

Powers of the Committee of the Regions

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Powers of the Committee of the Regions

The Committee of the Regions adopts its opinions pursuant to Article 265 of the Treaty establishing the European Community (EC):

- on the basis of a referral from the Commission or the Council in the cases provided for in the EC Treaty or on the basis of a referral from these institutions or the European Parliament in all other cases in which these institutions consider it appropriate;
- when the European Economic and Social Committee is consulted under Article 262 of the EC Treaty and the Committee of the Regions considers that specific regional interests are involved;
- on its own initiative in cases in which it considers such action appropriate.

The Council or the Commission may set the Committee, for the submission of its opinion, a time limit which may not be less than one month. Upon expiry of the time limit, the absence of an opinion does not prevent further action.

The opinion of the Committee, together with a record of the proceedings, is forwarded to the Council and to the Commission.

Consultation by the European Parliament was introduced by the 1997 Treaty of Amsterdam.

In the same way as the Constitutional Treaty, the Treaty amending the Treaty on European Union and the Treaty establishing the European Community, signed in Lisbon on 13 December 2007 and not yet in force, strengthens the advisory role of the Committee. The Treaty provides for mandatory consultation of the Committee by the Commission and the Council in further areas, and also extends this requirement for consultation to the European Parliament.

Mandatory consultation

Since its establishment, the Council or the Commission are required to consult the Committee in the following areas:

- education (Article 149 of the EC Treaty);
- culture (Article 151 of the EC Treaty);
- public health (Article 152 of the EC Treaty);
- trans-European networks (Article 156 of the EC Treaty);
- economic and social cohesion (Articles 159, 161 and 162 of the EC Treaty).

Since the entry into force of the Treaty of Amsterdam in 1999, the mandatory fields of consultation have been expanded to include the following areas:

- transport (Article 71 of the EC Treaty);

- employment (Articles 128 and 129 of the EC Treaty);
- social policy (Article 137 of the EC Treaty);
- European Social Fund (Article 148 of the EC Treaty);
- education, vocational training and youth (Article 150 of the EC Treaty);
- environment (Article 175 of the EC Treaty).

Optional consultation

The Committee of the Regions may be consulted in all cases in which the Council, Commission or European Parliament considers it appropriate.

Opinions involving specific regional interests

In the event of the European Economic and Social Committee being consulted, the Committee of the Regions is informed by the Council or the Commission of the request for an opinion. Where it considers that specific regional interests are involved, the Committee of the Regions may issue an opinion on the matter.

This provision allows the Committee of the Regions the possibility of commenting where it considers that a Community instrument has implications for regional or local bodies in areas where it is not consulted. Therefore, the Commission or the Council consult the Committee of the Regions indirectly in those areas in which they are obliged to consult the European Economic and Social Committee, namely:

- the common agricultural policy (Article 37 of the EC Treaty);
- the free movement of workers (Article 40 of the EC Treaty);
- the right of establishment (Article 44 of the EC Treaty);
- the freedom to provide services (Article 52 of the EC Treaty);
- transport (Articles 75 and 80 of the EC Treaty);
- the harmonisation of tax legislation (Article 93 of the EC Treaty);
- the approximation of laws (Articles 94 and 95 of the EC Treaty);
- social policy (Articles 140 and 144 of the EC Treaty);
- equal treatment (Article 141 of the EC Treaty);
- consumer protection (Article 153 of the EC Treaty);
- industry (Article 157 of the EC Treaty);

— research and technological development (Articles 166 and 172 of the EC Treaty).

Accordingly, the areas of intervention of the Committee of the Regions have been extended.

Own-initiative opinions

The Committee of the Regions may issue an opinion on its own initiative in cases in which it considers such action appropriate.

Unlike the European Economic and Social Committee, the right of initiative was recognised by the EC Treaty at the same time as the establishment of the Committee of the Regions, thereby enabling the Committee to carry out its advisory task in all areas of Community competence.

The exercise of its power of initiative is extremely important in practice, for it enables the Committee to assume its role as representative and champion of the regional and local bodies of the EU Member States in all Community matters that are of concern to them. The own-initiative opinion also constitutes an instrument which enables the Committee to express its demands relating to policy and institutional discussions.

The Committee of the Regions gives particular attention to three principles:

— The **principle of subsidiarity**. The principle of subsidiarity, which was inserted into the EC Treaty (Article 5) by the 1992 Treaty on European Union (TEU), stipulates that the Community may take action in areas which do not fall within its exclusive competence ‘only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States.’ It is therefore important that the regional and local bodies are consulted.

— The **principle of proximity** supposes that ‘decisions are taken as closely as possible to the citizen’ (Article 1 of the Treaty on European Union). Complementing the principle of subsidiarity, the principle of proximity likewise implies the involvement of local representatives in the Community decision-making process.

— The **principle of partnership**. This principle supposes that the various levels of responsibility (local, regional, national and European) should work together and be associated throughout the decision-making process and in the implementation of Community policies.

The right to bring proceedings

In the same way as the Constitutional Treaty, the Treaty amending the Treaty on European Union and the Treaty establishing the European Community, signed in Lisbon on 13 December 2007 and not yet in force, specifies that the Committee of the Regions can refer cases to the Court of Justice in order to defend its prerogatives. This is the case, for example, when the Committee has not been consulted in a matter which falls within its competence. The Committee also has the power to bring actions in the Court of Justice against legislative acts for the adoption of which the Treaty provides that it be consulted, if it considers that the principle of subsidiarity has been infringed (Article 8 of the Protocol on the application of the principles of subsidiarity and proportionality, required by the Treaty of Lisbon to accompany the Treaty on the Functioning of the European Union).

(January 2009)