




Local Voices, European Accountability

Local democracy and the European parliament

Matthew Clifton

The background of the entire page is a solid dark blue. Scattered across this background are several bright yellow, five-pointed stars of varying sizes and orientations. Some stars are partially cut off by the edges of the page. The stars are positioned at various points: one near the top center, one near the top right, one in the middle left, one in the middle right, one near the bottom center, and one near the bottom right.

New Local Government Network (NLGN) is an independent think tank that seeks to transform public services, revitalise local political leadership and empower local communities. NLGN is publishing this report as part of its programme of research and innovative policy projects, which we hope will be of use to policy makers and practitioners. The views expressed are however those of the authors and not necessarily those of NLGN.

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1 *Europe matters to local government*

By common consent, the institutions of the EU seem distant and their workings opaque. What they do is obscured by institutional complexity and tabloid controversy. Yet a whole range of local government activities is affected by policies decided through Europe. These include employment rights and consumer protection, waste management and environmental protection, electoral law, public procurement and cultural exchange.¹

European strategies may spawn supra-national directives that then become translated into national law. Once in national law they no longer bear a European character. European regulations, once handed-down from Brussels, are carried out by national institutions. The role played by the institutions of Europe becomes easily forgotten. Yet to exert greater influence over the policy environment in which they operate, local authorities need clarity of purpose and vision in EU affairs. To maximise its influence, local government needs to engage early and often with the Brussels-based decision-makers and mandarins.

The three key institutions within the European Union are the two legislative bodies, the European Parliament and the Council of Ministers, and the EU's civil service, the European Commission. The Heads of Government meet every six months as the European Council and give the EU its political direction, while the European Court of Justice upholds European law.²

There are also three types of EU legislation. A **regulation** is a legislative act of the European Union which becomes immediately enforceable as law in all member states simultaneously. It overrides all national laws dealing with the same subject matter and subsequent national legislation must be consistent to and made in

¹ For more detail, <http://eur-lex.europa.eu/> provides an online database of proposed and existing EU legislation.

² The European Court of Justice should not be confused with the European Court of Human Rights, which belongs to the Council of Europe and is based in Strasbourg. The Council of Europe is entirely separate from the European Union, and should not be confused with the European Council or the Council of Ministers.

the light of the regulation. Regulations can be distinguished from **directives** which need to be transposed in national law. Directives normally leave member states with a certain amount of leeway as to the exact rules to be adopted. A European Union **decision** is the third binding instrument, which only applies to its particular addressee of the decision, be it Member States, companies or individuals.

Figure 1 A sample of EU legislation

Policy Themes	Regulations	Directives	Decisions
Mobility of workers	security features and biometrics in passports	education of the children of migrant workers	accessibility of EU labour markets
Social policy	reconciliation between work and family life	equal opportunities and treatment in matters of employment	guidelines for the employment policies of the Member States
Transport	international rules for the carriage of passengers by coach	the charging of heavy goods vehicles	granting financial aid for the Wexford Bypass project
Environment	shipments of radioactive substances	waste electrical and electronic equipment	protection of migratory animals
Education & Culture	dissemination of EU technological research results	mutual recognition of qualifications	promotion of cultural diversity
Police & Judicial cooperation	data protection	the right to family reunification	combating corruption in the private sector
People's Europe	the rights of disabled persons travelling by air	EU citizens' right to vote and stand in municipal elections	European citizenship programme

2 *Why and how cities get involved in Europe*

According to research published by European Institute of Urban Affairs at Liverpool John Moores University, local authorities engage in Europe on the basis of a combination of motivational and intermediate factors. The motivations relate to the interests and preferences of key political actors; the intermediate factors concern the structures and resources of local government that co-shape the profile of EU engagement.³

The researchers found that there are five key motivational factors:

Europe as a problem solver

EU Structural Funds provide support for economic restructuring and/or social change. In this situation some authorities will view Europe as a potential 'cash cow'. However, this motivation is contingent on the degree of the local problem and the availability of satisfactory EU programmes.

Europe as a stage

The EU presents an opportunity to raise the profile of individual cities and local government and build identity, a good example is Liverpool as the European City of Culture 2008. Europe is more than just a pivot for the reinvention of a city. The position of a locality within the internal market is also a focus of local development strategies and location marketing. For example, Vienna aspires to be an east-west hub and a focal point in the trans-European network (TEN).

