

New Multi-Level Governance in the EU?

The European Committee of the Regions and Regional Diversity

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Introduction

The European Committee of the Regions (CoR), which celebrated the 25th anniversary of its first plenary meeting in 2019, has been described as the ‘institutionalisation’ of multi-level governance in the European Union (Warleigh 1999). Despite not being recognised as an ‘EU institution’ as such, the CoR is indeed the key institutional element within the EU Treaties (Art 300; 305-307 TFEU) that formally brings representatives of ‘regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly’ (Art 300.3 TFEU) into the EU decision-making process. In this regard, the Committee therefore embodies the general principle, enshrined in Art 4.2 TEU, that the EU shall respect the member states’ identities ‘inherent in their fundamental structures, political and constitutional, *inclusive of regional and local self-government*’ (emphasis added). The pairing of ‘regional and local’ in both treaty references is, of course, one of the constitutive elements of the Committee of the Regions and contributes to its internal heterogeneity – to the extent that it has been an issue for debate from the early days of the CoR whether this is a source of strength or of weakness (Christiansen 1996, Piattoni/Schönlau 2015).

While it will be shown in this chapter that, in fact, the dichotomy between ‘local’ and ‘regional’ seems to be less significant for the institutional development and daily work of the CoR than some may have thought, the Committee has also had to grapple with the even more fundamental question of the extent to which a purely consultative body can contribute in a significant manner at all to building genuine multi-level governance (Domorenok 2009). Against the background of the recent

EU crises, which have raised both longstanding and new questions of identity and legitimacy regarding the European integration project, the present chapter will address some of the CoR's activities beyond its consultative role in the Treaties. These activities are to be understood both as the attempt of the Committee to expand its own remit and influence (Schönlau 2017), but also as a catalyst and channel for the assertion of sub-national interests in the integration process. Obviously, the degree to which individual territorial entities or their representatives are active in trying to influence EU policy-making, whether via the CoR or using other means, is determined to a large extent by external factors such as their constitutional position within the national context, the interplay and potential conflicts between historical or cultural identities at the national and regional or local levels, and other key socio-economic and political factors.

In this situation, as I will argue, an internally diverse body such as the Committee of the Regions with its nominally weak consultative role has been able to show, through concrete action in various policy fields, how unity can be built out of diversity. In fact, as will be shown, the CoR has been able to use the notion of 'multi-level governance' (MLG) to foster not only more sensitivity to the needs and concerns of sub-national levels of governance among other institutional players at EU level, but also to promote the role of local and regional authorities in shaping EU policy, and by this action also to advance its own role in the institutional framework (Schönlau 2017, Piattoni/Schönlau 2015). These trends have, in fact, been reinforced by the growing recognition that current policy challenges require joint efforts *by and at* all levels of governance. This is particularly true for the issue of climate change, where the central role of cities and regions in understanding, developing, promoting and implementing the profound transitions which are necessary to meet the challenge is increasingly being acknowledged not only at EU level, but also nationally and on the global stage. At the same time, the EU as a level of governance, despite being recognised as a central element of the necessary solutions in a complex and inter-connected world, faces serious concerns in terms of the effectiveness of its regulatory action and thus finally about the very legitimacy of its existence.

In this context, the sub-national levels of governance have been identified as crucial *subjects* and *arenas* of policy communication and consensus building, and the Committee of the Regions is developing various tools to try to contribute to rebuilding citizens' trust in the notion and instruments of European integration. The Committee's action in this respect focusses on the two opposite ends of the EU policy process: democratic input to the debates about the general direction of integration and the development of new legislation, on the one hand, and the implementation of existing EU legislation at the local and regional levels, on the other. In the former case, the CoR has been active in the run up to the 2019 European elections in organising 'citizens' dialogues' in the context of the other institutions' debate on the future of Europe, and is now seeking to develop a concept for

a more 'permanent and structured' form of involving citizens at local or regional level (CoR 2018). With regard to the latter, the CoR has launched a pilot-project entitled 'RegHubs', a network of regional and local contact points to gather feedback from practitioners on the ground regarding the difficulties they face when implementing EU legislation: This is intended as a contribution to the European Commission's 'better law-making' agenda.¹

