

MSc INTERNATIONAL PUBLIC MANAGEMENT AND POLICY

MASTER THESIS

Having regard to the opinion of the Committee of the Regions?

A Congruence Analysis of Liberal Intergovernmentalism and Multi-Level Governance in the Case of the Negotiations for the Cohesion Policy 2014-2020.

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SUMMARY

The system of the European Union consists of more than one level of decision-making, it includes rather three which can be characterized as supranational, national, and subnational. But who is really in charge, who delivers most of the input? The following thesis has two purposes. First, it wants to analyze the opposing theories of Liberal Intergovernmentalism and Multi-Level Governance to ascertain the role of the nation state in European day-to-day decision-making. Second, it looks at the influence possibilities of an institution which is often rather neglected by media and science, the Committee of the Regions, a central forum of local and regional interests, and hence a symbol of Multi-Level Governance. The results show a growing – yet still underdeveloped – role of the regions in Europe. Nevertheless, the European decision-making process which is still partly based on national preferences also includes to a great extent supranational and subnational preferences. Therefore, Multi-Level Governance can account as a useful model in explaining the conducted case study around the Cohesion Policy 2014-2020 where the nation states are only one voice among others. The results also allow assuming that it is worth looking deeper into Multi-Level in order to explain European processes.

1. INTRODUCTION

“Having regard to the opinion of the Committee of the Regions” is an often-used formulation by the Council and the European Parliament for new legislation concerning the regions, but it remains unclear if this really implies the consideration of the Committee’s stated opinion. The European Union is a system where most of the important issues we face today are handled. However, due to the complicated decision making processes, it is unclear who is really in charge in many cases: Is it the supranational level¹, the national governments, or even other, less well-known actors? The traditional perception of an international organization is that it is considered as “second most important actor” (Fischer, 2012, p. 3) while the most important one is the nation state. This view is highly questionable for the case of the European Union (EU), which can no longer be seen solely as an international organization (Hix & Hoyland, 2011). It is possible that the integration of the EU might lead to changes in regard to the nation state as most important actor.

As a consequence of the European Integration, many scholars would agree that this implies the empowerment of supranational actors. But additionally, it also fosters regional forces (Keating, 1995), a phenomenon which is neglected quite often. It is true that besides supranationalism in form of European integration, another main challenge to the nation state is regionalism (ibid.). Over time, the regional level received attention as “key level of political dialogue and action” (Keating, 1995, p. 3). Not least in the light of the Scottish Referendum in 2014 and the protests for independence in Catalonia, it is important that the regional tendencies and their influence are assessed in European decision-making processes. Overall, Europe gave new opportunities to the regions to raise their voices and weaken national dominance over regional minorities and hence allows regional movements to become stronger (Keating, 1995). However, the influence of regional actors through the Committee of the Regions (CoR) as European advisory institution in the existing literature is mostly out-dated. Many studies have been conducted more than ten years ago while the CoR was still in its infancy and not the actor it is today.

In general, there are two theories in the literature about European integration which are divided over the fundamental question whether the nation states or other players are the most important actors in the European decision-making process. There is first the intergovernmental view which implies “that EU politics is dominated by the member state governments” (Hix & Hoyland, 2011, p. 16); and second the supranational view which is

¹ The supranational level implies actors which are meant to represent European interests or the interests of European citizens, hence, the European Commission and the European Parliament. The Council – although a supranational construct as well – represents solely national interests, and the Committee of the Regions can be characterized as representative of subnational interests rather than a supranational institution.

based on the perception “that the governments of the member states do not have it all their way in the EU” (ibid., p. 17).

While taking those opposing views as starting point, the thesis includes a detailed congruence analysis focusing on the theories of Liberal Intergovernmentalism and Multi-Level Governance. Still, the classical divide of European integration theories is between Neo-Functionalism and Liberal Intergovernmentalism (Jordan, 1997). But Neo-Functionalism is confronted with various problems, such as it “became subjected to various lines of criticism” (Pinder, 1985, p. 43). Especially problematic is the concept of automatic spill-over (Pinder, 1985; Rosamond, 2005) which is not able to cope with empirical testing (Moravcsik, 1993). Moreover, Moravcsik (1993) criticizes that Neo-Functionalism neglects the preferences and structures of important societal actors. Thus, many scholars have come to the conclusion that Neo-Functionalism “offered an unsatisfactory account of European integration” (Moravcsik, 1993, p. 475). On the other hand, George (2004) argues that Multi-Level Governance has basically replaced Neo-Functionalism anyway. It is seen as well as being more dynamic and more applicable to European day-to-day politics. Therefore, Multi-Level Governance was chosen over the theory of Neo-Functionalism, because it also captures the rise of regional interests which is regarded as a growing factor².

Taking all of this into account, the aim of the study is twofold. First, it wants to answer the question which theory is more applicable in European day-to-day decision-making, Liberal Intergovernmentalism or Multi-Level Governance. Second, special attention will be paid to the recent developments in terms of regional power. The special focus on regional interests is covered by doing various interviews with representatives and employees of the Committee of the Regions, assessing their possibilities to influence legislation, the relationship with supranational institutions and their perception of the gate-keeping role of national governments. Moreover, as the analysis wants to focus on a recent case with the involvement of regional actors, the field of analysis which has been chosen is the EU Cohesion Policy 2014-2020. It is an interesting case due to the fact that over the years Cohesion Policy has become one of the largest components of the EU budget (Farole et al., 2011; Bachtler & Wren, 2006). It is meant to reduce “disparities in economic outcome and opportunity among European regions” (Farole et al., 2011, p. 1090), and is thus one of the key policies in the EU (Farole et al., 2011) and a key policy of the regions. In most cases, the regions are responsible for implementing the policies and receive considerable amounts of money, so they should have strong interests to shape it. The development of Cohesion Policy is most likely able to show the growing importance of regional actors in the EU.

² A more detailed insight in the development of Multi-Level Governance out of Neo-Functionalism serves as additional argumentation and can be found in chapter 2.

Furthermore, “the struggle over this issue became an important barometer for measuring the relative strengths of national, supranational, and sub-national actors” (Bache, 2015, p. 246).

Additional to this, the “logic, nature, and implementation of European regional policy, or more precisely EU Cohesion policy, have undergone fundamental changes during the last few years” (McCann & Ortega-Argilés, 2013, p. 425)³. Therefore, it constitutes a highly interesting area of research, where recent changes have taken place and where the changes through the Lisbon Treaty are considered as well. What is more, there is an on-going debate in the field of Cohesion Policy, “whether sub-national authorities were willing and capable of contributing to the policy-making process without the supervision of the central national governments” (Piattoni, 2009, p. 166). The following analysis will try to seek an answer to this question.

1.1.CENTRAL RESEARCH QUESTION AND SUB QUESTIONS

While it is assumed that the regional influence and supranationalism have grown in the process of European integration and in particular in the field of Cohesion Policy, it can be assumed that the national interests are strong as well. In order to assess whether Liberal Intergovernmentalism or Multi-Level Governance are more suitable theories to explain Cohesion Policy, the central research question will be:

Does the theory of Multi-Level Governance explain the negotiations and the outcome of the Cohesion Policy 2014-2020 better than the theory of Liberal Intergovernmentalism?

Furthermore, sub questions have been formulated in order to be more precise and to relate the introduction of this study closer to the theoretical framework that will be used. Although the study will test predictions, these additional questions allow for a clearer focus of the research in general. They include ideas from Multi-Level Governance and Liberal Intergovernmentalism alike. The following sub-questions are:

What are the intentions and preferences of the EU institutions in the process of the Cohesion Policy 2014-2020?

How developed is the communication between the Committee of the Regions and the European Commission?

What are the informal and formal strategies by sub-national and supranational actors to influence the decision-making process?

Are the nation states effective gate-keepers of sub-national influence?

³ One reason for this is that additional to international disparities, the regions within respective countries also became more unequal (Farole et al., 2011).

1.2.RELEVANCE

The central research question and the sub questions try to provide answers which are crucial, both in theory and in social reality.

From a **theoretical point of view**, the search for a framework of analysis to explain the processes on the EU level is of great importance. Lots of scholars today share the view that the classical integration theories – Neo-Functionalism and Liberal Intergovernmentalism – do not hold to explain recent developments. Furthermore, it is questionable if one single theory can explain all processes in the EU (Bache, 1998). The concept of Multi-Level Governance may allow for new insights in the policy process, but whether it is really suitable for analyzing the political system of the EU remains unclear. Some authors strongly criticize assumptions and theoretical value (e.g. Jordan, 2001). A detailed case study which is based on this concept might answer the question if it is a conceptual scheme – as it has been claimed by many scholars – or a new theory of European integration that has the power to explain relevant phenomena in the EU, such as the power shift from national sovereignty to other actors (Marks et al., 1996).

From a **social or political point of view**, the influence of the regions and the power of supranational actors should be a great concern. Multi-Level Governance is not only a theory but also a concept which is meant to bring Europe closer to the citizens by going back to the roots of democracy (European Commission, 2001). However, studies show that the possibility of regions to influence European decision-making remains unclear to the citizens. For instance, only 25-33% of European citizens even know of the existence of the CoR while an increasing trend over time is absent⁴. The Commission on the other hand lost the trust of the people in recent years, the numbers fall from 53% to 38% while the distrust grows from 25% to 42%⁵. In the rhetoric of EU institutions, the role of Multi-Level Governance and the involvement of regional actors in the European decision-making process is stressed more and more over the last years, also in order to defeat the democratic concerns and trust problems of the European citizens. Whether there is a functioning Multi-Level system in place is worth taking a closer look.

From a more **personal point of view**, the growing importance of Cohesion Policy seems to me contradicting at first sight. While Europe evolves to a stronger union, the regions try to find a place here. Local and regional authorities are often neglected, but they are one of the pillars that connect the citizens to Europe. Some regional identities seem to become

⁴ Eurobarometer (1999-2010). Retrieved from http://ec.europa.eu/public_opinion/cf/showchart_line.cfm?keyID=34&nationID=16,&startdate=1999.04&enddate=2010.06.

⁵ Eurobarometer (1993-2014). Retrieved from http://ec.europa.eu/public_opinion/cf/showchart_line.cfm?keyID=54&nationID=16,&startdate=1993.04&enddate=2014.11.

stronger, not weaker in the process of Europeanization. Thus, I think that the role of regional actors and the concept of Multi-Level Governance in the European processes deserve closer attention.

2. THEORETICAL FRAMEWORK

In the following, the theories of Multi-Level Governance and Liberal Intergovernmentalism will be explained in more detail as opposing theories in the European decision-making process. Subsequently, predictions will be developed out of those theories in order to conduct a congruence analysis. The testing of the developed predictions will be the core of the thesis⁶.

The reason why those two theories have been chosen is that the usual approach to analyze Cohesion Policy is Multi-Level Governance (e.g. Blom-Hansen, 2005; Piattoni, 2009; Bache, 2015). But some authors think that other theories allow for better insights and explanations. Among them are the principle agent approach (e.g. Blom-Hansen, 2005), but most often, the intergovernmental perspective (e.g. Pollack, 1995). One reason is that Multi-Level Governance can be criticized in many aspects as well. For instance, it fails to explain why national actors should suffer from a loss of power in regard to actors from other levels (Blom-Hansen, 2005). Hence, others point out that an intergovernmental perspective is necessary to explain Cohesion Policy (Pollack, 1995).

2.1. LIBERAL INTERGOVERNMENTALISM

2.1.1. *THE ORIGINS*

The debate about European integration theories has taken place for long between Neo Functionalists and Intergovernmentalists (Pollack, 2001). Today, while severely criticized by some, Liberal Intergovernmentalism is often seen as “the most prominent and promising rationalist account of the major turning points in the history of European integration” (Schimmelfennig, 2001, p. 47).

Generally, the roots of the intergovernmental thinking lie in the school of thought of realism (Marks et al., 1996)⁷. There are various approaches that cover an intergovernmental perspective, although Liberal Intergovernmentalism is the most well-known. What they have in common is that all intergovernmental perspectives imply the gate-keeping role of national governments (Pollack, 2001). The approach of Liberal Intergovernmentalism was shaped by Andrew Moravcsik and is a further development of his intergovernmental institutionalism, adding theories of national preference formation to the existing framework of international bargaining (Moravcsik, 1993). Moravcsik (1995) claims “that LI remains the indispensable and fundamental point of departure for any general explanation of regional integration” (p. 611).

⁶ For a detailed literature review of regionalism and Cohesion Policy, see Annex 1. The literature review has been conducive in deciding which theories should be used in this policy field, and why the regional actors deserve closer attention.

⁷ See also Forster (1998): “Its origins and core concepts were essentially neorealist with an interdependence corrective“ (p. 349).

2.1.2. *THE THEORY*

According to Moravcsik (1993), “the EC [European Community] has developed through a series of celebrated intergovernmental bargains, each of which set the agenda for an intervening period of consolidation“ (p. 473). Therefore, to reconstruct European integration it is necessary to look at those bargains and moreover at national preferences and strategic interactions between different governments (Moravcsik, 1993; 1995). Liberal Intergovernmentalism places the national government at the centre of decision-making in the European Union and can consequently be characterized as being state-centric (Hooghe & Marks, 2001a). Accordingly, European integration takes place due to the interests of nation states (Forster, 1998).

2.1.2.1. **Rationality**

The basic assumption of Liberal Intergovernmentalism is that national governments act rational, only “constrained at home by domestic social pressures and abroad by their strategic environment” (Moravcsik, 1993, p. 474), with a clear focus on international forces (Forster, 1998). Rational behavior implies costs and benefits calculations and as a deduction the building of preferences which are pursued at any time (Moravcsik, 1993). These preferences are built on national level and therefore, it is necessary to look at the domestic arena to understand the actions on international level (Moravcsik, 1993, 1995). To be more precise, national preferences are formed through groups, individuals, and associations that root in the civil society, politicians are hence the voice of those interests (Moravcsik, 1993)⁸.

Moravcsik does not deny that unintended consequences and wrong calculations may take place in European integration, although they do not change the fact that integration is based on national decisions (Moravcsik, 1995) and are to the most possible degree rational (Schieder, 2003).

2.1.2.2. **Role of supranational actors**

On the other hand, there is nevertheless pooling and delegating of sovereignty from the member state governments to supranational institutions (Moravcsik, 1993; 1995) which is risky for them, but also allows for more efficiency, cost savings, enforcement and potential gains (Moravcsik, 1993). Supranational institutions are used by the member states to solve problems that can be characterized as “second-order” (Schieder, 2003, p. 185) and do not touch a country’s sovereignty. What is more, the EU institutions also help governments to overcome opposition from their home country (Moravcsik, 1993). However, national governments decide which power they delegate and which rules they want to comply with

⁸ This view is inherently in all liberal perspectives: The actions of a state are determined by societal structures and interests. However, this also applies to a certain degree to neo-functionalist perspectives (Schieder, 2003).

(Moravcsik, 1993) and accordingly stay in control over autonomy and sovereignty (Hooghe & Marks, 2001a).

Supranational institutions “have limited power to achieve state-oriented collective goods” (Marks et al., 1996, p. 345) and are not a challenge to the nation states (Hooghe & Marks, 2001a)⁹. As a deduction, the evolution of new solidarities and the decline of national authority never happen. The role of supranational institutions is always subordinated (Schieder, 2003). The ability of supranational actors to help national governments to cooperate does not make them powerful (ibid.).

Political institution-building and cooperation is nevertheless difficult to explain because in this area, ideology and symbolism play an important part; the fact that costs and benefits are diffuse and not easy to measure from domestic interests groups is one reason why political integration is possible (Moravcsik, 1993): “The more general and less predictable the decisions on the relative power of institutions, the larger the space for leading politicians and partisan elites to act on the basis of ideological predilections” (Moravcsik, 1993, p. 495). But overall, Moravcsik thinks that Liberal Intergovernmentalism does not only explain outcomes of negotiations, but also why there is sometimes a variation in the outcomes that vary between intergovernmentalism and supranationalism (Moravcsik, 1995).

2.1.2.3. Intergovernmental negotiations

The EU is designed to handle economic relations and dependencies through policy coordination which is negotiated (Moravcsik, 1993). The incentive to coordinate policies arises with economic interdependence due to the fact that coordination can be beneficiary, both for public and for private goods. It also allows for national control over outcomes, high levels of cooperation and cost savings in regard to negotiations which is why supranational institutions are tolerated by national governments (ibid.). But to be more precise, the direction of the policy and integration process is controlled by national governments at any time following Liberal Intergovernmentalism (Hooghe & Marks, 2001a).

Negotiations on the other hand are a “two-stage model with a demand side and a supply side” (Wincott, 1995, p. 598). First, the demand side is formed on the domestic level, assuming that policy coordination on international level is a benefit. Second, the supply side determines the possibilities of influence on EU level in regard of the preferences of respective governments. This possibility is linked to the availability of issue linkages, possible coalitions and the intensity of the preferences. Both sides together describe the behavior of states in the international setting and in particular, the outcome of negotiations (Moravcsik, 1993). “Only where policies of two or more governments create negative policy externalities

⁹ “The influence of supranational actors is generally marginal, limited to situations where they have strong domestic allies” (Moravcsik, 1995, p. 612)

for one another, and unilateral adjustment strategies are ineffective, inadequate or expensive, does economic interdependence create an unambiguous incentive to co-ordinate policy”¹⁰ (Moravcsik, 1993, p. 487).

Intergovernmental bargaining reconciles conflicts over different interests, factors that may determine the outcome are various, including for instance coalition forming, availability of information, the institutional setting, the intensity of communication, side-payments, negotiation skills, reputation, etc. (Moravcsik, 1993). A high level of cooperation is only likely if national preferences of the different states are in line. However, if national preferences are in conflict with each other, the situation becomes a zero-sum game, where low cooperation is the outcome. There is more space for bargains if states have complementary interests (Schieder, 2003).

In the European setting, the bargaining situation in important decisions is based on non-coercive means, comprehensive information, low transaction costs and unanimity, but what still matters is the relative power of a country (Moravcsik, 1993). “EC [European Community] negotiations can be viewed as a co-operative game in which the level of co-operation reflects patterns in the preferences of national governments” (Moravcsik, 1993, p. 499). Non-agreement or alternative coalition forming are credible threats, side-payments or issue-linkages are other solutions (Moravcsik, 1993). If governments loose from the cooperation, and this is also perceived by domestic pressure groups, it is likely that the government opposes further integration in this regard (ibid.). The outcome of negotiations is always the “lowest common denominator” of state interests (Moravcsik, 1993, p. 501).

2.1.3. APPLICABILITY TO COHESION POLICY

In regard to structural funding, societal interests are not highly constraining, because the implications are not easy to calculate which means that “governments and parliamentary elites enjoy relatively broad autonomy to pursue symbolic goals or side payments” (Moravcsik, 1993, p. 495). Because of the minor significance of this policy field, the payments here can be seen as an “exchange for other policies” (ibid., p. 496).

As for subnational actors in general, they are dependent of the gate-keeping function of national governments from the viewpoint of Liberal Intergovernmentalism. This also implies that they can only mobilize themselves if they are allowed to which applies to other social groups in the society as well (Piattoni, 2009). Due to the concept of domestic pressure groups who stay on the national level to influence policies (George, 2004), subnational governments should also stay on national level. Subsequently, they should not constitute relevant influence on European level.

¹⁰ Negative policy externalities are “domestic problems that cannot be resolved through domestic regulation, because of interference from policies pursued by foreign governments” (Moravcsik, 1993, p. 492).

2.1.4. CRITIQUE ON LIBERAL INTERGOVERNMENTALISM

The intention of Liberal Intergovernmentalism is to “present [...] a theoretically based critique of neofunctional theory and attempts to integrate analysis of the EC [European Community] into general perspectives on politics and international political economy” (Wincott, 1995, p. 598). Moravcsik claims that the theory is able to depict European integration from a rather general point of view (Moravcsik, 1995). But although Liberal Intergovernmentalism can be regarded as main theory in the field of European integration, it is indeed possible that it “fails to capture the complexities of the relationships involved in a dynamic policy process” (Bache, 1998). Liberal Intergovernmentalism as classical integration theory may not be convenient to analyze day-to-day politics (Schieder, 2003).

While the theory is even valued by some critics for the emphasis of domestic preferences and limitations for supranational institutions (e.g. Forster, 1998), there is still a lot of criticism. First, it is criticized for neglecting the important role of supranational institutions which are an essential part of European integration. From an intergovernmental point of view, supranational institutions serve only as implementation tool of bargains between national governments. What is more, the relationship and communication between institutions on EU level is ignored completely (Wincott, 1995). Supranational networks should be taken into account as well as irrationality and imperfect information (ibid.). Moreover, the embeddedness of civil society and national governments is too simplistic, the conception of the state is restricted (ibid.). “Moravcsik initially seemed to that, in principle, states could not gain autonomy from society; later this position is contradicted” (Wincott, 1995, p. 601).

Second, in detailed case studies, the value of Liberal Intergovernmentalism as theory with explanatory power is seriously questioned. It is stated that the predictions are not able to explain outcomes of negotiations (e.g. Forster, 1998, Fairbrass & Jordan, 2004)¹¹. The weakness of the Liberal Intergovernmentalism theory is mainly located in its inability to address important political and institutional decisions. It also neglects the individual setting of every new Treaty negotiation (Forster, 1998). “In the final analysis, LI is thus perhaps best regarded less as a theory of intergovernmental bargaining, than as pre-theory or analytical framework. It provides some very useful insights but, as empirical testing proves, it must be supplemented by other models in order to explain fully how and why a government chooses among various outcomes” (Forster, 1998, p. 365). This view is shared by Wincott (1995) who also rejects Liberal Intergovernmentalism to be a theory rather than an approach.

¹¹ “LI is not a general theory of the European Union, nor even a satisfactory theory of specific secondary decisions” (Fairbrass & Jordan, 2004, p. 164).

2.1.5. DEVELOPING PREDICTIONS

In line with the first three subsections which account for three main parts of the Liberal Intergovernmentalism theory, several predictions are developed¹². The first subsection – rationality – is implied in the two developed predictions.

- The first prediction accounts for the weak role that supranational actors have in relation to national governments: **Supranational institutions are only able to facilitate cooperation, but are not able to develop and enforce own preferences. Thus, the outcome of negotiations can only be explained by national preferences.**
- The second prediction is based on the intergovernmental bargaining situation which is according to Liberal Intergovernmentalism present at all times: **The outcome of European negotiations is the lowest possible denominator of national preferences.** Hence, the more conflictual the bargaining situation between national governments, the lower is the outcome in this policy field.

In the development of his theory, Moravcsik takes into account that there are different areas of policy making and he also states that there might be differences between those areas. He points out the constraints in relation to structural policy which is only a minor policy field and can hence be a bargaining chip for other negotiations¹³.

2.2. MULTI-LEVEL GOVERNANCE

2.2.1. THE ORIGINS

For a long time, there has been an academic conflict over the validity of intergovernmental versus supranational theories in regard to European Integration. Like stated in the introduction, the traditional debate takes place between theorists like Hoffmann (1964) who argued for an intergovernmental perspective and on the other hand, Haas (1958) and Lindberg (1963) who were in favor of a supranational perspective (Bache & Flinders, 2004). This supranational perspective is mainly known as Neo-Functionalism. Both approaches are derived from theories of International Relations (ibid.).

¹² This was done with the awareness that several other authors developed predictions from this theory before. One example are Marks et al. (1996) who stated that in order to examine if Liberal Intergovernmentalism is a valid model, it would be necessary to assess the dominance of state executives over outcomes. First, European institutions that represent national interests should dominate their preferences over the other European institutions which are the sole agents of the former institutions. Second, sovereignty of nation states is preserved and not transferred to EU institutions or other governments. At last, the influence of subnational actors in the EU is controlled by national governments (Marks et al., 1996).

¹³ However, this distinction of policy fields is not fully developed and justified. Moreover, Moravcsik claims that his theory has general applicability (Moravcsik, 1995). And third, structural policy has been changed over time, has become more important and more expensive. Due to practical reasons, the restrictions of the theory will be neglected to a certain degree, and the assumption of general applicability will be taken as basis.

As ancestor of Multi-Level Governance, the development of Neo-Functionalism to more governance-oriented approaches will be discussed in more detail. The central idea of Neo-Functionalism in the late 1950s and early 1960s was that European integration was deepened in order to achieve desired economic results (Lindberg, 1963). However, economic integration had also a political component and hence, it is necessary to look at political consequences (ibid.): "Political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states" (Haas, 1958, p. 16).

Thus, the main difference from the intergovernmental, state-centric approach was that the national governments could no longer be gatekeepers of European integration, but are a part in an arising network of supranational and private interests (Bache & Flinders, 2004). Important factors here are elite activation and pluralist ideas (Lindberg, 1963) which give interest groups a central role in European integration (George, 2004). The crucial part in this theory – which was later criticized – is the concept of "spill-over" in the political process (Haas, 1958; Lindberg, 1963). "Spill-over" can be defined as "situation in which the original goal can be assured only by taking further actions, which in turn create a further condition and a need for more action, and so forth" (Lindberg, 1963, p. 10). This concept can be applied for the spill-over of policy fields, but also implies the shift of competences from national governments to supranational institutions (Lindberg, 1963); it also involves the alliances of different departments with supranational institutions which deprives the national governments of their powers as well (George, 2004). Moreover, the integration process is out of hands of central governments who may do not want to further integrate, but are stimulated by other governments or the supranational institutions (Lindberg, 1963).

The main problem of the Neo Functionalist perspective was the expectation of an automatic integration which could not be proofed (Moravcsik, 1993). Still, it was claimed that for a long time that Neo-Functionalism "remains the most comprehensive and sophisticated attempt to provide a general theory of European integration" (Moravcsik, 1993, p. 474). This might be reason why Neo-Functionalism has many descendents. One part of the Neo Functionalist theory was further developed by Sweet and Sandholtz (1997). This particular part focused on the importance of supranational institutions and interest groups in the integration process (George, 2004). In clear contrast to Liberal Intergovernmentalism, the theory "expect[s] that integration produces new political arenas; that the politics in these arenas will qualitatively differ from purely intergovernmental politics; and that this difference will have an impact downstream, on subsequent policy processes and outcomes" (Sweet & Sandholtz, 1997, p. 314). The Commission is an especially crucial actor that shapes outcomes in their own

interest and the interest of the European society (Sweet & Sandholtz, 1997). This strand of theory tries to build on the classical integration theory.

On the other hand, there was an overall significant shift to governance theories, which also reflects the criticism that Neo-Functionalism is more of a classical integration theory, but cannot explain all policy processes (Jachtenfuchs & Kohler-Koch, 2004). Governance approaches have the following advantages: “First, a governance perspective is able to link policy-making and institution-building. Second, it re-introduces the competition for political power into the analysis. Third, it allows to discuss normative issues of a good political order for the EU without losing contact to empirical research on how political life in the EU actually functions” (Jachtenfuchs & Kohler-Koch, 2004, p. 97). In the 1980s, although a revival of integration theories took place at the time of the launch of the Single European Act, the narrow focus of the study of polity was called more and more into question and a rise of governance theories occurred (Jachtenfuchs, 2001).

In relation to this, a new approach has been developed by Liesbet Hooghe and Gary Marks in the 1990s. This approach was named Multi-Level Governance and gave a new impulse in the dominating conflict between supranationalists and intergovernmentalists¹⁴. It seeks to answer questions that both theories cannot explain (Piattoni, 2009). Multi-Level Governance has the advantage to be more dynamic and to take all three different levels of governance into account which might lead to the result that “some core dynamics of the European integration process can be better captured” (Litzo-Monnet, 2010, p. 1). Thus, Multi-Level Governance might be able to “shed light on formerly under-examined aspects of EU policymaking processes” (ibid., p. 2). According to George (2004), “[t]he relationship of multi-level governance to the ‘intergovernmental/ supranational dichotomy’, then, is that multilevel governance has effectively taken the place of neofunctionalism as the alternative theory to intergovernmentalism” (p. 112).

Initially, the reforms of structural policy gave path to Multi-Level Governance (Bache & Flinders, 2004). Hence, its roots lie in the description of structural policy, although today it has spread to all policy fields (George, 2004)¹⁵. Multi-Level Governance comes from the set of neo functionalist theories, it “actually marks a revival of one part of the theory” (George, 2004, p. 111), namely the coalition forming of supranational and subnational actors (ibid.). However, Neo-Functionalist and Multi-Level Governance theories cannot be separated, because they share the core of understanding that supranational actors have an important

¹⁴ It also was a solution for many critical voices that think that both the classical theories of intergovernmentalism and supranationalism “suffer from the same inability to capture how interactions between subnational, state-level and supranational actors interplay in those processes” (Litzo-Monnet, 2010, p. 2).

¹⁵ In the words of Bache (2015): “Academic analysis of cohesion policy has generated insights that have framed wider debates about the nature of the EU as a whole, most notably through the concept of multi-level governance” (Bache, 2015, p. 243).

role (ibid.). Therefore, Liberal Intergovernmentalism is still “its [Multi-Level-Governance] main theoretical rival” (Fairbrass & Jordan, 2004, p. 149). The difference is that Neo-Functionalism seeks to explain European integration, while Multi-Level Governance tries to capture the picture of the EU as political system (Bache & Flinders, 2004).

While some criticize that Multi-Level Governance is only another form of Neo-Functionalism, others make clear that “the suggested reduction of MLG to neo-functionalism must be rejected as it fails to capture the innovative attention devoted by MLG to the capacity of real-life (institutional and non-institutional) actors to travel across levels that still formally remain in place, thus linking otherwise disconnected governmental levels but also challenging formally existing hierarchies” (Piattoni, 2009, p. 168). Multi-Level Governance is confronted with “growing popularity” (Jordan, 2001, p. 196), while this tendency might even be an expression of a shift from sovereign government to EU governance in general (Jordan, 2001). What makes this approach interesting in a comparison is that it clearly contradicts the core assumptions of Liberal Intergovernmentalism: state-centricity, sovereignty of member states, the lowest common denominator in intergovernmental bargaining, and the powerlessness of supranational actors (Marks et al., 1996).

2.2.2. THE THEORY

Multi-Level Governance is promoted as system that is able to cope with the current challenge in EU decision-making which is mainly an increasing numbers of actors and arenas that otherwise could impact the effectiveness of the EU to a great extent (Benz & Eberlein, 1999). European integration is not longer only decided by national governments, but rather through a number of different independent institutions (Jachtenfuchs & Kohler-Koch, 2004). In the end, member states are forced to orientate their behavior on the political decisions on EU level (ibid.). The roots of Multi-Level Governance are “that governance in the EU is neither exclusively state-centric nor supranational” (Jordan, 2001, p. 199).

2.2.2.1. Importance of supranational, subnational, and non-state actors

The main point of Multi-Level Governance addresses the role of national governments and the role of supranational and subnational actors. According to Hooghe and Marks (2001a), “European integration is a polity-process in which authority and policy-making influence are shared across multiple levels of government – subnational, national, and supranational” (p. 2). This implies a shift of power from national governments to other levels. However, it does not imply that national governments are not important actors (Hooghe & Marks, 2001a). The importance of national governments is not denied, however, they are not the only decisive actors and competences are shared by various actors (Marks et al., 1996). The reasons for this phenomenon are various and address the will of national actors to give power to

supranational institutions, either because it brings benefits or “because they are powerless from stop it from happening” (George, 2004, p. 113; Hooghe & Marks, 2001b).

While states may still be able to control negotiations in regard to the scope of European integration, a lot of other decisions are out of control of national governments and may also lead to potential losses of power (Marks et al., 1996)¹⁶. Furthermore, even the power in treaty negotiations shifted due to the fact that the tendency of simple technocratic processes evolved to politicized goals, party interests, parliamentary control and the involvement of the public through referendums (ibid.).

Supranational institutions cannot be seen as sole agents of member states, due to some simple facts. First, it is really hard for multiple conflicting principals to control an agent completely or even to set a concrete agenda how the principal should behave. Second, due to veto power in intergovernmental bargains, power that a supranational agent received is unlikely to be withdrawn. Third, neither the principals nor the agents have full information, which can be tactically used, especially by the agents. Fourth, mutual distrust of member states leads to concrete and detailed regulation that is proposed by the Commission. At last, unintended consequences may lead to institutional empowerment that was not intended in the first place (Marks et al., 1996). Therefore, according to principal agent theory, supranational cannot be seen as pure agents of the national governments (Hooghe & Marks, 2001a).

This is also true for subnational governments (Hooghe & Marks, 2001a). It is important to keep in mind that “political arenas are interconnected rather than nested” (Marks et al., 1996, p. 346). Accordingly, subnational actors can independently operate on supranational level while national governments cannot control the points of intersection between those two levels (Marks et al., 1996). What is more, direct connections between actors on different levels are more and more formed (Marks et al., 1996). Therefore, both subnational governments and non-governmental actors are able to take part in the European arena without permission of national governments (Piattoni, 2009). Subnational actors are involved formally as well as informally (ibid.). “Far from functioning as vigilant keepers of the territorial gates, national governments were apparently unaware that the fences were being torn down” (Piattoni, 2009, p. 166).

2.2.2.2. Loss of Sovereignty

Overall, the loss of sovereignty is an important point. Multi-Level Governance claims that “sovereignty of individual states is diluted in the European arena by collective decision-making and by supranational institutions” (Marks et al., 1996, p. 341). Furthermore, nation

¹⁶ National governments are especially powerful in the process of treaty negotiations, “but they are far less dominant in most areas of day-to-day policy-making” (Marks et al., 1996, p. 352).

states do no longer control interest representation on domestic level (Marks et al., 1996). The underlying development is the increasing number of regulations and directives on European level which constrain the autonomy of the nation states (ibid.). Overall, sovereignty is challenged through various developments. First, the nation states may have to delegate powers to subnational levels which make those levels stronger. Second, states need to join international cooperations which are increasingly powerful and structured and might deprive them of their power. Third, the power in a state shifts more and more to private and public interest groups (Piattoni, 2009).

One reason for the dilution of sovereignty concern the fact that following Multi-Level Governance institutions consist of “real life individuals” (Piattoni, 2009, p. 165). Even if the preservation of sovereignty would be the most important point on the agenda, it would be hard to realize due to rules of qualified majority, inability to control supranational agents, the empowerment of the European Parliament, dependencies in decision-making and overlapping competencies (Marks et al., 1996). However, it is not: “When we disaggregate the state into the actors that shape its diverse institutions, it is clear that key decision-makers, above all those directing the state-executive, may have goals that do not coincide with that of projecting state sovereignty into the future” (Marks et al., 1996, p. 371). There are various reasons why national governments would allow supranational institutions to dilute their sovereignty: First, it is beneficial which means that transaction costs are lowered and policies can be produced with more efficiency. In this point of view, sovereignty is an important goal, but achieving policy gains and reward domestic constituencies is also important to political leaders (Marks et al., 1996). Second, it allows national governments to avoid responsibilities by shifting power to Brussels. This may allow them to stay in control after they had to leave office (ibid.).