Europe as a threat

Current or prospective EU regulations may threaten established local models.

³ *European Metropolitan Governance: Cities in Europe - Europe in Cities*, Edited by Michael Parkinson with E Antalovsky & J Dangschat, 2005

The liberalisation of services of general interest have challenged embedded traditions of local public provision, which led to intense lobbying and special provision for such services within the EU Treaty.

Europe as an alternative

Active involvement in Europe can enhance a city's political position within its own domestic system of government, offering an opportunity to escape the hierarchy of the national political system. This is especially the case where the relationship between tiers of government remain constitutionally undefined, as in the UK.

Europe as duty

The involvement of some authorities is, however, reactive and incremental. It is based on the mandatory implementation of EU law on environmental health and safety, and consumer protection, for example. Such local authorities may not develop a far-reaching interest or enthusiasm for Europe, but they are drawn into engagement because they need to develop a passive capacity to understand, handle and implement EU norms.

The intermediate factors include:

- Firstly, the agency of political actors which is necessary to build the European engagement and commit the significant resources required to underwrite it.
- Secondly, the quantitative factors of engagement include the cost-benefit calculations, which explain why cities get involved or abstain from Europe.
- Thirdly, constitutional arrangements that place local government within the national political system can influence patterns of EU involvement. The unitary characteristic of the British state, for instance, provokes engagement to overcome a perceived deficiency of status.

3 *Typology of Europeanised cities*

The research from the European Institute of Urban Affairs has determined profiles to describe the engagement of certain 'Europeanised' local authorities, based on the interaction of different motivational and intermediate factors.

Some authorities see themselves as high-profile, self-styled '*Euro-players*'. Such authorities intensify their engagement to define themselves as leaders of European integration. They are widely active in European networks, and their participation in initiatives does not always depend on the support they receive. In the UK, Manchester and London are examples of such authorities.

A '*client city*' is one where the local authority finds that the support they receive through EU Structural Funds surmounts all other motivations. In pursuit of economic aid, these cities will closely cooperate with both state and European agencies. The key local actors will tend to be followers of EU rules and guidelines in order to maximise cash-flow rather than risk takers or innovators.

A '*policy experimenter*' sees the EU as a source of innovation and a tool for modernisation. Not necessarily the poorest area, nor laden with too many structural problems, such authorities are free to concentrate on Community Initiatives and work their way onto the European stage. They are well represented in thematic, Commission-controlled networks and are willing to compete for funding.

4 *Local and regional representation in Europe*

The remit of the UK Government's Regional Ministers includes promoting their respective regions. It is likely therefore that these new and developing roles will involve the Ministers being consulted over EU policies that have an overt regional impact. It is also possible that the responsibilities of Regional Ministers will occasionally take them to Brussels for ministerial meetings. However, there currently is no function foreseen for Regional Ministers at a European level.

On the other hand Members of the European Parliament are elected by regions and provide direct regional representation and political input into all European legislation. Unlike Westminster MPs, there is no clear geographical demarcation among Members of the European Parliament. The whole regional delegation equally represents each constituent individual or organisation. It is not clear whom constituents should approach. The effectiveness of regional representation in Europe is blunted also by the peripatetic nature of the European Parliament wandering each month between Brussels and Strasbourg.

The Committee of the Regions (CoR) is based in Brussels and is close to the European Parliament headquarters and shares its meeting rooms. The CoR is an advisory body set up in 1994 to include local and regional authorities in European decision-making. The CoR has 344 members from local and regional government in the 27 Member States of the EU. The UK delegation consists of 24 full members and a further 24 alternate members from UK councils and regional assemblies. The CoR has a plenary meeting five or six times a year. It also has six policy commissions each of which also meets five or six times a year.⁴

British members of the CoR are nominated by the Communities and

⁴ Jhas, Kitt & Bremner, 2007, *UK members' guide to the Committee of the Regions*, CoR United Kingdom Delegation

Local Government Department (CLG) on a recommendation by the Local Government Association (LGA) for England. The Welsh First Minister, Scottish First Minister, First Minister and Deputy First Minister of Northern Ireland make recommendations for the rest of the UK. CLG rules require gender, ethnic and disability balance, political balance, geographical balance and balance by type of authority.

