

RECON Online Working Paper 2010/10

The Committee of the Regions

The RECON Models from a
Subnational Perspective

Justus Schönlau



Justus Schönlau

The Committee of the Regions

The RECON models from a subnational perspective

RECON Online Working Paper 2010/10

June 2010

URL: www.reconproject.eu/projectweb/portalproject/RECONWorkingPapers.html

© 2010 Justus Schönlau

RECON Online Working Paper Series | ISSN 1504-6907

Justus Schönlau works as a political advisor to the PES group in the Committee of the Regions. E-mail: justus.schonlau@cor.europa.eu.

The RECON Online Working Paper Series publishes pre-print manuscripts on democracy and the democratisation of the political order Europe. The series is interdisciplinary in character, but is especially aimed at political science, political theory, sociology, and law. It publishes work of theoretical, conceptual as well as of empirical character, and it also encourages submissions of policy-relevant analyses, including specific policy recommendations. The series' focus is on the study of democracy within the multilevel configuration that makes up the European Union.

Papers are available in electronic format only and can be downloaded in pdf-format at www.reconproject.eu. Go to Publications | RECON Working Papers.

Issued by ARENA

Centre for European Studies

University of Oslo

P.O.Box 1143 Blindern | 0317 Oslo | Norway

Tel: +47 22 85 87 00 | Fax +47 22 85 87 10

www.arena.uio.no

Abstract

The Committee of the Regions is a relatively young institution in the European Union context. Since having been set up by the Maastricht Treaty, it has gone through an interesting development which saw an increase in its consultative role, an important expansion of its remit and also its resources, and a number of new initiatives in trying to act as the platform and voice of local and regional interests in the EU policy process. The present paper tries to evaluate the CoR's trajectory through the prism of the three models of EU democracy development (audit democracy, multi-national federal democracy and regional-European cosmopolitan democracy) as developed in the RECON project. It is argued that the sub-national level has to be directly involved in the EU structures in any attempt at 're-constituting' democracy at EU level. The Committee of the Regions as it stands today does have elements of all three models of democracy in it, and these different features seem to pull the Committee in different directions at times. It emerges clearly from this analysis, however, that the CoR has an important role to play in an EU conceived as a genuine multi-level system of governance.

Keywords

Committee of Regions - Democracy - Institutionalisation - Political Representation - Regional Policy - Subsidiarity

Introduction

The Committee of the Regions (CoR), which celebrated its 15th anniversary in 2009 was *prima facie* created to improve one of the perceived democratic short-comings of the European Union (Eriksen and Fossum 2007).¹ The general background to this move, and its more detailed democratic implications are the subject of this enquiry. Since having been created by the Maastricht Treaty in the image of the European Economic and Social Committee (EESC) as an advisory body, the CoR has sought to capitalise on its role as the most visible institutional expression of the subnational level of governance in the emerging 'multi-level governance' system in the EU, in order to establish itself as a player in the legislative process and to strengthen its role vis-à-vis the other institutions. It has pushed for an increase in the scope of its advisory function, as well as trying to expand its remit beyond this advisory role. It has also taken important steps with regard to its internal organisation and links to other institutions and stakeholders to broaden the range of its activities. In this sense, the CoR has seen considerable change to its institutional structure and role over the period of its existence.

This paper seeks to establish what the reasons for, and dynamics of, this development have been, and what they tell us about the kind of democracy that is emerging at the European level. In order to understand this process, the present essay will look at the CoR's trajectory so far with the three models of European democracy that have been developed for the RECON project in mind (audit democracy, multi-national federal democracy and regional-European cosmopolitan democracy) (*ibid.*). The three models are proposed as possible schemes for an eventual 're-constitution' of democracy at EU level, in order to meet the dual challenge of globalisation and ensuring legitimate governance in Europe. The three different visions of democracy lead to different institutional and organisational requirements for the emerging EU polity in order to be democratic. It is clear that the existing European Union represents a complex mix of different elements of the three models, and its institutions embody compromises (and confusions) between them.

The question for this essay therefore, is, where the CoR stands exactly with regard to these models, and whether changes to the CoR over the first decade and a half of its existence give indications as to the direction towards which model the CoR is moving. This in turn would of course be an indication as to the development of the EU as a whole, with regard to its democratic structure. Given the relative newness of the CoR, and the 'malleability' of its institutional terms of reference, it seems a worthwhile exercise to locate it on the conceptual map of the wider EU-democracy debate. From this it will emerge that the Committee of the Regions is subject to different and sometimes opposing pressures as far as its role and position in the system is concerned. In fact, while the European Union as a whole has clearly moved beyond a mere audit-democracy structure, the CoR still shows some features which suggest that it originally might have been conceived in this optique. Yet at the same time, other logics are also visible, which show that the Committee is an integral and

¹ Dr. Justus Schönlaue works as a political advisor to the PES group in the Committee of the Regions. The views expressed in this paper are the author's personal opinion. The author would like to express his gratitude and appreciation to Ben Crum, John Erik Fossum, Matthieu Hornung, Gerhard Stahl and Alex Warleigh for comments and suggestions received on different drafts of this paper.

changing part of the complex European democratic sphere. In any case, the overall consolidation of the subnational element in EU decision-making (not least embodied by the CoR itself) indicates clearly that any model of EU democracy has to be sensitive to the multi-level nature of the polity and the complexities that this entails.

The paper will therefore briefly set out the three models and then trace the stages of the CoR's appearance on the European scene and the development of its mandate, membership and institutional position in relation to them. The account will focus on some particularly telling features of the institutional developments, such as the status and role of CoR members, the changes to the CoR's consultative remit (Treaty provisions), and the body's growing involvement in a series of other activities. In particular, three recent and/or ongoing initiatives on subsidiarity monitoring, the drafting of a white book on multi-level governance, and in the field of relations with non-EU countries will be examined in relation to the three models of democracy. By linking the changes in these areas to the three models, it will become possible to show in how far the CoR's development reflects broader tendencies in the evolution of EU democracy, and how the combination of elements from the different models makes up the status quo, and therefore also the likely future trajectory of the Committee of the Regions.

Three models of European democracy

The crucial question of how European integration shapes democracy, and is in turn affected by democratic decisions, is the starting point for trying to understand the complexity of European institutions today, and in this concrete case the existence and development of the Committee of the Regions. As European integration has 'widened' (in geographical but also functional scope) and 'deepened' (in the way it impacts on its constituent elements, and ultimately on the citizens), the question of democracy has become ever more urgent, and the process of ongoing institutional reform of the European Union at least since the early 1990s can be read as an ongoing attempt to reformulate the democratic balance necessary to sustain the integrated EU.

At a theoretical (as well as at institutional/political) level, the insight has matured that new concepts and ideas are necessary to conceptualise the democratic nature of the EU-polity, and a great many descriptions and prescriptions have been advanced, but no comprehensive and uncontested notion of EU-democracy and what it would require in empirical terms has yet emerged. The RECON project takes this situation as a starting point and tries to contribute to the ongoing debate by setting up three models on how the 'functional and normative requirements' of democracy could be reconciled at European level (Eriksen and Fossum 2007). The idea is to understand how different versions of democratic governance would require different institutional arrangements, and how this in turn would shape the kind of political structure that could be created at EU level. Given that the EU in its present state contains elements of all three models, which breeds democratic inconsistencies and even contradictions, the conceptualisation of the models also gives indications of which kind of 're-configuration' of the EU structures would be necessary to create an internally coherent system corresponding to one or the other model. Trying to locate the CoR in relation to the three models is therefore going to shed some light on the kind of democratic regime that currently exists, and what role the subnational level of governance would have to play in any re-configured EU democratic system.

The three RECON models focus on how the 'basic democratic principles of autonomy and accountability' can be realised in a political structure beyond the (nation) state, i.e. the European Union. The problem is, of course, that both 'autonomy' (as the requirement that those who are affected by a decision participate in making them) and 'accountability' (that those who make decisions can be asked to justify them by giving reasons and can ultimately be removed from the decision-making position) are traditionally premised on state-structures in order to become functional. In the case of the EU, the relationships between the subjects of the democratic process (the citizens) and the styles, scope and sphere of collective decision making are many, complex and often uneven², because the member states continue to play a key role as the traditional repositories of democratic structures and legitimacy, but at the same time both subnational and supra-national actors increasingly challenge the states' monopoly in this respect.

In the attempt to find a sustainable balance for a democratic European system, it is therefore necessary to decide which level of democratic legitimacy is required for how much (and how far-reaching) collective decision-beyond the nation state. This in turn depends on what kind of collective action problems are identified and the kind of solutions they require: if there were only a few, well defined and commonly agreed issues which require collective decisions between the EU member states, it would be possible and indeed most effective to solve these by intergovernmental agreements; if the number and nature of the problems is greater and/or contested and changing over time, but the general agreement is that only collective action can respond adequately, then it might be necessary to set up collective structures which can shape consensus and develop common solutions, but which in turn will also require independent legitimacy in order to make these solutions acceptable; if, finally, the scope of the perceived challenges is not just continental but global, and the ultimate aim is not just a solution to the problem at hand but rather the realisation of some kind of universal principles, it will be necessary to take some steps (be they intermediary) towards global democratic structures and procedures.

Departing from this admittedly simplified conceptualisation, the three RECON models try to formulate the democratic consequences for each of the three scenarios. In the first case, this would entail a classical intergovernmental structure in which the member states would be firmly in control and would delegate decisions only in concrete cases and in as far as they (i.e. the decision-makers at national level) perceive efficiency gains in concrete collective solutions. This implies that each member state would have veto power at least on those decisions which are considered 'important', and that democratic control is exercised primarily in the national context over the national decision-makers. This model is termed 'audit democracy' because the national democratic structures are auditing, (possibly 'together with transnational and/or supranational institutions such as a court and an executive') (Eriksen and Fossum 2009: 18), the compatibility of collective decisions with (nationally defined) democratic requirements. A 'reconstitution' of the EU to create a real 'audit democracy' of this kind, according to Eriksen and Fossum, would require a substantial 'down-scaling' of the existing Union's democratic and political activity, and a significant re-enforcement of the structures to audit the exercise of delegated national powers by EU institutions.

