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La présidence belge

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*"A ceux qu'ils veulent détruire, les Dieux assurent en premier lieu la Présidence du Conseil des Communautés européennes"**

Depuis qu'en juin 1992 la population danoise a prononcé le 'nej' à la ratification du Traité de Maastricht, la Communauté européenne a traversé une période difficile. La CE fait non seulement face à une crise de confiance de ses citoyens, mais se voit également confrontée à une crise économique ainsi qu'à des perturbations sur ses marchés financiers.

C'est dans ce climat peu réjouissant que le 1er juillet 1993 la Belgique a repris du Danemark le flambeau de la Présidence du Conseil de la CE. Ses partenaires attendent néanmoins beaucoup de cette Présidence qui devrait aller de pair avec la mise en vigueur du fameux Traité de Maastricht et espèrent qu'elle donnera de nouvelles impulsions au processus d'intégration européenne. Membre fondateur des Communautés européennes, la Belgique a toujours défendu une position maximaliste quant à l'intégration européenne et à travers des personnalités comme Paul-Henri Spaak et Leo Tindemans, ce petit pays n'a pas manqué de marquer les Communautés de son empreinte. Les deux protagonistes de la Présidence belge, le Premier ministre démocrate-chrétien Jean-Luc Dehaene et le ministre socialiste Willy Claes sont des Européens convaincus. A en croire son logo, - les douze étoiles en forme de disque transpercé par un B tricolore, symbolisant le souhait de la Belgique d'être la plaque tournante de l'Europe -, la Présidence belge exploitera au maximum ces six mois pour donner une nouvelle orientation à la Communauté.

L'ambition de changer de cap par rapport aux présidences molles du Royaume-Uni et du Danemark se reflète également dans le programme présenté par le ministre des Affaires étrangères Willy Claes devant le Parlement européen le 14 juillet 1993. Les priorités suivantes, dont la plupart ont trait à la mise en oeuvre du traité de Maastricht, ont été définies:

- restaurer la confiance des citoyens dans la construction européenne;

- mettre en oeuvre des mesures menant à la relance économique et à la création d'emplois;

- préparer le passage à la deuxième phase de l'Union Economique et Monétaire (UEM) dont l'entrée en vigueur est prévue pour le 1er janvier 1994;

- donner un nouvel élan à l'Europe sociale;

- donner de l'ampleur à la Politique Etrangère et de Sécurité Commune (PESC).

Consciente du clivage croissant entre l'Europe et ses citoyens, la Présidence belge se propose d'impliquer plus étroitement le Parlement européen ainsi que les parlements nationaux et le futur Comité des régions dans le processus décisionnel. Elle entend promouvoir la libre circulation des personnes, un des aspects les plus visibles du marché commun. Elle veillera également à ce que le Conseil adopte les règlements nécessaires pour permettre aux citoyens résidant dans un autre Etat membre de participer aux élections européennes dans leur pays de résidence.

La politique instaurée par la Présidence danoise, qui autorisait la presse à assister à certaines réunions du Conseil, ne sera cependant pas perpétuée par la Présidence belge, celle-ci arguant que la présence des caméras réduit les réunions à la simple lecture de déclarations politiques et empêche les véritables négociations.

Avec les 17 millions de chômeurs que compte actuellement la CE, ce qui représente quelque 11% de la population active, un des plus grands défis de la Présidence belge sera sans doute de s'attaquer à la crise économique. Jacques Delors, dans son rapport sur la dégradation de la situation économique en Europe prononcé lors du Sommet de Copenhague, a indiqué que le problème du chômage est étroitement lié aux coûts sociaux très élevés dans la Communauté. La Belgique suggère de s'attaquer à ce problème par l'introduction d'une taxe sur l'énergie et par l'harmonisation des taxes sur les revenus financiers. Les recettes provenant de ces mesures seraient destinées à contribuer au financement des coûts sociaux.

A moins que le désordre monétaire ne prenne le dessus, la Présidence belge compte entreprendre les démarches préparatoires pour l'établissement de l'Institut Monétaire Européen (IME). Cette institution, précurseur de la Banque Centrale Européenne, devrait être opérationnelle à partir du 1er janvier 1994, date de l'entrée en vigueur de la deuxième phase de l'UEM. Mis à part l'adoption de directives préparatoires, une des décisions politiquement les plus sensibles sera sans doute le choix du siège de la nouvelle institution. Ayant adopté une position flexible et conciliante lors de la décision sur le siège du Parlement européen et n'ayant pas d'ambitions personnelles quant au siège de l'IME, la Belgique dispose de la crédibilité nécessaire pour être un excellent médiateur dans ce dossier délicat.

Au niveau de la politique sociale, la Présidence affirme sa volonté de mettre en oeuvre la Charte Sociale et le Protocole social du Traité de Maastricht. Elle veut promouvoir le dialogue entre les employeurs et les travailleurs et faire progresser l'adoption de la directive sur la consultation des travailleurs de sociétés à sièges multiples.

Le cheval de bataille du ministre des Affaires étrangères Willy Claes est incontestablement la Politique Etrangère et de Sécurité Commune (PESC). Sa priorité dans ce domaine est de rapprocher cette forme de coopération intergouvernementale du processus décisionnel supranational communautaire. La Présidence a formulé des propositions quant à la fusion du Secrétariat du Conseil et celui de la Coopération Politique Européenne et voudrait exploiter la possibilité offerte par le deuxième pilier du traité de Maastricht de lancer un certain nombre d'actions communes dans le domaine des relations extérieures. Les fortes réticences de pays tels que le Royaume-Uni, le Danemark et l'Irlande ne sont certes pas de nature à faire progresser ce domaine où les Douze prennent les décisions par consensus.

D'autres points sur l'agenda de la Présidence belge sont la continuation des négociations d'adhésion avec l'Autriche, la Suède, la Finlande et la Norvège, et la poursuite des négociations dans le cadre du GATT.