Many cities, authorities and regions also have representation offices in Brussels. In general they aim to deliver strategic advice, funding support and intelligence to maximise economic development opportunities for local authorities.

Figure 2 City and regional representation offices

Cheshire County Council	Northern Ireland Executive Office
Convention of Scottish Local Authorities	North West Brussels Office
East Midlands European Office	Scotland Europa
East of England European Partnership	Scottish Government EU Office
East of Scotland European Consortium	South East England Brussels office (Representing the South East England
Greater Manchester	Development Agency and the South East
Highlands and Islands	England Regional Assembly)
Kent Office	Southern England Local Partners
Lancashire Brussels Office	South West UK Brussels Office
Local Government Association	Welsh Assembly Government EU Office
London Councils European Service	Welsh Local Government Association
London's European Office	European Office
Merseyside	West Midlands in Europe
National Assembly for Wales (Assembly Parliamentary Service)	West of Scotland
North East England Office	Yorkshire Europe

Among the representation offices listed in figure 2, the LGA warrants a particular mention. The LGA European and International Unit provides an information and support service to all councillors and local authorities. The unit undertakes policy development and lobbying as well as providing the UK secretariat to elected member delegations on international institutions, including the Committee of the Regions.⁵

Local Authorities should make more use of their representation offices because they present councils with a valuable resource and a means to influence policy makers.

⁵ <http://www.lga.gov.uk/OurWork.asp?lsection = 59&ccat = 1243>

5 *Getting through to the EU?*

There seems to be therefore a plethora of local and regional links into Europe that should help overcome not just the geographical distance and language barriers, but also help bring the EU psychologically closer to Britain. In recent years, an increasing volume of law and policy affecting local authorities and the communities they represent is made by the European Union. However, for many councillors it comes as a surprise that UK local government works at the international level. The argument for engagement with Europe has yet to win the hearts and minds of elected members up and down the country. There are a number of reasons for this.

Firstly, local government priorities have meant that councils have focused their interest in Europe on winning EU cohesion funds; yet more of the available regional development (ERDF) and social funds (ESF) is going to poorer eastern European Member States. Fewer EU handouts mean that many local authorities no longer retain a specialist EU officer.

Secondly, the macro responsibility for the remaining EU funds coming to Britain lies with Whitehall. The management of around 80% of EU funding is devolved to national agencies and quangos. These managerial lines obscure the link with Brussels and are a barrier to European engagement.

Thirdly, the change in the balance of political control in councils over recent years has meant that there are now more councillors who are sceptical towards Europe and less inclined to invest time on EU projects and policies. The motivational factors behind the pro-active engagement with the EU have become less significant. Politically 'Euro-sceptic' councillors are likely to have fewer contacts with EU officers, the CoR and Members of the European Parliament.

Fourthly, the Committee of Regions does not bridge the gulf between local and European government. The mandate of the members of the

Committee of Regions depends on the good will of central government. There is a minimal role and there is a variable level of proactivity. Since they are not elected, CoR members are not accountable to anyone other than central government. They are not required to give a report back to anyone in particular.

Fifthly, the role of Regional Ministers has yet to fully develop and they do not provide a functional regional link within the European institutions.

Sixthly, Members of the European Parliament remain distant from their constituents. There is little contact between MEPs and local authorities, save through events organised by regional representation offices in Brussels and UK based bodies such as London Councils and the LGA. The European Parliament is also hampered by its own working practices being based in two cities with some of its administration based in a third, Luxembourg.

6 *Constitutional Innovation*

The Treaty of Lisbon (also known as the Reform Treaty), if ratified by the Member States, provides for greater flexibility and discretion at the local level for the provision of public services. A new protocol refers to the “wide discretion” that local authorities should have when commissioning or providing “Services of a General Interest.”⁶ The Commission will consider exemptions on a case-by-case basis and assess whether the public sector ultimately must take responsibility for the service in question.

