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This paper is part of a larger work on regional interest representation vis-à-vis EU institutions, analysing both national and European channels.

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## **Abstract**

Opportunities structures for participation in EU policy-making are characterised by the inefficiency of institutional channels of territorial representation and the progressive inclusion of broad civil society in new systems of consultation and cooperation with EU institutions. Recent Multilevel Governance literature has recognised an increasing convergence in strategies of territorial and functional actors to respond to these challenges. Nevertheless, it has neglected the partial shift of European regions from territorial institutional representation to lobbying strategies based on acting as intermediaries for functional interests. Through strong cooperation with the private sector, regions go beyond their purely institutional roles, partly presenting themselves as actors of functional representation and thus playing by the same rules of most lobbying actors in Brussels: providing specialised and genuine information to EU institutions in exchange for inclusion in the policy-making process.



Many contemporary democratic systems no longer rely on territorial representation as the only way to bridge state and society. On the European stage, EU institutions have increasingly been targeted by actors engaging in functional interest representation through a variety of more or less regulated organisations and networks. This situation is no secret, and the need for EU institutions to be open to civil society beyond purely institutional channels is acknowledged by the treaties themselves. In fact, article 11 of the Treaty on the European Union explicitly states that ‘the institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society’, giving voice to ‘citizens and representative association’ and consulting ‘the parties concerned’ (TEU, Art.11). Regional authorities are among these societal actors seeking participation to the European decision-making process. This paper acknowledges that simply treating them as institutional actors of territorial interest representation constitutes an obsolescent approach, unable to grasp the real nature of regional involvement in European policy-making. On the contrary, regions have increasingly engaged in functional representation, aggregating interests from civil society and economic actors and creating policy-specific networks at the European level.

The convergence of the lobbying strategies and channels used by territorial and functional actors has been addressed by the literature analysing regional interest representation in Brussels (see e.g. Huyseune and Jans, 2008) and more broadly within the theoretical framework of Multilevel Governance (MLG), which has been updated in order to better describe this phenomenon (see e.g. Conzelmann, 2008; Greenwood, 2011a; Knodt, 2011; Knodt et al., 2011; Piattoni, 2009; 2009a; 2011). Despite containing almost all the suggestions needed for this further analytical step, most of this research has neither strongly claimed the rise of a functional, policy-specific, approach to interest representation by the regions nor systematically addressed 1) the reasons generating this trend 2) the potential change in modalities and channels of representation 3) how this redefines the concept of regional interest.

This will be the focus of this paper, which will try to answer the following research question: are regions in Brussels increasingly acting as actors of functional representation? If so, what are the reasons behind this trend? How does this change the channels and means they use to influence EU policy making?<sup>1</sup> It will be claimed that, through strong cooperation with the

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<sup>1</sup> The analysis proposed by this paper is by no means exhaustive of all the paths available for European regions to participate to EU decision-making and inevitably leaves out national channels, those constituted by administrative levels (e.g. Seconded National Experts) as well as channels created by other social and political actors, like political parties.

private sector, regions go beyond their purely institutional roles, increasingly presenting themselves as intermediaries for functional interests within their territory and thus playing by the same rules of most lobbying actors in Brussels: providing specialised and genuine information to EU institutions in exchange for inclusion in the policy-making process. The persistent inefficiency of institutional channels of territorial representation like the Committee of the Regions (CoR) and the Council of the EU – together with the rise of new opportunity structures in the Commission consultation regime – push regions to create interregional networks focusing on a single policy or policy area. The latter provide a channel to aggregate functional interests from the regions, and are included in the consultation mechanisms of the European Commission as ‘experts’ on specific policy fields. This system is animated by the offices of the regions in Brussels, which permanently incorporate or periodically host representatives of chambers of commerce, universities, research centres, trade unions, farmers associations and other stakeholders with territorially-based functional interests.

The research will draw upon the literature on Multilevel Governance and regional interest representation, also making use of official documents and websites from the organizations analysed. The analysis is also enriched by set of six semi-structured interviews carried out in Brussels with two heads of regional representative offices, two policy officers within their teams, and two employees in the Secretariats of two interregional networks.