Il est intéressant de noter que la Belgique, qui, depuis l'adoption par le parlement national en mai dernier des accords de la Saint-Michel, s'est transformée en un Etat fédéral, appliquera dès la ratification du Traité de Maastricht son nouvel article 146. Cet article, qui a été introduit dans le traité sous la pression de la République fédérale d'Allemagne et de la Belgique, prévoit dans la pratique la possibilité pour des entités régionales de participer au Conseil de ministres et de prendre des engagements pour l'Etat qu'elles représentent. Ainsi, dans les domaines relevant d'une des compétences exclusives ou prépondérantes des entités régionales, le représentant régional participe à certaines réunions du Conseil et préside celles-ci lors de la Présidence. Selon le domaine de compétence, le représentant régional de la Belgique est nommé de commun accord, soit par les 3 Régions, soit par les 3 Communautés. C'est ainsi que le ministre flamand de l'Education, une compétence exclusive des Communautés flamande, française et germanophone, présidera le Conseil de l'Education. Il est évident que ce système demande une bonne coordination entre les représentants des régions ou des communautés et exigera une grande loyauté des différents partenaires. Pour la première fois, il a également été convenu que l'Exécutif (le gouvernement) flamand et l'Exécutif wallon organiseront chacun de leur côté un Conseil informel. Le ministre-président wallon l'organisera sur le thème de la

politique régionale, tandis que les Flamands ont décidé de le consacrer à la culture.

Six mois de Présidence sont loin d'être une sinécure pour l'administration d'un petit pays tel que la Belgique. Le nombre croissant des compétences communautaires et l'élargissement de la Communauté de Six à Douze ont entraîné un accroissement et un alourdissement des tâches de la Présidence. Le nombre de Conseils et de groupes de travail que la Présidence doit préparer et présider n'a cessé de croître. En outre, la Présidence est également le porte-parole des Douze face à la presse et elle est responsable des contacts entre le Conseil et le Parlement européen. La Belgique a néanmoins un avantage par rapport aux autres petits pays: la proximité de la Commission et du Conseil qui ont tous deux leur siège à Bruxelles facilite certainement les choses.

Les charges contraignantes de la Présidence sont en partie compensées par le prestige de la fonction. Pendant six mois, le pays en question est au centre de l'attention des médias et est le représentant officiel des CE face aux demandes de pays tiers. En sa compétence de Président du Conseil européen, le Premier ministre belge Jean-Luc Dehaene participe au G7, le sommet des 7 pays les plus riches du monde, rencontre le Président Clinton, et préside le Sommet européen de Bruxelles prévu pour les 11 et 12 décembre.

Il faut cependant se garder de surestimer l'influence et la marge de manoeuvre d'une Présidence. La Présidence belge ne dispose que de six mois - en fait cinq si l'on déduit les vacances du mois d'août - pour atteindre ses objectifs, ce qui est une période très limitée pour réaliser de véritables changements. En outre, il ne faut pas oublier que, à l'exception de la Coopération Politique Européenne (CPE), le droit d'initiative dans les Communautés appartient à la Commission et non à la Présidence. La Présidence belge a d'ailleurs répété à plusieurs reprises qu'elle compte pleinement respecter ce droit exclusif de la Commission. Il n'appartient pas non plus à la Présidence d'imposer ses points de vue à ses partenaires. Les décisions communautaires sont prises par les Douze au sein du Conseil qui de plus en plus doit partager son pouvoir législatif avec le Parlement européen. Le rôle de la Présidence consiste principalement à rechercher des compromis parmi les Etats membres. La nécessité d'une recherche continue de compromis entre les différents groupes linguistiques en Belgique fait que les hommes politiques belges sont généralement de bons médiateurs, qualité qui leur est très utile au niveau européen. L'actuel Premier ministre a la réputation d'avoir contribué de manière décisive à la formulation de compromis dans les débats relatifs au processus de fédéralisation en Belgique.

La Présidence s'annonce difficile et comporte de nombreuses incertitudes. Il n'est même pas exclu que la volonté de la Présidence belge d'initialiser la mise en oeuvre du Traité de Maastricht soit retardée par un jugement de la Cour constitutionnelle allemande prévu pour le mois d'octobre. Cette juridiction examine actuellement la compatibilité de certaines dispositions du Traité de Maastricht avec la Loi fondamentale allemande. Plus que jamais, il incombe à la Présidence belge d'exploiter au maximum ses capacités de médiateur et de communiquer à ses partenaires son enthousiasme pour la cause européenne.

Maastricht, le 22 juillet 1993

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* Référence à une expression de Mark Almond du Institute for European Defence and Strategic Studies par le ministre belge des Affaires étrangères, Willy Claes, lors de son discours présentant le programme de la Présidence belge devant le Parlement européen le 14 juillet 1993.

Training Administrations to Manage the Internal Market: The Karolus Programme

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The important date set for the entering into operation of the internal market, i.e. 1 January this year, also marks the date for the entering into force of an EC Action Plan called the Karolus Programme'. EIPA is pleased to be involved in the running of this Programme which was established by a Decision of the Council of the European Communities on 22 September 1992 and has the objective of contributing to the effective functioning of the newly completed internal market.

The Karolus Programme is a Community training scheme which aims to achieve its objective by means of organizing, over a period of five years, exchanges between the 12 Member State administrations of 1900 national officials who are engaged in the implementation of internal market legislation. The Programme also envisages seminars for the exchange participants, which are held at EIPA's headquarters in Maastricht before and after the exchange period and deal with the EC's functioning and activities, and make analyses of the exchange experiences respectively.

The worthwhile nature of this training formula is supported by the successful experience of the Programme's pilot phase, which was run in two stages over a period of two years, commencing in November 1990. The initiative emerged as a result of the Commission's determination to step up efforts towards ensuring that internal market Directives were incorporated into the law of the Member States in a correct and timely manner.

The Commission was aware that the task of incorporating these Directives would entail significant and complex changes in the legislations and administrative practices and procedures of the Member States. As facilitator of this process, it recognized the role that cooperation between the different Member State administrations would play and the possibility of boosting this administrative cooperation by seconding officials to other Member State administrations and, conversely, by administrations hosting foreign colleagues.

