

Regional Institution and the European Union

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Abstract

European integration and regionalization have been parallel processes over the past five decades, leading to a multilevel governance system where decision-making powers are allocated across European, national, and regional governments. In this encyclopaedia entry we explore how regional governments are represented within the EU institutions and how regional governments can impact EU policy through domestic institutions.

We explore two EU institutions through which regional governments are involved in the EU policy-making process at the EU level: via their representatives in the Committee of the Regions and via the participation of their ministers in the Council of Ministers. Similarly, we also present three ways in which regional governments are institutionally involved with EU affairs within the member states: formulation and implementation of EU Cohesion Policy, intergovernmental meetings between national and regional governments to coordinate EU affairs, and subsidiarity monitoring of EU legislation by regional parliaments.

The analysis shows that the EU's multilevel governance system is highly asymmetric.

Regional involvement in EU affairs through EU and domestic institutions is mainly restricted to powerful regions which can be predominantly found in the populous, federal, and regionalized member states from Western Europe. In addition, the analysis reveals that regional impact on EU policy is far more apparent within the member states than at the EU level. In addition, regional governments prefer to impact EU affairs through or in collaboration with their member state governments rather than bypassing them.

Keywords: Regional governance, regions, regional authority, multilevel governance, European Union.

Introduction

A brief look at the budget of the European Union (EU) suffices to observe that the EU is heavily involved in regional policy (see Table 1 and Figure 1). At the start in 1975, the ERDF constituted a small portion of the total EU budget (around six per cent) and national governments dominated policy making (Brunazzo 2016). An important turning point in EU regional policy occurred during the early 1990s when the EU required national governments to co-develop plans with subnational government on how the EU cohesion funds will be spent. The Cohesion Policy established in 1988 enshrined the partnership principle into the regulations. This principle stipulates that (implementing) decisions about operational programs should be taken in partnership between the Commission, the member state governments, regional governments, and other public bodies and non-governmental organizations (Allen 2010). Regions came to be seen as equal partners in developing and implementing EU Cohesion policy (Marks, Heasley, and Mbaye 2002) and regional funding increased to more than 30 percent of the total EU budget by 1993 and has remained at that level in later funding periods (Figure 1).

Table 1. Key events EU Regional (Cohesion) Policy.

Year	Key event
1968	Establishment of the Directorate-General for Regional Policy
1975	Establishment of the European Regional Development Fund (ERDF)
1988	Structural Funds (ERDF) integrated into Cohesion Policy Enshrinement of the 'partnership' principle Establishment Consultative Council of Regional and Local Authorities (CCRLA) Increase of budget to adapt for the accession of Greece, Portugal and Spain
1992	Enshrinement of the 'subsidiarity' principle in the Maastricht Treaty Transformation of the CCRLA into the Committee of the Regions (CoR) Mandatory consultation of the CoR by Commission and Council on Cohesion Policy
1994	The Maastricht Treaty established economic and social cohesion as one of the 'pillars of the Community structure' Further increase of the budget allocated to Cohesion Policy
1999	Adjusting policy and budget to the enlargement to Central and Eastern European countries which receive most of the funding as of 2007

Sources: Allen (2010); Brunazzo (2016); European Commission: https://ec.europa.eu/regional_policy/ (accessed 3 March 2019)

During the same time span when the EU became more involved with regional policy, many member states decentralised authority to regions and many even established new regional tiers (Loughlin, Hendriks, and Lidström 2013). By 2014, no less than twenty-four out of twenty-eight EU member states, accounting for 99 per cent of the EU population (499 out of 502 million) have regional government.¹ Only the small countries of Cyprus, Estonia, Luxembourg, and Malta do not have regional government. The Committee of the Regions –

¹ Regional government is defined as an intermediate tier in between a local and national tier which has on average at least 150,000 inhabitants across the units. This population criterion is relaxed for individual jurisdictions that stick out from a tier of government that meets the population threshold, i.e. special autonomous and asymmetric regions (Hooghe, Marks, Schakel, Niedzwiecki, Chapman-Osterkatz, and Shair-Rosenfield 2016: 15).

an EU advisory body with members from subnational authorities from the EU member states—estimates that nearly 70% of EU legislation is implemented by local and regional authorities (Committee of the Regions 2009a: 3) and it is therefore fair to say that EU governance implies regional governance. The increase in regional governance also includes a deepening of multilevel electoral democracy. In 1979, about half of the people (53 per cent) who could vote in European elections could also vote in regional elections and this increased to 83 per cent in 2014 which amounts to 328 million citizens (Schakel 2019).

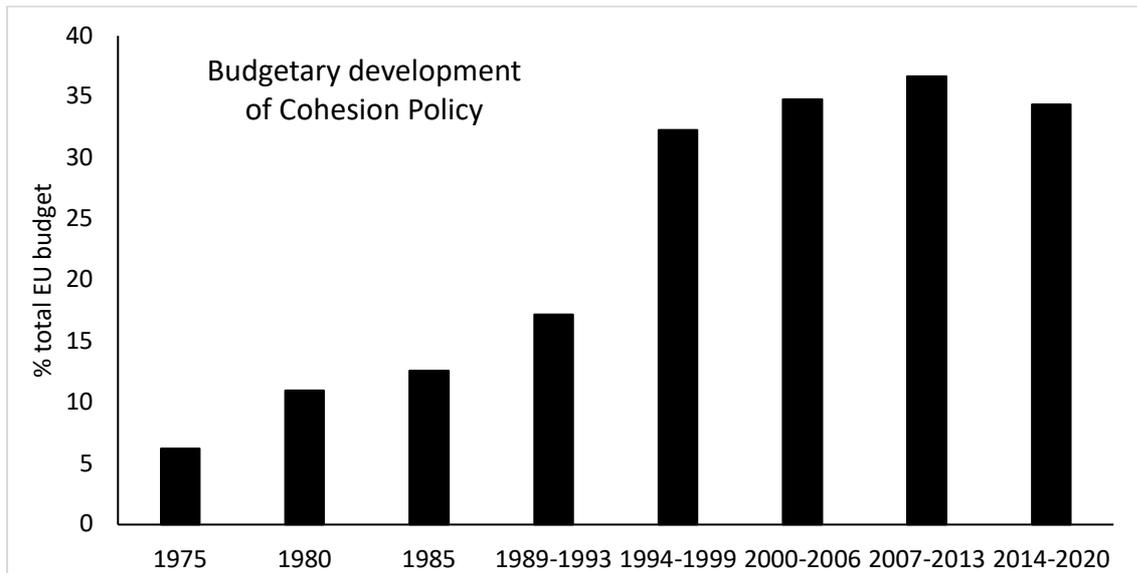


Figure 1. Budgetary development of Cohesion Policy.