This change is also notable because the reference to local authorities is the first of its kind in EU treaties.⁷ The shifting balance of emphasis away from competition to the role of government at a local level is also reflected within the Treaty of Lisbon in the demotion of the reference to ‘free and undistorted competition’ from an earlier agreed list of EU objectives to an appending protocol.⁸ However, the European Union’s objectives and competencies, for example, in the fields of climate change, energy, sport, tourism and public health, become more clearly defined.⁹

Despite the limitations it faces, the European Parliament has a growing level of legislative power and democratic authority. Being directly elected the European Parliament has a level of accountability that makes it the institution closest to local government and the most accessible to local authorities. Under the Reform Treaty the Parliament, will comprise 751 ‘citizens of the Union’ and will elect the president of the European Commission. It will also exercise “legislative and budgetary functions jointly with the Council” as co-legislators on most areas of EU policy.¹⁰ It also shares with the Council new

6 <http://www.lga.gov.uk/content2.asp?lsection=59&id=5XCE1C-A784C696&ccat=1338>

7 *Local public services in the single market*, LGA (2007)

8 *Treaty of Lisbon – here is what changes!* in *Europolitics* no. 3407, 7 Nov 2007 (Free and undistorted competition was to be a core EU objective under the failed EU Constitution.)

9 Richard Corbett & Inigo Mendez de Vigo, *Draft Report on the Treaty of Lisbon*, European Parliament, 3 Dec 2007

10 *Treaty of Lisbon – here is what changes!* in *Europolitics* no. 3407, 7 Nov 2007

powers of supervision over the exercise of delegated legislative powers by the European Commission.¹¹

The Council of Ministers becomes more accountable under the new treaty, as it will be required to meet in public when debating and adopting EU legislation. This could help improve political transparency, and improve the accountability of national governments for the decisions they take in Europe that impact on regions and localities.

The Committee of Regions gains more political rights. The CoR remains an advisory body, but it obtains the right to refer to the Court of Justice any violation of the principle of 'subsidiarity'¹² - that each decision should be taken at the lowest appropriate level. The CoR therefore could become a guardian of the rights and responsibilities of local government and an advocate for the wider devolution of power to local authorities. While the members of the CoR will continue to be appointed by governments, their mandates will become co-terminus with MEPs. Parliamentarians also gain a power to summon the CoR for consultation.

The Treaty of Lisbon also sets out simpler procedures for EU reform. The Member State governments, the European Commission and the European Parliament gain the right to present a draft revision of the European treaties to the Council of Ministers. If the revision is related to the EU's internal affairs and it is agreed unanimously in the Council of Ministers, then the change will be sent to member states for ratification.

11 Richard Corbett & Inigo Mendez de Vigo, Draft Report on the Treaty of Lisbon, European Parliament, 3 Dec 2007

12 *Treaty of Lisbon – here is what changes!* in *Europolitics* no. 3407, 7 Nov 2007

7 *Local government setting the EU agenda*

At the end of the day, local authorities themselves must also fully develop their own roles either as ‘Euro-players’ or ‘policy experimenters’ if they are going to make the best of the opportunities that Europe presents and develop their profile on the European stage. However, day-to-day representation management of local interests remains crucial to enhancing local power in Europe.

It is worth mentioning the new ‘popular’ power of initiative born out of the Treaty of Lisbon. A proposal for an EU law backed by a million signatures must be considered by the European Commission. *The best way to make this a practical and effective tool is for local and regional governments to take this initiative and work together across national borders to collect signatures on issues of common interest and concern.* If the CoR takes the initiative, it could seize the imagination of European peoples in directing and exercising this new popular power.

The power of initiative is a good example of how the European Union reached a developmental point where local government can now come into its own and set the agenda in Brussels. The strengthening role of the Committee of the Regions and the European Parliament suggest that local authorities should be gaining powerful allies in the European political mix in Brussels.

However, British local authorities will continue to find it difficult to exercise influence within the European Parliament while the UK operates the regional-list system for its elections. Members of the European Parliament are elected from pre-determined list of candidates presented by each party to the regional electorate. Candidates are ranked in order of a party’s preference and the number of MEPs elected from that list relates to the share of the vote the party gets. If a party gets 100% of the vote, its entire list is elected. In reality it’s only the candidates at or near the top of the list who have a chance. Electing members from a pre-ordained list increases the influence

of political parties and relegates local accountability. The regional-list system was introduced in time for the 1999 European elections. Before then, for twenty years, there were European single-member constituencies which elected members in the same manner as Westminster MPs. The regional-list experiment has undermined the local accountability of MEPs and diminished their connection with local and sub-regional communities.

