



**European Committee
of the Regions**

**Commission for
Citizenship, Governance,
Institutional and External Affairs**

CIVEX

The Conference on the Future of Europe: Putting Local and Regional Authorities at the Heart of European Democratic Renewal



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It does not represent the official views of the European Committee of the Regions.

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1.Introduction

The European Union is at a crossroads. A sense of crisis has been expressed by many leaders in response to internal institutional challenges, the social and economic impact of the Covid-19 pandemic, the withdrawal of the United Kingdom from the EU at the end of January 2020 after the Vote Leave victory in 2016 and the political consequences of a heightened migration crisis from parts of the Middle East and Africa devastated by endemic conflict. In a context of increased internal and external threats, European institutions have felt that now was the moment when the European Union needed to retake its destiny into its own hands to renew the social contract with EU constituent units and citizens and re-agree on a joint project and trajectory for decades to come.

The need for renewed perspective has been shared by many in the European Commission and the European Parliament, and the European Council, at least partly, espoused the reinvention process at the Sibiu meeting in 2019, where the Member States, even though they did not necessarily agree on the best route to improve European integration, unanimously wanted to open a debate which also was to include citizens' dialogues.

Since taking office in the aftermath of the 2019 European Parliament elections, Commission President Ursula von der Leyen framed her priorities, promising in July 2020 to work on a new "European democracy action plan" which further emphasised one of the Commission's 2019-2024 political guidelines commitment to "a new push for democracy". The Commission proposed a roadmap and launched a public consultation in late 2020 whilst focusing on several key themes such as electoral integrity and free and fair elections, media freedom, fighting fake news and disinformation, and supporting civil society and active citizenship.

The new action framework partly departs from the Juncker's Commission White Paper on the Future of Europe and a roadmap to "a more united, stronger, and more democratic Union", which initially outlined five possible scenarios to consider: 1) carrying on largely without change, 2) reducing the scope of European integration to focus on nothing but the single market, 3) formalising variable geometry integration allowing those who want to do more to be able to do so among smaller groups of Member States, 4) an attempt to do less more efficiently, or 5) doing a lot more together.

The Von der Leyen Commission roadmap, European Parliament priorities, and the European Council political have led in March 2021 to a Joint Declaration to launch a Conference on the Future of Europe due to involve EU institutions but also major stakeholders, civil society, and citizens. The Conference on the Future of Europe kicked-off in June 2021, therefore with a long a delay due to Covid-19. Perhaps in response to recent crises as well as the Covid-19 pandemic, the focus of much of the Joint Declaration is on the “resilience” of the European Union, but the process, as set out, still presents a number of challenges.

One major issue with the process is that whilst the European Commission, supported by the Parliament and the Council, is clear about a strong intention to involve citizens and stakeholders in the process, it did not detail the potential role of many key stakeholders in the process, notably the European Committee of the Regions (Committee of the Regions) and the various local and regional governments and administrations across the EU which it unites and represents, even though the Committee of the Regions is specifically mentioned alongside a number of other institutions, such as national and regional Parliaments, and the Economic and Social Committee. Those stakeholders have been very keen to ensure that they participate in the reflexive process initiated by the European Commission. Local and regional authorities can notably protect the progression of European integration towards multi-level governance and initiative, as well as the principle of subsidiarity, which took centre stage in the Maastricht Treaty as a guarantor of the quality and proximity of EU democracy. In order to have an active voice in the Conference, the Committee of the Regions has established a High-Level Group on Democracy of 7 experts, intended to support it, and chaired by former European Council President Herman van Rompuy.

A second issue is continuing uncertainty as to the “end goal” of the process initiated by the discussion on the future of Europe, and notably, whether the intention is to rejuvenate the objectives, organisation, and functioning of the EU within existing treaties, engage in treaty adaptation (i.e., minor treaty changes) or start the process of another major treaty change.

The starting point of this report is that any functioning multi-level system needs to pay attention to and empower the local level. This is a shared sentiment among Europeans, who, according to the 2020 EU Regional and Local Barometer, see regional and local authorities as not having enough influence on EU decisions and overwhelmingly see such influence as positive for effective decision-making at the EU level. The 2021 Regional and Local Barometer (in preparation at the moment of drafting this study, to be published mid-October), provides further evidence in this respect. Multi-level systems can fail when not designed ‘robustly’: enforcement might become unwieldy and lower units may free-ride and fail to comply; policy outputs and services might fail to harmonize, resulting

in policy incoherence among units in the same polity; and the top decision-making level ('the centre') might attempt to encroach on the power of the units and centralise power in an unwarranted way (Alesina & Spolaore 2005; Filippov et al 2004; Bednar 2009). The European Union has often been prey to such inefficiencies, such as widespread non-compliance (Angelova et al 2012; Börzel & Knoll 2012), muddled policy competences, and attempts by Brussels to centralise policy areas that should be better dealt with at the local level – i.e. domains with low initial fixed costs and high preference heterogeneity – (Alesina & Spolaore 2005, Alesina et al. 2005, Weiss et al 2017).

Fortunately, core works on decentralised political systems have outlined what features a stable, robust multi-level system should have, through formal modelling, as well as systematic comparisons of federal systems around the globe. These works invariably mention institutional devices and constitutional provisions that protect the prerogatives of local governments; that facilitate communication between the various government levels; and that build stable political links across the levels (for example, via party systems that are similar across the different levels, with the same parties competing at all levels). Legislative chambers representing the territories, and inclusive party systems operating at all levels are core explanations of the stability of advanced multi-level systems, such as Germany and the US (Riker 1964, Filippov et al 2004, Galligan 2006, Bednar 2009). We are going to explore such institutional solutions in this report, tailoring them to the particular needs of the EU.

The multilevel political system of the EU gives voice to the national level chiefly via the Council of the European Union, and to the local level primarily via the Committee of the Regions. Local and regional governments, however, still represent untapped potential. The EU, since the Maastricht Treaty, has constitutionally enshrined the principle of subsidiarity, aimed at protecting the law-making prerogatives of lower government levels. European Party Groups, furthermore, have established political links among the various national party systems. In general, however, the EU institutional devices geared towards multi-level bargaining and decision-making are still frail, and the local/regional level is particularly under-represented (Garagarza 2018). This has potentially disastrous consequences for the stability of the EU's multi-level system, and its democratic credentials (Alesina & Spolaore 2003, Garagarza 2018). This report will explore reforms that could strengthen institutions and practices of local representation in the EU political system.

The present study intends to inform the position of the Committee of the Regions in the Conference on Future of Europe process, outlining possible constraints, scenarios, and options under different possible levels of treaty stability or change. It also aims to equip the Committee and the High-Level Group in their strategy

and outline key insights regarding the preferences of citizens, institutions, and Committee of the Regions stakeholders (based on original interviews and a previous study conducted by the same research team on behalf of the Committee of the Regions).

2.Methodology

The project's methodology includes a mixture of 1) desk research involving both primary data and secondary literature, 2) stakeholders' interviews and 3) dynamic analysis of the Conference proceedings available to date.

2.1. Desk Research

The desk research covered the following topics:

- Studies on Federalism: Importance of Vertical Integration & Subsidiarity
- Studies on EU Subsidiarity and the Committee of the Regions
- Deconstitutionalisation and the role of regional assemblies with legislative powers
- Reports from EU Institutions
- Sources on the Conference on the Future of Europe
- Public Opinion: Defending the Committee of the Regions' positions
- European Party Groups' literature (especially in the section on risks and opportunities)

2.2. Stakeholders' interviews

Our initial plan was to conduct 20 interviews of 30 to 45 minutes each with the following groups of interviewees:

- 5 Committee of the Regions key decision-makers (G1)
- 5 Committee of the Regions external (EU) stakeholders (G2)
- 5 leaders of European regions/local governments (G3)
- 5 EU Legal Experts (G4)

The interviews were conducted directly by our team with the recruitment facilitated by the Committee of the Regions. As the research advanced, we faced some challenges in the recruitment of participants that resulted in a slight change in the groups' composition. Moreover, we identified an additional group of interviewees, experts in digital democracy and participation (G5), who brought added value to the study.

In total, we conducted 19 interviews. Table 1 below shows the dates of the interviews, as well as the category of the interviewees. As shown, we interviewed four people in Group 1, five people in Group 2, four people in Group 3, four people in Group 4 and two people in Group 5.

Table 1. Interviews.

Category	Interview ID	Name	Position	Date of interview
Committee of the Regions Decision-makers/ Experts	G1_1	Mark Speich	CIVEX Chair	8 April 2021
	G1_2	Karl-Heinz Lambertz	Subsidiarity Steering Group Chair	4 June 2021
	G1_3	Kata Tutto	Member of the CoR delegation to the CoFoE	20 July 2021
	G1_4	Herman van Rompuy	Chair of the CoR High-Level group on European democracy	22 July 2021
Committee of the Regions external (EU) stakeholders	G2_1	Helmut Scholz	MEP, Left, AFCO Rapporteur, Observer to the Conference's Executive Board	27 May 2021
	G2_2	Marek Belka	MEP, S&D vice-president responsible for the engagement with citizens and institutions	22 June 2021
	G2_3	Ioana Condurat	Deputy Head of Unit, Secretariat General, European Commission	30 July 2021
	G2_4	Sandro Gozi	MEP, Renew Europe, IMCO/AFCD/MAS member,	31 August 2021

			REGI/INGE/D-IN substitute	
	G2_5	Gabriele Bischoff	MEP, S&D, AFCO vice-Chair, EMPL/DMER member, ECON/DANZ substitute	1 September 2021
Leaders of European regions and local governments/ Representatives of European associations	G3_1	Roberto Ciambetti	President of Veneto Region Legislative Assembly, CoR member	3 June 2021
	G3_2	Maria Angeles Elorza	Secretary General of Foreign Affairs, Basque Country, Committee of the Regions member	3 June 2021
	G3_3	Frederic Vallier	Secretary General of CCRE-CEMR	10 June 2021
	G3_4	Pietro Reviglio	Policy Officer, Eurocities	11 June 2021
Legal Experts	G4_1	Gabriele Abels	Jean Monnet Professor for Comparative Politics & European Integration, University of Tubingen	28 June 2021
	G4_2	Gareth Davies	Professor of EU law at the Vrije Universiteit Amsterdam	23 June 2021
	G4_3	Federico Fabbrini	Full Professor of European Law at the School of Law & Government of Dublin City University (DCU)	29 June 2021

	G4_4	Floris De Witte	Associate Professor of Law – LSE School of Law	25 August 2021
Digital Democracy	G5_1	This interviewee wished to remain unnamed.	European Commission, expert in participatory processes	11 August 2021
	G5_2	Carolina Romero and Andres Pereira de Lucena	Decidim	6 September 2021

2.2.1. *Interview's topic guide*

It is important to stress that the interviews that we conducted took the form of elite interviews. This means that each person we spoke to was selected because he/she is considered to have a relevant, important, meaningful, and unique perspective to offer. The notion that it is unique is essential because it means that interviews were each different and followed a semi-structured pattern whereby elements emphasized by a respondent or particularly relevant to his/her perspective and role were discussed in unique ways which did not benefit (or be relevant for) other interviewees. The following topic guides are thus indicative and represent important themes rather than narrowly rigid lists of specific questions.

Semi-structured interviews, or elite interviews, are an intermediate form of interviewing that presupposes a light-touch questionnaire – a ‘topic guide’ or topic agenda - which allows open responses from the interviewee and the possibility for the interviewer to interject probing and clarification questions. The protocol is, by nature, flexible: the order of topics evolves organically with the conversation, and the protocol must be tailored to the specific individual or group of individuals. They usually last a maximum of 1 hour, and are particularly useful for exploratory research, to unearth new ideas and concepts, or the specific insights of specific individuals or groups of individuals. Because of its qualitative and exploratory nature, and the necessity to record and scope the views and expertise of pivotal actors and stakeholders, sampling was highly purposive – as described above. Nonetheless, we strived to ensure some degree of partisan and gender balance (Adams 2015; Jacob & Furgerson 2012; Leech 2002).

After initial greetings, every interviewee was notified of the start of the recording. The confidentiality and consent aspects of the interview were discussed, and all respondents could answer ‘yes’ or ‘no’ to, in turn: (a) taking part in the interview;

(b) being recorded; (c) being directly quoted in the report. All respondents agreed to the main parameters of the interview, and when they requested to check the direct quotes that we intended to use, the request was always honoured. After the consent section, the interviewees were briefly introduced to the project.

For most interviewees, the interview topic guide included questions aimed primarily at answering the scenario questions, thus emphasising the role of the three possible scenarios in the project. Below, we present the standard list of questions per Scenario. Please note that not all the questions were asked to all the interviewees, the topic guide was tailored to each interviewee. As agreed with the Committee of the Regions team, more emphasis was normally put on scenario A compared to scenarios B and C.

There were two exceptions to this. First, the interviews of legal experts, which followed a slightly different protocol as they aim to disentangle the legal situation primarily under existing treaties (scenario A) with some information about potential treaty evolutions (scenarios B and C). And second, we also created a separate protocol for the Digital Democracy experts, which focused on the role of the digital platform in the Conference, its technical aspects and its interaction with the other components of the Conference, as well as the role of municipalities and regions in bringing about democratic changes at the EU level, and more broadly, challenges and opportunities for democratic innovations in the European Union. See below the standard topic guides for each Scenario:

Preliminary topic guide for Scenario A: Dynamic interpretation of current Treaties

- How can cities and regions increase citizen participation in the EU political process within existing frameworks?
- How can cities and regions increase the proximity of the EU to their citizens?
- Are some aspects of current treaties interpreted too conservatively/unfavourably which would in fact permit strengthened roles for cities and regions?
- Which policy sectors are most in need of a dynamic interpretation of the relevant Treaty provisions, aimed at reflecting the greater role of cities and regions and of the Committee of the Regions in the EU decision-making cycle?
 - Why?
 - How could such a dynamic interpretation be implemented in practice?
- How can Europe's cross-border dimension be addressed and strengthened in this scenario?

Preliminary topic guide for Scenario B: Minor treaty changes

- What are the key areas of the Treaties to address active subsidiarity that may be influenced by minor treaty changes?
- What is the current role of regions with legislative powers in the EU which could be influenced by minor treaty changes?
 - How is such role framed in the Treaties?
 - What minor changes could be made to enhance this role?
- What new policy areas could be included in the fields of mandatory consultation?
- How can Europe's cross-border dimension be addressed and strengthened in this scenario?
- What minor treaty changes should cities and regions seek as a matter of priority?
- Which other stakeholders would likely support such changes?
- Which other stakeholders would likely oppose them?

Preliminary topic guide for Scenario C: Far-reaching treaty changes

- Historically, what have been the conditions that have allowed for ambitious Treaty changes and how have these been justified?
- Can you give us examples of how a greater say of regions and cities in the EU policymaking process could lead to better legislation?
- Which policy areas would benefit the most from a greater role of cities, regions and the Committee of the Regions in the EU decision-making cycle?
- How could the process of producing opinions at the Committee of the Regions be improved, if they were given a greater role and weight in the EU policy-making process?
- How can Europe's cross-border dimension be addressed and strengthened in this scenario?
- If major treaty changes are on the cards, what major changes should EU cities and regions pursue?
- Which other stakeholders would likely support such changes?
- Which other stakeholders would likely oppose them?
- Are there any likely proposed changes that would be particularly detrimental to EU cities and regions?
- Which other stakeholders would likely support such changes?
- Which other stakeholders would likely oppose them?

2.3. Dynamic Analysis

At the start of this study, we envisaged that the dynamic analysis would entail following the unfolding of the Conference by sitting in relevant sessions and analysing the content of the discussions, which would enable us to adapt our work to the proceedings of the Conference on the Future of Europe.

The intention was multi-fold:

- **Pick up on the input of the key stakeholders in the discussion.** For instance, is the Conference going to give us more clarity about the positions of the European Commission, the European Parliament, or the positions of citizens' groups?
- **Reconsider timelines and scope.** Is the Conference giving clear indications about the scope of change to be expected, a revised timetable that should be born in mind, and an understanding of how those decisions affect the optimal input from the Committee of the Regions?
- **Understand which scenarios appear more or less likely.** For instance, is the conference suggesting an appetite for Treaty change or, on the contrary, there will be resistance to it, given the somewhat traumatic legacy of the 2005 votes in France and the Netherlands? Is this making some of the scenarios that we are working on more likely or less likely?
- **Assess possible strategic partnerships and fault lines.** Is the Conference giving us new insights into “blocks” forming within the EU architecture and possible lines of opposition or potential compromise? Is this giving us a sense of which partners are close to the potential positions of the Committee of the Regions and is there scope for joining forces to support the same goals?
- **Revise risks and opportunities.** Is there any risk about some of the positions supported or defended diluting the place of the Committee of the Regions, of local and regional institutions, and/or of the role of subsidiarity in the EU constitutional order?

However, the timing of the Conference is such that substantive discussions will only start in the Autumn of 2021, after this report has been completed. The initial events, held in June 2021, were only concerned with procedural and organisational aspects of the Conference and did not generate sufficient usable insights to enable us to better understand how the discussions will affect the likelihood of the different scenarios that we have envisaged or highlight new possible paths.

As a result, in order to meet the research goals, we revised our dynamic analysis to take into account the material available, including the interviews, preparatory materials and procedural guidelines of the Conference. In addition, we conducted a descriptive statistical analysis with the publicly available data of the use of the digital platform, which allowed us to define a picture of the topics and type of engagement that are attracting citizens in the early stages of the Conference.

3. The Case for Strengthening the Local Level in the EU system of Multi-level Governance

3.1. Political Theory

Democracy originated in small geographical units and is often theorised to work best in homogeneous and geographically limited communities (Dahl & Tufte 1973). However, it has also flexibly adapted to larger polity sizes, thanks to the mixed model advanced by both republican and liberal philosophical traditions, which resulted in the representative democracy model. The efficiency gains of this model in applying democracy to larger territorial units have been so significant that political theorists are now debating the applicability of democracy to heterogeneous supranational systems, such as the EU (Held 2006).

However, the idea of ‘cosmopolitan democracy’ is not convincing for many, due to the large heterogeneity and size of supranational political systems. These, the argument goes, are unbridgeable barriers to citizen participation, consultation and representation (Dahl 2010). However, solutions to the challenges posed by large heterogeneous polities exist, and notably in the form of ‘robust’ multi-level systems, with an empowered and democratic local level. Our globalisation era is putting pressure on *national* representative democracies too, swept by more and more common global negative externalities, pressured by policy complexity to adopt technocratic solutions, and, again, resulting in local authorities being substantively side-lined (Hambleton et al 2003). The Covid-19 pandemic is a chief example of these trends. These democratic deficits - common to both supranational and national systems alike - can be assuaged by the application of democratic innovations focused on local democracy.

Much of current democratic theory is grappling with democratic innovations, and with how to reform representative institutions to pre-empt their tendency to oligarchical/technocratic capture. The participatory and deliberative models of democracy put the emphasis back on direct democracy instruments - such as referenda - or to innovations such as citizen assemblies. Both share a penchant for decentralised, local government (Held 2006). Advocacy of local democracy goes as far back as Thomas Jefferson and John Stuart Mill - ardent proponents of vigorous systems of democratic decision-making at the local level, replicating centralised institutions into a “system of little republics” (King & Stoker 1996).

Political theory offers two core arguments in favour of the establishment and empowerment of institutions of local governance: (1) the lower costs for citizens to gain access to representatives and to participate in consultations, reducing access inequalities and the oligarchical/exclusionary tendencies of representative institutions; (2) the efficiency gains in terms of tailored regulation and service allocation, benefiting from local knowledge and experience (King & Stoker 1996). The principle of affected interest from democratic theory – according to which decisions should be taken by the relevant policy’s stakeholders (Shapiro 2003, Pettit 2014) – also provides an important justification to better recognise the role of local and regional authorities in the EU’s multi-level system.

Beyond democratic theory, the literature on federalism advances several benefits of power-sharing between federal, state and local levels. Decentralisation, according to studies on federalism, allows to efficiently exploit economies of scale while at the same time allowing for flexible provision at the local level; it fosters innovation via competition between units; it allows for superior representation and accountability, enabling better citizens’ proximity to decision-makers and superior political efficacy and self-determination (Filippov et al 2004).

If the EU is serious about tackling its democratic deficits, the conclusion from centuries of democratic and federal theorising is that the empowerment of the local level is where it should start.

3.2. Public Support for Local Government

Political theory is not the only context where to find supportive arguments in favour of complementing central representative institutions with a strong network of local governance institutions. Public opinion is widely supportive too. Academic studies demonstrate that citizens consistently trust local level institutions more than national or ‘higher level’ ones. This is true in the USA, as well as Australia, Japan, Taiwan as well as across Latin American and in various European countries. The only exception seems to be a handful of countries that are already small themselves, for whom the local and national levels, therefore, would tend to overlap (Muñoz 2017). The reason for this seems to revolve around ‘voice’: citizens prefer local institutions to national or ‘higher level’ institutions as it is more costly and complicated to actively participate in the making of decisions at higher levels (Fitzgerald and Wolak 2016). Traditionally, it was thought that decentralisation was favoured as a solution only when strong local identities needed to be accommodated. However, it appears instead that the creation and empowerment of the local level are more universally supported and

primarily justified in terms of the democratic gains it delivers (Guinjoan & Rodon 2014).

When reflecting specifically on EU policymaking, Europeans outline distinctive benefits of their local/regional authorities. The Flash Eurobarometer, “Public opinion in the EU regions” fielded in November 2018 across all EU member states, in a broad context of economic optimism in the wide majority of Europe’s regions, finds that respondents are more likely to pick local/regional authorities as the actor that is best placed to deliver information on European policies, taking precedence over MEPs and national representatives. This reliance on local/regional representatives for information on the EU is broadly shared across the 28 Member States and has generally increased from the previous survey of 2015. Local actors are therefore increasingly seen by citizens as important carriers of EU-relevant information.

These findings are confirmed by a ‘crisis-time’ survey: the 2020 EU Regional and Local Barometer fielded in September 2020. A majority of Europeans (52%) trust local/regional authorities, which is higher than the percentages that trust, respectively national (43%) and EU institutions (47%). Furthermore, two-thirds of Europeans believe that local and regional authorities do not have enough influence in EU decision-making.

It can therefore be concluded that defending and strengthening the political prerogatives of local/regional authorities is highly valued by the European public. The fact that the EU’s component member states have undergone a process of decentralization over the last decades is a further signal that regional and local governance is particularly prized by citizens (Hooghe and Marks 2001), although this is a dynamic process that has become multi-directional.

3.3. The State of Play in the EU’s Political System: Challenges and Opportunities

The EU’s core institutions of territorial representation are the Council of the European Union, but also - since the Maastricht Treaty - the Committee of the Regions, which issues opinions and resolutions on policy areas under its mandatory consultation (and notably transport, employment, social policy, education, vocational training youth and sport, culture, public health, trans-European networks, economic/social and territorial cohesion, environment and climate change, energy). However, local and regional governments still represent untapped potential. Committee of the Regions’ opinions and resolutions, for example, are not binding and do not have to be read. In case of mandatory

referrals, they have to be requested and received, but not read. Because of this lack of a formal obligation to be read – even when Committee of the Regions consultation is mandatory – Committee of the Regions’ opinions are not influential in EU decision-making (Moens and Trone 2014, Hönnige and Panke 2016).

The EU has also tried to protect local governance by constitutionally enshrining the principle of subsidiarity, again from the Maastricht Treaty onwards. The principle of subsidiarity mandates that - in areas of non-exclusive EU competence - the EU can only act if the objectives of the proposed action cannot be sufficiently achieved by national or local institutions. The principle is therefore fundamentally aimed at protecting the law-making prerogatives of lower government levels. Since the Lisbon Treaty, the Committee of the Regions can even bring an action for annulment to the European Court of Justice (ECJ) on grounds of subsidiarity being breached. National parliaments are also involved - since Lisbon - in the subsidiarity process, via the Early Warning System. However, it is widely recognised that the principle of subsidiarity is essentially an ‘alibi’, a mere ‘rhetorical device’ and ‘fundamentally non justiciable’ (Bermann 1994, Davies 2006), or - more optimistically after the Lisbon Treaty changes - “not fully justiciable” (Panara 2016).

The EU principle of subsidiarity is, in fact, of the weak type: EU law-making institutions are primarily responsible to flag breaches – thus having to rule against themselves – and the principle depicts the local level as a low threshold, that can be overcome if some justification for EU intervention can be found (Jachtenfuchs & Krisch 2016). Given the difficulty in measuring whether Member States can better achieve a policy’s objective rather than the EU, the European Court of Justice cannot unambiguously decide on subsidiarity issues, which puts the Court in the uncomfortable position of having to deliver political judgements. It is no surprise that the ECJ has been ‘deferential’ in the enforcement of subsidiarity (Moens and Trone 2014, Öberg 2017) and that it has never annulled a legislative act on subsidiarity grounds. Subsidiarity, to date, has never been judicially enforced (Panara 2019). Furthermore, as it is written, the principle is legally unenforceable in policy areas of EU exclusive competence, even though such areas might still have important local repercussions (Moens and Trone 2014). Finally, monitoring subsidiarity is fundamentally an exercise that comes either *after* the Commission proposal is published, and its sanctioning by the ECJ can only happen after the passage of the law, which makes the whole exercise rather *passive* (Moens & Trone 2014, Panara 2019). In the past decade, a new vision of *active* subsidiarity has gained ground, with the Committee of the Regions attempting to be involved at the pre-legislative initiative stage - with the publication of impact assessments, white papers, and roadmaps -, as well as in the implementation/evaluation stage. Despite the existence of a Cooperation

Agreement between the EC and the Committee of the Regions providing for 'outlook opinions' and pre-legislative consultation, the EC is reluctant to involve the Committee of the Regions in pre-legislative consultation phases. The Cooperation Agreement is more of a 'one-directional' set of provisions that treats the Commission as the 'first-mover' in the cooperation: in other words, the EC has the latitude to decide when and how to consult the Committee of the Regions.

Another hurdle that the Committee of the Region faces is the nearly unbridgeable fault-lines generated by its heterogeneous internal composition. European Member States have different systems of local governance: from the "Franco-Napoleonic" model of weak administrations functioning as the mouthpieces of the central government, to the powerful Nordic model of deeply decentralised and autonomous units (King and Stoker 1996, Abels & Battke 2019). Some authors argue that the lack of a legislative role for regions in the European governance framework, especially those with legislative powers, exacerbates the democratic deficit of the EU (Garagarza 2018). In cases of decentralised internal sovereignty (e.g., Spain, Germany, Belgium, etc.), given that some areas of governance (like education or health, for instance) are devolved to regional powers, the fact that regional governments are not represented at the EU level constitutes a breach of democratic legitimacy, as the regional government is the authority that has been democratically elected to manage these policy areas but does not have a seat at the EU legislative table (Garagarza 2018).

As a result, regions with legislative powers have long pushed for special recognition in the EU framework. Therefore, they are ill-at-ease in sharing powers with weaker local administrations within the Committee of the Regions and regularly establish and channel their interests via alternative fora, such as EU Regional Offices or regional associations (Abels & Battke 2019). Representing units of different sizes, with different policy-making prerogatives and expertise makes deliberations particularly tricky and riddle with multiple cross-cutting interests, hindering the effectiveness of the Committee of the Regions (Christiansen 1996, Abels & Battke 2019). As the legal expert Floris de Witte has put it "the only way in which the [Committee of the Regions] might receive stronger powers - [...] will inevitably require a much more equal Committee of the Regions" (Interview G4_4).

In the current EU legal framework, regions and local governments are essentially conceived of as simply parts of Member States and thus subordinate to them (Panara 2019). The disadvantaged position of the Committee of the Regions in EU decision-making and subsidiarity checks reflects this. All these weaknesses in effectively empowering the lower level of the EU's multi-level system have potentially disastrous consequences for the stability of the EU's multi-level system, and its democratic credentials (Alesina & Spolaore 2003, Garagarza

2018). Given the fundamental importance of the local level in ensuring the robustness and stability of multi-level systems (Riker 1964, Filippov et al 2004, Galligan 2006, Bednar 2009), what can be done to improve the Committee of the Regions' position and to move subsidiarity from a vague, abstract principle to practice? The theoretical and empirical literature on federalism highlights (a) the importance of empowering institutions of local-level representation in higher level, 'central' decision-making; (b) the importance of clearly spelling out policy competences and clearly demarcated sovereignty boundaries in the constitution/case law; (c) the importance of a stable and integrated party system across all levels, helping citizens to easily navigate the multi-level system.

