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REGIONS AND THE EUROPEAN UNION

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16.1 INTRODUCTION

Multi-level governance emerged within the context of European studies as an alternative approach to state-centric models of European integration (Hooghe and Marks 2001; Bache and Flinders 2004). Not surprisingly, the starting point for the concept was European Union (EU) structural policy, where in 1988 a reform of the structural funds had given the regions a real voice in EU policy-making for the first time (Marks 1993; Hooghe 1996). But has the EU really sidelined the nation states by mobilizing the regions? Are new relations between the supranational and subnational levels really the harbinger of the nation state's decline as political authority increasingly shifts upward to the EU (Börzel 2005) and downward to the subnational plane (Marks et al. 2008)? Or are the regions merely 'actors in an intergovernmental play' (Pollack 1995; Bache 1999), whose activities at European level reinforce rather than transform intrastate politics?

There is no doubt that the relationship between the EU and the (sub-state) regions of its members has been a bone of contention in political science debate. In this discussion, the 'region' has proven to be a somewhat vague concept that somehow encompasses the entire political space found below central state governments and above local authorities (Marks et al. 2008). In the absence of a consensual definition, 'region' is often used synonymously with 'subnational authorities', or the 'third' or 'intermediate' level of governance (Jeffery 1997). At a minimum, a region appears constituted by three features: (1) the existence of a public entity of clear territorial scope which is (2) situated between the local and the national level and which has (3) legislative and executive institutions capable of authoritative decision-making (ibid., p. 15). According to this definition, the EU, with its currently 27 member states, has 419 subnational authorities or regions, ranging from the German Land of North Rhine-Westphalia with a population of 18 million to Hiiumaa, a *maakond* (county) of Estonia with about 10 000 inhabitants.¹ Given the socioeconomic and institutional heterogeneity concealed behind such figures, it is hardly surprising that efforts to theorize patterns of relations between the EU and the national and regional levels of government have posed a significant challenge to scholars of the EU's system of multi-level governance.

After two decades of research, however, nobody has yet provided convincing empirical evidence of a comprehensive trend of subnational emancipation induced by the EU that challenges the overall dominance of the nation states (Keating 2008). Instead of a Europe of the regions, we seem to be witnessing the emergence of a Europe with some regions, where regional involvement varies across both member states and policy areas (Hooghe and Marks 2001).

The patterns of relations between the EU and national and subnational levels of government have been quite diverse and have therefore largely resisted attempts toward uniform theorization. European integration has neither purely strengthened the state,

as suggested by liberal intergovernmentalism (Moravcsik 1994, 1998), nor has the state been automatically weakened as expected by neo-functionalist approaches (Marks 1993; Sandholtz 1996). The multi-level governance literature acknowledges that European integration has not given rise to the emergence of a homogeneous regional level of governance in the EU. In fact, the powers of subnational governments vary immensely across the member states (Keating and Hooghe 1996; Marks et al. 1996; cf. Jeffery 1997). It remains unclear, however, under which conditions European regions have been able to benefit from the upgrading of their role in the policy process, both at the domestic and the EU levels.

This chapter revisits the role of the regions in the EU system of multi-level governance. We argue that the patterns of intergovernmental relations between the EU, the central state and the regions are far too diverse to be explained by the theories of European integration that have dominated the debate on a ‘Europe of the regions’. The concept of multi-level governance is better suited to accounting for the varieties of regional government found in the EU. However, this concept has no explanatory power to account for the variation we observe across time, policies and member states. In order to analyse the role of the regions in the EU, we will attempt to disentangle the policy and the polity dimensions of regional government in the EU and then provide an overview of how the relationships between the EU and the national and regional levels of government have evolved. Here, the policy dimension refers to policy content, for instance, the changing patterns of political interaction alongside the production of public policies aimed at developing regional capacities; the polity dimension, by contrast, conceptualizes changes in the institutional set-up of regional participation in national and supranational politics. The chapter concludes with some sceptical reflections on the idea of ‘Europe with some regions’ and the challenges this poses to research on governance.