² For these dimensions of democratic legitimacy, see Bellamy and Castiglione (2002).

The second model, referred to as the 'federal multinational democracy', assumes that an additional level of democratically legitimate authority is possible beyond (and in addition to) the nation state, and that this level would have its own structures of democratic control, '[...] capable of sustaining an identity-building process [...]' in its own right, which are the expression of a common set of European values (Fossum and Crum 2009: 115). This would most likely be realised in the form of a democratic federal state with the appropriate representative structures for each respective level of decision making. The key challenge then would be how to link these structures to each other and to those which continue to exist nationally, and how to ensure that the complexity that ensues does not remove the functioning of these structures from democratic control. In institutional terms, it raises the question of what role and influence a body bringing together subnational levels of governance would and should play at the federal level, i.e. how the CoR would be linked to, and interact with, the European Parliament and how different kinds of representation could be reconciled within such a system.

Even though a classical federal understanding of a rigid hierarchy between different levels of governance would indeed allow for the creation of new (supra-national) institutions of democratic control, it is argued that the European Union for a number of historical, political and structural reasons cannot be expected to comply fully with this model (Eriksen and Fossum 2009: 23). While the EU has certainly developed key supranational institutional features (including democratic ones), its internal heterogeneity and cultural diversity so far have prevented it from becoming a fully-fledged federal structure. One of the most visible elements testifying to the difficulties of federalism in the EU is in fact the continued hold that the nation states exercise over key means of democratic legitimation.

Moreover, the diversity among EU member states with regard to the definition and relative power of subnational entities of governance also shows that any multi-level hierarchical system will be highly imbalanced within the Union. A 're-constitution' of the Union in this sense would therefore require the removal of some of the 'inconsistencies' currently embedded in the system which has developed over the years as a compromise of intergovernmental and supranational elements. In particular a strengthening of the (independent) democratic control bodies, notably the European Parliament, but possibly also a re-organisation of many member states with regards to their internal structures of democratic control at subnational level would be necessary to bring the EU structures in line with a federalist logic. This would mean not least removing the national veto-power at EU level *and* strengthening the hierarchical relationship between the different levels of governance (local-regional-national-European) in order to ensure enforcement of EU-level decisions by the lower layers. In terms of democratic control, this would also require a re-balancing of the different claims to democratic legitimacy of the different levels. Politically such a scenario is currently rather unlikely, as the difficulties in ratifying the EU-Constitution/Lisbon Treaty, which contains some very modest steps in this direction, have shown, not least because the changes which are involved have in fact very different consequences for different member states, depending on how centralised or decentralised they currently are.

The third model takes the supra-national element one step further and envisages the European Union as a 'regional' structure within a 'cosmopolitan democratic' order. The EU with its own complex democratic structures is seen as an intermediary

element of a global order geared towards the realisation of universal values (such as a commitment to human rights and global democracy). It would, however, be functionally more limited than the federal model, i.e. concentrating on fewer policy areas, and would rely for its democratic legitimation on interlinking representation of a number of different *demos* through representative institutions at different levels (regional, national, European) (Fossum and Eriksen 2009: 34). While there are some elements of the European Union which might be understood from such a perspective (see below), it still remains to determine at a theoretical level, where precisely the subnational level in its multitude of democratic forms within the European Union would fit into such a system.³

In any case, at a practical level key problems in applying such a system would be the question of how enforcement can be organised globally while nation states are still generally holding on to the 'monopoly of force', and what kind of accountability structures could ensure democratic participation and control in such an even larger (and more complex) system, where the EU would be just one, albeit the most advanced, regional entity. For the purposes of this investigation, it is also important to note that the subnational level would be even less visible in this scheme than in the other two models, for mere reasons of scale. A possible 're-constitution' of the European Union in a cosmopolitan sense would first of all necessitate a clear commitment to global institutions (and an agreement as to the EU's role within them), as well as the development of similar 'regional' groupings in other parts of the world. It would also mean that a new balance of authority and compliance would have to be found in a multi-level global order, which would almost certainly entail an overall weakening of the nation-state level.

It has to be noted here that all three models, in the form in which they have so far been presented, are rather underdeveloped to the precise role and location of subnational levels of governance – not least because in all three models the nation state (and the democratic assumptions which have historically been associated with it) are considered as key reference points. At the same time, it is clear that in all EU member states, subnational levels of governance exist and in some cases these levels do possess, sometimes very considerable, resources of democratic legitimacy, not only, but most visibly of course in the federal member states. Moreover, in recent decades the process of European integration itself has fostered processes of decentralisation or even devolution in some member states, increasing the pertinence of subnational levels of democracy. In trying to establish which democratic structures would be necessary at EU level in order to ensure a stable democratic regime corresponding to the three models, this subnational level will have to be recognised and included. Otherwise, any move towards European integration would automatically entail a loss of democratic quality. It is therefore not surprising that in the EU itself, the idea of a multi-level system of governance has become so important – even though, or maybe because it is by no means clear, how precisely the different levels would interact within such a system and how power and democratic legitimacy

³ Theoretically, the concept of 'multilevel parliamentary field' as advanced by Fossum and Crum (2009) could accommodate also subnational levels of (parliamentary) government, but it would require 'distinct functional delimitation' at each level of the field, which is not the case in the reality of some member states and certainly does not translate into clearly delimited functions at the level of members of the Committee of the Regions.

are to be distributed among them. The emergence and development of the Committee of the Regions within the EU's institutional system can be understood as one concrete, functional expression of this idea of a 'multi-level governance system' in the EU (Warleigh 1999). The three models of democracy ascribe different functions to the third and fourth level of governance, and hence to an institutional representation of these levels – which are discussed in the following.

The CoR – creating a subnational voice at EU level

The Committee of the Regions was *prima facie* created to improve the perceived democratic short-comings of the European Union (Warleigh 1999: 7). At the same time, some accounts of why the CoR came into being stress the need to placate the fears of some of the more powerful regions in particular in the decentralised/federal member states (notably Germany) that European integration would lead to an erosion of their (the regions') powers (Christiansen 1996). Given the weak enforcement powers of the European Union, coupled with the gradual development of an independent legal order at EU level (through the doctrines of supremacy and direct effect of EU law), meant that regions with strong executive powers within their national contexts found themselves more and more often having to implement EU-legislation which had been agreed to by their national governments, but which had not been agreed to formally by the regional level. This was the case even in countries like Germany, where normally the federal states via the Bundesrat have a direct say about large parts of national legislation. The Länder therefore felt increasingly that their competencies were being encroached upon by the national government. The German Länder (together with regions from some other de-centralised member states, notably Italy, Spain and Belgium), therefore put pressure on their governments in the run-up to the 1990 Intergovernmental Conference to create a channel for regional input into the EU law-making process. What they had in mind, it seems, was a structure in many ways like the second chamber of the German Parliament, with veto-powers for the regions in many areas of constitutionally or politically defined competence (Clement 1995).

If such rather ambitious ideas about the CoR as a 'Third Chamber' on a par with Council and European Parliament would have come to fruition, this would have been a significant step towards a federal democratic European Union in the sense of the second, or even the third of the RECON models – with many issues of how to organise the relationships between the different levels and their democratic representations to sort out. Yet, during the negotiations on the Treaty on European Union, it turned out that many member states, particularly some of the more centralised ones, were not keen on creating such a powerful structure alongside the Council of Ministers and the European Parliament – but rather wanted a body bringing in the subnational point of view in an advisory role without the real power to shape or veto legislation.

This approach was obviously more inspired by ideas in line with the 'audit democracy model' set out above. The regions, presumably through representatives of their elected governments and/ or Parliaments in an EU-Assembly of Regions, would help the national democratic instances, as well as the European Parliament, to hold the EU-decision-makers to account on how much, and which kind of sovereignty they could exercise at the European level. This additional input into the audit would be

based on their (the regions') own democratic legitimacy, which in turn would be either derived from the member states or based on an independent claim to legitimacy, depending on how centralised or federalised a member state was. In any case, the role of subnational levels of governance *within* each member state, and thus the distribution of power between all the levels below the national one, would clearly remain internal affairs of each member state as part of its constitutional set-up.

The conflict between the different visions about the role and scope of subnational input to the integration process outlined above, highlights one of the key problems of conceiving of multi-level democratic structures, namely the heterogeneity of the existing levels across the EU member states. The concept of 'region' (as well as other categories of subnational governance such as 'province', 'local community' etc.) is understood historically and politically in many different ways between different countries, political traditions, and concepts of democratic organisation. In that sense, bringing subnational structures into the EU's political process in any formal way was bound to raise very basic problems of democratic equality and representation. It is therefore not surprising that many member states (during the negotiations of the Maastricht Treaty) were very critical of the proposals advanced by the German Länder - using formal and democratic arguments, but clearly also defending in many cases the vested interests of national-level administrations who were, for reasons of domestic power relations, far from keen to hand over influence to subnational players in the supra-national arena (Warleigh 1999: 12-3).

In the event, a 'compromise' solution emerged in the shape of a Committee which does not just represent 'regions' but also other subnational entities of governance (to take account of the different existing systems in the member states), and which at the same time only has consultative powers. From this point of view, the federal element was weakened at the outset, which has in fact marked the CoR and its development from the beginning. Moreover, the different standing of CoR members (some are mayors of small towns, while others are 'representing' powerful regions with legislative powers) has been seen to weaken the overall impact of the body, in particular with regard to any further-reaching ambition for a stronger role of the subnational level in the EU system. Significantly, the debates surrounding these questions have continued in the Committee with respect to the mandate of its members, with regard to the extension of the CoR's institutional prerogatives in successive rounds of Treaty change, and most recently with regard to the Committee's role in 'policing' (read 'auditing') the application of the principle of subsidiarity (see below).⁴

At the same time, it is interesting to note that right from the CoR's inception, other dynamics have been observable which point more in the direction of the other two models. Rather than being opposed to the creation of yet another institution with the potential to curtail the autonomy of the supranational executive, the European Commission was a keen supporter and one of the key champions of the CoR in the IGC (Warleigh 1999: 11). The motivation for the support by the European Commission at the time was the idea that bringing regions as direct interlocutors into the EU level policy formation processes would improve the implementation of some of the key EU policies, notably the cohesion policy instruments. Since the Single

⁴ On the somewhat 'ambiguous' nature of the CoR, see Domorenok (2009: 143-63).