Evidence can be derived from the fact that qualified majority voting is now the most prominent procedure in the Council of the European Union. Qualified majority voting as decision-making rule implies that governments lose individual control over important decisions. Unanimity is undermined (Hooghe & Marks, 2001a). Moreover, collective control of governments is also affected. This is due to the fact that governments are not able to specify everything in the treaties what then again enables supranational actors to become more powerful as intended, e.g. the European Parliament (ibid.). The Court of Justice is also an important example for the strength of European institutions (Marks et al., 1996). Furthermore, the Commission has formal agenda setting power, although this power is in reality shared with other institutions, the influence goes merely beyond those formal power, “partly because of its unique political and administrative resources” (Marks et al., 1996, p. 357).

2.2.3. APPLICABILITY TO COHESION POLICY

It needs to be stated that Multi-Level Governance is most influential and prominent in the implementation of legislation which is shared over supranational, national, and subnational institutions (Marks et al., 1996) which applied to Cohesion Policy. Furthermore, subnational actors are involved especially strong in this policy field (Piattoni, 2009). To further evaluate Cohesion Policy, it is true that intergovernmental bargains might explain the reform in 1988 (Bache, 2015), but the following developments might not be captured with that model. While the Commission was able to establish more supranationalism in this policy field in the following years, there was nevertheless a struggle over competencies and power between different levels (Bache, 2015). Additionally, regional and local authorities started to communicate with supranational actors, and learnt to operate outside the control of national governments, first only at the implementation stage, later, also at other stages of the policy process (Jordan, 2001). Subsequently, Multi-Level Governance is easily applicable to Cohesion Policy but this does not eliminate the possibility that national governments are still the most important actors (e.g. Bache, 2015).

2.2.4. CRITIQUE ON MULTI-LEVEL GOVERNANCE

While some value the concept of Multi-Level Governance, there are also more critical voices. The most widespread criticisms is probably that the theory of Multi-Level Governance is not a theory, but more a conceptual scheme to analyze day-to-day politics, but fails to explain the whole integration process. “MLG theory building proved to be a much harder task, to which other scholars also contributed, and which is not yet completed” (Piattoni, 2009, p. 165). Furthermore, it cannot be seen as a new theory, but more a mix of already existing theories (Jordan, 2001; Fairbrass & Jordan, 2004). In order to count as a theory, explanatory power and testable hypothesis must be a precondition. Unfortunately, some scholars think that Multi-Level Governance lacks both testable hypothesis and an explanation of overall European integration (Jordan, 2001).

A second line of criticism concerns the power of supranational and subnational actors, in particular the latter. According to Jordan (2001), independence and influence of subnational governments is overstated. Only because subnational actors are mobilized, this cannot be equaled with influence¹⁷ (Jordan, 2001). What is more, it is highly problematic that it equals subnational governments and voluntary, civil society groups (Piattoni, 2009). Subnational actors consist first, not only of governments but rather many different pressure groups, and are second, not necessarily able to shape outcomes only because they can operate freely in the European arena (Jordan, 2001). National governments are still seen by some as the gate-keepers (Fairbrass & Jordan, 2004).

¹⁷ “In other words, mobilisation and influence are not necessarily synonymous” (Jordan, 2001).

Furthermore, Multi-Level Governance today can be called a “catch-all phrase” (Piattoni, 2009) and “it remains unclear whether multi-level governance is a general feature of the EU or a phenomenon confined to particular sectors and/or levels” (Jordan, 2001, p. 193). Subsequently, it can be overall criticized for empirical and theoretical reasons (Jordan, 2001).

2.2.5. *DEVELOPING PREDICTIONS*

The validity of Multi-Level Governance can be assessed with an analysis of the actors that are mobilized on European level: “If, however, the multi-level governance is valid, we should find, first, that the European Council and Council of Ministers share decisional authority with supranational institutions; second, that individual state executives cannot deliver the outcomes they wish through collective state executive decision; and, finally, that subnational interests mobilize directly in the European arena or use the EU as a public space to pressure state executives into particular actions” (Marks et al., 1996, p. 356). It is important in this regard that Multi-Level Governance is able to give logic explanations for the shift of power, from an overall political “real life” perspective, and from the perspective of national governments (e.g. Marks et al., 1996; George, 2004, p. 113; Hooghe & Marks, 2001b).

- The first prediction in regard to Multi-Level Governance addresses the fact that subnational and supranational act outside the control of national governments. It can be assumed: **Subnational governments and supranational institutions shape outcomes through direct negotiations, while neglecting national preferences.** Hence, it can indeed happen that the outcomes of these negotiations are *against* the opinion of the national governments.
- A second prediction accounts for the reason why a shift of sovereignty and power is possible: **European decision-making is shaped by preferences from actors others than national preferences. What is more, the subnational actors have a substantial influence.** The underlying idea is that for national governments the preservation of sovereignty is not the highest goal in European negotiations and hence, there is a growing influence of subnational actors.

Due to the fact the Multi-Level-Governance has been developed in the field of Cohesion Policy, the applicability of these predictions to the policy field should not cause major problems.

3. RESEARCH DESIGN

3.1. CASE STUDY

First of all, the analysis will be based on the research design of a case study. A case study in general can be defined as “the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events” (George & Bennett, 2005, p. 5). There are various typologies available if the researcher decides to do a case study, they can for instance be “idiographic (inductive and theory-guided), hypothesis-generating, hypothesis-testing, and plausibility probe case studies” (Levy, 2008, p. 1). What is more, different research designs can be used and combined (Levy, 2008).

In every case study, the theoretical foundation is of utmost importance in order to inquire empirical events with care and the necessary analytical focus (Levy, 2008). Political science in general became more theory-oriented over time, and this is reflected also in the design of case studies. Although all designs involve a certain amount of theory, the most theory-oriented type addresses the *theory-guided case studies* that “are explicitly structured by a well-developed conceptual framework that focuses attention on some theoretically specified aspects of reality and neglect others” (Levy, 2008, p. 4).

There are various designs that are possible if the point of departure is a case study which is theory-oriented. Those are the co-variational analysis, the causal process-tracing approach, and the congruence analysis (Blatter & Haverland, 2012). The co-variational analysis “has strong affinities to a distinctive research goal, namely to determine whether a certain factor has an effect” (Blatter & Haverland, 2012, p. 33). It is especially useful if the researcher looks for the influence of one specific factor. Thus, different cases are compared with the aim to expose the relevant factors on a certain phenomenon, namely the dependent variable (Blatter & Haverland, 2012). For the causal process-tracing approach, it is best suitable for individual cases or the comparison of few cases, including the possibility to examine critical junctures and deviant cases (Levy, 2008). However, due to the fact that the research looks at one case with more than one dependent variable by capturing a whole legislative process from two diverging theories, congruence analysis is the best applicable design.

3.2. CONGRUENCE ANALYSIS

The method that will be used is called congruence analysis. In short, “[a] *congruence analysis* approach (CON) is a small-N research design in which the researcher uses case studies to provide empirical evidence for the explanatory relevance or relative strength of one theoretical approach in comparison to other theoretical approaches” (Blatter & Haverland, 2012, p. 144). This method is especially useful if the aim is to compare theories and to combine them eventually (Blatter & Haverland, 2012). Furthermore, it does not only test

theories, the design “can also be used to explain specific socially important cases” (Blatter & Haverland, 2012, p. 150). Therefore, adding to the theoretical value of the study, the concrete case of Cohesion Policy will be studied in detail to give an impression about decision-making processes after the Lisbon Treaty has been put in place.

The method is highly “theory-oriented” (Haverland, 2010, p. 71) or “theory-centered” (Blatter & Blume, 2008) and provides hence a clear alternative to other designs that are more factor-oriented, such as the co-variational design (ibid.). In regard to small-N research it can be stated that the main advantage is “the researcher’s ability to collect a broad and diverse set of observations per case and the ability to reflect intensively in the relationship between empirical observation and abstract concept” (Blatter & Haverland, 2012, p. 144). The logic of this research method is “the assumption that theories shape our knowledge about the social and political reality mainly by their focusing and framing effects” (ibid., p. 148). Hence, the struggle and assertion of theories and concepts is one of the most crucial parts in social sciences, due to the fact that they can have strong consequences for decision-making in reality (Blatter & Haverland, 2012). In most of the cases there is not one right theory, but theories are complementary. Hence, the testing of theories allows for new innovations and theories that are adjusted to reality (ibid.).

In general, case studies are the essential part to test a theory (Blatter & Haverland, 2012). The procedure to conduct a congruence analysis involves the deduction of propositions and predictions from different theories, and the application of those predictions to the observed case study (ibid.). In the end, the congruence between the different theories and the observed reality is compared: “An explanation is valid if the implications of a proposed theory fit the data and the implications of rival theories do not fit the data” (Haverland, 2010, p. 71). The more congruence can be found, the stronger is the “explanatory power” of the theory in question (Blatter & Haverland, 2012). However, it is not only the congruence of a theory to empirical reality that is tested, but a congruence analysis also allows insights in whether a theory can predict certain outcomes or whether it reveals causal implications (ibid.).

From a practical point of view, it is necessary to have a “three-cornered fight” which implies at the minimum two diverging theories and empirical observations (Blatter & Haverland, 2012). In this conducted case study, two theories are tested. The use of more theories might lead to problems, such as the overlapping of results and the narrowed perspectives on the theories (ibid.). Additionally, the predictions out of a theory in a congruence analysis should include the most crucial parts of the theory, such as actors, motivations, or other factors of structural nature (Blatter & Blume, 2008). Furthermore and in advance it is necessary to choose theories that are coherent and highly developed, and “they have to be open to

complex conceptualizations of the dependent and the independent variables” (Blatter & Blume, 2008, p. 326)¹⁸.

Theories are often highly abstract, the predictions on the other hand need to be “on lower levels of abstraction” (Blatter & Haverland, 2012, p. 160). This is the major challenge in this kind of research. Overall, this design aims to “make a contribution to the scholarly discourse” (ibid., p. 150).

In regard to the case selection, it is possible to distinguish between “most-likely cases” and “least-likely cases” (Blatter & Haverland, 2012, p. 177). Cohesion Policy can be defined as “most-likely case” in the field of Multi-Level-Governance. Hence, it might be of great interest and importance if Multi-Level-Governance could be proven wrong in this area. If the theory of a “most-likely case” is disconfirmed, it can be assumed that the predictions out of this theory are not useful at all (Blatter & Haverland, 2012). The sources of data which can be used are various, reaching from newspaper articles, academic literature and primary documents to interviews (ibid.).

3.3. OPERATIONALIZATION¹⁹

In the following, in regard to theoretical framework and research design, the developed predictions will be applied to the process and the outcome of Cohesion Policy which accounts as the dependent variable. As for Liberal Intergovernmentalism, two predictions will be tested.

- 1.1. If Liberal Intergovernmentalism is valid, the Cohesion Policy 2014-2020 may be shaped by *national* preferences. Supranational institutions only facilitate the cooperation between national governments.
- 1.2. If Liberal Intergovernmentalism is valid, the Cohesion Policy 2014-2020 may be shaped by the lowest common denominator of *national* preferences.

For Multi-Level Governance there are also two predictions that will be applied in the analysis. The two are on purpose nearly direct counterdrafts to those of Liberal Intergovernmentalism. Due to problems of measurement in every congruence analysis, this may allow for a clearer outcome assessing which predictions are more valuable.

- 2.1. If Multi-Level Governance is valid, the Cohesion Policy 2014-2020 may be shaped by direct negotiations between *supranational* and *subnational* actors.

¹⁸ There might occur a problem with MLG, which is criticized by some as conceptual scheme instead of a full-fledged theory.

¹⁹ For a flow chart of the variables, see Annex 2.

2.2. If Multi-Level Governance is valid, the Cohesion Policy 2014-2020 may be shaped by preferences of *actors others than the national governments*, with a substantial influence of *subnational* actors.

For the independent variables, an interaction-effect and overlap is possible. Hence, clear observations that differ from each other have been developed for each variable (see Codebook in Annex 3). Overlaps cannot be excluded, but controlled in this way.

3.4. MEASUREMENT

One of the greatest challenges in a congruence analysis is the development of indicators that are open to clear measurement. A codebook which accounts for all possibilities in this research method is often not possible and it is hence necessary to interpret observations (Blatter & Blume, 2008). Furthermore, the researcher is allowed to weight different variables of a theory to come to a logical conclusion (*ibid.*). In order to test the predictions, a detailed case study will be conducted and a codebook was designed to serve as guideline for the analysis (see Annex 3). Additionally, the next two subsections about the policy cycle and the theory of negotiations should help to develop indicators which will help to structure the process of content and interview analysis.

3.4.1. INSIGHTS FROM THE POLICY CYCLE

The introduction of the policy cycle in the analysis of public policy had the purpose to structure the process of analyzing policy-making (Howlett et al., 2009). Instead of looking at it as ultimate structure of every process, it is rather a simplification of what is actually happening. However, it is of great help in analyzing the policy processes in question (*ibid.*). As for this case study, it is of importance when exactly the influence takes place and therefore, insights in the policy cycle are necessary for the understanding.

The first stage of the cycle is the **agenda-setting** of a problem which becomes apparent to political actors. Then, the **policy formulation** takes place which implies the phrasing of different policy options. The next step is **decision-making**, the “process by which governments adopt a particular course of action or non-action” (Howlett et al., 2009, p. 12). In a later stage comes the **policy implementation** which addresses the way how policies are put in place. Lastly, the **policies** are **evaluated**. This last step includes both state and non-state actors who control the effects and consequences of a policy. If the policy fails in achieving the goal it was meant to reach, new policies might be put in place (Howlett et al., 2009). The different stages do not necessarily occur in the described order, but this does not harm the idea of a distinction of the different steps.

The cycle also helps in differentiating which actors are involved at which stage. For instance, the first stage may involve all policy actors, as well as the last stage. In the middle stages,

only policy subsystems might be involved²⁰. The biggest disadvantage of this model is that it is highly misleading in regard to the structure of the policy process which is not linear in reality, but more spontaneous and in some ways, chaotic (Howlett et al., 2009). On the other hand, there are some serious advantages, such as the possibility to understand the complexity and involvement of actors better. It allows for a merging of different case studies and ideas, and hence, helps to build theories (ibid.).

3.4.2. INSIGHTS FROM NEGOTIATION THEORIES

In every situation of conflict in an international negotiation, a struggle occurs between protecting the own interests and reacting in the right manner to other’s interests (Ting-Toomy & Kurogi, 1998). In the field of negotiation theory, it is stressed that the strength of the relationship of negotiation partners is decisive in explaining the outcome (Greenhalgh & Chapman, 1998). The dimensions in this regard include trust, empathy, respect, other’s openness, competitive strain, common interest, etc. (ibid.). If positive relationships are desired, this strongly implies a **sharing of information**: “In contrast to the effects of coercive tactics, information sharing will normally facilitate joint gain because the negotiators will disclose and learn information about interests that is needed for integrative bargaining” (Greenhalgh & Chapman, 1998, p. 473).

However, there is also often a disclosure of information if there is a fear of exploitation (Greenhalgh & Chapman, 1998). Furthermore, **coercive tactics** can be used, although the negotiation partners know that it may jeopardize the future relationship (ibid.). Coercive tactics and threats create distrust and dislike (ibid.). In the end, the experiences in negotiations have an effect on the relationship between the affected parties (ibid.).

3.4.3. INDICATORS

To capture a phenomenon, it is necessary to indicate more closely what will be measured in the process. Hence, in relation to the insights from the theories of Liberal Intergovernmentalism and Multi-Level Governance, the policy cycle and negotiation theories, the following indicators have been developed to make the variables measurable.

Table 1. Indicators of Measurement.			
1.1	national preferences	<ul style="list-style-type: none"> - no agenda setting ambition of supranational actors - no own preferences on supranational actors - no involvement of supra- and subnational actors in content decisions 	content analysis: Regulation (EU) No 1303/2013 + Regulation (EU) No 1301/2013; stakeholder reports, academic literature scorekeeping through:

²⁰ Policy subsystems are “composed of only those actors with sufficient knowledge of a problem area, or a resource at stake, to allow them to participate in the process of developing possible alternative sources of action to address the issues raised at the agenda-setting stage” (Howlett et al., 2009, p. 12).

		<ul style="list-style-type: none"> - full information sharing of all other institutions with national governments - no coercive tactics of supranational actors against national governments - closed negotiations of national governments - formal rules of decision-making in the case of Cohesion Policy 	<ul style="list-style-type: none"> - applied questions - system of categories (low, medium, high influence)
1.2	national preferences with maximum outcome of lowest common denominator	<ul style="list-style-type: none"> - national governments have competitive goals - conflicts over money distribution and goals - basically no concessions of national governments to other governments - no concessions to other institutions (least forthcoming government shapes outcome of negotiations) - further control over outcome is preserved 	<p>content analysis: Regulation (EU) No 1303/2013 + Regulation (EU) No 1301/2013; position papers of different countries and stakeholders, academic literature</p> <p>interview analysis</p> <p>scorekeeping through:</p> <ul style="list-style-type: none"> - apparent concessions - interpretation of amendments
2.1	preferences of supra- and subnational actors	<ul style="list-style-type: none"> - no control and exclusion of national governments - direct, regular, and institutionalized contact between supra- and subnational actors - common interests are apparent - information sharing between those two levels 	<p>content analysis: Regulation (EU) No 1303/2013 + Regulation (EU) No 1301/2013; COR impact assessment reports, stakeholder reports, academic literature</p> <p>interview analysis</p> <p>scorekeeping through:</p> <ul style="list-style-type: none"> - intensity of contact between sub- and supranational actors
2.2	preferences of actors others than national governments	<ul style="list-style-type: none"> - influence of supra-, subnational and private actors is apparent - influence of subnational governments is growing - subnational actors have the ambition to gain more power (through CoR) - national governments make concessions to other levels and actors - no gate-keeping function of Council (preservation of sovereignty as ultimate goal is not apparent) 	<p>content analysis: Regulation (EU) No 1303/2013 + Regulation (EU) No 1301/2013; COR impact assessment reports, stakeholder reports, academic literature</p> <p>interview analysis</p> <p>scorekeeping through:</p> <ul style="list-style-type: none"> - relative success of subnational and private actors in Cohesion Policy 2014-2020

3.5.METHODS OF INQUIRY

The methods of inquiry in this case study will be twofold. On the one hand, they consist of a content analysis of existing primary documents and secondary literature. On the other hand, interviews with involved actors will round up the information.

3.5.1. *CONTENT ANALYSIS*

As for content analysis, primary documents will be used from the databases of the Committee of the Regions (CoR) and other EU institutions. Due to transparency rules in the EU, lots of documents about this topic are published on the websites of the institutions which allow for a detailed analysis of stakeholders and positions. To be more precise, these sources can be reports, websites, opinions, or impact assessment studies. Academic secondary literature is necessary to evaluate the underlying processes and history to get more input in regard to possible independent variables and theoretical implications. It is also necessary in regard to existing theories and implications of those. Secondary literature may also take the form of newspaper articles and articles from think tanks. These sources have to be evaluated with care due to perception or interest biases, but can nevertheless be worth to look at.

A qualitative analysis of documents has several advantages in comparison to other methods of inquiry. It allows for the precise examination of communicative material (Mayring, 2002) and hence, for an unbiased exposition of the reality. This is the case due to the fact that memory losses and biases through the presence of the researcher do not have to be expected (Diekmann, 2007). On the other hand, this form of research can lead to problems of selective perception and wrong interpretation of the material by the researcher (ibid.). To overcome these problems, the researcher must make sure that all involved stakeholders are examined, and that the perspective on the topic and the material is neutral to the greatest possible extent. Moreover, the material must be handled with great care which means that possible interest biases must be realized and discussed.

3.5.2. *INTERVIEWS*

On the other hand, to complete the information, it will be of great value to do interviews with officials or employees from one particular EU institution, the CoR, especially to get additional information in regard to informal strategies and processes, and individual preferences. It also allows for a closer examination of the relation and communication between Commission officials and representatives of the CoR. While the documents provided by the institutions as well as secondary sources can give a lot of information, interviews are necessary in order to receive more detailed information and to shed light on processes that may take place behind closed doors. Of course, it would have been desirable to include interviews with officials from

the Council, the EP, and the Commission as well. However, due to time and word constraints of the thesis, it is more applicable to focus on one central institution with relatively easy access to get the necessary information, than to be overwhelmed with interviews from various institutions with only one representative where personal biases cannot be filtered out. Interviews are one of the most used methods of inquiry in social sciences (Diekmann, 2007). There are three possible types to conduct interviews: the personal face-to-face interview, the interview by phone, and the written interview in form of a questionnaire (ibid.). The degree of structuring can also vary. An interview can be fully structured, which means that every question is formulated in advance, that it can only be answered in predefined categories, and that questions occur every time in the same order (ibid.). On the other hand, unstructured, open interviews allow for greater flexibility, and in the most extreme case, only the topic is given. The middle course can be defined as semi-structured interview, where an interview guide is designed in advance which nevertheless allows for open answers. This type of interview is most suitable for the given context. Due to the fact that theoretical expectations and other forms of sources are accessible in this case study, this allows to design a semi-structured interview guide in advance in order to get the answers that have additional value to the study. A personal interview would be preferable, but interviews by phone are also possible.

To get non-reactive answers, the researcher must ensure that no sign of approval or disapproval appears (Diekmann, 2007). However, it is still necessary to encourage the interview partner to give clear and useful answers. The threat of socially desirable answers might be a problem in this case, due to the case that it might be uncomfortable for CoR officials or employees to admit that no influence takes place. Therefore, anonymity of the interview partner is essential and has to be made clear. What is more, it is necessary to ask for back-up of the given information, for instance through experienced situations and examples.

Moreover, the interviews will consist of parts for triangulation – only complementing results which have been collected by content analysis upfront – and sole information collection. In case of the latter purpose, questions have to be formulated with great care to avoid social desirability and personal biases.

3.6. PROBLEMS OF THE DESIGN AND VALIDITY

The design of a case study in form of a congruence analysis can have many advantages, but it also has some obstacles and drawbacks which deserve closer attention and invalidation if procurable. The focus lies on the classic criteria of social science research: internal and external validity, reliability and objectivity.

Overall, the chosen design clearly fits in the category of qualitative research. While this form of research allows for close, individual, and structured analysis of one or few cases, it adopts a rather narrow scope (Mahoney & Goertz, 2006). Like stated before, although the findings can contribute to the theoretical body of knowledge they are in general not generalizable, (Blatter & Haverland, 2012). Thus, external validity cannot be fully achieved. Nevertheless, the external validity gets higher if the researcher has a logical case selection, for instance, including most likely cases or least likely cases (ibid.). The right and non-random selection of cases is important as well, as in every small-N research design (Levy, 2008) and the cases also need to be “potentially crucial for the theoretical discourse” (Blatter & Haverland, 2012, p. 204). In regard to Cohesion Policy, the case can be seen as most likely case for Multi-Level Governance in which it was initially developed. As a deduction, if Multi-Level Governance is rejected, this clearly questions the credibility to other cases, and a careful generalization would be possible.

In regard to validity, one of the most important criteria which need to be fulfilled is namely concept validity (Blatter & Blume, 2008). Concept validity addresses “the question whether the predicted observations express the meaning of the abstract conceptualization in a correct manner” (Blatter & Blume, 2008, p. 237). Hence, the deduction of predictions out of the theories is one of the crucial parts. Concept validity can be set in relation to the internal validity which is achieved with a logic theory selection and with predictions that are carefully deduced from those theories (Blatter & Haverland, 2012). In general, “[i]nternal validity concerns the extent to which causal propositions are supported in a study of a particular setting” (Seale, 2002, p. 102). In regard to Multi-Level Governance, some authors question that it holds clear predictions for an empirical examination which could cause problems. However, the development of the predictions is made clear and is built on an outlined theoretical framework²¹. Another problem might occur with the predictions of Liberal Intergovernmentalism, due to the fact that Moravcsik distinguishes the case of structural policies partly from his theories. Therefore, the predictions of Liberal Intergovernmentalism really need to cover the core of the theory or a rejection of Liberal Intergovernmentalism would not harm the theoretical assumptions.

Moreover, “[t]he main mechanism of control in this approach is the rivalry between various theories” (Blatter & Blume, 2008, p. 325). This rivalry also helps to solve problems of cut off points and confirmation biases, namely through the application of the “three-cornered fight” (Blatter & Haverland, 2012). The criteria of this “fight” are fulfilled, including Liberal Intergovernmentalism and Multi-Level Governance as opposing theories, and Cohesion Policy as empirical case. Objectivity and reliability are achieved if the predictions are

²¹ This transparency helps to achieve internal validity to a high degree, but also reveals potential weaknesses to the reader.

developed before starting with the empirical work (Blatter & Blume, 2008). This has been done. And although the reality is often more iterative than the predictions assume, this does not cause major problems in qualitative work (ibid.).

4. CONTEXT: COHESION POLICY 2014-2020

Before starting the congruence analysis, there will be an introduction on the legislation of the Cohesion Policy 2014-2020. The case of the Cohesion Policy 2014-2020 is a rather current one; however it is finalized in regard to the negotiations, thus the outcome can be considered as well. It is necessary to evaluate both the negotiations and the outcome to fully understand and analyze the process. Many authors think that explaining the outcome of negotiations requires looking at factors, strategies of the involved actors or the process itself (Zartman, 1988). It needs to be kept in mind that “[i]nternational negotiation is a dynamic process” (Druckman, 2001, p. 519). This also implies that “[o]utcomes develop from patterned exchanges between negotiating parties and their constituencies” (ibid., p. 519) and that between the process of negotiations and the final agreement, major turning points can occur which are brought about by negotiation parties. Especially in political talks about low politics, such as Cohesion Policy, factors which influence the outcome to the greatest extent are “procedures orchestrated and ideas put forth by the negotiators” (ibid., p. 522). In conclusion, the outcome is not enough to understand a phenomenon; it is rather the process which allows for interesting insights and which needs to be analyzed. It is still necessary to look at the outcome as well, because this allows among other things to compare the opening position of a party with the final agreement (Zartman, 1988, p. 39).

For this term of Cohesion Policy, the new framework was agreed in December 2013, after two and a half years of formal and informal negotiations (European Commission, 2013). It needs to be kept in mind that the negotiations took place in the shadow of the Euro-crisis (Bache, 2015). One of the first milestones in this process was the publication of the “Fifth report on economic, social, and territorial cohesion” in 2010 by the European Commission. In total numbers, the budget has fallen from 347 billion to 325.1 billion Euro, replacing the priorities for 2007-2013 “convergence”, “regional competitiveness and employment”, and “territorial cooperation” with the goals of “investment for growth and jobs” and “European territorial cohesion”. A special “top-up” was the youth employment initiative which accounts for 3 billion Euro (ibid.). With an amount of 313.2 billion Euro, the goal of “investment for growth and jobs” takes the major part of the overall funding (ibid.). Additionally to the current EU budget with 325.1 billion Euro, in combination with member states contributions and financial instruments, Cohesion Policy is expected to deliver more than 500 billion Euro (Bache 2015; European Commission, 2013).

The main characteristic of this reform was the alignment of the Cohesion Policy with the strategy of Europe 2020 for smart, sustainable, and inclusive growth. The Cohesion Policy is seen as one of the key instruments to realize the goals of Europe 2020 (European Commission, 2013), and hence, has priority in the framework of the EU. Renationalization of

control over the funding was especially favored by wealthier states, but it was opposed by the European Parliament and many governments, especially from newer member states (Bache, 2015).

Additionally, other significant changes have been made concerning the framework 2007-2013. First, the orientation on results has been strengthened: “Regions will be required to show not only where they spend the money but how they make the best use of the funds. The use of the money will be monitored, evaluated and reported to ensure it will deliver the intended results. Certain pre-conditions have been set before the funding can be released so that the right conditions exist to maximize impact of the investments” (European Commission, 2013, p. 6). This implies thematic concentration, simplification, conditionality, and a performance framework. Furthermore, the process of programming was reformed, to become more strategic and integrated (Mendez & Bachtler, 2014). Second, the new key areas are research and innovation, small and medium sized enterprises, information and communication technologies, and the low-carbon economy (European Commission, 2013). Third, special notion might also be given to the partnership principle that has been established, which secures e.g. the involvement of civil society organizations and the regions. “[T]here is now much more emphasis on partnership and, for the first time, on the necessity of ‘multi-level governance’. This means that all levels of government – local, regional, national and European – are able to and have to live up to their responsibilities and can then cooperate on that basis” (European Commission, 2013).

For the distinction between regions, there have been crucial shifts. The less-developed regions now account for about 25%, “while Transition Region coverage will almost double to 13.5 percent of the EU population and is heavily concentrated in four EU15 countries (Germany, Spain, France and the United Kingdom)” (Mendez & Bachtler, 2014, p. 1). The rest of the regions account as more-developed regions; it was agreed that they get a small increase in support (Mendez & Bachtler, 2014). Overall, the major share of the money goes to the less-developed regions (Council of the European Union, 2013).

What is also important to know is that there are mainly five funds that are in place in the current framework: There is first the European Regional Development Fund (ERDF) which is responsible for overall strengthening of cohesion with the thematic areas of innovation and research, digital agenda, support for small and medium-sized enterprises and low-carbon economy. Second, the Cohesion Fund (CF) which is aimed especially at the poorer member states to foster transport networks and tackle environmental issues is in place as well as the European Social Fund (ESF) which focuses on the needs of people in regard to improving employment and education. Additionally, the EU Solidarity Fund (EUSF) means to help regions with natural disasters and the Instrument for Pre-Accession Assistance (IPA) seeks

to assist potential EU candidates in institution building, cooperation and development (European Commission, 2015c).

The legislation for this period consists mainly of seven Regulations, with the common provisions Regulation No 1303/2013 at the heart of all of them. Additionally, there are Regulations about the ERDF, the ESF, the ETC (European territorial cooperation goal), the EGT (European grouping of territorial cooperation), the CF, and the EAFRD. They regulate in more details the provisions for each fund or goal.

The analysis will cover all those developments more detailed, with a special focus on Regulation (EU) No 1303/2013²² which sets out common provisions for all structural funds, and Regulation (EU) No 1301/2013²³ which sets out the conditions for the European Regional Development Fund (ERDF). Insights in the allocation of the Cohesion budget might also allow for interesting results. Keeping in mind that the Cohesion Policy is the largest component of the budget, the results have to be taken seriously in regard to day-to-day decision-making of the European institutions.

²² Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 [2013] OJ L 347/320.

²³ Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 [2013] OJ L 347/289.

5. ANALYSIS

The following analysis covers the four predictions that have been developed in the previous parts of literature review and research design. All of them are examined separately in order to tell in detail if they can be confirmed or disconfirmed (for full information about the procedure: see Codebook in Annex 3).

Basis of the analysis are the information which have been collected by analyzing documents with reference to the Cohesion Policy 2014-2020 and by doing interviews with CoR members or employees. If no references are available in this regard, more general opinions and documents have been collected. However, most of the analysis is based on Regulation (EU) No 1303/2013 which sets out common provisions for all structural funds for the 2014-2020, Regulation (EU) No 1301/2013 which sets out the conditions for the European Regional Development Fund (ERDF) in this timeframe, and the allocation of the Cohesion budget.

More detailed, the used materials are legal texts and amendments of the EU, as well as position papers of national governments, and stakeholder reports. Additionally, the analysis consists of academic literature and studies which can be considered relevant in answering the research question. As a third part, semi-structured interviews have been conducted and a plenary session of the CoR has been visited. The field trips conduct these included two visits to Brussels, one visit to Berlin, and one visit to Maastricht for interviews with relevant CoR members or employees. The collected information were structured by a close and repeated review of the legislative and academic content, the design and evaluation of different tables, the comparison of paragraphs and statements, the filtering of stakeholder opinions, and the use of MAXQDA for the interviews.

5.1.PREDICTION 1.1: POWERLESSNESS OF SUPRANATIONAL ACTORS

To start with, the first prediction looks at the link between the powerlessness of supranational institutions and the amount of preferences that the Commission as central supranational actor enforced in the process of the Cohesion Policy 2014-2020, especially during the negotiations and in the outcome of the common provisions of the funds²⁴.

To assess prediction 1.1, there are three separate observations that will be looked at. There is first, in general and in the case of Regulation (EU) No 1303/2013 and Regulation (EU) No 1301/2013, the behavior and influence of the Commission from stakeholder reports, academic literature, and interviews [1.1.I]. If it becomes apparent that the Commission has and enforces own preferences, a part of prediction 1.1 is disconfirmed. Second, the amount

²⁴ It is true that considering Liberal Intergovernmentalism as theory where supranational interests are powerless is a rather rigid interpretation and it can be seen more flexible. However, it is necessary in this case in order to evaluate if the core of the theory is true.

of content from stakeholders which has been transferred by the Commission in the first draft of Regulation (EU) No 1303/2013 [1.1.II] (European Commission, 2011b) is evaluated. If the amount of content is high, the observation confirms prediction 1.1. Third, a comparison of the first draft of Regulation (EU) No 1303/2013 and final draft has been made to filter out the real influence of the Commission and also the input of national governments in this case study [1.1.III]. The same rule as for observation 1.1.II applies: If the amount of content is high, the observation confirms the prediction. If the Commission turns out to be far less influential than national governments, prediction 1.1 will be confirmed.

5.1.1. POWER OF THE COMMISSION [1.1.I]

This first observation wants to answer the question how the power and the influence of the Commission are seen by other actors. Here, stakeholder reports, academic literature, and interviews serve as reference.

To start with the academic literature, the Commission has been attributed several advantages in the European process, such as the relatively high expertise, and due to its location “at the heart of the EU’s policy networks”, it is “entrusted with authority over several policies” (Hooghe, 2012, p. 87). Recently, many scholars discovered growing trends of centralization and politicization for the inner organization of the Commission (Goetz, 2014). What is more, while the officials are not democratically legitimated, they can still get involved to a great extent in political decisions (Hooghe, 2012). One major reason is that the Commission has the sole agenda setting power (ibid.). Apparently, there have been some weakening trends in the Commission’s role over the years (ibid.), but the new Commission under Jean-Claude Juncker seems to be quite ambitious again (Interview 2). For the future of the Commission, more than two to one of the officials would prefer a supranational vision of the EU instead of an intergovernmental, state-centric one (Hooghe, 2012). Thus, the existing literature proposes a strong Commission with a supranational focus.

In the case of the negotiations and especially the outcome for the Cohesion Policy 2014-2020, some stakeholders are critical in regard to the Commission’s position. First, “the working document proposed by the European Commission responds only partially to the expectations of cohesion policy’s main stakeholders, first and foremost the regions of Europe” (Assembly of European Regions, 2012, p. 3)²⁵. The view that not all stakeholders are considered by the Commission is shared by BusinessEurope²⁶ which strongly disagrees with some decisions of the Commission, for instance in regard to the rules of support of the European Regional Development Fund (BusinessEurope, 2012). Some authorities were

²⁵ This is in line with the results of the analysis of observation 1.1.II.