The present chapter will thus, after a brief overview of the CoR's role and history, present two examples of how the Committee translates the concerns and ambitions of sub-national actors into concrete policy action. The first example is taken from the area of climate change, specifically the CoR's role in the 'Covenant of Mayors', and the second concerns the RegHubs initiative. In this context the Committee, representing all levels of sub-national governance, needs to constantly balance a wide variety of interests and perspectives, and overcome its internal geographical, structural, political and cultural cleavages. In seeking to achieve this, the position of the CoR as a player with a consultative role in the EU's institutional system enables it to experiment with new forms of cooperation, thereby also promoting direct contacts between its members and their territorial units, and fostering an understanding of shared interests and endeavours. In this regard, it is argued, practical multi-level governance beyond the structures formally foreseen by the Treaties helps to find common solutions and make the European project more resilient to internal and external crises.

The European Committee of the Regions as Institutionalised Multi-Level Governance

When the Committee of the Regions was created during the inter-governmental conference that led eventually to the Treaty of Maastricht in 1993, the concept of multi-level governance had not yet been 'codified' in the academic literature, let alone in the political discourse – in fact, when coining the term, Gary Marks and Lisbet Hooghe referred to 'the Maastricht debates' (Marks 1993; Piattoni 2009) as its origin. In trying to determine how a committee to represent sub-national levels of governance should be structured in terms of membership, it became clear early on that the CoR itself would have to contain more than just one level of governance – whether or not this took the form of two separate chambers (Wassenberg 2020; Warleigh 1999). Yet some thought the diversity of members' institutional roles, representing local, provincial or regional authorities at either legislative or executive levels according to each EU member state's preferences, would be a potentially debilitating weakness rather than a strength (Christiansen 1996). Based

1 <https://cor.europa.eu/en/our-work/Pages/network-of-regional-hubs.aspx> (CoR 2019c)

on the initially narrow set of policy areas for which the CoR was given the right of 'mandatory consultation', and the widely diverging degrees of competence in these policy fields between different sub-national levels in different member states, it was presumed that the CoR could only ever provide lowest-common denominator suggestions that it would be all too easy for the other EU institutions to ignore (Hönnige/Kaiser 2003). Moreover, in view of the duality of its organisation into national delegations and political groups (Pazos-Vidal 2019), the CoR's weak institutional basis as an offshoot of the European Economic and Social Committee, and the EU's absorption with larger issues, notably enlargement and subsequent treaty changes, it seemed unlikely that the Committee would be able to exert significant influence.

With the benefit of hindsight, however, the CoR's institutional development appears quite different: In fact, each change to the EU Treaties (the 1996 Amsterdam reforms, Nice 2000 and, most importantly, the Convention on the Future of Europe that eventually led to the Treaty of Lisbon in 2009) has brought a gradual growth in the CoR's areas of competence and institutional standing. In particular, the recognition of the CoR's right to defend its own prerogatives before the European Court of Justice and its role in defending the principle of subsidiarity not just politically, but also legally (see below) following the Lisbon Treaty, mark significant steps (Schönlaue 2017). Moreover, the Committee has managed to increase its institutional capacity significantly over that period in terms of internal organisation, administrative structures, staff and budget (Piattoni/Schönlaue 2015). While certain goals formulated by the CoR early on in this regard (such as the formal recognition as an 'EU institution', for example) have not yet been achieved, some recent observers do agree that the body's ability to aggregate the views and experiences of sub-national levels, and to feed them into the EU policy process through both formal and less formal means, has seen noticeable improvements (Decoster et al. 2019; Pazos-Vidal 2019).