European Act, and the enlargements of 1981 (Greece) and 1985-86 (Spain and Portugal), the issue of inter-regional (as well as inter-member state) imbalances in economic development had become of more and more concern for the European Community, because the growing disparity between rich and poor parts of the EC was seen as an obstacle to the completion of a genuinely open single market – as well as a threat to the legitimacy of the integration project. In response, a number of new policies under the label of ‘cohesion’ had been developed, and the overall share of regional policy in the Communities budget had increased significantly.

In administering these policies, in particular after the reforms of 1988, the Commission increasingly tried to do this in direct partnership with the regions concerned – not least because it had experienced difficulties with some national level actors in implementing EC guidelines in the way they distributed the funds from the European budget (Hooghe 2006; Jeffrey 2000: 1-23). The idea to create a European-level representation of the subnational level of governance was therefore seen as a way of co-opting the latter into the development of EC policies, to increase the chance of their effective implementation on the ground, but also to improve their democratic legitimacy. In this sense, the ‘federal level’ European Commission was helping to create an additional channel of communication and potentially of influence, as part of an emerging multi-level structure. Whether it did so purely for reasons of policy effectiveness and efficiency, or with a clear federalist blue-print in mind, is difficult to establish, but it is clear that the element of democratic legitimacy was at least used as an argument: After first having set up a ‘Consultative Council of Regions’ in 1988, the Commission, in the context of the preparations for the intergovernmental conference starting in December 1990, submitted the proposal for a consultative Committee of the Regions with the following reasons:

Lastly, the Commission considers that the Intergovernmental Conference must take account of the demand for the creation of a body to represent the Community’s regions. This is an important parameter of subsidiarity. The wide variety of regional structures in the Member States precludes and will probably continue to do so, the involvement of such a body in the decision-making process. The Commission’s suggestion therefore is that pending fresh developments, it should hold regular consultations with a body representing all the regions of Europe.

(COM [1990] 600 final)

It is interesting to note here that the Commission anticipated problems because of the diversity of subnational structures in the member states. Moreover it is significant that the proposal is framed *not* in the context of regional policy or improved implementation, but as an issue of subsidiarity, and that it comes under the general heading ‘Strengthening democratic legitimacy: Relations between the institutions and the people of Europe’. The role of subnational agents in the EU decision-making process had therefore been elevated from a pragmatic to a constitutional level, in the overall context of democracy for the EU. In this logic, the creation of the CoR could be also seen in the perspective of the model of an emerging ‘federal multinational democracy’, with distinct multiple levels of democratic legitimacy, which need to come together in a cooperative fashion at the ‘federal’ level. The question of course remains, whether the reference to the concept of ‘subsidiarity’ in this context is rather an expression of the pressure (in an audit-democratic sense) from below, or whether subsidiarity is understood as a tool within a federal system to ensure the ‘correct’

allocation of decision-making powers and thus to sustain legitimacy of the system as a whole.

The CoR in operation – which model of democracy?

The membership

The Committee of the Regions, based more or less on the Commission's proposals, was thus included in the Maastricht Treaty and based on the formula of a fixed number of representatives per member state, corresponding to that of the EESC,⁵ with the member states deciding how to distribute them between different subnational actors. It is interesting that the formula on the CoR members' democratic mandate in the Treaty came to be *weaker* than originally proposed by the Commission. The Commission (one could argue in a federalist logic of giving a strong voice to the subnational level) had argued that CoR members should be only 'democratically elected representatives' of their respective levels of governance. Especially the German Länder, however, wanted to open the Committee for officials representing high-level politicians (Von Amels 1995). The logic (from a domestic federal perspective like the German one, but shared also for instance in the case of Spain) behind this move was that high-ranking regional politicians (minister presidents of the Länder) would nominally take the seats in the Committee and thus underline their claim to monitor EU law-making, but would need the possibility to be represented by trusted civil servants in the daily work of the new body. This initial lack of a clear requirement for democratic representation did, however, create problems of credibility, in particular in the member states with generally weaker subnational levels of government. Interestingly, Bühler (1995: 33-4) notes that in the German law on CoR membership of 1993, an electoral mandate was required for the representatives of the local level, but not of the regional level. Subsequently, with the Treaty of Nice in 2000, the CoR provision in the Treaty was changed so that members now have to be 'democratically elected or [at least] be responsible to an elected body'. This significant change not only serves (in the inter-institutional development of the EU system) to distinguish the CoR from its sister-organisation EESC, but also strengthens its legitimacy overall. It could be seen either as an indication of a stronger role in auditing EU-level policy making, or as a re-balancing of the emerging multi-level federal system through a small, but potentially significant weakening of the control of the national level.

The CoR members are appointed in the Council, upon proposal by their member state, originally by unanimity, though this was changed with the Treaty of Nice to qualified majority voting. As a testimony to the somewhat curious and certainly ambiguous role of the CoR between the logic of an expert body on the one hand, and the more representative aspirations of the federal member states and their regions (Jeffrey 2006: 318), the CoR members like their EESC counterparts, are appointed on a free (independent) four-year mandate, i.e. the relevant Treaty provision in Article

⁵ The reasons for this parallelism are identified as both of political and administrative 'convenience': creating the CoR in the image of the EESC was on the one hand '[...] a way of dealing quickly with one of the less important items on a crowded IGC agenda. [But] it was also a clear political decision on the part of those outside the group of CoR advocates who did not wish to see the CoR, or the sub-state level more broadly, develop into genuinely influential policy actors' (Jeffrey 2006: 316).

300.4 TFEU stipulated that the '[...] members of the [...] Committee shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union's general interest'. This text, which bears a certain resemblance to the mandates of EU Commissioners, of course raises some questions with regard to the CoR's possible function as an auditing tool for the nation states, because it gives the Committee members a degree of freedom, (for example, to adopt more federalist views than those defended by 'their' respective governments) which seems difficult to reconcile with a strict principal-agent relationship.

Interestingly, the recent round of Treaty revision brought a further potentially important change in this direction: the newly formulated article on the CoR (now Article 305 of the Lisbon Treaty) does *not* spell out the distribution of CoR members between member states anymore, but foresees that a unanimous Council decision based on a proposal by the European Commission will fix the Committee's composition.⁶ This opens up the interesting perspective for a re-balancing of the distribution of membership (within the parameters set by an upper limit of 350 members in the Treaty), which could bring the CoR closer to the EP in its membership structure (if some variant of the principle of 'degressive proportionality' would be adopted), and at the same time distance the CoR further from the Economic and Social Committee by emphasising the territorial nature of its representation.⁷ This would indeed move the Committee more clearly in the direction of a federalist logic, or even of a cosmopolitan understanding with a distinct sphere of regional competencies and a distinct democratic sphere that corresponds to those functions.⁸

The areas of consultation

Apart from this important change to some of the constituent features of the CoR, the new body, once it had been set up and started operating (from 1994), had to find ways to define its own working methods and through this, try to maximise its impact within the narrow limits set by the Treaty provisions. Given the purely consultative mandate of the CoR, one of the key concerns of the body from the beginning was how to influence the other institutions and the EU legislative process in general. The provisions of the Treaty set out the areas in which the CoR would have to be consulted obligatorily, namely education, vocational training, youth, public health, trans-European networks, economic and social cohesion, and structural funds. This functional definition of the CoR's competencies in areas which were seen as necessary 'flanking measures' to ensure the proper functioning of the Union's single market, in

⁶ It is interesting to note that the European Parliament is not involved in this procedure, which could hint at the intention, on the part of those drafting the articles on the CoR, to keep the two different logics of representation separate. It also seems as if the Parliament did not consider this as a sufficiently important issue to claim a say in deciding on the composition of the advisory bodies.

⁷ See CdR 135/2008, item 8 (document for the CoR bureau meeting 17 June 2008).

⁸ Nevertheless it also has to be noted that the issue of institutional representation, as has been shown by the last rounds of inter-member state wrangling on the double majority principle, can be extremely divisive. Given that the accession of Croatia to the EU, according to the current distribution key, would move the CoR beyond the prescribed 350 member limit, a decision on a re-allocation of members to member states will have to be taken soon. Yet, recent debates in the CoR (bureau-meeting of 2 December 2009) have shown that the question of membership is an extremely sensitive one and even if the proposed changes to the institutional status quo are supposed to be in the interest of the principle of fair(er) representation of the more populous member states, they will be met with strong resistance from those who stand to lose.

itself suggests a rather limited understanding of what the new structure was supposed to contribute to the EU legislative process, most in line with an audit-democratic approach: giving the CoR the possibility to 'advise' the EU legislators in the areas most directly affecting subnational competencies in (most) member states was a way to ensure that the Union would not overstep its remit and thus create unnecessary political conflict if and when it went beyond mere functional market integration. At the same time, however, the Treaty did open the way for a degree of institutional 'activism' by giving the Committee the possibility to issue opinions on areas where it was not consulted, under certain conditions. It thus allowed the CoR to explore a more 'political' function not so much based on expertise and formal competence in a particular policy area, but on a more general logic of representation.