The pilot phase, due to budgetary constraints, could not embrace a large number of participants but, despite its reduced scale, the results obtained were highly positive and very far-reaching.

From an organizational point of view, it demonstrated the feasibility of such a scheme. Applications were submitted to the internal market Directorate-General of the Commission, which passed them onto EIPA, which in turn contacted the selected candidates and administrations where the placement was being sought. The contact points in the Member States performed very satisfactorily as links between EIPA and the departments within their administrations better suited to the profile and professional interests of the participants.

The content of the exchange itself was excellent. The host departments cooperated enthusiastically, doing their utmost to see to it that the participant profited to the maximum from their stay with them, by offering them assistance, explaining their organization and activities to them, arranging for them to accompany officials in the performance of their tasks, making time for discussion, and arranging working activities, such as interviews, appointments and visits to many different bodies and organizations related to the participants' field of interest, and attendance at conferences or seminars.

This cooperation was an excellent guarantee for ensuring not only the future feasibility of placements but also the successful exchange of knowledge, experience and points of view between the officials. This mutual exchange of views between hosts and participants has been

strongly stressed by all participants as the most valuable aspect of their exchange experience. It provides a great deal of technical and practical knowledge and information, plus comparative impressions of different approaches to the same issue and new ideas to be applied at home, all of which flow in both directions, thus also benefiting the host administration.

As evidenced by the participants' testimonies, an exchange offers the opportunity to see at first hand how colleagues in other Member States cope with the same piece of EC legislation as that being dealt with in the home administration. It is a matter of natural curiosity to wish to know whether one's counterparts in other Member States carry out this job in the same way or differently, whether it is executed with the same level of quality, whether they encounter the same or different difficulties, and to understand to which specific factors these difficulties are attributed and how they are overcome.

The exchange also implies that participants become immersed in the organization of the host administration and hence in a different administrative culture. This allows them to acquire a better understanding of others and discover that existing *clichés*' are only true to a limited extent or not at all.

Meeting foreign counterparts and seeing the way in which they work is the best way to increase confidence between Member States. In the same words as the participants, you need to know the persons involved in order to trust them and, therefore, the exchange provides better grounds for relying on the performances of others than certificates of conformity.

Of paramount importance was the observation that although certain issues were tackled in a different way than in the participants' countries and the national arrangements made for the same Community legislation provision sometimes varied, the results were comparable. Verifying this fact in practice can contribute enormously to the proper functioning of a system, such as the one built for the operation of the internal market, whereby considerable importance is laid on mutual trust and confidence in the work of the other Member States. It will also contribute to officials being more receptive to the way in which legislation is implemented in other countries and will banish the tendency to believe that if something is done differently to how one would do it oneself, the same advantageous results cannot be attained.

Administrative cooperation, a key element for a real internal market to function effectively, is boosted as the cooperation initiated during the exchange period will continue in the future through the new communication channels opened up by the personal contacts made.

Having gained this experience from the experimental exchanges, Karolus was launched on the same date as that on which the internal market entered into operation. This coincidence is not without importance.

Having adopted almost all the 282 measures envisaged by the White Paper on the completion of an area without internal frontiers (95% as of July), the emphasis in this area has shifted towards ensuring that the system put in place actually works. Pending legislative measures and those necessary to polish imperfections will still have to be enacted, but the priority will be to ensure that the existing internal market rules are fully implemented, rather than to develop legislative activity. This is an essential task but not an easy one, as the timely andeffective implementation of EC legislation in the Member States has always posed problems.

Although currently (i.e. as of July), in the internal market area, Member States have taken 84% of the incorporation measures required, half the Directives have not yet been incorporated in all the Member States. Furthermore, the risk of divergencies as regards the content, application and especially control of these measures, which are entrusted to a multiplicity of bodies of a decentralized nature in many cases, could lead to a fatal refragmentation of the market.

Decisive action is needed to reassure and demonstrate to businesses, consumers and administrations that the rules of the single market are being applied and have equivalent effect across the 12 Member States, if the future of the success story, i.e. the production of the necessary legislation for the achievement of a single market, is not to be jeopardized.

When examining the possible action to be taken to formulate an effective strategy ensuring the harmonious operation of the internal market, e.g. the Sutherland Report on the functioning of the single market, it is evident that generating greater mutual confidence at all operational levels is essential and increased cooperation between Member State administrations contributes enormously to this objective.

This will inevitably require an effort on the part of all administrations in the Member States to bring their structures into line with the new situation: assimilating the new rules governing their fields of activity, developing their technical capacities accordingly, availing themselves of the necessary infrastructure to apply these rules and control their compliance, and establishing the necessary mechanisms for cooperation with other administrations for the proper management of common rules throughout the 12 Member States. In a Community which has abolished checks at its internal borders, rapid and close cooperation channels between administrations in the different Member States constitute an indispensable element for the effective control of the market.

It is against this background that greater significance is being given to training initiatives, such as that of Karolus, a single programme offered to the officials of the twelve Member States and especially well adapted to the training needs emerging from the completion of the unified market.

By means of an exercise of an eminently practical nature based on a learning-by-seeing-and-doing approach, the exchange provides a privileged setting, by the placement of officials in foreign counterpart administrations, for the exchange of technical and scientific knowledge in the relevant area of expertise. It also allows discussion on the most efficient ways of implementing internal market legislation, thus building up mutual trust and promoting an awareness in the officials of the Community dimensions of their daily work.

This is even more useful in a situation where those carrying out application and control tasks are officials who are often located in decentralized departments, which in most cases are different from those departments regularly involved in EC affairs and dealing with EC institutions. An exchange period in another Member State administration is an ideal way of providing these officials with some European experience and with a practical realization that their daily work of administering rules of EC origin is Community-wide and goes beyond the strictly domestic sphere.