Sources: Allen (2010); European Commission: https://ec.europa.eu/regional_policy/ (accessed 3 March 2019)

The twin processes of decentralization within the EU member states and the increasing involvement of subnational governments in the formulation and implementation of EU Cohesion Policy led to the idea of a ‘Europe of the Regions’ during the 1990s. That is, a vision that foresaw the creation of a multi-level governance system in which the EU and the regional levels would gradually gain ever more competences at the expense of the member-states, whose powers, if kept at all, were to be greatly diminished. While this vision of a federal/regionalized European Union has never really materialized, with member-states still maintaining their crucial role, it has inspired scholars to study whether and, if so, how regions impact EU policy. Indeed, the emerging literature sees the EU acting as an additional structure of political opportunities that some regions are willing and able to exploit effectively (Piattoni 2009).

In this chapter we set out to provide a systematic overview of this expanding literature. We start with an overview that provides more detail on increasing regionalization (decentralization reforms) in Europe. In the following section ‘Regional Government Involvement in EU Affairs Within the EU Institutions’ we explore the literature that studies in how far the EU and its institutions have adapted to the trend of increasing regionalization. In the section ‘Regional Government Involvement in EU Affairs Within the Member States’ we revert our perspective and we survey the literature which looks at how

regional governments can impact EU policy within their member states. The final section concludes and discusses the question in how far the EU has adapted to regionalization in Europe and in how far an EU multilevel governance system has materialized.

Increasing Regionalization in the European Union

In this section we trace the development of regionalization, as an institutional process, in the European Union. The Regional Authority Index (RAI) presents an indicator which traces the development in regional authority in 28 EU member states since 1950 (Hooghe, Marks, Schakel, Niedzwiecki, Chapman-Osterkat, and Shair-Rosenfield 2016). The RAI consists of two dimensions, self-rule and shared rule, which are familiar concepts in the federalism literature (Elazar 1987: 33-79). Self-rule is the authority exercised by a regional government over those living in its territory and shared rule is the authority exercised by a regional government or its representatives in the country as a whole. Both dimensions are further broken down in five sub-dimensions.² Self-rule and shared rule scores are summed, and scores may vary in between zero (no regional government) to a maximum of 30 but scores may go beyond 30 because scores are summed when a country has multiple regional tiers.

Figure 2 presents average RAI-scores for 11 Eastern and 17 Western EU member states (in 2019) whereby country scores are weighted by population size before taking an average so that the lines represent average regional authority per citizen. A first notable observation is a significant increase in regional authority across Europe. In Western Europe, the average RAI-score was 13 points in 1950 which gradually increased to around 24 points in the 2010s. The average RAI-score has also significantly increased in Eastern Europe, from 2 points in 1990 to 8.2 points in 2016.

The significantly higher average RAI-score for Western Europe in comparison to Eastern Europe can be attributed to two main differences. First, the more populous countries tend to have more regional tiers in between local and national government and the most populous countries are in Western Europe. For example, France (64 million), Germany (80 million), Italy (59 million), Spain (47 million), and the United Kingdom (63 million) all have two or more regional tiers whereas the most populous Eastern European countries –i.e. the Czech Republic (10 million), Poland (38 million), and Romania (20 million)—all have just one

² The five sub-dimensions of self-rule measure the extent of independence of a regional government from national government (*institutional depth*), the range of a regional government's authority over policy in its jurisdiction (*policy scope*), the authority a regional government has over taxation within its own jurisdiction (*fiscal autonomy*), the authority of a regional government to borrow on financial markets (*borrowing autonomy*), and whether a regional government is endowed with representative institutions (*representation*). The five sub-dimensions of shared rule measure the extent to which a regional government co-determines national policy-making (*law-making*), the extent to which a regional government co-determines national executive policy in intergovernmental fora (*executive control*), the extent to which a regional government co-determines how national tax revenues are distributed (*fiscal control*), the extent to which a regional government co-determines the restrictions placed on borrowing (*borrowing control*), and the extent to which regional government can initiate or constrain constitutional reform (*constitutional reform*).

regional tier.³ Many new regional tiers were established over the last four decades in Western Europe: the establishment of *regioni a statuto ordinario* in Italy in 1970, the launch of *régions* in France in 1972, the gradual introduction of *comunidades autónomas* from the late 1970s onwards in Spain, and devolution to Scotland and Wales in 1999 and to the Greater London Authority in 2000 in the United Kingdom. These new regional tiers were placed on top of pre-existing regional tiers at a lower territorial scale: *départements* in France, *province* in Italy, *provincias* in Spain, and counties in the United Kingdom.

