

Opinion 52/99 of the Committee of the Regions on the institutional aspects of enlargement with regard to the Committee of the Regions (15 September 1999)

Caption: This own-initiative opinion of 15 September 1999 reports on the institutional aspects of enlargement of the European Union with regard to the Committee of the Regions.

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Opinion of the Committee of the Regions of 15 September 1999 on the ‘Institutional Aspects of Enlargement “Local and Regional Government at the heart of Europe”’

THE COMMITTEE OF THE REGIONS,

having regard to the decision taken by its Bureau on 15 July 1998, in accordance with Article 198c(4) of the Treaty establishing the European Community, to issue an opinion on this subject and to instruct the Commission for Institutional Affairs to prepare this opinion;

having regard to the draft opinion (CdR 52/99 rev. 2) adopted by the Commission for Institutional Affairs on 6 July 1999 (rapporteurs: Lord Hanningfield DL and Mrs Louppen-Laurant),

adopted the following opinion at its 30th plenary session on 15 and 16 September 1999 (meeting of 15 September 1999).

1. Introduction

The forthcoming accession of new Member States will constitute the biggest enlargement round in the history of the Union, both in terms of the number of new Member States, as well as of population increase.

It is generally recognized that the structures that were created four decades ago for an economic Union of six, are no longer adequate for a Union of fifteen, let alone twenty or more. Recent events have clearly shown the urgent need for a radical overhaul of the European Union’s institutions and administration, and for more democracy and transparency.

In addition the 'fabric' of the Union of today is much more closely woven than forty years ago. The Union is no longer an association of capitals, but it has also become a Europe of regions and municipalities. The establishment of the COR is the ultimate recognition of that. Regions and towns can be considered constituent parts of the Union, and they play a crucial role in the ongoing process of European Union development.

The next Intergovernmental Conference must result in a democratic, decentralized and efficient European Union, with institutions well equipped to serve the needs of over 500 million European citizens in the 21st century.

With the likelihood of further enlargement of the EU there is clearly scope to review the roles of the various EU institutions, including that of the COR.

1.1. This opinion reports on the institutional aspects of enlargement with regard to the Committee of the Regions (COR).

Two principle areas of concern are addressed:

- The impact of enlargement on the workings of the COR directly

and

- The role and functions of the COR with regard to the other European Union institutions.

1.1.1. The opinion is very much a working document as the process of moving towards an enlarged European Union is evolutionary and the exact detail and timing for enlargement is not known at this point in time.

1.1.2. The COR anticipates that there will be a need for a further opinion to be issued by the COR once it becomes clearer when and how the EU will enlarge.

1.1.3. The Committee of the Regions has a key role to play in promoting the principle of subsidiarity in the European Union.

2. The COR and Enlargement - The Current Situation

2.1. Local and Regional government has long been involved with countries outside of the European Union.. The COR has also taken a leading role in communicating with local and regional authorities in national states who have expressed an interest in joining the EU, through the various EU programmes.

2.1.1. The COR has already established a 'contact group', to open a dialogue between the COR and local and regional authorities in the CEEC and Cyprus. The COR Bureau set this contact group up on the 13 May 1998. This contact group has held a series of meetings and conferences in the various candidate countries and a major conference to report on the findings of the contact group is to be held in November 1999.

2.1.2. In parallel to work being done by the COR, the other institutions of the European Union have had a dialogue for some time with the various candidate countries. The individual EU Member States have also had contact bilaterally with these countries.

2.1.3. The COR feels that a further strengthening of the role of the COR would also be appropriate, as the institutions adapt to an enlarged EU. Similarly changes would need to be made to the other EU institutions, in order to reflect further changes in roles and relationships, with an enlarged membership and an increasingly integrated European Union. The key issue for the COR though, is that the EU should continue to place a heavy emphasis on the principle of subsidiarity and with this should come an increased role for the COR, in the decision making process as well as how this principle is applied.

2.1.4. On 25 March 1998 the Commission approved Accession Partnerships for 10 applicant countries from central and eastern Europe. The COR feels that the COR should have a role to play in these Accession Partnerships with a view to developing local and regional democracy in applicant countries and strengthening the principle of subsidiarity.

3. The impact of enlargement on the workings of the COR directly

This section highlights the key internal reforms which the COR would have to address prior to further enlargement of the EU.