16.2 THE POLICY DIMENSION

The Committee of the Regions claims that ‘around two-thirds of EU legislation is implemented by local and regional authorities in Member States’.² The accuracy of this claim might well be called into question, but there is still little doubt that many EU policies have serious repercussions for regional and local levels of government (Hooghe and Marks 2001, pp. 90–1; Börzel 2002, pp. 153–71). It would go beyond the scope of this chapter to explore the role of the regions in the various policy areas affected by Europeanization and so we will limit ourselves to EU structural policy, which aims at reducing disparities between regions by developing their political and economic capabilities through the so-called structural funds.³

The Commission came up with the idea of a European regional policy in the late 1960s. At that time, all member states had some kind of national redistributive policy in place to help laggard regions catch up with economic growth and employment. These policies were largely inspired by economic modernization theories and by the concept of a ‘territorial dimension’ to the (then prospering) welfare state aiming at the alleviation of regional (economic) disparities (McCrone 1969; Tömmel 1997; Benz 2007). The European Regional Development Fund (ERDF) eventually became operative in 1975. It constituted the starting point for an ‘active’ Community regional policy.⁴ In the initial

years, however, the ERDF did no more than refinance national structural projects out of the EU budget. There was no genuine European dimension to structural policy.

This situation changed dramatically in the 1980s. First, with the accession of Greece, Portugal and Spain, the heterogeneity of economic development within the Community increased, which put the issue of cohesion on the political agenda. Second, 'poor' and peripheral territories in Greece, southern Italy, Spain, Portugal and Ireland had little to gain from the internal market project. In order not to delay the completion of the Single European Market, the concerns of the cohesion countries that economic liberalization would make their peripheries lose out even further had to be 'bought off'. Third, EU state aid policy was becoming a real threat to existing state aid for economically deprived regions; thus, even the richer member states had an incentive to Europeanize structural policy (Leonardi 1995; Hooghe 1996).

The southern enlargements of the early 1980s resulted in the establishment of the Integrated Mediterranean Programmes, in other words, special funding schemes for southern peripheral territories (Bianchi 1992). The Commission used these programmes as a testing ground for new funding schemes and innovative modes to implement EU aid. The experience gained constituted the basis for the comprehensive overhaul of the European structural funds in 1988. The essential compromise between net payers and net receivers was that the significantly extended financial commitment of the Community in regional development was to be accompanied by a greater supervisory role on the part of the Commission and thus a greater supranational say in how the additional European resources were to be spent domestically. The reform principles included an 'integrated approach' (using social, regional and agricultural mechanisms in a coherent way), 'concentration' (on target zones), 'additionality' (EU funding was to supplement as opposed to replace national development aid), 'programming' (pluriannual programmes instead of one-off projects) and 'partnership'. Partnership provided the Commission with a powerful tool to open up bilateral relations between the national governments and their regions at the domestic level with the aim of turning structural policy into a process of multi-level cooperative policy-making (Heinelt and Smith 1996; Hooghe 1996; Ansell et al. 1997; Bache 1998; Bauer 2002). In fact, it promised nothing less than the transformation of vertical relationships via functional policy-making. Through the systematic involvement of the regions in the design, management and monitoring of economic development programmes, national governments would lose some of their political authority, while regional actors might shift their political loyalties toward the European centre. EU regional policy became the first empirical testing ground at the policy level for neo-functional and intergovernmentalist approaches competing for the theoretical prerogative on explaining European integration.

However, a growing number of empirical studies began to forcefully demonstrate that the expectations for a 'Europe of the regions' had been premature. Partnership as the Commission's tool for transforming intrastate politics proved limited mainly for two reasons. On the one hand, regions vary significantly with regard to their institutional and political capacities to exploit the new political opportunity structure offered by EU structural policy. On the other hand, central governments have largely resisted the devolution of any real decision-making power to regional actors (Anderson 1990; Bache 1999). Subsequent reforms further toned down the transformative potential of partnership. The 1993 and 1999 revisions of European structural and cohesion policy extended

the partnership to the social partners, thus undermining the privileged role of regional and local authorities. More importantly, the 1998 reform ensured that partnership had to comply with the institutional set-up of the territorial relations in each member state (Hooghe and Marks 2001, p. 84). Finally, Eastern enlargement dealt another blow to the high hopes for a stronger role of the regions in the EU (Bauer 2004; Scherpereel 2007). The Commission had initially pushed the principle of partnership, linking structural funding as a means of pre-accession aid with demands for subnational capacity development. But with the date of accession fast approaching, the Commission finally dropped its standard request that structural funds had to be administered at regional level. When it became evident that the pre-accession funds had failed to build up sufficient institutional capacity at the regional level, the Commission turned away from its earlier attempts to empower the regions and instead encouraged central state management of structural funds in order to ensure higher financial absorption (Bailey and Propris 2004; Hughe et al. 2004; Bauer and Kuppinger 2006).