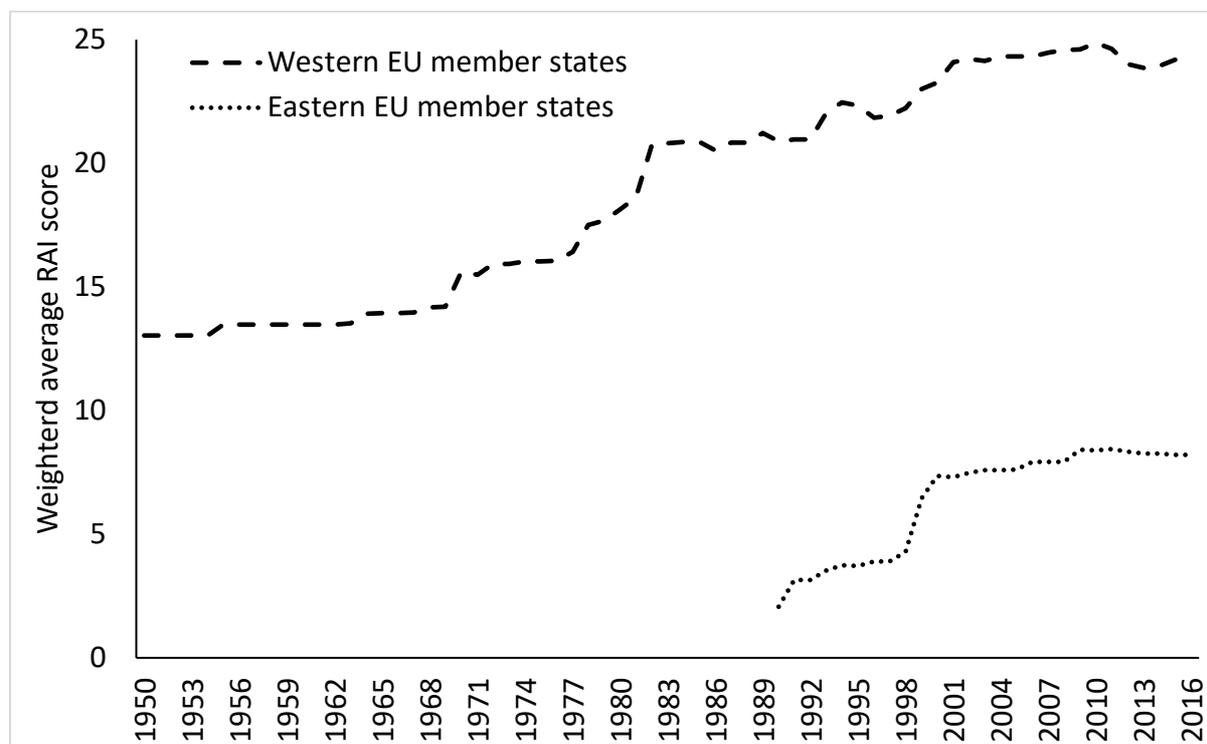


Figure 2. Development in regional authority in Eastern and Western Europe.

Notes: Shown are average regional authority index (RAI) countries weighted by the country’s population size (in 2010) for 11 Eastern and 17 Western European Union member states (in 2019). *Eastern EU member states* (N = 11): Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia. *Western EU member states* (N = 17): Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxemburg, Malta, Netherlands, Portugal, Spain, Sweden, and the United Kingdom.

Sources: Hooghe, Marks, Schakel, Niedzwiecki, Chapman-Osterkatz, and Shair-Rosenfield (2016) and Schakel, Danailova, Gein, and Hegewald (2018).

A second reason why the average RAI-score is higher for Western Europe than for Eastern Europe is because the (upper) regional tiers in Western European countries tend to have more authority, both on the self-rule and shared rule dimensions. Regional government in Eastern Europe were established during the 1990s and early 2000s when these countries

³ The *powiaty* in Poland constitute an intermediate tier between local and national government but the average population size is below 150,000 inhabitants and thereby do not classify as regional government according to the criteria set by the RAI.

underwent democratization after Communist party rule. Most Eastern European countries established regional tiers with only self-rule that entails some degree of autonomous decision making powers (2 points) over a small range of policies (1 to 2 points), with limited taxing (1 point) and borrowing powers (1 point), often with a directly elected assembly (2 points) coinciding with an indirectly elected executive who has to share authority with a centrally appointed officer (1 point). In contrast, Western European regions often decide over a broad range of policies (2 to 3 points), can set the base and rate of a minor tax or for a major tax such as personal and corporate income tax (2 to 4 points), and are allowed to borrow with or without prior approval by the central government (2 to 3 points). Eastern European regions do not exercise shared rule, that is, they do not co-decide national policy⁴ whereas many regional governments in Western Europe exercise shared-rule either through intergovernmental meetings with national government or through selecting representatives to an upper chamber of national parliament.

The patterns displayed in Figure 2 reveal an unequivocal trend of regionalization within the EU member states. This has not gone unnoticed by scholars who have taken up the question in how far the EU institutions have adapted to the rise of regional government.

Regional Government Involvement in EU Affairs Within the EU Institutions

The previous section ('Increasing Regionalization in the European Union') has shown that regional government is on the rise across the whole of Europe. How has the EU and its institutions contributed and adapted to these trends? And how have regional governments made use of their authority and resources to gain access to decision- and policy-making at the EU level? In this section we will systematically trace how regionalization has manifested itself within the EU institutions and we explore in how far regional governments are able to impact EU policy.

The development of EU regional policy is discussed in the introduction (Table 1). At the start the ERDF constituted a small portion of the total EU budget (about six per cent) and national governments dominated policy making (Brunazzo 2016). This began to change dramatically with the establishment of Cohesion Policy in 1988 –which subsumed the ERDF—whereby the partnership principle was enshrined into the regulations. This principle stipulates that (implementing) decisions about operational programs should be taken in partnership between the Commission, the member state governments, regional governments, and other public bodies and non-governmental organizations (Allen 2010). Adopting the partnership principle was an important change in how EU regional policy was shaped. Before 1988, the Commission dealt exclusively with national governments which developed regional projects and which selected eligible regions. After the 1988 reform, Commission administrators visited the regions and consulted and asked for input from subnational administrators regarding the kind of programmes they want in their regions and subnational representatives were also involved alongside member state representatives in the monitoring of the implementation of the operational programmes (Marks 1992, 1993). The

⁴ An exception are *županija* in Croatia where citizens from the region directly elected representatives in an upper chamber of parliament between 1993 and 2000. The upper house was abolished in 2001.

practice of EU regional policy induced Gary Marks (1993: 401-402) to describe the day-to-day policy-making of the EU as “a system of multilevel governance in which supranational, national, regional, and local governments are enmeshed in territorially overarching policy networks” whereby “decision making is span away from member states in two directions, up to supranational institutions, and down to diverse units of subnational government.”

The concept of multilevel governance in the EU has spawned a tremendously broad literature on explaining the horizontal and vertical dispersion of governance but at its core, at least during the 1990s and early 2000s, the focus was on how regional governments could impact EU policy making at the EU level (Piattoni 2010). Following a well-established literature (Bauer and Börzel 2010; Bomberg and Peterson 1998; Hooghe and Marks 1996, 2001, McLeod 1999; Scherpereel 2007; Tatham 2008, 2011) we identify two (major) ‘channels’ along which regions are integrated into the EU’s institutional framework: the representation of regional governments in the Committee of the Regions and the presence of regional ministers in the Council of Ministers. These channels have been set up during the 1990s and since then they have strengthened multilevel governance within the EU.