In this report we will present relevant interventions to (1) enhance the inclusion and representation of local and cross-border interests at the EU level, as well as citizen access to EU information; (2) enhance the influence of the local/regional level in the EU's policy-cycle. The interventions proposed are informed by advice from the scientific literature on federal/multi-level governance and from original semi-structured, elite interviews with stakeholders and legal experts.

4. SCENARIO A: No Treaty Change

4.1. Unlocking the potential of cities, regions and the Committee of the Regions

RQ: What legal opportunities are there to strengthen the role ("unlocking the potential") of cities and regions and the Committee of the Regions, so as to enhance democracy and ensure closer proximity to citizens in the EU?

To enhance the role of the lower (local/regional) level in the multi-level system of the EU without changing the Treaties, but by exploiting current provisions, a number of incremental actions can be taken, primarily tackling working methods (EP Resolution P8_TA(2017)0049; Task Force on Subsidiarity (2018); EPRS 2020), simple legislative changes (Interview G4_3) or inter-institutional agreements (Interview G4_2).

4.1.1. *Citizen proximity & voice*

1) Local EU Surgeries or 'Hubs'

Details: This proposal entails the set-up of a series of 'local surgeries' - akin to UK constituency surgeries - responsible for roughly similar numbers of citizens all over the EU Member States, and which can be cross-border. The local surgeries will be tasked with organising information events, acting as 'constituency surgeries', publicising EU funding/initiatives, as well as creating formal avenues for mayors and local administrators to collaborate and express opinions on EU legislation and implementation. Such regional units could be linked to the area representative in the Committee of the Regions and could also regularly invite the MEP representing the area for questioning/debate. The Committee of the Regions could then act as the coordinating unit of these hubs, responsible to share - via a centralised, uniform software - EU-level information (e.g. analysis of the Annual Work Programme of the Commission) in a timely fashion to allow local authorities and citizens to lobby the domestic and EU level in time. The local hubs could be tasked with communication to local administrations, with the collection and distribution of local impact assessments to the Committee of the Regions, and with collecting citizens' opinions/deliberations. They should be tasked with the planning and delivery of local events on EU policies, which could also be sectoral (e.g., farmers' meetings across various local hubs (Interview G4_1)). They will thus have both information sharing and democratic participation functions.

In terms of their size, existing models can be used to derive an appropriate citizen to hub ratio. UK constituencies represent around 70,000 citizens each, while US districts hover around 700,000 people. MEP Bischoff's recommends the municipality as the optimal level of citizen involvement (Interview G2_5), and Dr De Witte (Interview G4_4) mentioned that these local EU Affairs hubs need to be composed by members of the community if they are to generate the 'political trust networks' and the Europeanised demos that the EU sorely needs to fix its democratic deficit (de Witte 2020). Therefore, these local EU hubs could potentially each represent the population of a mid-sized European city. If, say, a total population of 100,000 was chosen as the appropriate level of representation, approximately 4,500 hubs would need to be created. If 200,000 was chosen half that number would be required, and so on. There are no hard and fast rules on how many citizens need to be represented by each representative. By way of example, when deciding how many seats to allocate to a legislature a trade-off between efficiency and representation arises. To ensure efficiency, assemblies should not be too big. To ensure representation, you would want the ratio between population size and number of seats to be as smaller as possible. Scandinavian countries have the lowest ratios, with each seat representing roughly 25,000 people. The US, Japan and Mexico have some of the highest ratios. Auriol and Gary-Bobo (2011) derived a formula for the number of representatives required in a system, via mathematical modelling and observation of empirical regularities from world democracies. They postulate that the number of representatives follows the formula $\exp(4.32) * N^{0.4}$, where N is the total population in millions. Following this empirical regularity, each EU local hub should represent roughly 217,000 people each - for a total of ca. 2,000 EU hubs. But again lower or higher numbers can be chosen, depending on the necessary trade-off between efficiency and representation.

The legal experts have recognised the central role of the Committee of the Regions as being that of a coordinator, a community and event builder and as a communicator: the importance of creating avenues/platforms for meaningful citizen information and voice was recognised as a defining feature of the Committee of the Regions (Interviews G4_1, G4_2, G4_3). For example, Davies (Interview G4_2) recognised the value of soft measures, explaining that:

I mean, they [Committee of the Regions] can always meet or they can always talk. And there's certainly I think potential for, if you like, learning best practices, there are common problems which come up in different kinds of regions, whether it's small towns or, or ... agricultural areas ... how do you deal with social problems, environmental problems, governance problems ... and there's probably a lot of potential for, if you like, mutual learning, and that kind of thing ... I think the softer it is, the better it works ... but you know, it always has to be managed.

In explaining further how this facilitating role should be managed, he addressed a key tension “because every time you create a community of people, by bringing them together and encourage them, you also allow them to opt-out”. More specifically, Davies emphasized how one of the structural problems of many European societies was the creation of ‘bubbles’ of like-minded people across Europe, perhaps at the expense of creating communities across diverse groups within a local context or within a shared sector;

And I think at the moment, there's actually an excess of "European cosmopolitan community creating" you know, there's no shortage of it. The communication between big cities we're doing in certain kinds of jobs between Europeans and European minded people is ... rich. And those people are finding each other and they're living in their bubble. And if anything, one wants less of it, actually, I think one wants to kind of, you know, probably less communicate and more forcing integration between different kinds between non-Europeans [i.e. Eurosceptics] and Europeans. If we're gonna have European communication, it should be between "non-Europeans" ... so let's bring Hungarian and German and French and Italian farmers together, that's perhaps interesting ...

Similar sentiments were echoed by Ms Tutto (Interview G1_3), who emphasised the need to break the ‘Brussels bubble’, and Professor Abels (Interview G4_3) who emphasised cross-border exchange and learning as something the Committee of the Regions could facilitate;

But if you also want some actual citizens engagements ... if you want to bring people together, also across borders ... which I think is important to do, particularly for the Committee of the Regions, right? Not just to focus on facilitating and providing examples for events which could take place at local level or at regional level (but still in the national container) ... but ... the majority of regions in Europe, they are border regions, and to have that kind of cross-border talk, and citizens activities. That I think is very, very important in order to get people to realize "Well, there are different perspectives. There are very good and valid reasons for having different views here. But nevertheless, how can we ...? What are good arguments? How can we find compromises and all that?" And to do that, in more cross border events, it's important but even more demanding and time-consuming.

MEPs Sandro Gozi (Interview G2_4) and Gabriele Bischoff (Interview G2_5) both mentioned that the priority in terms of local representation in the EU system should be to build deliberation avenues to debate EU policies at the local level. Sandro Gozi specifically flags EU regional funds as an area where local units can easily organise deliberative events. He believes local authorities should create citizen deliberations/consultation events around the EU budget. Since regions/local authorities plan the distribution of these funds, he believes they can also organise events where they ask citizens what projects should be prioritised for funding. The establishment of these hubs can ensure that such processes can be launched more uniformly and systematically in all EU member states.

MEP Bischoff (Interview G2_5) proposed the creation of permanent EU citizen panels like those used in the Conference on the Future of Europe – provided that they will be found to have worked well. The local surgery/hub proposal goes along the same lines but is broader in that the local EU hubs will be permanent structures that encompass information-sharing, events, project delivery and not just citizen deliberation facilitation. Moreover, it does not envisage formalisation into the Treaties – the local EU hubs will simply substitute of existing programmes such as EDICs and Committee of the Regions networks.

Another potential role of these hubs can be to support local and regional movements that promote democracy in nations where the national governments are experiencing democratic backsliding. As Prof. Fabbrini explained, this could serve to align the ‘local’ and the ‘European’;

A number of member states are increasingly reneging on their obligation to comply with EU fundamental values, dependence of the courts, separation of powers, freedom of the media, and so on. Hungary and Poland are the two playbook example of that. But at the same time in those two member states, what we have also witnessed recently is laboratories of democracies at the local level in large cities from Budapest to Warsaw, you have political movements that are driven by liberal principles that are pro-European, and that are increasingly acting as counterweights to national governments which are drifting towards populists xenophobic, really illiberal liberal trends. And perhaps there the committee of the region, in fact, could support those movements, and it could indeed serve also as a platform to give them greater voice on European affairs ... thinking of, you know, liberal mayors of Budapest or Warsaw, who are really acting as counterweights to Orban and Kaczynski, and, you know, having their voice represented at European level through the committee of the regions, could indeed be ... Yeah, a new way to ... uh, to use the committee of the region also to counterweight illiberal trends in some member states.

Feasibility: Dr Floris de Witte (Interview G4_4) praised the idea of local EU surgeries/hubs and believes it is achievable without Treaty change, provided that these surgeries/hubs are not given significant legal rights (e.g., vetoes, legislative powers etc). If they are just about information sharing/soft law they could be established with no treaty change.

Politically, there is surely going to be pushback from member states as any democratization and local empowerment of the EU weakens the gatekeeping role of the national level. The Committee of the Regions will however have strong normative backing (both in legal and political theory – as outlined in section 3 above) to establish these local ‘surgeries’ or hubs. To make this proposal politically palatable - other than the democratic theory and political theory arguments - it could be linked to some currently salient issues where sensitivity to local interests is fundamental - e.g., climate change and the recent flooding in Europe. National parliaments won’t be enough to optimally tackle these epochal challenges, and international regional cooperation is often at the forefront of climate issues (e.g., rivers spanning many regions). The EU is missing this important democratic link, and it needs to focus more on subjective Europeanisation and the creation of a demos.

This proposal can also be justified in terms of its efficiency gains: the Committee of the Region has established several networks aimed at helping regional and local administrations to receive timely information on EU legislation as well as support them in the implementation of EU law. CALRE and RegHub also fulfil some of these key functions. The BELE project and the network of local EU councillors are other examples. All these efforts and bureaucratic capacity can be streamlined. Furthermore, the Committee of the Regions could lobby the Commission (as well Local Regional Authorities that host EU information centres) in order to embed Europe Direct Information Centres into this local surgery network, to further avoid duplication and use EU funds more effectively. This proposal will require extensive negotiations with DG COMM around the potential of sharing resources and avoiding duplication. It will also require extensive negotiations with existing regional/local authorities so that the presence of this network of local EU surgeries is known and utilised by administrators and citizens alike.

Establishing this network will not only tackle the duplication of bureaucratic effort, it will also address the imbalance between strong and weak regions/local administrations in access and lobbying, as all local units will have the same office with the exact same links to the Committee of the Regions/EU and the exact same tasks. This idea also has the potential to solve the internal power and influence differentials that exist between different regions/local administrations within the Committee of the Regions.

2) Links with EPGs in the EP:

Details: Professor Abels (Interview G4_2) suggested that the European Party Group (EPG) delegations in the Committee of the Regions could better link up with the EPG leadership/structures in the European Parliament, and also that these intra-party communication channels can be used to push for the transformation of European Party Groups into fully multi-level decentralised structures, that have avenues at the local level to collect citizens' opinions and that pay attention to the local dimension of proposals in their manifestoes or party strategy. The idea that the stability of a multi-level system starts from political parties present at all political levels is central in the literature on federalism (Filippov et al 2004). MEP Bischoff (Interview G2_5) also stressed the role of EPGs in linking up all the levels of the EU multi-level system. She highlighted how certain EPGs already actively involve their Committee of the Regions and local administration members in their caucuses and events, but she recognises the need to make these MEP-CoR-local politicians' synergies stronger and uniform across the EU. Therefore, an avenue that the Committee of the Regions could pursue - which does not entail Treaty change - is to have its members discuss the party organisational structure with their respective EPGs to formalise inter-institutional and inter-level channels of communications.

Feasibility: This proposal mostly entails lobbying and political influence. There are no legal implications as it pertains to EU Treaties (Interview G4_2). Possible changes in EPGs statutes might be needed, depending on the need for formalising party local branches.

3) Exploiting EU Regional Offices

Details: Regional administrations have established their own representation in Brussels, 225 regional liaison offices are active in Brussels (Abels & Battke 2019). These regional offices even have regular meetings with the Commission, happening quarterly. These offices represent the interests of their specific region only and are unlikely to be able to represent the wider local repercussions that a particular EU policy might have. They also tend to represent those regions that already have multiple representation channels, either via their national federal structure, and their experienced representatives in the Committee of the Regions. The Committee of the Regions should try to embed the expertise and lobbying capacity of these liaison offices in its activities, giving strong regions the power to 'train' weaker ones, and, in so doing, building important coalitions with different regions across Europe (Interviews G4_2, Interview G4_3).

EU regional offices can, therefore, establish regular meetings with officials of the Committee of the Regions. EU regional offices can be targeted by Committee of the Regions members in order to publicise and garner support on the Committee of the Regions' opinions and resolutions, with the end goal to embed their tasks fully within the Committee of the Regions. The Committee of the Regions needs to enhance its networking and lobbying capacity, to be fully attractive to strong regional units (Abels & Battke 2019).

The consensus among the legal experts seems to be that any practice aimed at giving strong regions different prerogatives and powers within the Committee of the Regions should be discouraged (Interviews G4_2, Interview G4_3, Interview G4_4). As Prof. Fabbrini emphasised, “*the state of regionalism across Europe is very asymmetric*” lending unequal emphasis and weight on sub-national actors, which creates challenges for the Committee of the Regions. He continued by stating that

you can have some best practice, or some, you know, lessons learned that you draw from the experience of more developed regions or local authorities. But clearly, I mean, the national experience of member states is different, and crucially, also the size of member states is profoundly different. [...] So again, it's this idea of one size fits all, which I think fits very, very badly within the structure of our current union.

Similar sentiments were echoed by Prof Abels:

And within the committee of the region, it wouldn't be possible to give different status to different members, depending on what their competencies are at domestic level, because that wouldn't work. It would really lead to a lot of conflict and cleavages. So as far as that goes, I would still say that for the ones with legislative competencies, they will just continue to then go the lobbying route in order to push for their specific interests ... which, of course, can differ a lot.

Instead, creating – or solidifying – soft networking activities that are aimed at sharing best practices from the strong regions to the weaker ones should be the priority instead, as MEP Sandro Gozi (Interview G2_4) recognises. EU Regional Offices can be approached by the Committee of the Regions to fulfil these tasks. *Feasibility:* Again, this proposal entails soft measures such as networking and lobbying, so there are no EU Treaty legal implications, barring potential changes to secondary law – which is relatively easier to amend than Treaties. Politically, it needs to be recognised that EU Regional offices are primarily accountable to

regional governments. Contacts at those political levels might therefore also be warranted.

4.1.2. *Policy influence*

1) Building-Up and Sharing Legal Expertise – National litigation, EU Pilots and ECIs

Details: The legal experts all recognised that the Committee of the Regions does not fully work as a legal ‘advisor’ and as a legal/technical ‘expertise hub’. They saw this as quite central to the function of the Committee of the Regions, which should focus on increasing the influence of the local level via the legal route, by providing legal advice and timely legal/technical information on EU laws to local administrations (Interviews G4_1, G4_2, G4_3).

Prof. Davies says that there is a lot of untapped potential in soft measures, and notably in litigating EU legislation via local and national courts, in the example of the German Constitutional Court:

[...] there's obviously all kinds of political [instruments] ... but I think there's a lot more room for national and regional actors to be far more assertive to basically just say no. And when you see this coming from, to some extent from governments, you see it coming from national courts, ... you see it coming from constitutional courts ... The Bundesverfassungsgericht: great that he just says "no". It's not that their arguments are always brilliant, reasoned ... but it's not that the Court of Justice's arguments are brilliantly reasoned, either, you know? There are grey areas, and there's a lot of space for members, an "auto interpretative space" in in the way you interpret the law. [...] And even local courts and local authorities! You're not going to do that delinquently, you don't want a situation where everybody says: "Oh, we don't care about the law ..." [it's just about] seriously interpreting it. The law is full of exceptions. It's full of exceptions and balances. It doesn't require ... you know, whether it's protecting environment or culture or public policy or public order ... there's all kinds of nuances, and there's all kinds of space for interpretation. And it's quite common, that law has different meanings in a way ... or different effects in different places. And there is to some extent space for fighting back. (Interview G4_1).

He also advises to step back from the legal principle of subsidiarity, as it asks a fundamentally unanswerable question, and to focus more on proportionality to build legal cases in local jurisdictions to win back some policy discretion to the local level (Interview G4_1). Prof. Abels urges caution in the use of the legal principle of proportionality instead - as it is often a Trojan horse for Euroscepticism - but is also of the opinion that the Committee of the Regions is

not exploiting the legal avenue to its fullest, by, for example exploiting its prerogative to bring cases to the ECJ (Interview G4_2).

Dr de Witte proposed instead that the Committee of the Regions could direct its resources in looking into citizens' submissions to the EU Pilot implementation complaint mechanism¹ and to the European Citizen Initiative, backing those that it considers valid. Dr de Witte believes that the role of regions in the implementation of EU law could be strengthened by the more systematic and consistent use by the Committee of the Regions of EU Pilots². Currently, an individual citizen can simply fill out a form to communicate to the Commission about a possible infringement of EU law. The Committee of the Regions can get organised in finding resources to (i) check citizens' submissions and provide Committee of the Regions backing (or backing by some Committee of the Regions member); (ii) send out their own submissions. This will show to the Commission that the Committee of the Regions is an ally in having EU law respected and it will show to citizens that the Committee of the Regions works for them, as a request will have more clout and a higher likelihood of being considered by the Commission if it comes from the Committee of the Regions. Furthermore, Dr de Witte suggests that the Committee of the Regions should be more systematically and consistently involved in the ECIs process. He believes that it is relatively easy for an institution like the Committee of the Regions to build campaigns that can meet the 1m signature target. The Committee of the Regions could be more active in backing citizen initiatives that it considers worthy. The Committee of the Regions backing of an ECI could make it more difficult for the Commission to ignore it, and it will strengthen the Commission's position vis-a-vis the other EU institutions when introducing a proposal that has the backing of the Committee of the Regions.

Dr de Witte also emphasised a recent opinion from General Advocate Bobeck and the potentially ground-breaking forthcoming ECJ judgement on the matter. In July 2020, Advocate General Bobeck argued for opening up the criteria of direct concern to local administrations.³ An ECJ ruling is forthcoming that the Committee of the Regions should think about actively using in the future. The ruling is questioning the lack of power of regions to contest EU rules: currently, only individual citizens and member states have competences in implementation cases. When this ruling is made, the regional/local level will have more clout in

¹ Directorate-General for Internal Policies. *Monitoring the implementation of EU Law: tools and challenges.* [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/596799/IPOL_STU\(2017\)596799_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/596799/IPOL_STU(2017)596799_EN.pdf)

² Dr de Witte's comments are in reference to the Commission's EU PILOT complaint mechanism: https://ec.europa.eu/internal_market/scoreboard/archives/2014/07/performance_by_governance_tool/eu_pilot/index_en.htm

³ Advocate General's Opinion in Case C-352/19 P Région de Bruxelles-Capitale v Commission <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-07/cp200097en.pdf>

enforcement case law, and the Committee of the Regions should pay attention to this and use it actively as precedent. Dr de Witte believes that this forthcoming ECJ judgement will also help to improve the justiciability of the subsidiarity principle, and that the Committee of the Regions should closely monitor it.

There's currently a case before the court of justice, in which the advocate general ... the ruling hasn't happened yet, but the advocate general has argued that there's a gap in legal protection for particularly cities and regions ... when they have implementing powers they cannot contest the validity of a rule. Either member states contest it, or individuals. But sometimes it's actually the competence of a region to implement something again, particularly when it comes to environmental stuff. But they cannot contest the rule. So again, there's a gap in sort of the judicial protection and democracy, I guess you can make that link. And there you have the general says: No, we'd solve it. So regions are becoming more and more important in the implementation of EU law. And we need to make sure that there's a sort of component of judicial protection and democratic engagement is protected there as well. So that's another one that might be happening quite soon. I think the Court of Justice will be quite receptive to that. And again, much will depend on how the Committee of the Regions and how the regions use this, because if they use this quite actively, it can very quickly become something that's completely standard in EU law to see. (Interview G4_4)

Feasibility: It is the opinion of the legal experts mentioned above that these proposals have no Treaty change implications, and will mainly require substantial resources and changes in the internal organisation of the Committee of the Regions to achieve, and, potentially, some changes to secondary laws in the case of the ECIs proposed action. The involvement of the CoR in EU enforcement pilots and/or ECIs may be seen as difficult to implement in a way that could justify the costs (in terms of resources, expertise and time). However, it might be a valuable additional dimension to consider and to strategise over potential avenues to make these processes work to the CoR's advantage.

2) Improving the Committee of the Regions' opinions

One of the more fundamental questions to be answered was very clearly posed by Maria Angeles Elorza, Secretary General of Foreign Affairs, Basque Country and Representative of the Basque Country before the Committee of the Regions: "*Many times I wonder where all the work we [Committee of the Regions] do ends up*". She was not the only one to express frustration and disbelief at the lack of feedback received from the Commission, which many times does not acknowledge the input of the Committee of the Regions. Mr Reviglio from Eurocities confirmed that, despite their high relevance and quality, the opinions issued by the Committee of the Regions are sometimes dismissed as "*yet another*

consultation from the point of view of local and regional authorities”. Mr Ciambetti said that *“most of the time I have the impression that [Committee of the Regions’ work] is undermined by the European Commission”*. Mr Helmut Scholz, MEP, put it even more plainly: *“[The Committee of the Regions] are giving their recommendations, they give their resolutions, etc., but frankly speaking, who is caring about it?”*. On the topic of Committee of the Regions opinions, MEP Sandro Gozi made a similar, although softer, statement: *“I don't have the impression that the Committee of the Regions is particularly influential when it comes to our legislation in the European Parliament. I don't have this impression. Maybe it is an impression.”*

In contrast, Ms Ioana Condurat (Interview G2_3) from the European Commission had a different experience, stating that:

I can only refer to concrete examples from what we are doing from our business. And here with the public consultations, I said that we would be able to identify better the category of local and regional authorities, but in fact, the outcome of all this goes a little bit farther, because on the one hand, the Impact Assessments and Evaluations would take into account this input in the analysis, but this input in the analysis in fact, is going to be summarised and analysed in the synopsis report, which is normally a document which contains the analysis, not only the analysis, of course, the overview and the analysis of all the inputs that were received through the consultations, and this synopsis report, it is published on... together with the Impact Assessment Report. Therefore, contributors can easily see, or can have, information about how their views have been considered, and reflected. And then that's why I'm saying that I'm not aware in my area, because we tend to work very much with the Committee of Regions, and we have a very good collaboration.

Apart from the different views on the uptake of the work of the Committee of the Regions by other EU institutions, interviewees believed that there is a need for rethinking the way the Committee of the Regions approaches, conceives, prepares and disseminates its opinions sought in the basis of mandatory or voluntary consultation.

Detail: We identified a number of elements that could increase the impact of the Committee of the Regions’ opinions, without requiring any kind of treaty change:

- a. Focus on practical areas in which Committee of the Regions rapporteurs can have a strong approach and knowledge of the issue vis a vis the Commission. Mr Vallier (Interview G3_3) identified some such areas by stating that:

We have made, we do a lot of studies in CEMR. And we have made one that showed that 70% of the regulations that are taken at European level, have a direct impact on local and regional governance. For example, all those that we should be consulted not only when it says local and regional governance. There are issues of course we don't need to be consulted on, we don't have anything to say on defence or Foreign Affairs for example, but we have things to say on most of the issues on If we talk about energy, if we talk about climate change, if we talk about rule of law and implementation of rule of law article and all of that I could... mobility, recovery, resilience, gender equality, youth, mobilisation, etc.

Mr Ciambetti (Interview G3_1) highlighted the importance of having very prepared rapporteurs who bring a practical and concrete approach to the issues. This was seconded by Mr Speich (Interview G1_1), according to whom *“To become relevant, you have to focus, and you have to be precise and clear”*. For him, opinions should address *“what is it that we fear that legislation does not reflect? What is it that needs to be changed? Where do we see the room for improvement?”*.

- b. Reflect the reality at the local level and make the opinions as evidence based as possible, based on analysis on the ground (Interview G2_1). That is, they need to be underpinned by solid, context-sensitive research, including studies, surveys, RegHub consultations, etc., which must feed the opinions in due time.
- c. Avoid repeating and mirroring the type of declarations done by the Parliament (Interview G2_1), as this feeds the sense of repetition and absence of new insights. However, this does not mean acting without considering the Parliament. On the contrary, given that the European Parliament is repeatedly identified as an ally of the Committee of the Regions, the Committee of the Regions should seek to complement (but not duplicate) parliamentary activity more strategically.
- d. Strengthen the wording of the opinions. Mr Scholz (Interview G2_1) recommended that the opinions use a more assertive tone, by being framed as demands (rather than recommendations), detailing the concrete steps the Commission should take and specifying timelines for the Commission to action changes.
- e. Diversify the channels of dissemination of opinions. Mr Reviglio (Interview G3_4) suggested going beyond the current format and being more creative about how and to whom the opinions are disseminated. MEP Sandro Gozi (Interview G2_4) mentioned the

need for the Committee of the Regions to engage in sort of ‘ordinary public lobbying’ to get opinions noticed:

With me, it has never happened, for example, I'm a substitute member of the committee on regional policies, but I have never been contacted once by the Committee of the Regions. So I mean, the rapporteur of the Committee of the Regions - which managed to have his report adopted in a certain manner - I mean, do they take the initiative to make contact with a different member of the relevant committee in the EP? saying " this is my opinion ... I would like you to follow it ..." this is the kind of activity that goes beyond ... but I'm not sure that they do that. They have never done it with me, but maybe they do it with others”.

Publicising opinions seems a strategy worth pursuing. MEP Gabriele Bischoff (Interview G2_5) similarly mentions a need for a more active engagement from the Committee of the Regions with EP committees and the Commission to sponsor opinions, like it was done for the Conference on the Future of Europe and the Constitutional Affairs committee.

- f. Get the timing right. MEP Gabriele Bischoff (Interview G2_5) says that the process of delivering opinions should be quicker and that opinions should be produced quickly and be up-to-date. They should provide opportunities for MEPs to acknowledge them before the debate stage.

Feasibility: These proposals have no Treaty change implications, they will mainly require some diverting of resources and internal organisation in the Committee of the Regions to achieve. There are of course resource-dependent constraints to consider, like expertise, linguistic barriers and time-commitments. MEP Gabriele Bischoff (Interview G2_5) recognises that the Committee of the Regions probably does not have the resources to produce opinions with the above-mentioned characteristics consistently for all areas, so creating priority areas could be considered to achieve faster, more concrete opinions and feeding them into all relevant institutions for a subset of policy areas instead.

4.1.3. *Other useful proposals not requiring Treaty change*

1) Flexible Deadlines on EWS Reasoned Opinions

Details: At the moment, the Early Warning System gives a limit of eight weeks from the day the draft legislative act has been transmitted – to national parliaments to produce a reasoned opinion on subsidiarity (Protocol 2, TEU - Art 6). The Committee of the Regions can lobby on behalf of national legislatures and demand flexibility on the Commission's part concerning the timing/date of transmission for subsidiarity reasoned opinions. This will allow local administrations to have more time to channel their opinions to the national parliament (Abels & Battke 2019, Interview G4_2).

2) Links with National Parliaments

Details: As mentioned by Mr Van Rompuy (Interview G1_4) “if we want a bigger role for the Committee of the Regions, we have to make the national parliaments our ally [...] some new role of national parliaments, without changing the treaties.” The Committee of the Regions should continue in its work to enhance the understanding of the subsidiarity protocol in national parliaments, sharing best practices and the Committee of the Regions' subsidiarity assessment grid. In addition, it should target national parliaments for influence, pressuring them to have regular and formalised contacts with the Committee of the Regions embedded in their rules of procedures. COSAC, and the merging of the IPEX and REGPEX platforms, can be other measures to consider, as well as more streamlined and regular dialogue mechanisms, such as exchanges among parliamentary committees and/or party representatives at the various parliamentary levels.