First, it will be discussed how the theoretical framework of Multilevel Governance understands the organisation of interest representation in Europe along the divides relevant for this analysis: territorial vs. functional, institutional vs. private, and general purpose vs. policy-specific. Building upon this framework, the second section will present the partial shift of regional representation from its institutional-territorial form to a model which represents functional interests. This section will engage with the contribution of the existing literature on this topic. The following two sections will discuss the inadequacy for the regions of the institutional channels provided for territorial representation at the European level: the Council of the European Unions and the committee of the Regions. Subsequently, we will discuss the mixed functional and territorial nature of the role of regional offices in Brussels. Finally, it will be shown how the rise of sectoral interregional networks and their structure and work provide empirical evidence for claiming the increasingly functional nature of regional interest representation.

## 1. EU's Multilevel Governance: beyond territorial representation

Multilevel Governance defines the existence of multiple levels of decision-making beyond the national and supranational one in Europe (Piattoni, 2009:176). This is not only a *de facto* situation dictated by the 'multi-actorness' of European politics, but is also signalled by the 'overlapping competencies among multiple levels of governments' (Littoz-Monnet, 2010:4) – which especially spread through the process of administrative devolution in last decades of the 20<sup>th</sup> century. Multilevel Governance sees 'political arenas' as 'interconnected' rather than 'nested', meaning that sub-national actors act on every level in Europe and interact among them transnationally through the creation of networks (Marks et al. 1996:346). But how does the role of European regions fit into this framework?

MLG was first developed in the study of European regional (structural) policies, which took a leap forward between the '80s and the '90s. The 1988 reform of structural policies redefined the allocation of funds around new conceptual guidelines. The concept of 'partnership' redesigned a system which was until then based on an almost total control by member states of the process of allocation of funds. The principle empowered the regional actors by allowing them to take part to the bargaining and decision-making phase (Bailey and De Propris, 2002:409-415). These developments were accompanied by enthusiasm in academic circles for the alleged creation of what was called 'Europe of the regions', it is to say the idea that sub-national authorities' expanding jurisdiction was a sign of their progressive rise to power among the most powerful political entities in Europe. However, it progressively became clear that this determinist vision of 'Europe of the regions' was mostly a political slogan. In fact, some suggested that there was more appropriately a "Europe with the Regions' (Hooghe, 1995)' or even a "Europe with ... some of ...the regions" (Greenwood, 2011:176), referring to the most powerful subnational units in high-devolution countries.

The prediction of the rise of regionalism was also made possible by considering the empowerment of European regions as isolated from the broader involvement of civil society by EU institutions. European regions were involved in EU decision-making on the basis of the same logic that underlies the inclusion of any other political, economic or social actor: the expertise and practical help they could provide in their specific field, dictated by their functional role. This vision seems also supported by the reading of the Commission's *White Paper on European Governance* (2001) which mostly cites them together with the other social actors, considering their potential electoral mandates and institutionalised status like additional assets which boost

their capacity to serve as 'intermediary institutions' for civil society, but without granting them a clearly privileged institutional role (see Conzelmann, 2008:5-9). As the analysis provided by this paper will clarify, the opportunity structures in the EU have pushed regions to take on this role of liaison between functional interests within their jurisdiction and EU institutions.

This brings us to a very important theme in the MLG literature, summarised by the theorisation of two different types of MLG. Type I refers to a classical federalist scheme of division of authority, in which the actors involved have general-purpose jurisdiction, are limited in number by law, are embedded in a hierarchical system, and have 'non-intersecting' memberships<sup>2</sup> based on the territory where the represented people live. Regions and local authorities in their institutional sense clearly belong to this category. On the other hand, MLG type II expresses actors granting functional, goal-specific representation, mostly based on voluntary and intersecting membership with a potentially trans-territorial reach, virtually unlimited in number and relatively free from strict hierarchical legal constraints. The second type is associated with the ability to shape actors and their working mechanisms according to specific 'policy problems'. A good example of this second category are industrial associations, trade unions and chambers of commerce. The two types are by no means mutually exclusive, and co-exist in defining the overall MLG system (Hooghe and Marks, 2003:7-15). Types I and II are interacting and even establishing actors of the other type. In fact, type II actors are often 'embedded' in the first type of governance (2003:12) or are even created by actors belonging to MLG I (see 2003:11)<sup>3</sup>.

What emerges from this theorization is distinctly underlined by Piattoni:

'because they involve not only territorial jurisdictions and their lawful authorities but also the corresponding expressions of civil societies, MLG arrangements challenge also more analytical boundaries between public and private spheres of authority, between state and civil society' (2009a:16).