Representation of Regional Governments in the Committee of the Regions

The predecessor of the Committee of the Regions (CoR) was the Consultative Council of Regional and Local Authorities set up by the Commission in 1988 with consultative rights over the formulation and implementation of regional policy (Table 2). This council was turned into the Committee of the Regions (CoR) with the Maastricht Treaty in 1992 (Art. 198). The CoR consists of 350 representatives from regional and local governments who should hold a regional or local authority electoral mandate or are politically accountable to an elected assembly (Art. 300(3) TFEU). At the start, the CoR had to be consulted on “social and economic cohesion, public health, trans-European networks in the fields of energy, transport and telecommunications, education and youth, culture” (Maastricht Treaty, Art. 198c). Since the Lisbon Treaty, consultation is mandatory in numerous areas, including economic, social and territorial cohesion, employment, social affairs, education, youth and culture, public health, transport, sport, environment, energy, and climate change. The Commission reports to the CoR how its opinions have been taken into account even though there is no obligation on the part of the Commission to do so.⁵ In addition to mandatory opinions, the CoR can submit opinions on its own initiative (Art. 307 TFEU) or when asked to by the Commission, Council, or Parliament (optional consultation). The Treaty of Lisbon also granted the CoR the right to challenge the legality of Union acts in an action for annulment before the Court of Justice in order to protect its own prerogatives (Art. 263 TFEU). In addition, the CoR can also bring actions on subsidiarity grounds against legislative acts, for the adoption of which the CoR has to be consulted.⁶ Until 2016, the CoR has not brought a case on subsidiarity to the European Court of Justice (Tilindyte 2016).

It is clear that the CoR has increased its authority over time (see also Kaniok and Dadová 2013), however, the CoR has largely remained a marginal force because its powers remain restricted to providing advice, it’s members lack of a common purpose, and because of its internal divisions such as legislative versus non-legislative regions, local versus regional

⁵ Art. 14 Protocol on the Cooperation between the European Commission and the Committee of the Regions.

⁶ Art. 8 Protocol No. 2 on the Application of the Principles of Subsidiarity and Proportionality.

authorities, and poor (eastern) versus rich (western) regions (Christiansen 1996; Christiansen and Lintner 2005; Hooghe and Marks 1996, 2001: 81-82; Hönnige and Kaiser 2003). Around half (46 per cent) of the CoR's members (156 out of a total of 350) represent regional governments and all of them are nominated by their national governments except for the German Land representatives who are nominated by the conference of the *Länder* presidents. National governments serve as 'gate-keepers' for regional representation in the CoR but regions do have the opportunity to suggest candidates. Regions in Austria, Belgium, Finland (*Åland*), Germany, Italy, Spain, and the United Kingdom (Northern Ireland, Scotland, and Wales) can propose their own nominees. In the other member states nominees are suggested by regional representative organisations (Committee of the Regions 2009b).

Table 2. Key events Committee of the Regions.

Year	Key event
1986	Establishment of the Consultative Council of Regional and Local Authorities
1992	Establishment of the Committee of the Regions (CoR) and mandatory consultation by Commission and Council on key areas of regional concern
1997	CoR's remit extended to cover over two thirds EU's legislative proposals and the European Parliament can consult the CoR
2001	Members of the CoR are required to be elected by or accountable to an elected regional or local assembly
2007	CoR obtains the right to appeal to the ECJ to safeguard its prerogatives and the subsidiarity principle

Sources: Caroll (2011); Piatoni and Schönlaui (2015).

A closer look at the profiles of the CoR regional government representatives reveals that, in December 2019, 71 per cent are the head or member of a regional executive whereas 29 per cent is member of a regional assembly. The corresponding percentages for the representatives of local government are 50 and 50 per cent.⁷ Nominating high-profile candidates may signal that regional governments take their representation in the CoR very seriously. However, the CoR is not the only organization representing regional (and local) government interests in Brussels. Two important inter-regional organisations outside the CoR are the Conference of Regions with Legislative Competences (REGLEG) established in 2000 and the Conference of European Legislative Assemblies (CALRE) established in 1997. The CALRE and REGLEG both aim to influence European policy-making and they represent the so-called 74 regions with legislative powers from eight EU member states. CALRE represents the legislative assemblies whereas REGLEG represents the executives of those legislative assemblies. There are 74 regional parliaments in eight member states which possess legislative powers: nine Austrian *Landtage*, five regional and communal parliaments in Belgium, the parliament of *Åland* in Finland, 16 Germany *Länder* parliaments, 19 parliaments of ordinary and special regions plus two parliaments of two special provinces in Italy, the parliaments of Azores and Madeira in Portugal, the 17 parliaments of the *comunidades autónomas* in Spain, and the parliaments of Northern Ireland, Scotland, and Wales in the United Kingdom (Committee of the Regions 2013).

⁷ The percentages are based on the profiles of 312 CoR members. A profile was missing for 38 CoR members at the time when the CoR's member database was accessed. Committee of the Regions: <https://cor.europa.eu/en/members/> (consulted on 12 December 2019).

One may wonder why legislative regions feel the need to establish and maintain organizations outside the CoR. The CoR is the only organization which is part of the EU institutional framework with rights and obligations laid down in the Treaties. The CALRE and REGLEG are informal organizations which have no legal basis in international law and which can only influence EU affairs through lobbying. The overall weak impact of the CoR and the different interests between legislative and non-legislative regions and local authorities may have induced the establishment of CALRE and REGLEG. The CALRE may have been established to counter the dominance of regional executives in EU affairs and more in particular in Cohesion Policy.

In sum, the CoR did not evolve into a 'regional legislative chamber' and its influence is limited because its powers are consultative and its impact is constrained by internal divisions. As a result, the most assertive regions have become rather disillusioned with the CoR, which does not have a major impact at the EU level (Jeffery 2007).

Access of Regional Ministers to the Council of Ministers

The Maastricht Treaty (1992, Art. 146; now Art. 16(2) TEU) introduced a possibility for member state representation by regional ministers in the Council of Ministers. This provision was heralded as a major achievement for regional representation at the EU level. And, indeed, many regional governments gained access to the heart of EU decision making. Table 3 provides an overview of the regulations within the member states on when regional ministers can replace their national ministers. It is important to note that these rights are complemented by mechanisms of 'internal cooperation' between central and regional governments which enable common positions to be agreed upon in preparation for Council meetings (these are discussed in more depth in the section 'Intergovernmental Meetings to Coordinate EU Affairs'). In addition, possible presence at the Council of Ministers also entails access to (in principal) all Council working groups that prepare the decisions of the Council. For example, as of 2004, Spanish *comunidades autónomas* are allowed to participate in formal meetings of the Council of the European Union as well as in its working groups relating to agriculture, education, employment, environment, health, and social affairs (Noferini 2012). Furthermore, most of the regions with access to the Council of Ministers and its working groups also have an 'observer' dedicated to transmit information on EU policy and legislation to the regions. For example, Spain has a 'councillor for autonomic affairs' since 1994 and the Austrian and German *Länder* have a *Länderbeobachter* (Hooghe and Marks 1996; Noferini 2012).