²⁶ BusinessEurope is the leading organization for representing the interests of companies in Europe (BusinessEurope, 2015).

critical as well and think that “[i]n the area of financial management, control and audit, a number of issues have come up in relation to new Commission Acts and guidelines. The German authorities consider that the Commission is either going beyond what was agreed during the negotiations on the Regulations, or is interpreting the Regulations in an extreme way” (Mendez & Bachtler, 2014, p. 25). In general, the consultation and dialogue with partners takes place, but no matter if it is the concern of regions, interest groups or even national authorities, the input of important stakeholders is not always reflected in the drafts (Mendez & Bachtler, 2014).

In line with those results, the Commission pushed for an entanglement of the European Monetary Union and Cohesion Policy which was against the interests of many important stakeholders (see observation 1.1.II and observation 1.1.III), because it “impl[ies] a shift of policy responsibilities to the European level, with Cohesion Policy being run as a ‘top-down’ contribution to EU-wide goals with less territorial emphasis and more intrusive oversight with stricter conditionality and sanctions” (Mendez & Bachtler, 2014, p. 2). Thus, the Commission actively seeks to transfer responsibilities to the European level; it wants a shift of power. This proposes that the Commission has own priorities in European negotiations (Mendez et al., 2013) and is powerful enough to enforce them.

Additionally, the Commission is criticized as well from the national governments, to be “laborious” and not flexible enough, “particularly on issues relating to thematic concentration” (Mendez & Bachtler, 2014, p. 1). Due to the fact that the Commission is responsible to approve all partnership agreements and because the regions are dependent on the cohesion money (Mendez & Bachtler, 2014), this can be problematic. Looking at those two last points, the Commission might be able to use coercive tactics; however, it is not clear if they are used on purpose. It is likely that an increased formality of the process, due to the fact many Directorates-Generals are involved because of the many thematic objectives in the course of Europe 2020 (ibid.), are the reason for this.

The Interviews with CoR officials and employees strongly point out that the Commission is a really active actor, trying to be in contact with stakeholders and considering their concerns (Interview 1; Interview 2). Therefore, Commission officials are regularly present on plenary sessions of the CoR and also on meetings inside the CoR Commissions. It seems that especially the new Commission is interested in integrating the regions (Interview 2); one proof is Jean-Claude Juncker, the Commission president, being present on the CoR plenary session in June 2015. But although the Commission is politically powerful, the EU level is still a place where a permanent struggle for power and strengths is apparent (Interview 2) which has to be taken into account.

Although the Commission is not superior and has to take the preferences of stakeholders seriously, it is seen as powerful actor, both in the academic literature and the stakeholder reports. The Commission is highly involved in many steps of the negotiations, evaluating preferences of other actors, while also enforcing own ones. Interesting is the prioritized transfer of responsibilities to the EU level by the Commission in the case of the Cohesion Policy 2014-2020 and the strengthened role of the new Commission in general. Therefore, observation 1.1.I disconfirms the assumption of a powerless Commission in negotiations.

5.1.2. STAKEHOLDER-INFLUENCE ON COMMISSIONS' LEGISLATIVE DRAFT

[1.1.II]

For the next observation, the first draft of Regulation (EU) No 1303/2013 has been compared to reports and documents by other stakeholders. For this, a system of categories has been developed from the first draft of the Regulation (EU) No 1303/2013. This system covers mainly the measures that are proposed by the Commission to ensure a more effective system of managing the funds in the future²⁷. Luckily, the Commission launched a public consultation where almost all member states of the EU, various regions, and other stakeholders took part, there were in total 444 contributions (European Commission, 2011a). Other documents have been included as well, such as the "Outlook Opinion of the Committee of the Regions on The Future of Cohesion Policy" (Committee of the Regions, 2010) and conclusions of an informal meeting of ministers in charge of Cohesion Policy, organized by the Belgian Council Presidency (Belgian Council Presidency, 2010).

According to the evaluation scheme, the Commission had in the design of Regulation (EU) No 1303/2013 medium influence, approximately 58% of the Regulation was developed by the Commission. Remarkable is that more general topics which are covered in the first draft of the Regulation are mentioned up to 64% by stakeholders before and only 36% came from the Commission. Hence, it can be recorded that the Commission had more influence on the details of first draft of Regulation (EU) No 1303/2013. However, also the general topics had been designed by the Commission with medium influence, although only barely. Overall, it can be stated that the influence of the Commission is thorough, covering the field with medium influence²⁸.

Additionally, there are three points that need to be pointed out as part of the analysis. As in observation 1.1.I, the analysis also showed some proof that the Commission has own strong preferences. First, it designed parts of the regulation that have according to the used materials not been mentioned before by other stakeholders, especially in regard to

²⁷ For the full system of categories see Annex 3b.

²⁸ For the thematic evaluation in detail see Annex 3c. The colored areas in this scheme are measures which have been mentioned by stakeholders before they appear in the Commissions first draft.

responsibilities of the member states. For instance, the Commission included joint monitoring committees, progress reports, and performance review meetings in the draft, as well as the possible suspension of payments and financial corrections. It also wants to enforce that major projects should need the approval of the Commission. Second, it simply passes over some points that have been clearly rejected by the member states in the public consultation. For instance, the clearer link between Cohesion Policy and economic governance in form of macro-economic conditionality is as equally rejected by a considerable number of member states as is the introduction of a performance reserve²⁹ (European Commission, 2011a). The regions are even more opposed to those two ideas, as were the social partners, NGOs and several other stakeholders (ibid.). Nevertheless, the two ideas became part of the draft, and finally even part of the legislature (see observation 1.1.III). Third, it has to be taken into account that the discourse about the Cohesion Policy 2014-2020 was structured from the beginning by the launch of the “Fifth Report” – drafted by the Commission.

All in all, the evidence for observation 1.1.II shows that the Commission was indeed able to enforce own preferences in regard to the Cohesion Policy 2014-2020, although they are not the sole designer of new legislation. Preferences of other stakeholders are taken into account as well, and incorporated to a considerable extent in the regulation. However, due to the fact that the Commission has the formal agenda setting power it was able to design about 58% of the first draft according to the used scheme, especially in regard to important details, hence, the observation disconfirms the powerlessness of supranational institutions and the dominance of national preferences.

5.1.3. INFLUENCE OF THE COMMISSION IN FINAL LEGISLATION [1.1.III]

For the last observation, the first draft of Regulation (EU) No 1303/2013 and the final draft have been compared to filter out the real influence of the Commission³⁰. The same system of categories as in observation 1.1.II was applied, but this time, the final draft of the Regulation has been the focus. The first draft was conducted on the 6.10.2011, the final draft on the 17.12.2013. Hence, more than two years have passed where the draft was sent in compliance with the ordinary legislative procedure to the Council of Ministers and the European Parliament (EP). Furthermore, the CoR and the European Economic and Social Committee had to be consulted mandatorily. The Court of Auditors gave its opinion as well. The proposal was amended a few times, and eventually approved by the Council in the 1st reading.

²⁹ An excerpt: „While only two Member States supported use of a performance reserve at EU level, eight showed a preference for a performance reserve at national level. Eight contributions were either skeptical about or against the very idea of a performance reserve” (Commission, 2011a, p. 8).

³⁰ It needs to be taken into account that input and influence are not necessarily synonymous in general. However, they are correlated because information and input are the basis to actively design legislation in the desired way.

According to the scheme of evaluation, 76% of what the Commission proposed in the first draft was accepted in the final draft. Hence, the influence in this regard is high³¹. Several ideas which came originally from the Commission, like the new characteristics for financial instruments or the new responsibilities of the member states have been adopted. On the other hand, some had been abolished, like the idea of ex-post conditionality. Nevertheless, the adopted ideas outweigh the abolished ones³².

Notably as well is that the draft of the budget has been altered from 376 billion at the beginning to 325.1 billion in the end. Thus, the budget contains about 50 billion less than first proposed by the Commission. However, this was mostly due to the fact that the “Connecting Europe Facility” is no longer mentioned in the final draft of the budget, although it was allocated with 40 billion. The reason is that it was decoupled from the Cohesion funds (Interview 2). A smaller budget is of course against the interests of the regions (Committee of the Regions, 2013) who stated “its support for continuing to allocate a substantial proportion of the EU budget to structural policy funding measures in local and regional authorities” (Committee of the Regions, 2010). What is new is the youth employment initiative with 3 billion which was adapted to the budget; furthermore, the transition regions benefit more than first scheduled. Here, the Commission seems to give the guidelines, but the budget is finally amended by the Council and the EP.

It needs to be mentioned as well that many points have been adopted in the final draft which have not been apparent before, like the explicit mentioning of demographic problems, Public Private Partnerships, the youth employment initiative, and more flexibility in the processes. Especially the last point became obvious in the transmittals of the public consultation, desired by member states and regions (European Commission, 2011a). Furthermore, the idea of the Commission to give special approval to major projects was at least limited (Regulation (EU) No 1303/2013 (92)). This indicates that the Council and the EP do take a close look at the Commissions draft, change it and add new points.

In some points, the Commission clearly acted against interests of member states. After including the link between Cohesion Policy and economic governance in form of macro-economic conditionality and a performance reserve in the first draft, those ideas became against some resistance of regions and national governments legislature. Another example for this is the proposed annual clearance of accounts, which was at least against the interest of several member states (European Commission, 2011a), but became part of the legislation anyway.

³¹ See Codebook in Annex 3.

³² For the thematic evaluation in detail see Annex 3d. The colored areas in this scheme have been mentioned by in the Commissions first draft and appear in the final legislation.

All in all, there are some points which would point to the direction that the influence of the Commission is restricted by other institutions, notably the Council and also the EP. However, the applied scheme suggests distinctly that many ideas of the Commission were able to pass, some even against the resistance of member states. Therefore, observation 1.1.III also disconfirms the powerlessness of supranational institutions.

Due to the fact that all observations can count as contradicting to the developed prediction of Liberal Intergovernmentalism, prediction 1.1 is disconfirmed. It is certainly not true that the Cohesion Policy 2014-2020 is shaped by *national* preferences, and it is likely after the analysis, that the input of the Commission and other supranational and subnational stakeholders even outweigh the input of the Council.

5.2.PREDICTION 1.2: LOWEST COMMON DENOMINATOR OF NATIONAL PREFERENCES

The second prediction focuses on the intergovernmental bargaining situation in the framework of the Cohesion Policy 2014-2020. It assumes that the more conflictual the interests of national governments the lower is the outcome of negotiations. In order to evaluate this prediction, three observations will be tested. At first, the bargaining position of countries and final outcome will be compared to assess if the outcome is the lowest common denominator [1.2.I]. Second, it will be tested if the Council makes concessions to other European institutions [1.2.II]. Lastly, it will be checked if the outcome of negotiations in the Council is less integrationist than preferred by other institutions [1.2.III].

According to Moravcsik (1993), the lowest common denominator means that European decision-making is dependent on “the need to compromise with the least forthcoming government”, which implies a high constraint in the further integration and cooperation (Moravcsik, 1993, p. 500). This does not indicate that all preferences of the least forthcoming member are reflected, but rather “that the range of possible agreements is decisively constrained by its preferences” (ibid., p. 501). Consequently, the outcome is in general relatively close to the status quo (Moravcsik, 1993).

5.2.1. THE LEAST FORTHCOMING MEMBER [1.2.I]

To assess the first prediction, it is necessary to look at the position papers that were drafted by the member states, and the final outcome of the Cohesion Policy negotiations in 2014-2020. The focus will be Regulation (EU) No 1303/2013 again, because it covers the statements of the position papers and is hence able to evaluate the amount of content that ended up in the final version. Position papers are partly collected from the public consultation on the “Fifth report” and partly cover general position papers for this period of Cohesion Policy creation. Due to the facts that not all position papers are available online and that it

would go beyond the scope of this thesis, not all member states could be taken into account. To cover a scope as broad as possible, the evaluated member states are the UK, Germany, Italy, Spain, the Czech Republic, the Netherlands, and Lithuania. These countries cover the range from small to big, West to East, and centralized to decentralized countries. Moreover, the distinction of Esping-Anderson (1990) in regard to Welfare States was taken into account³³.

The following table shows the priorities of the countries in regard to Cohesion Policy in some important aspects.

³³ The distinction of welfare states can be made between liberal, corporatist or conservative, and social democratic ones. The UK can account as liberal system, Germany and Italy as corporatist or conservative ones, while the Netherlands belong to the social democratic system (Arts & Gelissen, 2002). Additionally, Spain was added, as country with strong regions and also as Southern model of the welfare state which some author see as additional category to Esping-Andersons distinction (ibid.). Unfortunately, the typologies do not cover Eastern European states which are not seen as developed welfare states. Hence, Lithuania and the Czech Republic were added under different criterions.

Table 2. Priorities for member states in the Cohesion Policy 2014-2020.									
	reduce red tape	conditions	distribution of money	thematic objectives	budget	performance reserve	transition regions	flexibility	macro-regional strategies
UK	yes	for management, and ex-post; against extension of existing conditionality	in the long term only to poorest regions	5 thematic objectives proposed	fair & realistic, in line with public spending	no, would benefit only wealthier MS	yes, proportionate	more, no top-down targets, every MS should set own objectives	to be welcome, not appropriate for all regions
Germany	yes	can be a problem, interesting approach	focus on poorest regions, in general to all	in favor of thematic concentration	/	no	yes	more	yes, but focus on regional projects
Spain	avoid it	can be a problem	all regions	thematic concentration is important	/	linked to national level	fair treatment, difference between new and old transition regions	more, bottom-up process	/
Italy	yes	strongly in favor	all regions	in favor of thematic concentration	/	/	no	more	yes
Czech Republic	yes	in favor, also ex-ante; but not resulting in red tape	focus: less developed	in favor of limited number but MS should independently define preferred	/	no	yes	more	can be of use

				priorities					
Netherlands	yes	yes, even macro-economic	poorest regions of poorest MS	not too much restriction, around 11-15 common themes	substantial cut, substantial reduction of Dutch contribution	no	/	more	/
Lithuania	yes	/	all regions, focus on poorest ones	limited number of priorities, in general simplifying	/	no	/	/	enormous potential
outcome	reduce red tape adopted (f.e. Article (10))	many conditions adopted --> conflict with red tape + flexibility	all regions, focus on poorest ones	limited number (11 thematic objectives) adopted	no substantial cut	performance reserve adopted against will of MS	introduction of transition regions (75-90%) adopted	adopted to a certain degree	adopted as useful tool

As becomes apparent from the analysis of the positions and the final outcome of negotiations, not every country was able to enforce all preferences. The least forthcoming member is hard to name, due to the limited number of observed points in the legislation, but in this scheme, it is the UK. However, Italy and the Netherlands also have strong points against the usual opinions of the national governments.

In many points, the passed legislature mirrors the common interests of the member states, like the introduction of macro-regional strategies – although the UK is a bit more critical here, the desired flexibility in the process, and the reduction of red tape. This seems to be the basis for further decisions. It is interesting how many decisions were agreed on a relative broad consensus. On the other hand, compromises have been made, like the concentration of the thematic objectives. Although a thematic concentration was decided, there are still eleven objectives to fulfill. This is a clear compromise between the member states.

Remarkable as well is that some preferences of the assessed member states were clearly violated. First, Italy wanted to hinder the introduction of transition regions, ultimately unsuccessful. This is stunning because Italy sees itself as important player in Cohesion Policy due to the fact that it is among the net contributors, but at the same time receiving high benefits from the funds (Italy, 2011). Second, the opinions on conditionality have been diverse. While the UK, Germany, and Spain were skeptical about different conditions, Italy and the Netherlands were strongly in favor. The result is a mix of conditions, which cover a lot more than desired by important member states, such as the UK, Germany, and Spain. Clearly some of them were against the articulated interests of member states and also conflicting with the flexibility and the reduction of red tape, which was a main point in many position papers. Third, there is a conflict about the distribution of money over the regions. While many are in line with the fact that the focus of the funds should be the poorest regions, the Netherlands and the UK think that it should go only to those regions. However, the UK makes a compromise already in its position paper by saying that the money should go only to poorer regions in the long-term, but in regard to the necessity to adjust, it should still go to all in this period (BIS, 2011). Due to the fact that the final version does not mention a sole adjustment-period, the interests of the UK can be seen as violated. In contrast, Germany, Spain, Italy, and Lithuania are in favor of supporting all regions. The outcome is that all regions benefit, while the focus is on the poor regions which clashes with the statements of the Netherlands and the UK.

By taking a look at the other priorities of the least forthcoming member, the UK, it becomes apparent that it was not able to enforce its preferences in regard to the performance reserve. The UK also argued for relatively mild conditionality which does not mirror the reality

completely. Therefore, the least forthcoming member was not able to enforce 3 out of 9 examined important points in the legislation which can be seen as a lot.

Unfortunately, many visions have been drafted in the position papers which were partly adopted, although not really priorities for other member states. Furthermore, many paragraphs appear in the final regulations which have not been part of the position papers. Hence, it is difficult to come to a conclusion for observation 1.2.I and the results are not generalizable³⁴.

All in all, the final regulation seems to contain many points which are common positions of the assessed member states while others are compromises. On the other hand, some national interests were passed over, also some of the least forthcoming member. While a final evaluation is hard, due to the fact that most of the final decisions reflect the common interests or compromises while the interests of the UK are sometimes passed over, the observation 1.2.I can be seen as at least partly disconfirmed, but also partly confirmed.

5.2.2. CONCESSIONS OF THE COUNCIL [1.2.II]

The second observation for this prediction complements the results of a possible common denominator: It will be tested if the Council makes concessions to other European institutions. This would imply that the national governments do not negotiate independently from supranational and regional actors, but they actively seek compromises and give up own interests. The focus is the amendments of Regulation (EU) No 1303/2013 and Regulation (EU) No 1301/2013.

Four official meetings took place in the Council of the European Union during the negotiations for the Cohesion package. Hence, all seven regulations have been agreed upon here, step by step. Additionally, there have been many informal meetings and contacts, such as “trilogues” (Council of the European Union, 2012c) in order to come to a common position. By comparing the original position of the national governments – through position papers and an informal meeting of the Belgian Council Presidency in 2010 – with subsequent official amendments of the Council and the final outcome of the two regulations, a clear picture of preferences and their enforceability emerges. Amendments of the EP and interviews with CoR members complete the picture.

By comparing the different preferences, it becomes clear that the Council must indeed be thoughtful of other opinions. This is based on the formal rules of the ordinary legislative procedure where the EP has the same rights as the Council. Hence, the amendments of the EP are established to a considerable extent. Those amendments can be details, but also

³⁴ An additional problem is related to this particular case, because Moravcsik (1993) pointed out in his theory of Liberal Intergovernmentalism that Cohesion Policy is a special field, one of low politics, where member states make concessions to get something in return in another policy field.

bigger changes in the legislation. In many cases, the EP tries to focus the legislation, make the scope and the objectives of the – in the examined case – ERDF clear. It also shows tendencies to strengthen the subnational tier, social groups, or NGOs by adding for instance to the section of investment priorities and thematic objectives “in accordance with regional needs” (Council Presidency, 2013, p. 15) and proposed for the scope of support of the ERDF that “networking, cooperation and exchange of experience between local and regional authorities and relevant social, economic and environmental, educational, science and research actors, including non-governmental organizations” (Council Presidency, 2013, p. 5) is important. The EP also laid down the rules for transition regions in regard to thematic objectives (Council Presidency, 2013) which were finally adopted. Remarkably, if the proposed EP definitions and characteristics are too narrowing for the member states, the Council tries to push them in a more flexible way. One example here is the thematic concentration where the Council tries to get constantly more flexibility (Council Presidency, 2013). All in all, there is a struggle between the interests of the Council and the EP, and many compromises necessary to agree on everything. Thus, the final drafts represent a mixture of preferences from both institutions.

In some cases, member states want different things to be realized. One example is the introduction of transition regions: “As regards cohesion policy, several member states expressed concerns relating either to the new category of transition regions per se or to its scope. Some of these member states supported, however, the idea of a safety net, providing for a minimum allocation level to each member state, compared to its level during the 2007-2013 period. Other member states supported the concept of transition regions but were sceptical on the safety net” (Council of the European Union, 2012a, p. 7). The idea of transition regions was an essential claim introduced by the CoR (Interview 2; Committee of the Regions, 2010), supported by the Commission and the EP. In the end, transition regions became part of the legislation.

In some cases, most member states share the opinion to refuse an introduced idea by the Commission. One example here is the performance reserve which was debated in the third session of the Council. In the position papers, literally every examined member state was against the introduction of such a tool (see observation 1.2.1). Nevertheless, the Council finally agreed on it. But still, the member states seem to be still concerned and added for instance the following to the section of performance reserve:

“When applying financial corrections, the Commission shall take into account - with due respect to the principle of proportionality - the absorption level, and external factors contributing to the failure.

Financial corrections shall not be applied where targets are not achieved because of significant socio-economic, environmental developments or implementation delays beyond the control of the Member State” (Council of the European Union, 2012d, p. 4).

Those limitations on the reserve got adopted in the final draft. This example shows that although the Council is concerned or against an issue, the Commission is still able to enforce their preferences, at least with the backing of other important stakeholders. And in some cases, the Council can only add small amendments to soften the legislation, but has to accept it in the end.

As for the CoR, it is hard to say if the Council makes any concessions due to the fact that the contact between those institutions is not close and not strongly institutionalized (Interview 1; Interview 2; Interview 3). It is likely that concessions happen more in the national context, before decisions in the Council take place (Interview 2). Nevertheless, the Council takes the opinions of the CoR at least partially into account, although not to the extent as the Commission and the EP do (Interview 2). As for the Cohesion Policy 2014-2020, the influencing “Outlook Opinion on the Future of Cohesion Policy” by the CoR was a statement which has been formulated at request of the Council Presidency, and not in the normal process of mandatory consultation. “Let alone the fact that a Council presidency asks the Committee of the Regions to formulate an opinion to a specific topic, this shows the degree of acceptance that the Council presidency has” (Interview 2; translation by author). Furthermore, many points got adopted out of this Outlook Opinion by the Commission in the first legislative draft of Regulation (EU) No 1303/2013. Hence, the Council had to make at least some concessions³⁵.

All in all, the analysis makes clear that the national governments must make concessions to supranational actors, such as the supranational tier has to make concessions to the member states. National, supranational, and sometimes even subnational actors give their input, and can enforce parts of their claims. Hence, observation 1.2.II must be disconfirmed.

5.2.3. INTEGRATION-PREPAREDNESS OF THE COUNCIL [1.2.III]

Next, the analysis will try to answer the question if the outcome of the negotiations on the Cohesion Policy 2014-2020 is more or less integrationist than preferred by the Council, and if there is any sign of the Council trying to restrict the influence of other stakeholders, such as the Commission or the CoR. To assess this, amendments of the Council in regard to Regulation (EU) No 1303/2013 and Regulation (EU) No 1301/2013 are compared. Academic literature and results from the realized interviews are taken into account as well.

³⁵ In some cases, it is not possible to talk about real concessions due to the fact that some points might only be welcomed input by better informed stakeholders. But sometimes, the input of the CoR and the opinion of the Council differed which make some points clear concessions.

Drawing conclusions from the Commission's "Fifth report", the Council is in favor of "the reinforcement of strategic programming proposed by the Commission with a view to strengthening synergies among European Union, national, regional and local policies and NOTES that this shall take place within a reinforced partnership and close dialogue between the Commission, Member States, regions and local authorities, as appropriate" (Council of the European Union, 2011, p. 4). In the whole legislative process, the Council does not want to restrain the regions, but rather welcomes their input and contribution. There are no signs in the amendments or the position papers that the national governments want to restrict regional influence³⁶. Instead, there is an on-going integration of regional actors in different steps of the process (Mendez & Bachtler, 2014). Individual claims of the CoR can be nevertheless seen critical by national governments, such as the introduction of transition regions.

But looking at supranational actors, this topic seems to be more struggling for the national governments. There are two points that need to be pointed out. First, the closer link between Cohesion Policy and economic governance is rejected by most of the member states, but was approved in the final legislation. This link is equal with a transfer of power to the supranational level (Mendez & Bachtler, 2014) due to the fact that the Commission can now suspend payments if member states contravene economic rules of the EU (European Commission, 2015b). Second, it is true that the Council prevented some sections in the legislature which would have meant more power for the Commission. One example is the proposed rule that major projects need approval of the Commission. Instead, the Council changed this rule, so that major projects do need approval – but not from the Commission, but from an independent team of experts (Council of the European Union, 2012a). Furthermore, the on-going mentioning of more flexibility stresses the wish of national governments to stay in control. Because the flexibility of thematic objectives and moving of money between categories of regions allows the member states to control. As it turns out, some claims in this regard are adopted. Nevertheless, the flexibility is restrained up to a point, due to the fact that many rules, especially for conditionality, got adopted.

Additionally, some member states made clear that they are in favor of a re-nationalization of Cohesion Policy. Overall, Bache (2015) pointed out that the construction of the Cohesion Policy 2014-2020 "would bring more EU-wide accountability in exchange for greater member-state control over implementation" (p. 251). Although the EP and the rest of the national governments could prevent a wide re-nationalization because they had the concern that it would weaken the policy in the long term (Bache, 2015), this development still shows

³⁶ For instance, the Czech Republic states that "[p]artnership approach and multilevel governance are from the point of view of the Czech Republic the key prerequisites for the success of Cohesion Policy and the reaching of the Europe 2020 Strategy objectives" (Ministry of Regional Development Czech Republic, 2011, p. 4f.).

that at least some member states are openly critical about a shift of power in favor of European integration.

All in all, there are some tendencies that the member states try to restrict the influence of the Commission and that they want to stay in control over outcomes – sometimes successful, but also sometimes unsuccessful. On the other hand, regional input seems to be welcomed. Thus, the prediction is confirmed, but only to a certain degree.

Due to the fact that observation 1.2.I – which is the most important one – is not entirely disconfirmed, while observation 1.2.III strengthens the observations in 1.2.I, prediction 1.2 partly confirmed.

5.3.PREDICTION 2.1: NEGOTIATIONS WITHOUT NATIONAL GOVERNMENTS

The next two sections concentrate on the predictions of Multi-Level Governance. Here, the first prediction (2.1) looks at the link between the powerlessness of national governments in controlling subnational influence and the possibilities for the Commission and the CoR to negotiate terms of the Cohesion Policy 2014-2020. If they communicate directly, it is likely that the outcome of the policy is divergent to national interests.

For this prediction, three observations will be tested. First, if there is close contact between the CoR and the Commission and proof of independent talks. Second, whether the opinion of the CoR is dominated by national interests will be checked by looking at potential interest conflicts between the CoR and the Council for Regulation (EU) No 1303/2013 and Regulation (EU) No 1301/2013. Lastly, it will be evaluated if subnational and supranational institutions pass over national interests in the final draft of Regulation (EU) No 1303/2013 and Regulation (EU) No 1301/2013 to enforce their own preferences.

5.3.1. CONTACT BETWEEN COMMISSION AND CoR [2.1.I]

Information on the contact between the Commission and the CoR are mainly derived from the passages about the Cohesion Policy 2014-2020 in the impact assessment reports of the CoR. This mostly covers the reports from the years 2011-2013. Additionally, the interviews with CoR officials and employees allow for personal insights.

To start with, one point needs to be mentioned which has been part of the analysis of observation 1.1.II. The analysis of stakeholder input shows that almost one third of the first draft of Regulation (EU) No 1301/2013 (26 out of 89 characteristics) captures important points that have been mentioned before in the “Outlook Opinion” that the CoR published in April 2010. This covers different parts, especially the expansion of transition regions, the goal of territorial cooperation, the result-orientation, sustainability, and the partnership principle.

Hence, this is a first sign that the Commission is not only aware of the CoR opinion, but also takes the input seriously into account, and picks up its ideas.

There are several passages in the impact assessment reports which come to the same conclusion. The cooperation of CoR and Commission is described as “very good” by the CoR itself – as is the relation to the EP (Committee of the Regions, 2013, p. 43): “It is now standard practice for CoR rapporteurs and CoR staff to regularly meet with their EP and EC counterparts in the process of preparing and follow-up of opinions” (Committee of the Regions, 2013, p. 43). Initiatives are taken up by those two institutions (Committee of the Regions, 2013). One of several examples in the case of Cohesion Policy is the opinion on “New perspectives for the revision of the EGTC Regulation”, where the recommendations of the CoR were included to a great extent (Committee of the Regions, 2012). However, what could be improved is the cooperation with the Council (Committee of the Regions, 2013). Although there are several attempts to improve this relation (Committee of the Regions, 2011), it is still on a low level (Interview 1; Interview 3).

The interviews support the claims in the impact assessment reports. One interview reveals that the contacts to the Commission are the deepest and oldest ones (Interview 2). While some contacts are private and sometimes result solely from the initiative of the CoR rapporteurs (Interview 2; Interview 3), others are highly institutionalized: “And every time we have a plenary session, we have one or another Commissioner which discusses different topics with us. This is something that developed soaring over the last ten years. Ten years ago, it was something special; today we have more of them regularly” (Interview 2; translation by author). However, it happens often that opinions of the CoR are not taken into account by the Commission automatically, but only dependent on the motivation of the rapporteurs to lobby for their ideas (Interview 3; Interview 5). As for the EP, the contacts have increased over the last years (Interview 2). This happened also due to the fact that the members of the EP and the CoR are often members of the same political party and have therefore closer contact (Interview 1; Interview 2). Some even place the contacts to the Commission and the EP on the same level in regard to the level of cooperation (Interview 1). The described relationship to the Council ranges from not highly developed (Interview 2) to basically non-existent (Interview 1). It has been mentioned that “the Council is not a so open organization, I mean it’s difficult to get in and to contact”, it is “a different piece of cake” (Interview 3). Nevertheless, the CoR concludes that it has “been able to play a relevant and coherent institutional role” (Committee of the Regions, 2013, p. 43).

Overall, it is stated that the inter-institutional cooperation could still be improved – one common goal of all commissions inside the CoR (Interview 1). The opinions of the CoR are not taken into account as much as the CoR would like them to (Interview 7) and it happens

as well that reports of the CoR are not handed on in time which leads to missed chances to bring in regional interests (Interview 3). Moreover, the political parties are criticized for having too much influence while the voices of the regional and local communities are too weak inside the CoR (Interview 1). In conclusion, there are still discrepancies and potential for improvements.

As a deduction, while there are some obvious problems, the ambition of the CoR to gain more influence is apparent (Interview 2; Interview 6) and close contact to the Commission might be one key to achieve this. All in all, the results on observation 2.1.I confirm Multi-Level Governance – the Commission and the CoR have indeed close contact.

5.3.2. COUNCIL’S INFLUENCE ON CoR [2.1.II]

For the next observation, it will be checked if access to European level and opinions of the CoR are controlled by the national governments while looking whether there are conflicts between the CoR and the Council for Regulation (EU) No 1303/2013 and Regulation (EU) No 1301/2013 apparent. The impact assessment reports allow for interesting insights here, as well as the conducted interviews.

Based on the impact assessment report 2012, there are several controversial issues between the CoR and the Council. The three most important differences are mentioned below:

Table 3. Controversial issues for member states and the CoR in Cohesion Policy 2014-2020.	
CoR	Council
in favor of transition regions	controversial, support for safety net
against performance reserve	agreed on performance reserve
against macro-economic conditionality	controversial, partial support

Hence, at the minimum three important issues were discussed at the institutions with diverging outcomes. The facts show that at least the introduction of transition regions got adopted in the final draft, an overall huge win for the CoR which accounts for billions of dollars for many regions (Interview 2). The other two points were agreed on against the interests of the regions. Overall, this shows that there are indeed controversial issues, and that the decisions are taken without restraining the opinion of the regions in the first place. Other conflicts must have occurred in regard to the budget which was finally allocated less than for the previous period: “CoR disapproved of the fact that the MFF was reduced in real terms compared to 2007-2013” (Committee of the Regions, 2013, p. 5). But perhaps due to the fact that a big part of the money was de-coupled from the funds to the “Connecting Europe Facility”, the regions do not feel that it was a big setback (Interview 2).

The evaluation of the interviews shows that conflicting issues occur between the Council and the CoR and those issues are staged in the negotiations, also publically. One reason of this

conflict might be the insufficient inter-institutional contacts (Interview 2; see Observation 2.1.I). However, conflicting issues are seen as naturally occurring due to the fact that different levels are represented. The CoR is seen by the members to be responsible to “at least give a regional touch to European decision-making in a way that they could advise Commission, Council, and European Parliament on matters that are really interesting for regions and communities” (Interview 3). It is not a highly politicized but an “interest-institution for regions and communities” (Interview 3). Although there are meetings between regional and national representatives before the real negotiations start (Interview 2) and also during the negotiations between officials from the permanent representations (Interview 3), it is nevertheless true that conflicting point of views emerge.

On the other hand, there is a formal gate-keeping role of national governments, because the CoR has no formal rights to enforce changes in the legislation. Nevertheless, the CoR is able to search for back-up from other institutions which have more power in the legislative process, such as the Commission and the EP. The interviews also reveal that conflicts are not solved on national level upfront, but are handled on European level instead. Still, some conflicts might not occur at all because at least the regions from decentralized countries expect their national government to represent the interests of the regions as well (Interview 2). Naturally, the national governments are in a better position than the subnational actors, but in most of the cases, this seems to have no influence on the positions which are developed.

All in all, interest conflicts are apparent, in the case of the Cohesion Policy 2014-2020, but also in general. The interviews with the CoR showed that the regions are not afraid to take a different stance in political decisions than the national governments, and they are also not afraid to “go to Brussels” with their ideas. Therefore, observation 2.1.II can be confirmed.

5.3.3. PASSING OVER OF NATIONAL INTERESTS [2.1.III]

For observation 2.1.III, it will be evaluated if other institutions pass over national interests in order to enforce their own preferences. Basis of the analysis are the final drafts of Regulation (EU) No 1303/2013 and Regulation (EU) No 1301/2013, the impact assessment reports of the CoR, and the insights from the interviews.

First, the results of the observations 1.1.I, 1.1.III and 1.2.II are very close to this observation, and confirm that the national governments have to make concessions to other institutions. The before obtained results show the strong role that the Commission as supranational actors has in the decision-making process of the Cohesion Policy 2014-2020. The Commission, and also the EP have own preferences and they indeed pass over national interests to enforce them. Those results would confirm observation 2.1.III. What needs to be elaborated further is the role of subnational institutions in passing over national interests.

For regions and the CoR, the interviews suggest that they are not controlled by national governments and are also not afraid of the gate-keeping role the national governments could have. If one region wants to realize a project, it is not afraid to active lobby in Brussels, build networks, or hold its opinion inside the CoR (Interview 3). However, it is still pointed out the CoR has limited possibilities to really put pressure on a sovereign state (Interview 1), but the regions seem to have enough ambition and courage to at least try.