Under the Treaty of Lisbon, the Committee of the Regions remains an advisory body and not an institution. The CoR therefore lacks political significance. As an independent voice for local government, the CoR is unable to punch its weight because it is appointed by Member State governments. As a result the CoR is a multinational quango instead of a democratic local voice in Brussels.

8 *Conclusions and Recommendations*

The Council of Ministers and the European Commission remain the key power houses in EU affairs. Led by national politicians, both institutions are not susceptible to the influence of local government.

However, there are two specific steps that the United Kingdom could take in order to enhance the role of British local democracy in Europe. There is also one institutional change that the government should promote in the Council of Ministers under the simplified procedure set out in the Treaty of Lisbon.

- 1.** The UK should change its method of electing members of the European Parliament in order to increase the local accountability of MEPs.
- 2.** British representatives on the Committee of the Regions should be Leaders of Councils elected by councillors from the UK's 12 administrative regions.
- 3.** The CoR should become a second chamber to the European Parliament and be permanently based in Strasbourg, charged with leading on legislation directly relevant to local government.

The CoR should hold all of its plenary and committee meetings in Strasbourg, thus meeting the EU Treaty requirement that the European Parliament should meet in Strasbourg at least 12 times per year. This would put an end to the expensive travelling circus of Brussels-based parliamentarians carting their offices and staff up and down the motorway to and from Strasbourg each month.

Single member constituencies for the European Parliament should be reintroduced to help connect citizens to individual members of parliament. This should strengthen citizens' voices in Europe and it will help align local authorities to particular European representatives. Single member constituencies will give councils their own 'playmaker' in Europe to whom they can channel information, comment and advice. To help ensure 'fair votes'

members could be elected using the Supplementary Vote (SV) system, as used in London's mayoral elections, or the Alternative Vote (AV) which allows voters to rank all candidates in order of preference.

Currently the UK government appoints all of its 24 full and 24 alternate members of its delegation to Committee of the Regions. Although the delegation is chosen carefully to reflect Britain's political and geographical balance, this is scant consolation for a lack of local democratic accountability and transparency. Under the Treaty of Lisbon the mandate of the Committee of the Regions becomes co-terminus with that of the European Parliament. Council Leaders could be elected to the CoR by councillors in each UK region at the same time as the European Parliamentary elections.¹³

As a second chamber in the European Parliament, the CoR will have a significant role in legislation that will impact on local authorities. A public vote for CoR members alongside existing elections for the European Parliament requires minimal additional organisation and cost yet greatly increases the local voice of local Europe. These members could be elected by region in the same way that councillors are currently elected to multi-member wards.

Operating with two chambers, the European Parliament should identify which legislative proposals have a strong local or regional impact at the outset. The European Parliament can introduce these proposals at committee stage in its Committee of the Regions in Strasbourg. Its reports would then be adopted or amended in the Brussels-based chamber before going through the normal negotiation and conciliation process with the Council of Ministers. This approach would ensure that local government has a direct line into Europe without having to navigate a bureaucratic labyrinth for each legislative proposal.

Finally, in order to give weight and priority to local government issues there could be a single annual joint session of the European Parliament

13 Each region would act like a multi-member constituency in which councillors could choose between competing Council Leaders using the Single Transferable Vote (STV) system, similar to the Alternative Vote used in single-member constituencies.

in Strasbourg making use of the city's two European "*hemicycles*".¹⁴ One debating chamber is in the European Parliament's Louise Weiss building. The other, conveniently, is in the adjacent Palais de L'Europe.

The combined recommendations and changes outlined in this paper would make the EU closer to its citizens, more accountable to its localities and would turn councillors into co-deciders in European lawmaking.

¹⁴ "*Hemicycle*" is the term used for a European-style parliamentary debating chamber similar in layout to council chambers found in English town halls.





The key factor in developing local leadership in Europe is the agency of civic leaders themselves. The councils that take the plunge become ‘Europeanised’ local authorities. They intensify their engagement to define themselves as leaders of European integration.

Local government leadership in Europe is best placed to provide a check against ponderous, heavy handed policies that infringe local interests. At the same time within local government a level of enthusiasm may be found for Europe because it offers recourse to alternative political networks outside the national governmental hierarchy.

Local town hall leaders across Europe could be the engine for European transformation and change. This however requires reform of the Committee of the Regions, the European Parliament and the way they are constituted.