3.1. Membership of the COR

3.1.1. Under the Maastricht Treaty, the COR was established with 189 members, copying the size and structure of the Ecosoc. This number was subsequently increased to the current level of 222 members, when the EU increased from 12 to 15 Member States. Further enlargement of the EU might require a further increase in size of the COR.

The current size of each of the national delegations is Appendix One.

3.2. The size of the institutions and enlargement

3.2.1. The Treaty of Amsterdam limits the size of the European Parliament to 700 members. The size of the Commission is still under debate.

3.3. Enlargement and the size of the COR

The COR considers there are a number of options open to the COR.

3.3.1. Firstly the status quo could prevail and the COR could remain with 222 members and the numbers of

each national delegation would be reduced to accommodate the new member states. The size of each national delegation would then decrease with each subsequent phase of enlargement.

3.3.2. The second option is to allow the COR to increase with new national delegations being of a similar order in size to those sizes of delegations as they appear now. The size of the national delegations from candidate countries being set in the same order as the levels of other delegations (See Appendix Two). This would result in a total of 351 members.

3.3.3. The third option is to consider a radical overhaul of the system and alter it so that delegation size is more closely related to population, as is the case with the European Parliament. This would result in a total of 206 or 318 members (See Appendix Three).

3.3.4. The COR feels that an increase in total size of members would ensure new countries joining the EU would have an opportunity to secure adequate representation of both local and regional government members.

3.3.5. The COR would propose that approximate maximum size of the COR should be about 350. This would allow for reasonable size national delegations allowing for reasonable representation of both regional and local government representatives and for a spread of representation geographically from within Member States. In particular, care must be taken to ensuring such reasonable representation and spread in the smaller national delegations.

3.3.6. The COR has produced two scenarios to show possible increases in the size of COR based on the anticipated two 'waves' of enlargement. This is intended to provide a guide as to how enlargement would affect the overall size of the COR (See Appendix Four).

3.4. Membership and composition of the COR

3.4.1. The COR feels that the methods of appointment to the COR should be re-assessed. Current practices on appointment to the COR vary considerably across the Member States. In view of the accession of new Member States, the COR feels this important issue would require an in-depth discussion in order to formulate a position for the next Inter-Governmental Conference. The candidate countries must be involved in this debate.

3.4.2. The countries which are applying for EU membership have a wide range of structures and whatever reforms are made to the COR, these should allow both local and regional authorities to be involved.

3.4.3. The composition of the COR is by definition a derivative of its role and tasks. As the COR is further defining its role as a political body in the European Union, and as in the Member States the process of regionalization, decentralization and increasing autonomy of the local and regional authorities is proceeding, the debate on the membership and composition of the COR must be kept open. The debate must take account of the internal organization in the future Member States, and follow closely the debate on institutional changes in the EU.

3.4.4. The COR opinion for the 1996 Intergovernmental Conference (Rapporteur: Pujol) ⁽¹⁾ already demanded an explicit reference to the political mandate and political legitimacy of its members, as well as to the fact that they are appointed on the recommendation of the authority they represent. This demand has not been honoured by the IGC. The COR reiterated its call for members to be given a political mandate.

3.4.5. In the event of further treaty revisions or the creation of a European Union constitution and in the light of any possible moves towards greater harmonisation of the European Union, the COR will have to formulate and clarify its own role and position. It would like to closely involve the candidates for EU membership in that debate.

3.4.6. Any revision of the methods of appointment will include the equal opportunities aspect.

3.4.7. The rapporteurs propose that, once it becomes clearer which country or countries are next to join the EU that 'observer' status be extended to these countries. Observers would be granted the right to send a representation to COR meetings. This would allow them the opportunity to see the workings of the COR.

3.5. Operational and Organisational Issues

3.5.1. There are of course a large number of operational issues which would arise following any changes to the COR.

3.5.2. There would be a need to look at internal structures, size and number of Commissions, the size and composition of the Bureau, composition of the staff and other internal arrangements. These matters are currently under debate in the Commission 'Rules of Procedure'.

3.5.3. As the process and timing for the next phase of enlargement becomes clearer the COR would recommend that its Secretariat take steps to ensure that budgetary consequences of enlargement are brought to the attention of the Bureau of the COR at the soonest possible occasion. A medium term planning must be drawn up, taking account of the possible consequences of the enlargement.

3.5.4. Like the other institutions, the COR will have to take a decision on the language question. Currently translation and interpretation is foreseen for eleven languages. This question must be investigated in the framework of interinstitutional cooperation, taking regional languages into consideration.