In parallel, already with the Treaty of Amsterdam, that is only two years after the CoR met for its first session, the process of widening the scope of the Committee's activity started. The formal areas of mandatory consultation have since been increased in successive rounds of EU-Treaty (re)negotiation: Amsterdam added cross-border cooperation, employment, social policy, environment and additional parts of transport, vocational training and public health policies (Warleigh 1999: 17). It also gave the European Parliament the possibility to consult the CoR directly, an important element not just because of its immediate impact in terms of referrals, but because of the initially strained relationship between the two institutions both vying for (admittedly different kinds) of democratic legitimacy within the EU system.

The CoR finding its place

At the same time, however, the position of the CoR as an 'autonomous' body was ambiguous from the outset: on the one hand, the Committee was not given (and has not achieved up until today) the status of an EU 'institution'.⁹ On the other hand, it was given the freedom to draw up its own internal rules, and while these rules were originally subject to approval by the Council, this requirement was abolished with the Treaty of Amsterdam. Indeed the CoR has successively developed its rules of procedure to increase the 'political' element of its activities and give more political flexibility to its members (see below), and it has managed to conclude a 'bilateral' agreement with the European Commission (and is seeking a similar one with the European Parliament) to organise cooperation within the EU political process. All these steps can be seen as signals of a gradual emancipation of the Committee of the Regions from direct control by the member states or the Council and in that sense indicative of a move away from a direct auditing function towards a more federalist self-perception of the CoR as an independent player with its own legitimacy in the EU system.

With the setting up of the Convention on the Future of Europe (2002-2003), which included six representatives of the Committee with official observer status, the CoR further advanced its 'institutional' position. This was in part based on the earlier recognition, in the 2001 White Paper on European Governance (European Commission 2001) of the need to improve dialogue with local and regional actors in order to increase the quality and the acceptance of EU policy. The White paper in fact

⁹ This status is reserved for the European Commission, Parliament, Council of Ministers, European Central Bank and European Court of Justice.

made specific recommendations to the CoR in terms of its role as a network and dialogue facilitator, but without concrete changes to its legal or institutional standing. The Commission's White Paper was of course part of the recognition that the Nice Treaty had failed not just to prepare the EU for enlargement, but also to solve the Union's democratic deficit problem. The Governance White Paper also laid the foundation for subsequent attempts to improve the EU's legitimacy through more public debate and encouraging deliberation and the overall tendency to move the Union in a more 'federal(its)' direction with the subsequent debates on a European Constitution.

These debates focussed increasingly on how to 'connect' integration to the citizens and led to the 2001 Laeken mandate,¹⁰ including the well know questions for the Convention, which interestingly, however, did not refer to the role of local or regional government levels explicitly in the context of the overall aim of improving governance (Schönlau 2007: 67ff). This is significant if one takes the Laeken summit, and its mandate for a Convention to draft a document that would eventually lead to European Constitution, as the 'high point' of the more federalist inspired visions of a future European democracy: the fact that the levels of governance below the nation state were not mentioned explicitly does show a certain lack of vision of what a genuinely multi-level democracy in the EU might look like. Nevertheless, the active participation of six CoR members as observers in the Convention, in close cooperation with the European Parliament and many national Parliament representatives in the Convention, proved to be rather successful both in terms of the visibility gained for the Committee, and in terms of the inclusion of certain key demands in the draft Constitution.¹¹ Unlike in previous rounds of Treaty negotiation, the emphasis this time was not just on strengthening the institutional role of the CoR, but also on a wider recognition of the key role of local and regional levels of governance in the emerging multi-level EU policy. In fact, the CoR's own assessment of the draft Constitutional Treaty,¹² in which the assembly also expresses its wishes for the IGC following the Convention, contains an impressive list of elements of the draft Treaty which are considered to be achievements in the interest of subnational levels of governance:

- 1) The recognition of local and regional self- government as an element worth preserving of Europe's diversity.
- 2) The recognition of linguistic and cultural diversity; the elevation of territorial cohesion to the status of 'objective' of the Union.
- 3) The reference to elements of direct democracy (albeit without a clear link to the local/ regional level).
- 4) The new definition of subsidiarity (see below, which gives the CoR a role, though not very clearly defined, in the ex-post monitoring of subsidiarity compliance).
- 5) The extension of the CoR mandate from 4 to 5 years, thus bringing it in line with the 'other' institutions (EP and Commission).

¹⁰ European Council, 2001, Presidency Conclusions of the European Council Meeting at Laeken, 14-15 December 2001, Annex I.

¹¹ See CoR Study 2004: 'The local and regional dimension in the European constitutional process', Brussels: CoR; see also Eppler (2004).

¹² CdR 169/2003 of 13 October 2003.

- 6) The right of the CoR to access to the European Court of Justice in order to defend its own prerogatives and against presumed violations of the subsidiarity principle.

These changes at primary law level again do not speak unequivocally to one or the other model of European democracy, and this, in a way, has made the fate of the EU Constitution so symptomatic of the EU's legitimacy problems: while the recognition of the sanctity of (national) arrangements for local and regional self-government and the strengthening of the subsidiarity principle (notably by giving a role to *national* parliaments) would support the audit-democratic approach in which the member states are defending themselves and their spheres of influence against encroachments from the EU, the very fact that 'direct democratic elements' have been introduced into the Treaty, and that the CoR is given the power to appeal to the European Court of Justice, seems to suggest that the federal European level is getting stronger - which would probably come at the expense of national control. The very general reference to the recognition of linguistic and cultural diversity, finally, can either be seen again as defensive (from a national or subnational audit perspective) against the perceived centralising tendencies of the EU, or it can be understood as a commitment to some very basic universal principles of democracy which would be necessary to sustain a cosmopolitan-type democratic order with multiple levels.

Thus the achievements of the Convention with regard to the Committee (which were transferred apparently without further debate both into the draft Constitutional Treaty and then into the Lisbon Treaty) have not resolved the fundamental indeterminacy of the CoR with regard to its precise role and function for EU democracy. In fact, they have re-enforced parallel tendencies, which characterise the whole EU structure and shape the political debates within the Union. With the backlash against the constitutional project after the failed referenda in France and the Netherlands in 2005, and in Ireland 2008, in conjunction with the increasing salience of the need for cooperation in the face of global challenges such as climate change and the global economic crisis, these debates seem to have come full circle: how much, and what kind of collective decision making is necessary and possible at what scale, and how to ensure that the decisions reached are seen to be legitimate and can be implemented effectively? And where does this leave the CoR in its daily functioning?

Three areas of activity – three models of democracy?

While the general institutional evolution thus goes on, in many respects determined by, or reflecting the broader developments at EU level, the CoR also continues to develop through concrete activities, which, once more, correspond to different political visions and to different models of democracy. It seems useful to look at some of these activities because they are an expression of the institutions' own dynamics and they are indicative of the debates and political choices shaping the Committee and its place in the wider EU system. The areas where the CoR decides to deploy its resources beyond its core task of drafting advisory opinions are most revealing as to the future role and position it sees for itself. In the following, therefore, three areas of recent CoR action will be presented as examples of three different possible developmental trajectories. These will be assessed in terms of how they relate to the three models of democracy set out above. These case studies will thus not only serve to illustrate the institutional trajectory of the Committee, but also to highlight the

tensions which exist between the different activities and the political visions they might reflect. In terms of the position of the CoR in the EU institutional system, this means that some kind of balance needs to be found between sometimes competing tendencies.

The first case study in this respect is the field of 'subsidiarity control' where the CoR has recently made important moves in anticipation of the changes under the Lisbon Treaty and which is potentially a very significant part of its future remit. In this view, the CoR could develop into a 'Brussels bridgehead' for nationally defined (regional) interests in trying to control and, if necessary, reign in the supranational institutions. This is seen by many members of the institution, though by no means by all, as the key innovation for the CoR under the Lisbon Treaty, and a significant amount of actual and political resources have already been deployed in 'preparing' for this 'new task'. It seems therefore interesting to examine how the new legal right to bring action against a presumed violation of the subsidiarity principle before the European Court of Justice could affect the standing and self-perception of the CoR, and what this development tells us with regard to the role of subnational actors in a democratic EU system.

The second case to be studied here is the debate in the Committee around the CoR's initiative to propose its own 'White Paper on Multi-Level Governance'. This project was one of the political priorities of the CoR 2008-2010 president, Luc van den Brande and has been branded as a 'follow-up' to the recommendations of the 2001 Commission White Paper on Governance. It can be seen as a rather bold attempt of the Committee to be in the forefront of the debate on how to build a federal multi-level polity with a strong local and regional voice in both policy shaping and policy implementation. Despite its limited immediate (measurable) political effect, it is interesting to note that an institution like the CoR decided to embark on such an undertaking at all – given the potential political risks of losing credibility with its institutional partners, in particular in a period of general 'institutional reform fatigue'. At the same time, the attempt to develop a pragmatic understanding of what multi-level governance would entail in practice is instructive with regard to the kind of democratic model which it embodies.

The third case study finally looks at the CoR's activities in spreading the values underlying European integration beyond the borders of the EU, and tries to establish in how far they are compatible with the idea of the emergence of a local and regional layer in a multi-level cosmopolitan democracy. Particularly the active role of the CoR in engaging with subnational levels of government of future member states in preparation for their accession to the Union, and the recent move to establish a subnational dimension to the proposed EU's macro-regional partnerships (such as the Union for the Mediterranean or the new neighbourhood policies) are interesting because they show how a body like the CoR expands its own remit in an area where it has not been given a clear mandate, and which is moreover a domain where even the EU as a whole has only relatively weak powers and structures. Nevertheless, the Committee has established itself as an element of the EU's external dimension and is increasingly recognised by the European Commission as such. Even though the CoR's activities in the external field are not without conflict (both within the institution and in the wider debate), they show one way in which the local and regional level may gain influence beyond the borders of the Union.

Subsidiarity control – confined to audit democracy?

