



**COUNCIL OF EUROPEAN MUNICIPALITIES AND REGIONS  
CONSEIL DES COMMUNES ET REGIONS D'EUROPE**

**CEMR Response to the  
European Transparency  
Initiative  
COM (2006) 194**

Brussels, October 2006

**Conseil des Communes et Régions d'Europe ? Council of European Municipalities and Regions**

15 rue de Richelieu 75001 Paris  
Tél. : +33 1 44 50 59 59  
Fax : +33 1 44 50 59 60

[cemr@ccre.org](mailto:cemr@ccre.org) - [www.ccre.org](http://www.ccre.org)

22 rue d'Arlon 1050 Bruxelles  
Tél. : +32 2 511 74 77  
Fax : +32 2 511 09 49

### **Key points of CEMR's response**

1. CEMR welcomes the initiatives taken by the European Commission to improve the European governance process of the EU by increasing transparency, consultation and accountability.
2. CEMR believes that an important way of tackling the divide between the EU institutions and European citizens is to strengthen the role of local and regional governments in European governance, in place of the excessive trends in recent years towards centralisation at European and national levels.
3. CEMR welcomes the proposals related to transparency and interest representation. However, in our opinion European and national associations of local and regional authorities cannot be considered as lobbyists in the same way as the private or voluntary sector.
4. CEMR welcomes the proposal to set up a register for all lobbyists but suggests that any future register should make a differentiation between those representing the public sector and those lobbying on behalf of the private or voluntary sector. It should also provide a single entry point to all EU institutions.
5. CEMR supports a code of conduct, to be developed by a cross-section of different actors. However, CEMR is opposed to the creation of an external watchdog, which would create an extra layer of bureaucracy.
6. With regard to the EU consultation processes, CEMR notes an improvement in recent years but believes that further work is needed on keeping to the minimum timeframes and on feedback and evaluation mechanisms. More long-term planning and publication of upcoming consultations would also be welcomed.
7. In the context of consultation procedures, CEMR notes the important contribution of the structured dialogue with European and national associations of regional and local government. CEMR holds that there is scope for improvement and would be delighted to be involved in the evaluation of the process.

## I. Introduction

1. The Council of European Municipalities and Regions (CEMR) notes that from the experience of our members, representing local and regional government, many of our co-citizens no longer identify as closely with the direction in which they see the EU developing, and often feel that the Union is not responding sufficiently to their day-to-day concerns. As recent Eurobarometer surveys<sup>1</sup> have shown, there continues to be a need to restore confidence in the EU and its institutions.
2. CEMR brings together 51 national associations representing local and regional government in 37 countries and has, for over 50 years, promoted a strong united Europe that is based on local and regional self-government. CEMR welcomes the initiatives taken by the European Commission to improve the European governance process of the European Union. Increasing transparency in how the EU handles the responsibilities and funds entrusted to it by EU citizens is one important aspect of this.
3. CEMR believes that another important way of tackling this dangerous divide is by strengthening the role of local and regional governments in European governance, in place of the excessive trends in recent years towards centralisation at European and national levels.<sup>2</sup>

## II. Transparency and interest representation

### Definitions and basic framework

4. CEMR notes with concern the lack of recognition of the broad variety of realities and actors that the term 'lobbyist' encompasses. The Green Paper does not explicitly mention local and regional authorities and their associations, but the definition seems to imply that it covers associations of local and regional government also.<sup>3</sup>
5. We are furthermore concerned, that the Green Paper on the European Transparency Initiative does not sufficiently reflect on how to take into account the representativity of different 'lobbyists'. Dialogue with and consultation of external experts and partners form a vital element of the European decision-making process. Part of the drive to increase transparency in interest representation should therefore be to take into account the representativity of different lobbyists. One step could be to define minimum criteria of representativity related to the membership structure, the transparency and democratic accountability of the working methods, or its ability to foster an exchange of information and debate between the Commission and citizens.

---

<sup>1</sup> For details, see: Eurobarometer 64 [http://ec.europa.eu/public\\_opinion/archives/eb/eb64/eb64\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb64/eb64_en.pdf)

<sup>2</sup> For details, see: [http://www.ccre.org/docs/innsbruck\\_declaration\\_finale\\_en.doc](http://www.ccre.org/docs/innsbruck_declaration_finale_en.doc)

<sup>3</sup> "Lobbying' means all activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions. 'Lobbyists' are defined as persons carrying out such activities, working in a variety of organisations such as public affairs consultancies, law firms, NGOs, think-tanks, corporate lobby units or trade associations."