Some authors consider the access of regional ministers to the Council important because, to the very least, it signals that central governments are not the only relevant decision makers (Tatham 2008; Tilindyte 2016). However, most regions in Europe have little prospect to gain access in the Council of Ministers. Table 3 reveals that none of the regions in Eastern Europe have access to the Council of Ministers and in Western Europe only the 74 regions with legislative powers are granted rights of access. In addition, central state representatives are always present and exercise extensive constraints on the freedom of action of regional representatives and some areas where regions share relevant competencies, such economic and financial affairs, remain under strict control of the central governments (Jeffery 2000; Noferini 2012). As Table 3 reveals, for many regions with extensive autonomy, central governments act as 'gate-keepers' and arrangements regarding regional minister access to

the Council of Ministers depends on the agreement of central government (Högenauer 2008; Tatham 2008). For example, a representative from the *comunidades autónomas* in Spain can speak during the formal sessions of the Council under three conditions: (1) *comunidades autónomas* competences are affected; (2) a joint common position among the 17 *comunidades autónomas* has been reached; and (3) the head of the Spanish delegation deems the intervention to be opportune (Noferini 2012).

Table 3. Regional representation in the Council of Ministers.

Member state	Representation in Meetings of the Council of Ministers
Austria	If a matter belongs to the competence of the <i>Länder</i> or is of interest to them the federal government may allow a regional minister to represent Austria in the Council. The regional minister will have to collaborate with the representative of the federation.
Belgium	Representation by the national government for exclusive federal responsibilities; exclusive representation by Communities or Regions for those areas exclusively within their responsibility; a federal or regional minister mixed representation for shared responsibilities.
Finland	The Finnish government does not have a duty to uphold <i>Åland's</i> position. The <i>Åland</i> government may request to participate in the work of the Finnish delegation to the Council and to become part of the delegation when the issue on the agenda falls within its competence.
Germany	Representation by a regional minister when a draft EU act concerns the exclusive competences of the <i>Länder</i> designated by the Bundesrat. The representative must act 'with the participation of and in coordination with' the federal government.
Italy	In matters of exclusive legislative competence of the regions, a regional representative may be appointed as head of the delegation. In practice this rarely happens and participation of regional ministers is limited to consultation by national government.
Portugal	There is no obligation for the Portuguese delegation to uphold the regional position in the Council. Azores and Madeira have the right to participate in the Portuguese delegation when matters that concern them are on the agenda.
Spain	A regional representative may be authorized to speak during Council meetings but is not entitled to vote on behalf of Spain. A regional representative is admitted to the Spanish delegation for matters of regional interest.
United Kingdom	Decisions regarding ministerial attendance at Council meetings are taken on a case-by-case basis by the competent UK minister. A regional minister (from Northern Ireland, Scotland or Wales) may be allowed to act as the UK spokesperson in the Council.

Sources: Högenauer (2008); Tilindyte (2016).

On top of the limitations experienced at the EU level, regions that have access to the Council of Ministers need to agree domestically on their input because they represent their member state as a whole (discussed in-depth below in section 'Intergovernmental Meetings to Coordinate EU Affairs'). For example, once the *comunidades autónomas* find an

agreement on a joint position domestically then this joint position is transferred to the corresponding central state ministry and the participation of *comunidades autónomas* is officially guaranteed by including a regional representative in the Spanish delegation which represents Spain in the Council (Noferini 2012). Furthermore, the requirement that there has to be one regional view entails that finding a common position among five Belgian, nine Austrian, 16 German, 22 Italian and 17 Spanish regions leads inevitably to a fairly low common denominator (Jeffery 2007).

Overall, we may conclude that since the adoption of the Cohesion Policy in 1988 which gave regional and local governments a 'voice' in Brussels through the establishment of the Committee of the Regions, regional actors have gained formal presence and representation within the EU institutions. The competences of the EU have significantly increased especially after the Single European Act and the Maastricht Treaty. The EU started to adopt legal acts on matters which, in some countries, are devolved by the constitution to the regions, such as agriculture, regional development, and the environment. During the 1990s, the EU was increasingly encroaching on the constitutional powers of regions without increasing their role in the EU decision-making process in return. This has led regions to request participation and have an influence on EU policymaking as well as to claim the enforcement and the formal acknowledgement of their role in the EU decision-making process (Madrino 2008). These concerns were particularly raised during the Convention on the Future of Europe (2002-2003) which resulted in the Lisbon Treaty (2009). Regions did not get what they wanted and most of the innovations introduced by the Lisbon Treaty appear to be more formal than substantial (Madrino 2008). Although the number of access points has increased and multilevel governance within the EU has consolidated, the literature remains sceptical about the impact regional actors may have on EU decision-making. This leads to the question why regional governments keep on being present in Brussels? The answer according to Moore (2008) is because regions seek to deliver concrete benefits to their populations such as attracting EU funding and modifying EU legislation so that it takes the specific circumstances of a particular region into consideration.

Regional Governments Involvement in EU Affairs Within the Member States

We identify three institutional channels within the member states through which regional governments can impact EU policy: institutions established for EU Cohesion Policy, intergovernmental meetings to coordinate EU affairs, and subsidiarity monitoring of EU legislation by regional parliaments.

Institutions Established for EU Cohesion Policy

Perhaps one of the most visible aspects of the EU on the ground is its Cohesion Policy (CP) which directly impacts local and regional economies and which enables large infrastructural projects in local and regional communities. Especially in Eastern Europe, an EU conditionality effect was expected because candidate countries were required to establish regional governance structures capable of implementing CP. And when candidate countries did not have (adequate) regional government they were expected to create it (Piattoni 2009). In Western Europe an EU conditionality effect was expected after the 1988 reform of CP which enshrined the partnership principle. This principle stipulates that (implementing)

decisions about operational programs –i.e. the plans to implement and spent the funds— should be taken in partnership among the Commission, the member state governments, regional governments, and other public bodies and non-governmental organizations (Allen 2010).⁸ In addition, considering that many member states would benefit substantially from CP it was expected that the EU would exert a significant and detectable impact of the EU on sub-national governance in these countries.