This practical experience will be backed up with training of a more traditional nature in the form of 2 seminars taking place before and after the exchange. The first one responds to the perceived need for enforcement officials to become more acquainted with EC issues, as they may be specialists in their field of activity but lack an overall picture of EC issues and of the actual process of implementation which they need to grasp the full meaning of the piece of internal market legislation concerned. In this context, training sessions on the Communities' foundations, functioning, activities and most recent developments can contribute to filling this gap and puting the participants' work into perspective.

The second seminar will enable participants to meet and share information gathered and findings made during their exchange periods. This will enhance their own frame of reference, otherwise limited to just two Member States, i.e. their own and the one they visited, and provide a forum to discuss the administrative resources necessary for the efficient

implementation of EC rules and enable them to build up a larger network of contacts between colleagues working in the same field.

Last but not least, the exchange experiences should be spread further afield. To this end, written testimonies of the exchange officials' observations and findings are made, in which individual reports are drawn up on the basis of questionnaires containing various points, referring to implementation and administrative issues, to which they should pay attention during their stay abroad. These reports, available to origin and host administrations, will be analyzed by EIPA services and incorporated in the annual reports for the Commission and Member States containing the information which is relevant to follow up the implementation of internal market rules.

Karolus is a very worthwhile training instrument in that it not only increases technical knowledge, it also introduces the European dimension into the daily work of administrations, brings officials closer to the administration realities of the Member States and opens channels for administrative cooperation and mutual trust. This instrument is made available to the Member State administrations for them to enhance their work towards adapting their administrative structures and training their personnel in accordance with the new demands made by the single market.

With respect to operational matters, various special arrangements have been made to ensure that the Karolus Programme runs smoothly. A particular arrangement worth highlighting is the network of national coordination services (national coordinators) appointed by each Member State to coordinate participation. These have the task of channelling requests and applications for placement in their country and ensuring that all relevant departments of their administrations are informed of the programme (see page 7 for list of coordinators).

Participation is subject to involvement in the implementation of internal market rules in certain areas selected every year (e.g. the areas selected for 1993 are pharmaceutical products, public procurement, export controls on certain dual-use products and technologies, conformity testing and market supervision, foodstuffs, plant health, banks, insurance companies, stock exchanges and institutions for collective investment in securities and road transport; those selected for 1994 will be known shortly), sufficient knowledge of the language of the host Member State (for certain Member States, English may suffice) and commitment on the part of the administration sending the official to finance 50% of the subsistence costs for the exchange (the other 50% plus travelling and all expenses for seminar participation are covered by the Commission of the EC).

As expected, the commencement of Karolus has been slow. It takes time to get the machinery moving; the necessary informative documents had first to be made available to the national coordinators, who then distributed them throughout their ministries, which in turn had to examine the feasibility of fitting an exchange period into their already tight work schedules, and had to comply with procedural formalities both as regards the national administrations and the programme. In addition, a minimum of 2 months is needed between the Commission's approval of the application and the date on which the exchange can actually start. Nevertheless, it is also expected that once the information has been circulating for a longer period of time and the administrations have been able toplan the exchanges of their officials, the number of candidates will meet the participation objectives set. The number of applications received has indeed increased, notably since the spring, with the result that 90 officials have already registered and many of them will have completed their exchanges before the end of the year. There is little doubt that, as is already happening, their testimony and that of future exchange participants will give rise to their home and host colleagues following suit in a scheme that will increase the cooperation between Member State administrations that is required for the effective management of the single market.

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Regions in the Policy Process of the EC - Reflections on the Innovations of the Maastricht Treaty

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The Maastricht Treaty formally recognizes for the first time, directly and indirectly, the existence of regions in at least some of the Member States: directly, through the establishment of the Committee of the Regions (Art. 198 a-c), and indirectly through the changes in Art. 146. These changes reflect a growing recognition that regional authorities are increasingly affected by EC policy and understandably want to increase their voice in shaping it.

Among the original six Member States, only Germany was federally structured. The *Länder* had a clear political identity, with (limited) policy-making and legislative competences and broad administrative responsibilities. The *Länder* initially showed little interest in EC matters, since the Community was considered to be primarily concerned with international relations and macroeconomic policies, which were in the exclusive domain of the Federal Government.

Since then, developments in some of the Member States and the accession of new Member States, particularly Spain, have changed this picture. The German *Länder* started to discover in the late 70s and 80s that decisions in Brussels affected them directly and that the Federal Government was participating in Council decisions in Brussels which, according to the Constitution, would be in the exclusive domain of the *Länder*. The competences of the *Länder* were thus reduced through the EC without their participation. It was not, however, until the introduction of the internal market programme and the internal German debate over the ratification of the Single European Act in 1986/1987, that the German *Länder* took a strong stand and showed an ever increasing interest in EC policy matters. In the ratification act of the SEA, the German *Länder* - which had to consent to the ratification through the *Bundesrat* - successfully increased their voice in shaping the Federal

Government's position in the Council (*Bundesratsbeteiligungsverfahren*), and assured the participation of representatives of the German *Länder* governments in working parties of the Council. In addition, they established information offices in Brussels with the objective of providing them with early and timely information on important issues that were dealt with at EC level, to help them prepare their position *vis-à-vis* the German Federal Government's position in Brussels and to participate informally in the policy process of the Community (public lobbying').

The second development was the decentralization or regionalization that took place in some Member States. Belgium has to be mentioned first. The process of regionalization that started there in the 60s has turned Belgium more or less into a quasi-federal state, where many EC competences are no longer under the jurisdiction of the central gvernment but under that of the governments of the regions. In Italy and much later in France, a process of regional decentralization took place, creating regions - admittedly with very little political competence - but with ever growing influence. With the accession of Spain, another Member State joined the Community in which at least two regions, the Basque country and Catalonia, saw themselves as strong autonomous communities' within the Spanish government and to a certain extent viewed Spanish membership as an instrument to increase their autonomy further. In The Netherlands, the provinces - primarily decentralized administrative units of the national government - became increasingly interested in what happened in Brussels and started to look for ways to influence the EC policy process directly and indirectly.