6. CEMR argues that European and national associations of local and regional authorities cannot be considered as lobbyists in the same way as the private or voluntary sector. Local and regional authorities play a key role in implementing European policies and legislation. They act on behalf of democratically elected members and as such constitute a very different sector from either private or civil society interest.
7. There is a need to strengthen the working in practice of the principles of subsidiarity and proportionality to European policy and law-making and to acknowledge the essential role of local and regional authorities and their representative associations as partners of regional and local government in the European governance process.
8. CEMR recalls in this context the fundamental breakthrough of the EU Constitution in expressly including the principle of local and regional self-government. We call on the European institutions to make a formal commitment to this effect within the existing legal framework and to re-confirm that a modern, democratic European Union must include, as a key element, formal recognition of the principles of local and regional self-government.

#### **Setting up a registration and accreditation system**

9. CEMR welcomes the proposal to set up a register for all lobbyists that should be made public wherever possible in order to maximise transparency. However, we would suggest that any future register of lobbyists should make a differentiation between those representing the public sector and those lobbying on behalf of the private or voluntary sector.
10. Concerning the registration and accreditation system for associations of local and regional authorities, CEMR suggests to build on database established by the Committee of the Regions in the context of the 'ongoing and systematic policy dialogue with local government associations'.
11. With a view to decreasing the bureaucratic burden and increasing coherence, we would also propose the creation of an accreditation system with a single entry point to all EU institutions. We would furthermore welcome if registration of organisations entailed access to the institutions for all relevant individuals employed within the registered organisation.

#### **A common code of conduct**

12. CEMR supports the proposal to consolidate existing codes of conduct, including minimum requirements and welcomes the proposal to make them publicly available. This consolidated code of conduct should be developed by a cross section of different sectors, including associations of local and regional government.
13. Within the CEMR, there is little support for an external watchdog, which would create an unnecessary extra layer of bureaucracy. Instead, it should be an integral part of the EU governance system, with internal checks and balances built into the political process. EU institutions should seek to cooperate better in monitoring any breaches in the code of conduct.

### **III. The application of the minimum standards for consultation**

#### **General feedback**

14. There has been a notable improvement in respecting the minimum standards related to conducting public consultations on European Commission policy or legislative proposals.
15. One area where improvement is needed is the provision of feedback on the outcome and impact of consultations on the policy or legislative proposals. A number of positive examples where an in-depth analysis was presented by the Commission services exist<sup>4</sup>, but there is a need for consistency on how contributions to consultations are evaluated and included in the final proposals.
16. Secondly, the CEMR would welcome a consistent approach to keeping the minimum time limit for consultations. Although there has been a marked improvement, there are unsatisfactory examples that have made it challenging to contribute in a meaningful manner.<sup>5</sup> We would also welcome the availability of consultation papers in at least three official EU languages.
17. Finally, it would be helpful if a list of the main upcoming consultations could be published in conjunction with the annual work programme of the European Commission. This would assist stakeholders in planning and dedicating sufficient time to quality responses.

#### **The role of local and regional authorities and their national and European associations**

18. CEMR would like to acknowledge the European Commission's efforts in ensuring that regional and local knowledge and conditions be taken into account when developing policy and legislative proposals. The European Commission has shown its commitment through the organisation of regular systematic dialogues with European and national associations of regional and local government, based on increased cooperation between itself, the Committee of the Regions and the associations.<sup>6</sup>
19. Although the first two years of this systematic dialogue have been promising, there is still a need to improve the dialogue process. CEMR would be delighted to be involved in an evaluation of the process and a discussion on how to strengthen it in the future.

---

<sup>4</sup> Such as for instance the consultation on the Green Paper on Public-private Partnerships and the Consultation on the Urban dimension to the structural funds.

<sup>5</sup> Such as for instance in the recent consultation on the European Commission's draft to amend the regulation on the application of Articles 87 and 88 of the EC treaty to de minimis aid, published in the Official Journal C 137 of 10/06/2006

<sup>6</sup> In its communication in 2003 entitled 'Dialogue with associations of regional and local authorities on the formulation of EU policy' [COM (2003) 811], the European Commission committed itself to establish "a more systematic dialogue with European and national associations of regional and local government at an early stage of policy shaping". The first structured dialogue took place in May 2004. In addition to the dialogue meetings with the Commission President, a number of thematic meetings with individual Commissioners have taken place.

20. Scope for improvement exists particularly with regard to the upstream dialogue with the European Commission on technical aspects of emerging policies and legislation. CEMR sees a need to complement the high-level political dialogue with a more systematic exchange between experts from the associations representing local and regional authorities and the EU institutions.
21. We furthermore see a need to encourage Member States to include representatives from local and regional authorities more consistently in Commission expert groups and would also like to encourage the European Commission to consistently invite experts from the local and regional level to relevant expert groups. Finally, we would like to see EU impact assessments address the local and regional level more specifically.