Table 4 provides an overview of regional involvement in the implementation of Cohesion Policy within the 28 EU member states for five funding periods. The involvement of subnational government is tracked by two indicators. The first indicator is the ‘implementation approach’ (IA) which categorises member states based on the way in which the majority of Cohesion funding is administered and which type of authority plays the role of managing authority (or equivalent): central government (C), deconcentrated central government (Cd), or regional government (R). The second indicator looks at regional involvement through a ‘regional development council’ (RDC) which can range from no RDC (C = central government) or an RDC within a minority of subnational representatives (D = deconcentrated central government), to an assembly with a majority of subnational representatives (A) which may have additional competences beyond regional development (A+) and which may have implementation powers (AE+), all the way up to the integration of regional development into an self-governing regional tier (I).

Table 4 reveals that the central government holds a firm grip over CP funding in all Eastern EU member states except in Poland for the last funding period whereas regional governments are managing CP funding in eight federal and regionalised Western EU member states. Regional assemblies take up the role of a regional development council in twelve out of the 17 Western EU member states (71 per cent) and in only three out of total of 11 Eastern EU member states (27 per cent). Finally, except for Greece, Ireland, and the United Kingdom, the Western EU member states reveal stasis regarding their regional development councils across the funding periods. In the Czech Republic, Hungary, Latvia, and Slovenia, the competences for the regional development councils have increased. These three observations confirm a number of well-established findings in the literature.

Involvement of subnational authorities in CP varies widely across member states and seems to depend on the level of autonomy of pre-existing self-governing regional tiers (Kettunen and Kungla 2005; Radzyner, Tödting-Schönhofer, Frangenheim, Mendez, Bachtler, Charles, and Granqvist 2014). In depth case studies among the Eastern EU member states reveal “a cross-national preference for minimalist and formal rule adoption, including a bias against politically empowered regions” (Hughes, Sasse, and Gordon 2005: 7) which results from pre-accession negotiations being dominated by the Commission on the EU side and national elites from the candidate countries and a lack of involvement of sub-national actors (Bruszt 2008, Dobre 2009). The EU can act as a catalyser for regionalization but other factors may intervene and limit the potential for regionalization (Saarts 2019). Especially in South-East Europe central governments appear to be resilient and central governments “adapts to the

⁸ See also the so-called Common Provisions Regulation on European Structural and Investment Funds which sets out multilevel governance as a principle to govern partnership agreements with subnational authorities in the implementation of CP (Regulation No. 1303/2013, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013R1303>, accessed 26 April 2019).

changing policy environment to retain a pivotal role in key decision areas” (Bache, Andreou , Atanasova, and Tomsic 2011: 136). As a result, regional development councils tend to remain task-specific and in many instances has not developed into multi-purpose government. Pre-existing political cultures, policy-making approaches, and administrative traditions may all constrain the potential for regional empowerment in centralized countries including Western EU member states such as Greece and parts of the United Kingdom (Polverari 2016: 245).

Table 4. Formal involvement of subnational actors in EU Cohesion funding.

Western Europe	1989-1993		1994-1999		2000-2006		2007-2013		2014-2020	
	IA	RDC	IA	RDC	IA	RDC	IA	RDC	IA	RDC
Austria			R	I	R	I	R	I	R	I
Belgium		I	R	I	R	I	R	I	R	I
Cyprus					C	C	C	C	C	C
Denmark		I	C	I	C	I	C	I	C	I
Finland			C/R	I	C/R	I	C/R	I	C/R	I
France	Cd	I	Cd	I	Cd	I	Cd	I	R	I
Germany	R	I	R	I	R	I	R	I	R	I
Greece	C	D	C	A+	C	A+	C	A+	C	I
Ireland	C	D	C	A+	C	A+	Cd	A+	Cd	A+
Italy	C/R	I	C/R	I	R	I	R	I	R	I
Luxembourg	C	C	C	C	C	C	C	C	C	C
Malta					C	C	C	C	C	C
Netherlands		I	R	I	C	I	C	I	C	I
Portugal	C	D	C	D	C	D	Cd	D	Cd	D
Spain	C	I	C	I	C	I	C	I	C	I
Sweden			C/R	I	C/R	I	C/R	I	C/R	I
United Kingdom	Cd	C	Cd	D	R	A+/I	R	A+/I	Cd/R	C/I
Eastern Europe	1989-1993		1994-1999		2000-2006		2007-2013		2014-2020	
	IA	RDC	IA	RDC	IA	RDC	IA	RDC	IA	RDC
Bulgaria							C	A	C	A
Croatia							C	I	C	D
Czech Republic					C	A	C	AE+	C	AE+
Estonia					C	C	C	C	C	C
Hungary					C	D	Cd	D	C	I
Latvia					C	A	C	AE+	C	AE+
Lithuania					C	A	C	A	C	A
Poland					C	I	Cd	I	R	I
Romania							C	A	C	A
Slovakia					C	I	C	I	C	I
Slovenia					C	D	C	A	C	A

Notes IA: shown is the dominant implementation approach (IA) of Cohesion Policy funding within the EU member states: C = central state; Cd = deconcentrated central state; R =

regional government. *Sources IA*: Balsiger (2016); Charles (2016); Kovács (2016); Muravska, Aprāns, and Dahs (2016); Polverari (2016).

Notes RDC: shown is the constitution and role of the regional development council (RDC) involved in the implementation of EU Cohesion Policy funding: C = no regional development council; D = deconcentrated central government without a RDC or a RDC with a minority of subnational representatives; A = RDC with an assembly consisting of a majority of subnational representatives; A+ = as A but with additional competences beyond cohesion funds/regional development; AE+ = as A+ but with an executive with implementation and executive powers; I = the regional development council is integrated into an existing regional tier with wide-ranging executive powers.

