSTICE*
- a COURT OF AUDITORS*
- a COMMITTEE OF THE REGIONS.*

Each institution shall act within the limits of the powers conferred upon it by this Treaty.

2. The Council and the Commission shall be assisted by an Economic and Social Committee acting in an advisory capacity".

5. Requests that the political mandate and political legitimacy of COR members be spelt out and to this effect proposes that the first paragraph of Article 198a of the EC Treaty be reworded to read as follows:

"A Committee, hereinafter referred to as the Committee of the Regions, consisting of representatives appointed on the recommendation of regional and local bodies, who have a mandate from the electorate or are politically accountable to an Assembly elected by direct universal suffrage, is hereby established with advisory status".

6. Calls for a strengthening of the powers of the Committee to organize its own work and consequently requests that the second paragraph of Article 198b be worded as follows:

"It shall adopt its own Rules of Procedure."

7. Calls for full organizational and budgetary autonomy vis-à-vis the Economic and Social Committee and consequently proposes a departure from Protocol No. 16 on the Economic and Social Committee and the Committee of the Regions, appended to the Maastricht Treaty.

8. Requests that the consultative function of the Committee be strengthened and consequently proposes:

- that consultation of the Committee of the Regions be explicitly provided for not only in those areas already laid down under the present Treaty but also where consultation of the Economic and Social Committee is provided for, as well as under the first paragraph of Article 130w of the EC Treaty dealing with development cooperation policy, the second paragraph of Article 8e of the EC Treaty dealing with citizenship of the Union, and Article 94 of the EC Treaty dealing with state aid;

- that, as far as the consultative function is concerned, Article 198c of the EC Treaty, as amended by the Maastricht Treaty, should be worded as follows:

"The Committee of the Regions shall be consulted by the European Parliament, by the Council or by the Commission where this Treaty so provides and in all other cases in which these institutions consider it appropriate.

The European Parliament, the Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time-limit which may not be less than one month from the date on which the chairman receives notification to this effect.

Upon expiry of the time-limit, the absence of an opinion shall not prevent further action.

It may issue an opinion on its own initiative in cases in which it considers such action appropriate.

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. In the event of disagreement with the Committee's opinion, these institutions shall inform the COR of the reasons for their position".

9. Urges that the Committee of the Regions be allowed to cooperate with the Commission when the latter takes initiatives and proposes that a new paragraph be added to Article 198c reading as follows:

"The Committee shall offer the Commission its cooperation and advice in drawing up legislative programmes and Green and White Papers, and in preparing other initiatives in respect of policies affecting the powers of regional and local authorities".

10. Urges that when European Union policies have a bearing on regional or local powers, especially in respect of spatial planning, the right of Member States under the Treaty to cooperate and participate should be extended to regional and, where appropriate, local authorities.

11. Requests that, in the interests of strengthening economic and social cohesion, the Treaty should encourage cross-border and inter-territorial cooperation and proposes the following addition to the second paragraph of Article 130a of the EC Treaty:

"Through its activities it shall promote the cross-border and inter-territorial cooperation of regional and local authorities"

12. Urges that a provision be incorporated in the Treaty underlining the desirability of improving the coordination of Community policies with a major impact on urban areas, and calls for the principle of local autonomy, as defined in the Council of Europe's Charter on Local Autonomy, to be enshrined in the Treaty.
13. Urges the Intergovernmental Conference to make progress on Community cooperation in the fields of justice and home affairs for the benefit of European citizens.
14. Urges that the revision of the Treaty be seen as an opportunity to clarify for ordinary citizens the responsibilities and powers exercised within the European Union and trusts that this will lead to the adoption of a basic text defining:
- the fundamental rights of European citizens;
 - the objectives of the European Union;
 - the bodies of the European Union;
 - the powers of these bodies.
15. Instructs its Chairman to forward this Resolution to the European Parliament, the Council, the Commission and the Reflection Group set up to prepare the Intergovernmental Conference.

Done at Brussels, 21 April 1995.