3) Fight for a Place at the Consultation Table

Details: Article 2 of the Protocol on Subsidiarity of the Treaty of the European Union states:

Before proposing legislative acts, the Commission shall consult widely. Such consultations shall, where appropriate, take into account the regional and local dimensions of the action envisaged. In cases of exceptional urgency, the Commission shall not conduct such consultations. It shall give reasons for its decision in its proposal.

Other than mandatory consultation on specific policy areas, as defined in the Treaties, there is scope for the Committee of the Regions to be a stable actor at the pre-legislative stage. The Committee of the Regions should work to establish regularised access avenues to the Commission, a Committee of the Regions-Commission working group can be a way to achieve this special access. Establishing a stable inter-institutional working group could be an innovative communication mechanism. The drafting of inter-institutional agreements/rules of procedure would be sufficient here (Interview G4_4), similarly to what was done with the cooperation agreement with the EP - which establishes a stable, regular consultation between the Committee of the Regions and the REGI committee. In terms of feasibility, this proposal requires extensive negotiations with the Commission to obtain a reform of the existing communication and exchange processes in favour of a stable working group.

Dr de Witte (Interview G4_4) also suggests including into the agreement the topic of impact assessments and adding a heading or clause mentioning “local impact/impact on regions” for all policy areas. According to Dr. de Witte mainstreaming local impact assessments is something to be strongly considered. This will also help with the issues around subsidiarity checks: without touching the protocol, having an agreement on mainstreaming local impact assessment will help the EU to pay attention to subsidiarity by definition. This action will therefore have a potential internalising effect and will give the ECJ a way to check respect for the local level as one of its procedural checks in its rulings on EU law.

Gabriele Abels recognised the importance of the consultation stage of the Commission. She suggests that the Committee of the Regions should act to break the over-reliance on Council Working Groups in the Commission’s consultation phase. She says this could be done by lobbying and inter-institutional agreements. Prof. Abels also advocates for the institution - via inter-institutional agreement or Treaty change, if possible - of a ‘Green Card Procedure’ that would give the Committee of the Regions a sort of right of the legislative initiative:

Of course, there could be an idea of discussing this green card ... taking that further ... and ... thinking: "could it make sense to have a green card, which would also involve the regional dimension?" ... it's very difficult to imagine how that would work, but in order to give a more active role in terms of agenda setting. But then, of course, on the other hand, that would bring you into the questions and to discussions and conflict with the European Parliament, because of its lack of formal rights to initiate legislation here. And you would the need very high majorities of national parliaments or of regions to move forward for a green card and for trying to come up with a policy proposal [on the regional Green Card]. So I would still think that probably in the end, it wouldn't make much of a difference in terms of who is

really proposing proposals. I mean, that's also at the national level, that it's usually government, rather than Parliaments, ... which has to do with information, asymmetries and all that. But of course, also on the symbolic democratic level, it makes a difference here if you have the right or if you don't have the right. So thinking of this, of this green card mechanism, which could include also a regional voice here ... that would be an option. And this is something that could even be organised, beyond the formal treaty changes via more inter-institutional arrangements.

Prof. Abels mentions that the EP lacks this power too and can potentially be an ally in this (Interview G4_2).

4) Being active throughout the policy cycle (active subsidiarity)

Details: The need for intervention of the regional authorities in the pre- and post-legislative processes has been expressed by many members and stakeholders of the Committee of the Regions and stakeholders. For example, as Ms Ioana Condurat (Interview G2_3) from the European Commission mentioned, active subsidiarity is “*something that definitely would help [create] very solid and serious analysis of subsidiarity matters*”. She further continued by explaining that doing so would entail:

improving the consultations in the sense of creating more opportunities for the local and regional authorities to contribute to the public consultations and also to identify their contributions as such, so that you are able to, in particular, look at local and regional level opinions, views, when analysing contributions on public consultations, and then yes, also the high-level group on Fit for Future where, in fact, the participation of local and regional authorities, and also through the Committee of the Regions, has been further improved compared with the predecessor of the Fit for Future platform.

Through CALRE and RegHubs, regions with legislative powers already either provide input on EU proposals at the pre-legislative stage or offer implementation evaluation of existing EU programmes and laws. The Fit for Future platform is one of the channels available for regional and local authorities to provide feedback on specific EU laws, but several interviewees expressed their concerns around the process.⁴ For instance, Mr Pietro Reviglio from Eurocities, said that the Fit for

⁴ It is worth noting the differences between each of these organisations and mechanisms, including in composition, nature, function and role. **CALRE** (Conference of European Regional Legislative Assemblies) is an organisation that gathers presidents of European regional legislative assemblies, and its mission is to lobby for further involvement of regional assemblies and parliaments in the democratic processes of the EU. The **Network of Regional Hubs for EU Policy Implementation and Review** (RegHub) is a network established by the Committee of the Regions to monitor the implementation of EU policies on the ground and make sure the voice of hundreds of regional and local stakeholders is taken into account when these policies are evaluated. Their voice is channelled through an homonymous platform,

Future platform is a very big machine that addresses many important issues, but it can be challenging to navigate through. Still, it is positive that stakeholders, member states and the Commission are working together to future-fit elements of EU's regulatory framework.

Mr Mark Speich, Chair of the CIVEX Commission, believes that the Committee of the Regions should be able to do a prospective impact assessment of legislation (not through the Fit for Future platform, but through other mechanisms). This was seconded by Roberto Ciambetti (Interview G3_1), who said that regions should have an ex-ante involvement in legislative and decision-making processes to make sure laws address the need of the citizens.

Part of the problem seems to be the role that the Committee of the Regions and, more generally, regions and local authorities are given in the EU political framework. Both Mr Speich and Mr Frederic Vallier (Interview G3_3) were concerned about the Committee of the Regions and its members being treated as civil society organisations. As Mr Vallier explained:

Very often local and regional governments are considered by the European Commission, for example, as part of the civil society, but we are not civil society, we are governments. So there's a need to change you know, the wordings and the setting of spaces. If we are mixed with civil society organisation, I don't have, of course, anything against civil society organisations, but we are not the same kind of bodies. So there should be spaces for listening to the CSOs and there should be spaces for negotiating and discussing the regulations with local governments. And one of the spaces of course, is the committee of the regions. But it should not be the only space.

This confounding of what space the Committee occupies has a negative impact on the weight that the Committee of the Regions has in EU fora, including the Fit for Future Platform, even though the status of the Committee in the Fit for Future platform has improved compared to the REFIT platform, as it is no longer part of the stakeholder group and has three Committee members in the Government group. Finding new ways of intervening in the early stages of the policy cycle, especially agenda-setting and ex-ante impact assessments, should be one of the foci of the Committee of the Regions.

RegHub, which aims to involve Regional Hubs through effective consultations in order to collect their experiences on EU policy implementation. Finally, the Fit for Future platform is a high-level expert group that aims to simplify EU laws and reduce superfluous costs, in the context of the regulatory fitness and performance (REFIT) programme. The platform gathers data and input from its members on specific laws. The Fit for Future platform is composed by two groups: the Government group and the Stakeholder group. The Government group comprises representatives from national, regional and local authorities from all EU countries, as well as from the Committee of the Regions. The Committee of the Regions' RegHub is an established subgroup of the Fit for Future platform.

4.2. Policy sectors in need of dynamic interpretation

RQ: Which policy sectors are most in need of a dynamic interpretation of the relevant Treaty provisions, aimed at reflecting the greater role of cities and regions and of the Committee of the Regions in the EU decision-making cycle?

When there are public goods where potential gains from economies of scale are large – as the initial costs of setting up a programme are fixed while cross-unit spillovers and externalities are large – the policy area should be delegated to the highest possible level of decision-making (Alesina & Spolaore 2005, Inman & Rubinfeld 1997, Weiss et al 2017). This is for example the case of defence policy or climate policy. Another dimension to consider when evaluating the appropriate level of competence for a policy sector is preference heterogeneity (Alesina & Spolaore 2005). Policy areas where different units have widely divergent preferences should be dealt with at lower levels unless the economies of scale gains are larger than the underlying preference heterogeneity. There is not a lot of debate around the fact that sectors like defence and foreign policy should be centralised, while education and public health can be dealt with at the more local level (Inman & Rubinfeld 1997). However, economic efficiency considerations always need to be balanced by considerations over the extent of preference heterogeneity in the population related to the particular policy sector.

It is therefore well-justified that policies such as cohesion policy, transport, telecommunications and energy policy, employment and social policy, public health, education and culture require the mandatory opinion of the Committee of the Regions. The Committee of the Regions should target its work to these policy sectors. Weiss et al.'s empirical findings (2017) strongly suggest that the Common Agricultural Policy should also be the competence of the local level, a suggestion echoed by Alesina et al (2005). Dr. de Witte also mentions the CAP and fisheries as policy areas that require an even greater involvement of local administrations in EU decision-making (Interview G4_4). The Committee of the Regions should consider increasing even further its focus on agricultural policy, via own-initiative opinions, via the EP's AGRI committee, or by pressuring the other EU institutions to use the voluntary consultation option, or even have CAP mandatory consultation formally recognised (requiring Treaty change).

Another policy area that emerged as needing more local input than is currently the case is migration and asylum policy. MEP Gabriele Bischoff (Interview G2_5) strongly believes that this policy area could greatly benefit from the experience of local administrators as integration is done at the local level. She suggests more regional involvement could also break the EU gridlock on migration and asylum issues. The Committee of Regions should then strongly prioritise migration policy

via own initiative opinions, liaising with relevant EP committees and by putting pressure on EU institutions.

It is important to note, however, that legal experts agreed in recognising the difficulty of precisely spelling out policy competences, as the same policy domain - depending on the context - can be local at times, and global at others. According to Prof. Davies, finding the mathematical formula of the optimal allocation of policy competences is impossible, but, more crucially, fundamentally undesirable (Interview G4_1). For instance, the issue of environmental policy in the context of the transition towards a net-zero economy is a complex one: climate policy has supranational externalities but also strong local repercussions. Prof. Abels (Interview G4_2) also points to the environment domain as having a mixed nature, with a strong local implementation dimension but also quite strong supranational externalities.

The role of cities appears to be especially crucial here, as the foci of carbon emissions, and they will play a major role in implementing climate change policies. Mr Reviglio flagged that national and supranational bodies are already putting a lot of expectations on cities on the implementation side. Mr Ciambetti (Interview G3_1) considered that especially in areas where higher bodies rely heavily on lower ones for implementation, *“what is important is that these policies are co-designed and conciliated with the local level to make them effective and avoid creating implementation problems”*.

Another example is public health. Prof. Fabbrini (Interview G4_3) reflected on how the pandemic revealed the importance of supranational health policy, although the local provision aspect of healthcare should never be abandoned, stating that the principle of subsidiarity *“has to be seen in a flexible way to be adjusted to specific context”*. This point was echoed by Ms Condurat (interview G2_3), who further discussed the impact of the pandemic on the flexibility of processes in times of crises, emphasising that

in such situations the processes have to be, of course, adapted [...] and when you go [back] to normal, you cannot ignore any more the impacts that the crisis has produced. So at least, for a substantial period of time, you have to analyse whether what you are doing, whether your proposals take into account enough the results of this, of this crisis, I say that, I mean you have to be reasonable.

This flexibility and the need to *“adapt in function of the reality on the ground”* (Interview G2_3) was also echoed as a potential policy-related role for the Committee of the Regions to occupy according to Mr Belka (Interview G2_2),

who considered the Committee of the Regions as a potential driver for innovative projects in social and health policy, stating that:

So I would think that the regions would be the pilots of innovative social and economic solutions. They have to be helped, well, allowed to do it by national, by national authorities, but they should be encouraged and supported also financially, by nationals, so to say, by the European Union, but I think that the region should, should engage in, in a pile of innovative projects, both in social policy, but also in health policy, but also in, in education. And I think this experience, both good and bad, because bad experience is also very valuable. I mean, it tells you what you should not do in certain circumstances. But if regions are supported and encouraged to experiment on different policies, then they would, they could, on the one hand, improve the policies that are pursued within countries, but also, I'm sure that good policies, good experience, from say Andalusia, could resonate in Finland also, or in Poland, or in Germany. So well, and this will also be a huge victory for the idea of Europe.

Prof. Davies (Interview G4_1) mentioned that it is more fruitful - instead of focusing on who should be responsible for what in mechanistic terms - to lobby for discretion at the local level (where needed) in *all* policy areas that generate local repercussions, implying that all policy domains should be up for local level scrutiny when the local level is directly affected. Dr. de Witte (Interview G4_4) also mentions that any issue with a local impact or that are heavily contested should involve the local/regional level. Prof. Abels and Fabbrini put more emphasis on the necessity to lobby for the transformation of structural funds from instruments managed and distributed by the national level, to funds that are channelled by the EU to local administrations *directly*. Fabbrini also mentions that structural funds should be targeted to cross-border projects, akin to what the US does with federal funding projects (Interview G4_3).

Feasibility: Fabbrini (Interview G4_3) confirms that the above would at most only require ordinary legislative – and not Treaty - change, which could also allow modifying the monitoring and conditionality conditions which should now be targeted at local governments rather than national ones (Interview G4_2; Interview G4_3).

4.3. Europe's cross-border dimension

RQ: How can Europe's cross-border dimension be addressed and strengthened in this scenario?

Paying attention to the cross-border dimension is justifiable on many grounds. Apart from the benefits to European integration and the formation of an EU demos, the cross-border aspect is becoming particularly salient in disaster-relief and climate change domains. As Dr de Witte (Interview G4_4) states:

The perfect context for this is climate change. I mean, we saw in the last few months that the effect is ... incredibly localised, with floods somewhere ... fire somewhere else, and crazy temperature somewhere else. So the effects are so localised, that you actually require very localised engagement with these problems, which don't really follow national boundaries, [...] So I think there's quite a strong argument [for cross-border cooperation] within the context of climate change.

Mr Ciambetti (Interview G3_2), who was the rapporteur on the Committee of the Regions opinion “Cross-border dimension in disaster risk reduction”, gave specific examples of how better cross-border cooperation and communication could solve issues that have a direct impact on people's lives, without the need for Treaty changes:

An ambulance trying to bring in a patient from Austria to Italy and to cross a very very tiny border, he couldn't do it due to the lack of simple paperwork. So we really need to work to smooth this situation because in crisis and emergency situations it could change the lives of citizens. If you go to have concrete dialogues between cross-border regions on this, we can solve it with a small effort, and we can create a huge impact.

We had a case between Poland and Germany, who cooperate a lot, but they had a problem with a hydroelectric central in a lake. When there was a case of big rains, they didn't know when the river coming from one side to the other was open or not, which generated some floods on the other side. This could have been easily solved just with a communication effort between the two sides.

The above proposal of the creation of local EU surgeries will allow for the creation of cross-border surgeries. Moreover, the Committee of the Regions could still – in the new suggested set-up – encourage inter-regional coordination projects,

possibly in its internal organisation, by for example developing inter-regional caucuses, in the model of US legislative caucuses.

Legal experts mentioned the importance of organising cross-border events for citizens or economic sectors (Interview G4_1; G4_2; G4_3), advice that is also offered by MEP Gabriele Bischoff (Interview G2_5) who presents the experience of an Erasmus + programme between French and German primary school children as an example of the kinds of cross-border programmes that the Committee of the Regions should consider sponsoring and designing – to allow people from all walks of life to meet across Member States to complete a task or engage in a concrete activity.

Fabbrini further suggests lobbying for further targeting of structural funds for cross-border projects (Interview G4_3). As he explains:

One of the criticisms that has been made, for example, of next generation EU is that there is very little funding for transnational project, most of the money really goes to each member state separately for exclusively national projects. Whereas, if you look in comparative perspective at other federal regimes, the United States, Canada, even Switzerland, where the federal governments intervene, is usually to facilitate projects which have cross border positive spillovers. So clearly, that is something the EU could do more of. Now, one positive example of that is, of course, Northern Ireland. And that's, again, close to my heart, because I work on Brexit. And that is, is clearly a situation where Europe has seen the value of investing on cross border activities to create positive dynamics between the Republic of Ireland and Northern Ireland. There are some similar activities in Tyrol/South Tyrol and with EUREGIO regions, but those tend to remain still, I would say, quite minimal compared to the size now of the European budget and in the investments that Europe's makes.

5. SCENARIO B: Minor Treaty Change

5.1. Opportunities for active subsidiarity and a stronger role for regions

RQ: What possibilities exist for making only minor constitutional changes that would nevertheless have a disproportionately large impact on the multilevel governance of the EU, allowing for more active subsidiarity and a stronger role for regions with legislative powers?

Under this scenario, the core questions are focused on policy influence, more than fostering proximity and voice to citizens. However, we also provide some leads concerning interventions to facilitate citizens' proximity to the EU under the minor Treaty change scenario.

5.1.1. *Citizen proximity & voice*

1) Formal Recognition of Local EU Surgeries & Rules of Establishment

Detail: As far as citizen proximity & voice is concerned under this scenario, it would be advisable to give a clear legal standing to the network of local EU offices, by for example recognising their existence in the Treaties, and the requirement for a Committee of the Regions members and MEPs to have regular meetings with their area's local EU hub. The rules to establish a local hub (e.g. number of constituents needed) and internal composition rules should be also spelt out. Dr de Witte (Interview G4_4) also suggests that in general, putting forward proposals to add "local democracy" or "regional representation" in as many places as possible in the Treaties is advisable to (a) gain visibility; (b) help the ECJ in defending Committee of the Regions and regional prerogative in its rulings.

Feasibility: The proposal above entails the addition of extra Treaty provisions, rather than amendments, and would require minor Treaty changes only - confirmed by legal expert Dr. de Witte (Interview G4_4). As stated in the feasibility analysis for the establishment of local EU hubs (section 4.1.1), it will be easier to find political allies in the Commission and the EP for such a proposal, and less so from the Council. But the normative justification for this proposal is particularly strong.

2) Committee of the Regions Composition and Members' Mandate

Detail: As mentioned above, the internal composition of the Committee of the Regions is heterogeneous as it pertains the type of political office held by

Committee of the Regions members. This hinders the democratic legitimacy of the Committee of the Regions as an institution, and needs to be tackled if the Committee of the Regions intends to get increased legislative prerogatives (Interview G4_4). Compatibly, Mr Vallier (Interview G3_3) expresses a similar position. He supports a stronger role of the Committee of the Regions in the EU legislative process, and considers that this should go hand-in-hand with reforming who elects Committee of the Regions members - instead of the Member States. According to him, “*The people who are sitting as members of the Committee of the Regions [should be] democratically elected by local and regional governments*”.

It might be sensible, therefore, - in order to tackle the internal heterogeneity in the Committee of the Regions’ composition - to be slightly more stringent in the requirements to be met to be elected to the Committee of the Regions. Currently, the treaties only specify a requirement that Committee of the Regions members should have some electoral mandate or accountability to democratically elected assemblies, and that the Committee of the Regions’ internal composition respects political and geographical balance.

In the context of minor Treaty changes, it would be advisable to push for adding more specific rules on the provisions concerning Committee of the Regions members appointment and political mandate. The Treaty provisions should specify clearly which type of electoral mandate the Committee of the Regions member should have (e.g. regional assembly member instead of regional government member, for example), and add a requirement for the elections to that political office to emphasise and discuss Committee of the Regions responsibilities/EU affairs in the election materials/campaigns. This would put the Committee of the Regions’ functions in the radar of local elections/local assemblies. It will also force Member States to only target specific elections/local assemblies for elections into the Committee of the Regions, potentially helping in increasing the political legitimacy of the Committee of the Regions membership.

There is not a clear agreement about which local political office should be chosen as the natural context of Committee of the Regions member selection: Prof. Abels advised against Committee of the Regions members representing local/regional *executives*, and prefers the Committee of the Regions to be made up of members of local/regional legislatures or councils (Interview G4_2: Prof. Abels), a position seconded by Mr Scholz (Interview G2_1). On the other hand, Mr Speich (Interview G1_1) believes that the Committee of the Regions should become a more technical body, concerned with impact assessments of EU legislation at the local level, and thus that the executive branches of regional and local governments is prioritised over the legislative branches in the composition of the Committee of the Regions. The choice will depend on the role that the Committee of the Regions

wants to take, but a choice should be made to deliver a more specific provision on Committee of the Regions members selection.

No interviewee highlighted the topic of term limits as it pertains reform of the Committee of the Region's composition, likely because the democratic selection dimension takes precedence over regulations around term limits. The question of term limits is not exclusive to the CoR and is part of a broader and very important debate across levels of representation in the political science and quality of democracy literature.

Feasibility: The creation of standards, or addition of details on the Committee of the Regions composition and operation in the Treaties will help in gaining visibility and influence and can be achieved by minor additions to existing Treaty provisions (Dr de Witte – interview G4_4). This is, however, politically a potentially more contentious issue as it fundamentally targets the essence and powers of the Committee of the Regions, and assumes a stronger mission for the Committee of the Regions (Interview G4_2: Prof. Abels). To make the proposal more palatable, it will be important to add some provision for the involvement of some other EU institutions in the Committee of the Regions' appointments or operations: usually enmeshing an institution with another EU institution has helped in generating legitimacy and further influence (Dr de Witte – interview G4_4).

5.1.2. *Policy influence*

1) Subsidiarity Provision Wording

Detail: Under this scenario, the Committee of the Regions could think about advocating for a change in the subsidiarity article and protocol: from the current 'weak', wording – where justifying an EU action requires minimal evidence – to 'strong' wording where the local level is assumed as the standard unless clear reasons and evidence (e.g. from impact assessments) for EU-level action is presented and considered convincing (Jachtenfuchs & Krisch 2016). Dr de Witte (Interview G4_4) mentions that changing the subsidiarity provisions to mention the local level as the primary level of policy responsibility/problem-solving and to mention that in some issues transnational/international regional cooperation should be the primary level of responsibility. The Committee of the Regions will then automatically become the natural stakeholder, the actor to be consulted. Scholars also seem to suggest that the article should contain specific procedures that the EU-level needs to respect in the subsidiarity assessment process, as procedural assessments are easier to make (Jachtenfuchs & Krisch 2016).

Furthermore, the requirement that subsidiarity checks are only allowed in policies of non-exclusive EU competence should be scrapped (Moens and Trone 2014): any policy proposal targeting local administrations should be vetted for potential local repercussions, a sentiment shared by the legal experts interviewed as part of this project (Interview G4_1; G4_2; G4_3; G4_4). MEP Gozi expressed support for reforms that would create avenues for the Committee of the Regions to engage in political discussions over subsidiarity with the Commission. He believes that the legal dimension/legal checks are necessary and should keep existing as it is, but there should be a provision to allow for more political dialogue between the Committee of the Regions and the Commission on the issue.

Feasibility: The non-justiciability of the subsidiarity provision stems from its wording, as the ECJ - under the current wording - finds it difficult to adjudicate on subsidiarity (Jachtenfuchs & Krisch 2016, Panara 2019) as deciding whether the Member States or the EU can better achieve the specific policy objective is often highly subjective and ‘politicised’. The principle of subsidiarity is not explicitly part of the legal framework of more mature federations. However, clear constitutional provisions on policy responsibilities and power allocations to various government levels are spelt out in more mature federal systems, which greatly facilitates enforcement by superior courts, and the production of unambiguous case law (Bermann 1994, Fleming & Levy 2014, Jachtenfuchs & Krisch 2016). There is therefore a strong justification from the literature on federalism and on legal analyses of the EU subsidiarity principle for a change of course. Some MEPs – like Sandro Gozi, for example - might also be very open to the idea.

It is worth noting, however, that while desk research pointed in the direction of modification of the existing clauses on subsidiarity, most legal experts (Professors Davies and Fabbrini in particular) advised against focusing on subsidiarity at all - given that it is not a helpful legal principle. Professor Fabbrini explained why:

Actually, I think the current protocol has shown a lot of limits. Both the yellow card and the orange card procedure for national parliaments has not really served to protect subsidiarity, it's been really used, if you look at the cases to protect national interest. And, you know, it has given voice to eurosceptic, Parliaments across North and Eastern Europe really, most of time. I am definitely against the idea of a red card process where national parliaments can stop European legislation. But I would also be against the idea that the committee of the regions could have a veto on subsidiarity grounds. I mean, if you look at the European political process, it is extremely complicated. It already involves at least three institutions, the Commission, the Council and the Parliament, but in fact, most often also the European Council ... within this process you have multiple entry points for local and regional interest,

which are well represented in the European Parliament, they are represented in the Council as well. So I will be really concerned that that increasing the complexity of this process and adding new veto points would make almost impossible for the EU to, you know, to take decisions, and we don't want the EU to be a permanent gridlock that that is I think, you know, it's not in the union's long term interest.

While Abels (Interview G4_2) believes the subsidiarity provisions are good as they are currently, since they have already driven the Commission to pay more attention to the local impact of its proposals. MEP Bischoff also appears in favour of the status quo and does not consider subsidiarity reform a priority topic. Reforming subsidiarity is unlikely to be of huge interest to citizens and should remain predominantly a legal process that shapes the Commission's impact assessments, as it currently does (Interview G2_5). Furthermore, de Witte pointed out that such a proposal is potentially more difficult and sits in the middle between minor and major Treaty change (Dr de Witte – Interview G4_4).

2) Pre-legislative consultation

Detail: The Committee of the Regions could think, under this scenario, about advocating for obtaining the formal and mandatory recognition of impact assessments in the pre-legislative stage or “active subsidiarity” (Interview G1_1). This measure could be linked to the previous one as well: specifying in the subsidiarity article that the EU cannot act unless a positive impact assessment at the pre-legislative stage was obtained by the Committee of the Regions could achieve both points 1 and 2. Under this proposal, the Commission would be obliged to request and consult regional impact assessments on draft legislation (Interview G1_1). Some excerpts from the CIVEX chair's interview (Interview G1_1) exemplify the importance of such a proposal:

With that better regulation agenda, you need, fundamentally, the feedback of the regional and local levels, because they have the experience of implementing EU legislation. So they have the immediate impression of how the impact of EU legislation works and what could be improved and what is working well. And I think it's... it's really about institutionalising that impact assessment on the EU level, and that's, from my perspective, at least the core objective of giving regions and local municipalities a bigger say in the whole process of EU legislation because of their practical insight into the implementation of law. (...) There's also a need for improvement of giving more feedback from the regional perspective to the, to the Brussels level of decision making. (...) I would always say it's better to have a more formalised structure. And that means as mentioned before, limiting the scope of opinions, making the opinions, less like political declarations, but precise impact

assessments. (...) But that needs probably a minor treaty change, the Commission would have to comment on that before... before the piece of legislation goes to Parliament so that the Parliament really sees that there has been a process, of taking the points of the Committee of the Regions seriously.

Dr de Witte also suggested mainstreaming the local dimension of impact assessments by adding into the Treaty headings or clauses mentioning “local impact/impact on regions” for all policy areas (interview G4_4). He also suggests that a provision can be added in the Treaties to allow the Committee of the Regions to send a legislative initiative to the Commission (which wouldn’t preempt the Commission’s monopoly of initiative). Professor Abels also advocates for the institution of a ‘Green Card Procedure’ that would give the Committee of the Regions a sort of right of legislative initiative (Interview G4_2).

Feasibility: Dr De Witte believes that simply adding a reference to the local dimension in impact assessment provisions can achieve the aim of gaining influence on EU draft legislation, by mainstreaming the concept of ‘local impact assessment’ (de Witte: Interview G4_4). Or adding Committee of the Regions prerogatives in other minor areas (such as transparency of dialogues) could help. He states:

The transparency requirements that the Committee of the Regions can have access to all documents of dialogues, for example ... is these relatively minor things that won't necessarily be contested, but that might have significant effect in the longer term if appropriately used by the Committee. (Interview G4_4)

Prof. Abels believes that the legislative initiative proposal could be achieved both via inter-institutional agreement or minor Treaty change. The EP lacks this power too, and can potentially be an ally in this (Interview G4_2).