This opens the way for reframing regional interest beyond the simple representation of a territorially defined electoral constituency by an institutional authority. It suggests that intermediary actors like regional offices in Brussels could serve multiple constituencies grouped around different economic, social and political needs.

As the next section will discuss, most of the MLG literature addressing the interactions between territorial and functional interests did not provide a clear-cut analysis of the partial shift

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<sup>2</sup> Memberships which have clear boundaries defined by law, like a municipality and a province and therefore do not intersect.

<sup>3</sup> The quote refers to the Swiss cantons, French department and German district cited by the authors (clearly Type I 'jurisdictions') which gave birth to international networks to advance their common interests (type II 'jurisdictions').

of regions towards Type II and how this is related to the change in means and channels they use to participate to EU policy-making.

## **2. Regional interest representation in Brussels: from territorial to functional?**

The words 'lobbying' and 'interest representation' are often used interchangeably but at times treated like different things. 'Lobbying' comes from the word 'lobby', derived from Latin 'labium' meaning 'entrance hall'. This expresses the informal nature of the act, which is carried out outside of and before legislative processes, and can be defined as the,

'The attempted or successful influence of legislative-administrative decisions by public authorities through interested representatives. The influence is intended, implies the use of communication and is targeted on legislative or executive bodies' (Koepl, 2001: 71).

The term has been increasingly perceived as something bad or undemocratic, but it is on the contrary naturally embedded in the representation of societal needs in systems like the European Union. As noted by Greenwood (2011:1), in fact, democratic political systems rely on two sets of channels: the ones of traditional parliamentary democracy, as well as additional ones of 'participatory democracy'. While the first struggled to take off in Europe, the second has flourished in a huge number of private companies, civil society organisations, think tanks, NGOs, and regional and local authorities trying to influence the legislative process. These actors have presented to EU institution a large variety of issues and needs from 'the bottom', by moving outside of traditional channels of parliamentary representation.

The terms 'interest representation', even if less problematic than lobbying, strongly overlaps with the former. In political science, adding the term 'interest' to 'representation' could even sound a bit redundant, as far as the 'representative act' itself can be generally defined as 'acting in the interest of the represented, in a manner responsive to them' (Pitkin, 1967:209). Regional actors in Europe are in a peculiar position. Many of them are, in fact, elected actors and should express a system of democratic political representation, which differs from various forms of 'private' representation, also because the representative 'has a constituency rather than a single principal' (Pitkin, 1967:215). On the other hand, they are embedded in a system of Multilevel Governance where they continuously interact with private actors of functional representation, which are both part of their constituency as well as partners at the European level.

The 'multi-actorness' and the fluidity of MLG brings to a situation whereby public actors like the regions use both informal channels to influence policy-making (lobbying in a traditional sense) and formal ones. Additionally, they are often treated like private actors by EU institutions. This leads to a situation where, when it comes to influencing policy-making, the differences between lobbying *per se* and interest representation become very blurred. For this reason it seems reasonable to accept Charrad's choice to use 'lobbying' and 'interest representations' synonymously (see 2005:4).

This conceptual convergence is also a reflection of the increased functional nature of regional interest representation in Brussels. The mixing of territorial and functional interest representation has been acknowledged and discussed in some recent MLG literature, especially with regard to the strategies adopted by actors belonging to both categories (e.g. Knodt, 2011, Knodt et al., 2011; Donas and Beyers, 2012). While their 'strategies' (e.g. establishment of Brussels offices, creation of international networks, secondment) might converge, functional and territorial actors have been treated as completely separated conceptual entities. As far as regions are concerned, it can instead be argued that their progressive engagement in functional representation has been defined by a more complex idea of regional interest, not only driven by purely institutional claims, but constituted by the participation of multiple economic, social and political actors. The latter bring their expertise and genuine hands-on knowledge of local issues to the European policy-making arena, often by being hosted by regional offices in Brussels.

While a clear causal relationship between these two phenomena is hard to establish, it seems logical to claim that the changing opportunity structures for participation to EU policy-making have influenced the strategies and channels used by the regions<sup>4</sup>, which in turn started to need more cooperation with functional actors within and outside their territories in order to play by the new knowledge-based rules of the game.