Sources RDC: Hooghe, Marks, Schakel, Niedzwiecki, Chapman-Osterkat, and Shair-Rosenfield (2016); Schakel, Danailova, Gein, and Hegewald (2018)

Paradoxically, in those countries where the Commission had potentially the greatest leverage for encouraging national government to establish regional institutions it induced national elites to comply with EU conditions but at minimal cost, that is, to introduce very 'thin' regional tiers with limited self-governance. Concerns about administrative capacity in the newly established regional governance structures prompted the Commission to approve centralist models during the pre-accession phase (Ferry and McMaster 2013). We concur with Piattoni (2010: 128) who notes that "it is one thing to expect cohesion policy to empower the regions of Europe, in the sense of making them more capable of contributing to the policy-making process (policy empowerment), while it is an entirely different issue to expect cohesion policy to bring about a redefinition of the institutional or even constitutional setup of the member states (institutional empowerment)." Indeed, the constitutional position of regional governments within the member states is a key determinant whether they are able to successfully exploit the opportunities for access to new resources and influence Cohesion Policy, both in the Eastern and in the Western EU member states (Baun and Marek 2008; Brusis 2014; Lyssek and Rysavy 2018). EU Cohesion policy may have a significant 'Europeanization' impact (e.g. Scherpereel 2010) but the impact of the EU on setting up and strengthening regional governance in a formal and durable way is limited at best.

Intergovernmental Meetings to Coordinate EU Affairs

The Maastricht Treaty introduced the possibility for regional ministers to replace their national ministers in the Council of Ministers (discussed in section 'Access of Regional Ministers to the Council of Ministers'). However, when regional ministers represent the member state, they have to be in a position to commit their member state. A single and shared member state position requires a negotiation process committing both central and all regional governments and, as a result, member states with the prospect of delivering regional ministers to the Council of Ministers introduced various kinds of intergovernmental meetings between national and regional governments to discuss EU affairs (Jeffery 2007). Procedures for central-regional government coordination on EU affairs have been established in Austria, Belgium, Finland, Germany, Italy, Portugal, Spain, and the UK (see Table 5). Compared to regional government representation at the EU level one may actually conclude that the real transformation in the role of regions regarding EU affairs has taken place in the intra-state arena where regions have undermined the capacity of central governments to maintain a monopoly over EU policy (Jeffery 2000).

Table 5. Intergovernmental councils for European Union affairs in the EU member states.

EU member state	Intergovernmental council	Year	Chair	Decision making
Austria	Integrationskonferenz der Länder	1993	Land	Each Land has a veto
Belgium	Interministeriële Conferentie voor het Buitenlands Beleid*	1994	Federal	Regions /Communities have a veto
Finland – Åland	EU-ministerivaliokunta/EU-ministerutskott	2004	Central	Åland does not have a veto
Germany	Europaministerkonferenz	1993	Land	Qualified majority (13 out of 16)
Italy	Comitato interministeriale per gli affari comunitari europei	2005	Central	Regioni/province have no voting rights
Portugal – Azores/Madeira	Bilateral intergovernmental meetings	2005	Central	Azores and Madeira do not have a veto
Spain	Conferencia para Asuntos Relacionados con la Unión Europea	1988	Central	Majority of the regions (since 1997)
United Kingdom	Joint Ministerial Committee European Session	2008	Central	Devolved entities have no voting rights

Notes: * Conférence interministérielle de la politique étrangère/Interministerielle Konferenz für Außenpolitik.

Sources: Hooghe, Marks, Schakel, Niedzwiecki, Chapman-Osterkatz, and Shair-Rosenfield (2016); Högenauer (2008); Lanceiro (2015).

A deepening European integration process meant that the EU was encroaching upon competences in the domain of regional government within the domestic political arena. In areas where regions were internally competent, they claimed and often subsequently won access to decision-making where those areas, or parts of them, had fallen under the ambit of European institutions (Jeffery 2004; Marks, Nielsen, Ray, and Salk 1996). Regions – especially those in federal and regionalized states—have come to learn that a confrontational and bypassing strategy towards the central state does not pay off and that their interests are best served by participating in central state decision-making (Börzel 1999). Indeed, research has shown that regions which get more involved in domestic European policy-making (i.e. the regions in the eight member states displayed in Tables 3 and 5) are less prone to bypassing their national governments but these regions will resort to bypassing strategies in cases when they are dissatisfied or disagree with the national position (Högenauer 2014; Jeffery 2007; Tatham 2011). Overall, it appears that regional governments which share the competence to represent their member state in the process of the EU policy-making prefer to mobilize this right through rather than beyond the established structures of the member state (Börzel 1999; Jeffery 2000; Keating 2008).

Subsidiarity Monitoring of EU Legislation by Regional Parliaments

The Lisbon Treaty assigned a new role to national parliaments in the subsidiarity monitoring process and added an explicit reference to the regional and local dimension of the principle of subsidiarity. National parliaments have an ex ante possibility to review legislation before it is discussed and enacted at the EU level and they have a chance to raise objections and prevent EU action (Abels 2015). The mechanism works as follows.⁹ Each member state has two votes which are both assigned to unicameral national parliaments or divided between the lower and upper chamber in the case of bicameral national parliaments. A draft legislative act is forwarded by the Commission to national parliaments at the same as to the Union legislator (Art. 4 Protocol No. 2 on the application of the principles of subsidiarity and proportionality). National parliaments have eight weeks to scrutinize and respond to the policy proposal and they can raise their objections by issuing a reasoned opinion to the European Commission but only objections relating to subsidiarity concerns are legally valid (Art. 7 Protocol No. 2). Subsidiarity concerns may also involve regional autonomy and “it is for each national parliament to consult, where appropriate, regional parliaments with legislative powers” (Art. 6 Protocol No. 2). When national parliaments representing at least a third of the votes raise objections –a quarter of the votes in case of judicial cooperation—the Commission may decide to withdraw, amend or maintain the proposal and reasons must be given for the decision (Art. 76 TFEU; this is the so-called yellow card procedure). When negative opinions are raised by national parliaments representing a simple majority of the votes then the draft legislation must be reviewed and the European Parliament and the Council of the EU have to examine the reasoned opinions alongside the legislative proposal in case the Commission maintains its draft (Art. 7 Protocol No. 2). When the Union legislators agree with raised objections then the legislative proposal will not be given any further consideration (this is the so-called orange card procedure).

⁹ Full detail on the early warning system for the principle of subsidiarity can be found in Kiiver (2012).

The early warning system for the principle of subsidiarity presents an opportunity for regions, and in particular regional parliaments with legislative powers, to be involved in European law making. The subsidiarity principle was itself a response to the democratic deficit (Caroll 2011), however several issues may be raised regarding the representativeness and influence of the early warning system (Tilindyte 2016).