For the Cohesion Policy 2014-2020, the most important example is the introduction of transition regions: „The Committee of the Regions was the first who advocates this idea, and it was actually enforced” (Interview 2; translation by author). Furthermore, the CoR insisted on continuing the structural policy in its existing architecture, without a wide re-nationalization: “This sounds trivial, but it is not, because at the forefront of every new structural period, there are discussions whether European structural policy is reasonable, whether it should be continued” (Interview 2; translation by author). Other important aspects are the explicit mentioning of Multi-Level Governance in the Cohesion Policy package (Committee of the Regions, 2012) and the highlighted role of the regions in contrast to social partners and NGOs (Committee of the Regions, 2013). The CoR also takes credit convincing the Commission, the EP, and the Council for introducing more flexibility on thematic concentration, also for the ERDF (Committee of the Regions, 2013).

By taking into account the previous results and the insights of the CoR in the European processes, it becomes clear that supranational as well as subnational actors are not afraid to pass over the interests of national governments. Still, the latter one needs to be more careful due to the fact that it is well aware that it is the weakest actor in European decision-making (Interview 1). But in conclusion, observation 2.1.III is confirmed.

Due to the fact that all developed observation are confirmed, the whole prediction 2.1 can count as confirmed. One constraint is that negotiations between the Commission and the CoR do normally not take place before a first draft of a new legislation is introduced (Interview 8). However, this is something that some members of the CoR want to change, for example by claiming that the CoR should take part in the so-called “trilogues” between the Commission, the Council, and the EP, at least as observer (Interview 8).

5.4.PREDICTION 2.2: SHIFT OF POWER

The last prediction looks at the possible emerge of new balances of power in the European process. The underlying idea is that the preservation of sovereignty is not the highest goal in European negotiations and hence there is a growing influence of subnational actors. Additionally, the outcome of the negotiations should reflect to a greater extent the preferences from other actors than national governments. While this is a rather rigid interpretation of the theory, it is necessary to evaluate if a shift of power takes place.

Three separate observations will evaluate if prediction 2.2 can be confirmed. First, the development of influence of the CoR over last ten years will be evaluated from impact assessment reports about the influence in the field of Cohesion Policy and from CoR members with long-lasting experience [2.2.I]. Four interviews have been realized with members of the CoR who are 8 years or longer representatives of their regions in Europe. Second, it will be looked at the fact if the Council gives formal “permission” to implement a shift of power to other levels [2.2.II]. Third, it is of utmost importance if national governments act as gate-keeper of regional and other interests [2.2.III]. This claim was shortly evaluated before, but will be looked at more closely and more in general.

5.4.1. DEVELOPMENT OF INFLUENCE OF CoR [2.2.I]

This observation evaluates the development of the power of subnational actors; hence, it looks at the influence possibilities of the CoR over the last ten years. Although the CoR exists for 20 years, it makes sense to look only at the last ten years. A long-lasting member of the CoR stated that “this process of self-definition, of identity-building, accelerated only in the last ten years” (Interview 2). Additionally, the impact assessment reports are only available for the last ten years.

Those impact assessment reports allow for interesting insights. There are several clues that point to the fact that the CoR gained more influence during its time of existence. First, the older impact reports point out every meeting, working group, or interview which was realized in the process with higher level officials from Commission, Council, and EP (Committee of the Regions, 2005). The relations between the CoR and the other institutions seemed to be weaker than they are today. In later reports, this cooperation is taken for granted and it is just mentioned that the contact to the EP and the Commission is “indeed at an increasingly high level” (Committee of the Regions, 2012, p. 44) and that they are working on getting more attention from the Council (Committee of the Regions, 2013). Moreover, meetings are increasingly more institutionalized (Committee of the Regions, 2012); the acceptance from other institutions seems to be more developed. Second, the later reports focus more on content decisions that the CoR could realize. For instance, the achievement of the “Opinion of the Fourth report on economic and social cohesion” in 2007 was that it “has been possible to communicate the position of the Committee of the Regions to the other institutions and also to all associations and regional stakeholders” (Committee of the Regions, 2008, p. 38) or in exceptions how minor points have been realized, such as the mentioning that subsidiary is still valid as principle of Cohesion Policy (Committee of the Regions, 2005). It is stated that the “CoR has managed to strengthen its positions in the debate of important regional and local issues such as the reform of the Structural Funds” (Committee of the Regions, 2005, p. 40). In the report from 2013, the CoR states the objectives it wants to achieve, and makes a

list which ones it was able to be realized. This list includes aspects from the introduction of transition regions to more flexibility on thematic concentration and to the promoting of Multi-Level Governance (Committee of the Regions, 2013). It states that “as requested by the CoR, the reference to the fact that the ERDF shall not support investments in infrastructure providing basic services to citizens in the areas of environment, transport, and ICT in more developed regions was deleted from the draft Regulation” (Committee of the Regions, 2013, p. 11) or that the “CoR has also succeeded in convincing the EP and Council not to put local and regional authorities on an equal footing with social partners and NGOs, contrary to the period 2007-2013” (Committee of the Regions, 2013, p. 11). Additionally, it is defined clearly which points are against the interests of the regions. Overall, the report states that the “CoR is constantly improving its capacity to influence the European legislative process. As the Lisbon Treaty has given the Committee more visibility and legitimacy, the presence of the CoR in the legislative procedure becomes more necessary and more visible every year” (Committee of the Regions, 2011, p. 31). Analyzing the documents, it becomes clear that the CoR has closer contacts to other institutions, has a stronger, more qualitative and profound position, and it gained more formal powers through the Lisbon Treaty. Hence, the documents indeed reveal increasing power.

The interviews confirm the impressions from the impact assessment reports. One reason for the empowerment of the CoR is the increasing awareness that EU legislation has a distinct impact on regions due to the fact that around 75% of European legislation needs to be implemented on local or regional level (Interview 6). Other reasons are the qualitative improvement of opinions (Interview 6), the growing motivation of younger and more diverse members of the CoR (Interview 4; Interview 6), the empowerment through the Lisbon Treaty (Interview 4), or the awareness of other institutions that the CoR is the organization closest to the citizens (Interview 2; Interview 5). The CoR invests in better lobbying, networking (Interview 6), the contacts to other institutions (Interview 6; Interview 8) and the follow up of initiatives (Interview 1). Although it is controversial for some members or regions where the CoR is heading (Interview 1; Interview 8), the influence has grown considerably since its foundation. Still, the organization is quite young (Interview 6), weak and underdeveloped (Interview 5) and faces major problems through high fluctuation and absent motivation of many members (Interview 4), but on the other hand, nearly all interview partner were quite ambitious and see an added value in this organization. It was nearly common ground that “in general, and especially on EU-level, the influence [of the CoR] has grown considerably and

will continue to grow considerably” (Interview 2; translation by author)³⁷. Those insights allow for a clear confirmation of observation 2.2.I³⁸.

5.4.2. COUNCILS PERMISSION TO SHIFT OF POWER [2.2.II]

The next observation looks at evidence if the Council gives formal “permission” to implement a shift of power to other levels. The amendments of the evaluated regulations are considered, as well as statements in interviews and from stakeholder reports.

First, it needs to be stated that the Council does not seem to be afraid of regional influence, but rather supports partnership (see Observation 1.2.II and 1.2.III). For instance, Multi-Level Governance was for the first time directly mentioned in the Cohesion Policy package 2014-2020 (Committee of the Regions, 2012). It is stated that the partnership between national governments and subnational actors has been improved in most cases (Council of European Municipalities and Regions, 2013). This is consonant with the fact that the CoR was founded in the Maastricht Treaty and gained more power in the Lisbon convention negotiations which are traditionally agreements between national governments. It is stated that “the Committee of the Regions has given the regions a voice” and a platform for exchange and organization (Interview 3), although it is still lacking important competences. Overall, the amendments of the Council for Regulation (EU) No 1301/2013 and Regulation (EU) No 1303/2013 do not show tendencies of the national governments to restrict regional influence. On the other hand, there is no sign that it is actively encouraged. The regions themselves do not always know to what extent the Council – or more precisely the respective government – take their input into account: “[I]n the end they are of course the people participating the Council meetings and we don’t know what happens there” (Interview 3).

Other insights reveal that national governments do not see the CoR as an important institution. It is stated from the perspective of the regions that “nobody in the capitols stays awake at night” afraid of regional efforts (Interview 1; translation by author). Up to a point, the CoR members even feel neglected by their national government: “I am not noticed. In principle, I can do whatever I want, it does not attract attention” (Interview 4; translation by author).

Those are interesting perceptions because observations 1.2.II and 1.2.III showed that the Council indeed has the tendency to restrict the influence of the Commission and the desire to control further outcomes, although they are only partly successful. However, as the regions

³⁷ Additionally, it can be said that the plenary sessions and factions meetings in the framework of the CoR consist of debates on major European topics, such as migration problems, trade restrictions, or the recovery plan for Europe’s economy. It is certainly not the case that issues which touch national interests are avoided. These insights have been obtained during the field trip to Brussels by visiting those meetings.

³⁸ It is problematic that the results are only obtained from sources inside the CoR. Therefore, the positive results might need to be restrained a little.

are the weakest of the four evaluated actors (Interview 1), the Council does not seem to see them as threat to their decision-making in the European Union. Concessions of the Council to the regions are rare (Interview 7), although there are some examples which show that they can take place (Interview 2).

Due to the fact that the Council does not hinder the influence of the regions, but also not actively encourage it, observation 2.2.II will neither be confirmed, nor disconfirmed. The Council is clearly the more powerful actor which might be the reason for the neglecting of the subnational actors. A shift of power might happen in relative silence, welcomed by the Council because it solves problems. Whether an informal shift of competences to the subnational level becomes institutionalized in later stages of the integration process remains unclear so far, but is likely while looking at the ambitions of the CoR.

5.4.3. GATE-KEEPING ROLE OF NATIONAL GOVERNMENTS [2.2.III]

This last observation looks at evidence for the claim that national governments could act as gate-keeper of regional and other interests and influence, which means that they control the access and the influence on EU level. Interviews with CoR officials are the best source to find out if they feel restricted in one way or another. Documents from other stakeholders are considered as well to get some insights in the possibilities of influence of private actors.

First, the gate-keeping role of national governments is mostly denied in the interviews: „We're not obliged to put our noses in the direction which the national government says we do have to" (Interview 3). What is more, regions act as observer and lobbyists, and they do not need to ask the national governments for permission (Interview 2), although there are meetings and various talks between the regional and the national levels, regions are free and independent actors (Interview 2). Hence, it can indeed happen that the opinions in the CoR are not in line with national interests (Interview 1), because national governments and permanent representations do not control access or content inside the CoR. Instead, CoR members are accountable to regional governments and this is the place where agreements are made (Interview 8). "I have not experienced a situation where an intervention happened, where talks took place in the background" (Interview 1; translation by author).

However, it was pointed out that the influence on regions by national governments might be different for other member states (Interview 2; Interview 3; Interview 8), for instance in centralized states (Interview 2). One example where it could be different is the UK, where it did happen that offices in Brussels got closed by the national government (Interview 2). But taking the conducted interviews into account, it was made clear that even if most of the competences lie at national level, the delegations to the CoR go to meetings with national governments, but do not change their opinions (Interview 3).

Nevertheless, it was mentioned that national governments do not always like it if the regions interfere in its issues (Interview 4). Hence, even decentralized states stated that “[w]e as regions try to be preferably in line with the respective national government in regard to topics we discuss in the Committee of the Regions” (Interview 2; translation by author). Still, local interests are the first priority, and the national interests come after that, which is considered to be true for all CoR members (Interview 5). In conclusion, national governments normally do not have an active gate-keeping function. The regions – although not always heard – develop own opinions, stick to it and lobby for it, even against national interests.

As for private actors, the influence possibilities seem to be even more limited, although the access to EU level is also most likely not restricted by governments. For instance, against the clear interests of important private stakeholders, large businesses do not profit from the Cohesion Policy 2014-2020 (Bitkom, 2012; BusinessEurope 2012). Additionally, the role of social partners was not as strengthened as desired (BusinessEurope, 2012; DGB, 2011), it is now weaker than the role of regional partners. On the other hand, private stakeholders were in favor of aligning the economic conditions of a country to the Cohesion Policy (BusinessEurope, 2012; DGB, 2011). They were also in line of thematic concentration and favored the introduction of transition regions (European Commission, 2011a). Those preferences were established, but they were also in line with the preferences of the Commission, so it is not clear if influence took place. Overall, it is not apparent that private interests played a big role in the process, although interviews with interest groups and the Commission would have been necessary to evaluate this. But all in all, they seem to play a minor role after supranational and even subnational interests. Nevertheless, it needs to be kept in mind that private actors, for instance in form of experts, are indeed consulted before an opinion of the CoR is formulated (Interview 2; Interview 8).

In a concrete comparison which actor brought in the most content, the Commission, the EP, and the Council account for the major share of the evaluated regulations. In detail, approximately 58% from the evaluated regulation was developed by the Commission, and 76% of the first draft got adopted in the end. Additionally, the EP seemed to be as successful as the Council in enforcing changes in the legislation – a role it also has formally in the case of Cohesion Policy. When taking the slowly growing role and the realized goals of the CoR into account as well, it can be said that actors other than the national governments determine a major part of the legislation, although private actors do not play a high role in this particular field. Thus, observation 2.2.III can be confirmed.

In conclusion, prediction 2.2 can be confirmed, although with some constraints, such as the overall low possibilities of the CoR to influence decision-making and the fact that the Council does not seem to see the regions as important actors in Brussels.

5.5.SUMMARY OF THE RESULTS

While evaluating the theory of Liberal Intergovernmentalism, prediction 1.1 reveals the power of the Commission while looking at realized preferences in the case of the Cohesion Policy 2014-2020. It is not only the advantageous formal position which makes the Commission powerful, it is also the endeavor to communicate with all important stakeholders. Although the Commission takes the input of those stakeholders seriously and includes it to a great extent in the legislature, it has preferences itself. The first and final drafts of Regulation (EU) No 1303/2013 show that the Commission also enforces its own preferences and tries to strengthen the European level, in some cases even against the resistance of the member states. It is eager to make sure that the legislation is clear and strong and that member states are controlled in their efforts to reach the agreed goals. Of course, it cannot enforce everything it wants – the negotiation process and the final legislation show that European politics is a permanent compromise and struggle over preferences and power. All in all, the Commission is not a powerless supranational actor which disconfirms the prediction of Liberal Intergovernmentalism whereby European decision-making is solely dominated through national preferences.

On the other hand, prediction 1.2 shows that many points in the evaluated legislation were agreed on a broad consensus or reflect an acceptable compromise of the member states. By comparing preferences of seven member states with the final outcome, there is some proof that the negotiations of the Cohesion Policy 2014-2020 do reflect the common denominator of governments. Still, there is evidence that the least forthcoming member in the evaluated case – the UK – could not reach all its goals and that most of the member states have to make compromises or accept undesired measures. Therefore, it is unclear if the outcome of the negotiations does reflect the lowest common denominator. But it is clear that the member states have to make concessions to other European institutions, to the Commission, the EP, and even the CoR. Nevertheless, the national governments try to stay in control and push for flexibility in the European legislation. In conclusion, it can be said that the Council of the European Union as representative of the member state interests tries to enforce national preferences, but due to the complex process and the numerous actors who are necessarily involved, it is not able to do so in every case. Hence, the prediction of the outcome of negotiations as lowest common denominator and the preference of national governments to stay in control can be partly confirmed, but needs to be partly disconfirmed as well.

While taking a closer look on the theory of Multi-Level Governance, prediction 2.1 reveals that national governments do not negotiate the terms of new legislation on their own. In some cases, they are excluded from parts of the negotiation process. The impact assessment reports of the CoR and the conducted interviews allow to be sure that the contact between

the supranational and the subnational level is indeed close which might lead to the exclusion of national interests. Furthermore, the subnational institutions have their own opinions and try to implement their own preferences with the help of the supranational partners, such as the Commission or the EP – sometimes passing over national interests. Therefore, prediction 2.1 can be confirmed, although it must be said that the subnational actors are quite weak in comparison to the national level, mainly due to their weak role in the institutional framework.

Prediction 2.2 looks at a possible shift of power from the national level to supranational, subnational and private actors. The strength of the supranational level has been proofed in prediction 1.1. The analysis in this part shows that the power of the CoR as representative of subnational influence is constantly growing. Reasons are the increased awareness of this institution by other European institutions – also through the empowerment of the Lisbon Treaty – and the increased professionalism and ambition of CoR members. The Council welcomes the input of the regions for now and does not appear as gate-keeper of regional influence, perhaps because it allows for additional benefits. But if subnational actors become stronger, the approval of the Council might change and it will start to limit the possibilities, as it is tried with the input of supranational actors in the conducted case study. And although the influence of private actors is low in the case of the Cohesion Policy 2014-2020, prediction 2.2 is confirmed as well due to the fact that the input of supranational and subnational actors are at least on the same level or even outweigh the input of national governments.

6. CONCLUSIONS

6.1. ANSWER TO THE RESEARCH QUESTION

The conducted analysis was a qualitative mixture of content analysis and interviews in order to come to a conclusion in regard to the research question. The following subsection will provide answers to the central research question and the four sub questions which have been formulated upfront.

The first sub question wants to know: *What are the intentions and preferences of the EU institutions in the process of the Cohesion Policy 2014-2020?* This question has been answered quite detailed during the analysis. In short, the preferences of the Commission can be characterized as having an effective policy – if necessary with conditionality, controls and sanctions. The Council tries to achieve an effective policy as well, but with greater flexibility for national governments. The EP wants to strengthen supranational, subnational, and private forces in the process, and looks for a way to make the policy more focused. The Committee of the Regions wants the policy to be aligned to regional and local needs, with a preferably high budget. After close evaluation, the final legislation of the Cohesion Policy 2014-2020 negotiations is a compromise of all those interests.

The second sub question wanted to know: *How developed is the communication between the Committee of the Regions and the European Commission?* As it turns out, the communication between those two institutions is very close. There is a steady interaction taking place, both institutionalized and private. While the institutionalization of the contacts has grown over time and is now very good, it needs to be pointed out that private interactions are dependent on the respective member of the CoR who is responsible for formulating an opinion. Unfortunately, the willingness to lobby for the ideas of the CoR can be different for the respective rapporteurs and it is sometimes still highly underdeveloped.

The third sub question is linked to those results. It asks: *What are the informal and formal strategies by sub-national and supranational actors to influence the decision-making process?* While the formal strategies are quite clear through shared meetings with Commission, EP and even Council officials, in general terms or in the respective thematic Commissions of the CoR, the informal strategies are less clear. According to my research, they include a better follow up of the published opinions, strengthening the public attention, private contacts – especially to EP members from the same political party, and a more qualified formulation of statements. Hence, the CoR uses many strategies to develop its influence.

The last sub question was also examined in great detail: *Are the nation states effective gate-keepers of sub-national influence?* In short, they are not, at least not in most cases. The

regions and local communities develop their positions mostly outside the control of national governments. What is more, the CoR has also close contact to the Commission and the EP, while the national governments are not present. On the other hand, the Council tries to be gate-keeper of supranational interests, where it is also not always successful.

All in all, the central research question of the analysis is: *Does the theory of Multi-Level Governance explain the negotiations and the outcome of the Cohesion Policy 2014-2020 better than the theory of Liberal Intergovernmentalism?* While looking at all evaluated claims, it can be said that the predictions which have been developed for Multi-Level Governance can indeed better describe the process for establishing the new Cohesion Policy 2014-2020. The process revealed not only direct talks between supranational and subnational actors, but also a concession-preparedness of the Council, the assertiveness of the Commission, and a shift of power to levels other than the national governments. Nevertheless, one prediction of Liberal Intergovernmentalism could be at least partly confirmed as well which was that the outcome of negotiations reflect indeed in many parts the national preferences and the desire of national governments to stay in control. Hence, the networking and decision-making process in Brussels for the Cohesion Policy 2014-2020 must be described as compromise between those theories, but with a dominance of Multi-Level Governance. However, it needs to be pointed out once more that Cohesion Policy is a special case, due to the fact that it is the home ground for Multi-Level Governance and the field where the regions are seen as having special, “outstanding” competences (Interview 2; translation by author), and thus, most likely the biggest influence (Interview 7). On the other hand, other officials do not think that the influence in Cohesion Policy is higher than in other fields (Interview 1; Interview 8). Still, it is not possible to say from those results, that Multi-Level Governance is the valid theory for all European decision-making processes.

Additionally, the research showed that although Multi-Level Governance is not yet fully realized in the EU, it can provide some insights in the European processes. It is the biggest weakness of Liberal Intergovernmentalism that it neglects supranational and subnational actors and their networks. At least for the “most likely case” of Cohesion Policy, Multi-Level Governance can account as useful model. However, it also becomes apparent that its assumptions cannot describe the whole process – such as the important role of national negotiations. Hence, it appears as theory with explaining variables and testable hypothesis, but not designed to replace Liberal Intergovernmentalism and all of its assumptions. By now, Multi-Level Governance is still more of a normative model (Interview 2) with some realized aspects, than a comprehensive theory of EU politics.

6.2.RECOMMENDATIONS

The results of the analysis show insights into the negotiations of a process from which interesting recommendations can be retrieved from, both for the academic and the practical point of view.

From the **theoretical point of view**, predictions out of two important theories in European integration have been developed and analyzed. The results show that Multi-Level Governance allows explaining the process of the Cohesion Policy 2014-2020 negotiations, even to a greater extent than Liberal Intergovernmentalism. Hence, it would be desirable to test Multi-Level Governance for other policy fields where the regions could have some influence, such as social policy or environmental policy³⁹. Nevertheless, the analysis also shows that it might be useful to combine those two theories, taking closed negotiations of national preferences as basis for decisions, but considering supranational and subnational actors who can interfere with those negotiations and enforce own preferences as well. Thus, I think that Bache (1998) was right in suggesting that one single theory might not be able to explain all processes on European level. Further research in this regard and the development of a new theoretical framework would be desirable. As another advice, I would suggest to focus on the regions in European decision-making in further research. They might have a potential which has been strengthened over the time, due to the fact that the European citizens seem to demand more and more power and insights into European decision-making. It would be interesting to know if the CoR has potential to be a bridge between citizens and Brussels diplomacy which is far away from most of the people's reality. This is pointed out by members of the CoR (Interview 5), but it needs to be tested first.

In line with the academic recommendations, I will also consider the **practical point of view**. For supranational policy makers, the ambition of many regions to be taken seriously should be welcomed and fostered. Due to the fact that the trust in the European Union is declining which might have enormous consequences for the supranational level, the regional level can act as messengers of the European idea on lower levels. For national policy makers, it is no longer appropriate to ignore the regional level – as it becomes obvious in the analysis of the Cohesion Policy 2014-2020. Especially in decentralized member states, regions have the possibilities to pass over national interests in Brussels. While the Council does not cooperate with CoR, this cannot be stopped. In order to stay in control, it is desirable for the national governments to have institutionalized talks with regional representatives. Regional input might also be able to improve the quality of decision-making which should be desirable for both before mentioned levels.

³⁹ Those are examples for the policy areas where the CoR has to be consulted mandatorily.

At last, the analysis mostly reveals insights for subnational policy makers. The fact that the CoR is relatively unknown by the public will be a constant problem, excluding for instance influence possibilities through public pressure. Although there are already efforts to achieve this, those efforts need to be strengthened. In line with this, the attention might grow with increasing influence. Therefore, the CoR needs to put effort in getting heard at the next treaty convention to give the CoR more formal powers. Additionally, the interviews pointed out that not all regions pull together in the effort to become a more powerful institution (Interview 1). Hence, those regions must be convinced that the CoR is a necessary institution with great benefits – for every region. Furthermore, the benefits of Multi-Level Governance must be communicated to the public and in parts also to other EU institutions. Those recommendations are to some extent intertwined and are overall meant to strengthen Multi-Level Governance – which is in the interest of the regions – and the role of the regions in Europe to achieve more qualitative decisions which are accepted by the public.

6.3.REMARKS

In the final subchapter, I will reflect on the theoretical framework, the research design, problems with the empirical part, and the case selection. This allows for a final conclusion of the whole project.

First, the theoretical framework was adopted at a very early stage of the research process which was necessary but involved some problems. The biggest one was that Multi-Level Governance as theory turned out to be not as well documented and developed as Liberal Intergovernmentalism. Hence, Liberal Intergovernmentalism provided more testable variables which could not all be tested due to the fact that it needs to be possible to compare both theories. On the other hand, Liberal Intergovernmentalism is not best suited or designed for analyzing Cohesion Policy, a policy area which is considered to involve many side payments. Due to the fact that Liberal Intergovernmentalism focuses more on treaty negotiations and Multi-Level Governance more on day-to-day decision-making, the obtained results need to be treated with care. Some of the assumptions might be too different to compare. On the other hand, Neo-Functionalism might have been an interesting, but not the better theory to compare due to the fact that it had been analyzed and criticized too many times before and does not focus on the role of subnational actors.

Second, the development of the research design was confronted with some problems as well. The coherence of the independent variables could not be fully achieved due to the difference of the evaluated theories. Especially the evaluation of prediction 1.2 turned out to be not reliable enough to be sure of the results. This concerns the full evaluation of the congruence analysis. Furthermore, as in every congruence analysis, interpretation of the results was necessary which might have led to biases. Another design – such as process

tracing – might allow for a clearer focus on the subnational level in EU policy making. Reflecting the project, this would have been desirable because many aspects of the interviews could not be addressed in this scheme of analysis which is unfortunate. Moreover, not all indicators turned out to be suited to the case due to the fact that only interviews with CoR officials were realized.

The project was confronted with some empirical problems as well which could not be removed. First, the problem of socially desirable answers could not be fully eradicated. For instance, it was tried to include a more informal view by telling the interview partners that the interviews will be anonymous and by doing interviews with employees of official representatives. Still, the interviews might still be biased into a positive direction, although the interview partners were indeed critical. Second, a positive bias in direction to regional forces could also occur due to the before specified research interests of regional actors and the sole interviews with local and regional representatives. It was tried to stay objective, but selective perception might have been a problem, as often in empirical studies (Diekmann, 2007). Selective perception implies that predictions, values, social conformity have an effect on how we interpret the things we see. The pure selection of cases, the perceived characteristics of those cases, and also potential memory losses in this regard may have an influence on the results of the study (ibid.). This problem was controlled by testing two diverging theories, by providing transparency of the process, by the use of triangulation through many different sources, and by emphasizing that the results are not completely generalizable.

Despite those possible biases, if someone else would do the study for this particular case, it is likely that the same results are obtained, because the study shows internal validity and provides many sources. Moreover, the results are in line with the criticism on Liberal Intergovernmentalism of Foster (1998) who states that Liberal Intergovernmentalism gives “useful insights”, but “it must be supplemented by other models in order to explain fully how and why a government chooses among various outcomes” (p. 365). It also reflects Pierson’s view (1996) that the member states are still “extremely powerful” (p. 158), but they are no longer able to fully control the context of decisions.

The selection of the case of the Cohesion Policy 2014-2020 turned out to be challenging in some aspects because it is a rather complex phenomenon and on the other hand, a “most likely case” for Multi-Level Governance. Other cases might have provided interesting insights as well and might not have been so entangled, and thus better suited for this kind of analysis.

All in all, the case study and the related interviews and content analysis were able to bring out interesting insights about European day-to-day decision-making, although the theoretical and practical part of the project involved some problems and obstacles. Especially the

incomplete answer for prediction 1.2 needs to be evaluated with care. But looking at the other obtained results, this field of study promises interesting results. Hence, further studies on the CoR as institution, on Multi-Level Governance, and on the role of national negotiations in this regard are desirable and should be conducted, while this case study can be used as a starting point.

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8. ANNEXES

8.1. ANNEX 1

Literature Review

Regional Actors in the European Union

To give a short overview and entry point to the topic of Cohesion policy, the role and development of regional actors in the European Union is explained. At first, it is true that besides supranationalism in form of European integration, another main challenge to the nation states is regionalism (Keating, 1995). While both trends seem contradicting at first glance, they are also mutually reinforcing and in some way consistent. The foundations of the EU lie in the preventing of a new war through economic dependence and solidarity. Regionalism is as well as European integration is a result of those political and economic factors (Keating, 1995).

Regionalism may take two different forms which can be characterized as “bottom-up” and “top-down”. While the former explains regional mobilization to achieve political influence, the latter is characterized by supranational and national policies that have an effect on the regions (Keating, 1995). In the 1970s and 1980s, old dynamics of national dominance were seriously questioned while the regional level received attention as “key level of political dialogue and action” (Keating, 1995, p. 3). Overall, Europe gave new opportunities to regions to raise their voice and weaken national dominance over regional minorities, hence, regional independency movements became stronger, such as in Catalonia and Scotland (Keating, 1995). Those tendencies resulted for instance in the Scottish referendum in 2014 and on-going protests in Catalonia. Furthermore, the increased complexity of decision-making in the EU allows regions and supranational institutions to gain influence (Keating, 1995).

The Cohesion Policy of the EU

In General

In EU expenditure, the share of structural and cohesion policies⁴⁰ on the budget increased from 11 per cent in 1980 to 45 per cent in 2010 (Hix & Hoyland, 2011). This constitutes Cohesion policy in regard to the budget as the “most significant area of Community policy” (Bachtler & Wren, 2006, p. 143). Although often criticized, Cohesion policy is an innovative policy field and has a remarkably large scale (Dabrowski et al., 2014). Its development might imply the growing importance of regional policy in the EU. Additional to this, the “logic,

⁴⁰ The principle of cohesion means “reducing disparities in economic outcome and opportunity among European regions” (Farole et al., 2011, p. 1090).

nature, and implementation of European regional policy, or more precisely EU Cohesion policy, have undergone fundamental changes during the last few years” (McCann & Ortega-Argilés, 2013, p. 425)⁴¹. Therefore, it constitutes a highly interesting area of research, where recent changes have taken place. There is an on-going debate in the field of Cohesion policy, “whether sub-national authorities were willing and capable of contributing to the policy-making process without the supervision of the central national governments” (Piattoni, 2009, p. 166).

The overall aim of the area of Cohesion policy is to produce policies that will lead to economic, as well as social cohesion in the regions of the member states of the EU (Blom-Hansen, 2005). Mainly, this should enable them to take part in the Single Market (McCann & Ortega-Argilés, 2013). In this regard, convergence in productivity and outcomes should be achieved to maximize European growth (Farole et al., 2011). This aim to achieve more equality in the regions should be realized through projects which are financed by the structural funds of the EU (Blom-Hansen, 2005). “[P]rojects are required to achieve supranational goals, to be innovative, and to provide added value to national policies in the member states” (Blom-Hansen, 2005, p. 624)⁴².

Funding is provided through different mechanisms, such as the European Regional Development Fund, the European Social Fund, and the Cohesion Fund (McCann & Ortega-Argilés, 2013). These funds try to engage in initiatives regarding innovation, transport, environment, human capital, and even structural adjustment on regional level. The whole Cohesion policy is based in on the legal basis of the Lisbon Treaty which makes clear that “territorial cohesion is seen as a fundamental tenet of EU development” (McCann & Ortega-Argilés, 2013, p. 428). “In sum, EU cohesion policy pursues three types of goals. First, in terms of substance, structural fund projects must support policy goals formulated at the EU level. Second, in economic terms, grants from the structural funds must be additional to national expenditure. Third, in terms of policy methods, structural fund projects should be innovative and use non-traditional approaches” (Blom-Hansen, 2005, p. 627). Hence, the label of Cohesion policy implies the principles of the structural and the cohesion fund and the governing mechanisms for them (Bache, 2015).

However, the outcome of these efforts is seen critical by many people, “it is unclear that cohesion policy has altered the pathway of development” (Farole et al., 2011, p. 1089). Due to many reasons, evaluation of the funds and products in regard to efficiency and

⁴¹ One reason for this is that additional to inter-national disparities, the regions within one country also became more unequal (Farole et al., 2011).

⁴² Added value means in this regard that the EU funds should not serve as a replacement of national funds which is officially forbidden (Blom-Hansen, 2005).

effectiveness remains a complex phenomenon⁴³. On the one hand, the main reasons are different financial instruments, the co-financing of member states and private actors, the variety of programs, and the diverse types of beneficiaries (Bachtler & Wren, 2006). On the other hand, in regard to the implementation it needs to be stressed that the control mechanisms on part of the EU are rather weak. During the implementation, interests and preferences of the actors which are responsible for the implementation play important roles (Blom-Hansen, 2005). Additional to this, all European institutions have their own interests and different motives in regard to Cohesion policy (Bachtler & Wren, 2006) which complicates the process and may hinder the effectiveness of the whole funding.

History

In the area of Cohesion policy, is it relevant to look at the historical roots and reforms to fully understand the concept today (Bache, 2015). Historically, Cohesion policy had three major objectives: legitimacy, equity, and growth (Farole et al., 2011). In general, the objectives of this policy area go back to 1957 to the Treaty of Rome. However, it was not until 1972 before regional policy became an issue of high importance on the agenda of the Community. Although there was a major consent, the negotiations for the concrete programs turned out to be difficult (Bache, 1998). Then, in 1975, the first structural fund could be established (Bachtler & Méndez, 2007). At this time, decisions were mainly taken at national level through the national governments. Mainly due to the fact that the European Parliament was not even elected back then, it could not shape the policy. As for subnational actors, they have not been actively involved in most countries. Although some tried it, “national governments remained gatekeepers between subnational and supranational contacts” (Bache, 1998, p. 50).

The growth and change of Cohesion policy can be tracked to the accession of poorer member countries and the need to make them competitive on the Single Market (Bachtler & Méndez, 2007; Bache, 1998). Various scholars pointed out that the disparities between regions have grown during the time period of the 1980s (Farole et al., 2011). Subsequently, the Single European Act introduced the need for cohesion (Bache, 2015). Before 1988, the “national governments were seen to dominate an EC-level process restricted largely to institutional actors” (Bache, 1998, p. 65). In 1988, a major reform changed the framework of Cohesion policy and integrated it into a supranational framework (Bache, 2015). For instance, the Commission gained more influence in regard to the distribution of the funding. This change often led to tensions between member states and the Commission (Bachtler & Wren, 2006). With the reform also came the necessity to be more transparent and to justify

⁴³ Unfortunately, European integration has convergent as well as divergent effects in regard to equality (Farole et al., 2011).

the actions that are taken which means that monitoring, evaluation, financial management and the review of expenditure became an indivisible part of the Cohesion policy (Bachtler & Wren, 2006).

The reform in 1988 also determined the principles of Cohesion policy, which are concentration, programming, partnership, and additionality (Bache, 1998). The fund was also doubled. From an intergovernmental perspective, this was due to the changing preferences of the stronger and richer member states (Bache, 1998). On the other hand, the Commission started to actively shape policy decision (Bache, 1998). While the Treaty of Maastricht in 1991 guaranteed for another fund to help the poorer member states (Cohesion Fund), the reform in 1993 did not bring major changes (Bache, 1998). Like for previous points in time, the nation states were seen as decisive actors (Bache, 1998). Others think that “[i]n essence, EC regional policy remains a collaborative venture between the EC, member states, and, to a lesser extent, regional and local authorities (Armstrong, 1995, p. 61).