It is worth noting, however, that most legal experts were wary about introducing an additional veto-player in the already complex structure of the EU. This could be potentially done, but by having a “consultation right” under a specific time window, rather than pushing for veto/delay rights (Interview G4_1; G4_2; G4_3). The importance of consulting the Committee of the Regions at the pre-legislative stage can therefore be formalised in the Treaties but with some time limits or, potentially, by framing the Committee of the Regions opinions as not binding.

5.1.3. *Other proposals*

A couple of interesting proposals also emerged in addition to the measures outlined above. These are:

1. Adding a requirement in the Treaties that Committee of the Regions opinions have to be debated in EP committees and Council (Interview G4_4) or that Committee of the Regions opinions are binding and cannot be ignored unless some form of super-majority is achieved in the Council and in the EP (Interview G2_4).
2. Adding a provision that states that the CoR can sponsor ECIs, and that ECIs coming from the Committee of the Regions cannot be rejected (Interview G4_4).

These measures have been recognised as politically more difficult, so potentially lying in-between minor and major Treaty revision in terms of political feasibility (Interview G4_4).

5.2. Policy areas to be included in the fields of mandatory consultation

RQ: What new policy areas could be included in the fields of mandatory consultation

?

1) Formalisation in the Treaties of the Committee of the Regions' mandatory consultation on additional policy areas

Detail: Another crucial initiative to consider in the minor Treaty revision scenario should be to tackle a re-assessment of the division of policy competences. As described in section 4.2 above, the allocation of policy competences is not fully optimised in the EU. According to Alesina and Spolaore's (2005) economies of scale vs. preference heterogeneity trade-off, and according to empirical research on EU's policy competences (Alesina et al 2005; Weiss et al 2017), the CAP should be added to the fields of mandatory consultation, as it is a sector that is best allocated to the local level of decision-making. The legal experts, instead, focus more on important changes to be made to structural funding rules - such as direct allocation to local authorities and a focus on cross-border action (Interviews G4_2; G4_3). Add the CAP and fisheries under Committee of the Regions' mandatory consultation, as well as any issues that have financial obligations attached to them. However, any issue with a local impact or that are heavily

contested should consult the local/regional level. A wording to that effect might be better.

This should potentially also be combined with the proposals outlined above that suggest making Committee of the Regions opinions binding or at least requiring compulsory debate.

Feasibility: The conclusion from the legal experts' advice is that this measure will require simple additions to existing provisions relating to Committee of the Regions mandatory consultation in the Treaties, however, the potential for push-back of course increases as the number of policy dimensions targeted increases. Simply targeting the CAP/Fisheries might be easier. The proposal to extend the Committee of the Regions' influence to all domains when they present local financial obligations or repercussions is particularly tricky, as discussed in section 4.2 above. Determining which proposal has a local dimension – instead of having a list of general policy domains – will further complicate the process.

5.3. Europe's cross-border dimension

RQ: How can Europe's cross-border dimension be addressed and strengthened in this scenario?

All measures mentioned in section 4.3 (Committee of the Regions internal cross-border caucuses; cross-border events/programmes; cross-border disaster relief action; the targeting of structural funds to cross-border projects) would be still valid here. Under this scenario, such measures would be formally included in the Treaties – with clauses asking for the mandatory consultation of the Committee of the Regions on designing and delivering cross-border EU programmes, which was favoured by MEP Gabriele Bischoff (Interview G2_5).

The system of uniform local EU hubs would also strengthen Europe's cross border dimension, so the formalisation of a network of local EU 'surgeries'/hubs will also help to achieve this goal.

6. SCENARIO C: Far-Reaching Treaty Change

6.1. Evidence-based constitutional change for regional power

RQ: How could more ambitious constitutional changes be justified and what evidence can be found to back up the notion that giving regions and cities a greater say in the EU policy process will lead to better legislation?

Under this scenario, it would be advisable to advocate for all proposals in scenario A & B, as well as the ones explained below.

6.1.1. *Citizen proximity & voice*

1) Local EU Elections & Local Legislative Chamber

Detail: This proposal suggests a fundamental reform of the EU's legislature, where one of the chambers is elected at the *local* level with a system of Open-List Proportional Representation in small districts (Hix & Hagemann 2009). These small districts should correspond to the area of jurisdiction of one (or multiple) local EU hubs and can be cross-border. Candidates need to run under European Party Group banners: this will ensure party linkage across all levels of the EU multi-level polity (Duff 2019, Filippov et al 2004).

Under this proposal, the Committee of the Regions would be embedded in one of the current two chambers of the EU legislative branch, rather than being a separate institution. The internal heterogeneity (in terms of local authority types, prerogatives and size) has been criticised by scholars on efficiency grounds, so much so that some propose to abolish the Committee of the Regions in order to embed regional/local representation in the EU legislature (Council or EP) (Martinico 2018). The Council and/or the EP should represent the local level better, following either the Bundesrat from the German multi-level model (Interview 1) or the US Congress with states represented by the upper chamber and local districts represented in the lower chamber (Martinico 2018). This proposal will fundamentally streamline the legislative process in the EU and significantly improve its democratic quality, by bringing EU elections and representation closer to the people.

Feasibility: This proposal is politically more difficult and legally entailing major and numerous Treaty provision amendments. However, there is strong support from some MEPs for the idea of transnational lists, empowering the EP further, and weakening national vetoes (e.g. Interview G2_4, Interview G2_5), which means that the above proposal could be very palatable in some quarters and for key actors in EU institutions. Professor Abels was supportive of this measure, stating that

The transnational level, having a certain number of transnational people or transnational list, that that is important ... despite all the difficulties that this would bring about in terms of campaigning for these people on those lists.

Dr de Witte stressed that this measure is crucial if the EU is serious about tackling its democratic deficit, both in the interview (Interview G4_4) and in his recent book on EU reform (de Witte 2020). He states:

“[in terms of major Treaty reform] I think the obvious one is what you say [EU electoral reform]. In the book I sent that's what I propose as well. I think, ultimately, the only way to make the EU actually democratic. (I'm not sure that's the intention, I'm not sure that that's where we're going or where we may want to go). But if we're serious about democracy in Europe, that's the only way to do is to empower the regions on relatively equal sizes, getting rid of the vetoes in the Council and the national interest bargaining that now typify [the EU] ...”.

Prof. Fabbrini is a bit more sceptical that including local constituencies more strongly in the election of the EU legislature is going to necessarily bring the local level to EU decision-making, as the EP has the primary role to represent ideologies, not territories (Interview G4_3):

The real issue is, what is the relationship between the European Parliament and the Committee of the Regions in terms of local representation? If the constitutional mandate of MEPs is to represent citizens, then they cannot also represent local governments. It's simply incompatible. And that's why at the end of the day, we do have a separate institution - the Committee of the Regions - that represents local governments. So ... I think there is a value in in having both. I just think, you know, the Committee of the Regions should not be over-ambitious, in hoping to become ... a coordination hub for MEPs ... that that is not going to happen. I mean, MEPs are directly elected, they represent their voters, and they respond to them. So they, you know, they might be able to bring on board some of the local concerns for sure. But, you know, there is a different channel of representation for those specific regional or

local issues, which is exactly the Committee of the Regions. So I think the Committee of the Regions should continue doing what it has been doing in the last few years, perhaps be more vocal, perhaps be more, sort of... outspoken ... it also needs involvement on those issues ... but it shouldn't sort of blur into becoming, you know, a coordination chamber for the Parliament.

In light of the above, and in order to preserve the EP's ideological representation mandate - this proposal could be targeted at the Council instead.

A tri-cameral structure of legislative politics is not advisable for the following reasons (Interview G4_1; G4_2; G4_3): (a) it is not common when comparatively looking at political systems (multi-chamber legislatures are unwieldy and rather exceptional (e.g., ex-Yugoslavia), and so likely unworkable; (b) it would likely exacerbate the already complex accountability chains in the EU – responsible for its democratic deficit and legitimacy problems. The CIVEX chair also appears sceptical of a tricameral structure:

(...) There is a fear that things get even more complicated. I mean, you have to align 27 member states and then bringing, well, in addition, also in line, the perspective of the regions that could be from a process perspective. And to be frank, also, from the member states perspective, a nuisance. So it's really something which rather seems on the first glance, which to impede things further, and which stands against a swift implementation of decisions.
(Interview G1_1)

Another proposal for Committee of the Regions reform is aimed at splitting the Committee of the Regions into two chambers – one for big and powerful regions and the other for lower-level local administrations. According to Mr Speich (Interview G1_1), this would ensure that these two big, fundamentally different groups address their different needs separately while keeping most of the diversity of views. However, this is generally considered inefficient and leading to work duplication (Martinico 2018, Vandamme 2013, Interview 1), as well as potentially exacerbating the internal divisions in the Committee of the Regions and inequalities in the governance quality and influence of local units across the EU (Interview G4_2: Abels). The expertise and influence of large, powerful regions should be better harnessed as training resources for weaker regions, increasing the coalition size of regional interests (Interviews G4_2: Abels and G4_3: Fabbrini).

6.1.2. Other proposals

Dr de Witte (Interview G4_4) suggests another avenue in the context of major Treaty reform if the above idea for legislative reform is too difficult to achieve. He proposes to focus on changing the process of Treaty ratification. He believes that (a) A provision could be made for the official involvement of the Committee

of the Regions in future Conventions for Treaty reform (e.g. adding clauses like: “this also includes X members of the Committee of the Regions ...”); (b) A provision could be made for inclusion of the Committee of the Regions in the ratification process itself (by majority or qualified majority voting of EU regions), getting rid of the predominance of national vetoes, which will also help in avoiding the triggering – among nation states - of a Manichean sense of winning-losing out from EU Treaty reforms.

6.2. Policy sectors in need of Treaty change

RQ: Which policy sectors are more in need of Treaty change, aimed at reflecting the greater role of cities and regions and of the Committee of the Regions in the EU decision-making cycle?

6.2.1. Policy influence

All measures in sections 4.2 and 5.2 are still valid under this scenario, but in a context of major Treaty reform, the above proposal about changing the EU legislature’s composition and elections will automatically mean that a legislative veto on *all* policy areas is provided to a chamber of local territorial representation. Clauses could also be envisaged to give ‘sole’ decision-making power to the chamber of local representation on all policy areas currently under Committee of the Regions mandatory consultation + the CAP/Fisheries and cross-border programmes.

6.3. Improving Committee of the Regions opinions

RQ: In what way would the process of producing opinions at the Committee of the Regions need to be improved, if they were to be given a greater role and weight in the EU policy-making process?

Hönnige and Panke (2013, 2016) suggest that opinions that are delivered quickly and contain high-quality information that the other EU institutions might find valuable are more likely to end up in the text of the final policy output. Networking, establishing links with MEPs, and organising/participating in inter-institutional conferences also help (Hönnige and Panke 2016). Many of these suggestions were also made by several of our interviewees (see Section 4 above). Producing quick and high-quality opinions requires more human and financial resources than those currently at the disposal of the Committee of the Regions (Hönnige and Panke 2016; Interview G2_5). Pressuring for an increase in budget and research staff might be advisable under any Treaty reform scenario, therefore.

Nonetheless, the Committee of the Regions should not wait for Treaty changes to try to improve its opinions. An exhaustive list of elements that could be addressed immediately can be found in Section 4.1.

6.4. Europe's cross-border dimension

RQ: How can Europe's cross-border dimension be addressed and strengthened in this scenario?

In the major Treaty reform scenario, the cross-border dimension will be automatically addressed by the proposal in section 6.1.1, with the creation of uniform constituencies at the local level that can be cross-border. Implementing the proposals in section 5.3 should also be considered in this scenario.

7. Alternative Scenarios

A bold approach that could be taken if Treaty change is not an option, but that would still bring about institutional change, is the one suggested by Fabbrini (2020). In order to avoid the requirement of unanimity among all 27 Member States for treaty change, he proposes that Member States sign international treaties between them (*inter-se*), outside the EU legal framework. Even though this route has important constraints, it is a way to bypass the unanimity requirement for treaty reform as laid out in Article 48 TEU. This strategy has already been employed by some Member States. An example is the Fiscal Compact, which in 2012 was signed by 25 out of the then 27 Member States.

Fabbrini suggests that the Conference on the Future of Europe should explore this avenue in order to make treaty reform possible. More specifically, he proposes that the outcome of the Conference be a Political Compact that “would be an international agreement, functionally and institutionally connected to the EU, just like the EMU-related treaties adopted in the aftermath of the euro-crisis” (Fabbrini 2020:40). He believes that the Political Compact would not be challenged by the European Court of Justice. This scenario requires ‘teaming up with the Member States to achieve some of the changes outlined above. As Professor Fabbrini reflected on in his interview:

I think it's important that we start reflecting about this, because, yes, we cannot be complacent, as you said, the current framework has a lot of limits. And, you know, we cannot remain stuck in this situation, because one or two Member States simply won't allow us to move forward. So thinking creatively of legal options ahead, is quite important, then there are solutions, like the political compact that could allow us to do so.

Assuming that Member States would be more responsive than EU institutions, this could be a strategy to achieve some of the initiatives outlined above. Moreover, as clarified by Professor Fabbrini himself in the interview (Interview G4_3), this strategy can only be applied for reform proposals that concern areas not currently covered in the existing Treaties, where there is space to act, therefore. Furthermore, the reforms enacted through a ‘political compact’ would only apply to the Member States that are the signatories of the compact, but it could prove a gateway for future formalization into the Treaties.

Another scenario could be advocating for de-constitutionalisation. De-constitutionalisation is the ‘scaling back’ of the Treaties, by avoiding committing specific provisions to primary law. According to Grimm (2017), for example, the EU has a problem of over-constitutionalisation:

Different from national constitutions, the treaties are not confined to those provisions that reflect the functions of a constitution. They are full of provisions that would be ordinary law in the Member States. (...) As long as the treaties were treated as international law this was not a problem. As soon as they were constitutionalized their volume became problematic: in the EU the crucial difference between the rules for political decisions and the decisions themselves is to a large extent levelled. (Grimm 2017:99)

For Grimm (2017), over-constitutionalisation has two consequences. On the one hand, the Member States lose control over the Treaties, especially their application and translation into competences. On the other hand, it renders political, democratically elected institutions powerless to counter the jurisprudence of the ECJ. The mechanisms available to the Member States to revert the power shift in favour of the EU brought about by over-constitutionalisation (bringing an action for annulment of decisions by the Commission and amending the treaties) are in practice almost impossible to implement. According to Grimm, over-constitutionalisation is one of the roots of the democratic deficit of the EU. As a solution, he proposes to scale back the treaties “to their truly constitutional elements and downgrade all treaty provisions of a non-constitutional nature to the status of secondary law” (Grimm 2017:104).

However, de-constitutionalisation does not appear to be a feature of mature, robust multi-level systems and it may have suboptimal effects, for example in the context of policy responsibilities of the various decision-making and implementation levels in the EU and it could blur, instead of facilitating, subsidiarity and proportionality. De-constitutionalisation will not make multi-level systems flexibly sensitive to local prerogatives and needs: it might give the ‘centre’ even more free rein in encroaching local powers.

8. Summary of Key Proposals under each Scenario

	No Treaty Change (TC)		Minor TC	Major TC
	Soft Law	Secondary law/inter-institutional agreements		
Citizen proximity & voice / cross-border dimension	<p>1) Working with EPGs to establish caucuses and decentralised organisation.</p> <p>2) Teaming up with EU Regional Offices and build regular networking.</p>	<p>1) Establishment of local EU hubs via legal acts, streamlining CoR networks and EDICs.</p> <p>2) Reconsidering implementation at national level of treaty provisions on the CoR internal composition and nomination.</p>	<p>1) Formal recognition and regulation of EU local hubs in the Treaty.</p> <p>2) Adding references to ‘local democracy’ or “regional representation” in relevant clauses in the Treaties.</p>	<p>1) Reform of the EU legislative branch to have one chamber elected as a system of local constituencies (including local constituencies, even cross border ones, more strongly in the election of the EU legislature).</p> <p>OR</p> <p>ALTERNATIVELY:</p> <p>2) Changing the process of Treaty ratification to involve the CoR in future Conventions for Treaty reform or formally include the CoR in the ratification process</p>
Policy influence	<p>1) Building up and sharing legal expertise – e.g., EU Pilot & ECIs monitoring and support.</p> <p>2) Improving the use of the Fit for Future platform.</p> <p>3) Creation of internal CoR cross-border caucuses.</p>	<p>1) Lobbying for more flexible EWS deadlines & strengthen networks with national parliaments.</p> <p>2) Retaining /strengthening the focus on CAP/Fisheries, migration, and cross-border EU programmes.</p> <p>3) Supporting/ designing cross-</p>	<p>1) Adding a reference to ‘territorial impact’ in Treaty clauses about impact assessments, or a reference to the CoR in minor clauses on inter-institutional rules (e.g., dialogue transparency).</p> <p>2) Adding CAP/Fisheries under CoR mandatory consultation policy areas (or extension of mandatory</p>	<p>1) Providing legislative veto on all policy areas to the legislative regional chamber. Clauses could also be envisaged to give ‘sole’ decision-making power to the chamber of regional representation on selected policy areas targeting regions.</p>

		<p>border events/programmes.</p> <p>4) Supporting/designing/influencing cross-border disaster relief action.</p> <p>5) Lobbying for increasing the share of structural funds dedicated to cross-border projects.</p>	<p>consultation to all policy areas, in which the EESC has mandatory consultation, including the internal market clause (article 114 TFEU)).</p> <p>Potentially more contentious:</p> <p>3) Lobbying for the addition of a clause granting the CoR a legislative initiative prerogative or a 'Green Card' procedure.</p> <p>4) Changing the subsidiarity provisions' wording, putting the local level as the standard unless evidence for other levels is presented</p> <p>5) Adding a clause mandating consultation of the CoR at pre-legislative stage.</p> <p>6) Adding a provision that allows CoR to back specific ECIs and that states that CoR-backed ECIs cannot be rejected.</p> <p>7) Adding migration and any policy area with financial obligations or local repercussions under CoR mandatory consultation.</p>	
Improving CoR Opinions and their impact	1) Improving opinions' timeliness and quality of content (legal expertise, evidence), focus on sponsoring		1) Adding a provision that obliges the EP and Council to debate CoR opinions or that makes CoR opinions binding	

	activities to EP committees. 2) Lobbying for an increase in budget/resources for the CoR to support the process of opinion formulation and sponsorship.			
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9. Dynamic Analysis

The initial intention of the research team was to update the analysis developed in earlier sections based on the initial contributions made by citizens as part of the Conference on the Future of Europe and the initial reactions to those discussions by EU institutions and stakeholders.

Unfortunately, the timing of the Conference is such that substantive discussions will only start in the Autumn of 2021, after this report has been completed. The initial events, held in June 2021, were only concerned with procedural and organisational aspects of the Conference and did not generate sufficient usable insights which would have enabled us to better understand how the discussions will affect the likelihood of the different scenarios that we have envisaged or highlight new possible paths. Moreover, the digital platform does not offer ready-to-analyse, publicly available data on citizens' contributions yet.

As a result, we have revised our dynamic analysis to take into account the material available - essentially from the interviews themselves - and understand:

- 1) How the different insights that we have gathered are shaping the likelihood of each scenario.
- 2) What the Committee of the Regions role could be within the Conference and how it could navigate its participatory and deliberative dimensions.
- 3) How we understand the likely risks and opportunities for the Committee of the Regions and Local and Regional Authorities in the context of the Conference and their future roles within the EU framework.

This is what we are highlighting in the following sub-sections.

9.1. Feasibility of each Scenario

9.1.1. *High-level group and stakeholders*

This section gathers the opinions of Committee of the Regions members and stakeholders interviewed throughout the past few months regarding the likelihood of each scenario. Reflections did not focus so much on the legality or procedural aspects of potential treaty changes, but rather on the political will to bring them about.

The most important finding is that there is a consensus among interviewees that the Conference will not result in major treaty changes, and minor treaty changes are likely to be out of reach as well, although some, like MEP Sandro Gozi (Interview G2_4), did not completely rule out that Treaty change could be a possible outcome of the Conference. These predictions were therefore nuanced.

Among the interviewees, we can distinguish two main groups: one group wishes the Conference was an opportunity for focusing on and bringing about structural change at the treaty level, even though it assumes the impossibility of major (and possibly even minor) treaty changes. This position was best expressed by Mr Frederic Vallier (Interview G3_3):

The paradox is that I think most of the people you talk to, and that would include myself, would think that the third scenario [major treaty changes] would be the most desirable, because we see that we need a structural change of the situation. But at the same time, I agree with the colleagues that said that it's completely improbable and impossible.

MEP Gabriele Bischoff (Interview G2_5) expressed similar concerns and is equally convinced that there is the need for major treaty change but she thinks getting minor changes will be a huge success. Maybe the conference can act as a prelude for the more robust Treaty changes that are needed. Mrs Bischoff, for example, feels that almost everyone - academics, politicians, journalists - is losing interest in the Conference on the Future of Europe, and even her, who lobbied strongly for EU reform and the Conference, is losing her optimism and getting disillusioned. She laments the current lack of agreement on the procedural aspects even as the Conference is due to begin soon. She says the crucial thing will be to see if the Conference reaches the citizens. She is not sure the Citizen Panels will work - but if they do, if they reach sectors of societies never reached by the EU before, she thinks this structure of citizen agoras/panels should be formalised in the Treaties and become a permanent mechanism of the EU.

For this group of interviewees, therefore, part of the issue has to do with how the Conference is being organised and presented. They perceive a lack of clarity around its perspective. The outcomes will depend on whether it considers issues on a short-term or long-term basis.

The second group, on the other hand, while coinciding with the first one regarding the likelihood of the scenarios, considers that the focus of the Conference should not be on changing the Treaties, but rather on the needs of citizens. This position was expressed very similarly by Helmut Scholz (Interview G2_1) and Pietro Reviglio (Interview G3_4), who both emphasised that citizens have little regard

for the institutional arrangements of the EU, be it the Treaties or who is the relevant decision-making body in each policy area:

Citizens don't know about the treaties, and they don't necessarily see them as a priority. They just want to make sure that at the end of the day, they have a park where the kids can go, they have a kindergarten and this kind of things. (Interview G3_4).

From this group of interviewees' point of view, the starting point and focus of the Conference should be concrete policy problems, and then, reflect on what structural changes are needed to bring policy solutions. Mr Scholz also emphasised the importance of the participatory dimension of the Conference in this regard and considered that EU institutions should be willing to embrace any of the three scenarios if required by the conclusions of the citizen panels.

Finally, it is worth noting that many interviewees expressed that there is scope for improving substantial aspects of EU governance within the existing frameworks. As Mr Speich said:

Treaty changes are not an end in themselves. It's not about treaty change. It's about the working mechanism. It's about the... well, the efficiency and the result orientation of the whole architecture". Mr Reviglio expressed a very similar view: "Rather than necessarily adding more, it's about getting more from what is already there and making it work better.

In order to do so, Mr Vallier identified three main areas where improvements could be made: first, in the interpretation of the treaties, because for some EU officials and national governments, principles like subsidiarity and partnership only refer to the policy implementation side, while regional and local authorities also see it applying to the decision-making side. Second, in the habits of national governments and the Council, who are not used to cooperating with local governments on a regular basis. And third, in how discussion fora to discuss policy are set up at the EU level, because local and regional governments are oftentimes not considered in correspondence to their nature as elected officials with executive, and even legislative, powers.

9.1.2. *Legal Experts*

This section gathers the opinions of legal experts interviewed throughout the past few months regarding the likelihood of each scenario.

All legal experts interviewed to date (Dr de Witte, and Professors Davies, Abels and Fabbrini) do not think major Treaty change is likely, due to the rising

polarization on the EU issue dimension and the scars of past failed Treaty reform referendums. All the proposals under the Major Treaty Change section are deemed nearly impossible by the legal experts. Minor treaty change options are also considered quite unlikely, although Professor Fabbrini expressed more optimism as he considers Treaty reform an absolute necessity as Europeans are dissatisfied with the current status quo, as exemplified by Brexit. Losing a Member State should not be taken with complacency and a strong reaction is warranted. He therefore would like to push the Committee of the Regions to fight for some Treaty change in the Conference on the Future of Europe, even if it won't strictly concern the Committee of the Regions itself. He would like to see the Committee of the Regions as examining citizens' submissions closely and be the defender of public opinion preferences in this process (Interview G4_3). All proposals under the 'No treaty change' heading are deemed possible via inter-institutional agreements or simple legislative change, and Professor Abels mentions that inter-institutional agreements have been proven to be a gateway to Treaty reform in the past, so she believes focusing on these instruments can be a successful strategy (Interview G4_2).

9.1.3. *Public Opinion*

This section evaluates what treaty reform changes preferences are held by Europeans, by looking at public opinion data and academic research.

The Special Eurobarometer survey on the Future of Europe was fielded in October/November 2020 in the 27 EU Member States and gives a representative overview of European public opinion on the topic of future EU reform. 27% of respondents are in favour of the current EU status-quo and therefore likely to support no Treaty reform. A whopping 45% favour the EU but would like to see it reformed, and only 21% would support radical changes to the EU set-up. These numbers are pretty consistent across all countries. Furthermore, a majority (53%) of Europeans think that reforms should be focused on strengthening democracy in the EU. The two reforms fielded in the survey - the Commission lead candidate procedure and transnational lists for European Parliament elections - are seen favourably by large swathes of Europeans (although the translational list option is not particularly favoured in the Nordic countries). It is noteworthy that a wide majority of Europeans would like to see more competences transferred to the EU level, and especially for policies with large externalities (e.g. security, migration, and climate). It is also noteworthy that a third of European think that local/regional representatives are important to address when discussing EU reform, and that they should be involved actively in EU reform initiatives, such as the Conference for the Future of Europe.

When looking at public opinion research and data, it is evident that “no Treaty change” should be out of the question as a scenario. Europeans want to see a transformation of the EU in a more democratic direction and an efficient allocation of policy competences along the lines of the public choice classification of policy areas by Alesina and Spolaore (2005) outlined above. Although they do not seem likely to desire radical/major Treaty changes, reform is certainly needed, and minor Treaty reforms may be the most likely outcome of the Conference on the Future of Europe.

9.2. Opportunities for Reform

9.2.1. External Stakeholders and Legal Experts Interviews

All MEPs interviewed (Helmut Scholz from the Left group, Marek Belka and Gabriele Bischoff from the group of the Progressive Alliance of Socialists and Democrats and Sandro Gozi from Renew) expressed openness to the idea of reforming the EU by injecting more regional and local representation in its institutional structure and processes. They are supportive of the Committee of the Regions and are open to evaluating its proposals for reform.

The general feeling, among the legal experts as well as among some MEPs, is that the Council will be particularly reticent to entertain the idea, or agree to any Treaty change, and in particular to changes that empower the local level, which is seen as threatening the national level that the Council represents. Dr de Witte believes that, instead, many of the proposals mentioned above will get the backing of the Commission – since they would not threaten its prerogatives and would effectively make the Committee of the Regions an ally of the Commission in supporting the legislative drafting and implementation stage. “Generally,” - de Witte says - “I think if the committee wants to extend its powers, it has to be in a way that cooperates with the existing institutions, rather than sort of threatens to take away their power or threatens them with legal mechanisms ...” (Interview G4_4). He also sees the EP as a natural ally, and in particular members of the EP on the fringes (e.g. Greens and Eurosceptics or radical parties) that will see any radical change of EU processes and empowerment of citizens’ voices as positive. He suggests that “the way to present this is: ‘this is a radically new way of thinking about citizen engagement in the EU and a radically new way of trying to bring the EU to the citizens. And again, the Eurosceptic parties and the more progressive parts on the left will be interested in this narrative”.