The emergence of strong regional sentiment in several Member States and the realization of the growing importance of EC policy for regional authority led to the political argument for a Europe of the Regions'. It is based on the simple assumption that the large problems facing

Europe could only be solved at European (EC) level, and that the smaller problems could better be solved closest to the people, at regional rather than Member State level. The slogan of a Europe of the Regions', as a political programme, had no impact on the constitutional construction of the Community. The Community was and is the creation of the Member States, and the Member States in the Council had and have, in almost all issues, the last word.

This does not mean that regional interests were not represented. Regional authorities irrespective of their competence had a variety of ways of influencing the policy process in Brussels. First of all, they could put pressure on their national governments to make sure that regional interests would be given due consideration in Council committees and in the Council meetings themselves. Secondly, regional information offices first established by the German *Länder*, later followed by the Spanish autonomous communities and French regional governments, became an increasingly important element in the informal network of actors on the Brussels scene. They collected information and channelled it to their home administrations; they presented their views to Commission officials, members of Parliament and, in the cases of Belgium and Germany, they were present in Council working parties and ministerial meetings. One could consider these information offices as a public' lobby which, in the same way as its private counterparts, tries to influence Community decisions. In fact the very openness of the process of Community decision-making, designed to take into consideration all relevant interests in producing a Community consensus, allows public' lobbies, like any other lobby, to participate in shaping EC policy to a degree that should not be underestimated.

The Commission recognized the growing interest of regions in EC policy and in 1988 established an Advisory Committee of Regional and Local Authorities - not a very influential body, but at least the first formal avenue for influencing EC policy.

When, in April 1990, the decision was made to set up an Intergovernmental Conference on Political Union, the Prime Ministers of the German *Länder* proposed to establish at Community level a Committee of the Regions, in which regional interest could be directly channelled into the policy process. This proposal was strongly supported by the Belgian government but found very little favour with other Member States. The Spanish and Italian regions supported this proposal, but could not convince their national governments to take a very positive stance. Observers, including the author, gave the proposal little chance of success. Representatives of the German *Länder* and Belgian Regions, who participated in the work of the Intergovernmental Conference, succeeded, to the surprise of many, in getting the Committee of the Regions (Art.198 a-c) included in the draft Maastricht Treaty. They also succeeded in slightly changing Art. 146, so that in the future the Council was no longer composed of ministers of the Governments of Member States but 12epresentative of each Member State at ministerial level, authorized to commit the government of that Member State'. In other words, Member States can now send representatives, who can make binding decisions, for instance a minister of a German *Land* or a minister of a Belgian region. It must be added that although during the Intergovernmental Conference it was primarily the Belgians and Germans who pushed for the acceptance of these innovations, other regions, using primarily the Associations of the Regions of Europe - which has become a focal point for the articulation of European regional interests - indirectly and informally contributed to the development.

Do these accomplishments mean that regions will now have a stronger voice in the EC policy process? It is not easy to answer this question, since the Maastricht Treaty has not been put into effect. However, by evaluating the way in which regions can now indirectly influence EC policy and by assessing the potential implication of the Maastricht innovation in this respect, we should be able to arrive at a preliminary conclusion.

To date, only Belgium and Germany have developed systematic and formal ways of integrating regional interests into EC decisionmaking. In Germany this happens

within the country through the *Bundesrats-beteiligungsverfahren*, by means of which *Länder* officials participate in the preparation of the German position in Brussels. It also happens informally through regular monthly consultations between the German Permanent Representative to the EC and the heads of the *Länder Informationsbüros* who, after some initial difficulties, established an excellent cooperative working arrangement. The situation in Belgium is similar. In none of the other Member States do regions have this kind of influence. The central government of Spain has made certain steps in this direction, but they have not been satisfactory for the regions.

Although the new Committee of the Regions was seen by the *Länder* governments and the Belgian regions as a great success in strengthening their informal influence on EC policy, they were not entirely happy with the outcome. They criticized the following aspects:

- The new Committee of the Regions is patterned after the Economic and Social Committee (ECOSOC). As a matter of fact, when reading the two consecutive articles, one could almost exchange the names and they would otherwise be practically identical.

- The German *Länder* also objected to the fact that the Treaty spoke of a Committee of the Regions composed of representatives of regional *and local bodies*'. The German *Länder* did not want to have local government representatives as members of the Committee. They fully recognize that in some Member States there was no medium-level administrative or political structure between the national government and local government and they argued that the Committee should be composed of representatives from the next lower level of government in the Member State beneath national level.

- There was also dissatisfaction about the fact that the members of the Committee - Member States have the same number of seats in the Committee of the Regions as they have on the Economic and Social Committee - should be appointed by the Council on the recommendation of the Member States' governments. They felt it was in their own jurisdiction to appoint the members.

- There was dissatisfaction that while the rules of procedure could be drafted by the Committee itself, they had to be approved unanimously by the Council.

There was satisfaction with Article 198c, which provides for the instances where the Committee needs to be consulted: whenever it is mentioned specifically in the Treaty, generally in all matters of regional interest, i.e. structural funds, education, cohesion, trans-European networks, etc.; more important yet, the Committee has the right to isue opinions and address them to the Council and Commission on whatever issue it deems appropriate.

In view of the fact that the Committee was patterned after ECOSOC, critical minds began to reflect on the experience of the ECOSOC and its weight in the EC policy process. It is an open secret that the influence of the ECOSOC is limited to a very narrow sphere were economic and social interest groups are directly affected by EC legislation. They discovered' that the opinions of ECOSOC were not always read and rarely taken into consideration in Council, although the Commission often tries to use ECOSOC as an ally in strengthening its own position in the Council. Although in the Rome Treaty the competence of the Economic and Social Committee was similarly phrased as that of Parliament, the latter succeeded in asserting its influence and becoming a major actor on the Brussels scene, which is something that ECOSOC never could achieve. This is not to say that the Economic and Social Committee did not play a positive role in the policy process, but it has turned more into an instrument of

information-transfer from EC level to the economic and social groups in the Member States and the source of information primarily for the Commission in its efforts to integrate these interests in policy development.