While great expectations of Brussels were dashed in Sicily and in Central and Eastern European regions alike, it is probably exaggerated to describe partnership as having been ‘blown completely out of proportion in the literature’ and to deny it any ‘centrifugal effect’ whatsoever (Tsoukalis 1997, p. 208). Nevertheless, it has become clear that the empowering effect of EU structural policy is differential and largely depends on intrastate politics and existing national constellations (not least the particular situation in the respective region with respect to political, institutional and socioeconomic resources). Put bluntly, the new opportunities of structural policy-making were distributed among European regions and subnational authorities according to the Matthew principle – those who already had got more, while those who did not have remained empty-handed. To be fair, however, the regional level may still enjoy a greater say in structural policy today than 20 years ago (Marks et al. 2008), but it would be audacious to trace these changes exclusively back to the effects of European integration, let alone European structural policy (Keating 2008). Moreover, subnational influence varies within emerging patterns of multi-level governance, largely depending on, first, the stage in the policy cycle (formulation, decision-making, implementation) and, second, on the capacities of the respective regional actors (Marks 1996; Jeffery 2000; Hooghe and Marks 2001).⁵

Finally, it should be noted that upcoming change will perhaps not reduce the academic relevance of structural policy, but in practice this is precisely what is likely to happen. Due to Eastern enlargement, the challenges of a policy aiming at economic and social cohesion in the whole EU have become more daunting than ever before in the history of integration. However, the financial resources, though rising in absolute numbers, have been reduced relative to the actual problems. There is consensus that structural funding will have to be increasingly concentrated on the new member states of the Union. For the old member states, regional policy will thus lose significance. Moreover, the chances for developing its apparent or real political transformation potential in Central and Eastern Europe look bleak since, with the exception of Poland, the subnational authorities in these member states tend to be weak (Keating 2003; Pitschel and Bauer 2009). As a result, we may be likely to see two contradictory trends in EU regional policy – policy disengagement and attempts at renationalization in the West, and centralization in the East.

16.3 THE POLITY DIMENSION

The concept of multi-level governance was first developed to explain EU structural and cohesion policy, with which the Commission had directly sought to empower the regional level. Despite being a most likely case for the emergence of a 'Europe of the regions', the literature has found no evidence of territorial convergence. Structural policy has given rise to highly uneven patterns of subnational mobilization, which have hardly changed the distribution of power between the central state and the regions. Not surprisingly, therefore, the overall domestic impact of the EU system of multi-level governance on the territorial institutions of the member states has been equally limited and differential. The EU constitutes a comprehensive political opportunity structure that has provided the regions of the member states not only with additional resources, but also with some serious constraints. Moreover, the ability of the regions to make use of the opportunities and avoid the constraints, respectively, has been very much dependent on their political and organizational capabilities (Marks et al. 2008; Börzel 2002).

Next to the 1988 reform of structural policy, it was the Single European Act that led the regions to discover Europe (see Hooghe and Marks 2001, pp. 81 ff.). The completion of the Single European Market entailed a significant transfer of competencies from the national to the EU level, covering a whole range of policy areas that were vital to the interests of the regions. In particular, institutionally well-established regions such as the German Länder and the Belgian regions were dissatisfied with what they saw as limited options to participate in supranational policy-making compared to the loss of (co-)decision powers they suffered at the domestic level. While the regions had hardly any say in EU decision-making, they still had to pay for the implementation of many EU policies. In response to the 'uneven distribution of say and pay' in EU policy-making (Börzel 2002), the regions developed three different strategies: (1) gaining direct access and representation at the EU level and thus circumventing the central state, (2) intensifying domestic access to EU policy-making through cooperation with the central state, and (3) 'ring-fencing' regional competencies against the intervention of both the EU and the central state (Jeffery 2000; Börzel 2001; Hooghe and Marks 2001, chapter 5).

The endeavours to grant the regions direct and independent access to the EU level have entailed changes to the institutional architecture of the EU in the form of the Maastricht Treaty. First, Article 146 (today 203) allowed regional ministers to participate in the Council of Ministers in representation of their respective member states. While Article 146 can be considered a constitutional breakthrough for regional participation (Hooghe and Marks 2001, p. 83), in fact only the regions of federal states have been able to gain a seat at the negotiation table, and then only where their exclusive competencies are concerned. Moreover, they have to represent the member state as a whole rather than their particular regional interests. Second, the Maastricht Treaty created the Committee of the Regions (CoR). It must be consulted in the EU legislative process on any decision that is of regional or local concern (regional policy, the environment, education and transport). The CoR can also issue opinions on its own initiative on any other decision. It is clear by now that the CoR has disappointed any hopes that it might become a third chamber in the EU representing subnational territorial interests. As a consultative body, it lacks real political authority. Moreover, its membership is too diverse to allow for the formulation of common positions (Christiansen 1996; Farrows and McCarthy 1997). The prime

ministers of the German Länder not only have different concerns than the mayors of Greek municipalities, they can also use different, more powerful channels to introduce their interests into the EU policy process.