The reform in the 1999 was mainly concentrated on ensuring the problem-free accession of new member states from the East and Central Europe. Hence, older member states need to agree to a reduced allocation for their countries to ensure institutional capacity-building in the new member states (Bache, 2015). Overall, the objectives of Cohesion policy were reduced to assist merely poorer states (Bache, 2015). As for 2006, the enlargement in 2004 put enormous pressures on equality and hence, focused the funds even more on new member states to ensure convergence. Employment and competitiveness became important parts of the architecture for this phase of Cohesion policy (Bache, 2015). The budget accounted now for 347 billion Euro while the key principles merely stayed the same (Bache, 2015). Herein, national governments played a big part in the decisions of Cohesion policy. However, some stress that the Commission is also an important institution in this regard that is sometimes undermined (Bache, 2015).

Cohesion Policy 2014-2020

Negotiations

The negotiations for the policy framework 2014-2020 lasted for two years (European Commission, 2013) and were made in the shadow of the financial crisis (Bache, 2015). The European Commission gave the first ideas for the new Cohesion policy in November 2010 with the fifth report on economic, social and territorial cohesion: “Investing in Europe’s future”. The report stresses the entanglement of Cohesion policy and the Europe 2020 strategy. While it states that the former Cohesion policy was a great contribution in promoting growth, it lays out fields where progress is needed. This covers the commitment of member states to make policies more effective by taking strategic measures, being more results-oriented, and the concentration of financial resources, conditionality, and incentives

(European Commission, 2010). Due to the fact that the Lisbon Treaty added territorial cohesion to the existing goals of social and economic cohesion, new territorial strategies are also proposed, such as macro-regional strategies and urban agendas.

With the report, the Commission launches a phase of public consultation in regard to Cohesion policy for all stakeholders (European Commission, 2010). Before that, the European Parliament adopted a resolution on the Cohesion policy post-2013 in October. It was in November of 2010, when the start of informal meetings between responsible ministers took place. At the first meeting in Belgium, the ministers decided to stay with the current architecture of the policy and to stay ambitious in regard to regional cohesion. They pointed out the relevance of regional policy in achieving the Europe 2020 strategy. Another focus was the effectiveness of interventions that needs to be strengthened through better defined conditionality (Belgian Council Presidency, 2010). In summer 2011, the European Commission presented the first draft of the Multi-annual Financial Framework which was adopted in February 2013 (Bache, 2015).

Outcome

The outcome of the decisions is in line with the Europe 2020 strategy to promote growth and employment. Additionally, money is assigned to promote European territorial cooperation (Bache, 2015). The Cohesion policy is seen as one of the key instruments to realize the goals of Europe 2020 (European Commission, 2013). The current EU budget provides for 351.8 billion Euro combined with member states contributions and financial instruments it is expected to deliver more than 500 billion Euro (European Commission, 2013). Renationalization of control over the funding was especially favored by wealthier states, but it was opposed by the European Parliament and many governments, especially from newer member states (Bache, 2015).

There have been made significant changes to the framework 2007-2013, also due to the Euro crisis. First, the orientation on results has been strengthened: "Regions will be required to show not only where they spend the money but how they make the best use of the funds. The use of the money will be monitored, evaluated and reported to ensure it will deliver the intended results. Certain pre-conditions have been set before the funding can be released so that the right conditions exist to maximize impact of the investments" (European Commission, 2013, p. 6). Second, the new key areas are research and innovation, small and medium sized enterprises, information and communication technologies, and the low-carbon economy (European Commission, 2013). Third, special attention might also be given to the partnership principle that has been established, which secures e.g. the involvement of civil society organizations and the regions. "[T]here is now much more emphasis on partnership and, for the first time, on the necessity of 'multi-level governance'. This means that all levels

of government – local, regional, national and European – are able to and have to live up to their responsibilities and can then cooperate on that basis” (CoR, 2013; in European Commission, 2013).

There are mainly five funds that are in place in the current framework: The European Regional Development Fund (ERDF) which is responsible for overall strengthening of cohesion with the thematic areas of innovation and research, digital agenda, support for small and medium-sized enterprises and low-carbon economy, the Cohesion Fund (CF) which is aimed especially at the poorer member states to foster transport networks and environmental issues, the European Social Fund (ESF) which focuses on the needs of the people in regard to improving employment and education, the EU Solidarity Fund (EUSF) which is meant to help regions with natural disasters, and the Instrument for Pre-Accession Assistance (IPA) which seeks to assist potential EU candidates in institution building, cooperation and development (European Commission, 2015a).

Cohesion Policy and Theories

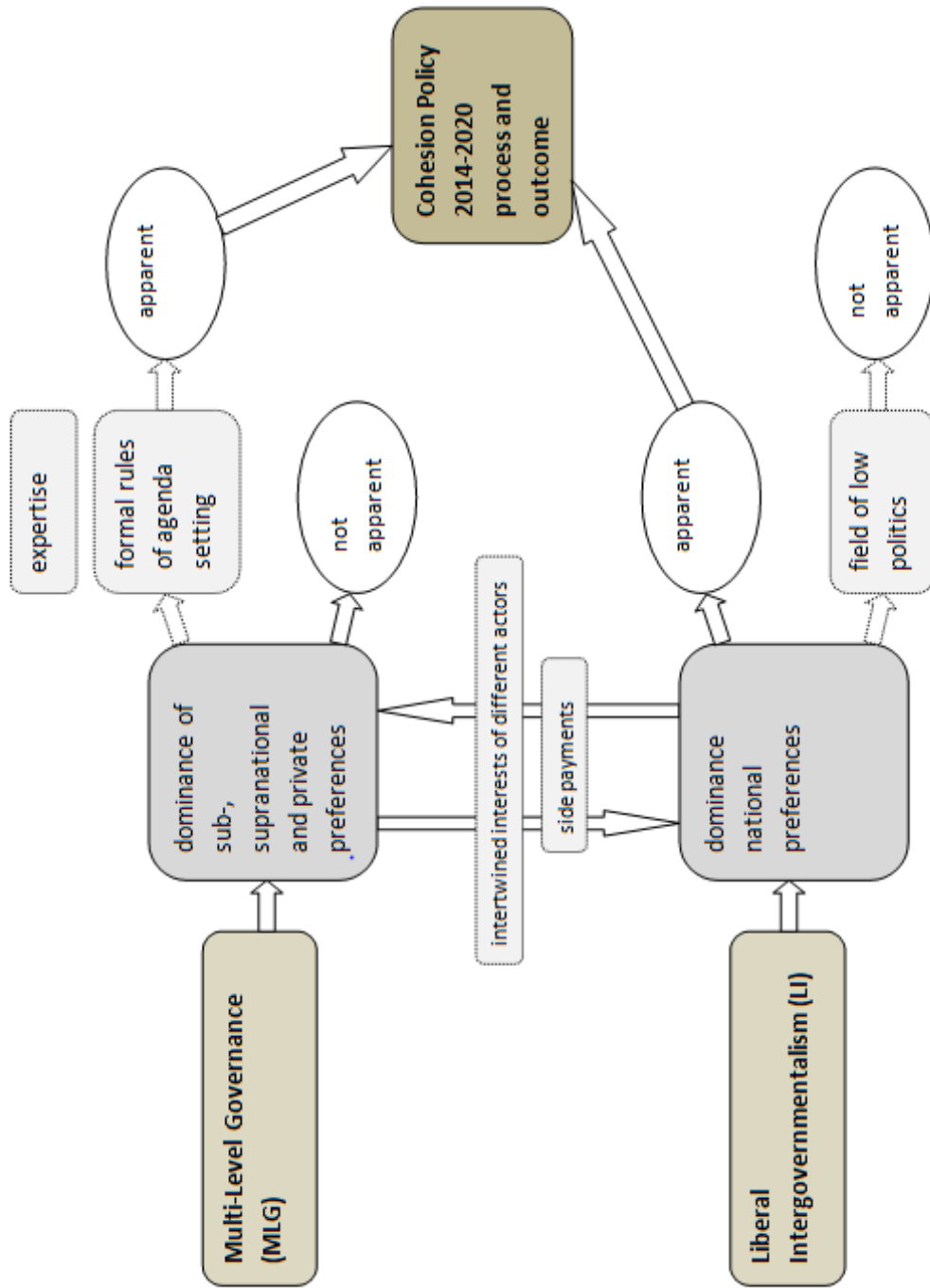
The usual approach to analyze Cohesion policy is Multi-Level-Governance (e.g. Blom-Hansen, 2005; Piattoni, 2009), however, some authors think that other theories allow for better insights and explanations. Among them are the principle agent approach (e.g. Blom-Hansen, 2005), but most often, the intergovernmental perspective (e.g. Pollack, 1995).

Overall, it can be argued that Cohesion policy is the home ground for Multi-Level-Governance. “Of course, many other forces have promoted multi-level governance in a range of contexts, but amongst EU policies, cohesion has been first and foremost” (Bache, 2015, p. 261). In the theory Multi-Level-Governance, the arenas of decision-making are interlinked between all levels of governance (Blom-Hansen, 2005). “It [Multi-Level Governance] is arguably one of the most descriptively accurate models of this policy process, and it correctly directs our attention to the full range of subnational, national, and supranational actors involved in the process” (Blom-Hansen, 2005, p. 628).

A lot of authors think that the role of national governments as compared to the Commission is in many publications clearly overstated (Bachtler & Méndez, 2007). On the contrary, the hypothesis of a renationalization is rejected due to the fact that the evolution of Cohesion policy deprives national governments more and more of their powers (Bachtler & Méndez, 2007). “The Commission is by no means a passive bystander in state executive bargaining, but sets the agenda by circulating an overarching budget which carves out specific amounts for structural spending” (Marks, 1996, p. 391). While member state concerns have been important in the negotiations process, the outcome points to strong influence of the Commission (Bachtler & Méndez, 2007).

However, Multi-Level-Governance can be criticized for confusing involvement of levels of government with actual governance of those levels. It fails to explain why national actors should suffer from a loss of power in regard to actors from other level (Blom-Hansen, 2005). Hence, others point out that an intergovernmental perspective is necessary to explain Cohesion policy (Pollack, 1995). After a detailed explanation of the most often used theories in the analysis of Cohesion policy, which are Multi-Level-Governance and LI, predictions of both theories will be developed. These predictions are applied to the negotiation process of Cohesion policy 2014-2020.

Flowchart of independent, intervening and dependent Variables



8.3. ANNEX 3

Codebook – Key concepts and operationalization

Background: Cohesion Policy 2014-2020, focus of the analysis are the REGULATION (EU) No 1303/2013 which sets out common provisions for all cohesion funds for the time of 2014 to 2020, and additionally REGULATION (EU) No 1301/2013 which set out the conditions for the European Regional Development Fund (ERDF) in this timeframe.

Unit of Analysis: Institutions in the negotiation process for the Cohesion Policy 2014-2020, especially European Commission, Council of Ministers, Committee of the Regions (CoR). Other stakeholders in the process are considered as well.

Special Focus: Members of CoR and employees, desirably involved in Cohesion policy negotiations 2014-2020.

Materials: Semi-structured interviews, legal texts + amendments, position papers of national governments, stakeholder reports, academic literature, studies, observation of a plenary session of the CoR.

All four predictions will be examined separately, although interactions are possible and will be considered.

As for **Liberal Intergovernmentalism [1]**, two predictions have been developed to determine if the theory is valid for the examined process.

Prediction 1.1 addresses the potentially weak role that supranational actors have in relation to national governments. If Liberal Intergovernmentalism is valid, the Cohesion Policy 2014-2020 may be shaped by *national* preferences. Supranational institutions only facilitate the cooperation between national governments.

To test this prediction, it is necessary to check the link between the independent variable (“powerlessness of supranational institutions”) and the dependent variable (“no own preferences of Commission in regard to Cohesion policy 2014-2020”). Indicators to test this link are:

- [1.1.1] no agenda setting ambitions
- [1.1.2] no own preferences
- [1.1.3] no involvement in content decisions
- [1.1.4] full information sharing with national governments
- [1.1.5] no coercive tactics against governments
- [1.1.6] closed negotiations between national governments, Commission is excluded.

There are 3 observations that will be used to test the indicators, and hence, the link between the variables:

- [1.1.1] in general and in the case of REGULATION (EU) No 1303/2013 and REGULATION (EU) No 1301/2013 the behavior of Commission from stakeholder reports and academic literature

- this relies on the following indicators: [1.1.1] [1.1.2] [1.1.3] [1.1.4] [1.1.5] [1.1.6].
- [1.1.II] an examination of the first draft of REGULATION (EU) No 1303/2013 and the opinions of important stakeholders that have been formulated upfront⁴⁴
 - this relies on the following indicators: [1.1.1] [1.1.2] [1.1.3]
- [1.1.III] a comparison of the first draft of REGULATION (EU) No 1303/2013 and final draft to filter out the influence of the Commission
 - this relies on the following indicators: [1.1.1] [1.1.2] [1.1.3]

Two out of three observations must confirm the expectations of prediction 1.1 to account as valid. Nevertheless, the last two observations [1.1.II] [1.1.III] account for more, due to the fact that the results of them are unlikely to be biased.

For the first observation [1.1.I], the evaluation will be relatively intuitive, depending on various sources. It will be checked, how the Commission is viewed by other actors. This also includes informal processes that might not be obvious with a sole analysis of two regulations.

Questions that will be applied to the documents are:

- Did the stakeholders feel their preferences reflected?
- Is the Commission seen as powerful actor?
- Did national governments negotiate without including the Commission's preferences?
- Did the Commission use coercive tactics?
- Was the Commission open in the process, sharing all documents with the Council and other actors?

For the last two observations [1.1.II] [1.1.III], a strict system of categories that has been derived from the first draft of REGULATION (EU) No 1303/2013 is applied.

A short excerpt of one defined category⁴⁵:

general principles	eliminate inequalities	equality men and women no discrimination because of sex, race, ethnic origin, religion, disability, age, sexual orientation
	sustainability	"polluter pays" principle
	compliance national and EU law	
	focus on regions that are lagging behind	
	European added value	concentrate their support on EU priorities and coordinate with other EU policies and financial instruments

Other categories define in detail: future funds, general goals, partnership contracts, strategic programming process, conditionality and performance, financial instruments, management and control, communication, others.

⁴⁴ Among others: Results of the Public Consultation after the 5th Cohesion Report, Outlook Opinion of the Committee of the Regions on The Future of Cohesion Policy (CdR 210/2009), etc.

⁴⁵ Complete system of categories in the Annex 3b.

For the evaluation of the observations [1.1.II] and [1.1.III], a simple system of evaluation will be applied. For both cases, X is the number of table elements that are preferred of Commission.

$X < 1/3 \rightarrow$ low influence

$X > 1/3$ and $< 2/3 \rightarrow$ medium influence

$X > 2/3 \rightarrow$ high influence

If the content analysis covers the fields of “medium influence” and “high influence”, the observations can be confirmed.

Prediction 1.2 focuses on the intergovernmental bargaining situation which is according to LI present at all times: If Liberal Intergovernmentalism is valid, the Cohesion Policy 2014-2020 may be explained/shaped by the lowest common denominator of *national* preferences. Hence, the more conflictual the bargaining situation between national governments, the lower is the outcome in this policy field.

To test this prediction, it is necessary to check the link between the independent variable (“national conflict & preservation of sovereignty”) and the dependent variable (“Cohesion policy as lowest common denominator”). Indicators to test this link are:

- [1.2.1] national governments have competitive goals
- [1.2.2] conflicts of money distribution and goals
- [1.2.3] no concessions to other governments
- [1.2.4] no concessions to other institutions
- [1.2.5] further control over outcomes is preserved.

There are 3 observations that will be used to test the indicators, and hence, the link between the variables:

- [1.2.I] bargaining position of countries and final outcome – is the outcome the lowest common denominator?
 - o this relies on the following indicators: [1.2.1] [1.2.2] [1.2.3]
- [1.2.II] the Council does not make concessions to other European institutions
 - o this relies on the following indicators: [1.2.4]
- [1.2.III] outcome of negotiations in Council is less integrationist than preferred by other institutions
 - o this relies on the following indicators: [1.2.4] [1.2.5].

Two out of three observations must confirm the expectations of prediction 1.2 to account as valid. Additionally, one of them must be prediction [1.2.I] which is the strongest one due to the fact that the lowest common denominator is one of the key concepts in LI.

To test observation [1.2.I], position papers of some countries (at least 7 – depending on availability) about the REGULATION (EU) No 1303/2013 and REGULATION (EU) No 1301/2013 will be examined in detail to find conflicting issues with the final drafts.

What is important here: It has to be taken into account if the examined position paper comes from a big or a small country. Additionally, due to the fact that negotiations always involve some sort of compromise, the focus will not be on details, but on major points of the regulations that differ from the opinions of national governments. If many differences

between papers and the final draft can be found, especially from the point of view of big countries, the prediction cannot account as valid.

For observation [1.2.II], the amendments of the Council are compared to the preferences of other institutions. Additionally, it will be checked if the amendments are consistent with previous claims of the Council, to include informal processes of understandings between the European institutions. Academic literature and reports from stakeholders will be taken into account as well, to get a more complete picture.

These information will be complemented with the interviews of CoR officials. The question that fall in this category is:

- Do you feel that the Council of Minister makes concessions to the CoR in the field of Cohesion policy?

The third observation [1.2.III] will also be checked with amendments of the Council, and the comparison of those to other institutions. This will be done simultaneously with the evaluation of the second observation [1.2.II]. Special focus will be laid on the category of partnership contracts to check the Councils preferences for the future of MLG, and the rights and responsibilities for the Commission and the Council that are mentioned in the first and the final draft of REGULATION (EU) No 1303/2013. If the Council wants to restrict the power of the Commission and the regions, this would be a clear indicator for LI.

These information will be complemented with the interviews of CoR officials. The question that fall at least partly in this category is:

- Do national governments act as gate-keeper of regional interests, which means that they control the influence of regions?

As for **Multi-Level Governance [2]**, two predictions have been developed to determine if the theory is valid for the examined process.

Prediction 2.1 addresses the fact that subnational and supranational act outside the control of national government: If Multi-Level Governance is valid, the Cohesion Policy 2014-2020 may be shaped by direct negotiations between *supranational* and *subnational* actors. Hence, it can indeed happen that the outcomes of these negotiations are *against* the opinion of the national governments.

To test this prediction, it is necessary to check the link between the independent variable (“direct contact between subnational and supranational actors”) and the dependent variable (“independent negotiations for Cohesion policy”). Indicators to test this link are:

- [2.1.1] no control of national governments
- [2.1.2] exclusion of national interests
- [2.1.3] regular contact between CoR and Commission
- [2.1.4] institutionalized contact between CoR and Commission
- [2.1.5] common interests of CoR and Commission
- [2.1.6] sharing of information between those levels.

There are 3 observations that will be used to test the indicators, and hence, the link between the variables:

- [2.1.I] there is a close contact between the CoR and the Commission
 - o this relies on the following indicators: [2.1.3] [2.1.4] [2.1.5] [2.1.6]

- [2.1.II] an interest conflict between the CoR and the Council for REGULATION (EU) No 1303/2013 and REGULATION (EU) No 1301/2013 is apparent
 - o this relies on the following indicators: [2.1.1] [2.1.2]
- [2.1.III] other institutions pass over national interests in final draft of REGULATION (EU) No 1303/2013 and REGULATION (EU) No 1301/2013
 - o this relies on the following indicators: [2.1.1] [2.1.2].

Two out of three observations must confirm the expectations of prediction 2.1 to account as valid. The second observation [2.1.II] is the weakest one, but because [2.1.I] and [2.1.III] are both important, the “two out of three rule” applies without limitations.

To test observation [2.1.I], several materials are consulted. First, the impact assessment reports of the CoR⁴⁶ will be of great value, due to the fact that they involve sections about inter-institutional work. Thus, they will allow for insights between the contact of the CoR and the Commission, and also, if information sharing takes place.

Additionally, the research will be complemented with the interviews of CoR officials. The question that fall in this category are:

- How close is the contact to other stakeholders in the field of Cohesion policy?
- How close is the contact to the Commission – on a scale of 1-5, when 1 is “no contact” and 5 is “lots of contact”?
 - o How close is the contact to the Council of Ministers – on a scale of 1-5, when 1 is “no contact” and 5 is “lots of contact”?
 - o How close was the contact in the negotiations for the Cohesion policy with both actors? – Same scale –
- Is the contact to the Commission institutionalized?
- Do meetings take place officially or unofficially? Which one outweighs the other one?

For observations [2.1.II] and [2.1.III], the amendments of REGULATION (EU) No 1303/2013 and REGULATION (EU) No 1301/201 will be evaluated, and compared to the final drafts. This is very close to what will be done for observation [1.2.II]. The linkage between those two observations will be kept in mind and will flow in the final evaluation. Additionally, academic literature and reports from stakeholders will be taken into account, to get a more complete picture.

These information will be complemented with the interviews of CoR officials. The questions that fall in this category are:

- Do you feel that the Council of Minister makes concessions to the CoR in the field of Cohesion policy?
- Do national governments act as gate-keeper of regional interests, which means that they control the influence of regions?
- Are national interests sometimes passed over on purpose to achieve regional goals?

Prediction 2.2 looks at possible new balances of power in the European process: If Multi-Level Governance is valid, the Cohesion Policy 2014-2020 may be shaped by preferences of *actors others than the national governments*, with a substantial influence of *subnational* actors. This implies an outcome of negotiations that do not reflect the national interests to a bigger degree than the interests of other actors, supranational, subnational, and private ones. The underlying idea is that the preservation of sovereignty is not the highest goal in European negotiations and hence, there is a growing influence of subnational actors.

⁴⁶ Online from 2004 onwards: <http://cor.europa.eu/en/activities/opinions/Pages/impact-reports.aspx>.

To test this prediction, it is necessary to check the link between the independent variable (“national governments allow shift of power”) and the dependent variable (“Cohesion policy reflects not only preferences of national governments”). Indicators to test this link are:

- [2.2.1] influence of subnational actors is apparent
- [2.2.2] influence of subnational actors is growing
- [2.2.3] ambition of CoR to gain more influence
- [2.2.4] preservation of sovereignty as ultimate goal is not apparent
- [2.2.5] Council makes concessions to other institutions
- [2.2.6] Council has a gate-keeping function.

There are 3 observations that will be used to test the indicators, and hence, the link between the variables:

- [2.2.I] the development of influence of the CoR over last 10 years
 - o this relies on the following indicators: [2.2.1] [2.2.2] [2.2.3]
- [2.2.II] formal “permission” of Council to implement a shift of power to other levels
 - o this relies on the following indicators: [2.2.4] [2.2.5]
- [2.2.III] Council of Ministers acts as gate-keeper of regional influence
 - o this relies on the following indicators: [2.2.4] [2.2.6].

Two out of three observations must confirm the expectations of prediction 2.1 to account as valid. Here, all three observations can be seen as equally important.

As for observation [2.2.I], the impact assessment reports of the CoR will be the main source again. But here, the focus will lie on the sections about the influence in the field of Cohesion policy over the last 10 years, especially in comparison for the examined time frame, which includes the reports of 2012 and 2013. Studies will be taken into account as well, especially useful is the database of studies about the CoR⁴⁷.

Supplementary, the following interview questions might give extra information:

- How would you rate the influence of the CoR in the European decision-making process – if 1 is “no influence” and 7 is “high influence”?
 - o What about the Commission? What about the Council? – Same scale –
- Does the CoR have the ambition to gain more influence?
- From your point of view, has the CoR gained more influence over time in the field of Cohesion policy?
- Do national governments act as gate-keeper of regional interests, which means that they control the influence of regions?

For observation [2.2.II], the amendments of the Council are evaluated in detail. Additionally, it will be checked if the amendments are consistent with previous claims of the Council, to include informal processes of understandings between the European institutions. Academic literature and reports from stakeholders will be taken into account as well, to get a more complete picture. This process is very close to the evaluation of observation [1.2.II], hence, the analysis of amendments can be used in both cases simultaneously.

Furthermore, the information will be complemented with the interviews of CoR officials. The question that fall in this category is:

⁴⁷ Various studies over the last 16 years online available:
<http://cor.europa.eu/en/documentation/studies/Pages/studies.aspx>.

- Do you feel that the Council of Minister makes concessions to the CoR in the field of Cohesion policy?

The third observation [2.2.III] evaluates if the Council of Ministers or the national governments acts as gate-keeper of regional influence. If the Council allows a shift of powers to the Commission and the regions, this would be a clear indicator for MLG.

The information will be fully retrieved from the conducted interviews of CoR members and employees. The question that fall in this category is:

- Do national governments act as gate-keeper of regional interests, which means that they control the influence of regions?

Evaluation: The evaluation of the texts will be applied as described above. The interviews will be evaluated with the help of MAXQDA.

Validity: The interviews have the purpose to collect information, especially about informal processes and unofficial meetings. But what is more, they serve as triangulation of the results, hence, try to confirm results that base on the previous content analysis.

8.4. ANNEX 3B

Categories of Commission's first draft

future funds	ERDF, CF, ESF, EAFRD, EMFF	should not replace public expenditure
		no transfer between less developed, transition, and more developed regions
	geographics	distinction in relation to less developed (regions whose GDP per capita is less than 75 % of the average GDP), transition (regions with a GDP per capita between 75% and 90% of the EU-27 average) and more developed regions (GDP per capita is above 90% of the average GDP)
		CF will support Member States whose GNI per inhabitant is less than 90% of the EU-27 average in making investments in TEN-T transport networks and the environment
general goals	Europe 2020	Minimum shares for the ESF will be established for each category of regions (25% for convergence regions, 40% for transition, and 52% for competitiveness regions).
	maximize effectiveness	avoid administrative burdens
	harmonization of implementation rules and control requirements	
	2 main goals	"investment for growth and jobs" (should support all regions)
		"European territorial cohesion"
general principles	eliminate inequalities	equality men and women
		no discrimination because of sex, race, ethnic origin, religion, disability, age, sexual orientation
	sustainability	"polluter pays"
	compliance national and EU law	
	focus on regions that are lagging behind	
	European added value	concentrate their support on EU priorities and coordinate with other EU policies and financial instruments
partnership contracts	local, regional, and civil society stakeholders	ensure MLG

		ensure ownership
		profit from experience
	MS should concentrate support	ensure contribution to European, national, and regional objectives
	objectives based on agreed indicators	
strategic programming process	limited number of thematic objectives	research, information and communication technology, SME, low-carbon industry, climate change, environment, sustainable transport, promote employment and labor mobility, social inclusion, education, institutional capacity
	reinforced strategic progress geared towards focus on results	clear intervention logic
		appropriate provisions for an integrated approach to development and the effective implementation of the funds
	priority axes for programs	
	clearer link between Cohesion policy and economic governance	public expenditure determined through general macroeconomic conditions (GSP, Six Pack)
	territorial cohesion	more local action for better development
conditionality and performance	ex-ante conditionalities → incentives	conditions necessary for their effective support are in place
	ex-post conditionalities → incentives	5 % of the budget of the relevant funds will be set aside and allocated, during a mid-term performance review, to the Member States whose programmes have met their milestones
	performance review by Commission in 2017 and 2019	suspension of payments
		financial corrections (lay down specific arrangement and procedures)
	strengthened focus on results	5 per cent of resources of investment for growth and jobs should be set aside as performance reserve
		joint action plans (+common rules)
	special: member states that receive financial assistance	higher co-financing rate (by 10 percentage points)
financial instruments	characteristics	increasingly important, address specific market needs, cost effective, not crowd out private funding, risk-sharing, flexible, attractive to private investors, guarantee of good investments, revenue-generating, innovative
	compliance national and EU	

	law	
	procedure	determine elements of co-financing rate (f.e. maximum rate)
		common rules for payment
		pre-financing should be foreseen each year
		detailed procedure for the annual clearance of accounts, accounted by an annual closure of completed operations or expenditure
		decommitment of the budget is possible
	several elements of simplification	access to financial instruments set up at EU level and models for national and regional funds based on standard terms and conditions laid down by the Commission
		clear framework for the implementation of these instruments, and addresses the ambiguities
		can in the future be used for all types of investment and beneficiary
management and control	shared management	specification of responsibilities for Commission in implementing the budget
		clarifying of responsibilities of MS in cooperation situation
		implementing of program at appropriate territorial level
	more power to management authorities	functions should be specified
	simplified and streamlined eligibility rules	
	monitoring and evaluation – responsibility of MS	MS are responsible for implementation and control of operations in programs
		Joint Monitoring Committee (+specific rules)
		annual implementation reports (+specific rules)
		annual review meetings → audits by Commission to control effective functioning of systems
		progress reports on the implementation of the Partnership Contracts
		ex ante and ex post evaluations for effectiveness, efficiency, and impact of funds
		MS should design an accrediting body
		MS should designate managing authority, certifying authority and functionally independent authority for

		each OP
		MS should provide Commission with key data (electronically)
	more cooperation of MS and Commission in financial control	
	Commission sends Cohesion reports every 3 years to other institutions	
	major projects need approval of Commission	
communication	more communication to public from managing authorities and beneficiaries	
	rules about information and communication to potential beneficiaries	single website in each MS
others	creation of Connecting Europe Facility	

8.5.ANNEX 3C

Evaluation: Comparison of categories of Commission's first draft and stakeholder input

future funds	ERDF, CF, ESF, EAFRD, EMFF	should not replace public expenditure
		no transfer between less developed, transition, and more developed regions
	geographics	distinction in relation to less developed (regions whose GDP per capita is less than 75 % of the average GDP), transition (regions with a GDP per capita between 75% and 90% of the EU-27 average) and more developed regions (GDP per capita is above 90% of the average GDP)
		CF will support Member States whose GNI per inhabitant is less than 90% of the EU-27 average in making investments in TEN-T transport networks and the environment
general goals	Europe 2020	Minimum shares for the ESF will be established for each category of regions (25% for convergence regions, 40% for transition, and 52% for competitiveness regions).
	maximize effectiveness	avoid administrative burdens
	harmonization of implementation rules and control requirements	
	2 main goals	"investment for growth and jobs" (should support all regions)
		"European territorial cohesion"
general principles	eliminate inequalities	equality men and women
		no discrimination because of sex, race, ethnic origin, religion, disability, age, sexual orientation
	sustainability	"polluter pays"
	compliance national and EU law	
	focus on regions that are lagging behind	
	European added value	concentrate their support on EU priorities and coordinate with other EU policies and financial instruments
partnership contracts	local, regional, and civil society stakeholders	ensure MLG
		ensure ownership

		profit from experience
	MS should concentrate support	ensure contribution to European, national, and regional objectives
	objectives based on agreed indicators	
strategic programming process	limited number of thematic objectives	research, information and communication technology, SME, low-carbon industry, climate change, environment, sustainable transport, promote employment and labor mobility, social inclusion, education, institutional capacity
	reinforced strategic progress geared towards focus on results	clear intervention logic
		appropriate provisions for an integrated approach to development and the effective implementation of the funds
	priority axes for programs	
	clearer link between Cohesion policy and economic governance	public expenditure determined through general macroeconomic conditions (GSP, Six Pack)
	territorial cohesion	more local action for better development
conditionality and performance	ex-ante conditionalities → incentives	conditions necessary for their effective support are in place
	ex-post conditionalities → incentives	5 % of the budget of the relevant funds will be set aside and allocated, during a mid-term performance review, to the Member States whose programmes have met their milestones
	performance review by Commission in 2017 and 2019	suspension of payments
		financial corrections (lay down specific arrangement and procedures)
	strengthened focus on results	5 per cent of resources of investment for growth and jobs should be set aside as performance reserve
		joint action plans (+common rules)
	special: member states that receive financial assistance	higher co-financing rate (by 10 percentage points)
financial instruments	characteristics	increasingly important, address specific market needs, cost effective, not crowd out private funding, risk-sharing, flexible, attractive to private investors, guarantee of good investments, revenue-generating, innovative
	compliance national and EU law	

	procedure	determine elements of co-financing rate (f.e. maximum rate)
		common rules for payment
		pre-financing should be foreseen each year
		detailed procedure for the annual clearance of accounts, accounted by an annual closure of completed operations or expenditure
		decommitment of the budget is possible
	several elements of simplification	access to financial instruments set up at EU level and models for national and regional funds based on standard terms and conditions laid down by the Commission
		clear framework for the implementation of these instruments, and addresses the ambiguities
		can in the future be used for all types of investment and beneficiary
management and control	shared management	specification of responsibilities for Commission in implementing the budget
		clarifying of responsibilities of MS in cooperation situation
		implementing of program at appropriate territorial level
	more power to management authorities	functions should be specified
	simplified and streamlined eligibility rules	
	monitoring and evaluation – responsibility of MS	MS are responsible for implementation and control of operations in programs
		Joint Monitoring Committee (+specific rules)
		annual implementation reports (+specific rules)
		annual review meetings → audits by Commission to control effective functioning of systems
		progress reports on the implementation of the Partnership Contracts
		ex ante and ex post evaluations for effectiveness, efficiency, and impact of funds
		MS should design an accrediting body
		MS should designate managing authority, certifying authority and functionally independent authority for each OP

		MS should provide Commission with key data (electronically)
	more cooperation of MS and Commission in financial control	
	Commission sends Cohesion reports every 3 years to other institutions	
	major projects need approval of Commission	
communication	more communication to public from managing authorities and beneficiaries	
	rules about information and communication to potential beneficiaries	single website in each MS
others	creation of Connecting Europe Facility	

8.6.ANNEX 3D

Evaluation: Comparison of categories of Commission's first draft and final legislation

future funds	ERDF, CF, ESF, EAFRD, EMFF	should not replace public expenditure
		no transfer between less developed, transition, and more developed regions, minor exceptions
	geographics	distinction in relation to less developed (regions whose GDP per capita is less than 75 % of the average GDP), transition (regions with a GDP per capita between 75% and 90% of the EU-27 average) and more developed regions (GDP per capita is above 90% of the average GDP) other definition for transition
		Minimum shares for the ESF will be established for each category of regions (25% for convergence regions, 40% for transition, and 52% for competitiveness regions)
		CF will support Member States whose GNI per inhabitant is less than 90% of the EU-27 average in making investments in TEN-T transport networks and the environment
general goals	Europe 2020	smart, sustainable, inclusive growth
	maximize effectiveness	avoid administrative burdens
	harmonization of implementation rules and control requirements	
	2 main goals	"investment for growth and jobs" (should support all regions)
		"European territorial cohesion"
general principles	eliminate inequalities	equality men and women
		no discrimination because of sex, race, ethnic origin, religion, disability, age, sexual orientation
	sustainability	"polluter pays"
	compliance national and EU law	
	focus on regions that are lagging behind	
	European added value	concentrate their support on EU priorities and coordinate with other EU policies and financial instruments
partnership contracts	local, regional, and civil society stakeholders	ensure MLG

		ensure ownership
		profit from experience
	MS should concentrate support	ensure contribution to European, national, and regional objectives
	objectives based on agreed indicators	
strategic programming process	limited number of thematic objectives	research, information and communication technology, SME, low-carbon industry, climate change, environment, sustainable transport, promote employment and labor mobility, social inclusion, education, institutional capacity
	reinforced strategic progress geared towards focus on results	clear intervention logic
		appropriate provisions for an integrated approach to development and the effective implementation of the funds
	priority axes for programs	
	clearer link between Cohesion policy and economic governance	public expenditure determined through general macroeconomic conditions (GSP, Six Pack)
	territorial cohesion	more local action for better development
conditionality and performance	ex-ante conditionalities → incentives	conditions necessary for their effective support are in place
	ex-post conditionalities → incentives	5 % of the budget of the relevant funds will be set aside and allocated, during a mid-term performance review, to the Member States whose programmes have met their milestones
	performance review by Commission in 2017 and 2019	suspension of payments
		financial corrections (lay down specific arrangement and procedures)
	strengthened focus on results	5 per cent of resources of investment for growth and jobs should be set aside as performance reserve (6%)
		joint action plans (+common rules)
	special: member states that receive financial assistance	higher co-financing rate (by 10 percentage points)
financial instruments	characteristics	increasingly important, address specific market needs, cost effective, not crowd out private funding, risk-sharing, flexible, attractive to private investors, guarantee of good investments, revenue-generating, innovative
	compliance national and EU	

	law	
	procedure	determine elements of co-financing rate (f.e. maximum rate)
		common rules for payment
		pre-financing should be foreseen each year
		detailed procedure for the annual clearance of accounts, accounted by an annual closure of completed operations or expenditure
		decommitment of the budget is possible
	several elements of simplification	access to financial instruments set up at EU level and models for national and regional funds based on standard terms and conditions laid down by the Commission
		clear framework for the implementation of these instruments, and addresses the ambiguities
		can in the future be used for all types of investment and beneficiary
management and control	shared management	specification of responsibilities for Commission in implementing the budget
		clarifying of responsibilities of MS in cooperation situation
		implementing of program at appropriate territorial level
	more power to management authorities	functions should be specified
	simplified and streamlined eligibility rules	
	monitoring and evaluation – responsibility of MS	MS are responsible for implementation and control of operations in programs
		Joint Monitoring Committee (+specific rules)
		annual implementation reports (+specific rules)
		annual review meetings → audits by Commission to control effective functioning of systems; only in 2017 and 2019
		progress reports on the implementation of the Partnership Contracts
		ex ante and ex post evaluations for effectiveness, efficiency, and impact of funds
		MS should design an accrediting body
		MS should designate managing authority, certifying authority and

		functionally independent authority for each OP
		MS should provide Commission with key data (electronically)
	more cooperation of MS and Commission in financial control	
	Commission sends Cohesion reports every 3 years to other institutions	
	major projects need approval of Commission → nur eingeschränkt, eher experts	
communication	more communication to public from managing authorities and beneficiaries	
	rules about information and communication to potential beneficiaries	single website in each MS
others	creation of Connecting Europe Facility	

8.7. ANNEX 4

Transcript Interview 1

Interviewer: Erst einmal vielen Dank dass Sie sich für das Interview bereit erklärt haben, und erst einmal zum Einstieg: Wie lang arbeiten Sie denn für den AdR?