These advances in the CoR's capacity and standing have been achieved, not least, because of the 'institutional activism' of the Committee's members and administration (Schönlaue 2017), and are a result, in several instances of the development and testing of new forms of activity aimed at increasing the CoR's expertise and credibility on specific subject matters. Combining this with the conscious construction of political connections, the CoR's networking opportunities in the EU's institutional system and the CoR members' claim to legitimacy as democratically elected representatives of sub-national governments, it has gradually been possible to increase the visibility of the CoR and its recognition by the other EU institutions. While it remains a challenge for the CoR to adequately respond to the dual and sometimes conflicting expectations of providing both technical information (for instance on the impact of EU legislation on the ground) and a distinct form of additional democratic legitimacy (Christiansen/Lintner 2005; Piattoni/Schönlaue),

a balanced combination of the two seems to be increasingly appreciated by the European Commission and the European Parliament.

These trends have indeed been increasingly visible in recent years, as a result of the multiple crises and political challenges that the EU is facing. Given the complexities of regulatory and policy-making tasks in various areas, where political contestation, diverging national interests and limited problem-solving capacities at several levels require ever more sophisticated coordination and interaction, the other EU institutions are increasingly aware of the need to involve sub-national authorities with their distinct experiences, capabilities and legitimacy, and the CoR is seen as one of the useful conduits for that. This is why we are now turning to two separate and quite distinct examples of CoR activism, which each in their turn show how concerted and institutionally aggregated input from the diversity of sub-national structures in the EU member states can be used to reinforce multi-level governance in the service of European integration.

The CoR and Multi-Level Climate Action²

The range of activities aimed at addressing climate change is a good example of how the CoR has tried to put the rather abstract concept of multi-level governance into practice in a specific policy area. This applies in particular to its role in supporting and promoting the Covenant of Mayors. The idea that sub-national actors and networks play a crucial role in developing and implementing action to mitigate climate change was on the agenda long before the Lisbon Treaty added climate change to the areas of 'mandatory consultation' for the CoR (Betsill/Bulkeley 2007). Since its first opinions on the Kyoto protocol (CoR 1997), the Committee has moved from general assertions of the role that local and regional authorities should play in climate policy, to more concrete demands and proposals on being directly involved in policy shaping and implementation. Already in the 1997 opinion, the CoR called for support for the *coordination* of local and regional climate initiatives at EU level and coordinated surveys of local energy consumption and greenhouse gas emissions as a basis for setting local targets (CoR 1997: 4.8).

Initially, however, it seems to have been difficult to get the European Commission to follow these suggestions: in its 2001–02 opinion on the proposed Council Decision on EU ratification of the Kyoto-Protocol, the CoR complained that its 'proposals for initiating a dialogue with local and regional authorities [...] have largely been ignored by the Commission' (CoR 2001: 2.1), and in the following years the

2 The following section builds in large parts on Schönlaui, J. (2017). 'Beyond mere "consultation": Expanding the European Committee of the Regions' role', *Journal of Contemporary European Research* 13/2, pp. 1166–1184, in particular pp. 1177–79.

enthusiasm for concrete steps to involve cities and regions directly in EU climate governance via the CoR seems to have diminished, even within the CoR itself. Interestingly, the impetus for the next steps in this direction came from the European Commission, rather than the CoR: in the EC's 2006 Action Plan on Energy Efficiency, the idea of a Covenant of Mayors was launched, to bring 'together in a permanent network the mayors of 20-30 of Europe's largest and most pioneering cities'. (European Commission 2006 545: 18). Di Martino notes in this context that the Committee of the Regions was subsequently even 'invited by DG-TREN to implement the Covenant, running its central office and through it the Covenant relations with regions and cities', but declined this invitation (Di Martino 2012: 3).