9.2.2. *Analysis of European Party Group Manifestoes*

An analysis of the party literature from EPGs as part of the most recent (2019) EP election campaigns complements the analysis by de Witte. A keyword search for “region*” and “local*” was carried out to check whether attention was paid to the topic of regional/local participation in EU affairs or EU policies, and in what lenses they were discussed. These terms are also often used when discussing foreign policy and global relations, but those mentions are excluded from the analysis as the focus should be on EU-internal regions. The following documents were analysed qualitatively:

- Greens/EFA 2019 Manifesto “Time to Renew the Promise of Europe” available at: <https://vote.europeangreens.eu/manifesto>
- ECR 2019 Manifesto “Retune the EU” - used to be available at www.acreurope.eu/janzahradil but it is now unavailable. A copy was downloaded in 2019 and is available upon request.
- EPP 2019, “EPP Manifesto 2019” available at: <https://www.epp.eu/papers/epp-manifesto>
- S&D (PES) 2019 Manifesto, available at: https://www.pes.eu/export/sites/default/.galleries/Documents-gallery/PES-Manifesto-2019_EN.pdf_2063069299.pdf
- GUE/NGL “European Left Manifesto 2019” available at: https://www.european-left.org/wp-content/uploads/2018/11/Manifesto-European-Left_ENG.pdf
- Renew/ALDE 2019 “Freedom, opportunity, prosperity: the Liberal vision for the future of Europe” available at: https://d3n8a8pro7vhm.cloudfront.net/aldeparty/pages/1589/attachments/original/1594138326/2019_freedom_opportunity_prosperity_the_liberal_vision_for_the_future_of_europe_0.pdf?1594138326

The Identity and Democracy (ID) group was formed after the 2019 elections and the previous EPG did not release official party literature in relation to the 2019 elections. Whilst containing some regionalist parties, the ID official platform’s strongly focuses on national sovereignty and identity which makes this EPG unlikely to be receptive to many of the reforms advocated here.

The ECR group fails to mention any of the keywords and instead, focuses a lot on words like “nation*” and “member state*”, and thus on the protection of national sovereignty and prerogatives. Their ‘third option’ between a federal Europe and no Europe at all is primarily a Europe of flexible cooperation agreements among sovereign nation-states. They are likely to see the local level as being intimately linked with the nation-state, and therefore to have no place in European cooperation if not through domestic channels. Some potentially interesting points are raised on the matter of the EWS where the ECR backed an extension (to 16 weeks) on the deadline to trigger the red card procedure. The manifesto appears to strongly back the principles of subsidiarity and proportionality. So ECR members might be responsive to proposals in these areas, but, again, probably only in relation to national prerogatives.

The EPP manifesto mentions the keywords in relation to transport and digital infrastructure, living standards/cohesion policy, economic competitiveness, and civic engagement projects aimed at protecting local values and traditions. There is an interesting section on EU reform in the document, and in it – a reference to regional representation. The manifesto states “We must improve national and regional parliaments’ involvement in law-making and oversight in line with the principle of subsidiarity so that decisions are taken as close as possible to the citizens”. However, they indicate a preference for piece-meal changes from the status quo: “This will entail strengthening both the European Parliament and national parliaments at their respective levels”. There is no mention of a more direct institutional “bridge” between the local and the supranational level. It also mentions the importance of subsidiarity and respect for local conditions in relation to the CAP, which makes them potential allies for the proposals aimed at increasing regional actors’ influence on decisions surrounding the CAP.

The S&D 2019 manifesto is more concise, and it rarely mentions these keywords. However, their section on EU reforms contains an important hint that the S&D would in principle support proposals “to defend and improve our democracy, empowering citizen participation from the local to the European level”. The various policy papers from the PES Congress in Lisbon in 2018 elaborate on a lot of these points. An interesting excerpt mentions their desire for “a fully-fledged transnational parliamentary democracy. We will take action to make European democracy more participatory, inclusive and sustainable, and bring the institutions closer to citizens”. They focus mostly on transnational lists and the *Spitzenkandidaten* process, but the pledge still signals an interest in the empowerment of local units as vehicles for citizen participation. Proceedings from the party conference furthermore reflect a desire for budgetary flexibility to be given to local authorities as it pertains to social welfare infrastructure and programmes, and it recognised the important role that the local level can play in the migration and asylum domain, and in the integration of migrants. Those policy

papers explicitly call for the empowerment of local administrations in this domain, with a specialised fund dedicated to local authorities. There are also calls for the involvement of the local level in decisions pertaining to energy and the environment as well as development aid.

The ALDE/Renew 2019 manifesto mentions the chosen keywords in relation to economic cohesion, growth and competitiveness of EU component regions, identifying cohesion policy as a policy domain that could be leveraged to bring the EU closer to its citizens. It also clearly states, tellingly, that “decisions should be taken at the appropriate local and regional, national or EU level that serves you best and most directly. We support initiatives to re-evaluate and re-negotiate the division of competencies between the European Union and its Member States, strongly keeping in mind the principles of simplification and subsidiarity. The Union of tomorrow must be based on decentralisation and diversity”. And, furthermore, the manifesto states that “[...] more work needs to be done to reinforce the democratic nature of the European Union [...] A more open, legitimate, and democratic European Union, closer to its citizens, can only be a good thing”. There are key hints that a more fully multi-level EU is in the interest of ALDE/Renew members.

The Greens/EFA 2019 manifesto explicitly mentions support for local as well as EU-level democracy: “We want a vibrant democracy on all levels: from local to regional, national, European and international”. Regarding EU reform, the manifesto states:

We support a democratic future for Europe, where regional and national specificities are represented on an equal footing with the EU’s general interest. For this reason, we call for a system in which the European Parliament, representing EU citizens as a whole and elected partially on transnational lists, co-legislates with a chamber representing Member States. Regions are represented in a strengthened Committee of the Regions.

Therefore, it does not envisage some of the more radical proposals made here concerning legislative reform but signals a clear propensity of Green parties to support the Committee of the Regions and regional preferences. They also mention the regional/local level in the context of cohesion policy and the need to reduce regional disparities in living conditions and infrastructures and in the context of supporting regions on environmental and migration/asylum challenges. They also appear to support some measures proposed (by Professors Fabbrini and Abels in particular) which envisage the bypassing of “national governments [...] to provide European financing directly to local government and organisations”, and they mention the necessity of consulting local citizens on construction projects.

The European Left (GUE/NGL) manifesto explicitly supports an increase of monitoring and legislative action powers for the Committee of the Regions (as well as for the European Parliament and the Economic and Social Committee). It pledges to

Promote an enhanced role of the Committee of the Regions and the Social and Economic Committee as substantial institutional organs of democratic and regional policy in the EU, taking part in the decision making of the European institutions.

Mentions of local and regional topics are relatively rare, but the text also references to a desire " [...] to widen the action, participation and control of the citizens at all levels and at every stage of the building of Europe."

The analysis highlights that the Committee of the Regions can most likely find strong support for its objective of increasing the role of the local level in EU decision-making among the Greens and GUE/NGL members, but also coalitions on specific proposals can be built with some major and pivotal actors in the European Parliament - such as ALDE/Renew and S&D members - and also, but in a more limited way, with EPP members.

9.3. Integrating elements of deliberative democracy in the Conference on the Future of Europe

Increased citizen engagement in democratic processes is often cited as an effective response to the declining trust in democratic institutions. Proponents of models of deliberative democracy believe that integrating elements of deliberation can help to develop better policies by including citizens in a more direct and efficient manner.

To illustrate this recent development, a report produced by the Organisation for Economic Cooperation and Development (OECD) "Catching the Deliberative Wave"⁵ and a European Parliament study on 'practices of democracy'⁶ highlight a number of projects that have successfully implemented deliberative democracy initiatives, including many across the four corners of the European Union. Several European Union policies are already engaging citizens in their design and

⁵ OECD (2020), *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave*, OECD Publishing, Paris, <https://doi.org/10.1787/339306da-en>.

⁶ Sgueo, G. (2020). *Practices of Democracy. A selection of civic engagement initiatives*. EPRS. PE 651.970 Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/651970/EPRS_STU\(2020\)651970_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/651970/EPRS_STU(2020)651970_EN.pdf)

implementation. For example, within the scope of the Missions contained within Horizon Europe, citizens of various member states have been invited to engage directly in the co-design process and help with the implementation of the missions. Similarly, numerous groups of citizens have taken part in the crafting of cohesion policy (REGIO) which was co-organised with the OECD. More specifically and of interest to the Committee of the Regions, the urban green infrastructure (ENV and JRC) has been extremely successful in recruiting citizen participation in 13 different cities of the EU.

These schemes have featured the direct participation of thousands of randomly selected citizens with the aim of facilitating a more democratic style of governance styles. This demand for new forms of participatory governance was indeed echoed by President Ursula von der Leyen in the Political Guidelines of the new European Commission (2019-2024) when she stated it was a political priority to provide “a new push for European democracy” with a commitment to “strengthen the links between people, nations and institutions”.

9.3.1. Deliberation at the Conference

One of the key elements of the Conference on the Future of Europe is based on a model of public deliberation whereby citizens’ panels are convened to obtain meaningful insights into how people discuss and debate policy issues relevant to the Conferences’ key themes. One of the complexities faced by the Conference on the Future of Europe is that is taking place during the Covid-19 context which has ultimately meant that the event will rely on a mix of online and offline events, and proceedings will be collected, analysed, and published on the digital platform. A central feature of the Conference will be the European Citizens’ Panels, organised on the main topics of the Conference. These panels will be randomly selected and are deemed to be representative of sociological diversity. The panels will be organised over several deliberative sessions, and the aim is to collect ideas and gather recommendations that will feed into the overall Conference deliberations.

Drawing upon the experience of organising citizens’ assemblies at local, national, and European levels, the selection of participants for the Conference on the Future of Europe will be based on a random selection of citizens, with the aim of constituting “panels” representative of European Union sociological diversity (different groups represented on the basis of five criteria: nationality, urban/rural, socio-economic background, gender and age). Each European Citizens’ Panel will be composed of 200 citizens who will be engaged in the sessions via a combination of plenary meetings and working groups. Considering the Conference’s specific focus on youth, one third of the citizens composing a

Citizens' Panel will be between 16 and 25 years old. This focus will be reinforced by connecting this youth group with the European Youth Event.

Whilst the random selection of citizens should be applauded as it would ideally lead to the participation of a wide range of citizens, including those who do not usually engage in European affairs. However, it may be hard to persuade randomly selected citizens to engage in the process, especially those who are not familiar with public affairs, so the bias of panel composition is replicated once again. These issues and constraints associated with deliberative democracy are discussed in further detail later in this section.

There will be four European Citizens' Panels organised during the period of the Conference on the Future of Europe. The topics for discussion are based on the themes of the Multilingual Digital platform and will be focused on the following policy areas:

1. European democracy and values, rights, rule of law, security.
2. Climate change, environment, and health.
3. Stronger economy, social justice, jobs, education, youth, culture, sport, digital transformation.
4. the European Union in the world, migration.

The multilingual digital platform serves as the main hub for the contributions of citizens to the agenda of the Conference on the Future of Europe (see Section 9.4 for an analysis of the role of the platform in the Conference). Reports will be produced based on the submissions on the Platform and will be available in 24 languages.

Overall, the aim is that the Panels should take on board contributions gathered in the framework of the Conference through the Platform and formulate a set of recommendations for the Union to follow up on. These recommendations will be debated in the Conference Plenary. There will be a two-way dialogue between the European and National Citizens' Panels who will also be informed of any recommendations and will be able to propose recommendations. According to the Joint Declaration on the Conference on the Future of Europe, the scope of the Conference should reflect the areas where the European Union has the competence to act or where European Union action would be to the benefit of European citizens. Ultimately, the purpose of the Panels is to provide collective recommendations on specific topics related to the future of Europe.

The panels will follow OECD guidance on the organisation of the deliberative process, which can be summarised as:

1. Purpose: from the outset, the discussions should have clear objectives and scope. Participants should understand the role and input in the process and how it will influence the formulation of recommendations to the Conference.
2. Follow-up: national dissemination and coordination measures of proceedings and actions of the Conference will enhance the integration of citizens panels at the local, regional, national, and European levels of governance.
3. Transparency: in addition to the existing channels of communication that exist within the Member States and the European Institutions, the multilingual digital platform will act as the hub for all communication fed into and out of the Conference, including the recommendations for debate provided by the National and European citizens' panels.
4. Inclusiveness: it is recommended that panels encourage inclusivity in the recruitment of participants for example advocating an over-representation of categories typically excluded from this type of engagement for example a focus on young citizens, or people living with disabilities, and other groups of citizens that are generally disengaged with policy formulation.
5. Representativeness: the number of participants per panel is usually between 50 and 200 citizens, depending on the number of inhabitants of the Member State, region, or area. As with the previous point on inclusiveness, efforts should be made to include those who normally do not take part in public debates or political discussions. The problem of on-site versus online meetings does bear some further complexities in terms of access issues in terms of those who can participate.
6. Information: clear procedures should be in place to make sure that all participants receive access to a wide range of accurate, relevant, and accessible evidence and expertise.
7. Group deliberation: facilitated discussions need to be structured so that they allow for an informed discussion with the interaction between participants so that recommendations from the Panels can be filtered back to the Plenary sessions.
8. Time: informed and interactive discussion of complex policy formulations can take time as participants need to be confidently aware of the subject matter to debate and discuss without haste.

9. Integrity and Privacy: the entire deliberative process and subsequent citizens' panel exercises should be conducted with integrity, respect of privacy, and within the guidelines set out by the EU and national data protection laws.
10. Evaluation: citizens involved in the process will be invited to reflect on their engagement by completing an anonymous assessment of the process which will, in turn, provide crucial feedback about their involvement in the deliberative exercise and how it could be improved in future reproductions.

9.3.2. *The strengths and weaknesses of deliberative democracy*

Models and adaptations of deliberative democracy have attracted the attention of citizens, activists, reform organisations, and decision-makers around the world. Forms of this type of process normally consist of organisers randomly recruiting a mini public that is representative of the general population. Panels are constructed and are presented with a series of key public policy issues (normally legislative). These panels are then asked to deliberate together by discussing each proposal in-depth until they reach a consensus or majority conclusion.

Deliberative democracy has also become a key instrument of consultation for some levels of Government. It has been used by numerous local authorities across much of Europe, and notably, many EU institutions have used this type of consultation through its series of regular citizens "dialogues".

Despite some initial enthusiasm about how it could rejuvenate traditional forms and modes of democracy, deliberative democracy has also been the subject of some level of controversy regarding its suitability as a solution to current crises of democracies.

Partisans of deliberative models believe that emulating traditional Athenian democracy, in which randomly selected citizens were invited to participate in direct law-making, could solve some of the problems of representative democracy. They point out the fact that unlike representative democracy, which is based on citizens electing representatives supposed to echo their own preferences in Parliament, there is no risk of citizens' preferences being "lost in translation". Furthermore, whilst elections are limited by turnout issues which are known to be non-random (i.e., people with lower income and lower education are less likely to vote as are younger citizens), the random selection of deliberative models avoids such issues. They also point out to a high quality of deliberation, suggesting that even novice citizens can make positive and educated decisions on complex issues. Those are undoubtedly the strengths that have led the EU as well

as many local authorities to make increasing use of deliberative democracy models over time.

However, progressively, numerous scholars also point at some serious constraints to deliberative democracy. These limitations can be categorised as the following:

1. Deliberative democracy is not as representative as it claims. Similar to the drawbacks associated with the recruitment of respondents of public opinion surveys, panels of citizens are typically recruited based on a very limited number of strictly social, demographic, and geographical criteria (typically, gender, age, region, and socio-economic status). Yet, we know that those attributes are not always very good predictors of political preferences. Indeed, they are increasingly weak predictors of such attitudes as extremism, or frustration, which is why surveys always tend to rely on the use of “corrections” to their previsions based on how wrong they typically are vis-à-vis actual results. Many political attitudes and preferences are typically much better explained by several psychological and political attributes which are rarely captured in traditional ways of constructing panels.
2. Deliberative democracy was designed to replace legislative processes, not electoral procedures. By adopting deliberative processes in consultation with the general public it can effectively weaken the impact of electoral processes that are intuitively designed to involve the whole (rather than a very small sample) of the population. In other words, deliberative democracy was never really intended to address the crisis of democracy, but rather it was meant to counteract the bias in legislative decision-making, but its implementation can often weaken the electoral linkage between citizens and the elected representatives that govern them. This deterioration of this relationship can in turn fuel citizens’ frustration with their institutions and their elected representatives and may lead to lower levels of accountability.
3. Deliberative democracy is inherently sociologically, psychologically, and educationally biased. This may seem paradoxical, but there is ample research on how discussion processes are heavily unequal, not least in the methodological research on focus groups. Men tend to dominate discussions over women, those with greater education and wealth tend to have a very significantly disproportionate weight in decisions whilst those with less money and education are far more likely to follow their lead, young people tend to be grossly under-represented in decisions. Furthermore, there are many psychological biases which add to those social, demographic, and educational ones and are emphasised by linguistic

characteristics (accent, quality of expression, etc). As a result, many studies in social science research prefer to conduct discussions such as focus groups, as representative groups tend to be openly avoided in favour of homogeneous groups which lower those biases. In fact, whilst electoral processes at least adopt the principle of “one person one vote” with no pressure from some categories of populations over others in the polling booth, this is simply not the case in deliberative settings where those biases are likely to be further emphasised.

4. Whether the substantive decisions reached by mini publics are closer to the preferences of citizens than those reached by legislators is contentious and indeed is widely debated. Furthermore, it is in fact very hard to ascertain given the inherent differences in processes and timings.
5. It is also debatable that deliberative processes fulfil one of the primary objectives of engaging the population. The general population does not tend to feel more ownership of decisions just because they are made by other “normal people” rather than elected representatives. Members of assemblies or mini publics often report very positive experiences of their own involvement, but this simply does not transfer to the rest of the general population who are not directly involved in the process. As a result, any gains in terms of legitimacy – especially after the initial novelty of participating in the process has worn off – are questionable.
6. Ultimately, it is indeed questionable as to whether deliberative democracy presents a feasible solution to the crisis of democracy. It does not reduce citizens’ democratic frustration, it does not improve the legitimacy of political systems, it does not result in higher turnout or efficacy from the general population, and effectively does not provide citizens with the sense of ownership that they keep demanding in what they perceived as their under-performing democratic systems.

These are only some examples of the key criticisms addressed to deliberative processes and serves to highlight the limitations of the framework chosen for the Conference on the Future of Europe. Of course, in this specific case, those issues are likely to be further accentuated by linguistic issues which can severely disrupt deliberative processes and the general lack of knowledge of citizens about the inner workings of EU institutional frameworks and policy formulation.

The inclusion of citizens’ panels in this deliberative framework provides an ideal opportunity for the Committee of the Regions to better understand the place of regional governance from the perspective of citizens themselves. However, regions are close to the people and represent one of the most important democratic

linkages between citizens and institutions (whether they be national or European). Existing evidence-based initiatives such as the European Committee of the Regions' RegHub network on monitoring the implementation of European legislation and the European Commission's Fit for Future platform are good examples that these types of processes are being replicated already within the remit of the Committee of the Regions and should be used as examples of best practice for future models.

Overall, the Conference on the Future of Europe represents a unique occasion to reflect upon the crucial place of regions in the overarching democratic architecture of the European Union. Furthermore, the Covid-19 pandemic has made citizen engagement in policy-making ever more salient at a time of unprecedented uncertainty. The emphasis should be on mobilising citizens to share their crucial insights and preferences on policy matters amidst the current crises facing all democracies around the world.

9.4. Digital democracy in the Conference on the Future of Europe: the digital platform

The digital platform is one of the tools that have been embedded in the Conference to channel citizen participation. It must be understood alongside the Conference's other components, including the decentralised events, which are events run either face to face, online or hybrid by citizens, organisations and governments (national, regional and local) across Europe; the European Citizens' Panels, which will be formed by a randomly selected, diverse sample of 200 European citizens and will meet to deliberate on several issues; and the Conference Plenary, formed by representatives of the European Parliament and national parliaments, the Commission, and the Council, plus European citizens, representatives of the Committee of the Regions and the European Economic and Social Committee, and a small sample of social partners and civil society organisation – amounting to over 400 people.

Nonetheless, the digital platform has a prominent role in the Conference as “the hub of the Conference”.⁷ As stated on the Conference website: “The Platform is the single place where input from all Conference-related events will be collected, analysed and published”.⁸

⁷ *Conference on the Future of Europe*. Available at: <https://futureu.europa.eu/?locale=en>

⁸ *Conference on the Future of Europe*. Available at: <https://futureu.europa.eu/?locale=en>

According to an expert in participatory processes from the European Commission who wished to remain unnamed, the Covid-19 pandemic played a big part in making the digital platform a core component of the Conference. The initial plan was that the Conference was based on decentralised face-to-face events, organised by organisations and national, regional and local authorities in the Member States, with the platform as a tool to support those. The pandemic forced a re-design of the Conference's components and the digital sphere became core.

9.4.1. *Technical aspects of the platform*

The software of the platform had to be carefully selected in order to meet several criteria. As explained by a source at the European Commission, it was a lengthy process, as the criteria that had to be met by suppliers included that the software was open source, that it had the different functionalities needed to engage potentially millions of citizens in different topics, that there was a robust community support system in place and that the software had been tested in other settings previously.

The selected tool was Decidim, which defines itself as a “digital platform for citizen participation” which offers “free and safe technology with all democratic guarantees”. Carolina Romero, Product Owner at Decidim, also described it as:

A digital infrastructure for democratic participation. Or if you prefer another sentence, I see Decidim in fact as a framework for the democratic governance of any organisation, in fact, not only for institutions but any kind of organisation. (Interview G5_2)

According to Decidim, the criteria that they had to satisfy to be selected as the supplier of the platform included: the structure of the contents in the platform, the type of analysis it allows for around contributions, moderation functionalities (automatised vs manual), how to manage notifications and communication with participants, the economic, technical and human resources needed to run the platform, examples of live platforms and, finally, technical requirements around access, authentication, performance, usability, scalability and security, among others.

Decidim believes that what made them stand out compared to other available platforms in the market was a combination of technical features and experience. Carol Romero highlighted that the fact that Decidim has been used across government levels was very attractive for the European Union:

The fact that Decidim already had an extension, not only at the municipal level but also at the regional level, even at the state level - it was already being used in

Belgium, in France, by the National Assembly and the French Senate. And I think this kind of multi-level participation, it was also important for them [the organisers of the Conference] because of the approach of the Conference. (Interview G5_2)

Andres Pereira de Lucena, software developer, programmer and system administrator at Decidim, explained that what makes Decidim attractive at the technical level is its modularity, which allows clients to customise the platform and adapt it to their needs. He also emphasised how the software is developed, with a very strong approach to co-design and collaboration through a community of users gathered at “Metadecidim”: *“We use the same platform, Decidim, for developing Decidim and for receiving ideas of the different entities organisations, cities governments that are using Decidim and improving it”*.

The underlying feature that supports these characteristics is, according to Romero, that Decidim is “free software”. The source from the European Commission explained that one of the foremost selection criteria was that the software had to be open source. However, other stakeholders in the process have stated that “Decidim is open-source software was not central to it being chosen” (Patsch 2021).

It is interesting here to briefly explain that free software and open-source software is not exactly the same. The differences are, according to Andres Pereira, *“mainly ethical differences”*, as well as legal, especially regarding intellectual property:

The main idea regarding free software is that you need to have what is called the strong copyleft. (...) For using Decidim, if you use Decidim, you also need to publish all the changes that you are doing to Decidim. (...) Other licences allow you to close your own developments, but to use Decidim you must publish your source code. (Interview G5_2)

Decidim believes that it being free software is a core component of their vision and mission:

Especially because of the philosophy of what we are doing, software participation and receiving, making decisions about governments or organisations, I think it's really important that people can also have access to how these decisions are made. (Interview G5_2)

Regardless of the initial intentions towards the use of open source (or free software, in this case), there is agreement that this characteristic turned out to be important, both from an ethical and a technical point of view. According to the Commission, the free software allowed for major adaptations to the needs of the

Conference, including adjustments to the frontend design, the introduction of identification requirements and the use of machine learning to have the platform in the 24 official languages of the EU (Patsch 2021). Here, the choice of Decidim was again based on the origins and experience of the software, according to Andres Pereira:

One other feature that was really important for them [the organisers of the Conference] was that Decidim is multilingual. As the first installation of Decidim is in Barcelona and here people speak Spanish and Catalan, it's important by law to publish the contents that we made in the two languages. So once that you have two languages on the same platform, I would say it's easier to implement other languages. And Decidim already was translated to several European languages. (Interview G5_2)

The multilingualism of the platform is seen by many stakeholders as one of its most innovative components. The expert from the European Commission said that:

This is a very, very important platform and a very pioneering platform. You have translation in every, in all EU country (sic languages. You know, it's really, truly multilingual. This doesn't exist anywhere. Right. And this is a key thing in Europe, we have 24 official languages. This is totally pioneering. (Interview G5_2)

Another feature developed for the digital platform of the Conference that is considered innovative and a relevant contribution to the software is the global moderation panel. Decidim explained that

Until that we had like, for every process, you had your moderation panel for that process, and they [the organisers of the Conference] wanted to have a general view of the activity in the platform to become easier for the moderators to do that, to moderate comments. (Interview G5_2)

In other words, the platform allows moderators to look at multiple processes at the same time, which aligns with the scope and multi-policy purpose of the Conference.

In sum, using free software allowed for different experts to collaborate in adjusting the platform, which speeded up the process, maximised the use of the expertise of several actors where they could contribute the most and thus increased the quality of the final product (Patsch 2021).

9.4.2. *The platform in the Conference*

As mentioned above, the platform will act (in fact, it already is) as the hub of the Conference. Beyond this practical goal or function, it could be argued that by being the main forum for citizen engagement in the Conference, the digital platform directly addresses the “park bench problem” (Fung, 2015), where citizen participation is only required by governments in small-scale politics. On the contrary, the platform (and more generally, the Conference) aims to engage citizens in big-scale policy issues.

An important element that will determine the success of the participation and engagement of citizens in the Conference will be the interaction between its various components (digital platform, events, citizens’ panels and the plenary). A general explanation of how this is going to work is offered on the Conference’s website, according to which the platform and the decentralised events will be the gate for citizens to express their views about nine structured topics plus an undefined topic which includes any other issues citizens wish to touch upon.⁹ The ten topics are:

- Climate change and environment
- Health
- A stronger economy, social justice and jobs
- EU in the world
- Values and rights, rule of law, security
- Digital transformation
- European democracy
- Migration
- Education, culture, youth and sport
- Other ideas

Then, the citizens panels “shall take on board contributions gathered in the framework of the Conference through the digital platform” and, after their deliberative sessions, they will provide a set of recommendations to the Conference Plenary – this will be done through representatives of the Panels who will take part in the Plenary. Then, the Plenary will “submit its proposals to the Executive Board” and finally, the Board will prepare a report that will be submitted to the Joint Presidency. The figure below illustrates in a simplified manner these steps.¹⁰

⁹ *Conference on the Future of Europe*. Available at: <https://futureu.europa.eu/?locale=en>

¹⁰ A full explanation of and critical comment on the deliberative components of the Conference, with a focus on the Citizens’ panels, can be found in section 9.3.

Figure 1. Process of the Conference.



However, beyond the successive steps explained above, none of the people we interviewed for this study was able to provide a clearer, more detailed explanation of how the participatory dimension of the Conference will interact with its representative fora.