RESPONDENT_1: Ich arbeite nicht für den AdR, sondern ich arbeite für das Land (*name*) und ich bin dort abgeordnet an die Staatskanzlei und von dort hier in die Landesvertretung (*name*) bei der EU und mein Fachbereich ist der AdR, das heißt ich arbeite für das Land oder die Region, AdR Ausschuss der Regionen für die Region das Bundesland (*name*) und begleite da die zwei Ausschuss der Regionen-Mitglieder des Landes (*name*), das ist einmal Herr (*name*) und Herr (*name*), sein Stellvertreter bei ihren Tätigkeiten hier in Brüssel beim AdR. Deswegen, ich beobachte die Institution Ausschuss der Regionen von der Perspektive der Region.

Interviewer: Was würden Sie sagen ist denn die Hauptaufgabe des AdR hier in Brüssel?

RESPONDENT_1: Ja, ich würde schon sagen, dass das so ist wie der AdR das auch selber definiert, nämlich das Erstellen von Stellungnahmen zu verschiedenen Rechtsakten, zu Dossiers aus Kommission, aus dem EP, um dort die Stimme der Regionen einzubringen. Wobei es ja immer – da kommen wir dann mehr in den Inhalt rein – es ist nicht die Stimme einer bestimmten Region, es ist die Stimme von vielen Regionen in Europa, was natürlich auch eine gewisse, ja, Dissonanz mit sich bringt, weil wir haben vorhin – Frau (*name*) und ich – haben auch noch mal darüber gesprochen: Bin ich laut genug?

Interviewer: Ja, ich denke, das müsste gehen.

RESPONDENT_1: Es ist immer eine Sache. Die Regionen haben unterschiedliche Bedarfe und Positionen und deswegen ist es schwierig, DIE Stimme der Regionen einzufangen, man kann, ja... Also ich sag mal, eine Woiwodschaft an Grenze zu Weißrussland hat andere Problemlagen als Brüssel oder Paris und vor dem Hintergrund ist es schwierig. Das andere ist natürlich auch, nehmen wir das Land (*name*): Das ist die größte Region im Ausschuss der Regionen – wie haben (*number*) Millionen Einwohner. Das heißt, wenn (*name*) spricht im AdR, spricht es für (*number*) Millionen Einwohner. Ein anderes AdR-Mitglied – ein Bürgermeister aus Malta – spricht für ich weiß nicht wie viele Einwohner. Das sind natürlich andere Positionen die eingenommen werden und da, das macht, das bildet ab ein Problem, dass die EU in all ihren Lagen, in all ihren Institutionen hat, Luxemburg wird einfach eine andere Position einnehmen als Spanien.

Interviewer: Also man merkt die Machtverhältnisse.

RESPONDENT_1: Hmm, vielleicht merkt man sie weniger als ich vermute mal im Europäischen Rat wird man die Machtverhältnisse am deutlichsten merken – wobei ich da keinen Zugang habe und keinen Einblick habe, aber es ist meine persönliche Meinung, dass das wahrscheinlich das Gewicht der Bundeskanzlerin ein sehr hohes Gewicht ist. Die deutschen Bundesländer haben ein Gewicht, ich würde aber nicht sagen, dass sie dieses Gewicht immer deswegen haben, weil sie im Hintergrund viele Bundesbürger vertreten, oder Landesbürger besser gesagt, sondern ich glaube sie sind deswegen gewichtig, weil sie, weil ihre Mitglieder gestärkt werden durch ein ganz administratives Back-up, Hinterbüro, in ihren

Einbringungen. Ich glaub nicht, dass ein AdR-Mitglied, sagen wir mal aus Frankreich, Bürgermeister aus irgendeiner Stadt, die gleiche Zuarbeit erfährt wie die deutschen AdR-Mitglieder, die gespickt werden mit Informationen, mit Positionen, mit Hinweisen aus den Ministerien in ihren Bundesländern.

Interviewer: Ok, ich habe jetzt drei Themenblöcke vorbereitet, zunächst der Einfluss der Regionen, dann der Kontakt zu anderen Institutionen, und schließlich noch ein bisschen Parteipolitik. Und ich fange mal an mit dem Einfluss. Als wie ich eben schon gesagt habe, in der wissenschaftlichen Literatur gibt es da sehr geteilte Meinungen, die einen bescheinigen dem AdR kaum Einflussmöglichkeiten, während die anderen vom AdR schon als möglicher „zweiter Kammer“ neben dem Europäischen Parlament sprechen.

Was würden Sie denn sagen, gibt es Möglichkeiten für die Regionen Einfluss zu nehmen und Gesetzestexte auch mitzubestimmen?

RESPONDENT_1: Also ich denke weder die eine noch die andere zitierte Position spiegelt die Wirklichkeit wieder. Ich meine, dass die Position, dass der AdR die zweite Kammer sei, noch nicht wirklich in der Wirklichkeit angekommen ist, das ist Zukunftsmusik. Ich glaube auch gar nicht, dass das von allen so gewünscht ist, auch nicht von allen AdR-Positionen, da gibt es sehr sehr unterschiedliche Haltungen innerhalb der Mitglieder, auch innerhalb der deutschen Mitglieder. Es wurde kürzlich bei der letzten, ich glaube es war bei der letzten Plenarsitzung, bei der Sitzung der deutschen Delegation, kam das auch auf, wo auch eine kritische Position war: Wollen wir das überhaupt, quasi, der Bundesrat Europas sein? Das ist der AdR überhaupt keinen Einfluss hat, sondern einfach so eine Staffage ist, das glaube ich nun auch wieder nicht. Schließlich hat er das Recht zu den Vorhaben der EU die einen, ja, regionalen Bezug haben, sich zu äußern und die Stellungnahmen werden selbstverständlich weitergeleitet und ich denke, je nach Kommission werden sie auch unterschiedlich aufgegriffen. Ich kann mir vorstellen, dass im, bei Vorhaben des Europäischen Parlamentes, wenn da eine gute Zusammenarbeit zwischen den AdR-Mitgliedern und den EP-Mitgliedern ist, dass da vielleicht auch eine noch größere, ja, sich ein Mehrwert dadurch ergibt. Ich kann Ihnen da ein Beispiel geben, unser Mitglied Herr (*name*) hat eine Stellungnahme geschrieben zum (*topic*), und ist natürlich auch mit dieser Stellungnahme im Kontakt gewesen mit (*name*) vom Europäischen Parlament, der wiederum für das EP die Stellungnahme schreibt, und da gibt es natürlich sich gegenseitig befruchtende Ansätze.

Interviewer: Sie haben ja glaube ich gesagt, dass sie noch nicht so lange jetzt dabei sind, aber würden Sie, haben Sie vielleicht eine Idee, ob der Einfluss der Regionen im Europäischen Prozess jetzt eher zunimmt, oder ob er eher abnimmt.

RESPONDENT_1: Ich glaube er nimmt zu. Aber ich kann Ihnen keinen Maßstab geben, um das zu beweisen, oder zu messen. Aber ich glaube schon, dass der AdR sich zunehmend als ein Player in diesem Gebäck, EU-Gebäck, dass er ein stärkerer Partner wird. Die Frage ist natürlich, also das ist nicht Frage, aber man muss wahrscheinlich schon festhalten, er ist der schwächste der vier, wenn man jetzt das Europäische Parlament, die Kommission und den Rat nimmt, ist der Ausschuss der Regionen auch qua wie er angesiedelt ist, mit welchen Befugnissen er ausgestattet ist, ist er der schwächste. Und das schwächste Glied wird ja selten irgendwie das stärkste auf einmal. Aber ich glaube schon, dass es eine zunehmende Position gibt. Vielleicht wollen Sie dazu noch was sagen, Sie haben ja auch mit dem AdR da gesprochen?

RESPONDENT_2: Also ja, es gibt kontinuierlich Verbesserungen, die angestrebt werden, damit halt Stellungnahmen vom AdR noch besser wahrgenommen, also aufgegriffen werden im Follow-Up. Man möchte zum Beispiel den Prozess vereinfachen, dass wenn tagespolitisch oder durch neue Bestimmungen der Kommission sich jetzt an der Stellungnahme etwas verändert, dass der Berichterstatter darauf noch mal zurückgreifen kann und das anpassen kann, damit das auch ernst wahrgenommen werden kann, weil es der Situation dann wieder angepasst wird. Dann wird auch verstärkt versucht, die Kooperation zwischen den Institutionen zu befördern, gerade – wie Herr (*name*) auch schon angesprochen hat – dass Berichterstatter vom EP mit den Berichterstattern vom AdR sich zusammensetzen oder wenn eine thematische Veranstaltung im EP irgendwie dazu passiert, dass man da irgendwie Treffen arrangiert, genau dass der Dialog verbessert wird.

RESPONDENT_1: Vielleicht anknüpfend: Wenn Sie die Listen aller Fachkommissionen anschauen, was deren thematische Schwerpunkte, inhaltliche Schwerpunkte für dieses Jahr sind, sehen Sie bei jedem, dass unten zwei Punkte angegeben sind: Nämlich die Entwicklungspolitik vor dem Hintergrund, dass das das Jahr der Entwicklungszusammenarbeit ist, und dann ist das andere die inter-institutionelle Zusammenarbeit mit EP, Kom und Rat. Also diese Kooperation mit den anderen EU-Organisationen steht auf der Tagesordnung aller sechs Fachkommissionen. Und, ich denke mal das kann ausgebaut werden, das ist ausbaufähig, aber ich glaube, Sie haben vorhin gefragt, wird der Einfluss stärker: Je mehr man diese inter-institutionelle Kooperation verstetigt, desto mehr wird man auch auf sich gegenseitig dann aufbauen können.

Interviewer: Sie hatten das eben schon mal ganz kurz angesprochen, aber ob jetzt eine Institution wie der AdR an Macht gewinnt, liegt natürlich an den Mitgliedern und Sie haben schon gesagt, da gibt es verschiedene Positionen. Aber wie groß ist denn die Ambition der Regionen, einzelner Regionen vielleicht auch, mehr Einfluss zu erreichen? Gibt es da starke Bestrebungen, oder variiert das wirklich so stark, dass man das nicht sagen kann?

RESPONDENT_1: Also es variiert stark. Sie müssen sich einfach vorstellen – und das ist sicherlich ein Schwachpunkt im AdR – die Art und Weise wie jeder Nationalstaat seine AdR-Mitglieder benennt, und delegiert nach Brüssel an den AdR, ist in jedem einzelnen Mitgliedstaat, oder Staat der im AdR, unterschiedlich gehandhabt. Und ich hatte ja gesagt, die Deutschen sind stark, sie sind nicht stark, weil z.B. NRW oder Bayern 18 bzw. 16 Millionen Einwohner hinter sich im Rücken haben, sondern die sind stark, weil sie verwaltungsmäßig gut strukturiert sind. Und ich will da keine Namen nennen, aber andere Mitgliedsländer, da ist das alles ein bisschen anders organisiert und häufig ist es unklar organisiert. Ich habe keine Ahnung wie die Rumänen sich organisieren und ihre Mitglieder schicken. Bei anderen ist das klarer, Italien oder Spanien, das ist sehr nach den Provinzen, Regionen und so weiter. Aber für mich ist zum Beispiel eine Frage, wie ist das in Frankreich? Das ist das, da ist das sehr viel unstrukturierter gemacht und je willkürlicher, ich sag mal, da jemand auf einmal aufschlägt hier, ohne eine, ja, starke Organisation im Rücken, desto weniger stark kann dieses AdR-Mitglied arbeiten, bzw. dann spricht dieses AdR-Mitglied quasi für sich, und nicht so sehr für seine Region.

Interviewer: Der AdR muss in vielen Bereichen mittlerweile auch verpflichtend konsultiert werden. Würden Sie sagen es gibt einen Bereich, wo die Regionen besonders großen Einfluss haben, von diesen Pflichtbereichen, Umwelt, Strukturpolitik – können Sie da vielleicht etwas sagen?

RESPONDENT_1: Also, die Frage ist ja immer, wie war die Frage – ein besonderes Gewicht oder?

Interviewer: Ja, ob man sagen kann, dass es einen Bereich gibt, wo der AdR vielleicht auffällig viele Stellungnahmen irgendwie einbringen kann oder seine Meinung wirklich gut durchsetzen kann?

RESPONDENT_1: Also, ich denke nicht, dass man das über ein Heading so machen kann. Wenn Sie hier, ich kann Ihnen das ja mal mitgeben, das sind die verschiedenen Schwerpunkte für 2015 in den sechs Fachkommissionen. Und das ist wirklich ein Ritt durch die gesamte EU-Politik. Und überall da, wo sie mitsprechen dürfen, werden entsprechend auch Dossiers dann erstellt. Da ist ein Automatismus, wenn etwas von der Kommission kommt, dann kommt es über kurz oder lang auch in den AdR rein, und dann wird darauf reagiert. Es wird also nicht herausgepickt und gesagt wir konzentrieren, also in Form einer Priorisierung, wir lassen mal hier die Umwelt außen vor und machen nur noch irgendwie Strukturpolitik oder Sozialpolitik, sondern da wo das Dossiers reinkommt, und eine Kompetenz gegeben ist, da wird sofort drauf reagiert. Insofern würde ich so eine Priorisierung gar nicht irgendwie angehen.

Interviewer: Ok, aber es gibt doch auch Initiativstimmungen?

RESPONDENT_1: Genau, das gibt es auch. Da müsste man die sich wahrscheinlich alle aufschreiben und dann irgendwie clustern, das habe ich noch nicht gemacht, das kann ich Ihnen nicht sagen. Aber es ist klar, dass man auch auf die Themen, die in der EU irgendwie besonders wichtig sind, darauf reagiert, da kann ich nur wieder (*topic*) irgendwie erwähnen. [...], aber (*topic*) ist natürlich auch ein heißes Eisen, und selbst verständlich wurde da eine Initiativstimmung da gemacht.

Interviewer: Ok, dann kommen wir jetzt mal zum zweiten Themenblock, auch wenn wir den auch schon leicht gestreift haben, wir haben die drei großen Akteure schon genannt, die Kommission, das Council und das Europäische Parlament. Wenn wir jetzt eine Skala hätten von 1 bis 5, wobei 1 „überhaupt kein Kontakt“ und 5 „sehr viel Kontakt“ wäre, könnten Sie denn sagen, wie viel Kontakt denn herrscht zwischen dem AdR und diesen drei Institutionen?

RESPONDENT_1: Wenn Sie AdR meinen, sprechen Sie von der Organisation AdR oder von den Mitgliedern?

Interviewer: Von den Mitgliedern.

RESPONDENT_1: Also nicht der Verwaltung?

Interviewer: Ja, ich meine jetzt eher die Mitglieder.

RESPONDENT_1: Also ich werde jetzt nicht diese Skalierung benutzen, weil das kann ich nicht, das ist dann einfach so aus dem Bauch. Aber ich würde mal sagen, ich glaube, dass es wenig bis sehr wenig Kontakt der AdR-Mitglieder mit dem Europäischen Rat gibt, ich meine, dass hieße ja im Grunde genommen, dass irgendein Bürgermeister aus Frankreich Herrn Hollande anruft und sagt, „Hör mal Francois“, das wird so nicht funktionieren, das passiert nicht. Und die AdR-Mitglieder mit den EP, da ist wahrscheinlich mehr, da wird es eine Zusammenarbeit geben. Die ist natürlich umso stärker, je stärker das AdR-Mitglied fraktionell eingebunden ist, weil die Fraktion natürlich auch, so wie auch die AdR-Verwaltung

– beide – natürlich hinarbeiten. Das heißt, wenn Herr (*name*) als (*party*)-Mann aus dem Landtag (*name*) hier in der SPE fraktionell verortet ist, dann wird er natürlich auch durch die Fraktion mit den S&D im Parlament in Kontakt gebracht und auf der Schiene läuft was. Die AdR-Verwaltung ist immer sehr bemüht, und auch sehr erfolgreich letztlich darin, Kontakte herzustellen, die organisieren den Austausch. Ja, und da liegt es dann im Letzten am AdR-Mitglied, inwiefern die wendig, willig und wo weiter sind. Es gibt sicherlich die eine oder den anderen, die das auch durchaus als ein Vehikel nehmen, die AdR-Mitgliedschaft, um aus den Niederungen der Lokalpolitik rauszukommen und mal EU-Politik zu schnuppern und in Brüssel zu sein. Andere sehen das als ein Kontinuum der politischen Arbeit, das liegt an denen.... Das war hin zum EP, und zur Kommission würde ich mal sagen: EP und Kommission wird gleichermaßen bedient. Z.B. im Rahmen der Stellungnahme (*topic*) wurde es auch organisiert, dass man mit Kommissionsmitarbeitern spricht. Die Kommission, das werden Sie sehen, wenn Sie mitkommen zu der nächsten Plenarsitzung, wenn dann der Tagesordnungspunkt, was auch immer, das müsste man jetzt gucken, was als nächstes drauf ist, da kommt das zuständige Haus, schickt einen hohen Beamten dorthin, der nochmal die Position der Kommission darstellt und sich Fragen stellt, und Rechenschaft schuldig ist. Also ich würde sagen die zwei Bereiche ja, der Europäische Rat, der ist ja auch in der Europäischen, also in der Wahrnehmung der Bürger, das unklarste. Da sieht man eine Frau Merkel, die ist in Brüssel. Aber ich glaube der Durchschnittsbürger sieht nicht den Europäischen Rat am arbeiten, sondern da ist unsere Frau aus Deutschland in Europa.

Interviewer: Und würden Sie sagen, dass die Kontakte institutionalisiert sind oder das die eher auch inoffiziell stattfinden?

RESPONDENT_1: Nein, die sind schon institutionalisiert, Kommission und EP, mit dem Rat habe ich jetzt noch nie was gehört, muss ich ganz ehrlich sagen. Aber es ist schon vorgesehen, in formalen Abläufen, insbesondere für die Berichtersteller bei der Stellung von Stellungnahmen einerseits, also im Vorfeld und in der Erarbeitung der Stellungnahme, als auch im Nachklapp, wenn die Stellungnahme dann abgestimmt wird, das dann die Kommission hinzukommt, EP-Mitglieder kommen da nicht. Aber die werden auch immer wieder eingeladen, also im Vorfeld zu jeder Plenarsitzung oder Fachkommissionssitzung gibt es ja immer die Sitzungen der Fraktionen, und dazu werden dann häufig Mitglieder aus dem EP eingeladen, sodass da auch institutionalisiert ein Austausch stattfindet.

Interviewer: Ok, und wie ist es mit den inoffiziellen Treffen, gibt es die schon auch?

RESPONDENT_1: Ja, die gibt es auch, ja klar. Also, Herr (*name*) war im Landtag (*name*) bei verschiedenen Aktionen zum (*topic*) und selbstverständlich hat dann das AdR-Mitglied aus (*name*) am Rande dieser Veranstaltung Austausch, inhaltlichen Austausch gehabt. Also das findet statt. Das hängt aber von den einzelnen Mitgliedern ab.

Interviewer: Wenn wir jetzt noch einmal auf die nationalen Regierungen zu sprechen kommen: Würden Sie sagen, dass die nationalen Regierungen den Einfluss der Regionen kontrollieren, in dem Sinne, in dem sie ja auch die Mitglieder teilweise auch bestimmen, die dann entsandt werden? Würden Sie sagen, dass die nationalen Regierungen hier Gate-Keeper sind?

RESPONDENT_1: Also ich kann es nicht für alle sagen, aber für Deutschland nein, und zwar ganz eindeutig nein. In Deutschland werden die Mitglieder des Ausschusses der Regierungen nicht durch den Bund benannt, in überhaupt keiner Weise, sondern die

Bundesländer benennen eigene Mitglieder. Also für (*name*) ist es so, dass die Landesregierung das ordentliche Mitglied benennt, und zwar qua Kabinettsbeschluss. Der Stellvertreter wird über den Landtag benannt und was dann passiert ist, diese Wahl oder Auswahl dieser Leute wird dann anschließend in einem hochformalisierten Verfahren dem Bund zur Kenntnis gegeben über die Ministerpräsidentenkonferenz und dann geht das, ich glaube sogar ins Bundeskabinett, dann geht es um Auswärtigen Amt. Aber das ist alles nur eine Mitteilung um in Brüssel die Benennung weiter zureichen. Das ist dann, die sind dann, die entnehmen ein Kuvert entgegen, und geben dieses Kuvert hier ab. Die Deutschen, der Bund hat nichts in der gesamten Benennung der deutschen Mitglieder zu tun. Wie das in Polen, wie das in Kroatien, abläuft kann ich nicht sagen, das müsste man da noch mal irgendwie anfragen, aber... Und ich sage mal so, die Bundesregierung, ich habe noch keinen Fall erlebt, wo es eine Intervention gab, wo im Hintergrund Telefonate waren, im Gegenteil: Wir haben ja jetzt ab Anfang des Jahres haben wir die neue sechste Periode vom AdR gehabt. Das heißt in dem Zusammenhang hat sich noch einmal die Frage gestellt, warum Deutschland im Grunde genommen – wenn man das auf die Anzahl der Bürger umrechnet – so wenige AdR-Mitglieder hat. Eine Thematik, die ja immer wieder aufkommt, und die ja nur im Europäischen Parlament ansatzweise, die Korrelation zwischen Bürgern und Abgeordneten sich wiederfindet. Und da haben die deutschen AdR-Mitglieder haben dann versucht, die Anzahl der deutschen Mitglieder im AdR zu erhöhen. Und das geht natürlich nur über die Bundesregierung, auch über den Bund, und da kam es dann zu Kontakten. Aber ansonsten würde ich sagen, aus deutscher Sicht ist das nicht der Fall. Ich würde Ihnen da empfehlen, dass sie mal mit der StÄV hier, die Ständige Vertretung, des Bundes bei der Europäischen Union, dass Sie sich da vielleicht mal einen Termin geben lassen und da mal fragen, wie sieht der Bund das. Aber Gate-Keeper, da ist niemand, der einen Schlüssel in der Hand zu einem Tor hätte.

Interviewer: Kommt es denn vor, dass von den Regionen auch mal nationale Interessen bewusst übergangen werden? Das ist etwas, was ich z.B. von Interessengruppen viel gelesen haben, das wenn sie merken, ok ich komme jetzt im Bundestag nicht dagegen an, dass ich dann nach Brüssel gehe. Kann man sagen, dass das von den Regionen mal gemacht wird – wenn man jetzt z.B. ein Anliegen im (*topic*) hat, und weiß, ok meine nationale Regierung ist dagegen, versuche ich mal mit der Kommission zu reden?

RESPONDENT_1: Also, ich glaube das geht deswegen nicht so einfach, weil das einzelne AdR-Mitglied kann nicht mit der Kommission in dem Sinne reden, im Sinne von etwas verändern. Diejenigen, die AdR-Mitglieder, die mit den EU-Organen sprechen, sprechen in einem formalisierten Verfahren, nämlich im Rahmen einer Berichterstattung, Aufstellung einer Stellungnahme, treten sie in Kontakt mit der Kommission. Vor dem Hintergrund ist das zu vereinfacht. Natürlich kann jedes AdR-Mitglied, wenn er oder sie politisch gut versiert, vernetzt, verheimatet ist, Kontakt mit EP-Mitgliedern aufnehmen und da politische Bündnisse schmieden und an einem Strang ziehen. Das ist ja deren gutes Recht und das ist ja politisches Handeln. Ich glaube man überschätzt das Gewicht des AdR einerseits, aber auch die Möglichkeiten der AdR-Mitglieder, um da einem souveränen Staat irgendwie ins Knie zu treten. Das glaube ich nicht, also... Es ist natürlich durchaus so, die Stellungnahmen, das ist da vielleicht das Wichtigere, die Stellungnahmen werden nach einem Punktesystem innerhalb des AdR verteilt, und sie bekommen dann, käme man eigentlich – ich weiß nicht ob das noch kommt – die Rolle der Fraktionen, der fraktionellen Zusammenarbeit im AdR. Dann bekommen sie natürlich auch einen politischen Anstrich, wenn die SPE ein Dossier bekommt, wo sie die Stellungnahme schreibt und sie versucht vor allem da im sozialen

Bereich oder im Strukturpolitik-Bereich oder jetzt (*topic*), Handelsbereich die zu bekommen, dann hat das natürlich eine politische Färbung. Und das kann natürlich der einen oder anderen Regierung daheim, die eine andere *Coleur* hat, manchmal vielleicht nicht so schmecken. Aber ich glaube, da liegt niemand in den Hauptstädten nachts wach darüber.

Interviewer: Dann kommen wir jetzt mal zum dritten Themenblock, zur Parteipolitik. In unserem Vorgespräch haben Sie mir schon gesagt, dass besonders große Länder eine parteipolitische Prägung haben im AdR. Vielleicht können Sie das noch einmal ein bisschen ausführen?

RESPONDENT_1: Also nicht nur die großen, sondern alle Länder, also das hat nichts mit der Größe des Landes zu tun, sondern alle AdR-Mitglieder sind, bis auf, ich glaube vier oder fünf, sind in verschiedene Fraktionen, so wie in jedem Parlament eben auch. Und zwei Großen sind die EVP und die SPE, und dann gibt's noch die liberalen ALDE, und dann gibt es noch so zwei, drei eher konservative ausgerichtet, wo z.B. die UKIP-Mitglieder drin sind. Da gibt es noch eine ziemlich, ja noch eine konservativere, aber die werden dann immer kleiner und kleiner und kleiner. Und dann gibt es so fünf, einen Engländer, zwei Ungarn, und irgendjemand, die irgendwie dann immer gegen alles stimmen, so... So, und diese, nehmen wir mal die drei Großen (EVP, SPE, ALDE), in diesen Fraktionen finden sich alle Mitglieder wieder und natürlich tun diese Fraktionen viel dafür, dass die politische Position für die sie eintreten, eine Auswirkung hat bei der Stimmabgabe zu den Stellungnahmen oder bei der Einbringung von Änderungsanträgen. Z.B. können die Fraktionen auch Änderungsanträge einbringen, nicht nur die Mitglieder. Und deswegen ist man da auf jeden Fall im Hintergrund sehr aktiv tätig, um seine Auffassung, wie die Dinge zu laufen haben, einzubringen. Und, ja, das ist ein wichtiger Punkt im AdR, da muss man wirklich also, man kann da nicht nur von dem Gestaltungswillen des Einzelnen AdR-Mitglied ausgehen, also Sie müssen sich vorstellen, wie in jedem Parlament, die meisten sind Backbencher, die meisten haben kein Back-Office, die meisten sind angewiesen darauf, dass sie Positionspapiere, Voting-Lists, Anregungen, usw. ihrer Fraktion bekommen. Und sehr häufig wird das dann auch 1 zu 1 wiedergegeben. Was auch völlig legitim ist, weil die AdR-Mitglieder ja mit einer Fülle von Themen zu tun haben. Es fängt hier an bei, was weiß ich, Regulierungen, Re-Fit Geschichten, über, was weiß ich, hier Bekämpfung von Steuerhinterziehung, und dann Trinkwasser-Richtlinien, und Aussichten der Milchwirtschaft, bis hin zu Mobilität der Arbeitskräfte, da ist man überall drin. das heißt man muss natürlich ein Stück weit drauf bauen, dass man eine Fachposition zugearbeitet bekommt und die deutschen Mitglieder bekommen die über die Ministerien mit, aber sie bekommen es auch parallel noch mal von der Fraktion mit.

Interviewer: Ok. Da haben Sie jetzt auch eigentlich alle meine anderen Fragen zu dem Thema in der Frage beantwortet. Dann würde ich erst einmal sagen, vielen Dank für die ganzen Einblicke. Und noch als letzte Frage, ob es denn noch wichtige Aspekte gibt in dem Bereich, die ich jetzt vielleicht übersehen habe, die wir nicht besprochen haben, wo Sie vielleicht noch etwas zu sagen möchten.

RESPONDENT_1: Also, ich denke, ein wichtiger Bereich ist, und das gilt für alle EU-Organe, aber auch, auch, nicht nur, oder nicht insbesondere, aber auch für den AdR: Er ist sicherlich bei den Bürgerinnen und Bürgern vor Ort nicht präsent. Wenn man eine Befragung, wenn man sich auf eine Fußgängerzone irgendwo in Deutschland hinstellt, und hundert Leute befragt, was macht der Ausschuss der Regionen in Brüssel, ich glaube es wäre erschütternd, was das Ergebnis wäre. Und das ist ein Problem, und das ist ein

grundsätzliches Problem der EU, aber das ist auch ein Problem für den AdR und da... Der AdR beschäftigt sich intensiv damit, und versucht ja auch, das zu machen. Ich glaube, dass ist einfach ein, ja, ein Grundsatzproblem, wenn, ich weiß nicht wie viele Einwohner in der EU, über wie viel Millionen... Und da spielen dann irgendwie vier Organe in Brüssel fernab von Lissabon, von Dublin, und was weiß ich... Ich glaube, es ist fast unmöglich, das hinzukriegen, aber das erschwert natürlich auch unglaublich die Arbeit. Wenn man, wie man jetzt in Bremen gesehen hat bei der Landtagswahl, wenn man kaum 50% der Leute überhaupt an die Urne bringt um jemanden zu bestimmen, der in seinem eigenen Stadtrat irgendwie was macht, wie will man dann diese Transferleistung, die ja kaum noch zu erklären ist, hier nach Brüssel hinbekommen. Das ist ein großes Problem, wie man das anpackt, weiß ich nicht. Was sind denn Ihre Eindrücke, Sie haben ja auch Eindrücke bekommen über das letzte Jahr, wo drückt denn der Schuh?

RESPONDENT_2: Ich glaube, dass die... Ich würde Ihnen... Das ist schwierig zu formulieren: Also erst einmal wollte ich auch zu dieser Präsenz noch einmal sagen, dass auch für die mediale Präsenz eigentlich unglaublich viel gemacht wird, es gibt eine große PR-Abteilung, die auch ganz viele Pressemitteilungen schreibt, Journalisten anwirbt für die Plenarsitzungen und alles Mögliche. Aber die Regionen selber publizieren davon dann einfach nichts, weil da irgendwie kein Bedarf besteht, also das würde ich dann noch mal unterstützen. Ich glaube, es gibt noch irgendwie, die Rolle des AdR selber müsste von den Mitgliedern und der Verwaltung vielleicht für sich selber auch noch einmal klarer definiert werden. Sonst haben Sie eigentlich schon eine große Bandbreite angesprochen.