In trying to examine not only the likely future role of the Committee of the Regions, but also the development of democracy in the EU, the concept of 'subsidiarity' is clearly of key importance. The question, how to determine which decision should be taken at what level (and, by reference to the twin principle of proportionality, which scope these decisions should have) is crucial in establishing which democratic mechanisms at what level are needed to legitimate these decisions or, if they cannot be legitimated, to challenge them. In this context it was probably not a coincidence that both the Committee of the Regions and the concept of 'subsidiarity' made their entry on the EU (Treaty) stage at the same time, with the Treaty on European Union in 1992. Even though the link between subsidiarity and the role of multiple layers of governance is not postulated very clearly in the Treaty text, subsidiarity, in an ideal world, should be working as a blueprint for the distribution of decision-making in a functioning multi-level democracy.

The problem is, however, that the understanding of what subsidiarity exactly means, what political consequences it could have, and how it should best be put into practice, remains contested within the EU system. In fact, the way in which the concept was introduced in the Treaty, and arguably still its 'operationalisation' with the Amsterdam Protocol on subsidiarity, were based on a reductive and misleading, overly narrow understanding of the term. In particular, as de Burca (1999) points out, even though the Amsterdam protocol '[...] incorporates a somewhat more fluid and potentially more useful approach by "constitutionalising" the guidelines which were to some extent already being followed by the Community [...], the range of questions arising in relation to the role of different levels of government and of the various institutions, actors and tiers of political authority go well beyond what is expressed in the various legal formulations of subsidiarity in the EU treaties'.

The criticism formulated by De Búrca above also points to the difficult distinction and interaction between the 'legal' definition and implementation of certain actions (EU-level policies, in this case) on the one hand, and the 'political' decisions which have to underlie and justify these actions, on the other. In fact, to some the very lack of agreement on a shared understanding of subsidiarity, also referred to as the 'delicious vagueness' of the term (Weiler et al. 1995), is one of the explanations why it became so successful an element of the EU discourse: because subsidiarity was abstract enough so that it allowed for a *prima facie* agreement on the tricky question of what and how much the EU should do, while giving sufficient flexibility for concrete cases to be decided differently. In this situation, it also became one of the contested elements of successive Treaty reforms, as well as providing an opportunity for some institutional competition as to who should be at the forefront of operationalising the vague concept.

In any case, it is significant that the original framing of subsidiarity at EU level, as de Burca notes, only made reference to two levels of governance, namely the national and the EU level. Questions regarding 'more subsidiarity', i.e. within the member states in relation to the subnational levels of governance, were not touched upon – paradoxically for fear of violating the very principle of subsidiarity by interfering with the internal structure of the member states. This fact did also not escape the Committee of the Regions, which proclaims (on its web-site under the subsidiarity heading) to have made 'explicit and constant political requests for the subsidiarity

and proportionality principles to be better applied in the Community decision-making process' since it started its work in 1994.¹³ These calls were finally heard during the Convention on the Future of Europe, which drew up a new, widened definition of subsidiarity, including a reference to the local and regional dimension, and gave the right to the CoR of defending its own prerogatives in this respect before the ECJ.¹⁴ The new subsidiarity protocol also gives a role to national parliaments in 'policing' the principles of subsidiarity and proportionality, and thus contains the seeds for the development of a whole new 'system' of interlocking political debates on which decisions should be taken at what level.

In response to this new provision in the Treaty, the CoR has for a number of years been trying to explore the role it could and should play concretely in the implementation of the still somewhat vague principle of subsidiarity. Since 2004 the CoR has organised a series of high level conferences in cooperation with a number of national and regional parliaments called 'subsidiarity assises' (in Berlin, 2004 with the German Bundesrat, London with the House of Lords in 2005, Paris with the French Senate in 2008, Milan, in cooperation with the regional parliament of Lombardy, in 2009), in which both the general implications of a 'strengthened subsidiarity culture in the EU' and the concrete tasks of the different players were discussed. At the same time, recognising that already the national Parliaments (let alone the regional ones) would find it difficult to ensure the necessary coordination among themselves in order to become effective in using the so called 'yellow-card system' of the draft Constitutional Treaty,¹⁵ the CoR embarked on setting up its own structures for the control and implementation of the subsidiarity principle.

The approach adopted by the Committee of the Regions is two-fold: on the one hand, the aim is to mainstream an evaluation of the impact of a given Commission proposal from a subsidiarity point of view, into all CoR opinions. This would help to focus the Committee's official (institutional) role of commenting early in the legislative process on new proposals from a subnational perspective, on the additional dimension of subsidiarity. To this end, an internal set of guidelines (adopted by the CoR bureau in 2007)¹⁶ sets out the criteria and procedures according to which the Committee administration, in preparing the background material for a rapporteur drawing up an opinion, is supposed to tackle the subsidiarity issue. Clearly, the responsibility of including or not any concerns raised in the final document is a political one and will

¹³ Available at: <<http://www.cor.europa.eu/pages/EventTemplate.aspx>> (accessed 17 June 2010).

¹⁴ Lisbon Protocol No 2 on the application of the principles of subsidiarity and proportionality. Available at: <<http://eur-lex.europa.eu/en/treaties/dat/12007L/htm/C2007306EN.01015001.htm>> (accessed 18 June 2010).

¹⁵ Under Protocol No 2 on the application of the principles of subsidiarity and proportionality (Article 6), any national Parliament may, within a period of 8 weeks after it has received a draft legislative act of the Union, send a 'reasoned opinion' to the EU institutions, stating why it thinks that the proposed act violates the principle of subsidiarity or proportionality. If such reasoned opinions are received from at least 1/3 of national Parliaments (1/4 for certain legislation in the areas of freedom, justice and security, deemed more 'subsidiarity sensitive'), the act must be 'reviewed' (Article 7.2) and a reasoned decision must be given by the EU institutions on whether to maintain, amend or withdraw the proposal. Under the 'ordinary legislative procedure' (co-decision with qualified majority voting), the threshold for the national Parliaments intervention is 'a simple majority' (Article 7.3). It is interesting, that Article 6 of the same protocol refers specifically to the consultation, 'where appropriate, [of] regional parliaments with legislative powers'.

¹⁶ CdR R/86/2007, item 6b.

remain with the rapporteur, while the decision whether to launch a legal case before the ECJ remains the prerogative of the CoR plenary. To date it remains to be seen, how cooperation with either national or regional parliaments will concretely work in this domain, given the tight eight-week deadline and the lack of a formal role for the CoR in the 'early warning' procedure for national parliaments under the Lisbon Treaty.

The second approach is therefore focussed more on the CoR's role as a platform of information exchange and networking between different regional and local actors. The Committee has set up a subsidiarity monitoring network, in which local or regional governments, Parliaments, or national Parliaments can volunteer to participate and feed their own subsidiarity evaluation on a new proposal into the process. The Committee provides to this end a 'subsidiarity grid', that is, a catalogue of questions which members of the participating local or regional authorities should answer and return to the CoR. The latter endeavours to provide linguistic as well as logistical support to make these contributions available to all partners in the network, to produce a final report on the basis of the contributions and internal discussions of the network partners, as well as exchanges between the partners and the CoR rapporteur on the same proposal. After a number of 'test-runs' in 2006-2007, the subsidiarity network became operational in 2008 on a more permanent basis. The networks by now counts more than 80 regional and local authorities, plus interestingly a number of national Parliaments (including the French Senate, the Italian Senate, the Greek Parliament). Given the short time frame and the linguistic and cultural diversity in the ways in which different Parliaments work, it remains to be seen, however, how sustained and sustainable the network and its efforts will be and what impact its deliberations will have.

Moreover, apart from the considerable challenge of organising this kind of network activity among a large number of diverse partners, working in a number of different languages, and respecting the already rather short time-limits for the elaboration of a CoR opinion, the main question remains one of political responsibility, i.e. how the (self-selected) network partners will and should interact with the rapporteur, the responsible CoR-Commission and ultimately with the CoR plenary. There seems to be a certain risk of duplicating structures and procedures if and when national Parliaments (for example via the COSAC network) also build up their structures to organise their input, and a further question remains what effect such a structure is going to have on the overall coherence of the CoR's positions, if diverse views on this politically sensitive issue are no longer just channelled through, and ultimately decided upon in the CoR plenary, but are in parallel also expressed and put on record in the network.

In terms of the role of the CoR as a mere 'tool' of the member states in an audit democratic understanding, this network is of course interesting: firstly, because it raises potentially very sensitive issues about the relationship between different levels of governance, as well as between executive and legislative powers *within* many member states with regard to European affairs. What impact, if any, would even a large majority of subsidiarity concerns expressed by subnational Parliaments across the EU (some of which might have legislative powers, others not), have on a proposal that has been demanded by a qualified majority (or even all) member state governments in the Council? Apart from this, it remains to be seen whether the national parliaments will be able to come to coherent positions on proposed new EU

legislation 'in time' to influence the law-making process, and whether the CoR will become an actor, rather than just a facilitator in this process. Also the dynamics which the CoR subsidiarity network might set in motion between regional governments and their parliaments are potentially very significant, but can presently not be foreseen. In this sense, it is early yet to decide what the future of subsidiarity control will look like if and when the Lisbon Treaty enters into force – and which role the CoR will play in this. It seems clear, however, that it might have a role to play in helping to 'audit' the supra-national institutions – the question is only: on whose behalf? The answer to this question is definitely more complex than just 'the member states', given the diversity of political systems and structures among them.

Multi-level governance and shaping EU policy – federalisation?

The Committee of the Regions recently (in the autumn of 2008) embarked on the project of proposing its own white paper on multi-level governance. It did so with a clear reference to the 2001 Commission White Paper on Governance, which at the time of its publication sparked quite a lot of debate within the EU institutions and in academic circles because it claimed to address some of the key problems of legitimacy, transparency and implementation of EU policy. Coming, as it did, in the context of the failure of the Nice Treaty to solve fundamental institutional issues (2000) and of the ensuing debate about re-founding (re-constituting) the EU, the white paper was an important contribution to the debate about *how* to organise and run a multi-level system of governance (even though it did not give all the definitive answers and in fact was criticised by many as not going nearly far enough) (Joerges et al. 2001). The fact that in 2008-09 the Committee of the Regions assumed the task of proposing its own 'white paper' is in itself an interesting expression of institutional self-confidence, if not hubris.