### **Changing opportunity structures**

As will be discussed later with regard to the CoR and the Council, the inefficiency of the institutional channels of territorial representation available for the regions at the European level can be seen as a reason for their engagement in lobbying activities more traditionally associated with functional actors (Knodt, 2011:420), which assimilates them to other actors of participatory

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<sup>4</sup> Opportunity structures created by the EU have been often described as having a strong role in influencing the means and strategies used by the different actors of interest representation (see Marks and McAdam, 1996; Eising, 2007) also with regard to the Commission (see Knodt et al. 2011:351).

democracy (Greenwood 2011a:437). At the same time, the new consultation regime developed by the Commission since the early 2000s provided the regions with new opportunities to participate in EU policy-making as experts on specific policy fields.

As discussed by Jarman (2011), the European Commission increasingly relies on a number of mechanisms to involve actors from broad civil society, which go from consultation (e.g. Civil Society Dialogue initiatives) to real platforms of cooperation in policy-making, where responsibility for policy outcomes is shared. In this framework, it appears that policy outcomes have shown to be more promising where these *fora* focus on very specific policy issues (Jarman, 2011:396). These broadly defined 'expert groups' are among the mechanisms that progressively provided regions with new opportunities to influence EU policy making. Confronted with persistent inefficiency of the channels established to include them in a multilevel system of territorial representation, regional representatives in Brussels had to find new organizational modes to participate to this dialogue. Policy-specific regional networks provided a successful answer to this need. Hence, assessing regional participation to these consultative channels can hardly be done by only counting the attendance of their institutional representatives (see Quittkat and Kotzian, 2011), since concertation and the definition of common positions (together with functional actors) increasingly happen within interregional networks, rightfully perceived as 'lobbying coordinators' by the Commission<sup>5</sup>.

Huyseune and Jans (2008:7) find this use of alternative channels particularly relevant in the case of weaker regions, which have even less access to the already insufficient institutional channels and thus,

'Contribute to the policy process by producing position papers, seek to establish issue-coalitions and networks to increase their credibility and impact on EU policy-makers, and participate in the wide array of consultation formats organized by the European Commission on important policy issues (e.g., expert groups, white and green papers, surveys, panels, public hearings, and Commission-sponsored conferences).'

### **Involvement of local actors**

This renewed role of regions as experts in the creation and implementation of specific policies strongly relies on their capacities to act as intermediators with between the EU and civil society. Some authors have stressed the regional role of liaison between local functional

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<sup>5</sup> This expression, cited later in the text, was used by an interviewee working in European Regions Research and Innovation Network's secretariat referring to his organization (Interview 5).

interests and EU institution, based on the need to bring to Brussels people with a specific expertise, able to present a specialized regional position in EU policy consultations. This cooperation can bring to each regional office in Brussels an average of 635 visitors per year (Huysseune and Jans, 2008:6). This increased involvement of functional actors is part of a general inclusion of civil society in subnational interest representation which potentially allows the regions to gain more power by showing that they represent a wider range of societal needs (see Piattoni, 2009:174). As it will be shown later, this involvement can play an innovative role in the context of interregional networks, where private or non-institutional actors can represent the regional position on policy-specific issues. This helps redefine the concept of regional interest by considering regions as units of production' (Keating, 2000:4-5) rather than simple institutions, comprising also functional and private actors within their territories.

### **A functional representation of regional interest**

How have these trends been addressed by the literature on MLG? On a macro-level, one of the most interesting theorizations on the interactions between territorial and functional interest representation has come from Piattoni (2011). She looks at the relations between the two types of representation in Europe, asking how the different aggregation of interest from the bottom can shape solutions for filling the EU's democratic deficit. These two categories channel both 'lumpy', indivisible claims from the bottom – uncompromising in nature and organized around collective identities – and 'divisible' ones, which can be aggregated into larger categories – for example through ideologies provided by national party politics – and result in more democratic decision-making (2009: 371-374). For Piattoni, the 'loosely-coupled' cooperative nature of MLG provides a chance for subnational actors to stop focusing on the lumpy representation of their institutional interests alone – which bring to conflict between the different levels and the use of veto powers – and start participating to the policy-making process more as lobbyists, bringing up the specific needs of their constituencies as an added-value to the shaping of EU legislation. The re-aggregation of originally indivisible territorial and functional claims into 'categorical' interest representation, can help actors like regions to avoid 'joint-decision traps' typically found in federal systems and rather engage in exchange of views and lobbying across different levels of government (2011:378-382).