The European Commission's idea of involving just '20-30 mayors of Europe's largest and most pioneering cities' did, of course, create certain problems for the Committee of the Regions, which represents not only large cities, but also smaller ones, as well as regions and intermediate authorities of various sizes and competencies. Moreover, there were probably also some general reservations in the CoR regarding the available administrative, financial and human resources within its own structures, which may explain why the CoR did not accept the Commission's offer to run the Covenant. The Covenant of Mayors thus was launched in 2008 officially in partnership between the Commission and the CoR, but administered, under a contract granted by the European Commission, by a consortium of EU-level NGOs.³

Soon after the Covenant was established, the CoR, in this position of not being directly involved, but rather supporting the Covenant in institutional terms, adopted an opinion entitled 'How Regions Contribute to Achieving European Climate Change and Energy Goals, with a Special Focus on the Covenant of Mayors'. In it, the CoR expresses its political support, but also raises some of its key concerns: specifically, it insists on the need 'to make explicit the opportunity for *all* sub-national authorities, including regions, to be members' (CoR 2008: cover page; emphasis added) and calls for local action plans to be embedded in 'regional and national plans' (ibid), thus highlighting the challenge of ensuring coordination and synergies across the multiple levels of governance that need to be involved.

Since the launch of the Covenant in the run-up to the Copenhagen COP15 UN Conference of Parties in 2009, the Committee of the Regions has consistently sought close contact with, and provided political support for, the Covenant. Yet it has also tried in parallel to assert its institutional role by demanding a stronger role for cities and regions in all aspects of EU climate policy (including adaptation to climate change, as well as source-based measures in areas such as energy, agriculture

3 The "Covenant Office" is run jointly by Energy Cities, CEMR, Climate Alliance, EUROCITIES, FEDARENE and ICLEI Europe (Covenant of Mayors 2019a).

and biodiversity), and by sending CoR delegations to every year's COP negotiations (CoR brochure 2009b). The CoR has also adopted resolutions every year, which form the basis for the political activities of the CoR-COP delegations. At the same time, it has enhanced its institutional cooperation with the European Commission, the EP and other EU institutions and network partners. The Committee is also active in trying to promote the very idea of Covenant-like structures, not just in opinions dealing directly with climate change and energy policy, but also in other policy areas, such as resource efficiency, noise and water management (CoR 2015a; CoR 2012; CoR 2011).

The COP 21 agreement made at Paris in 2015 and the ensuing debate about the implementation of the Paris commitments within the EU has triggered a new phase of activity around the Covenant. In its opinion on the future of the Covenant (CoR 2015a), the CoR not only committed to become more active in spreading the idea of the Covenant beyond the EU's borders, but also to create a network of CoR 'ambassadors' for the Covenant (CoR 2015a: points 14, 19). By means of this structure, which was formally launched by the Committee of the Regions together with EU Commissioner on Energy, Miguel Arias Cañete, in June 2016, CoR members representing territorial units that have signed up to the Covenant have agreed to explain and promote the initiative to their peers at local and regional level, aided by information material provided by the Committee of the Regions.⁴

In preparing the launch of the Covenant Ambassadors, the CoR had also carried out a consultation of its own networks of local and regional authorities to identify their needs and expectations of a future Covenant. It also commissioned a substantial study on technical issues of 'Multi-level governance and partnership practices in development and implementation of Sustainable Energy Action Plans (SEAPs)', which are the central element of Covenant signatories' commitments.⁵ In parallel, the Committee of the Regions has also pushed, through its own opinions and a series of events and activities, to have the central issue of energy poverty recognised at European level and included formally in the Covenant of Mayors. This, in fact, did happen in 2016, acknowledging the crucial impact that climate action may have at all levels of society.⁶

In the more general context of promoting genuine multi-level governance in climate policy in the European Union, not exclusively linked with the Covenant of Mayors, but closely related, the Committee of the Regions has argued since 2017

4 ⁸⁴ <http://cor.europa.eu/en/news/Pages/Local-and-regional-leaders-become-new-EU-climate-action-ambassadors.aspx> (CoR 2019d; accessed July 2, 2019)

5 The CoR report is available at <http://cor.europa.eu/en/events/Documents/SEAPpdf> (accessed 2 July 2016)

6 See the Covenant website at <https://www.covenantofmayors.eu/support/energy-poverty.html> (Covenant of Mayors 2019b)

for the idea of a system of 'locally determined contributions' (LDCs) to complement, and to be recognised as part of, the 'nationally determined contributions' to CO₂ reduction which form one of the central pillars of the Paris Agreement (CoR 2017). This call, which has also been taken to the various COPs, was most recently reiterated in the context of the debate about the EU member states' Integrated National Energy and Climate Plans (INECPs), which constitute the building blocks of the EU's collective contribution under the Paris Agreement rulebook. Once again, the CoR is demanding consistent and early involvement of local and regional authorities in the elaboration of these plans, as well as recognition of their roles in delivering them and targeted support for a range of sub-national actors in order to build consistent multi-level governance (CoR 2019a).