The Committee of the Regions explained its initiative with reference to the Berlin Declaration adopted by the Heads of State and of Government on 25 March 2007, which states that: 'There are many goals which we cannot achieve on our own, but only in concert. Tasks are shared between the European Union, the Member States and their regions and local authorities'.¹⁷ This specific reference to the role of local and regional authorities in the European project followed the Committee of the Regions own Declaration for Europe, adopted in Rome two days earlier, on 23 March 2007, which had drawn attention to the local and regional foundations for any bond of trust between the Union, its different levels of governance and its citizens.¹⁸ The CoR thus underlines by this initiative (which politically was carried by the CoR president Luc Van den Brande, EPP, and its first Vice-President Michel Delebarre, PES, to emphasise the cross-party nature of the undertaking) the aspirations it has to contribute to the overall development of a functioning multi-level system where the latter is taken to mean '[...] coordinated action by the European Union, the Member States and regional and local authorities, based on partnership and aimed at drawing up and implementing EU policies. It leads to responsibility being shared between the different tiers of government concerned and is underpinned by all sources of

¹⁷ Available at: <http://europa.eu/50/docs/berlin_declaration_en.pdf> (accessed 28 June 2010).

¹⁸ Di/CdR 55/2007 fin.

democratic legitimacy and the representative nature of the different players involved'.¹⁹

This understanding of the system, and the CoR's role in it, clearly echoes an idea of the EU as a multi-level democracy in which the distinct levels have autonomous claims to legitimacy, and where the interaction between the levels (from the local via the regional to the national and European levels) has to be based not just on some kind of hierarchical understanding of 'derived' legitimacy. In this understanding, the principle of 'partnership' as developed originally by the European Commission for its cooperation with regional actors in implementing EU regional policy (Hooghe 1996) has to be extended to all spheres of policy making in the interest of democratic legitimacy. The tool (or at least one of the key tools) for this, it seems to be implied, is the Committee of the Regions with its role in the EU law-making process. Of course this role would need to be strengthened in order to make multi-level governance function better, because one of the constant messages of the CoR in its consultative input is that the role and concerns of the local and regional level are not being given sufficient consideration by the EU level.

What is more problematic, however, and has surfaced on several occasions in the debate about the multi-level governance white paper within the CoR, is the fact that most of the real problems in involving subnational actors in policy making are not *European-level*, but occur in the member states. Whether due to constitutional structures that do not give much power to local communities or regions, or due to executive arrogance at the national level, it is often the national governments which do not want to give any influence to their subnational actors: neither in European, nor in domestic affairs. Clearly, given the principle of subsidiarity and the respect for the member states' internal structures (made even more explicit in the Treaty of Lisbon), there is very little that the European level, including the Committee of the Regions can do about this. Apart from, that is, supporting the slow and unspectacular development of practices which do bring in even weak local and regional authorities at least in those policy areas over which the European level has influence, and thus strengthening their position even vis-à-vis their national 'masters'.

While it is not a new observation that some subnational actors do see the European level precisely as a way to by-pass their national governments on a number of issues, and therefore use the policies and debates in Brussels to build partnerships and positions which then are more autonomous from central (national) intervention, it is debatable whether this in itself amounts to support for a federal EU polity. The once very fashionable idea of a 'Europe of the Regions' seems to have lost some of its force recently, probably not least due to the influx, with the 2004 enlargement, of basically centralised member states where regional entities have only been recently set up (or re-established) in order to absorb EU funds (Keating 2008: 629-35). Whether this in due course will lead to the emergence of more powerful regional players, which in turn would also give more weight to the CoR in the institutional system of the Union, remains to be seen. It is, however, significant that on this level the debate about the 'white paper on multi-level governance' shows that the Committee continues to pursue a model of European democracy which recognises the legitimacy of the level(s) below the nation state.

¹⁹ CdR 371/2008 rev. 1, p. 3.

CoR activities beyond the EU – a case of cosmopolitanisation?

At the same time, there are also elements in the Committee's activities which suggest that the CoR could be part of the development of a broader cosmopolitan-democratic thrust. In fact, in very basic geographic and political terms, the Committee of the Regions has been trying to 'reach beyond' the EU borders, and export its own model, in the same way as the Union does as a whole, from very early on. One way of doing that is of course through the ongoing process of EU enlargement, which does include the 'spreading' of the democratic ideals to, and the acceptance of 'values' (which are labeled as 'European', but in most cases are in fact universal) by the accession countries. The CoR clearly sees itself as playing a role in supporting enlargement, and thus as an agent of the diffusion of these European values to non-EU member states, by organising and promoting direct contacts between local and regional authorities inside and outside the Union, by including observers from prospective member states among its members, and by setting up so-called Joint consultative committees or working groups (as in the case of Turkey).²⁰

More recently, this kind of activity has been taken one step further with the CoR's initiative to set up an assembly of local and regional representatives as part of the proposed 'Union of the Mediterranean' (ARLEM).²¹ The idea behind this initiative, as well as with other activities reaching beyond the EU 27 member states in the context of the new neighbourhood policy, is not only to 'follow' the EU's foreign policy, but to be involved actively in the diffusion and promotion of the very idea of multi-level democracy in which the local and regional level has an autonomous and important role to play. This might come in the shape of concrete policy issues (such as the reduction of CO₂ emissions, to which a 'Covenant of Mayors' brought together more than 400 cities from all over the world, with the assistance of the CoR, to pledge specific CO₂ reduction targets), or it might be in the shape of opinions like the one adopted in February 2009 on 'city diplomacy' which stresses the key role that twinnings and other direct contacts between local and regional authorities can play in peace building and the development of a global culture of democracy.²² While none of these elements explicitly envisages the creation of new, global level federal structures, they are certainly inspired by the pursuit of universal ideas.

Another element of what the Committee does in this sense is its support for a new instrument of direct multi-lateral, crossborder interregional cooperation. In the attempt to help implementing the EU's new legal instrument for a 'European Grouping for Territorial Cooperation', the CoR has decided to set up an EGTC expert group, with the aim of creating a central pool of information, to allow for best practice exchange, match-making between regions and support for regions in their individual

²⁰ The case of cooperation with Turkey is particularly interesting because the proposed setting-up of a Joint Cooperative Committee (JCC) with the country has repeatedly been delayed because of disagreement between the CoR and the Turkish (national) authorities with regard to the 'appropriate interlocuters' for the CoR members: while the Turkish authorities wants to send government officials, the CoR insists on having 'elected' local or regional politicians as members of the JCC, thus underlining its support for the development of genuinely democratic subnational structures. This seems to be particularly sensitive with regard to a number of ethnic Kurds who are mayors of towns and cities in South Eastern Turkey.

²¹ CoR Bureau Document R/CdR 15/2009 item 10 a, February 2009.

²² CoR opinion CdR 235/2008, adopted February 2009.

projects of cooperation.²³ While this might look at first sight like a rather technical element of the CoR's activity, it will merit close attention as the instrument develops, because the direct linkage of third, and possibly even fourth level governance actors from different member states with each other, without going via the national foreign ministries, might lead to new structures which could change the nature of (democratic) governance profoundly: by allowing the creation of legal entities which straddle national borders (in order to achieve concrete aims in terms of cooperation), it raises a number of issues concerning accountability, control and representation. Moreover, many border regions are pressing for these instruments to be extended to non-member state regions, so that some of these newly created interregional groupings would go beyond the Union. Such structures might, over time, indeed become building blocks for a more transnational kind of democracy with implications for the possibilities for cosmopolitan democratic governance.

Last but not least it should also be born in mind that many of the local entities and regions represented in the Committee of the Regions are also part of a multitude of other inter-regional networks and associations, many of which do include members from outside the EU. The CoR tries to act as a hub and primary channel for the contact of these networks and associations in their interactions with the European Union institutions. The CoR's activities in this respect reach from giving the associations a 'space in Brussels' for their events, and logistical support, to the organisation of the so-called 'structured dialogue' between regional associations, CoR members and representatives of the European Commission. While these associations range from those based on very specific issues (such as the regions and cities connected by the Danube, or Europe's wine growing regions) to more general and comprehensive groups,²⁴ and the degree of contacts with the non-EU world vary greatly, it does seem that these structures, which have grown in number, size and strength over time, could indicate the development, at European level, of that kind of functionally and territorially differentiated political system which is one of the features of the cosmopolitan model cited by Eriksen and Fossum (2007).

Conclusion

The European Union is facing serious challenges to the legitimacy of its action. If the citizens cannot be convinced that the activities of the EU are based on democratic decisions and procedures, and that these decisions are legitimate, then the system as it exists cannot be sustained. It is therefore crucial for the Union to find solutions for how to organise a large-scale, multi-cultural polity with very different constituent elements, in a way that is both sufficiently democratic and sufficiently efficient/effective to deliver the desired results. In doing so, it has to consider the

²³ The EGTC was created with EC Regulation 1082/2006/EC in order to '[...] to organise and manage cross-border, transnational or interregional cooperation measures, with or without a financial contribution from the EU' (quote from the CoR's own dedicated web-site on EGTC cooperation. Available at: <<http://portal.cor.europa.eu/egtc/en-US/Pages/Tenquestionsandanswers.aspx>> (accessed 17 June 2010).

²⁴ For a list of regional associations and contacts, see

<<http://www.cor.europa.eu/pages/EventTemplate.aspx?view=folder&id=b2036580-d361-409f-8111-6962f3faa3c7&sm=b2036580-d361-409f-8111-6962f3faa3c7>> (accessed 17 June 2010).

existing structures of governance, which include not just the member states and their claims to political control and legitimacy, but also, everywhere in the Union, subnational levels of governance with varying degrees of influence and standing.