At the platform level, there are some mechanisms embedded in its design that facilitate the aggregation of input. At the most basic level, the platform includes a feature to endorse the proposals done by others. Then, as explained by Carol Romero:

When you make a proposal, you first have a comparator. (...) When you make a proposal, you can choose, if there is another similar proposal, you can discard yours and go for the one that maybe has collected more supports. (Interview G5_2)

However, as explained by herself, the proposal comparator “*doesn't work very well, we are working on it to improve it, to improve the algorithm that makes the comparison*”. Finally, there is also a feature that allows matching and/or splitting proposals:

We also have a feature that is not very known, but we started with this in mind, which is the ability to match proposals or to split proposals, if it's the case now, meaning that if you have, maybe you don't want to discard your proposals, because also there is another similar you want to introduce and nuance that for you, it's important. But maybe in another phase of the process, you can match similar proposals and to have I don't know, like a super proposal made of not really similar one. (Interview G5_2)

The platform also includes a mechanism that can be used to move proposals up the decision-making ladder, called “the accountability model”, which allows you to relate several proposals and say, for instance, if there are (...) 10 proposals that are discussing about how to solve something regarding the climate change, you can make a result that speaks about these 10 proposals and relate them. But at the moment. it's a manual process (...). You can download proposals in CSV format, and also you have an API so developers can also export in different formats the contents of the platform. (Interview G5_2)

In other words, the accountability model facilitates the manual aggregation of proposals to summarise them and produce a single output. Decidim said that developers are also free to develop a more automatised process for this, but currently, it only exists manually. When asked about whether the organisers of the Conference were interested in exploring solutions to aggregate input from the platform to transfer it to the Conference Plenary, the Decidim staff said that the Conference organisers only expressed interest in the moderation features, but not in mechanisms to aggregate opinions and ideas posted in the platform.

Several interviewees were open about the lack of clarity around this issue (how exactly the citizens' input in the platform and the citizens' panels will be aggregated, summarised and fed to the Plenary) at this stage, and declared that they “*don't know how it's going to work*” (Interview G5_1_EC). When asked about the way he saw the several components of the Conference working together, MEP Belka gave a similar answer:

We don't have answers to all of these questions. Because, well, this is an exercise that has no precedent. First, we never tried to engage citizens in such a direct way, and second, well, the pandemic is changing the rules of the game. (...) This is an experiment. (Interview G2_2)

Even though everyone seems accepting of the exploratory nature of the Conference, as explored further in section 9.4.4, the absence of a clear answer to the question about how citizens input will be transmitted to the political representatives at the Conference may deter participation.

Finally, it is still unknown what will happen with the platform once the Conference is over. The expert from the Commission stated that:

Our ambition is that this platform doesn't die with the conference on the Future of Europe, that we will give it a life after to be able to support citizen engagement in other policy files, in specific policy files. And we don't need a treaty change for that, we just need a different way of working here. (...) We hope that actually the platform stays beyond the Conference on the Future of Europe, because we would like that, you know, in the future, the Commission engages with citizens in a different manner than it does with Have your say¹¹, and these consultation portals where nobody goes anyway. So we would like that these more dialogic ways of engaging citizens stay. And that's our big ambition. (Interview G5_1)

It is yet to be seen whether the digital platform of the Conference on the Future of Europe can and will contribute to fulfilling this ambition.

¹¹ 'Have your say' is a platform run by the European Commission where “Citizens and businesses can share their views on new EU policies and existing laws”. Accessible at: https://ec.europa.eu/info/law/better-regulation/have-your-say_en.

9.4.3. *Use of the Platform by European citizens*

The main goal of the existence of the platform is to foster citizen participation and to attract a myriad of opinions and ideas that can enrich the debate on the Future of the European Union. Hence, it will be very important to monitor the level of engagement of citizens and their participation via the platform to assess whether one of the essential goals of the Conference is met.

As mentioned above, the Platform was launched less than five months ago (on the 19th of April 2021). Therefore, its current usage is only a picture of the very early stages of what has been described as an “experiment” by our interviewees (see Belka’s quote above, seconded by others in the Commission). Nonetheless, these data can help us begin to grasp how the citizens will engage with the platform in the coming months and years and it can shed some light on the topics and types of engagement that attract the most interest.

The platform provides publicly available data on the participation of citizens in each of the ten topics (Climate change and environment, Health, A stronger economy, social justice and jobs, EU in the world, Values and rights, rule of law, security, Digital transformation, European democracy, Migration, Education, culture, youth and sport and Other ideas). The engagement items measured are:¹²

- **Participants:** as explained by Decidim, participants are users who perform any action in the platform (from following a topic, posting an idea, etc.). It is important to note that participants are unique users, so a user can perform multiple actions in the platform and will still be counted as one.
- **Followers:** these are participants who have expressed interest in a topic by clicking on the “Follow” feature. Citizens can follow topics they are interested in to receive updates on developments happening at the topic, such as new ideas or new events. It is also possible to follow other participants and receive updates on their activity on the platform, similar to the “Follow” option in social media platforms like Twitter.
- **Ideas:** these are proposals of policies or actions in any given topic posted by participants. Ideas normally have a title and a description, and they vary in terms of details and data offered by the citizens to support them.
- **Endorsements:** citizens can endorse ideas they like and support with a simple click (similar to the “Like” button on Facebook). As explained in

¹² Data available in each topic’s page here: <https://futureu.europa.eu/?locale=en>

Section 9.4.2, this is the most basic form of aggregation offered in the platform. However, it is still unclear whether the most endorsed ideas will receive special attention from the higher levels of the Conference (i.e., Citizens' Panels and the Plenary).

- **Comments:** citizens can comment on the ideas of others. In the comments, people can express whether they are in favour or against the idea and leave an explanation. Comments can also be posted on the events pages.
- **Events:** the platform collects information about the events happening for each topic and offers details about their location, time, organisers and, if available, a link to the event's website. This information is inputted manually.
- **Event Participants:** these are the number of participants in any given event. The number of event participants is entered manually by the administrators of the platform. As explained by Carol Romero:
There was a proposal to [automatically count event participants], but we thought it wasn't very reliable, because, for example, when you create a meeting, you can open the possibility to have registrations, but not always the registrations become attendees, right? Maybe you've registered but you don't attend. So we thought it was more reliable just to have an input field that the administrators should feel in. (Interview G5_2)

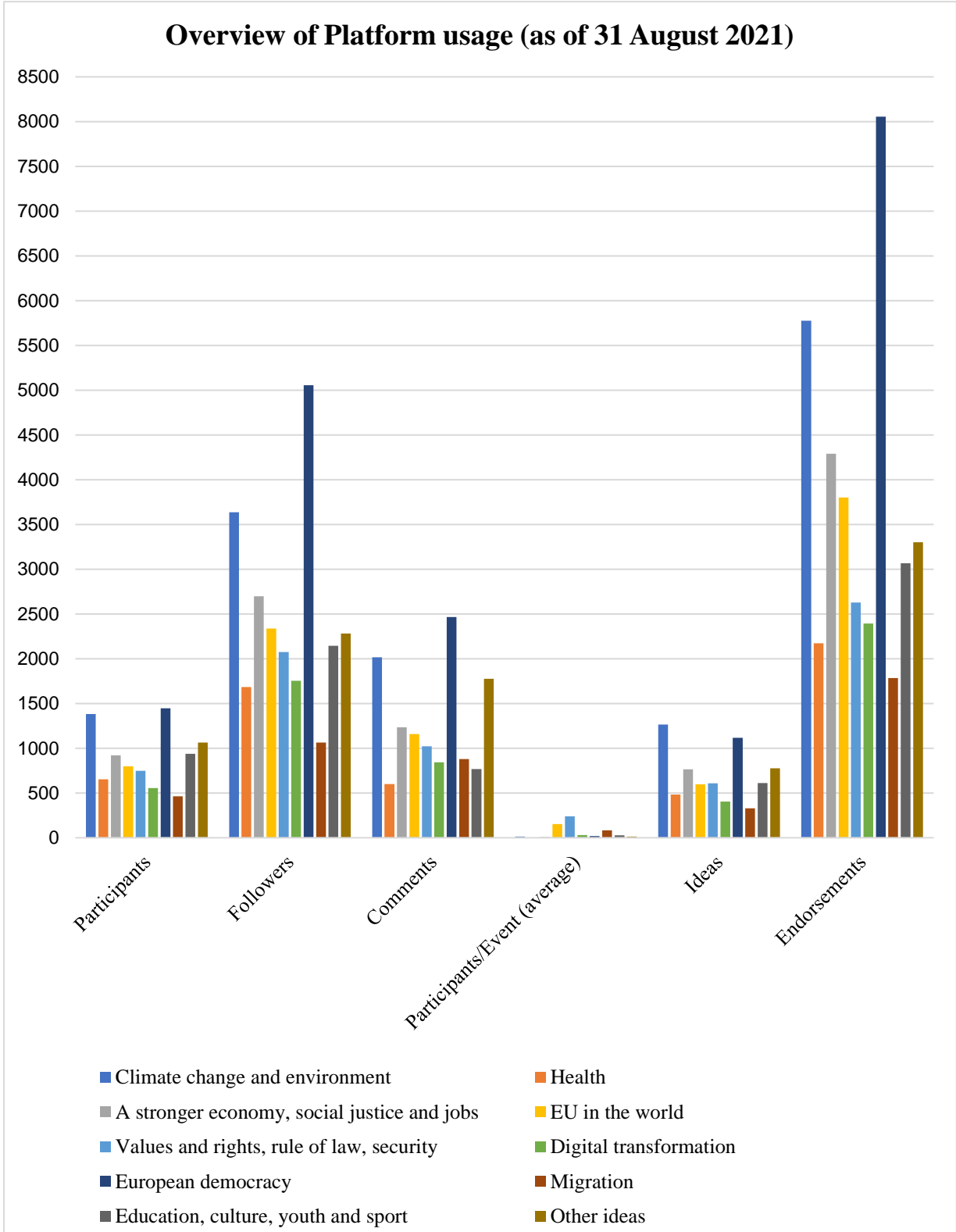
It is worth noting that ours is not the first report to provide data on the use of the platform. Kantar Public recently published a report that analyses the platform's usage by citizens in the period comprised between the 19th of April 2021 and the 2nd of August 2021.¹³ Our report provides data from the 19th of April to the 31st of August 2021.

The figure below shows the data on engagement items per topic (as of 31st August 2021).¹⁴

¹³ Kantar Multilingual Digital Platform of the Conference on the Future of Europe, First Interim Report. Available here: <https://futureu.europa.eu/pages/reporting>. This interim report is the first of a series of three reports (the next two are expected on the 15th of October and the 1st of December 2021) that aim to collect and analyse all contributions on the Platform, and serve as input into the work of the European Citizens' Panels and the Conference Plenary.

¹⁴ The "Events" and "Event participants" category has been merged into "Participants/Event (average)", which is the result of dividing the number of "Event participants" by the number of "Event" in each topic. This has been done for readability purposes, given that the range of "Event participants" goes from 181 in Health to 37,313 in Values and rights, rule of law and security, which would have created a distortion in the graph scale.

Figure 2. Overview of platform usage per topic.



The table below offers all the publicly available data on engagement items as of the 31st of August 2021:

Table 2. Data on citizens’ engagement in the platform (data from the 31st of August 2021).

	Participants	Followers	Comments	Event Participants	Events	Participants/Event (average)	Ideas	Endorsements
Climate change and environment	1382	3637	2017	4745	337	14	1266	5776
Health	652	1683	601	181	54	3	484	2173
A stronger economy, social justice and jobs	921	2699	1234	1305	174	8	764	4289
EU in the world	797	2337	1158	22035	144	153	597	3802
Values and rights, rule of law, security	748	2076	1023	37313	155	241	607	2628
Digital transformation	556	1755	842	3336	113	30	405	2392
European democracy	1447	5056	2467	6700	354	19	1118	8055
Migration	462	1065	880	2747	33	83	330	1785
Education, culture, youth and sport	938	2144	768	8727	319	27	610	3067
Other ideas	1063	2283	1775	3631	259	14	776	3300

Note: Dark green means highest number per item and topic; Pale green indicates second highest number per item and topic; Yellow means lowest number per item and topic.

Regarding the topics, it seems clear that at the end of August/beginning of September 2021, the topic with which European citizens are engaging the most through the platform is European Democracy. It concentrates the most participants (1,447), the most followers (5,056), the most comments (2,467), the most events (354), and the most endorsements (8,055). Climate change and environment is the top topic regarding the number of ideas proposed (1,266) and Values and rights, rule of law and security has an astonishingly high number of event participants, 37,313, in 155 events, which also makes it the number one topic in the average of participants per event.¹⁵ This is in line with Kantar’s report (see for instance Kantar Public 2021: 6 and 14).

At the other end of the citizen engagement spectrum, we find Migration. This topic presents the least participants (462), the least followers (1,065), the least events (33), the least ideas (330) and the least endorsements (1,785). Health also shows low engagement numbers for now, with the least comments (601), the least event participants (181) and the least average number of participants per event (only 3).

The explanation of the level of engagement for each topic is beyond the scope of this report. However, we have tried to hint at potential explanations that should be further explored and tested, especially once the Conference is over and the usage and engagement data of the platform is fully available.

On the one hand, the success of the European Democracy topic should not come as a surprise. People interested in the Conference and in participating in the platform as a citizens’ engagement tool probably have a pre-existing interest in democratic processes and democratic innovations. Thus, it makes sense that this group of people will be actively involved in the Conference and, more specifically, in the European Democracy topic.

It is worth noting that Climate change and environment comes second in almost all the engagement items and is the topic with the most ideas published to date (31st August 2021). The high engagement with this issue is in line with the Eurobarometer survey conducted between March and April 2021 (Special Eurobarometer Survey on Climate Change), according to which, for the first time, climate change is considered by Europeans the “single most serious problem facing the world as a whole” (p. 9).

¹⁵ It should be noted that the “Event participants” and, as a result, the “Participants/Event (average)” variables may not be updated across all topics, given that the “Event participants” metric is entered manually by administrators.

On the other hand, it is harder to anticipate the reasons why topics like migration and health have such low uptakes for now. The case of health is especially surprising, given the current pandemic. In fact, the Standard Eurobarometer Winter 2020-2021 showed that Health ranked first as the most important issue facing the EU at that moment, as it was selected by 38% of the respondents, a 16-point increase since the previous survey in the summer of 2020.

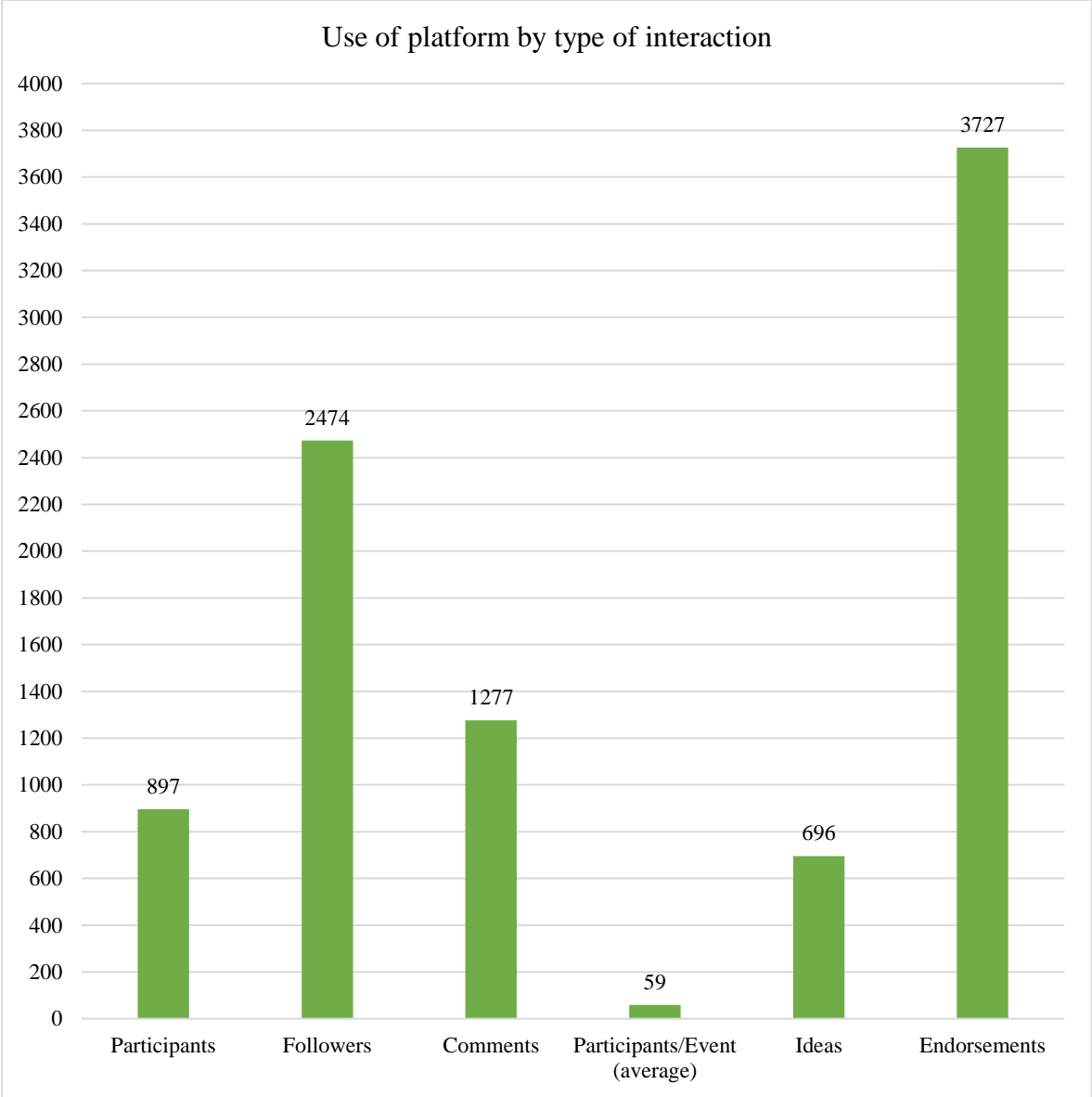
Immigration also ranks high in the same study – it is the 5th most important issue facing the EU, mentioned by 18% of the respondents. Nonetheless, the concerns of European citizens around this topic have decreased in the past few years, presenting a 5-point decrease since the previous Eurobarometer and falling out of the “podium” of most concerning issues for Europeans for the first time since the autumn of 2014.

In light of the above, we would expect to see citizens engaging with these two topics (especially Health) more intensely. Some plausible explanations for why this is not (yet) happening are: 1) the people participating in the Conference via the platform are not a representative sample of the EU population and therefore we cannot expect the data in the Platform to mirror the concerns and preferences of the wider population; 2) these topics (especially Health) usually have a strong national framing, given the specificities of health systems in each Member States or the national differences around migration discourses across the EU, which may make it harder for people to think about them in European terms; 3) citizens may feel that the level of expertise required to have an opinion about these issues is higher than in others, or that the policy implications of proposals in these issues may be more complex than others, which may deter participation. These are only a few hypotheses that could be tested if the levels of engagement across topics are confirmed in the coming months.

Be it as it may, as has been noted by the interviewees on many occasions, the Conference on the Future of Europe must pay attention to what the citizens are interested in, instead of imposing debates and issues that do not match the needs, concerns and hopes of European citizens.

We now turn to how citizens use the platform and for what. The analysis of the preliminary data, summarised in Figure 3, seems to indicate that, on average, the Platform is primarily used to endorse other participants’ proposals and to follow the different topics.

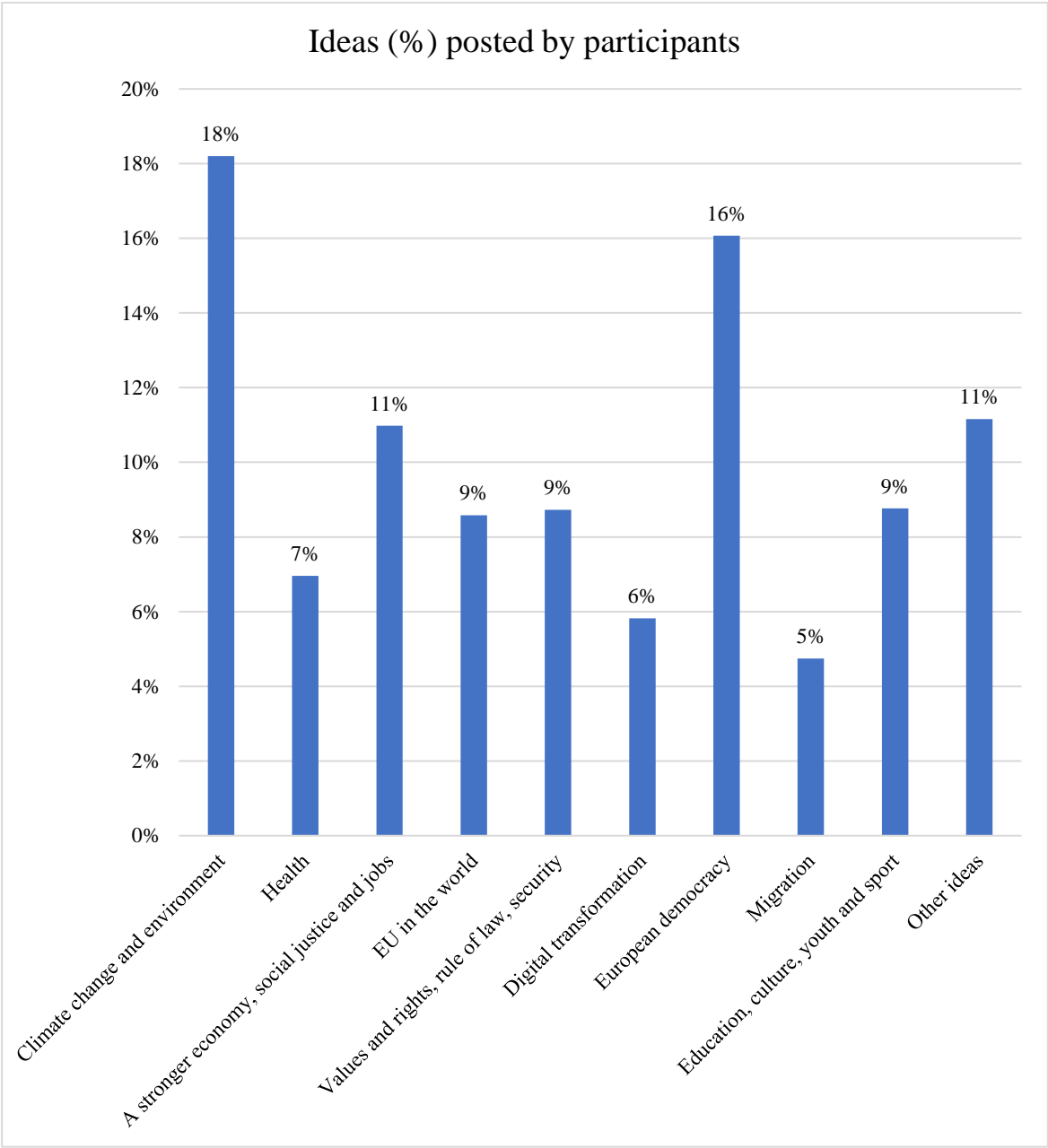
Figure 3. Average number of interactions per type of participation metric in any given topic.



Across topics, on average, people have endorsed ideas 3,727 times, and the mean of followers per topic is 2,474. These actions (following and endorsing) are very familiar to people who use popular social media platforms such as Facebook, Twitter or Instagram, where users can follow others and express support and/or emotions towards the content published by others. In addition, these are actions that require a relatively low cognitive effort, or, at least, a more passive approach to participation.

Therefore, it is important to look at those types of participation in the platform that demand a higher effort due to their qualitative and active nature, namely “Ideas” and “Comments”. As can be seen in Figures 4 and 5 below, participants are sharing ideas and comments in considerable numbers, especially in certain topics like Climate Change and Environment, and European Democracy, in line with the trends explained above.

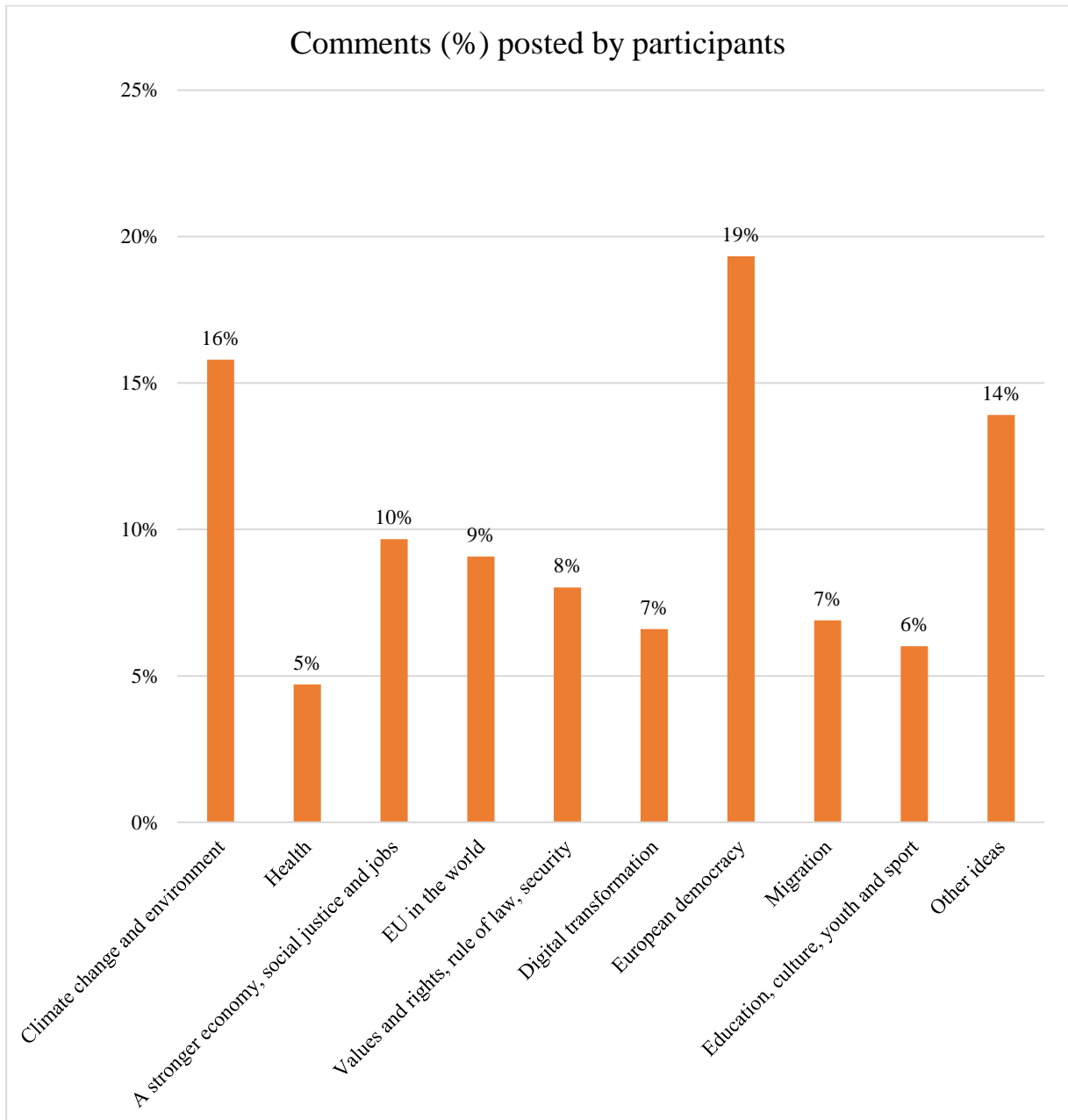
Figure 4. Percentage of ideas published in the platform per topic.



The greatest number of ideas have been posted so far on the Climate Change and environment topic (1,266), amounting to 18% of the total number of ideas posted on the platform. European democracy comes second with 1,118, or 16% of the ideas. Interestingly, the third topic that prompts the most ideas is Other ideas (tied with Economy), with 11% of the total. This indicates that many of the concerns that EU citizens have are not fully captured in the nine pre-established topics of the Conference and is in line with an opinion voiced by the expert from the European Commission:

Look, it's not enough that you do consultations, you have to start with this process before you frame the issue. (...) You engage citizens on framing the issues. So, you need this kind of platform, or this kind of process that we are experimenting with, right now, to do so. (Interview G5_1)

Figure 5. Percentage of comments published in the platform per topic.



As expected, the percentage of comments per topic is similar to the percentage of ideas, given that comments are framed as responses to posted ideas. In this case, the greatest number of comments have been posted so far on the European Democracy topic (2,467), amounting to 19% of the total number of comments posted on the platform, meaning that this topic generates a lot of debate and

interaction. Climate change and environment comes second with 2,017, or 16% of the comments. Similar to what happened with the number of ideas, the third topic that prompts the most comments is Other ideas, with 14% of the total, which may indicate that citizens are willing to engage in conversations beyond the nine structured and pre-established topics.