This framework partly confirms on a macro level what this paper tries to argue on the more specific level of channels of regional interest representation in Brussels: the potential shift

from purely territorial institutional interest representation to a more inclusive model of intermediation of policy-specific interests, also of a functional nature. This is specifically acknowledged by Piattoni, who states that MLG arrangements

‘foster the creation of more organic ties between subnational authorities and their local societies that tend to produce locally responsive outputs, and yet also foster the formation of broad alliances across peripheries and between institutional and non-institutional actors, and territorial and functional interests, that tend to produce generally responsive outputs’ (2009a).

Nonetheless, this analysis does not address the influence that the absence of effective channels of institutional representation might have on this process and, in turn, how this could develop specific strategies of mixed territorial and functional interest representation, changing the concept of ‘regional interest’ itself.

A different approach has been taken by authors analyzing how strategies between functional and territorial actors have started to converge. The most extensive example of this literature is provided by Knodt (2011). Starting by lamenting that most of the literature does not recognize the ‘double-sided construction of territorial interests’ (2011:420), Knodt underlines how the new opportunity structures of ‘consultation’ and ‘deliberative communication’ created by the European Commission determine a convergence of the strategies used for interest representation by functional and territorial actors. Strategies are thus not dependent on the actor type (functional vs. territorial) anymore, but rather resemble each other in the effort to adapt to the new framework of decision-making, helped by a mutual ‘learning process’ between the two categories (2011:423-425). This convergence of strategies leads to a process of ‘equalization’ (Piattoni, 2009:164) of institutional actors to actors of territorial representation with private functional actors, making regions in Brussels engage in ‘interest group behavior’ (Donas and Beyers, 2012:2).

These developments need to be acknowledged and built upon, but there is a need to go beyond the simple comparison of the means and strategies used by the actors analysed. Keeping functional and territorial actors as completely separated conceptual entities does no longer represent the reality of every-day interest representation activities in Brussels. As it became clear in section 5, the increased involvement of functional and private actors in the activities of regional representative offices in Brussels is accompanied by a wider conception of regional interest that goes beyond the territorial interest embodied by its governing institutions. As noted by Conzelmann,

‘the concept of “region” (...) is not necessarily tied to any sort of constitutional or administrative structure, but is rather a socially constructed concept: A region emerges where actors are coming together on the basis of geographic proximity and a shared problem or opportunity’ (2008:7).

### **Policy-specific networks**

The most relevant development with regard to the changing strategies adopted by European regions to adapt to the new opportunities structures is the creation of policy-specific interregional networks, which allow (1) for the ‘categorical’ aggregation of potentially ‘lumpy’ interests along ‘divisible’ policy-specific functional lines; (2) for the inclusion of private, functional actors as representatives of regional interests within these policy-focused working mechanisms and, most importantly; (3) for the inclusion of aggregated regional interests into the consultation mechanism of the European Commission. The strengthened approach to consultation adopted by the European Union since the Treaty of Maastricht naturally favors networks that are able to mediate and aggregate interests from multiple actors (Knodt, 2011:424). In this framework, interregional networks ‘focus on particular policy fields, and their activities are similar or equivalent to functional interest groups’ (Donas and Beyers, 2012:2). Their role and working mechanisms will be specifically assessed in section 6, with the help of semi-structured interviews carried out in Brussels to both employees of in the secretariat from these associations as well as regions participating to their activities.

The development of the framework discussed in this section has been mostly inspired by the changing opportunities structures in the EU for territorial entities like the regions. The inadequacy of the institutional channels made available for regional interest representation will be the focus of the next two sections, which will delineate why regions have to resort to the consultative channels made available to wider ‘civil society’ by the European Commission rather than rely on their status as public authorities alone.

### **3. The Committee of the Regions: the failure of institutional territorial representation**

When envisaging the establishment of an institution with the aim of representing territorial interest in Europe, many people believed to the possible birth of something like a chamber of regional and local authorities, to be developed as a third legislative chamber alongside the European Parliament and the Council (Piattoni, 2012:62-63). These expectations have, however,

been disappointed, since the CoR has remained a simple advisory body. The CoR's mandate and composition have been changed and strengthened several times during the years through the various EU treaties, which enlarged the policy fields for mandatory consultation and made it a body of representatives with an electoral mandate. The Lisbon Treaty even gave it the right to appeal the European Court of Justice, both in defence of its own prerogatives and to start ex-post subsidiarity controls on legislative acts. Throughout the years, the number of its members was progressively expanded to make place for the new member states joining the Union, and their mandate reached the current length of five years (Vandamme, 2013:14-16).