The Secretary-General
of the
Committee of the Regions

The Chairman
of the
Committee of the Regions

Dietrich Pause

Jacques Blanc

Appendix IV

Brussels, 3 June 1999

RESOLUTION
of the
Committee of the Regions
of 3 June 1999
on
The next Intergovernmental Conference (IGC)

The Committee of the Regions,

HAVING REGARD TO the decision of its Bureau of 10 March 1999 to entrust the Commission for Institutional Affairs with the preparation of a resolution on the next Intergovernmental Conference (IGC);

HAVING REGARD TO the draft resolution adopted by the Commission for Institutional Affairs at its meeting on 27 April 1999 (CdR 54/99; rapporteurs: **Mr van den Brande and Mr Koivisto**) and adapted in the meantime by both rapporteurs as instructed;

HAVING REGARD TO the conclusions of the Cardiff European Council of 15-16 June 1998, which state that questions relating to the practical implementation of subsidiarity need to be discussed further;

HAVING REGARD TO the conclusions of the Vienna European Council of 11-12 December 1998, which strengthened the consultative role of the Committee of the Regions in matters relating to subsidiarity;

adopted the following resolution at its 29th plenary session on 2 and 3 June 1999 (meeting of 3 June 1999)

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1. European integration has achieved enormous momentum in the last ten years: witness the completion of the single market, the Treaty of Maastricht and the introduction of Economic and Monetary Union.
2. The last IGC did not, however, solve all the problems needing to be solved prior to the forthcoming enlargement.
3. The protocol on the institutions and the declaration by Belgium, France and Italy, which are appended to the Treaty of Amsterdam, single out the composition of the European Commission, the reweighting of Member States' votes and the greater use of qualified majority voting in the Council of Ministers as problems which the next IGC must solve.
4. Immediately after the entry into force of the Amsterdam Treaty, the Cologne European Council will, as mandated in Vienna in December 1998, decide on "how and when to tackle the institutional issues not resolved by this Treaty, which have to be resolved before enlargement." At the same time, there is a need for further reform in the European Union.
5. The Committee of the Regions feels that the institutional reforms must urgently be put into effect in the interests of speedy enlargement. In the ongoing reform process, however, in addition to institutional issues, critical reform moves must also be taken to further strengthen internal security and law, to develop a Community identity in foreign and security policy and to secure a Europe that is democratic and close to the people. In view of the wide-ranging debate on reform which is set to take place over the coming years, the Committee would like consideration to be given also to the points listed below which affect it.
 - 5.1 The subsidiarity principle should be discussed further so that the European Union, Member States, national entities/regions and local authorities can contribute to its correct practical application within their respective areas of responsibility. This has already been pointed out in a

declaration on subsidiarity made by Germany, Austria and Belgium which is appended to the Treaty of Amsterdam and which expressly states that "action by the European Community in accordance with the principle of subsidiarity not only concerns the Member States but also their entities to the extent that they have their own law-making powers conferred on them under national constitutional law." The Committee calls for the amendment of EC Treaty Article 5 to take account of the special role of regional and local authorities in respect of the principle of subsidiarity (CdR 305/97 fin).

- 5.2 The Committee of the Regions considers that the forthcoming reforms must include an accurate allocation of powers between the European Union and the Member States. This will contribute to the acceptance of decisions taken by majority. The European Union must focus on those tasks which are properly European. The timetable and purpose of further reforms must be clearly defined. The opinion of the Committee of the Regions on the subsidiarity principle entitled "Developing a genuine culture of subsidiarity. An appeal by the Committee of the Regions" (CdR 302/98 fin) must be the basis for this discussion.
- 5.3 The Committee of the Regions, along with the European Parliament, must be involved from the outset as a fully-fledged partner in the preparations for the new IGC and must be able to play an active role in the negotiations and decisions.
- 5.4 The Committee of the Regions wishes to be recognized as a body within the meaning of Article 7(1) of the EC Treaty.
- 5.5 Committee members should be required to be elected members of a regional or local authority or be politically accountable to an assembly elected by direct universal suffrage (CdR 305/97 fin).
- 5.6 The Committee of the Regions should be granted the express right to bring proceedings before the European Court of Justice in order to defend

its powers, and regions with legislative powers should also be given the power to institute proceedings (CdR 305/97 fin).

Brussels, 3 June 1999.

The President
of the
Committee of the Regions

The Secretary-General
of the
Committee of the Regions

Manfred Dammeyer

Dietrich Pause