In the coming months, it will be interesting to analyse not only the quantitative variables of the platform usage, but also the qualitative content of the ideas and comments posted by participants. We were not able to access this data, as we were informed that it was still not publicly available, but a request was submitted through Decidim to the Conference developers of the platform, who confirmed that they are working on making the data publicly available. No timeline was given but we expect this to be accessible soon. However, a preliminary analysis of such contributions can be found in Kantar Public (2021). The qualitative analysis presented in their report finds that some topics present a fragmented and diverse pool of contributions (e.g., European Democracy, Health, and Education, culture, youth and sport), in others citizens demand immediate and concrete action (e.g. in Climate change and the environment) and others present polarised interactions, notably in Migration.

Finally, it is crucial to monitor who participates in the platform and, thus, who is engaging in the debate promoted by the Conference. According to Kantar Public (2021), by early August 2021, 63% of the participants identify themselves as men, while only 15% identify as women. Only 0.3% identify as 'Other'. Even though 22% of participants did not provide information on their gender, the stark difference in the participation based on gender is concerning. In terms of age, as could be expected, younger citizens are the most active group: 15–39-year-olds account for 42% of users, while 55-70+ year olds represent only 22%. Regarding education, 49% of the participants report having tertiary education. The data on the profile of participants, even if self-reported and limited (as many participants do not wish to provide information), point towards some of the challenges of digital participation that are further explored in the next section.

9.4.4. *Challenges of digital political participation in the EU*

Digital political participation is on the rise, but it presents a number of challenges that cannot be overlooked. Focusing on the context of the European Union, the first main challenge is the digital divide. According to the Commission's data from March 2021, 20% of European citizens have never used the internet and only 18% of rural areas in the EU have 30 Mbps broadband.¹⁶¹⁷

In Europe, apart from the usual urban/rural divide, which can be further illustrated by the difference in internet access by household (88% urban and 78% rural), there is also a geographical divide that persists between the East and the West. According to the Alliance for Affordable Internet (A4AI), in 2021, 36% of the population in Central and Eastern Europe is unconnected compared to 19% in Western Europe. There is also a digital gender divide, especially in the East, Centre and South of Europe, with countries like Germany and Italy presenting a shockingly high 6.8% and 7.4% gap (respectively) in digital use between men and women (in favour of the former).¹⁸

These numbers are self-explanatory regarding the challenge they pose for digital participation which aims to engage as many citizens as possible. For the Conference, the digital divide hinders the possibility of potentially involving all the citizens of the EU equally. And in more practical terms, the expert from the European Commission added that sometimes the people who would have more free time to participate in digital democracy initiatives like the platform of the Conference, are the ones with the least access to it due to the digital divide, such as retired people, for instance. This may be one of the explanations why the group of 70+ people only represents 5% of the total users in the platform, the smallest group by ten percentage points.

Second, digital participation (and non-electoral participation in general) faces the issue of “the usual suspects”. This term is used to refer to people who “have an interest in politics that is significantly higher than the general population” (Spada 2019: 162) and thus tend to participate more in open democratic processes (digital or analogic). This phenomenon may explain why, as we have seen in Section 9.4.3, one of the topics that are receiving the most attention on the platform is European democracy. It is hard for democratic innovations to overcome this issue, given that there may be some overlap with the digital divide (people who are more

¹⁶ *European Commission (2021), EU Digital Divide Infographic. Available at: <https://wayback.archive-it.org/12090/20210428215517/https://digital-strategy.ec.europa.eu/en/library/eu-digital-divide-infographic>*

¹⁷ *30 Mbps broadband is considered good enough for watching films and making videocalls, among other usual online activities, according to crowdhome.com.*

¹⁸ *Alliance for Affordable Internet, The Digital divide in Europe. Towards meaningful connectivity. Available at: https://www.itu.int/en/ITU-D/Regional-Presence/Europe/Documents/Events/2021/Meaningful%20Connectivity/01_Sarpong.pdf*

educated tend to be more digitally connected and more interested in politics), exacerbating the exclusion of certain demographic groups. Again, the currently available data on the level of education of participants of the platform (49% of users are highly educated, see Kantar Public (2021:13)) indicates that the platform may be falling prey to this problem.

Third, online deliberation is difficult due to “the asynchronous nature of digital technology and the importance of face-to-face engagement for deliberation” (Gilman 2019: 112). The platform includes some deliberative elements by allowing participants to comment on others’ ideas, although they are not required to come up with a consensual proposal. For a more in-depth discussion of the challenges and problems of deliberative democracy, please see Section 9.3.

Fourth, there seems to be some political resistance to engage citizens in participatory processes, according to one of our interviewees:

We are also making notice of what are resistances at local level that don't allow the local level to engage citizens in more co-creative and deliberative ways. (...) So the problem here is not a, say, technological, methodological problem. The problem here is political. (Interview G5_1)

This challenge, however, does not seem to be a problem in the case of the Conference, where there is political will and a commitment to engage citizens. “*The conference is a big opening*” for pursuing new ways of engaging with citizens and introducing democratic innovations, confirmed a source from the Commission.

In addition, the platform faces some specific challenges in the context of the Conference, which have been highlighted by a few interviewees. First of all, many are concerned about how little regular citizens know about the Conference on the Future of Europe and the platform in particular. As expressed by one of the interviewees: “*I think one of the problems that we are all aware of, and it's not a secret, is that we don't think many people know about the platform, nor many people know about the Conference*” (Interview G5_1).

As stated by Spada (2019: 167), “The starting point of any democratic innovation based on an invited space is an engagement campaign aimed at persuading citizens to participate”. Some of the interviewees seem to believe that more could be done to incentivise participation in the platform. While acknowledging the publicity costs this may have, the expert from the European Commission said that

Here there should have been a major role for Member States to use the official channels of communication, like TV, and so on and so forth to be more proactive

in making publicity about the process. Not [only] about the platform. It's about the process of having all citizens engaged in this process. (Interview G5_1)

The interviewees from Decidim also believed that the communication and engagement campaign could be “improved”. They compared it to other initiatives that have recently taken place in Barcelona, for instance, where there was an intense public engagement campaign: “*The city had lots of posters and signs and ads in the metro and in the bus and everywhere*”. In comparison, they believe that due to a lack of communication, people are not aware that the Conference is currently taking place.

The impact of the Covid-19 pandemic on the digital habits of Europeans was also brought up as a factor that may play a part in the uptake of the platform. In this regard, Covid was described as a “*double-edged sword*” by one of the interviewees (Interview G5_1), because on the one hand, it has moved many processes and events to an online format, which may make people more receptive to engaging with digital democracy, but on the other hand “*people are saturated of online stuff*”.

In the end, everything will come down to the willingness of citizens to participate. In the Special Eurobarometer survey on the Future of Europe, conducted between October and November 2020, 51% of respondents said they would like to get involved in the Conference. However, the source from the Commission tried to bring some realism into the conversation: “*All of us that work on citizen engagement have a big assumption that citizens are out there waiting for opportunities to engage, and this is also not correct, you know, some are and some aren't*” (Interview G5_1).

And here the challenge of the scope and scale of the Conference may play a big role. “*The main challenge, I would say is the scope itself, the European level is very far from our everyday lives*”, said Carol Romero from Decidim. She added that, in the experience of Decidim, it has been hard to scale up digital participatory democracy from the local level to higher government levels:

We see it here in Catalonia, where we have a lot of participation at the local level. And then the Catalan government is also trying to promote public participation through the Generalitat and it's not easy for them also, because this change of scale is quite difficult to grasp for the regular citizen to how they will be affected. It's very easy to know how you are going to be affected if there is something going on in your neighbourhood. Maybe it's the kind of policies I guess they debate or they put into discussion. (Interview G5_2)

The scope of the Conference and the topics covered are closely linked to the question mark around the engagement of key groups, such as young people, with the Conference and the platform. The source from the Commission felt that the topics could have been more tailored to strategically attract the interest of, in this case, the youth:

Perhaps you have to make it [the Conference] more interesting, or more tangible, to the interests of young people. For example, one thing that I've been arguing about is, why isn't there an open discussion about the future of school, about (...) all the problems from teaching methods to learning expectations, to evaluations, and so on, made very visible with this Covid situation? (Interview G5_1)

More generally, this interviewee wanted to make the point that there should be strategies in place to attract specific groups to the Conference, which goes back to the first challenge on the communication and engagement campaign around the Conference. As an idea, she suggested that influencers were asked to contribute to the platform and publicise their participation through their networks.

Finally, the Decidim staff highlighted that a challenge that they believed is shared by all levels of government when conducting participatory processes is feeding back the results. In order to do so, it is necessary to previously define the goals of the discussion or the participatory process:

Results have to be known by the participants, or the outcome, and the main goal of that discussion. You need to know what will happen with your participation, because this costs your time, your effort, your energy. (Interview G5_2)

In the case of the Conference, while some efforts to communicate its goals have been made, some interviewees felt that this was still too vague.

9.4.5. Overcoming the challenges of digital political participation

Despite all the challenges of digital democracy highlighted in the previous section, the sector is already reflecting on best practices to address them, with a focus on two key elements: the engagement campaign and a robust feedback mechanism.

These two elements have been identified as relevant in innovative democratic initiatives and, more broadly, in the democratic system to enhance citizen's efficacy. Efficacy is defined by Spada (2019: 161) as "the feeling that political and social change is possible, and that the individual citizen can play a part in

bringing about this change”. It is considered an important aspect of political psychology because

A vast survey literature highlights that people who believe in their capacity to affect policy (internal efficacy) and trust the government to be responsive to citizens’ demands (external efficacy) show a high involvement in traditional political activities, such as voting and contacting their representatives (Spada 2019: 161).

Nonetheless, innovative democratic processes such as the Conference must be carefully designed and implemented to avoid unbalances across their components that may result in political disengagement or a further loss of trust in political institutions. Both the engagement campaign and the feedback mechanism are essential to avoid that.

Regarding the engagement and communication campaigns, the message that incentivises citizens to participate must be framed in a way that increases their internal efficacy, that is, their confidence that their participation will be worthwhile, by highlighting “their competence on the basis of local knowledge and stress the positive impact their participation will have” (Spada 2019: 168).

An important aspect of this is the inclusivity of the campaign – people need to feel that the message is directed at them to be receptive to it. CitizenLab, a civic tech company, considers the following elements to design inclusive communication campaigns around participative processes: 1) the use of inclusive language, 2) reduce the amount of personal data asked from participants at the start of the process, 3) launch the initiative in as many channels, formats and communities as possible, including online and offline, social media campaigns targeted at specific groups, etc., 4) engage community leaders in spreading the message and 5) clarify how the outcome of the process will impact the citizens (CitizenLab 2020).

This very last point on explaining to people how their input will be taken into account and for what purpose is also very closely related to the issue of feeding back the results of the process. As explained above, it is unclear how this will work in the Conference, which is a source of concern for many, but there are examples (even in the practice of the Commission itself) that can help to clarify matters and identify dos and don’ts. The expert in participatory processes explained that once the process is finalised,

The first step, and the fundamental step, is to go back and say what I did on what you have proposed, so that you know that you have not wasted your time, you haven't wasted your knowledge and your wisdom, your insights and your imagination about things and ideas, about how things could be moved on. (Interview G5_1)

The take-up of the citizens' proposals can acquire many shapes and the broader the consultation process, the harder it becomes (an issue that will be faced at the end of the Conference on the Future of Europe). That is why "*the second step is to examine the justification*" of the uptake (or lack thereof). It is important that even if there has been no policy action derived from the consultation process, there is a justification for why this has been the case. "*If the process is justifying why not [why there is no uptake of a proposal], and it's taken seriously, then we are still okay*", said the expert from the Commission.

The justification can, however, be understood as insufficient or foster the "free rider syndrome", which has been described as the feeling that people's input didn't matter because the outcome was already decided-upon or was not influenced by their engagement (CitizenLab 2020). This was the case a few years ago with one of the citizens' initiatives put forward by the European Commission, according to the expert in participatory processes:

One of the first [citizens' initiatives] that was put forward was vivisection, to stop vivisection of animals, for testing and so on. And this was one of the first ones to fail, and the justification was not good. Because it said that the industry was not ready to do this. So I'm sorry, if you ask for citizens' initiatives, you cannot now justify this thing because businesses are not ready, no, what you have to do is "Okay, let's see what we have to do with the businesses, we will give some time to transition", because this was a citizens' initiative, and this initiative was signed by almost 2 million people. So we need a different process, that doesn't dismiss my initiative because the businesses are not ready. So the justification is very important. (Interview G5_1)

Finally, there are also experiences on how to scale up digital participation processes successfully that can be useful for the Conference. Decidim shared the following case:

We have this, I think it's a quite interesting case in France, especially with the French Senate. They are promoting these citizen initiatives, or citizen petitions, I think they call them. And even though they had quite a big threshold of minimum signatures for the petitions to that become binding, there are some of these initiatives that thrived because they were, first because they are promoted in the first place from a citizen or group of citizens. And

when the subject is really important and sensitive for the rest of the society, this kind of policies at the top level or at the state level can work. (Interview G5_2)

It was also noted that the engagement with different levels of government and their inclusion in the process can help move up and down the governance levels.

In sum, what the literature and practitioners told us what that for digital democratic participation to succeed, it needs to combine involvement from different authorities, communication that the processes are taking place, specifying how the input that people give will be used and defining the topics in a way that they resonate with the needs and concerns of citizens. Andres Pereira also added that the “*culture of participation of the citizens*” also plays a major role in determining the success of the process, so the Conference is also an opportunity for developing a participative culture in the European Union.

9.4.6. The role of local and regional authorities in digital participation and citizen engagement

The role of local and regional authorities in digital democratic participation is recognised across the board. An obvious example is Decidim, a free software tool that was born at the municipal level and that is being used at the regional, state and supra-state levels at the moment.

The local level is currently the preferred field of implementation of digital participation and citizen engagement, given its proximity to the citizens and the possibility to frame problems very close to their daily lives. According to the expert in participatory processes, the European Commission (DG REGIO) is using that to conduct “*a big experiment on citizen engagement at local level on Cohesion Policy (...) in four different regions*”. As expressed by many interviewees and summarised by this same source, “*the part of policy design would benefit a lot from working locally and regionally*” and using participatory elements at that level would overcome some of the challenges brought about by processes with a greater scale and scope.

In this context, how could the Committee of the Regions maximise its impact in the Conference? As a first impression, it is worth noting that some of the interviewees felt very strongly - and negatively - about the role that the Committee of the Regions and the regions have been given in the Conference by the organising bodies. Ms Elorza considered that regions have been given “*the role of organisers of events*” and that “*this role is not enough*” (Interview G3_2), while the representatives of the Committee of the Regions are going to be in the Plenary

of the Conference as observers. In her opinion, “*the role we've been given is really poor*”.

Despite this pessimism, there is room for the Committee to have a more relevant role. An important determinant of the opportunities that the Committee of the Regions will have and the challenges it will face during the Conference is related to the dual dimension of the Conference: a representative one and a participatory one. For many interviewees, the key lies in how the Committee of the Regions interacts with the participatory dimension of the Conference, and more specifically, with EU citizens. Many interviewees pointed out that Committee of the Regions members are the governing bodies closest to the citizens. Therefore, the Committee of the Regions has an opportunity to tap into its members and partners networks and links to EU citizens to promote citizens' dialogues and promote citizen participation in the platform. Mobilizing citizens during the Conference should be one of the priorities of the Committee of the Regions, according to Mr Lambertz (Interview G1_2).

In this effort, the Committee of the Regions could find synergies with the European Parliament, which, according to Mr Scholz, is the only one of the three organising bodies taking citizen participation truly seriously. That is why he suggests that the Committee of the Regions organises its own debates during the Conference, to get as much input from diverse actors as possible and contribute to the participatory dimension.

This could also help to address one of the challenges described in Section 9.4.4: scale. According to Romero, it is important that there are actors in the Conference that coordinate interaction and participation at different governance levels, be it with meetings or events, and that foster debates at the municipal level and engage local organisations. Given the internal and external networks of the Committee of the Regions, it seems to occupy a position of privilege to take on this role and become very active in promoting multi-level interactions during the Conference.

More importantly, the involvement of the Committee of the Regions in the participatory process can be key to allow for proposals to be context-sensitive. That is why the source from the Commission advocates for greater involvement of the Committee of the Regions to work on citizen engagement:

I think it would be crucial, and I have argued for that already, some time ago, because they [CoR] are the ones precisely with the most proximity to the local and the regional. And this enters in this discourse of situation, of situatedness, of not developing policies that are a panacea, that then don't work, because they were, you know, framed with needs, concerns and values from specific places and not from others. (Interview G5_1)

Additionally, the Committee of the Regions should identify which members and key partners can advise on best practices regarding the use of digital participatory platforms. In this regard, Mr Reviglio (Interview G3_4) pointed out, as we have done earlier already, that the citizen platform used by the Commission during the Conference comes from an urban initiative, Decidim, which in turn was created as part of the Decode project. He believes that cities, which have experience in digital participatory processes, could advise and bring their experience on how to use the platform in the future and for what purpose. The Commission seems receptive to learning from the local level on this issue, as a source from this body thought that *“the work that is currently being done in terms of citizen engagement right now at the Commission is learning a lot from the local level and regional level right already”* (Interview G5_1).

Therefore, the Committee of the Regions should take stock and use this internal expertise to influence the Conference and embrace (rather than be wary of) the participatory dimension, becoming a platform for knowledge exchange and dissemination of best practices. This could be a way of finding synergies with the Commission, another main actor of the Conference, which, as seen, seems interested in collaborating with the subnational levels of governance to explore new ways of engaging with citizens at the EU level.

The Committee of the Regions could also contribute to overcoming one of the main challenges of the Conference and its participative dimension, which is the establishment and monitoring of feedback mechanisms to inform citizens of the outcome of the process. In that regard, the Committee could emphasize its role as representative of institutions that work very close to the citizens and act as a guarantor that feedback will be provided in due course to citizens to avoid the abovementioned pitfalls. It could do so by urging the organisers of the Conference to detail as soon as possible specific feedback mechanisms, as well as systems to take into account the input from citizens in the platform and the panels. In other words, the Committee of the Regions should be the defender of citizens in this Conference.

10. Final considerations and possible strategies

We have now reviewed and analysed evidence from multiple institutional and academic sources as well as from a number of interviews that we conducted with five different categories of key stakeholders.

In this final section, we will suggest that this analysis should lead us to consider 7 key questions, which we will address, and which should structure and guide the Committee of the Regions and Local and Regional Authorities' strategy in the context of the current Conference on the Future of Europe, namely:

1. What is (legally) possible?
2. What is actually (and politically) realistic?
3. How does this relate to the key proposals in Section 8?
4. What are possible partners and opponents to the Committee of the Regions and Local and Regional Authorities' intention to take a greater role in the democratization of Europe, and what are the opportunities and risks associated with those possible partnerships?
5. What are the key internal lines of fracture and division?
6. Is there any risk of the Committee of the Regions and Local and Regional Authorities' attempt to assert their role in the democratization of Europe backfiring and how can this be averted?
7. What are the strategic options when it comes to how the Committee of the Regions and Local and Regional Authorities framing their potential role in the democratization of Europe and citizens' engagement?
8. What initiatives could the Committee of the Regions and Local and Regional Authorities propose to achieve some positive results?

Let us now consider each of those questions in turn.

10.1. What is legally possible?

The legal interviews were enlightening in terms of what would be possible under the three potential scenarios (no treaty change, minor treaty change, or major treaty change) that we considered in this report and the interviews. They suggest that, by and large, the existing institutional order is surprisingly resilient and flexible, and could accommodate very significant modifications and scope for further inclusion of local and regional authorities assuming some level of goodwill

and creativity. Simultaneously, they acknowledge that some treaty changes (whether major or minor) would unlock significantly more formal mechanisms of involvement and representation, including the possibility of one or more additional chambers in the EU legislative branch alongside the Council and the European Parliament.

However, the interviews also revealed that there is generally absolutely no appetite for treaty change, be it major or probably even minor. Our interviewees were quite unanimous to suggest that none of the institutions nor any of the Member States would currently seem remotely interested in opening the Pandora box of treaty change and – more importantly – the ratification referenda that this would entail in several Member States. Indeed, our interviewees widely acknowledged that the French and Dutch no's of 2005 are still traumatic memories for many key actors, as is the Brexit referendum of 2016. Moreover, in the current political and electoral climate, when it is clear that many populist forces are eager to exploit European integration as a shortcut for anti-system resentment, treaty changes of any kind may well be impossible to consider for some considerable length of time and until something changes regarding ratification conditions in a number of Member States.

The consequence of the arch-probability of the unchanged treaties scenario is that this would restrict any new involvement of the Committee of the Regions or any other representation of Local and Regional Authorities to further consultative – rather than decisional - functions. Nevertheless, in the typically consensual decision-making process of the European Union and given the complexity of the existing decision-making processes, such consultative reinforcement would certainly carry significant weight.

10.2. What is actually (politically) realistic?

The quasi-certain expectation that there will be no treaty change and that, therefore, an increase in the role of either the Committee of the Regions or any other representation of local and regional would focus on consultation, means that it would be dependent upon the goodwill of EU institutions. In that context, it is important to stress that the Committee of the Regions and more broadly, Local and Regional Authorities, will be in implicit competition with a number of other stakeholders equally desirous to also achieve a greater say in EU decision-making processes in the name of greater democracy and citizens engagement. Those include – among others – national Parliaments, consultative institutions and committees, and a large and diverse number of organised groups, claiming to be representative of citizens, categories of citizens, or other stakeholders.

In practice, there are thus several questions to be raised regarding the realistic possibilities of achieving greater influence and playing a better role in bringing the EU decision making process closer to citizens.

- Should this be done in terms of the role of the Committee of the Regions itself or rather of alternative forms of representations of local and regional authorities? It is worth noting that a number of interviewees stressed that overall, elected representatives from local and regional authorities across the EU represent approximately 1 million citizens. There is thus a certain possibility to see this number as a significant sub-sample of the broader European population rather than simply as elected representatives.
- Should this be best achieved in terms of increasing influence for the Committee of the Regions (or other representatives of Local and Regional Authorities) alone, or rather as part of a “bandwagon” of influence (for instance with other representative institutions – such as national Parliaments, which have been very vocal in their quest for influence for years, or with other consultative institutions such as the Economic and Social Committee)?
- Is it enough for the Committee of the Regions (or Local and Regional Authorities) to push those attempts to strengthen their consultative role to do it based on legitimacy and representative linkage, or should they think to specific tangible benefits (for example in terms of infrastructure, communication platforms, etc) which they could use to gather support for their quest?

It is also important to measure the potential for resistance which may limit the Committee of the Regions’ ability to realistically further its cause. Those elements almost mirror the strategic questions just highlighted above, and notably include:

- On the face of it, there is a lack of incentive for those institutions which currently concentrate power to “share” it – even consultatively – with new entrants, unless there are specific gains to be achieved from doing so. Perceptions of greater legitimacy or representative linkage are unlikely to suffice to be perceived as sufficient reason in their own right.
- The fact that the Committee of the Regions – and Local and Regional Authorities – are not alone to try and achieve greater influence can further disincentivise existing institutional veto players from allowing such influence for fear of disappointing others. For instance, greater consultative power granted to the Committee without a similar allowance being made to national Parliaments could create resentment from National Parliaments

towards the EU, which European institutions may find hard to manage. Furthermore, several players (such as members of the Council) are more likely to be politically and personally dependent upon national Parliaments than upon Local and Regional Authorities. By contrast, it may be a possibility to give ground to the Committee and not the Economic and Social Committee without causing as much inter-institutional damage due to the Economic and Social Committee's less politically prominent place within the EU architecture. Equally, core EU institutions may just decide that refusing to grant consultative power to any interested institutions is simply easier to manage than to grant it to some but not others.

- The Conference organisation, as seen, is explicitly aimed at triggering a direct response from citizens and any attempt to push for further inclusion of institutional partners – even in the name of better citizens linkage – may well be received with resistance. Conversely, it is realistically unlikely that the outcome of the citizens' input would focus on questioning greater representation for their local and regional authorities spontaneously.
- The ownership of the Conference is shared between the three main EU institutions, which makes any decision-making process regarding its conclusions extremely obscure. The three institutions may have diverging preferences and priorities, which will make it harder to find a strategic approach that would equally convince all major stakeholders.

At this stage, it is still unclear how realistic it is that any of the possible strategic combinations can be realistically successful in political terms, given the elements of resistance highlighted above. At least in principle, however, there may be scope for a successful effort, and the next few sections are dedicated to understanding which of the possible strategies at hand might have the greatest chance of success in the end.

10.3. How does this relate to the key proposals in Section 8?

In Section 8, we highlighted some of the key concrete proposals that were uncovered in the research and interview process. Whilst the objectives of this final section is principally to focus on overall strategy and approach rather than to revisit concrete proposals, it seemed important to explain how the strategic and procedural considerations that we emphasise may be affected by the type of concrete proposals the Committee of the Regions may primarily choose to pursue.

As a reminder, proposals pertained to two key dimensions: 1) citizen proximity and cross-border initiatives (e.g. establishment of local EU hubs, working with EPGs to establish a decentralised organisation, or, in the case of minor treaty changes, adding references to local democracy or regional representation in the Treaties), and 2) policy influence (such as sharing legal expertise, improving the usability of the Fit for Future platform, designing a cross-border disaster relief action plan, or in the context of minor treaty changes, adding a reference to “local impact” in the Treaties or adding mandatory CoR consultation in key areas such as CAP and Fisheries).

On balance, we find that all of the key proposals are dependent on different types of crucial feasibility elements, beyond the legal feasibility that is the realm of this report. However, those additional feasibility elements vary from measure to measure. They predominantly include:

- Political will from other actors: highlighted in the previous section, this will be a particularly critical condition for any proposal requiring Treaty change, as well as any collaborative proposal – for instance sharing of legal expertise, or ability to lobby other institutions on CAP, Fisheries, migration policy and structural funds;
- Financial constraints: most proposals have costs associated with them, and in many cases, there are different possible models under which the financing of the proposal would come predominantly from EU institutions, Member States, members of the CoR, or a mix of those. This notably affects measures such as the creation of a disaster relief fund, the establishment of further cross-border projects, or the creation of local EU hubs, etc.
- Logistical and human constraints: this particularly affects any proposal resulting in new local infrastructure, such as the creation of local hubs, caucuses and decentralised organisations (either through EPGs or directly within the Committee of the Regions), or partnerships with EU regional offices.

Ultimately, strategic and approach considerations remain largely similar regardless of which substantive proposals could be preferred. These include the basic needs to identify potential partners and supporters, navigate potential internal disagreements, managing risk, and paying careful attention to how the proposal support is framed. Those will remain key considerations regardless of concrete priorities and ambitions.

However, some of those elements may need to be further emphasised depending on what the Committee of the Regions sees as its primary ambitions. Thus, if

focusing on the route towards local hubs, it would seem critical to first assess whether there is an appetite from members to provide the necessary human, logistical, and financial resources to support those locally as part of their other provisions. By contrast, if the Committee wanted to focus on current worries about the impact of major medical and environmental disasters to propose a flagship disaster relief action, it would be essential to establish how this would be sustainably financed over time. As a third example, any initiative based on partnership with EPGs would require that as a prerequisite, the Committee ascertains that this would be welcome by them and could be presented as a jointly desired initiative to improve European democracy.