Would this new Committee of the Regions experience the same fate? Would it also become more of an instrument of information-transfer than a real source of influence on policy? Representatives of the *Länder* and other regions in the Community hope that the new Committee will eventually become a sort of Third Chamber', a major policy decision body, next to the Council and Parliament. Critical observers remembered that the ECOSOC was also greeted by economic and social groups in the early years of the Community, not only as a sounding board but as a major instrument of influence on Community policy. Consequently, during the first few years, the members of the Committee were indeed the presidents and spokesmen of major Unions and Employers' associations. But they soon realized how little they could achieve in Brussels, that the key policy arena was the Council and the Commission and (much later) the Parliament, and they began to delegate their position to lower functionaries who did not have the political weight nor political instincts to turn the ECOSOC into a strong policy instrument. The fears that this might happen with the Committee of the Regions as well are not unwarranted.

While the preparations for setting up the Committee have started very intensively in Brussels, under the leadership of representatives of the German *Länder* and Spanish and Belgian regions, together with the strong support of the Association of European Regions, the questions as to how the Committee will be composed and who the key members will be are always in the minds of those involved. It is expected that the members from Germany and Belgium will come from the ministerial level of the *Länder* or regions. The same applies to Spain, at least as far as the Basque Country and Catalonia are concerned. However, it is not so evident who will come from the other Member States. It is clear that the Committee can only pull its potential political weight if its members have political weight at home. Yet it is only Belgium and Germany whose regions have (limited) policy competences and political weight. At least some of the autonomous communities in Spain and, to a lesser degree, the regions in Italy and France are acquiring this weight. In all the Member States, even in The Netherlands, where provinces exist, regional authorities have little political weight and cannot be expected to be taken seriously in Brussels. The same applies - even more so - to the representative to be drawn from local government bodies. The very heterogeneity of the structure of government below the national level in the Member States will be a very difficult problem for the Committee to overcome in its efforts to establish itself as a serious player in the power game in Brussels.

It is not surprising, therefore, that many in Brussels hold the view that the Committee of the Regions will be condemned to play a similar role to tha of the ECOSOC, and that the dreams of regional politicians of playing a significant role in the Community decision-making process through the Committee will not be fulfilled. One should not entirely exclude the possibility, however - in view of the growing strength of regional movements, particularly in the large Member States, with the exception of Great Britain - that over time and by pursuing a constructive strategy, the Committee could indeed become an important formal avenue of influence on EC decisions. It will probably never become a Third Chamber', but it can nonetheless perform an important role in integrating regional interests more effectively in the policy process than is now the case.

The change of Article 146 is at present only really significant for Belgium and Germany. In the future, Belgian regional ministers and ministers from the German *Länder* will decide and cast their countries' votes in the Council in Brussels in those policy fields where they have responsibility. In practice, in Belgium, this has already happened informally on many occasions; similarly for Germany, where *Länder* ministers were invited to accompany the

federal minister in areas such as education, where the *Länder* hold the primary legislative competence. They will continue and probably expand their participation in the working parties of Council; it is, however, an open question as to how German *Länder* and Belgian Regions will participate in COREPER. If regional officials are not part of the Permanent Representation and are not present in COREPER meetings, a crucially important link in the EC policy process will continue to be beyond their reach.

Another consideration is beginning to trouble officials of regional governments, particularly those concerned with finances: the costs of participating in the decision-making process at European level, costs in terms of expenses for travel to meetings, costs for the maintenance of information offices (staffed in some German cases by 10 to 12 A-grade officials) and also the costs in terms of the time that officials will spend in Council working parties, Council meetings, in the preparation of position papers, and in the coordination of positions and arguments between the different regions in a country, etc. The large and well-staffed German *Länder* and the similarly equipped Belgian regions can afford this. But what about financially weak, understaffed and underequipped regions from Portugal, Greece or southern Italy and Spain? Is it not a waste of resources to increase further the number of bureaucrats who are involved in the EC policy process? Would it not be more efficient if regions exerted their influence informally as they do now or concentrated more on influencing and getting their voice heard through their own national governments? The EC is not a game, like the Olympics, where participating is all and winning unimportant; and would not winning' be more effective, at least cost-effective, within the national political arena?

None of these questions can be easily answered. There is no doubt that the establishment of the Committee of the Regions and the change in Art. 146 formally increased avenues of influence for regional and local governments in the EC policy process. Furthermore, one should not overlook the fact that a structure such as the Committee of the Regions can provide an avenue for concentrating regional interests, and perhaps even strengthening regional authorities in those Member States where they have only started to assume political weight, such as France and Italy - it could be a forum for exchanging experiences. It is certainly advantageous to channel and concentrate regional interest in the EC policy process. Whether it will lead to a strengthening of regions on the one hand and a strengthening of real impact of regional interests on EC policy decisions on the other can only be answered after several years of actual experience with the Maastricht Treaty.

Denmark's Yes, But'

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In June 1992 the Danes voted no' by a narrow margin, 50.7% no' versus 49.3% yes', in a referendum on the Maastricht Treaty. This created a fair amount of uncertainty about the future of European integration. However, a national compromise' worked out by seven of the eight parties represented in the Danish Parliament, the *Folketing*, in October 1992 was largely accepted by Denmark's EC partners at the Edinburgh meeting of the European Council in December 1992. This agreement provided Denmark with certain exemptions and clarifications with respect to the Maastricht Treaty, allowing the Danish government to conduct a second referendum in May 1993, where about 56.8% of the Danish voters voted yes'.

Denmark, the Minimalist

When Western Europe split up into the EEC and EFTA at the end of the 1950s, Denmark joined EFTA. The UK market was the most important market for Denmark's agricultural exports, taking about 46% of these exports in 1960, followed by the German market, which took 29%. The Nordic markets were the most important for Denmark's industrial exports.