The Committee of the Regions is the most prominent institutional expression of the attempt by the European Union to take this factor into consideration. Therefore, looking at the CoR and how it has developed provides interesting insights into the ongoing EU democracy debate. The question 'what kind of democracy can be envisaged at EU level' and what would be necessary to get there, can be examined not least through the prism of this relatively new EU body. The institutional and political structure of the European Union after more than 50 years of development brings together elements of very different kinds of democracy, and they function as a (more or less stable) compromise between them. The Committee of the Regions is no exception to this rule, on the contrary: because of its relative novelty on the EU scene, it is something of a laboratory of the different tendencies and visions and the continuing competition between them.

The present investigation therefore tried to look at the CoR and how it operates through the lense of three different models of democracy: the audit-democracy, which sees the member states as the ultimate holders of democratic (and hence also political) power and therefore shares this orientation with the 'intergovernmentalist' understanding of European integration. In this understanding, the Committee of the Regions would be an additional tool of 'the member states' in trying to make sure that the EU only takes decisions to which the member states agree (and thus invest them with *their* democratic legitimacy). The debate about 'subsidiarity' and how to control its application suggests, at the outset, many features of the audit-democratic model. The Committee of the Regions, which seeks a greater role in subsidiarity monitoring, would therefore fit the model. The problem, however, is that the CoR brings together actors whose view on European decisions is not necessarily national (because they are representing the '*subnational*' levels of governance), and might be even less that of national *executives* (because in many cases CoR members represent regional governments of a different political colour, or the regional or local legislatures). Moreover, by aiming its drive for closer cooperation on subsidiarity monitoring at national Parliaments, the CoR brings in, in line with the Lisbon Treaty, yet another dimension - the relationship between national level executives and national level parliaments. The audit democratic model therefore has to be very sensitive to whom/ which 'national' position it posits as the decisive one. Given the diversity of democratic actors within and among the member states, it remains to be explored further where the Committee of the Regions would fit in exactly in a more 'audit-democratic' EU system.

With regard to the federal vision of democracy for the Union, it is clear that the Committee of the Regions is supporting a strengthening of the supra-national institutions, not least in its own self-interest. The example of the ambitious CoR initiative of drafting a white paper on multi-level governance shows that the body, at the age of 15, has acquired sufficient European self-confidence to engage in this kind of activity, and the ideas contained in the project clearly show that most CoR members support the understanding of the EU as a multi-layered system of autonomously legitimate levels of governance. The problem remains, however, that this understanding hinges on the member state level accepting it, and putting in place the domestic structures to allow the subnational level to build and maintain its own

legitimacy. The European integration process has opened up an additional arena for this debate, and the CoR is trying to assist its member entities in their individual endeavours, but it is clear that any fundamental change in the power balance between the national and subnational levels will only come very slowly through new practices of cooperation and partnership, which might however be 'promoted' by the European level.

This ongoing struggle to create a multi-level democracy in the EU can, of course, also be understood as just one stage in a wider process of realising universal cosmopolitan values at the global level. The role of subnational entities and the CoR in this respect is clearly limited, but it is true that the Committee and its members are engaging with the 'world beyond the EU' in numerous ways. The reasons behind such engagements might in many cases be rather pragmatic (for example better trade relations or the more effective management of migration), but like the EU as a whole, also subnational actors like to employ the language of (universal) values such as human rights, democracy and good governance, when embarking on cooperation projects. In this sense, the Committee is involved in spreading values beyond the EU borders, so far mainly to prospective EU member states, but with new initiatives like the re-launch of Euro-Mediterranean cooperation, also to other neighbouring countries/regions. While much of this takes place under the watchful eyes of national administrations and only within the limits granted by them, it is also true that the export of certain values via concrete projects of twinning, exchange and shared experience at regional or even local levels, may often be more effective than grander projects at higher level.

From these three case-studies of different areas of activity, it becomes clear that the CoR, like the Union as a whole, brings together very different visions of what the Union is and should be, and what kind of democracy it requires. These visions have to be permanently balanced and re-balanced in the daily multitude of democratic processes, in order for the Union to function and to remain legitimate. It is therefore important to be aware of these competing, sometimes opposing currents in trying to understand the interactions which take place. The Committee of the Regions, like the local and regional authorities whose representatives make up its membership, needs to find its place in the constantly evolving European structure. Clearly, the Committee has changed since its inception, and has equally clearly moved beyond the limits of being *only* an auditing tool for the national (or sub national) level. It does show, through the increase in its remit and the politicisation of its processes, elements of a federal representation of the third (and fourth) level, and a majority of its members would almost certainly subscribe to this aim. Whether this is enough to convince the other players in the EU system, or to carry the Committee even further towards the building of a cosmopolitan democratic structure, remains to be seen.

References:

- Bellamy, R. and Castiglione, D. (2002) 'Normative Theory and the European Union-Legitimising the Euro-Polity and its Regime', in L. Tragordh (ed.) *After National Democracy: Rights, Law and Power in America and the New Europe*, Oxford: Hart Publishing.
- Bühler, W. K. (1995) 'Entstehungsgeschichte des AdR', in C. Tomuschat (ed.) *Mitsprache der dritten Eben in der europäischen Integration: der Ausschuss der Regionen*, Bonn: Europa Union Verlag.
- Christiansen, T. (1996) 'Second Thoughts on Europe's "Third Level": The European Union's Committee of the Regions', *Publius: The Journal of Federalism*, 26 (2): 93-116.
- Clement, W. (1995) 'Der Ausschuss der Regionen: Kritik und Ausblick - eine politische Bewertung', in C. Tomuschat (ed.) *Mitsprache der dritten Ebene in der europäischen Integration: der Ausschuss der Regionen*, Bonn: Europa Union Verlag.
- De Búrca, G. (1999) 'Reappraising Subsidiarity's Significance after Amsterdam', Harvard Jean Monnet Paper 7/99, Cambridge, MA.
- Domorenok, E. (2009) 'The Committee of the Regions in Search of Identity', *Regional & Federal Studies*, 19(1): 143-63.
- Eppler, A. (2004) 'Der Ausschuss der Regionen im Jahr 2003', in *Jahrbuch des Föderalismus 2004*, Baden-Baden: Nomos, pp 421-36.
- Eriksen, E. O. and Fossum, J. E. (2007) 'Europe in Transformation - How to Reconstitute Democracy', RECON Online Working Paper 1/07, Oslo: ARENA.
- (2009) 'Europe's Challenge: Reconstituting Democracy or Reconfiguring Democracy?', in E. O. Eriksen and J. E. Fossum (eds) *RECON - Theory in Practice*, RECON Report No. 8, Oslo: ARENA.
- European Commission (1990) 'Political Union. Commission opinion of 21 October 1990 on the proposal for amendment of the treaty establishing the European Economic Community with a view to political union', 21 October 1990 (COM [1990] 600 final).
- European Commission (2001) 'White Paper on European Governance', 25 July 2001 (COM [2001] 428 final).
- Fossum, J. E. and Crum, B. (2009) 'The EU's Multilevel Parliamentary Fields - Analytical Framework', in E. O. Eriksen and J. E. Fossum (eds) *RECON - Theory in Practice*, RECON Report No. 8, Oslo: ARENA.
- Hooghe, L. (ed.) (2006) *Cohesion Policy and European Integration: Building Multi-Level Governance*, Oxford: Oxford University Press.
- Jeffrey, C. (2006) 'Social and Regional Interests - the Economic and Social Committee and Committee of the Regions', in J. Peterson and M. Shackleton (eds) *The Institutions of the European Union*, Oxford: Oxford University Press.
- (2000) 'Sub-National Mobilization and European Integration: Does it Make Any Difference?', *Journal of Common Market Studies*, 38(1): 1-23.
- Joerges, C., Mény, Y. and Weiler, J. H. H. (eds) (2001) 'Mountain or Molehill? A Critical Appraisal of the Commission White Paper on Governance', on-line symposium on the Commission White Paper on Governance. Available at: <<http://www.jeanmonnetprogram.org/papers/01/010601.html>>.

- Keating, M. (2008) 'A Quarter Century of the Europe of the Regions', *Regional & Federal Studies*, 18(5): 629-35.
- Schönlau, J. (2007) 'The Convention on the Future of Europe and its Antecedents', in D. Castiglione, J. Schönlau, C. Longman, E. Lombardo, N. P.-S. Borragán and M. Aziz, *Constitutional Politics in the European Union – The Convention Moment and its Aftermath*, Basingstoke: Palgrave-Macmillan.
- Von Ameln, R. (1995) 'Die Entstehung des Ausschusses der Regionen: die Festlegung der Modalitäten für die Auswahl der Mitglieder in den EU Staaten', in C. Tomuschat (ed.) *Mitsprache der dritten Ebene in der europäischen Integration: der Ausschuss der Regionen*, Bonn: Europa Union Verlag.
- Warleigh, A: (1999) *The Committee of the Regions – Institutionalising Multi-Level Governance*, London: Sage Publications.
- Weiler, J. H. H., Haltern, U. R. and Mayer, F. C. (1995) 'European Democracy and its Critique: Five Uneasy Pieces', EUI Working Paper RESC 11/95, Florence: EUI.

RECON Online Working Papers

2010/10

Justus Schönlau

The Committee of the Regions

The RECON Models from a Subnational Perspective

2010/09

Asimina Michailidou and Hans-Jörg Trenz

2009 European Parliamentary Elections on the Web

A Mediatization Perspective

2010/08

Kolja Möller

European governmentality or decentralised network governance?