In view of the ongoing review of the Covenant of Mayors, which has been carried out ahead of its first target deadline in 2020, and as a means of adapting the Covenant to the rapid evolution of EU and global climate policies, the CoR was also compiling new suggestions for the further development of the Covenant (CoR 2019b). Considering the remarkable success of the Covenant in terms of signatories (more than 9500 by 2019), but also some concerns about its geographical balance (the spread of Covenant signatories is rather uneven, ranging from just 74 in Poland, to more than 4800 in Italy),⁷ and the ability and willingness of all signatories to sign up to more demanding targets for 2030, the Committee insists on the need for more coordinated action from the European Union to support the signatories, and particularly smaller communities. The CoR has also successfully lobbied to involve regions in the Covenant structures, giving them special tasks to coordinate the participation of 'their' cities, towns and villages, thus bringing to bear the Committee's own representation of multiple and diverse layers of governance.

This example of the CoR's activity in the area of climate change serves to illustrate how the institution managed to exploit 'opportunity structures' (in the shape of the European Commission's recognition of the role of local and regional authorities in developing and implementing climate policy) and to progressively gain attention and build credibility as a partner (Princen 2011). This made it possible for the CoR to enhance its own political and institutional role as part of the EU's policy-making structures, while also promoting the very concept of practical multi-level governance. The issue of climate change as an emerging and rapidly developing policy area for the European Union provides particularly fertile ground to experiment with new solutions, and for a relatively new player such as the CoR to bring both the local expertise of its members and their political capital into an institutional framework of multi-level governance, thereby also expanding its own role.

7 Figures taken from the Covenant's own website <https://www.covenantofmayors.eu/about/covenant-community/signatories.html> (Covenant of Mayors 2019c)

The RegHubs and Implementing 'Active Subsidiarity'

The CoR's pilot project of a 'network of regional hubs for EU policy implementation review (RegHubs)' is a second area of activity where the CoR's role as an important link between the multitude of sub-national entities in the EU and the EU institutions is visible.⁸ The project was launched in 2018 as a follow-up to the CoR's participation, with three members, in the European Commission's task force on subsidiarity and proportionality, and aims to promote the new notion of 'active subsidiarity' developed by the Task Force (Lambertz 2018). In fact, the Committee of the Regions has seen itself as an important institutional player in the attempts to fill the EU's contested notion of subsidiarity with life from its beginnings in 1993 (contemporary with the inclusion of 'subsidiarity' in the EU Treaties) (Piattoni/Schönlaue 2015: 91-98). Moreover, for the CoR, subsidiarity has always been closely linked to the concept of multi-level governance; from the CoR's perspective, both include all levels from the local to the EU, not just the division of competencies between the EU and the member states (Piattoni/Schönlaue 2015: 49-54).

The particular institutional role of the Committee in this respect was, of course, formally recognised with the addition of the explicit reference to local and regional authorities in Art 5 (3) of the TEU and the addition of 'Protocol No2' on subsidiarity to the Lisbon Treaty. These grant the CoR the right to take action before the European Court of Justice in cases of presumed breaches of subsidiarity (interestingly not on proportionality!). In an attempt to operationalise this role, and to feed into the subsidiarity-compliance assessment through CoR opinions, in 2007, the Committee created a network of regions, intermediary and local authorities (at legislative or executive level), national parliaments, regional associations and other partners who voluntarily participate in subsidiarity assessments based on a 'grid' of questions developed by the CoR administration (Piattoni/Schönlaue 2015; Lambertz 2018). These consultations should, in parallel to the Early Warning Mechanism for National Parliaments, provide the basis for delivering political messages on subsidiarity compliance, and, in extremis, for legal action by the CoR. Yet, similarly to the national parliaments' role, the CoR has only very rarely formulated concrete subsidiarity concerns supported by a majority in its plenary, and only in two concrete cases has even 'threatened', but never taken, legal action (Pazos-Vidal 2019).