10.4. Potential partners and opponents

Regardless of the concrete proposals that are retained, one of the most difficult strategic decisions that will need to be made by the Committee of the Regions in their efforts to achieve the best possible representation in a changing European Union, is to understand who could be potential supporters (or joint negotiators) and who could risk impeding the Committee's efforts. Many institutions have been mentioned by the people we interviewed, either favourably or unfavourably:

1) Key EU institutions:

- The Commission: although seen as unlikely to be sympathetic in some crucial aspects, a number of interviewees have highlighted avenues for collaboration between the Committee of the Regions and the Commission, especially regarding efforts to increase the legitimacy of EU institutions at the local level and piloting democratic innovations to increase citizen engagement.
- The Council: is also seen as unlikely to be sympathetic.
- The European Parliament: the situation is a bit more complex. A number of MEPs have strong links with local and regional authorities and have been mentioned by some interviewees as potential supporters. At the same time, as a whole, the European Parliament seems to be more focused on increasing its own weight (vis-à-vis the Council) within the legislative process than in helping new entrants that could add further complexity to the system.

2) Other stakeholders:

- The Economic and Social Committee is sometimes mentioned as an institution with partly similar status and preferences to the Committee of the Regions and as such, as a frequently trustworthy partner. However, it is unlikely to carry much weight in the current process aimed at further European democratisation and citizens' inclusion. It may also wish to further its own role as part of that process "instead" of the Committee of the Regions
- National Parliaments are seen as one of the greatest contenders to achieve higher representation in the EU decision making process in the name of accountability. Whether they can be seen as a potential partner or rather a rival is not entirely clear. Furthermore, the relationship between national and regional/local level personnel varies significantly across Member States with great synergies in some countries, and frequent tensions or clear separation in others.
- Individual "strong" regions – such as large German landers, Belgian regions, etc. – are often seen as powerful within their national political systems and obviously closely connected with the Committee of the Regions. However, it is not entirely clear what the incentive would be for them to use their credit to further the cause of the Committee of the Regions as a whole (or even Local and Regional Authorities at large) rather than their own specific one. Furthermore, in some countries, there can occasionally be some suspicion or rivalries between national political actors and strong regions (for instance, Catalonia in Spain).

Overall, there is thus some difficulty in separating between potential allies and rivals, as many stakeholders may well be both at the same time. It is also difficult to ascertain which of those stakeholders could carry significant weight in helping to support and further the Committee of the Region's potential ambitions to strengthen local and regional democracy with Europe and rejuvenate subsidiarity, nor whether they would have clear incentives to do so.

10.5. Key internal lines of fracture and division

The specific position of strong regions within the EU constitutes a clear potential line of division, in the sense that the European regions which have achieved the strongest weight and institutional and democratic protection within their national political systems may have very different strategic preferences when it comes to strengthening the role of local and regional democracy compared to “weaker” local and regional authorities. In other words, many of our interviewees suspect that strong regions may find it easier to try and increase their own specific role through their national institutional architecture rather than prioritise collective strength through the Committee of the Regions.

Many also stress existing divergences of opinions and interests between Regional and Local authorities, which often compete against one another at the national level. At any rate, from the point of view of both the EU and nation-states, potential roles for local authorities and regional authorities are likely to be considered as separate questions, with different forms of benefits, legitimations, challenges, and replicability across national contexts.

Another potential line of fracture exists between those seeking formal and informal representation for Local and Regional Authorities in decision-making processes. Whilst informal consideration may be most effective in terms of actually ensuring linkage between local and regional populations and EU decision-making processes, a number of local and regional representatives may be keen on more formal (even if less substantive) recognition which may be easier to communicate to local populations.

A key further line of fracture may pertain to “who” should be engaged. Institutionally, an obvious logic is to channel the influence of EU Local and Regional Authorities through the Committee of the Regions, which is the formal representation of those authorities at the EU level. However, it should be noted that across interviews, a number of alternatives have been mentioned. For instance, much is made of the fact that local and regional representatives across the EU total approximately 1 million people, and some interviewees considered the potential value of offering this whole pool of representatives a direct role in the decision-making process of the EU, for instance in the form of annual or termly conferences of local and regional representatives who would be called to sit randomly in those events and discuss key EU questions and current debates. Conversely, as discussed earlier, any suggestion of using national federal channels to reinforce the role of regional authorities nationally in the hope that this could be later transposed at the EU level, would implicitly side-line the Committee of the Regions as an institution and even local authorities as a whole as compared to regional ones.

Finally, whilst we did not find any significant divergences across the members we have interviewed based on their political alignments, it goes without saying that as with any political assembly, there may be disagreements and divisions on some aspects of the preferred place of Local and Regional Authorities and the Committee of the Regions in a rejuvenated European institutional process based on party groups preferences. It is thus important to factor into any strategy relating to the Conference on the Future of Europe and its aftermath that any preferred strategic option has a potential to highlight some rivalries based on origin, partisan preference, type of authority, or more simply, individual preferences, positions, and beliefs of individual members.

This leads to the next important question, which is to understand whether as a result, such efforts could also potentially backfire – and indeed, whether they could for instance magnify rather than appease lines of division and fracture.

10.6. Risks of assertiveness backfiring and ways of averting it

From the lines of fracture mentioned above stems a potential risk that attempts to agree on a strategy towards an increased influence for the Committee of the Regions (and/or for any other representation of Local and Regional Authorities) could, in the end, backfire and weaken either the Committee or some of its constituent units.

The first obvious risk, as discussed above, is that a choice that is made to legitimise any other form of representation than the Committee of the Regions itself (conference of local representatives, individual regions within given states, etc.) would confuse representational linkage in the eyes of citizens and institutions alike, or even delegitimise the role of the Committee of the Regions and fraction representation instead.

A second risk is that attempts to obtain further channels of representation – if met with resistance – by core EU institutions could lead to a tightening of existing informal channels of influence.

A third possible hurdle is that any strategic alliance with given institutions in order to jointly achieve greater influence might jeopardise the existing relationship of the Committee of the Regions and/or of Local and Regional Authorities with any existing set of partner institutions. This could happen either at the EU level or within individual national contexts, and either at the national level or at a personal

level where, for instance, some individual representatives within given institutions have strong links with Local and Regional Authorities (for instance, specific MEPs whose personal political background is related to regional and local governance within their countries).

A fourth risk is that when attempting to gain a greater role in improving EU democracy, other EU institutions would “use” Local and Regional Authorities in a way that serves their own purposes rather than give Local and Regional Authorities the influence that they wish. In particular, this could take the form of trying to use Local and Regional Authorities as a (free) “communication arm” of the EU, supposed to talk to citizens about the EU and all the positive things that it does rather than asking Local and Regional Authorities for their input about the shape that EU policies should take, and how they could be adapted to better match local citizens’ preferences.

Finally, there is a potential risk that efforts by the Committee of the Regions and Local and Regional Authorities be misconstrued or misrepresented, to the extent that the Conference is explicitly organised as an attempt to focus on the direct influence of EU citizens in democratic processes rather than a broader reshuffling of influences and institutional processes, or even a focus on “indirect” representation. This risk was partly explicit from the discussion on the possibility of treaty changes. Indeed, apart from an effective unanimity that this would be unwelcome, a number of interviewees were also quite clear that this may not really be the “spirit” of the Conference, especially if talking of treaty changes that would rebalance power between existing institutions.

All those potential risks should be born in mind before finalising any strategy. They emphasise the fact that the current process is not one whereby things will either improve or stay the same, but instead, an opportunity with associated risks that in effect the situation could potentially worsen or result in the Committee of the Regions and Local and Regional Authorities being misunderstood or wrongly accused of being self-serving in the process.

10.7. Strategic options to frame the Committee of the Regions’ role in the democratisation of the EU

This risk of being misunderstood leads us to a critical point about the question surrounding the narratives of the place of the Committee of the Regions and Local and Regional Authorities in improving EU democracy.

In the interviews that we ran, there was a very distinct split on whether Local and Regional Authorities should be framed as a logical “solution” to the problem of European democracy or are, instead, part of (or at any rate affected by) the problem.

On the one hand, some interviewees believed that the strength of Local and Regional Authorities in helping further EU level democracy is that regional and – particularly – local authorities are somewhat more experienced with direct democratic involvement of citizens and as such can show the EU the way and share their best practice with EU institutions and help them rekindle its relationship with citizens, by somehow uploading their existing democratic and representative practices.

On the other hand, some interviewees believed that the crisis of EU democracy is really a crisis of European democracy, and that on the whole, it makes more sense to see Local and Regional Authorities as being “part of the problem” or more precisely affected by the same problem as national and EU level democracies. Therefore, they should be seeking solutions from the Conference rather than thinking of themselves as being in a position to offer them.

There is no doubt that in recent years, many Local Authorities have gone to great lengths in order to try and open new channels of participation with citizens, either voluntarily or because they were required to do so. Those have notably included a lot of elements of deliberative and digital democracy. In fact, to an extent, many of the avenues explored by a large number of Local Authorities echo those which have been used by EU institutions as well, albeit on very different types of questions.

Nevertheless, it should be clear that we did not find that any of the interviewees who were not Local or Regional Authorities representatives themselves suggested that Local and Regional Authorities could, at this point in time, serve as a model of effective and successful democratic and representative linkage. Indeed, levels of citizens’ satisfaction with local democracy remain elusive and often derived

from national democratic performance (see for instance Steenvoorden and van der Meer, 2021), and turnout in local elections is frequently low.^{19 20}

As a result, it seems that the narrative that would present Local and Regional Authorities as a “source of inspiration” for resolving the current crisis of democracy in Europe would likely be received, at best, with some scepticism and some disbelief, and possibly even with some annoyance. Instead, we would recommend that the justification for Local and Regional Authorities’, as well as the Committee of the Regions’, willingness to be further involved with the Conference and the search for a solution to the crisis of democracy in Europe, focuses on the fact that they are also broadly affected by it. A solution will thus undoubtedly be far more effective if, instead of trying to tackle it separately, different levels of governance – notably European, regional, and local – tried to address it together for the greater good of citizens and to achieve better synergies and multi-level complementarity and communication.

It should be noted that this choice will also have broader implications – for instance, it means that the approach should not revolve around proposing to recommend solutions, but rather about exchanging best practices and joining forces to explore them. This of course does not prevent innovative Local and Regional Authorities from mentioning some of their successful initiatives in further discussions.

Substantively, we would also recommend that this narrative should also be taken seriously and as a way to consider the limitations of some of the initiatives currently favoured when it comes to trying to improve local democracy and the criticisms that many citizens levy at them.²¹ In particular, we could note the following:

1. Perceptions of asymmetry: rightly or wrongly, many citizens do complain that initiatives to improve local-level democracy are typically primarily focused on serving as a top-down communication tool for governing institutions rather than as a genuine desire to give citizens possibilities to channel their own preferences.

¹⁹ For instance, in the 2021 French regional and local elections, 2/3 of voters abstained. Similarly, turnout in recent local elections has frequently been below 50% - 45% in Greece in 2019, 46% in Italy in 2016, and 48% in Hungary in 2019. Local elections turnout is by contrast a little healthier in some Member States such as Sweden and Germany, but even in countries like the Netherlands, it has decreased from approximately 70% in the 1980s to under 55% in 2018.

²⁰ Note that in discussions with various CoR members and as it emerges from the results of recent Eurobarometers (see for instance Standard Eurobarometer 94, p. 42), it was pointed out that local government often benefits from good levels of trust across Europe. However, in the view of the authors of this report, this does not alter questions about the limits of citizens’ satisfaction and engagement with local democracy, which remain unconvincing

²¹ Based on ongoing work carried out by the Electoral Psychology Observatory (LSE) on citizens’ common complaints about the way their democracies work (notably for the ERC project “The Age of Hostility”).

2. Perceptions of lack of control: many citizens also complain that few initiatives truly transfer power from elites to citizens, because institutions typically “control the questions” and use them to skew new democratic tools towards questions and outcomes which they care about rather than others which may be of prime importance for citizens but are perceived as inconvenient by elected representatives.
3. Perceptions of inequality: another common criticism is that many existing and innovative democratic solutions end up reinforcing the power of very vocal minorities but fail to truly engage the silent and compliant majority. This is a criticism particularly frequently addressed at solutions revolving around public debates and voluntary consultation.
4. Digital exclusion: many processes are digitally based and accused of excluding some citizens’ categories based on age, literacy (including digital literacy), and/or social and educational background.
5. Perceptions of lack of universality: different from inequality and digital exclusion among other things, many processes involving randomly selected panels of citizens, notably deliberative processes (see below) are criticised for not being universal. This means that only a small number of citizens have a chance to participate in the democratic process regardless of their criteria of selection, including when they aim to be representative.

We also need to re-emphasise the specific criticisms levied at deliberative and (digital) participatory democratic processes specifically, which we explored earlier in this report (see Sections 9.3 and 9.4). It affects both current EU processes – including the current Conference, and a number of initiatives championed by national, regional, and local institutions to try and resolve their own democratic crises using existing deliberative models either in person or digitally, as one off’s or as continuous processes. As a reminder, they notably include the following:

1. Lack of representativeness due to the representative criteria selected;
2. Mistaken use (as a proxy for democratic processes whilst they are intended to replace legislative processes instead);
3. Sociological, educational, and psychological bias and inequality;
4. Limited effectiveness;
5. Lack of universality and engagement;
6. Ineffectiveness at addressing and resolving the crisis of democracy.

As a result, in the final part of this concluding section, we wanted to explore a number of avenues that could be evoked so as to open genuinely new routes to improve democracy.

10.8. Initiatives to achieve positive results

Let us finish by evoking a number of possible routes and options that could serve as a basis for exploring joint solutions to the crisis of European democracy from local to EU level.

Again, it should be noted that the initiatives presented here are fundamentally about democratic experimentation and thus differ entirely from the purpose of the concrete policy and inter-institutional proposals discussed in Section 8.

Our strategic recommendation based on the evidence reviewed and the interviews conducted is that the approach most likely to be effective in rekindling the role of the Committee of the Regions and of Local and Regional Authorities in taking a greater and optimally positive role in EU democracy is to diagnose this crisis of democracy as affecting all levels of governance across all EU Member States, propose to participate in a transversal reflection to address it in such a way that it could resolve it across levels – including local, regional, and European, and to demonstrate that whilst current solutions have not fully managed to resolve perduring issues, the Committee of the Regions is at least aware of a number of possible new directions which could be explored jointly, and perhaps piloted across samples of local and regional units in different Member States and then at the EU level.

We suggest particularly emphasising the following options:

1. Consider initiatives that switch control of the ‘questions’ from top-down to bottom-up, so as to reinforce citizens’ sense of control. We have conducted extensive research on citizens’ perceptions in that field which may be of relevance. A number of current processes are experimentally being developed in this direction which could revolutionise democratic processes not least at the local level and in consultative processes.
2. Emphasise the importance of expressive ownership. Again, there are a number of existing initiatives that enable citizens to express themselves in their own words and make democratic sense of them.
3. Consider digital processes not simply as means to displace existing processes but an opportunity to create new ones which are adapted to the potentials and limitations of digital processes. We are currently conducting research with citizens on that front as well. Typically, using digital processes to displace existing non-digital mechanisms is often seen as ineffective or counter-productive because digital tools have their own

haptic characteristics and interactive potential which often requires a complete rethinking of processes.

4. Evaluate the possibility of combining democratic initiatives with different strengths and weaknesses. No single process is perfect, but their shortcomings tend to differ, and it is often the case that the best results are achieved by super-imposing processes that counter-balance one another's vulnerabilities.
5. Identify multi-level transversal potential in new initiatives. Some types of instruments work best locally, others on a large scale, and some have the potential to adapt to both. The same goes with types of questions and consultations which can be redundant across multiple levels of governance or entirely separate. There may be value in instituting mechanisms which encourage different institutions to "pull" efforts when they share a question area or a tool, including across levels of governance (say, EU level together with a sample of EU cities or EU regions).
6. Do not neglect electoral democracy. Overwhelmingly, citizens tell us that they do not wish elections to be replaced or weakened and they want it to remain the foundational basis of democratic engagement. It remains, by any standard, the most inclusive and fairest channel of democratic participation of all. There are significant ways to improve and reinvent electoral democracy (another field in which our team conducts ample research) and there should be no illusion that "new" forms of participation, notably consultative can ever replace the need to rethink and improve electoral democratic processes too.
7. Benchmark. A number of tools exist that enable institutions to consider best practices, compare either patterns of democratic crises or piloted tools and answers across systems not only within Europe but beyond. It is critical to consider such benchmarking when identifying the best solutions to existing problems rather than start from what is already done in a given context and limiting oneself to adapting it.
8. Do not misdiagnose. There is ample research showing that the current democratic crisis is one of "frustration" (Harrison, 2020) and not one of apathy. This means that there is a powerful underlying desire for democracy across levels of governance and groups which not only needs to be addressed but can serve as a powerful asset to make such answers successful. We have also made significant progress in understanding which types of democratic solutions are likely to be deemed psychologically

acceptable or not by citizens. Those insights should be used in reflecting upon new directions.

9. Do not look at the problem from the wrong side. The most toxic attitude that can be adopted by institutions to analyse a crisis is to interpret it as a problem of communication that leads them to be misunderstood by citizens. Overwhelmingly, this is not the case, and citizens demonstrate a much greater understanding of existing processes (in their spirit if not their technicality) than is typically assumed. One should always start from the assumption that problems are substantive rather than communicative and that citizens are *prima facie* legitimate in their criticisms rather than unfair. Furthermore, it should never be forgotten that in any democratic and representative process, it is the duty of institutions to understand citizens and not the other way round.

With all those elements in mind, we believe that there is a genuine opportunity for the Committee of the Regions and Regional and Local Authorities to make a significant contribution to current debates on the crisis of European democracy, as well as to benefit from that contribution to improve their own influence and democratic processes. In many ways, the institutional process of the Conference is sub-optimal and does not always make those outcomes easy to achieve, nor risk-free. Nevertheless, the opportunity represented is too big to be missed.

11. References

Abels, G., & Battke, J. (2019). Regional governance in the EU or: what happened to the 'Europe of the regions'?. In *Regional Governance in the EU*. Edward Elgar Publishing.

Adams, W. (2015). Conducting semi-structured interviews. In: Newcomer, K. E., Hatry, H. P., & Wholey, J. S. *Handbook of practical program evaluation*. John Wiley & Sons.

Alesina, A., & Spolaore, E. (2005). *The size of nations*. MIT Press.

Alesina, A., Angeloni, I., & Schuknecht, L. (2005). What does the European Union do? *Public Choice*, 123(3-4), 275-319.

Alliance for Affordable Internet (2021), The Digital divide in Europe - Towards meaningful connectivity. Available at: https://www.itu.int/en/ITU-D/Regional-Presence/Europe/Documents/Events/2021/Meaningful%20Connectivity/01_Sarp_ong.pdf

Angelova, M., Konig, T., Dannwolf, T. (2012), How robust are compliance findings? A research synthesis, *Journal of European Public Policy*, 19(8):1269-1291.

Auriol, E., & Gary-Bobo, R. J. (2012). On the optimal number of representatives. *Public Choice*, 153(3-4), 419-445.

Bednar, J (2009) *The Robust Federation* Cambridge: Cambridge University Press

Börzel, T. A., & Knoll, M. (2012). Quantifying Non-Compliance in the EU: A Database on EU-Infringement Proceedings. Available at: https://www.polsoz.fu-berlin.de/polwiss/forschung/international/europa/partner-und-online-ressourcen/arbeitspapiere/2012-15_BoerzelKnoll_Non-Compliance.pdf

Christiansen, T. (1996). Second thoughts on Europe's "third level": the European Union's Committee of the Regions. *Publius: The Journal of Federalism*, 26(1), 93-116.

CitizenLab (2020), Inclusion in e-democracy. How to set up an inclusive & representative digital engagement project.

Conference on the Future of Europe. Available at: <https://futureu.europa.eu/?locale=en>

Dahl, R. A. (2010). Can International Organizations be Democratic? A Skeptic's View. In G. W. Brown & D. Held (Eds.), *The Cosmopolitanism Reader* (pp. 423–434). Polity Press.

Dahl, R., & Tufte, Edward R. (1973). *Size and democracy*. Stanford.

Davies, G. (2006) "Subsidiarity: The Wrong Idea, in the Wrong Place, at the Wrong Time." *Common Market Law Review* 43.1, 63-84

de Witte, F. (2020). *Re: generation Europe*. Springer International Publishing.

Duff, A. (2019), The European Union makes a new push for democracy, *European Policy Centre*. Available at: <https://www.epc.eu/en/publications/The-European-Union-makes-a-new-push-for-democracy~2d6324>

EPRS (2020). "Linking the Levels of the Union", Ideas Papers.

European Commission (2021), Conference on the Future of Europe: launch of the citizens' platform on 19 April. Available at: https://ec.europa.eu/commission/presscorner/detail/en/statement_21_1624

European Commission (2021), *EU Digital Divide Infographic*. Available at: <https://wayback.archive-it.org/12090/20210428215517/https://digital-strategy.ec.europa.eu/en/library/eu-digital-divide-infographic>

European Commission (2021), EU-wide survey shows Europeans support the launch of the Conference on the Future of Europe. Available at: https://ec.europa.eu/commission/presscorner/detail/en/IP_21_1025

European Commission (2021), Special Eurobarometer 513 Climate Change Report

European Commission (2021), Standard Eurobarometer 94 Public Opinion in the European Union

European Commission (2021), Standard Eurobarometer 94 Public Opinion in the European Union (First results)

European Parliament Resolution, 2017, "P8_TA(2017)0048 Possible evolutions of and adjustments to the current institutional set-up of the European Union", available at: https://www.europarl.europa.eu/doceo/document/TA-8-2017-0048_EN.html

European Parliament Resolution, 2017, “P8_TA(2017)0049 Improving the functioning of the European Union building on the potential of the Lisbon Treaty”, available at: https://www.europarl.europa.eu/doceo/document/TA-8-2017-0049_EN.pdf

European Parliament, Council and European Commission (2019), Joint Declaration on the Conference on the Future of Europe. Available at: https://ec.europa.eu/info/sites/default/files/en_-_joint_declaration_on_the_conference_on_the_future_of_europe.pdf

Fabbrini, F. (2020), *Possible Avenues for Further Political Integration in Europe - A Political Compact for a More Democratic and Effective Union?*, European Parliament. Available at [https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2020\)651849](https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2020)651849)

Filippov, M., Ordeshook, P. C., & Shvetsova, O. (2004). *Designing federalism: A theory of self-sustainable federal institutions*. Cambridge University Press.
Fitzgerald, J., & Wolak, J. (2016). The roots of trust in local government in western Europe. *International Political Science Review*, 37(1), 130-146.

Fleming, J. E., & Levy, J. T. (Eds.). (2014). *Federalism and subsidiarity: Nomos LV* (Vol. 21). NYU Press.

Fossum, J.E. and Menéndez, A.J. (2011). *The Constitution's gift: a constitutional theory for a democratic European Union*. Rowman & Littlefield Publishers.

Fung, A. (2015). Putting the public back into governance: The challenges of citizen participation and its future. *Public Administration Review*, 75(4), 513–522. <https://doi.org/10.1111/puar.12361>

Garagarza, M.Z. (2018). “Political autonomy, state and European Union: The complex anchoring of the state of autonomies in the European Union”, in Goirizelaia, I. and Garagarza, M. Z. (ed), *What is the cost of the Basque Country’s dependency on Spain?*, Dykinson, Madrid.

Gilman, H. R. and Carneiro Peixoto, T. (2019), “Digital Participation”, in Elstob, S. and Escobar, O. *Handbook of Democratic Innovation and Governance*, Edward Elgar Publishing.

Goldberg, A. C., van Elsas, E. J., & De Vreese, C. H. (2020). Eurovisions: An Exploration and Explanation of Public Preferences for Future EU Scenarios. *JCMS: Journal of Common Market Studies*.

Grimm, D. (2017). *The constitution of European democracy*. Oxford: Oxford University Press.

Hambleton, R., Savitch, H. V., & Stewart, M. (2003). Globalism and local democracy. In *Globalism and Local Democracy* (pp. 1-16). Palgrave Macmillan, London.

Held, D. 2006 models of democracy Malden: Polity Press

Hix, S., & Hagemann, S. (2009). Could changing the electoral rules fix European Parliament elections?. *Politique européenne*, (2), 37-52.

Hix, S., & Høyland, B. (2011). *The Political System of the European Union*. Basingstoke: Palgrave MacMillan.

Hönnige, C., & Panke, D. (2013). The Committee of the Regions and the European Economic and Social Committee: How Influential are Consultative Committees in the European Union?. *JCMS: Journal of Common Market Studies*, 51(3), 452-471.

Hönnige, C., & Panke, D. (2016). "Is anybody listening? The Committee of the Regions and the European Economic and Social Committee and their quest for awareness". *Journal of European Public Policy*, 23(4), 624-642.

Hooghe, L., & Marks, G. (2001). Multi-level governance and European integration (Governance in Europe). Lanham, MD: Rowman & Littlefield.

Inman, R. P., & Rubinfeld, D. L. (1997). Rethinking federalism. *Journal of economic perspectives*, 11(4), 43-64.

Jachtenfuchs, M., & Krisch, N. (2016). Subsidiarity in global governance. *Law & Contemp. Probs.*, 79, 1.

Jacob, S. A., & Furgerson, S. P. (2012). Writing interview protocols and conducting interviews: tips for students new to the field of qualitative research. *Qualitative Report*, 17, 6.

Kantar Public (2021), Multilingual Digital Platform of the Conference on the Future of Europe, Interim Report.

King, D. S., & Stoker, G. (Eds.). (1996). *Rethinking local democracy*. London: Macmillan.

Leech, B. L. (2002). Asking questions: Techniques for semistructured interviews. *PS: Political science and politics*, 35(4), 665-668.

Martinico, G. (2018). “History of a (Limited) Success: Five Points on the Representativeness of the Committee of the Regions”. *Perspectives on Federalism*, 10(2), 96-116a.

Moens, G. A., & Trone, J. (2014). “The Principle of Subsidiarity in EU Judicial and Legislative Practice: Panacea or Placebo”. *Journal of Legislation* 41, 65.

Muñoz, J. (2017). Political trust and multilevel government. In *Handbook on political trust*. Edward Elgar Publishing.

OECD (2020), Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave, OECD Publishing, Paris, <https://doi.org/10.1787/339306da-en>.

Panara, C. (2016). The Enforceability of Subsidiarity in the EU and the Ethos of Cooperative Federalism: A Comparative Law Perspective. *European Public Law*, 22(2).

Panara, C. (2019). “The ‘Europe with the Regions’ before the Court of Justice”. *Maastricht Journal of European and Comparative Law*, 26(2), 271-293.

Patsch, S. (2021), European institutions use Decidim to enable the Conference on the Future of Europe. Available at: <https://joinup.ec.europa.eu/collection/open-source-observatory-osor/news/participatory-democracy-through-collaboration>

Pettit, Philip. 2014. *On the People’s Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press.

Report on the Task Force on Subsidiarity, Proportionality and “Doing Less More Efficiently”, Available at: https://ec.europa.eu/info/sites/info/files/report-task-force-subsidiarity-proportionality-and-doing-less-more-efficiently_en.pdf

Riker, W. H (1964), *Federalism: Origin, Operation, Significance*. Little Brown.
Sgueo, G. (2020). Practices of Democracy. A selection of civic engagement initiatives. EPRS. PE 651.970 Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/651970/EPRS_STU\(2020\)651970_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/651970/EPRS_STU(2020)651970_EN.pdf)

Shapiro, Ian. (2003). *The State of Democratic Theory*. Princeton: Princeton University Press.

Spada, P. (2019), “*The impact of democratic innovations on citizens’ efficacy*”, in Elstub, S. and Escobar, O. *Handbook of Democratic Innovation and Governance*, Edward Elgar Publishing.

Steenvoorden, E. and van der Meer, T. (2021). ‘*National inspired or locally earned? The locus of local political support in a multilevel context*. *Frontiers in Political Science*.

Vandamme, T. (2013). ‘*Still the Committee of ‘Legislative Regions’? On Heterogeneity, Representation and Functionality of the Committee of the Regions after 2004*’, Amsterdam Centre for European Law and Governance Working Paper Series 2013-03.

Weiss, S., Heinemann, F., Berger, M., Harendt, C., Moessinger, M. D., & Schwab, T. (2017). *How Europe can deliver: Optimising the division of competences among the EU and its member states*. Available at: <https://www.bertelsmann-stiftung.de/de/publikationen/publikation/did/how-europe-can-deliver/>



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