RESPONDENT_1: Also, man kann natürlich viele theoretische, Parteipolitik-theoretische Punkte anbringen, über die man dann auch trefflich irgendwie wissenschaftlich sprechen kann, die ja nicht immer unbedingt mit der Realität was zu tun haben. Aber einer der Punkte ist, inwiefern die Region an sich seine, also die regionale, kommunale, städtische Position in das Geschäft reinbringt. Oder inwiefern dieses halt mehr durch die Fraktionen, also politische Positionen, eher sozialdemokratische, sozialistische, oder konservative, christdemokratisch oder liberale... Das ist sicherlich ein Thema, über das man viel reden kann. Knapp gesagt haben die Fraktionen zu großen Einfluss im AdR, da hat die regional-kommunale Stimme nicht genügend Einfluss. Aber dafür würde ich wiederum sagen, das könnte man dann regeln, wenn die kommunalen Gebietskörperschaften, so wie sie in den Mitgliedsstaaten des AdR aufgestellt sind, besser vergleichbar sind. Aber es ist nicht vergleichbar. Nehmen Sie irgendwelche englischen, also UK-Mitglieder, da sind dann irgendeine, das ist nicht despektierlich gemeint, aber da sitzt ein Ratsmitglied aus der Stadt, also ein Councilmember (*name*), sitzt dann da, aus irgendeiner Stadt, Essex oder was weiß ich, und sitzt dann da. Ja, die hat vielleicht einen Mitarbeiter dort, wenn überhaupt. Hat die da ein ganzes Dezernat im Hintergrund? Ich glaube es eher nicht. Es gibt ein sehr aktives Mitglied in der SPE aus Frankreich, der ist Bürgermeister eines ziemlich kleinen Städtchens, in Deutschland würde man fast von einem Dorf sprechen. Wie stellt der sich auf, um... Das ist eigentlich dann so eine persönliche Position, der ist vielleicht viel gelesen, vielleicht politisch gut unterwegs, und auch in den einen oder anderen Bereichen auch sehr knowledgeable, kann sein, aber wenn ich das vergleiche mit dem Ablauf der Deutschen, oder sagen wir auch der Österreicher, wobei auch da Unterschiede sind, ist es einfach anders. Für (*name*) muss man, und das gilt für alle Bundesländer, ist es folgendermaßen: Es kommt die Tagesordnung heraus für eine Fachkommission oder eine Plenarsitzung. Wir gehen hin, wir nehmen die Stellungnahme, wir nehmen Kommissionspapiere, wir schicken die an die Fachministerien mit der Bitte dazu aus der Fachkompetenz heraus

Änderungsanträge zu stellen, und ein Votum zu schreiben und das kommt dann wieder in den Rücklauf zurück. Und wir geben diese Position dann an unsere AdR-Mitglieder, das heißt, die werden gefüttert mit der Fachpolitik und der Position, Fachposition der Region. Wenn das in anderen Ländern nicht so läuft, dann kann man das gar nicht vergleichen. Und das Problem ist, es gibt da ein Ungewicht innerhalb, und das liegt einfach an dem ganzen Set-Up. Z.B. in Österreich ist es so, da hat man nach den Bundesländern Themen zugeordnet, also das Bundesland Kärnten ist für das Thema, ich greif jetzt einfach, das stimmt so nicht, Energie, Wien ist für Soziales und Tirol ist für Strukturpolitik. Das ist undenkbar in Deutschland, die Bayern werden doch nicht sich vertreten lassen in der Sozialpolitik von den Bremern, das kommt überhaupt nicht in Frage. Schon allein da sind Unterschiede, wie macht man das. Andere, wenn man Finnland nimmt, dort ist es weniger, dort sind es weniger Politiker, die da drin sind, sondern es sind ganz häufig sowas was man in Deutschland Landschaftsverbände wären. Also auch da ist wieder so ein Unterschied. Und wie es in vielen anderen Ländern läuft, wie es in Bulgarien gemanagt wird, wie es in Ungarn, ich hab keine Ahnung, wie die ihre Leute zusammenfassen, das wäre im Übrigen finde ich auch noch mal was Interessantes für den AdR, dass die mal sich wirklich offenlegen, wie die Wahl und die Auswahl letztendlich in den einzelnen Ländern zustande kommt und für wen spricht der... Also unser Mitglied spricht für (*name*), aber so ein UK-Mitglied aus dem Council Rutherford, spricht der für die Stadt Rutherford, oder für the county sowieso, oder für, für wen eigentlich? Das sind so Sachen, die weiß ich nicht einmal.

Interviewer: Na gut, also das wäre es dann auch von mir.

Transcript Interview 2

Interviewer: Ok, ich fange erst einmal mit ein paar Basic-Fragen an: Wie lange arbeiten Sie denn schon für den Ausschuss der Regionen?

RESPONDENT_1: Ich arbeite gar nicht für den Ausschuss der Regionen, ich bin Mitglied des Ausschusses der Regionen. Seit (*number*) Jahren.

Interviewer: Seit (*number*) Jahren. Und was genau ist Ihre Aufgabe?

RESPONDENT_1: Ich vertrete das Land (*name*) im Ausschuss der Regionen und habe innerhalb des Ausschusses der Regionen verschiedene Wahlfunktionen gehabt im Laufe der Zeit und habe eine Wahlfunktion. [...].

Interviewer: Wie würden Sie denn die Hauptaufgabe des Ausschusses der Regionen definieren?

RESPONDENT_1: Schlicht und ergreifend: Vertretung regionaler Interessen im Europäischen Entscheidungsprozess und Meinungsbildungsprozess.

Interviewer: Ok, dann fange ich mal mit dem ersten Themenblock an, mit dem Einfluss der Regionen. In der wissenschaftlichen Literatur habe ich da sehr geteilte Meinungen gelesen, auf der einen Seite gibt es Leute die sagen der AdR hat nahezu gar keinen Einfluss, und auf der anderen Seite wird von der Möglichkeit des AdR als zweite Kammer neben dem Europäischen Parlament gesprochen, in der Wissenschaft. Was würden Sie denn sagen, gibt es Möglichkeiten für die Regionen Einfluss zu nehmen und Gesetzestexte auch mitzubestimmen?

RESPONDENT_1: Also da ich nun schon allerhand Gespräche zu dem Thema geführt habe und auch allerhand wissenschaftlicher Literatur gelesen habe, glaube ich, dass ich einen ganz guten Überblick habe. Und ich will erst einmal sagen: Die wissenschaftliche Literatur über den Ausschuss der Regionen ist überwiegend veraltet. Der Ausschuss der Regionen ist ja erst 1994 ins Leben getreten und musste erstmal seine Rolle definieren, musste erstmal seine Rolle finden, seine Arbeitsweisen entwickeln und dergleichen. Und eine große Zahl wissenschaftlicher Arbeiten über den Ausschuss der Regionen sind in der relativ frühen Phase entstanden, als der Ausschuss der Regionen so eine gewisse Reife noch nicht entwickelt hatte. Das hat sich, dieser Prozess der Selbstdefinition, der Identitätsbildung, der hat sich erst in den letzten 10 Jahren beschleunigt. Also, ich wünsche mir sehr, dass mehr wissenschaftliche Arbeiten über den AdR entstehen, die aktuell sind, die also die neueren Entwicklungen der letzten acht bis zehn Jahre in den Blick nehmen. Und zusammenfassend würde ich sagen, der AdR ist inzwischen ein anerkannter Akteur auf der europäischen, auf der Brüsseler Bühne. Er ist ein anerkannter Akteur in Diskussionsprozessen, und die spezifischen Beiträge, die er leistet, in thematischen Diskussionen, also die sogenannten Stellungnahmen, werden von den anderen Institutionen, vom Parlament, von der Kommission, partiell sogar vom Rat, durchaus auch mitberücksichtigt, mitbedacht und mitdiskutiert.

Interviewer: Ok, Teil meiner Analyse war jetzt die „Outlook Opinion of the Committee of the Regions on the Future of Cohesion Policy“ und ich habe mir auch die Verordnung angeguckt zum „European Regional Development Fund“ [...].

SeRESPONDENT_1: Nehmen Sie erst einmal die Tatsache, dass diese Outlook Opinion, die Tatsache ist, diese Outlook Opinion ja eine sogenannte Initiativstellungnahme war, also wir hatten damit nicht reagiert auf ein Legislativprojekt, das ist ja unsere normale Arbeitsweise, unsere übliche Arbeitsweise, auch im Lissabonvertrag so definiert. Es war abweichend davon eine Initiativstellungnahme, die wir auf Bitten einer Ratspräsidentschaft erarbeitet haben, ich weiß jetzt nicht mehr welche es war, ich glaube es war die Belgische, bin mir nicht mehr sicher. Aber schon allein diese Tatsache, dass eine Ratspräsidentschaft den Ausschuss der Regionen bittet zu einem bestimmten Thema eine Stellungnahme vorzulegen, zeigt ja, das Maß von Akzeptanz, was man bei dieser Ratspräsidentschaft hat. Das wäre vor zehn, vor zwölf Jahren noch nicht so wirklich denkbar gewesen, dass das passieren würde. Und die Frage, ob und inwieweit die Ideen, die in dieser Stellungnahme entwickelt, und dann tatsächlich auch berücksichtigt wurden, das ist eine Frage, die lässt sich jetzt nicht in eins, zwei Sätzen beantworten, das ist ein sehr sehr komplexes Thema. Die einfache Antwort wäre ja, aber um das im Einzelnen zu begründen, müsste ich weit ausholen. Da müssten wir uns in die Strukturfonds ein bisschen vertiefen, ich weiß nicht ob Sie das wollen?

Interviewer: Ja.

RESPONDENT_1: Gut, also es ging in der Phase um die Frage, was sind die verfügbaren Mittel für die Strukturfonds in der Periode 2014-2020 und was sind die Zielsetzungen für die diese Fonds eingesetzt werden sollen. Und wir haben eine, wir haben erstmal grundlegend den Gedanken vertreten, dass die Systematik, die Architektur der Strukturfonds, wie sie in der vorherigen Periode bis 2013 bestanden, das sie grundsätzlich sich bewährt hat und auch in die Zeit nach 2014 übertragen werden sollte. Das klingt banal, ist es aber nicht, weil im Vorfeld jeder neuen Strukturfonds-Periode Diskussionen darüber geführt werden, ob europäische Strukturpolitik überhaupt sinnvoll ist, ob sie überhaupt fortgesetzt werden soll,

ob nicht eine Re-Nationalisierung viel vernünftiger wäre und dergleichen. Also, die Feststellung es hat sich bewährt, und wir wollen, dass es so fortgesetzt wird, das ist schon mal, das ist nicht eine Selbstverständlichkeit. Innerhalb dieses Systems haben wir nun ein gravierendes Problem identifiziert, nämlich, hätte man die Spielregeln 2007-2013 unverändert übertragen auf die neue Periode, wären 15 bis 20 europäische Regionen aus der Höchstförderung, früher nannte man das Ziel 1, aus der Ziel 1-Förderung herausgefallen, einfach aufgrund der Tatsache, dass sie sich mithilfe der bis dahin erlangten Strukturfondförderung wirtschaftlich weiterentwickelt hatten und die ominöse Schwelle von 75% des europäischen Durchschnitts-BIPs überschreiten würden. Das war also 2008, 2009 zu erkennen, dass 2013, 2014 15 bis 20 Regionen diese Schwelle überschreiten würden, und sie wären dann aus der Höchstförderung herausgefallen, wären behandelt worden wie frühere Ziel 2-Regionen, also wir wirtschaftlich entwickelte Regionen, die schon seit Jahrzehnten wirtschaftlich entwickelt sind, und wir haben gesagt, wenn das passiert, dann besteht das große Risiko, dass die Nachhaltigkeit der bis dahin getätigten Strukturfondinterventionen aufs Spiel gesetzt wird. Das diese Regionen also weil sie so sehr zurückfallen in der Fördermittelausstattung auch wirtschaftlich wieder zurückfallen und das möglicherweise wieder unter die 75%-Schwelle fallen. Ich habe mal im Gespräch mit Barroso das Bild gebraucht: Die Regionen sind wie ein Flugzeug im Steigflug, das Kerosin sind die Strukturfondmittel, und wir brauchen dieses Kerosin sozusagen, so lange bis das Flugzeug im Stande ist, einen stabilen Geradeausflug – oder wie so was heißt – durchführen zu können. Wenn das nicht passiert, dann geht es wieder in Sinkflug. Und wir haben dafür auch einen Begriff geprägt, wir haben gesagt, wir brauchen eine Übergangsförderung und zwar für diese so definierten Regionen, brauchen wir für eine nächste Periode, eine anschließende, s Periode, eine Übergangsförderung. Wir haben als Zahl genannt, etwa Zwei-Drittel der bis dahin geltenden Höchstförderung. Das war Teil dieser Outlook Opinion. Heute, wir sind ja nun im Jahre 2015, wir sind schon im Jahr zwei der neuen Periode, diese Übergangsförderung ist fester Bestandteil des Systems der Kohäsionspolitik in dieser Periode. Das heißt, der Ausschuss der Regionen hat als erster diese Idee vertreten, und die hat sich tatsächlich durchgesetzt. Und da geht es um Hunderte von Millionen Euro für die betroffenen Regionen, also in meinem Fall (*name*), macht das einen Unterschied, da ist schwierig eine Zahl zu nennen, aber (*number*) Milliarden Euro mindestens macht es einen Unterschied aus für die sieben Jahre.

Interviewer: Ok. Ja, darüber habe ich auch schon ein bisschen gelesen, über die „transition regions“.

RESPONDENT_1: Ich könnte Ihnen ein weiteres Beispiel liefern. Es ist ähnlich gelagert und betrifft die Vorbereitung der Periode 2007 bis 2013, da sind wir auch schon Jahre vorher aufgetreten mit einer speziellen Forderung, die dann auch, das war das sogenannte „Statistische-Effekt Problem“. Durch den Beitritt von zehn überwiegend schwachen neuen Mitgliedsstaaten sank das statistische EU-BIP und eine ganze Reihe von Regionen fanden sich plötzlich über der 75%-Schwelle, weil die niedriger lag. Objektiv gesehen, nur durch diese Erweiterung. Und auch da ist es uns gelungen, das Problem das zunächst von allen bestritten wurde – gibt's gar nicht das Problem, völlig an Haaren herbeigezogen und so – es ist uns gelungen, am Ende dann positive Lösungen in unserem Sinne zu bekommen. Das sind natürlich nicht alltägliche Beispiele, das sind herausragende Beispiele, da gibt es jetzt nicht 50 von oder 30.

Interviewer: Ja. Ich hatte gelesen, dass das Budget für die diesjährige Strukturpolitik, also für die sieben Jahre, eigentlich viel höher angelegt war zunächst, und dann aber um etwa 50 Milliarden runtergestuft wurde. Können Sie mir sagen, woran das lag?

RESPONDENT_1: Da weiß ich jetzt nicht, was Sie meinen. Sie meinen in der finanziellen Vorausschau?

Interviewer: Ja.

RESPONDENT_1: Gott ja, da werden Vorschläge der Kommission gemacht, und die werden mit dem Parlament und den Mitgliedsstaaten beraten. Und da weiß ich jetzt nicht mehr im Einzelnen wie die Zahlen ausgesehen haben am Anfang und am Ende, aber so im Großen und Ganzen ist die Größenordnung der vorherigen Periode beibehalten worden. Vielleicht meinen Sie diesen, so eine Abspaltung von Mitteln für ein spezielles Programm, das nennt sich „Connecting Europe Facility“, das ist in der Zielsetzung dicht an den Zielsetzungen der Strukturfonds, man hat aber ein eigenes Programm daraus gemacht.

Interviewer: Ach so, ja daran liegt das wahrscheinlich. Würden Sie denn allgemein sagen, dass der Einfluss der Regionen im Europäischen Prozess eher abnimmt oder eher wächst? Sie haben schon gesagt, vor 20 Jahren sah das noch ein bisschen anders aus wie jetzt, aber so insgesamt, wo geht der Trend hin?

RESPONDENT_1: Insgesamt nimmt der durchaus zu. Also, wahrnehmbar zu. Wobei es jetzt natürlich innerhalb der einzelnen Mitgliedsstaaten unterschiedlich darstellt, aufgrund der unterschiedlichen Verfassungslagen, aufgrund der Größe. Nicht jeder Mitgliedsstaat ist aufgrund seiner Größe in Regionen aufzuteilen, also Luxemburg oder Malta, da ist das schon schwierig. Aber insgesamt und insbesondere auf der EU-Ebene nimmt der Einfluss, hat der Einfluss deutlich zugenommen und wird auch weiterhin deutlich zunehmen. Weil auch und unter anderem weil viele Akteure erkannt haben, dass die regionale Ebene am nächsten am Bürger dran ist. Die Mitglieder des Ausschusses der Regionen sind alles gewählte Politiker in ihren Regionen: Bürgermeister, Parlamentsabgeordnete, Mitglieder von Regionalregierungen. Das heißt, sie sind viel dichter am Bürger als die Bürokratie in Brüssel, oder auch als die Europaabgeordneten sein können mit ihren riesigen Wahlkreisen, die sie haben. Und wenn man sich, um vielleicht noch ein Beleg zu bringen, schauen Sie sich mal das Programm der neuen Juncker-Kommission an, was im Herbst publiziert wurde. Da werden Sie – das ist ja ein sehr konzentriertes Programm – da werden Sie eine ganze Reihe von Verweisen auch auf die regionale Ebene finden und das hat es vorher in einem Kommissionprogramm so noch nicht gegeben.

Interviewer: Würden Sie denn sagen, dass der Fall Strukturpolitik ein Fall ist, wo besonders viel Einfluss herrscht oder würden Sie sagen, dass man das eigentlich nicht sagen kann. Es gibt ja sechs verschiedene Fachkommissionen, und mehrere Bereiche, wo der AdR verpflichtend konsultiert werden muss. Also, würden Sie sagen, dass man Strukturpolitik herausheben kann als einen Bereich, oder ob sich das eher alles auf der gleichen Ebene befindet, vom Einfluss her?

RESPONDENT_1: Bei der Frage Kohäsionspolitik, Strukturfonds, wird dem Ausschuss der Regionen natürlich eine besondere Kompetenz eingeräumt, also Kompetenz im doppelten Sinne: Sachverstand und Macht zur Umsetzung. Wir müssen ja auf der regionalen Ebene, auf der kommunalen Ebene, die operationellen Programme umsetzen, das heißt wir machen die Erfahrung damit, wie funktioniert das, wie läuft das. Und da räumen uns inzwischen alle

eben diese besondere doppelte Kompetenz ein, da hört man auch auf uns und fragt uns. Das ist nicht in jedem Politikbereich, den wir behandeln, gleich gelagert, kann es auch nicht sein. Aber... Das ist sicherlich herausragend. Andere Themen, bei denen wir inzwischen auch zunehmend gehört werden, sind Subsidiaritätskontrolle, da haben wir auch als Ausschuss der Regionen ein eigenes großes Netzwerk ins Leben gerufen, [...]. Und in diesem Netzwerk sind inzwischen rund 150 Partner beteiligt, institutionelle Partner, also deutsche Landtage, Städte, weiß nicht wer noch alles. Also, institutionelle Partner. Und mit diesem Netzwerk können wir, können wir Umfrageverfahren machen, können wir bestimmte Themen analysieren lassen und da fragen uns andere inzwischen nach Ergebnissen, das Parlament zum Beispiel. Vielleicht noch in dem Zusammenhang einen Hinweis auf Akzeptanzgewinn des Ausschusses der Regionen: Wir haben, wann war denn das, im Januar 2014 eine lange vorbereitete Vereinbarung mit dem Europäischen Parlament über Details der Zusammenarbeit abgeschlossen, wäre vorher auch nie denkbar gewesen, war lange unser Wunsch, lange unsere Forderung, das ist dann zustande gekommen. Und zu dieser Vereinbarung gehört auch die Bitte des Parlaments an uns, unsere Erkenntnisse aus der Subsidiaritätskontrolle ihm, dem Parlament, zu übermitteln. Wir haben ein zweites Thema eröffnet, das ist so ein typischer sperriger Begriff, das nennt sich „territorial impact assessment“, also territoriale Folgenabschätzung, und auch da sagt das Parlament: Hoch interessant, wir brauchen da eure Erkenntnisse, wir brauchen eure Hilfe, bitte gebt uns künftig – das ist strukturiert in der Vereinbarung, wie das abzulaufen hat – gebt uns künftig eure Erkenntnisse.

Interviewer: Ob jetzt eine Institution an Macht gewinnt oder nicht, bestimmen natürlich auch die Mitglieder, die in dieser Institution verankert sind. Wie groß würden Sie denn sagen ist die Ambition der Regionen, mehr Einfluss zu erreichen? Gibt es da starke Bestrebungen, oder ist das sehr abhängig, je nach Land?

RESPONDENT_1: Ja, das ist natürlich eine große Unterschiedlichkeit in Europa. Und, es gibt die zentralistisch-verfassten Staaten der Europäischen Union, da sind im Ausschuss der Regionen weniger Regionalvertreter als Kommunalvertreter. Und es gibt dann auf der anderen Seite Länder wie die Bundesrepublik oder Österreich mit sehr starken Regionen, mit Gesetzgebungskompetenz, mit Haushaltskompetenz, und das ist natürlich schwer miteinander zu vergleichen. Aber, was uns alle eint – egal ob wie Gesetzgebungskompetenz haben oder ob wir Bürgermeister einer kleinen Gemeinde sind im Ausschuss der Regionen – was uns alle eint, ist das Bestreben, dass wir in den Entscheidungsprozessen rechtzeitig gehört werden, frühzeitig gehört werden, das wir also unsere Beiträge leisten können zu Diskussionsprozessen, und das nicht Programme und Projekte über unsere Köpfe hinweg beschlossen werden, die wir dann umsetzen sollen. Also, Beispiel Europa 2020-Strategie, da haben wir als Ausschuss der Regionen von Anfang an gesagt, wir sind sehr dafür dass eine solche Strategie entwickelt wird, aber wir wollen bei der Entwicklung der Strategie dabei sein, weil wir am Ende wesentliche Punkte dieser Strategie umzusetzen haben. Und, da wollen wir schon mit beeinflussen können, jedenfalls unsere Stellungnahmen abgeben können, wie Details dieser Strategie aussehen. Und wir haben auch gesagt, wenn man will das eine solche Strategie ein Erfolg ist, dann muss man diejenigen, die das machen sollen, auch von Vornerein motivieren durch Einbeziehung. Also das vereint uns da schon, also gemeinsames Interesse ist schon... immer weitere Stärkung der lokalen und regionalen Ebene in den Entscheidungsprozessen.

Interviewer: Ok, dann würde ich sagen, kommen wir jetzt mal zum zweiten Themenblock, zu dem Kontakt zu den europäischen Institutionen, das hatten wir schon ein bisschen angesprochen. Wie sieht es denn aus, wenn man sich die drei großen Organisation, Kommission, Europäisches Parlament und den Ministerrat anguckt, zu welcher Organisation hat denn der AdR am meisten Kontakt?

RESPONDENT_1: Zum Rat naturgemäß weniger, weil wir sind ja halt Teile von Mitgliedsstaaten und die Kontakte spielen sich dann in der Regel eher innerhalb der Mitgliedsstaaten... Aber es gibt da auch Kontakte, zum Beispiel die sogenannte Konferenz der Präsidenten des Ausschusses der Regionen, das sind die beiden Präsidenten und die Fraktionsvorsitzenden, treffen sich mindestens einmal im Jahr mit dem Ratspräsidenten, also heute Donald Tusk, vorher Herman van Rompuy, da gibt es dann schon also institutionalisierte Gespräche auf der Führungsebene. Die Kontakte zur Kommission sind vielleicht die intensivsten und auch, reichen auch am weitesten zurück. Also wir haben zum Beispiel einmal im Jahr die sogenannten „Open Days“ im Oktober, das ist also ein großes Veranstaltungsprogramm, bei dem sich Regionen vorstellen. Da sind hunderte von Veranstaltungen in einer Woche. Und das machen wir gemeinsam mit der DG Regio, schon seit, fragen Sie mich nicht, also schon seit vielen vielen Jahren gibt's das. Und wir haben in unseren Plenarsitzungen jedes Mal den einen oder anderen Kommissar, der mit uns zu bestimmten Themen diskutiert. Das hat sich übrigens auch in den letzten zehn Jahren sprunghaft entwickelt. Vor zehn Jahren war es was besonderes, heute ist es die Regel, dass wir mehrere haben. In der nächsten Plenarsitzung, beispielsweise im Juni, ist sogar der Kommissionspräsident Jean-Claude Juncker bei uns im Plenum. Wir haben gelegentlich Kommissare, aber immer Kommissionsvertreter in den Sitzungen der Fachkommissionen, die auch jedes Mal das Wort bekommen zu den jeweiligen Themen. Also das ist sozusagen institutionalisierte Kommunikation, institutionalisierter Austausch, der da stattfindet. Und die einzelnen Berichterstatter, wenn ich da aus meiner Erfahrung spreche, ich hoffe, die anderen machen es genauso, also ich habe immer, wenn ich zu einem bestimmten Thema eine Stellungnahme zu erarbeiten habe, ich glaube ich habe schon zehn, zwölf Stellungnahmen gemacht, war es für mich immer wichtig auch mit Fachleuten aus der jeweiligen Generaldirektion zu sprechen, um mich mit ihnen abzustimmen und Anregungen zu bekommen und von Vorneherein diese Perspektive schon mit einzubeziehen. Also das ist sehr intensiv. Die Zusammenarbeit mit dem Parlament hat sich erst seit den letzten Jahren sehr viel intensiver entwickelt, die war vorher doch eher bilateral zwischen einzelnen Berichtstattern oder einzelnen Mitgliedern des AdR und einzelnen Parlamentsabgeordneten. Inzwischen ist das auch auf eine strukturiertere Grundlage gestellt durch die Vereinbarung beispielsweise, aber auch durch eine zunehmende Praxis. Und das findet allerdings auch insbesondere im Bereich der Kohäsionspolitik sehr intensiv statt. Da gibt's im Parlament den Regi Ausschuss, der hat unter anderem auch die Zuständigkeit Kontakte zum AdR zu pflegen, weil man da halt die größte Nähe sieht. Und da finden in der Tat auch jährlich gemeinsame Sitzungen inzwischen sogar statt, zwischen Regi Ausschuss des Parlaments und COTER Kommission des Ausschusses der Regionen. Auf Fraktionsebene gibt es natürlich auch enge Kontakte, also ich sehe meinen Kollegen der (*party*)-Fraktion, den sehe ich schon regelmäßig und wir besprechen uns schon regelmäßig, und ich nehme an, die anderen machen es genauso. Und auch die Präsidenten – AdR und Parlament – treffen sich zu Gesprächen. Also das hat in den letzten Jahren – was ich sehr gut finde – sehr stark zugenommen und ich habe den Eindruck, dass im Parlament sich inzwischen die Perspektive durchsetzt, dass es auch für das Parlament wichtig ist, diese regionale, lokale Perspektive sozusagen aus erster Hand über uns zu erfahren. Das ist, das

Parlament kann also durchaus davon profitieren, das hat es inzwischen erkannt. (Das war in der Frühphase etwas schwieriger, weil die Entstehung, oder die Gründung des Ausschusses der Regionen im Parlament von vielen als Gründung eines Konkurrenzunternehmens gesehen wurde. Da war da so ein bisschen, ja, Konkurrenzneid oder wie man es nennen will vorhanden, 90er Jahre.) Das ist aber vorbei.

Interviewer: Trotzdem, auch wenn der AdR jetzt natürlich nicht so viel Kontakt hat, sind natürlich die nationalen Regierungen immer ein wichtiger Akteur in der EU-Politik. Würden Sie denn sagen, dass die nationalen Regierungen als Gate-Keeper fungieren, also dass sie den Einfluss der Regionen kontrollieren, oder kontrollieren können?

RESPONDENT_1: Das ist wahrscheinlich auch sehr unterschiedlich in den einzelnen Mitgliedsstaaten. Wenn man sich mal die Verhältnisse in der Bundesrepublik anguckt, wir haben alle unsere Vertretungen in Brüssel mit mehr oder weniger vielen Beamten, Landesbeamten, die dort natürlich nicht wie die Länder im Bundesrat als Akteure mitwirken an der Gesetzgebung oder an den Legislativprozessen, sondern eher als Beobachter und Lobbyisten. Aber sie sind halt da, und sind fest verankert, und da müssen wir nicht die Bundesregierung, egal welche es ist, vorher fragen, für welches Thema wir uns wie einsetzen. Wir sprechen natürlich mit der Bundesregierung, aber da sind wir frei und eigenständige Akteure. Das ist mit Regionen aus zentralistischen Staaten manchmal nicht so einfach. Also ich habe da den Eindruck, das zum Beispiel Großbritannien die staatliche, die nationalstaatliche Ebene mit den Regionen sehr streng umgeht und da auch kurzerhand schon mal Büros in Brüssel schließt, die der Regierung nicht genehm sind, also das ist sozusagen die Bandbreite, dazwischen bewegt sich dann vieles in unterschiedlichen Formen.

Interviewer: Wie oft kommt es denn Ihrer Meinung nach vor, dass auch im Ministerrat Zugeständnisse zum AdR bewusst auch gemacht werden? Oder ist das...

RESPONDENT_1: Naja wir haben ja, wir haben zum Ministerrat oder zu der Ratsebene ja keine festen institutionalisierten Kontakte. Von daher, die Frage ist eigentlich, kann man eigentlich so nicht stellen. Die Frage könnte man nur national stellen, also wenn wir in Deutschland, wir behandeln ja im Bundesrat alle, alle Legislativvorhaben der Europäischen Union und geben unsere Stellungnahmen dazu ab und erwarten natürlich von der Bundesregierung, dass sie in Verhandlungen diese Stellungnahmen auch berücksichtigt. In manchen Bereichen können wir sogar dann teilnehmen an den Ministerräten, also wenn es um Bildungspolitik geht zum Beispiel, da sitzen Ländervertreter dabei, Landesminister und führt die Verhandlungen. Und von daher spielt sich das nicht in Brüssel ab in Ratssitzungen, sondern im nationalen Kontext.

Interviewer: Ok. Kommt es denn vor, dass nationale Interessen auch mal bewusst übergangen werden? Ich habe das von Interessenvertretungen zum Beispiel viel gelesen, dass sie, wenn sie versuchen ein Vorhaben in Berlin irgendwie durchzudrücken, und merken, ok hier komme ich nicht weiter, versuche ich mich eher nach Brüssel zu wenden und da meine Ideen einzustreuen. Ist das auch was, was die Regionen machen, oder ist das wirklich nur jetzt eher von Unternehmen?

RESPONDENT_1: Nach meinem Eindruck versuchen schon mehr oder weniger alle ihre spezifischen Interessen über den Ausschuss der Regionen, also Mitglieder, ihre spezifischen, lokalen, regionalen Interessen über den Ausschuss der Regionen

durchzusetzen. Im Einzelnen weiß ich nicht, ob es da Konflikte gibt, wenn, was weiß ich, ein ungarischer Bürgermeister für ein bestimmtes Thema sich einsetzt, weiß ich nicht, ob er einen Konflikt mit seiner nationalen Regierung bei dem Thema hat. Das ist im Ausschuss der Regionen nicht erkennbar. Ich kann da nur für Deutschland sprechen. Wir Länder versuchen bei den Themen, die wir im Ausschuss der Regionen beraten, schon möglichst im Gleichlauf mit der Bundesregierung, der jeweiligen Bundesregierung zu laufen. Das heißt, es finden innerhalb der Bundesrepublik natürlich auch viele Abstimmungsprozesse statt, beispielsweise bei der Frage der Strukturfonds, hat es da auch immer Gespräche mit der Bundesregierung gegeben. Und bei der Frage der Übergangsregionen war die Bundesregierung der gleichen Meinung wie insbesondere die (*region*) Länder, dass man ein solches Instrument schaffen sollte. Da haben wir also, da sind wir in die gleiche Richtung gezogen. Das war vor zehn Jahren, elf Jahren, als es um die Vorbereitung 2007/2013 ging, da war das nicht so. Da haben wir (*region*) Länder den statistischen Effekt ins Feld geführt, aber das damalige Bundesfinanzministerium hat einen solchen statistischen Effekt bestritten. Ich kann mich noch sehr gut an ein Gespräch mit einem Staatssekretär, damaligen, erinnern, der sagte: Das gibt's überhaupt nicht, statistischer Effekt – gibt's gar nicht! Und ihr kriegt nichts! Und da haben wir in der Tat – die ostdeutschen Länder – versucht, eigene Allianzen in Brüssel zu schmieden. Wir haben ein Netzwerk der statistischen Effekt-Regionen gegründet, das waren dann an die 20 Regionen aus einer ganzen Reihe von europäischen Mitgliedsstaaten, die alle von diesem Problem betroffen waren. Wir haben Deklarationen verabschiedet, ich erinnere mich noch an die Pressekonferenz, die ich gegeben habe zu dem Thema und da war das also, da waren wir also nicht parallel aufgestellt, sondern haben gegen die Position der damaligen Bundesregierung in Brüssel Position bezogen, erfolgreich am Ende.

Interviewer: Ja, also kommt das doch vor.

RESPONDENT_1: Kommt also vor, aber wie gesagt, ich kann da, ich kenne da nur deutsche Beispiele.

Interviewer: Ja, natürlich. Jetzt mal etwas allgemeineres: Wie würden Sie denn die Kommission einschätzen als Akteure, würden Sie sagen, dass man von einem mächtigen Akteur sprechen kann im EU-Institutionsgefüge?

RESPONDENT_1: Ja, unbedingt. Die Kommission macht die Vorschläge, legt die Diskussionsthemen vor, macht das Jahresprogramm und alle müssen das dann beraten und zu Beschlüssen kommen. Klar, die Kommission, also gerade die neue Kommission von Juncker denke ich, ist eine sehr sehr, politisch sehr starke Kommission. Spielt eine sehr starke Rolle. Also, die europäische Ebene, die Europäische Union ist auf der EU-Ebene natürlich, das ist ein, das sind verschiedene Kräfte, die immer in einem Kräftemessen sich miteinander befinden. Das ist völlig normal, und war in der Geschichte nie anders. Das ist schon klar. Und was auch klar ist, die Finanz- und Wirtschaftskrise hat natürlich in diesen Prozessen zu einer Stärkung der Mitgliedsstaaten geführt. Aber ich denke nicht, dass das von Dauer ist.

Interviewer: Ok.

RESPONDENT_1: Das sorgt auch das Parlament für, dass durch den Lissabonvertrag zusätzliche Kompetenzen bekommen hat und gerade bei der Vorbereitung der jetzigen Finanzperiode, letztlich dreht sich immer alles um Geld, das sind also die wichtigsten

Verhandlungen, genauso wie die Haushaltsverhandlungen im nationalen Kontext, hat das Parlament klar gezeigt, wie stark es ist und hat die neuen Kompetenzen auch ausgespielt. Und das ist eben ein Gegengewicht zu dem „intergovernmental“.

Interviewer: Der AdR ist ja nach Fraktionen organisiert. Was würden Sie sagen, welche Rolle spielen denn nationale Parteiinteressen?

RESPONDENT_1: Nationale Parteiinteressen?

Interviewer: Oder sind das Landesinteressen?

RESPONDENT_1: Die sehe ich da nicht. Wir sind nach Fraktionen gegliedert, weil das sind von... in jedem Parlament das sinnvollste Prinzip ist, um die Arbeit zu koordinieren. Die Fraktionen, also, wie soll ich sagen, politische Programmatik spielt aber im Ausschuss der Regionen eine geringere Rolle als in einem nationalen Parlament oder einem regionalen Parlament, wo klar politische Parteien gegeneinander stehen. Im Ausschuss der Regionen geht es, das ist ja sogar im Europäischen Parlament nicht so klar ausgeprägt wie in den nationalen Parlamenten, stärker als im Ausschuss der Regionen, aber nicht so wie im Bundestag beispielsweise. Im Ausschuss der Regionen geht's dann doch immer eher um spezifische regionale und lokale Interessen als um spezifische parteipolitische Interessen. Das kommt auch immer schon mal vor, wenn es um grundlegende Fragen geht, aber in der Regel geht's, dreht sich die Diskussion eher um Themen, die aus der Regionalbrille, und nicht aus der parteipolitischen Brille, durch die parteipolitische Brille gesehen werden.