Next to obtaining constitutional representation, subnational governments have sought to establish independent offices in Brussels. Their number has been growing continuously over the last 20 years (8 in 1988; 54 in 1993; 160 in 2002; cf. Marks et al. 2002). The main task of these offices is to gather information and feed it into their subnational networks; they also try to influence policy-making by presenting regional views to the (appropriate) supranational actors. The offices vary significantly with regard to their legal status and their resources. Although they provide the regions with a vital avenue into EU policy-making, they tend to take the form and function of lobbying organizations rather than political representations. As such, they hardly present a threat to the gate-keeping position of the central state in EU policy-making.

Given the limits on direct access to the EU level, the regions have relied heavily on efforts to influence EU policy-making at the domestic level. Virtually all subnational entities with a minimum of executive or legislative power have managed to gain at least formal consultation rights (although sometimes only via representative associations) in the respective national-level procedures to formulate national positions on EU affairs. The regions in the federal member states (Germany, Belgium and Austria) have successfully fought for constitutional co-decision powers whenever issues are at stake that affect their sphere of competencies. Spain has been moving toward a form of regional participation at the domestic level that is strongly oriented in line with the German model. And the Italian government increasingly informs and consults the Italian regions on European issues of their concern (see Börzel 2002). Even for institutionally well-established regions, the national political systems appear to provide the most important channel for subnational influence in the EU system of multi-level governance.

Nonetheless, the attempts of the regions to gain access to EU policy-making both at the EU and the domestic level have been weakening in recent years. The debates in the European Convention and throughout the negotiations of the Treaty of Lisbon have shown that there is little support for formalizing a more comprehensive and qualitatively stronger subnational involvement (Lynch 2004; Bauer 2006). The Treaty of Lisbon, if ratified, will do little more than provide some symbolic recognition of local and regional authorities as fundamental structures expressing national identity, a clearer definition of the principle of subsidiarity and the possibility for regional parliaments to participate in the 'early warning' system as a check-up on upcoming EU regulation. The loss of regional momentum may be due to a strategy shift among the more powerful regions, namely the German Länder, which have become increasingly disillusioned with the collective representation of the regions at the EU level, on the one hand, and have reached the limits of participation in EU policy-making at the domestic level, on the other. Thus, the German Länder have switched from 'letting us in' to 'leaving us alone' (Jeffery 2005). Indeed, within the Convention, the German Länder sought to ring-fence regional competencies by pushing for a clear delimitation of competencies (Jeffery 2007). Their attempts to have the Convention adopt a comprehensive 'subsidiarity list' which would limit the EU's legislative abilities failed miserably, however, not least because weaker regions had little interest in renationalizing cost-intensive policies given the weak spending capacities of their member states.

In summary, the widening and deepening of the EU may have rendered attempts to strengthen the regional level of government in the EU futile either by 'reining in' at the EU and domestic level or by 'rolling back' the EU's grip on domestic affairs (Jeffery and Yates 1993). Eastern enlargement has brought into the Union almost only (relatively small) states with centralized political systems, and thus in relative terms Eastern enlargement has clearly weakened the existing regional power base (Batt 2002; Brusis 2002). Today the EU is dominated by regions that are institutionally too weak and/or lack sufficient regional identity to push for a collective regional representation at the EU level. At the same time, a unanimous consent on the renationalization of EU competencies appears unlikely in an EU with 27 member states that have become ever more heterogeneous. The extension of qualified majority voting and the introduction of the double majority in the Council, respectively, undermine the co-decision powers of the regions in the formulation of national bargaining positions.

What essentially remain for regions that seek to extend or at least safeguard their influence on EU policy-making are lobbying activities at the EU level, particularly if they team up with other transnational actors, irrespective of their legal status. However, the capacity of regions to form issue-specific coalitions depends on their ability and willingness to invest organizational and political resources. As we have seen, these capabilities are increasingly varying as the regions of Europe become ever more heterogeneous.