First, the representativeness of regional parliaments for the regional populations can be questioned. Regions with legislative powers can be found in eight member states which means that subnational parliaments in 20 member states are not (formally) involved in the early warning system and subsidiarity monitoring is solely a task of national parliaments in these 20 member states. Regional assemblies in relatively populous member states such as France, Poland, Romania, and the Netherlands have no opportunity to raise objections to the subsidiarity principle. There is also a territorial bias, the eight member states with legislative regions are all Western European countries and none of the regional assemblies in Eastern EU member states have to be involved when national parliaments issue objections to EU legislation. Although the 74 regions with legislative powers represent 43 per cent of the total EU population (i.e. 217 million out of 506 million people), the second-order nature of regional elections across Europe, including elections for regional parliaments with legislative powers, raise questions about the representativeness of regional parliamentarians. Turnout in regional elections is relatively low and those citizens who take the effort to cast a vote tend to base their vote choice according to national instead of regional issues (Dandoy and Schakel 2013; Schakel 2017).

Second, the subsidiarity monitoring process appears to give regional parliaments limited influence on EU governance within the member states (Bursens and Högenauer 2017). First, the process requires collective action among regional and national parliaments which requires at least three (in the United Kingdom) up to 21 (in Italy) regional parliaments to agree with the lower and upper chambers of national parliament (national parliaments in Austria, Belgium, Germany, Italy, Spain, and the United Kingdom are all bicameral). Collective action is easier for the island regions of Azores and Madeira in Portugal and the Åland islands in Finland which need to agree with a unicameral parliament. However, the very small population sizes of these island regions—less than five per cent of the total population—may prevent them from being able to put political weight behind their objections. Furthermore, collective action is also complicated by the time frame of eight weeks within which a reasoned opinion must be submitted to the European Commission. Furthermore, Protocol No. 2 on the application of the principles of subsidiarity and proportionality requires national parliaments to consult regional parliaments only on those matters which are encompassed by a region's legislative powers. Thus, objections against breaches of the subsidiarity principle can only be issued for those powers that are within the competences of regional legislatures.¹⁰ In addition, national parliaments determine whether and how regions can provide their input because they hold the votes.

¹⁰ Similar limitations on the influence of the early warning system on EU policy making have been raised for national parliaments (Abels 2015). Reasoned opinions require collective action among one quarter to one third of the votes for national parliaments within a time frame of eight weeks. Reasoned opinions must be based on subsidiarity concerns and the early warning system does not include real sanctions for the Commission and offers merely a reactive approach. As a result, the 'orange card' procedure has never been used whereas the 'yellow card' procedure has been only been issued three times. In the first instance in 2012, the European

Several case studies reveal the limited impacts of the subsidiarity monitoring systems within the member states (Abels 2015; Bursens, Maes, and Vileyn 2015; Castellà Andreu and Kölling 2015; Högenauer 2015; Miklin 2015; Nicolini 2015). Although there is some increased activism among regional parliaments, total activity remains modest. Interestingly, regional parliaments in strong identity regions such as Catalonia and Scotland have become especially active in EU affairs, striving for stronger competences vis-à-vis their national governments (Abels 2017). The main reason for the general trend of limited amount of activity seems to be a lack of resources to process all the information parliaments receive in EU affairs, i.e. an information overload. There have been some structural changes but these have been inconsequential so far. For example, most regional parliaments have set up an EU affairs committees when they did not have one previously, many regional parliaments have changed their (internal) regulations or rules of procedure, and some regional parliaments negotiated legally non-binding inter-institutional agreements on information rights and scrutiny power regarding EU affairs (Borońska-Hryniewiecka 2017; Committee of the Regions 2013). Regional executives appear to be more active and dominant in subsidiarity monitoring and regional parliaments often rely on their executives for support. But the early warning system does not provide regional executives with an additional influential 'channel' to impact EU policy compared to other 'channels' such as the intergovernmental meetings between national and regional governments dedicated to EU affairs and the right for regional ministers to replace national ministers in the Council of Ministers. Since national parliaments appear not to be very keen to significantly strengthen the constitutional or participatory rights of regional legislatures (Raunio 2015), the most effective way for regional parliaments to influence EU affairs is to make good use of their scrutiny powers vis-à-vis their executives (Abels 2017; Auel and Große Hütmann 2015; Högenauer and Abels 2017; Patzelt 2015).

Conclusion

In spite of important differences between Western and Eastern EU member states, regional governments have become a stable and important institutional feature within the EU member states and in the EU system of multilevel governance. The regionalization reforms that have created this state of affairs have been due to the expansion of multilevel electoral democracy, the growing strength of regionalism, economic dynamics, and to European integration itself. Although empirical research on the complex causal relationship between these factors is still far from providing certain findings (Bauer and Börzel 2010), our analysis supports the thesis that the EU has adjusted itself to the regionalization that has taken place within the member states. The EU does not seem to have opened new important windows of opportunities for the regions. Rather, a 'Matthew effect' appears to be present: regions with a high level of authority within their member states have a stronger institutional presence and can impact EU policy at the EU level and within their countries, whereas

Commission withdrew its proposal, but not on the basis of subsidiarity concerns. In 2013 and in 2016 the Commission decided to maintain its legislative proposal (https://ec.europa.eu/info/law/law-making-process/adopting-eu-law/relations-national-parliaments/subsidiarity-control-mechanism_en, accessed 20 April 2019).

regions with only administrative authority are, at best, relegated to an implementation role (Bauer and Börzel 2010).

Given the lack of self-government in the Eastern EU member states, there is a large territorial uneven distribution in the role regions play in the European multilevel governance system. Indeed, the entrenchment and empowerment of a 'third-level' in Europe only concerns the 74 regions with legislative power in eight member-states—which represent 43 per cent of the total EU population—which can significantly impact EU policy (Scherpereel 2007). Another trend over time is that regions have turned their attention to their central state governments as their favoured interface with the EU and to ring-fence regional autonomy within the member state and thereby also against an expanding EU (Jeffery 2007: 11).

Region-building and restructuring regional tiers of governance proceeds across Europe and is not expected to wither away. The interplay between the EU and the member-states should be able to accommodate these various forms of regional governance that are emerging (Keating 2008). However, so far, the EU has been relatively 'constitutionally blind' to the development of a third level in Europe (Tatham 2014). That is to say, successive treaties have gradually acknowledged the existence of regional governments but only subject to the will of the respective member state and with the powers that the respective member state would concede. It is likely that regionalization will remain impacting EU governance above and within the member states (see also Tatham 2018) but the pace and scope of changes in the EU multilevel governance system still depend by and large on the national governments of the member states.

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