This situation, and the debate about whether it proves that the subsidiarity principle is, by-and-large, respected by the EU's legislative action, or rather that the subsidiarity control systems are ineffective, formed the backdrop to EU Commission President Jean-Claude Juncker's 2017 initiative to launch a Task Force (TF) on subsidiarity and proportionality under the leadership of Commission 1st Vice President Frans Timmermans. The TF was to be composed of three representatives

8 <https://cor.europa.eu/en/our-work/Pages/network-of-regional-hubs.aspx> (CoR 2019c)

each of the European Parliament, the national parliaments and, significantly, the Committee of the Regions (Juncker 2017). While the European Parliament decided eventually not to participate in the exercise, the Committee of the Regions, in the persons of its president, Karl-Heinz Lambertz, the chairman of its own subsidiarity steering group, Michael Schneider, and the 1st vice-president of its Commission responsible for governance issues, Francois Decoster, took up the opportunity enthusiastically (Lambertz 2018). The Task Force elaborated a series of recommendations and proposals during its six-month term, which were published in July 2018 (European Commission 2018a) and further discussed in a European Commission Communication on subsidiarity and proportionality (European Commission 2018b) and in the Commission's 2019 report on better law making (European Commission 2019). Both in the assessments of those directly involved in the task force (Lambertz 2018, Schneider 2019), and upon analysis of the CoR's contributions to the debates of the task force, it appears that the Committee's representatives did have a substantial impact on the overall results. In fact, numerous recommendations of the TF are addressed directly to the CoR (eight out of 36 proposed 'follow-up actions'), or to local and regional authorities (15 out of 36) (Lambertz 2018: 83).⁹

Among these recommendations, No 8 is particularly relevant for our investigation. It calls on the European Commission to 'develop a mechanism to identify and evaluate legislation from the perspective of subsidiarity, proportionality, simplification, legislative density and the role of local and regional authorities' (European Commission 2018a: 20). The proposed follow-up actions contained within this recommendation include the suggestion that the 'Committee of the Regions should launch a pilot project for a new network of regional hubs to collect and channel systematically the views and hard information about the implementation of legislation' (ibid). This proposal, put forward by the CoR members themselves in the TF, now forms the basis for the pilot project set up in late 2018 (CoR Bureau Decision of 08.10.2018). Under this project, the Committee has called primarily for regional authorities to put themselves forward with a commitment to cooperate in the network. According to a method similar to that used in the subsidiarity monitoring network, the CoR has develop detailed questionnaires on issues arising from the implementation of existing EU legislation. The network partners each identify a 'contact point', who is responsible for linking with a variety of stakeholders in each region (not only the relevant parts of the administration, but also associations, research institutions and civil society organisations involved in, or affected by the legislation in question) and compiling the answers (RegHub Code of Conduct).¹⁰

9 The Task Force report contains five broad 'conclusions', nine 'recommendations' and no less than 36 'follow-up actions' to be taken by various institutions.

10 Available at <https://cor.europa.eu/en/events/Documents/ECON/reghub.pilotphase.codeof-conduct.final.pdf> (CoR 2019e)

The pilot project (for the years 2019-20) foresees the development of a working programme by the CoR under the guidance of its political 'subsidiarity steering group' in which all five political groups in the CoR are represented, in dialogue with the network partners. At least three consultations are foreseen per year. The responses to the selected topics (at the time of writing, a first consultation on public procurement has been concluded and a second one on cross-border healthcare is under way) are to be discussed among the network-representatives in workshops organised (and funded) by the Committee of the Regions, and then compiled into a technical implementation report to be transmitted to the European Commission.¹¹ The CoR clearly hopes that, if the pilot phase is evaluated positively and the results and input from sub-national governments are considered useful, the RegHub network could eventually be expanded to cover all EU member states and a much larger number of regions. For the pilot project, the CoR received 53 applications involving 88 regions, and selected 36 participants covering 18 member states. Such an extension would, however, require direct administrative and financial support from the European Commission, both for the processing of the input at EU level, and to assist smaller and administratively weaker sub-national units in participating.