Interviewer: Ok. Ich komme noch mal zu dem, da wo sie Berichterstatter waren [...], können Sie mir vielleicht den Prozess beschreiben? Wie erstellen Sie so eine Stellungnahme, wie wird die dann vom AdR angenommen, wo geht sie dann hin, ...

RESPONDENT_1: Das ist schwierig so allgemein zu sagen, da geht's ja, da kommt es ja sehr auf das Thema an. Ich weiß jetzt auch nicht, welche spezifische Stellungnahme Sie meinen.

Interviewer: Oder eine andere in der Strukturpolitik, jetzt die die verfasst haben.

RESPONDENT_1: Na ich nehme jetzt mal ein ganz anderes Beispiel um mal zu zeigen, dass wir nicht immer nur über Strukturpolitik reden. Ich habe auch eine Stellungnahme zu diesem (*zopic*) erarbeitet. Also, territoriale oder regionale Folgenabschätzung. Worum es da geht, ist ganz einfach die Frage, Folgeabschätzung ist ja inzwischen eine geläufige Prozedur. Kann ich das voraussetzen?

Interviewer: Ja.

RESPONDENT_1: Ja? Ok. Wir haben ja in der Bundesrepublik im Kanzleramt sogar ein Normenkontrollrat, der nichts anderes macht als Folgeabschätzung, also der, der, bevor ein Gesetz beschlossen wird, sich darüber Gedanken macht, welche Folgen wird dieses Gesetz im Hinblick auf Bürokratie, auf Erfüllungsaufwand, usw. haben. Also, welche negativen Folgen kann das Gesetz eventuell haben, und dann ändert man möglicherweise den Entwurf, nachdem der Normenkontrollrat da seine Einwände erhoben hat. So, und das ist in der Kommission, da gibt es auch eine Folgenabschätzung, auch eine obligatorische Folgenabschätzung. Was es aber nicht gibt, dass es eine territoriale Folgenabschätzung, nämlich es wird nicht systematisch die Frage analysiert, wie wirkt sich ein bestimmtes Vorhaben in unterschiedlichen Typen von Regionen aus. Regionen sind ganz

unterschiedlich, es gibt dicht bevölkerte, wenig bevölkerte, stark industrialisierte, wenig industrialisierte, am Meer gelegen, im Binnenland gelegen, hoch gelegen, auf der Insel gelegen, abseits gelegen, also ganz unterschiedliche Arten von Regionen. Und die eine Maßnahme kann sich in unterschiedlichen Regionen ganz unterschiedlich auswirken. Das lässt sich ein Stück weit wissenschaftlich, statistisch ermitteln, da gibt es Instrumente. Und die Kommission macht diese Folgenabschätzung nicht obligatorisch. Es gibt sogenannte Handreichungen, Leitfaden, denn kann man befolgen, muss man aber nicht. Und da sind, zu dem Thema sind wir von der Kommission seinerzeit gebeten worden, eine Stellungnahme zu erarbeiten, ich würde dann Berichterstatter. Und wir haben diese Handreichung zum Anlass genommen, aus unserer regionalen Perspektive zu dem Thema Vorschläge zu entwickeln, wie wir uns eine strukturierte territoriale Folgenabschätzung vorstellen. Also Ausgangspunkt war diese Handreichung, die wurde analysiert, das habe ich mit Fachleuten zusammen gemacht. Dann führt man, ja ich hab sie – man weiß ich nicht, also ich hab's immer so gemacht, ich mache dann sogenannte Workshops, mache sogenannte Stakeholder-Meetings, also hole mir in verschiedene Gesprächsrunden die Fachleute zu dem jeweiligen Thema um mit ihnen das Thema zu erörtern, um Anregungen zu bekommen, um eigene Positionen, die ich schon habe, zu diskutieren, und dann möglicherweise zu korrigieren. Und dann wird ein erster Entwurf, ein Arbeitspapier erstellt zu dem Thema, das geht in die Fachkommission, in die zuständige, und dann wird in der Fachkommission auch noch mal mit Experten gegebenenfalls über dieses Arbeitspapier diskutiert. Das ist bis dahin der erste Schritt. Der nächste Schritt ist, aus diesem Arbeitspapier unter Berücksichtigung alles dessen, was man da gehört hat und aufgenommen hat, wird der erste Entwurf der Stellungnahme erarbeitet, der nach bestimmten Formen und so weiter entwickelt sein muss – da hat der AdR interne Regeln aufgestellt. Dieser Entwurf geht dann in die Fachkommission, so frühzeitig, dass er den Mitgliedern in Übersetzung einige Wochen vor der Sitzung vorliegt, und dann können die Mitglieder schriftliche Änderungsanträge erarbeiten zu dem Entwurf der Stellungnahme. Und das gesamte Paket wird dann in der Fachkommissionssitzung diskutiert und wenn man sich nicht einig ist, dann muss man eben über die einzelnen Änderungsvorschläge abstimmen. Am Ende dieses Prozesses steht dann die Stellungnahme der Fachkommission, die entweder einstimmig verabschiedet wurde, dann geht sie ins Plenum und die Hürden sind dann hoch, um daran noch etwas zu ändern, also man kann noch was ändern aber die Hürden sind hoch, man muss dann schon 32 Unterstützter haben, für wenn man selbst einen Änderungsantrag einbringen will. Oder sie geht nicht einstimmig ins Plenum, dann liegen die Hürden wesentlich niedriger, dann braucht man nur sechs. Und dann wird im Plenum das ganze sozusagen noch mal durchgeführt. Es gibt die Stellungnahme, den Entwurf, es gibt die Änderungsanträge, und es wird dann diskutiert und abgestimmt und am Ende gibt's dann die Stellungnahme. Wichtig aber, das Wichtigste ist für mich immer die erste Phase, ich versuche, so viele Perspektiven auf das Thema wie möglich kennenzulernen, um so viel möglich in dem Stellungnahme-Entwurf schon zu berücksichtigen. Also es wäre aus meiner Sicht der völlig falsche Weg, zu sagen, ich sehe das jetzt nur mal aus meiner Interessenlage, aus meiner regionalen Interessenlage, schreibe nur auf, was meine Interessenlage ist, dann gehe ich nämlich unter mit diesem Entwurf. Dann habe ich 300 Änderungsanträge, weil viele viele Perspektiven noch nicht berücksichtigt sind. Man muss also, obwohl man natürlich klar seine eigenen Interessen hat, dafür ist man ja auch dorthin geschickt worden, muss man die der anderen immer auch mitbedenken, und auch sehen, dass man Allianzen und Verbündete findet. Am Ende braucht man ja Mehrheiten für das, was man vorschlägt.

Interviewer: Ok.

RESPONDENT_1: Also war Ihnen das konkret genug?

Interviewer: Ja, ich denke. Ich danke Ihnen erst mal für die Einblicke jetzt zu meinen konkreten Fragen. Was ich sie noch fragen möchte, gibt es denn noch wichtige Aspekte in diesem Bereich, die wir bisher noch nicht besprochen haben, die Sie für wichtig erachten?

RESPONDENT_1: Na, ich habe ja ziemlich ausführlich geantwortet, da müsste eigentlich alles drinstecken.

Interviewer: Was ich fragen wollte, ist alles abgedeckt. Ich meine nur, ob Sie noch irgendwie, ... Wenn nicht, dann nicht.

RESPONDENT_1: Ne, dann nicht.

Interviewer: Ok, vielen Dank.

--- Memory Protocol ---

- system of the EU can be characterized as MLG, but is not in all fields to the same extent
- subsidiarity only possible with MLG, not yet realized
- MLG does not describe reality, but should it (normatively)
- re-nationalization during and after the financial crisis is not permanent

Transcript Interview 3

Interviewer: To get started, I have some basic questions. How long do you work for your region for the Committee of the Regions?

RESPONDENT_1: Actually, I guess we started some two years ago, together at least. Before that, most of the time (*RESPONDENT_2*) was involved, but since two years, the two of us deal with Committee matters.

Interviewer: And what exactly is your job?

RESPONDENT_1: Maybe we should explain that separately. I work as a EU representative for the Province of (*name*) in Brussels, and in this way, most of the times I attend the meetings in which our King's Commissioner takes part.

RESPONDENT_2: I am working for the (*name*), cooperation [...]. And I am working in the cabinet of the Queen's Commissioner, and (*RESPONDENT_1*) is the first person responsible or helping the government or King's Commissioner, which is the same – the government and King's Commission in this province – with helping the King's Commissioner with his tasks in the Committee of the Regions and as (*RESPONDENT_1*) is often in Brussels and I am more often here in (*name*), it's also *praktisch*, it is also good to have someone here who can do some some things...

RESPONDENT_1: Yeah.

RESPONDENT_2: ... in order to support the King's Commissioner, so more or less, I am supporting (*RESPONDENT_1*) with his job he is doing for the King's Commissioner.

RESPONDENT_1: If you have meetings, you get loads of documents, not in the position to read everything, and I certainly do not pretend that I know about every matter that is going on in the Committee of the Regions, so our job together is actually to divide and spread the information within the regional government as there are experts who could prepare the documents for us.

Interviewer: Ok. And what do you think is the task of the Committee of the Regions?

RESPONDENT_1: It's an advisory institution to the European decision-makers. So their job in my opinion is actually to at least give a regional touch to European decision-making in a way that they could advise Commission, Council, and European Parliament on matters that are really interesting for regions and communities. And sometimes regions and communities think different about some issues that are going on on the European level, and, well, as I said it's their job to attend, to attract the others on the fact that this, that we sometimes have a different approach.

Interviewer: Ok.

RESPONDENT_2: Yeah, and try to get when it comes to legislation, European legislation, try to get done that also the regional and local governments are involved in the process.

Interviewer: Ok, I'll come to the main part then: The influence of the regions. In the scientific literature, I read that there are really contradictory positions on the Committee of the Regions. Some say that they have like just a minor influence, but some others say that they could become even the second chamber next to the European Parliament. What would you say, do the regions have the possibilities to influence European legislature or in general European affairs?

RESPONDENT_1: Yes, I do think so. But it comes to the approach of the regions themselves actually, and more specifically, the approach of the rapporteur. If you have a rapporteur that is really, that has, a rapporteur that has a good network within Brussels and the European institutions, and a rapporteur who is really active on the report he is writing, then it's more likely that his report comes... that people will read his reports and that they will do something with the advises that he gives. Whereas, if you have a rapporteur that is not really involved and who is a bit reluctant to work on the topics in the European, in the Committee of the Regions, then it's far less effective of course.

RESPONDENT_2: I totally agree, (*RESPONDENT_1*).

RESPONDENT_1: Yeah.

Interviewer: So you think there are big differences between the members of the Committee.

RESPONDENT_1: Yeah, that's right because sometimes reports are written in time, and then there of course is a lot of possibility to lobby, and to spread your reports among the people that matter to the topic that you are dealing with. Whereas if you are quite late in the procedure, sometimes it happens of course that reports are even published after the Commission and Parliament and the Council took final decision, then it doesn't matter anymore. And it also really touches to the fact that rapporteur should actually, well, it's not

automatically that people in the Parliament or in the Council are listening to what people from the Committee of the Regions are saying. You really should be active in approaching other people to...

RESPONDENT_2: I think that that's very important. For example, that when the rapporteur in an early stage – (RESPONDENT_1) has mentioned the network – in early stage get in touch with Parliament because of course, European Parliament has a bigger role in decision-making, and when they cooperate I think the Committee of the Regions can add important things to European legislation, they can get a role.

Interviewer: So if you assume that the report is send on in time, do you think that the Commission takes the opinion of the Committee of the Regions into account?

RESPONDENT_1: Yes and no. I think that still the rapporteur should be active himself, he should go the Commissioner, he should go to the policy officer that is writing a new piece of legislation. They don't take it into account automatically, they sometimes need some more stimulation from the rapporteur himself or at least the people that are involved in writing the report, so his experts and assistants.

Interviewer: What do you think, do you think that the influence of the regions has increased or decreased in the European integration process.

RESPONDENT_1: I think it has increased.

RESPONDENT_2: Increased, I think so, too. Not only because of the Committee of the Regions but I think the Committee of the Regions has given the regions a voice, so it has increased. And it happened in Maastricht, in the Treaty of Maastricht [...]. But I think the official giving of creating a Committee of the Regions makes the regions, has given the regions a bigger role...

RESPONDENT_1: Yeah.

RESPONDENT_2: ... in decisions, although it's advisory, but they have a role.

RESPONDENT_1: Yeah. But an active Committee of the Regions could make itself heard in European decision-making, that's correct. Whereas, you also mentioned the fact that the Committee of the Regions could be like a second chamber, and this is something that we see as Dutch delegation in the Committee of the Regions as well. We see that a lot of other member states really stick to the political system, so if you come from the European People's Party, then you stick to the opinions that this party has given to you on beforehand. Whereas in the Netherlands we try to work as a delegation and it doesn't matter actually what political party you come from. We think that it's really important that the Dutch opinion should be taken into account within the reports that come from the Committee of the Regions. So we try to work as a delegation more than to work by the political structures of the Committee.

RESPONDENT_2: Maybe also because we are not a federal country, like Germany and Belgium for example, where within the country the Bundesländer or in Belgium *gewest en gemeenschappen* already have their place and in the Dutch system also the twelve provinces work together in IPO, in an organization called IPO, in the provincial lobby, yeah lobby, ...

RESPONDENT_1: Yeah, the branch organization or something ...

RESPONDENT_2: Yeah, and it's also the case for the municipalities. So when you look to our delegation, six members from the provinces and six from the municipalities. Those two branch organizations take a big role in organizing things and that makes it less political I think.

Interviewer: Ok. If an institution gains power is, of course, dependent from the members of the Committee, in this case. What do you think, how developed is the ambition of the Committee members to gain more influence?

RESPONDENT_1: Yeah, I think that differs as well between the individual members. I mean some of them are really active and you see them quite a lot in the opinions that come from the Committee. Of course you have people who hand in loads of amendments and things like that. But on the other hand, there are also many members that just attend the meetings and, well, are more or less quietly sitting in the back benches. So it's quite an individual thing that really counts.

Interviewer: And how is it in the Netherlands especially, you say that you are not like a federal state, but...

RESPONDENT_2: If our members wants the Committee to become...

Interviewer: ... more powerful.

RESPONDENT_1: Yeah. We have some members that are really keen on bring Europe a bit further while giving the Dutch regions and municipalities a face in decision-making, so it really depends on...

RESPONDENT_2: Also within the delegation, I think.

RESPONDENT_1: Yeah, some of them are really active and have a huge network in the European Union, other are, well, they just consider it to be something that comes with the function.

Interviewer: Ok. The Committee is active in many policy fields and in some, now, it has to be consulted mandatorily. Is there a policy field where the regions especially have big influence, like if you look at the mandatory fields, like structural policy, environmental policy, social policy – do you think there is a field?

RESPONDENT_1: Yes, then I think that structural policy is something that really is interesting for provinces and communities and their experience could also be of interest for considering in the decision-making process. On the other hand, as the providence of (*name*), [...], and we think that Committees like (*name*) are also really important [...] ...

RESPONDENT_2: I think that's for our representative, the King's Commissioner, (*name*), one of his main points of interest because of this region with this many kilometers of borders.

Interviewer: Ok. We come now to the second part, the contact to other European institutions, we've talked a little bit about it before. Of course, an institution like the Committee has many stakeholders and I would like to know more about the official and the unofficial contacts of the Committee. If we start with the "big three": The Commission, the Parliament, and the Council of Ministers. How close is the contact to those institutions? If you look at them separately.

RESPONDENT_1: Yeah, the only way I could consider this question is actually also on a individual basis. I mean I don't know since this is also something that might be important to mention: Our King's Commissioner at the time is only a substitute member, so... And then in the Netherlands it's normally the case that he doesn't attend the plenary session, but takes over one of the Commission positions of one of the full members. So this is why we are involved in (*Committee*), for instance. This is why I am not really familiar with the structures in the Committee itself and how they function, but I could say that within the Dutch delegation at least, there are many members that have at least good contacts to the Commission and to the Parliament. And to the Council, but this is more often the case, well, the Council is not a so open organization, I mean it's difficult to get in and to contact, for instance, the ministers from other member states. So if we are dealing with the Council more or less in our situation, we stick to the people in the permanent representation.

Interviewer: Ok.

RESPONDENT_2: Yeah, of course I agree, would be interesting if I didn't agree. Yes of course sometimes you notice that as the members of the European Parliament are also chosen, we don't have a district system, they come from all over the country, that a certain member of the Committee of the Regions has good contacts with a member of the European Parliament coming out of the same region. That's quite easy to get in touch with each other of course.

RESPONDENT_1: And of course, the thing is also that the Committee of the Regions has a political structure, and European Parliament has as well and I think and at least I know from the EPP perspective that there are good connections between the political parties within the different institutions.

Interviewer: And are the contacts also institutionalized, like regular contacts or is it depending on the members?

RESPONDENT_2: No not really regular...

RESPONDENT_1: No it depends on the topics as well. If you are writing on a report, then of course you are looking for the contacts within the Commission that matter. And also you try to contact the rapporteur of the European Parliament or at least a shadow rapporteur in order to cooperate and to see if you could find some equal perspective and this makes the reports even stronger I guess.

RESPONDENT_2: And the (*name*) where I am working tries to – but that's very difficult because of the agendas of all those important persons – tries to organize that kind of structural meeting, try to organize on a more structural basis, one twice a year or so, a meeting with members of the European Parliament within our Euregio, so they come from Germany, the president of the European Parliament is coming from this Euregio, as it shows by the way. But that's very difficult as you see the members of the European Parliament have a busy agenda and they more attend meeting where there is a specific subject than more general gatherings with the people from the Euregio Board of Directors for example.

Interviewer: Ok. I think it's safe to say that in the European context the national governments still have like a really important role...

RESPONDENT_1: Yeah.

Interviewer: ... and do you think the national governments act as gate-keepers in the European decision-making process of the regions which means that they control the access of the regions and the influence of the regions?

RESPONDENT_1: It's also difficult to say that for other member states of course. In the Netherlands at least we are quite centralized, that is a fact actually, so loads of competences lie at the national level. But at least we try to work together, to cooperate with the ministries, the permanent representation for instance, if the Dutch delegation gathers for meetings, sometimes it happens as well that we invite people from the permanent representation to get their perspective, to explain more about what they are doing, where we could see possibilities to cooperate. And that's works quite good and they also listen to us, but in the end they are of course the people participating the Council meetings and we don't know what happens there. In the end you've got small summaries, but it's not a quite open procedure that the Council has actually.

RESPONDENT_2: But when it comes to the Dutch delegation, they don't feel, they are not afraid to give their opinions.

RESPONDENT_1: No.

RESPONDENT_2: They don't feel that the national government is trying to control, but what the national government does, this is not a question... But they don't feel restrained in giving their opinions.

RESPONDENT_1: And sometimes as well we agree to disagree, then at least we inform each other about our positions, and if they differ from each other, then it's good to know that we have a different opinion, and...

Interviewer: But then you would still represent your interests in the Committee, even if you agree to disagree?

RESPONDENT_2: Yeah.

RESPONDENT_1: Yeah, this is what we agreed on actually within the Netherlands.

RESPONDENT_2: We're not obliged to put our noses in the direction which the national government says we do have to. Maybe they try, but no.

RESPONDENT_1: No, no, that's quite fair, I think, but they really respect our opinion and they really don't force us to have another opinion and this is really good I mean, it wouldn't be fair as well if you are being forced to shut your mouth or something, that's not quite democratically.

RESPONDENT_2: No, that would be a little bit dictatorial.

RESPONDENT_1: And we don't like that in the Netherlands.

Interviewer: So you think that national interests are sometimes passed over by the Committee. So assuming your region has an interest, a specific goal, and you know that it's against the national interest. Do you would go to Brussels, to probably lobby the Commission in this case?

RESPONDENT_1: Yeah. This is what we do as well, not even within this sphere of the Committee of the Regions, we also have our own interest groups in Europe of course. And all the Dutch provinces agreed – some 15 years ago – actually to have an office in Brussels in which we work together in order to lobby European decision-making.

Interviewer: And we talked a little bit about this but in general, how open are the institutions, the European Parliament, to your opinions, to the opinions of your representatives?

RESPONDENT_1: Only Parliament or?

Interviewer: Parliament and the Council – I think we talked about the Commission enough.

RESPONDENT_1: Yeah, Commission is really open, but Parliament as well, I mean as long as you have information, they are really willing to listen to your opinion. Council is a different piece of cake. I mean the only way in which we get information is via the permanent representations. Sometimes it helps if you have contacts with other regions in order to get information from other perm reps as well. But obviously, it's the most closed institution actually that you could find in Brussels.

Interviewer: And then to the political interests, the third part. Do party interests play an important role in the Committee of the Regions?

RESPONDENT_1: I guess so, but like I told you before, in the Netherlands we tend to actually stress that the delegations interests are more important. So we try to stick together as a delegation.

RESPONDENT_2: And in our specific case, our King's Commissioner is appointed by the national government, as a King's Commissioner, so it means he is member of a political party as a politician, but as a King's Commissioner he should be more or less neutral in political questions. So that makes it even more, how to say it, even less obvious that he should take a political stand of view.

RESPONDENT_1: And also in the Dutch delegation we find that, or we think at least, that the Committee of the Regions shouldn't do the work of the European Parliament once more. So, we really appreciate the institution actually as an interest-institution for regions and communities, so we think that voices of the communities and regions are far more important than the political step points actually.

Interviewer: What are you think, what are the strengths and weaknesses of this organization Committee of the Regions?

RESPONDENT_2: Strengths and weaknesses of the Committee?

Interviewer: Yeah.

RESPONDENT_1: Well, it's good of course in the first that there is an institution like this. I mean before the Maastricht-Treaty it was far more difficult I guess – because I am not familiar with the situation then – but I guess that it's far more easy for regions and communities to be heard in Europe. But what we see of course is that, well, there of course is this competence struggle between political structures and delegations. Then of course it really often happens that there is a change in members, I mean you lose your mandate if

your mandate in the region or in the community is withdrawn. And in this way, it happens quite often that there are changes.

RESPONDENT_2: I think what's also a very important role of the Committee of the Regions, also for our representative, is that it creates a kind of forum, a platform, where people can meet. Not only for working for the Committee, but also meet someone from another region who has the same problems or not, yeah. I think that's very important. It plays a role in that, bringing people from local or regional governments from all of Europe together.

RESPONDENT_1: Yeah. And of course there is a certain risk that procedures take quite long, and it happens way to often actually that reports are being delivered late and in this way they are not being considered as important anymore. This is something that the Committee could work on actually in order to make sure that reports are delivered more early, in an early stage, yeah. Furthermore... Yeah, what is really strange is, of course and we are quite satisfied of course, but if you see that member states like Malta has quite a lot of members compared to member states like Germany, I talked with Mr. (*name*) about this before, that is quite strange. But in our case, I think we should be quite satisfied.

RESPONDENT_2: With our twelve members. But that's also...

RESPONDENT_1: That's a compromise of course and maybe, yeah, but it's like that in the Parliament as well. Compromises are not always good but they are also in the other way around always bad, so this is how European decision-making works, working like compromises.

Interviewer: Do you can tell me about a specific project you are working on or you have worked on, and could you describe the process, how this is working? Can you tell me more about the structures, about the people who are involved?

RESPONDENT_1: This is really difficult I guess because until now our rapporteur, our King's Commissioner, didn't take up a role as a rapporteur. He's within the next month becoming a full member of the Committee and he's considering to write a certain report later on, but at the time, the only experience I have actually is with the secretariat of the EPP party in the Committee. And those people are quite helpful if you have questions or if you would like to organize certain things, they are the persons that I would approach in the first place. But I don't have really experiences at the secretary-general level or... So hard to say.

RESPONDENT_2: That's for me the same case.

Interviewer: Ok. In general, would you say there is a big difference between small and big countries or centralized, decentralized – what plays a role here in the ambition, in the goals, in the appearance?

RESPONDENT_1: The most obvious one is of course this difference between the fact that we think delegations are far more important than political structures. But in many other member states this is just the other way around. Yeah, like I told as well, this difference between Malta and Germany, you can see this difference. What else to say?

RESPONDENT_2: Yeah, the first thing you said is probably the most important.

RESPONDENT_1: Yeah, this is really important for us.

RESPONDENT_2: You are a federal country, probably tend more to a kind of political, as you have in Germany the Bundesrat, representatives of the Länder, of the states...

RESPONDENT_1: Just one example actually as well: One of my colleagues, since we, every province in the Netherlands recently changed governments, and then, a colleague of mine also had a new member of the Committee of the Regions appointed, and this person actually came from the Green's Party and it took us quite some time actually to find out what we should do in this case, since there is no Green party within the political structures of the Committee of the Regions. And we didn't have the experience as well in the Netherlands since, well, we tend to think in delegation issues. Yeah, this was quite odd actually, it's something that you should find out and then we saw the example of Northrhine-Westphalia where there is also a Green member and he actually joined the PES, the Socialist group. But yeah, like I said, delegations are the first priority in the Netherlands.

Interviewer: Ok, I think those were all fixed questions I have. Thank you very much for your insights. What I want to ask as a last question: Are there any aspects we did not talk about so far, but which are according to you relevant in this context of the Committee or the regions?

RESPONDENT_1: I guess we mentioned all the important stuff.

RESPONDENT_2: You did a good job.

RESPONDENT_1: Questions were good.

RESPONDENT_2: Yeah, I think so, too. Political, function, role...

Interviewer: Ok, that's fine.

Protocol Interviews from Plenary Session

Interview 4

- depends on the region, how important the influence of the CoR is seen (separate city interests)
- various way to organize as region, not only the CoR, just one possibility
- personal influence high, through networks, though delegation from CoR to other organizations
- influence of CoR not high, only few members active in opinions and reports
- influence and motivation of CoR would be desirable
- more influence over last 15 years, also through empowerment Lisbon Treaty (opinions of the CoR must now be rejected with an argumentation)
- yellow card (subsidiarity) only rarely used
- influence dependent on networks
- language problems, many members of CoR are not present during sessions
- influence in structural policy: structural funds are better used now, more in public, opinion for this topic → was not implemented
- cultural European cities: when only a few members from EP, Council, and CoR worked together → always possible to talk, and to present a unite answer

- problem that Council members do not work in public, can blame the EU as justification for political decisions (has not changed)
- problem: new AdR members are clueless when they start, transfer to EP and forget where they came from
- contact to Commission are relatively close, many talks with them while preparing opinions
- contact to EP sometimes one-sided, CoR member think that there is a good contact, but EP member does not take the instruction and ideas into account
- problem with system of substitute members who have not enough formal powers
- former times: CoR as council of old men → this has changed (age and gender), same problem as the EP had in former times, more motivation today, but problems of real politics in the EU (dilution of opinions) remain
- "Ich werde nicht wahrgenommen. Ich kann im Prinzip tun was ich will, es fällt nicht wahnsinnig auf" (Interview 4)
- sometimes the national government asks to come to the same boat, but hardly ever contact with government, they do not care
- in general, national government does not like if the regions interfere in its issues
- what is good in the CoR is the (also personal) exchange with other regions, the trust that can be developed, the prejudices that are removed, regions can learn from each other, although they have many differences
- regions deserve more influence, 80 per cent of all EU legislation is implemented on regional level
- even if official opinions of the CoR are not taken into account, the regional level and governments deal with a topic, learn from it → can enforce interests
- "es ist unverzichtbar" (Interview 4)
- political structures play a role, but it is important that they do not play a too important role

Interview 5

- enhanced role of CoR, more people are listening → due to the fact that members of the CoR are becoming more high profile and have, hence, more experience, more sense of how to open doors
- "Ich bin der Meinung das der AdR in den letzten Jahren verstärkt politisches Gewicht erlangt hat" (Interview 5)
- also because of the EP, the awareness that the proximity to the citizens is necessary became stronger, and the CoR could be an institution which is important in this regard
- opinions are not taken directly into account in EU legislation, however, some ideas can flow into legislation, but no concrete example
- credo in the CoR is not only to work on opinions, but also work on the follow up of the opinions, lobbying is part of the process, and also a control how the opinion was handled in other institutions → this must be professionalized and followed more persistently
- ambition to gain influence is apparent over the 28 member states, due to the fact that the regions are highly affected by EU legislation
- citizens want local politicians to get involved in legislation from Brussels (one example is immigration policy)

- the CoR is still weak and underdeveloped, but in comparison to 15 years ago, there have been enormous steps forward, perhaps also because many former CoR members are now members of the EP (do still remember their background)
- (relation CoR and EP) "Ich denke dass wir auf halber Strecke bei dieser Entwicklung sind was die Vernetzung und Zusammenarbeit anbelangt, aber halbe Strecke bedeutet dass das Ziel noch einige Kilometer entfernt sind. Wir sind noch nicht im letzten Endspurt, wir haben noch einen langen Weg, aber man sieht, man spürt, man bemerkt dass immer mehr Querverbindungen geknüpft werden und mittlerweile auch andere Instanzen Interesse am AdR gefunden haben, da es eine Stimme ist die trotzdem [...] von der Basis kommt" (Interview 5)
- regular meetings between CoR and Commission on high level
- some EP members still think that the CoR is redundant and an obstacle
- there is not a problem that the national governments do not want to take the regional opinions into account, but the time constraints to listen to all stakeholders are the real problem
- local interests are the first priority, the national interests come after that → for all CoR members
- The CoR is "ein wirklich [...] heterogenes Gremium [...] das es trotzdem fertig bringt relativ homogen zu funktionieren" (Interview 5)
- CoR allows members to widen their horizon, beneficial for sense of community

Interview 6

- follow up of opinions needs to be better managed, involved in fight for it for the last two years
- rapporteurs need to stay in contact with the EP and defend the ideas of the CoR, also contact to national ministries → but this is difficult, EP is easier
- it is not enough to write the opinions, follow up is necessary
- influence has grown over time: more visible, opinions are better qualitatively, members are younger and more motivated – in all political parties, political parties and secretariats are more committed to opinions and defend them in front of EP, even if the people are not involved in the writing of the official opinion
- awareness has increased that 75% of the EU legislation involves regions → ambition of regional and local officials has grown
- opinion on budget: not sure how many ideas got picked up from the Council, the EP was more accessible, lobbying takes place
- contact to Commission can still be improved, many important proposals come from the Commission, the Commissioners come the CoR in every Commission sessions which is important, on the basis of the political parties it is not so developed → takes place, but perhaps not enough
- normally, drafts come from the Commission, and then the debate starts in the CoR, some countries might be able to access the Commission before a piece of legislation is drafted, but not sure, normally not
- national governments are important, but local communities are often not aware how Europe's influence affect them, for them the national government is the important actor, perhaps in Germany
- there are major differences between countries in the CoR, the more regions are used to be independent in their home country, the more self-assertive they present themselves in Brussels

- institutionalized contacts between CoR Commissions and officials from the Commission, many costumes how the institutions meet → works better and better
- legal rule: CoR has to be consulted if Europe deals with issues that are of regional importance
- “Ich denke das der Einfluss des AdR ausbaufähig ist” (Interview 6), problem is that the CoR is a relatively young organization
- CoR in former times was smaller, in a fight, the political part triumphed over the administration two or three years ago
- when it was younger, it had not so much personality, now it found its role
- CoR got stronger, but not as strong as the EP, and they will never be

Interview 7

- opinions of the CoR are not acknowledged by the EP and the Commission as much as the CoR would desire
- however, during the draft of the opinions, there are talks with EP, Commission, other institutions, with civil society → exchange of views which can also be influential, not only the formal adoption of opinion is important
- then, the EP for example can use the fact that the CoR has the same opinion as strengthening argument
- influence of regions grew over the last 20 years, really depends on the topics how much influence takes place
- political organization always want more power, hence, also the CoR; this makes sense because the CoR is closest to the citizens and European politics can be directly implemented here
- made steps forward, but not sure if they ever will be the second chamber
- biggest influence in the field of subsidiarity questions, also in budget and cohesion policy
- contact to other European institutions is institutionalized if you are writing an official opinion
- and secretariats always stay in contact with other institutions, members are normally only here for plenary sessions, if the members are in Brussels or home country, they also talk to Commission
- EP is closest to CoR, also Commission, but mostly EP, they are more open and pick up ideas from the CoR more often
- has not experienced interventions from the national governments
- concessions from the Council of ministers are rarely, are only exceptions
- CoR can be vehicle to pass over national interests by regions, not only through CoR, but partly
- “Ich finde man darf den AdR nicht unterschätzen. Ein echter Benefit ist die Vernetzung untereinander. [...] Man darf es aber auch nicht überhöhen. Also der Einfluss ist de facto natürlich begrenzt“ (Interview 7)

Interview 8

- CoR has influence on the debates in EP, Commission, and Council through opinions, but it cannot stop or alter legislation proposals
- CoR not involved in “trilogue”, although there are attempts from the CoR to attend the meetings as guest, to be actively involved, would still be not necessary approve from the side of the CoR

- question is if the CoR should be developed further to a second, or better third, chamber → controversial
- no clear trend where the CoR is heading → is drawn in two directions (critics from outside the EP and others, argue that the CoR has no veto position; also efforts from within the CoR to get more involved in debates), open who wins
- ambition of CoR is there, but the CoR is occupied by factions, and one of them is Europe-critic which thinks that all European institutions are unnecessary; majority of big factions want more competences
- no field where the CoR has more influence than in other fields
- contacts to Commission are intense, Commission closely looks at opinions of the CoR, Commission officials (mostly lower level) are present during plenary sessions, sessions in the specific Commission inside the CoR
- basically no contacts to the Council occupied with national governments, CoR not the adequate stakeholder
- contact to EP is close, various tiers of dialogues, EP rapporteurs are often involved if there are discussions in the CoR Commissions and plenary sessions
- unofficial contacts are necessary and the work quite well while working on an opinion (to Commission and EP), EP is really interested, because for them, in negotiations with Council or Commission, it can be really helpful in the argumentation if the CoR is on the same track; also the Commission recognized it → both approach CoR
- no direct negotiations with Commission before a piece of legislation is drafted; however, a long and networked member knows what is going on, contact Commission employees; but no formal contacts, no information obligation
- from German point of view, national governments and permanent representations do not control access or content in CoR; there are meetings, but no agreements; CoR members are accountable to regional governments, and there take agreements place
- this is different in small and non-federal countries, can happen here
- passing over national interests takes place, also through permanent representations; however, regional influence on EU legislation is not highly developed
- Commission speaks more to national representatives
- process of drafting an opinion: Commission inside the CoR makes suggestions, then the rapporteur makes a short paper with theses' about the tendency of the opinion, ask for amendments and further suggestions → preliminary first draft, contact with secretariats for stakeholder meetings and EP rapporteur, contact and questions to Commission → translated new discussion in the CoR Commission, further amendments, Commission employee is present → draft goes to plenary session, new amendments → final opinion
- discussions on CoR level are important for the politics at home (many different insights in processes), added value; implementation from EU politics mostly on local and regional level, the representatives there are also accountable, takes too long to explain citizens what the CoR does, and how this is an added value