3.5.5. Both at the level of members and of the administration the possibility of language courses, exchange programmes and joint activities, should be considered. These measures will ensure a smooth accession and allow better communication within and between institutions.

4. The COR, its role and identity with regard to the other EU institutions

This section deals with inter-institutional aspects of the impact of enlargement on the COR.

4.1.1. The enlargement of the EU would lead to some significant issues being reconsidered with regard to the way in which the EU works. An enlarged EU would have to consider a range of issues, including possibly the weighting of votes in the Council, the role of the Commission and its structures and so on. This section focuses on some of the key questions regarding the role of the COR amongst the EU institutions.

4.1.2. The COR now feels that with the advent of another cycle of enlargement and the expected reforms of the Union institutional structures, the role and position of the COR should be strengthened and that it should play a more influential role in the policy and decision making processes in the EU. An increasing number of decisions are now taken at sub-national level on a range of policy subjects and local and regional government is growing in importance and influence in the EU. This must be reflected in the role of the COR.

4.1.3. Looking ahead to the next IGC, the COR would like to see moves towards it being allocated a greater role in a number of areas.

5. Areas of Competency

5.1. The advent of enlargement provides the opportunity for the policy areas which the COR is currently required to be consulted upon to be re-thought and re-appraised. The accession of new countries clearly justifies a reinforcement of the competencies of the COR in a number of areas of particular relevance to the new countries.

5.2. The COR feels that as local and regional government is increasingly playing a role in Community Safety that this should be an area of competence, which should be included at the next IGC. Crime and other

community safety are issues which local and regional authorities are becoming increasingly involved and trying to find solutions to community safety is often something one can achieve by working within local communities to find solutions which best fit the problems in that particular region or locality. The COR acknowledges, moreover, that local and regional authorities are becoming increasingly involved in a wide range of other issues, such as energy, information, technology and SMEs.

5.3. The broad 'catch-all' terms in the Treaty allow the COR to be consulted in new policy areas which arise in the future and which are not always easy to define. The enlargement will bring in new, and as yet unforeseen issues and aspects of EU policy, so that this flexibility for the COR to be consulted on a wide range of policies should continue to exist.

6. The COR and the EU decision making process

6.1. The EC Treaty sets out the circumstances under which the COR has the right to deliver an opinion on draft EU legislation, between the time it is proposed by the Commission and when adopted by the Council of Ministers.

It would do justice to the ongoing process of regionalization and decentralisation and to the changing relations between the nation states and local and regional authorities - both in EU and non-EU countries - to reinforce the role of the COR in the EU legislative process.

In this respect the COR would like to reiterate the demand from the Opinion CdR 136/95 (Rapporteur: Pujol), that the COR be recognized as a full and proper EU institution.

Furthermore, if the Commission or Council chose not to follow the recommendations of the COR, such should be motivated.

6.2. Increased cooperation between the COR and the EU institutions is advocated. In the *Political Priorities* of the COR (adopted 18 November 98) intensified contacts at the level of commissions (EP committees), rapporteurs, political groups and national delegations are identified as key instruments to improve cooperation between the institutions. In special cases interinstitutional ad hoc working groups could be considered.

7. The COR and the other EU institutions

Although the enlargement is not the sole ground for radical reforms of the Union's structures, it is certainly true that if nothing changes, the existing foundations will collapse under the weight of an enlarged Union. The first cracks are already visible.

The forthcoming IGC may result in further changes to the way in which the European Union works and is structured, including, the possible creation of a European Union constitution. The separation of powers will undoubtedly be a major issue in the debate. A new construction for the European union will have to take into account the important role and competencies of Europe's regions and municipalities. In such a decentralized Europe, the COR will have an important task and relations with other institutions will have to be clearly defined.

8. Conclusions

8.1. Accession to the EU presupposes that the applicant countries subscribe to the subsidiarity principle. Under these circumstances the COR considers it important to strengthen local and regional democracy in the applicant countries so that the enlarged EU operates as closely as possible to the people. It therefore calls upon the EU, as part of the pre-accession strategy, to support any moves in this direction in these countries.

8.2. Size

The Committee of the Regions feel enlargement of the Union requires a further increase in the size of the COR. The COR feels an approximate maximum size of 350 members is appropriate, and it will consider various scenarios as to how to arrive at an adequate representation.

8.3. Composition

In view of the enlargement of the Union and the forthcoming Intergovernmental Conference, the Committee of the Regions feels the principle upon which appointments are made should be re-assessed. A debate on the composition and membership of the COR must involve representatives of the candidate countries.