Denmark joined the EC in 1973 after a debate in which the leading politicians who advocated Danish membership had emphasized the economic advantages of membership. The political reasons for not joining given by some people were not accepted by the leading politicians, who sold membership to the Danish public on a minimalist interpretation of the EC. The Danes were told that there was no need to think about political union in the longer run; the EC was a customs union plus certain common policies in economic areas.

This minimalistic interpretation of the Treaty of Rome meant a limited mandate within the EC for the Danish governments. When proposals were made for deepening the integration process in the 1980s, the government lacked a mandate, and the domestic groups which were against membership kept reminding it of the limits of Danish involvement. Domestic politics thus placed strict limits on the manoeuvrability of successive governments. The popular movement against EC membership remained strong. The Social Democratic Party, which had taken Denmark into the EC under the leadership of Prime Minister Jens Otto Krag, remained split over the issue. A left-wing section of the party was either sceptical about or drectly opposed to further integration. The smaller Radical Liberal Party, which often determines whether it will be the Social Democratic Party or the Liberal-Conservative parties which can form the government, was also split over the issue of European integration.

Therefore, when the EC started moving forwards again in the mid-eighties, the Danish political system encountered problems. Could it produce the decisions necessary to move Denmark along with the other Community countries? The Internal Market as such was not the problem: it was the linkage with institutional reforms that were suggested to increase the decision-making capacity of the EC.

The Fontainebleau Summit in 1984 set up the Dooge Committee to prepare a report on institutional reforms. In this committee Denmark was a footnote country which disagreed with a number of proposals for institutional improvements. Where the report stated that reforms were necessary to restore to Europe the vigour and ambition of its inception', the Danish government found it necessary to insert in a footnote that the difficulties facing the construction of Europe resulted from a failure to implement the existing Treaties fully and could be remedied by the strict application of the Treaties'.

When the idea of calling an intergovernmental conference was accepted at the Milan summit

in 1985, Denmark (together with the UK and Greece) voted against it. However, seeing that the other countries were determined to move ahead, Denmark (as well as the UK and Greece) went along and participated in the conference. During the negotiations Denmark actively tried to influence the outcome, especially with respect to environmental provisions, which were politically important in Denmark. However, when the Single European Act (SEA) was opened for signature on 17 February 1986, Denmark was not ready to sign it. The government did not have the required parliamentary majority for ratification. The *Folketing* had rejected the SEA on 21 January, with 80 votes against and 75 for. The Social Democrats and the Radical Liberal Party voted against it. Prime Minister Poul Schlüter therefore called a referendum which was held on 26 February 1986. 56.2% of those voting were in favour of the SEA and 43.8% were against, with a turnout of 74.8%. The yes' vote meant that the government could go ahead and sign the SEA on 28 February and ratify it on 21 May 1986.

The second Danish referendum on the EC in 1986 contributed to a gradual political change in Denmark. The Social Democratic Party which had advised against the SEA had clearly been a loser. The leadership of the party realized this and moved towards a more pro-integration Community policy in the following period. At the same time there was movement in the Radical Liberal Party. However, these changes took place in the political leadership, without parallel changes being made in the public's attitude to political integration.

Denmark's First No' to Maastricht

In preparation for the negotiations of the Maastricht Treaty, the Danish government had presented a memorandum on 4 October 1990 which was also supported by the opposition parties except for the Socialist People's Party and the so-called Progress Party. The memorandum supported increased integration and cooperation, especially in economic areas. It also talked about strengthening the EC's diplomatic activities, but did not favour including defence policy under the EC.

When the Maastricht Treaty was finalized, it included more than had been incorporated in the Danish memorandum, but the leading opposition parties decided to join the government and accept it neertheless. The *Folketing* adopted the Treaty in May 1992, with 130 votes in favour and only 25 against. Therefore, at the time of the referendum on 2 June 1992, the Maastricht Treaty was supported by the Danish government, a Conservative-Liberal minority government, as well as the leading opposition parties, the Social Democrats, the Radical Liberals and the Centre Democrats. Only the right-wing Progress Party and the left-wing Socialist People's Party did not support the Treaty, and the Christian People's Party was split. It therefore came as a surprise that there was a majority against the Treaty in the Danish electorate at the time of this first referendum on 2 June 1992.

Research has shown that detailed knowledge of the Treaty was rather limited among the voters. At the time of the referendum, 45 per cent of the voters admitted that they either had only a little knowledge of the Treaty or none at all. What united the majority against the Treaty was largely a fear of losing political autonomy. Some feared a future European army; others a European police force. Some did not like the idea of a single currency. Others thought that Citizenship of the Union implied losing their Danish citizenship. On the other hand, the majority of Danes were still in favour of economic integration. 74 per cent were in favour of the internal market and 53 per cent in favour of EMU, although only 34 per cent favoured a single currency. A common defence was only favoured by 30 per cent and common citizenship by 13 per cent. Only 19 per cent favoured the building of a United States of Europe. The decisive perception was therefore that the Maastricht Treaty involved too much loss of political autonomy.

Despite the Danish no', the Twelve decided to continue with the ratification process. The Irish

accepted the Treaty in a referendum on 19 June 1992 by a rather large majority. On 20 September 1992 France decided to accept the Treaty after a close vote. The remaining countries, except for the UK and Germany, ratified the Treaty during the second half of 1992. UK ratification was postponed' until the Danish problem could be solved. A number of Conservative backbenchers called on Prime Minister John Major to drop the Treaty. In Germany the ratification, which was authorized by large majorities in the two chambers of the Parliament in December 1992, was upheld by complaints to the Constitutional Court.

The Edinburgh Agreement

In response to the no' referendum in June 1992, the Danish government produced a white book which analyzed the situation. It discussed eight options, the extremes being, on the one hand, for Denmark to leave the EC and join the European Economic Area (EEA), and, on the other hand, for the Maastricht Treaty to be ratified fully. Option five was to ratify the Maastricht Treaty with certain additional provisions, and option seven was to ratify the Maastricht Treaty with certain special provisions for Denmark.