16.4 FAREWELL EUROPE OF THE REGIONS?

Despite some convergence with respect to regional participation at the EU and the domestic level, the regions of Europe have not been able to form an independent third level of government in the EU's system of multi-level governance. Even in structural policy, which explicitly aims at empowering the regions, subnational mobilization has been extremely diverse. The differential impact of European integration on the power of the regions poses some major challenges to students of multi-level governance. Little attempt has been made so far to systematically explain the different types of relationship that have emerged. Institutional capacities are certainly a strong predictor for the relative strength of regions to engage in EU politics (Hooghe and Marks 2001). However, the regions not only require sufficient capabilities to mobilize, they must also have a sufficient self-interest in using them to gain access to the EU policy process. And when they do, different regions may choose different strategies according to the resources that they objectively have at their disposal or according to their political predilections and priorities. The Spanish *Comunidades Autónomas*, for example, have competed with the central state as well as with each other for access to the EU. The German *Länder*, by contrast, have pursued a more cooperative approach in terms of horizontal coordination in EU affairs between themselves and (most of the time also) with the federal level. The strategy choices have given rise to distinct patterns of relations between the EU, the central state and the regional levels of government. While some point to the importance of path dependencies and institutional culture (Börzel 2002), others refer to the demand for regional political emancipation driven by bureaucratic politics (Bauer and Pitschel 2007) or the relationship between the executive and legislature within the regions (Bolleyer 2009).

Theoretical explanations for the differential patterns of multi-level governance in the EU are still lacking, and the effects of these patterns on the effectiveness and legitimacy of EU policy-making have been explored even less thoroughly. Regional co-decision rights in the formulation of national bargaining positions in EU affairs may provide some compensation for the transfer of regional competencies to the EU level. However, since these rights are exercised by regional governments, regional participation contributes to the EU-induced disempowerment of parliaments at the domestic level (see Schmidt 2006). Moreover, increasing regional participation exacerbates problems of insufficient accountability and transparency in EU policy-making. The extent to which such losses of input legitimacy (for example, the decreasing formal involvement of the representative institutions of a democratic system in decision-making) are compensated by greater effectiveness or output legitimacy (for example, the production of collective goods in the implementation of EU policies) is still an open question. Involving regional governments in EU policy-making has certainly been seen as a way to increase the problem-solving capacity of EU policies geared toward the regional level. However, additional expertise in policy formulation and greater acceptance in implementation may be bought off by more lengthy decision-making processes and policies that merely reflect the lowest common denominator.

Today, the prospects for a ‘Europe of the regions’ look dismal. Yet regions play an important role in the EU system of multi-level governance. What political science, however, has not yet come to terms with is the great variety entailed by the realities of an emerging ‘Europe with some regions’. If the long-term aim is to develop a meaningful theory of multi-level governance that gives the regional level its due, then the following challenges should be addressed in the medium-term perspective. First, mapping the different actor constellations and modes of interaction that have emerged between the EU, the central state and the regions might provide a useful starting point (see Benz, Chapter in this volume). Second, instead of invoking grand theories (that do not reflect the realities of regional politics in the EU), more attention needs to be paid to the middle-range mechanisms and scope conditions of regional participation in EU politics. Third, the whole debate about the ‘Europe of the regions or with some regions’ suffers from a ‘policy deficit’. In essence, when it comes down to policy studies, regional political exchange with the supranational level is largely confined to EU structural policies. If we want to bring more substance to the debate, we need more analyses that investigate the differential impact of regional political choices on a larger portfolio of relevant policies. In other words, it is the differential salience of regional politics in the emerging multi-level system of governance that we need to address in order to get to the bottom of apparent policy trade-offs.

NOTES

1. For these figures and more information on the heterogeneity of the subnational level, consult the web pages of the Committee of the Regions at <http://www.cor.europa.eu>, (access 24 February 2009).
2. Cf. <http://cor.europa.eu/pages/PressTemplate.aspx?view=detail&id=874e9c54-c261-4b06-b287-6fc6094b4a4c>, (access 24 February 2009).
3. The main structural funds, that is, the main funding instruments, are the European Regional Development Fund (ERDF), the European Social Fund (ESF), the European Agricultural Guidance and Guarantee

Fund (EAGGF) and the Cohesion Fund. More instruments have recently been added, such as the European Grouping of Territorial Cooperation, the Solidarity Fund and the Instrument for Pre-Accession Assistance.

4. However, in retrospect it must be remembered that the 'European Communities' in the European Social Fund (ESF) – with particular tasks assigned to the European Coal and Steel Community (ECSC) – and in Provisions 92–94 of the Rome Treaty concerning state aids already had some leverage, albeit only indirect, to counter regional economic problems and to coordinate member states' responses to them (McCrone 1969, pp. 205 ff.; Armstrong 1978).
5. It should probably be added that European structural policy also includes transregional elements. In particular, the instrument of Interreg provides funding for joint projects involving three and more regions. But these instruments are small in terms of budget and impact and lasting political effects are rarely reported (see Perkmann 2003).

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