8.4. The COR reiterates its demands from the Pujol report, that a new treaty makes reference to the political mandate and political legitimacy of its members.

8.5. Candidate countries for the first round of accession will have observer status, allowing them to send a representative to COR meetings.

8.6. New methods of nomination will take account of the equal opportunities aspect.

8.7. Operational and organisational issues

A medium term strategy on budgetary and organization aspects must be developed as soon as possible.

It will include:

- size and composition of the COR organs (Bureau, commissions, etc.)
- budgetary consequences
- preparatory activities, such as language courses
- translation and interpretation.

8.8. The COR and the decision making process

The Committee of the Regions calls for further strengthening of its role in the process of the development of EU legislation. The areas of policy with which the COR should be involved should also be extended and those with which the COR currently deals should be made more explicit in Treaty agreements. The possibility to be consulted in other areas should remain.

8.9. The Committee of the Regions reiterates the recommendation from the Pujol report, that the COR should be recognized as an institution. Furthermore, the Commission and Council should be required to explain their reasons for not following the recommendations of the COR, if and when they choose not to do so.

8.10. The position of the COR in the EU institutional framework

The COR intends to step up cooperation with the other EU institutions and to do so particularly in the run-up to enlargement and the Intergovernmental Conference. One practical way to do this would be to develop joint committees with the European Parliament and the rapporteurs suggest the COR secretariat take steps to arrange for such meetings to begin taking place as soon as possible. Furthermore, the COR will continue to further define and emphasise its own role and position, in particular with regard to possible further European integration.

8.11. The Committee of the Regions must continue and expand its assistance to the countries that are attempting to join the European Union. The COR should provide support, assistance and information,

working alongside the other EU institutions. The local and regional authorities in the candidate countries must be fully involved in the enlargement process from the very beginning. For this purpose, joint committees should be set up where local and regional authority issues can be discussed.

Brussels, 15 September 1999.

*The President
of the Committee of the Regions*
Manfred DAMMEYER

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APPENDIX I to the Opinion of the Committee of the Regions

This appendix shows the current size of delegations

Current size of national delegations at the COR

Country Delegation	Number of Members in National
Austria	12
Belgium	12
Denmark	9
Finland	9
France	24
Germany	24
Greece	12
Ireland	9
Italy	24
Luxembourg	6
Netherlands	12
Portugal	2
Spain	21
Sweden	12
United Kingdom	24

Total size of the COR at present is 222 members

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APPENDIX II to the Opinion of the Committee of the Regions

Candidate countries' delegation sizes based on similar size delegations under current provisions.

Country Populations – July 1998 Estimates

Country	Likely COR Delegation Size	Population
Poland	21	38 606 922
Hungary	12	10 208 127
Czech Republic	12	10 286 470
Slovenia	6	1 971 739
Estonia	6	1 421 335
Cyprus	6	748 982
Malta	6	379 563
Latvia	9	2 385 396
Lithuania	9	3 600 158
Slovak Republic	12	5 392 982
Bulgaria	12	8 240 426
Romania	18	22 395 848

Source: Central Intelligence Agency (CIA) World Factbook 1998

These are the approximate size of the delegations based on total population of the applicant states and if these figures were used then the total membership of the COR would be 351.

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APPENDIX III to the Opinion of the Committee of the Regions

[TE3724 Annexe III](#)

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APPENDIX IV to the Opinion of the Committee of the Regions

This appendix illustrates how the size of the COR might increase if there were to be two further waves of enlargement of the EU. Obviously this is somewhat speculative at this present time given that the circumstances of candidate countries might change. By providing some options, this might help COR members consider issues relating to the size of the COR.

The first wave of countries might include:

Country	Number of COR members
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Poland	21		
Hungary		12	
Czech Republic			12
Slovenia		6	
Estonia		6	
Cyprus	6		
Malta	6		

This would give a total COR size of: $222 + 69 = 291$

A further second wave of enlargement might include:

Country			Number of COR members
Latvia	9		
Lithuania		9	
Slovak Republic			12
Bulgaria		12	
Romania		18	

This would give a total COR size of: $222 + 129 (60 + 69) = 351$

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APPENDIX V to the Opinion of the Committee of the Regions

[TE3724 Annexe V](#)

(¹) CdR 136/95 fin - OJ C 100 of 2.4.1996, p. 1.