The case of the European Employment Strategy

2010/07

Kjartan Koch Mikalsen

In Defence of Kant's League of States

2010/06

Nora Schleicher

Gender Identity in a Democratic Europe

2010/05

Christian Joerges

The Idea of a Three-Dimensional Conflicts Law as Constitutional Form

2010/04

Meltem Müftüler-Baç and Nora Fisher Onar

Women's Rights in Turkey as Gauge of its European Vocation

The Impact of 'EU-niversal Values'

2010/03

Neil Walker

Constitutionalism and Pluralism in Global Context

2010/02

Dominika Biegoń

European Identity Constructions in Public Debates on Wars and Military Interventions

2010/01

Federica Bicchì and Caterina Carta

The COREU/CORTESY Network and the Circulation of Information within EU Foreign Policy

2009/19

Rachel Herp Tausendfreund

The Commission and its Principals

Delegation Theory on a Common European External Trade Policy in the WTO

2009/18

Marianne Riddervold

Making a Common Foreign Policy

EU Coordination in the ILO

2009/17

Uwe Puetter and Antje Wiener

EU Foreign Policy Elites and Fundamental Norms

Implications for Governance

2009/16

Emmanuel Sigalas, Monika Mokre,

Johannes Pollak, Jozef Bátora and

Peter Slominski

Reconstituting Political Representation in the EU

The Analytical Framework and the Operationalisation of the RECON Models

2009/15

Meltem Müftüler-Baç and Yaprak Gürsoy

Is There an Europeanisation of Turkish Foreign Policy?

An Addendum to the Literature on EU Candidates

2009/14

Maria Weimer

Applying Precaution in Community Authorisation of Genetically Modified Products

Challenges and Suggestions for Reform

2009/13

Dionysia Tamvaki

Using Eurobarometer Data on Voter Participation in the 2004 European Elections to Test the RECON Models

2009/12

Arndt Wonka and Berthold Rittberger

How Independent are EU Agencies?

- 2009/11
Tanja Hitzel-Cassagnes and Rainer Schmalz-Bruns
Recognition and Political Theory:
Paradoxes and Conceptual Challenges of the Politics of Recognition
- 2009/10
Hans-Jörg Trezn and Pieter de Wilde
Denouncing European Integration
Euroscpticism as Reactive Identity Formation
- 2009/09
Pieter de Wilde
Designing Politicization
How Control Mechanisms in National Parliaments Affect Parliamentary Debates in EU Policy-Formulation
- 2009/08
Erik Oddvar Eriksen
Explicating Social Action
Arguing or Bargaining?
- 2009/07
Hans-Jörg Trezn, Nadine Bernhard and Erik Jentges
Civil Society and EU Constitution-Making
Towards a European Social Constituency?
- 2009/06
Kjartan Koch Mikalsen
Regional Federalisation with a Cosmopolitan Intent
- 2009/05
Agustín José Menéndez
European Citizenship after Martínez Sala and Bambaust
Has European Law Become More Human but Less Social?
- 2009/04
Giandomenico Majone
The 'Referendum Threat', the Rationally Ignorant Voter, and the Political Culture of the EU
- 2009/03
Johannes Pollak, Jozef Bátora, Monika Mokre, Emmanuel Sigalas and Peter Slominski
On Political Representation
Myths and Challenges
- 2009/02
Hans-Jörg Trezn
In Search of Popular Subjectness
Identity Formation, Constitution-Making and the Democratic Consolidation of the EU
- 2009/01
Pieter de Wilde
Reasserting the Nation State
The Trajectory of Euroscpticism in the Netherlands 1992-2005
- 2008/20
Anne Elizabeth Stie
Decision-Making Void of Democratic Qualities?
An Evaluation of the EU's Foreign and Security Policy
- 2008/19
Cathleen Kantner, Amelie Kutter and Swantje Renfordt
The Perception of the EU as an Emerging Security Actor in Media Debates on Humanitarian and Military Interventions (1990-2006)
- 2008/18
Cathrine Holst
Gender Justice in the European Union
The Normative Subtext of Methodological choices
- 2008/17
Yaprak Gürsoy and Meltem Müftüler-Baç
The European Union's Enlargement Process and the Collective Identity Formation in Turkey
The Interplay of Multiple Identities
- 2008/16
Yvonne Galligan and Sara Clavero
Assessing Gender Democracy in the European Union
A Methodological Framework
- 2008/15
Agustín José Menéndez
Reconstituting Democratic Taxation in Europe
The Conceptual Framework

- 2008/14
Zdzisław Mach and Grzegorz Pożarlik
Collective Identity Formation in the Process of EU Enlargement
Defeating the Inclusive Paradigm of a European Democracy?
- 2008/13
Pieter de Wilde
Media Coverage and National Parliaments in EU Policy-Formulation
Debates on the EU Budget in the Netherlands 1992-2005
- 2008/12
Daniel Gaus
Legitimate Political Rule Without a State?
An Analysis of Joseph H. H. Weiler's Justification of the Legitimacy of the European Union Qua Non-Statehood
- 2008/11
Christopher Lord
Some Indicators of the Democratic Performance of the European Union and How They Might Relate to the RECON Models
- 2008/10
Nicole Deitelhof
Deliberating ESDP
European Foreign Policy and the International Criminal Court
- 2008/09
Marianne Riddervold
Interests or Principles?
EU Foreign Policy in the ILO
- 2008/08
Ben Crum
The EU Constitutional Process
A Failure of Political Representation?
- 2008/07
Hans-Jörg Trenz
In Search of the European Public Sphere
Between Normative Overstretch and Empirical Disenchantment
- 2008/06
Christian Joerges and Florian Rödl
On the "Social Deficit" of the European Integration Project and its Perpetuation Through the ECJ Judgements in *Viking* and *Laval*
- 2008/05
Yvonne Galligan and Sara Clavero
Reserching Gender Democracy in the European Union
Challenges and Prospects
- 2008/04
Thomas Risse and Jana Katharina Grabowsky
European Identity Formation in the Public Sphere and in Foreign Policy
- 2008/03
Jens Steffek
Public Accountability and the Public Sphere of International Governance
- 2008/02
Christoph Haug
Public Spheres within Movements
Challenging the (Re)search for a European Public Sphere
- 2008/01
James Caporaso and Sidney Tarrow
Polanyi in Brussels
European Institutions and the Embedding of Markets in Society
- 2007/19
Helene Sjursen
Integration Without Democracy?
Three Conceptions of European Security Policy in Transformation
- 2007/18
Anne Elizabeth Stie
Assessing Democratic Legitimacy From a Deliberative Perspective
An Analytical Framework for Evaluating the EU's Second Pillar Decision-Making System
- 2007/17
Swantje Renfordt
Do Europeans Speak With One Another in Time of War?
Results of a Media Analysis on the 2003 Iraq War
- 2007/16
Erik Oddvar Eriksen and John Erik Fossum
A Done Deal? The EU's Legitimacy Conundrum Revisited

2007/15

Helene Sjursen

Enlargement in Perspective

The EU's Quest for Identity

2007/14

Stefan Collignon

Theoretical Models of Fiscal Policies in the Euroland

The Lisbon Strategy, Macroeconomic Stability and the Dilemma of Governance with Governments

2007/13

Agustín José Menéndez

The European Democratic Challenge

2007/12

Hans-Jörg Trenz

Measuring Europeanisation of Public Communication

The Question of Standards

2007/11

Hans-Jörg Trenz, Maximilian Conrad and Guri Rosén

The Interpretative Moment of European Journalism

The Impact of Newspaper Opinion Making in the Ratification Process

2007/10

Wolfgang Wagner

The Democratic Deficit in the EU's Security and Defense Policy - Why Bother?

2007/09

Helene Sjursen

'Doing Good' in the World?

Reconsidering the Basis of the Research Agenda on the EU's Foreign and Security Policy

2007/08

Dawid Friedrich

Old Wine in New Bottles?

The Actual and Potential Contribution of Civil Society Organisations to Democratic Governance in Europe

2007/07

Thorsten Hüller

Adversary or 'Depoliticized' Institution?

Democratizing the Constitutional Convention

2007/06

Christoph Meyer

The Constitutional Treaty Debates as Revelatory Mechanisms

Insights for Public Sphere Research and Re-Launch Attempts

2007/05

Neil Walker

Taking Constitutionalism Beyond the State

2007/04

John Erik Fossum

Constitutional Patriotism

Canada and the European Union

2007/03

Christian Joerges

Conflict of Laws as Constitutional Form

Reflections on International Trade Law and the *Biotech* Panel Report

2007/02

James Bohman

Democratizing the Transnational Polity

The European Union and the Presuppositions of Democracy

2007/01

Erik O. Eriksen and John Erik Fossum

Europe in Transformation

How to Reconstitute Democracy?

Reconstituting Democracy in Europe (RECON)

RECON seeks to clarify whether democracy is possible under conditions of complexity, pluralism and multilevel governance. Three models for reconstituting democracy in Europe are delineated and assessed: (i) reframing the EU as a functional regime and reconstituting democracy at the national level; (ii) establishing the EU as a multi-national federal state; or (iii) developing a post-national Union with an explicit cosmopolitan imprint.

RECON is an Integrated Project financed by the European Commission's Sixth Framework Programme for Research, Priority 7 – Citizens and Governance in a Knowledge-based Society. Project No.: CIT4-CT-2006-028698.

Coordinator: ARENA – Centre for European Studies, University of Oslo.

Project website: www.reconproject.eu

RECON Online Working Paper Series

The Working Paper Series publishes work from all the researchers involved in the RECON project, but it is also open to submissions from other researchers working within the fields covered by RECON. The topics of the series correspond to the research focus of RECON's work packages. RECON Online Working Papers are widely circulated and included in online social science databases. Contact: admin@reconproject.eu.

Editors

Erik O. Eriksen, *ARENA – University of Oslo*

John Erik Fossum, *ARENA – University of Oslo*

Editorial Board

Ben Crum, *Vrije Universiteit Amsterdam*

Zdzislaw Mach, *Jagiellonian University Krakow*

Yvonne Galligan, *Queen's University Belfast*

Agustín José Menéndez, *University of León*

Christian Joerges, *University of Bremen*

Helene Sjursen, *ARENA – University of Oslo*

Ulrike Liebert, *University of Bremen*

Hans-Jörg Trezn, *ARENA – University of Oslo*

Christopher Lord, *ARENA – University of Oslo*

Wolfgang Wagner, *Peace Research Institute Frankfurt*