Denmark's domestic politics then took an interesting turn. The leaders of three opposition parties, the Social Democrats, Radical Liberals and the People's Socialists, started working out what became known as the national compromise'. After dramatic negotiations, a text was presented to the government, which in turn accepted the opposition's proposals with only minor changes. The text, which was forwarded to Denmark's 11 partners on 30 October 1992, was also supported by the smaller Centre-Democrats and Christian People's parties, leaving only the Progress Party which did not support it.

The national compromise' interpreted the Danish no' on 2 June as a no' to a Unied States of Europe, not a no' to EC membership or European cooperation. It raised issues of common interest, including more openness in administration, closer involvement of national parliaments, a clearer division of labour between the EC and Member States, etc., before dealing with Denmark's particular interests. This latter section suggested an agreement including the following points:

(1) Denmark does not participate in the so-called defence policy dimension, which involves membership of the Western European Union and a common defence policy or a common defence.

(2) Denmark does not participate in the single currency and the economic policy obligations linked to the third stage of Economic and Monetary Union.

(3) Denmark will have no obligations in connection with Citizenship of the Union.

(4) Denmark cannot agree to transfer sovereignty in the area of justice and police affairs, but can take part in the intergovernmental cooperation which has existed to date.

The text also stated that the Danish agreement must be legally binding on all twelve EC Member States and for an unlimited period'.

On the other hand, with respect to monetary cooperation, the text stated that Denmark attaches great importance to participation in exchange-rate cooperation as formulated in the EMS [i.e. European Monetary System] and in the form which is to be carried forward in the second stage'. With respect to citizenship it was also stated that EC citizens living in Denmark will retain the right to vote and to stand as a candidate at municipal elections' and such rights will be introduced for elections to the European Parliament.

After intense diplomatic activities the Edinburgh summit adopted a Decision of the Heads of State and Government, meeting within the European Council, concerning certain problems raised by Denmark on the Treaty on European Union'. This decision' basically satisfied the Danish requests. The decision' noted that Denmark did not intend to take part in certain provisions of the Treaty of Maastricht. The text in respect of citizenship emphasized that the provisions relating to Citizenship of the Union give nationals of the Member States additional rights and protection' and they do not in any way take the place of national citizenship'. At most this was a clarification. With respect to EMU the text stated that Denmark has given notification that it will not participate in the third stage'. Denmark could do this on the basis of the protocol which it had already secured at the time of the Maastricht summit. With respect to defence policy, the Edinburgh decision' stated that nothing in the Treaty on European Union commits Denmark to become a member of the WEU'. Finally, with respect to Justice and Home Affairs the Edinburgh decision' simply stated that Denmark will participate fully in cooperation on Justice and Home Affairs on the basis of the provisions of title VI of the Treaty on European Union'. These provisions are intergovernmental in nature.

At first sight the Edinburgh decision' may not appear radical. However, it confirms Denmark's minimalism with respect to further integration. It is a no' to things which do not exist at the moment, but which Denmark's partners may want to be able to realize in the future, including a single currency, a common defence and supranational cooperation in some areas of justice and home affairs.

The Edinburgh decision' also stated that At any time Denmark may, in accordance with its constitutional requirements, inform other Member States that it no longer wishes to avail itself of all or part of this decision'. The future of European integration will greatly depend on whether - and when - Denmark decides to avail itself of this possbility.

Denmark's Second Referendum

On the basis of the Edinburgh decision', a second referendum took place on 18 May 1993. This time there was a yes' majority of 56.8%, with a turnout of 86.2% (whereas in June 1992 it was 83.1%).

What made the difference? Obviously the Edinburgh agreement was now part of the package. It probably helped some voters to change their minds. Furthermore, Denmark now had a Social-Democratic-led coalition government, which also included the Radical Liberals, the Centre Democrats and Christian People's Party. In 1992 the majority of Social Democratic voters had voted against the Maastricht Treaty. This time the majority followed the official party line. The fact that the People's Socialists officially supported the Treaty-plus-Edinburgh package may also have had some effect, although a majority of these voters still voted no'. Furthermore, this time the feeling was that a second no' might force Denmark to join the European Economic Area (EEA), which could incur economic costs.

Implications

When political scientists wrote about European integration in the 1950s and 1960s they talked of a permissive consensus'. By this they meant that there was so much public support for European integration (in the original six member countries) that the politicians could largely do what they wanted with respect to integration. The Danish yes, but' and the difficulties of ratification in the three leading Member States, France, Germany and the UK, suggest that such consensus no longer exists. The big problem for the future is therefore: how can the process of European integration be made more legitimate? Is this a question of leadership and visions? Will more openness and democracy in decision-making help? How will enlargement affect the process?

The special problem created by Denmark is that the country has now already excluded some options that could well have been left for consideration until later in the decade. In many ways the Danish problems must have appeared strange to Denmark's partners in the EC. Denmark was among the frontrunners in respect of EMU's convergence criteria. Denmark had already given foreigners voting rights in local elections, and Denmark had pushed for more cooperation with respect to immigration and asylum policy. That leaves the question of defence where Denmark's hesitancy may be more in line with traditional Danish policy. But on this latter point the Maastricht Treaty is indeed very weak. The development of a defence policy will always require unanimity.

The limitations that Denmark has placed upon itself are bound to affect the possibilities at the Intergovernmental Conference foreseen for 1996. One can hope, but doubt, that the Danish system can produce a new pro-integration mandate by then. If other countries are determined to continue we may see more multi-speed integration.

A final question: Did the Danish problems provide the EC with a new agenda? Yes, to some extent. The discussions on transparency, subsidiarity, and democratic legitimacy are indeed pertinent. Howver, the costs, uncertainty, inaction, currency turmoil, etc., have been high. Hopefully the ratification process can now be completed and a new consensus can develop. An enlarged European Union will not need less, but more institutional capacity to solve common problems.

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