While it is still early to judge on the final outcome of the consultation processes and the evaluation of the usefulness and feasibility of the pilot project both in terms of time and of geographical and thematic reach, the example of the RegHubs shows how the idea of involving local and regional authorities through the CoR more directly in EU policy making is taking hold. Following on from the intense debates in the TF on subsidiarity and proportionality, where the CoR was responsible for a key part of the operational input and ideas,¹² and where it was somewhat disproportionately represented with three out of six task force members due to the European Parliament's decision not to join, this pilot project seeks to demonstrate the added value of multi-level governance in action. By focusing on the retrospective evaluation of difficulties faced by a range of sub-national players in implementing EU legislation, the CoR aims to tap into the first-hand experience of the network partners. It is also actively promoting the creation of sub-networks involving a number of institutional and non-institutional actors, in the interest of improving the effectiveness and thus also the legitimacy of European policy making.

11 See the section of the RegHub Website titled 'How does it Work?' At <https://cor.europa.eu/en/our-work/Pages/network-of-regional-hubs.aspx> (CoR 2019c)

12 See the CoR's own website on its contributions to the Task Force, at <https://portal.cor.europa.eu/subsidiarity/TaskForce/Pages/welcome.aspx> (CoR 2019f)

Conclusion: Multi-Level Governance to Meet the Challenges of Diversity and Complexity

The European Committee of the Regions reflects in its composition and the multitude of views, experiences and propositions of its 350 members (and 350 alternate members)¹³ the diversity of sub-national governance in the European Union. While being conceived, and often expected, to deliver 'the view' of the EU's cities and regions, it has to try to aggregate and balance these differences through democratic processes and transform diversity into constructive and concrete policy action to promote effective multi-level governance, and through it the legitimacy of the European integration process. Being formally limited to an advisory function, the CoR has sought over the years to expand its impact on EU policy making in various ways. This chapter has presented two examples of this, both of which build on the same resources (i.e. the experiences and the political legitimacy) belonging to a range of sub-national structures of governance, which the CoR seeks to bring to bear on different parts of the EU's functioning.

The current debates on the EU's emerging and rapidly evolving climate policy require innovative tools to involve villages, cities, provinces and regions in the extremely complex processes of transition that are necessary. Through its involvement in, and support for, a structure like the Covenant of Mayors, the CoR, in close cooperation with the European Commission and key stakeholders at EU level, tries to push for appropriate mechanisms of multi-level governance to be built, involving not just the European, but also the national and global levels. The potential of cities and regions across the EU to experiment with new solutions on climate change and the still constantly changing policy frameworks allow the CoR to build on its own role and experience as a network facilitator and communication channel.

At the same time, the ongoing discussions on the EU's legitimacy and in particular its respect for the principle of subsidiarity have directed the CoR's attention towards a different aspect: the question how to open the 'black box of EU law in action' (Versluis 2007). By offering to set up a network of institutions and organisations affected by EU legislation in order to gather first-hand information on its implementation at the lowest levels, the CoR underlines the need for effective communication and information links vertically across all levels. While this activity is so far just a pilot project, it seems to hold significant potential to build new structures, which could significantly reinforce traditional notions of multi-level governance.

Based on these two examples, the Committee of the Regions indeed appears to be a significant agent in efforts to institutionalise multi-level governance while reaping the benefits of regional diversity, and thus to support the good functioning and ultimately the legitimacy of the European integration project.

13 After the Brexit the CoR has now 329 members and 329 alternates.

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