The CoR holds a dual role, on the one hand that of a decision-making body, on the other that of a channel of representation for the regions (Greenwood, 2011:178). Its structure is based on a membership of 353 regional and local elected representatives from the 28 member states, who act in the general interest of the European Union. The representatives are divided into political groups and have progressively gotten used to voting according to party lines rather than country of origin (Hönnige and Panke, 2013:454; Vandamme, 2013:26). They are appointed every five years by national governments on the approval of the Council of the European Union (CoR, 2014b). The Committee's status is defined by the treaties themselves.

The CoR's efficacy in terms of interest representation and lobbying is a topic over which there is no clear agreement (see e.g. Greenwood, 2011a:437-438; Piattoni, 2012; Tatham, 2008:506). Also, it is unclear whether the CoR's consultative powers make it a useful channel of interest representation altogether. Consultation and interest representation are potentially the two sides of the same coin: what is officially perceived by the Commission as consultation can be seen as a means of lobbying by the stakeholders concerned. In fact, the European Commission exchanges inclusion in the policy-making process for specialised information and legitimisation from societal actors (Quittkat and Kotzian, 2011:402), and it might at first seem fair to state that the Committee is in the best position to provide both. Local and regional authorities should be in an advantaged position when it comes to consultative processes, since not only they are interested in the ascendant phase of policy-making but – holding official administrative and legislative power – they are also in charge of the implementation phase. This may suggest that a body like the Committee of the Regions is not purely made of experts and consultants but rather of people who act to represent the interest of European regions.

This is clearly explained by the research made by Piattoni (2012) through the use of an anonymous questionnaire given to all CoR's members. Piattoni finds out the wide majority of CoR's members see themselves as political representatives more than consultants, having much

more continuous contacts with ordinary citizens rather than lobbyists – which are anyway important partners to almost 40% of the respondents. Additionally, they perceive their role not only as representatives of their regional and local democratic constituents, but more generally as representatives of all regions and local authorities of Europe and of their European political group. This situation depicts a mixed form of functional and territorial interest representation, which defines an ‘upgraded’ form of representation. The CoR is thus placed in a ground-breaking position of synthesis between lobbying and democratic representation, which is understood as useful for the improvement of future European governance (2012:68-69; see also Piattoni, 2011).

This optimistic position is, however, more a matter of self-perception than a realistic assessment of the political and institutional clout of the Committee. Many studies have tried to investigate how effective the CoR’s lobbying actions actually are. Among the others, Hönnige and Panke have interviewed and surveyed many European MPs and members of the Council of the EU, finding that CoR has more chances to shape the final policy outcome the earlier it submits its opinion in the legislative process. Once the proposal has been clearly shaped, it is hard to make it change direction. Accordingly, the closer the positions suggested by the Committee are to the initial opinion of the legislating bodies, the more likely that they will be included in the text. Also, the greater the expertise of the Committee in the policy field is perceived to be vis-à-vis that of the legislative body, the bigger the chances that the CoR’s voice will be heard (see 2013:466-469). This analysis suggests that the decision-making triangle of the EU might actually only value the CoR’s opinion when seeking to create a critical mass of consensus behind its own initial positions. Not quite a fruitful approach to consultation as such.

Although useful as a consultative forum, the CoR’s powers remain particularly restricted by the treaties. The legal bases of the Union allow the Council, the Parliament or the Commission to set a time limit – at least one month – by which the Committee has to express its opinion if it wants to have a role in the legislative process (see Art. 307 TFEU). The CoR’s opinions are non-binding in nature and no rule requires EU decision-making bodies to properly motivate their possible rejection. This, according to some, does not give CoR the possibility to substantially change the direction already given to the legislative act (see Simonato, 2013:28). Its representativeness is also questioned, as its members are chosen by national governments (see TFEU Art. 305), leaving to the member states the opportunity to negotiate their designation with regional and local authorities according to domestic rules. Finally, some consider that by gathering both regions and local authorities in the same chamber, the CoR is too heterogeneous to coherently coordinate the interests of its members. The cleavage between the two types of

actors was particularly feared to worsen when the eastern enlargements of the Union brought in many states that were not regionalised, challenging the previously undisputed hegemony of regional members in the Assembly. However, some surveys have suggested that the CoR members seem to downplay this divide, and that regions and local authorities have indeed started to work together, being more worried by the poor administrative capacity of the local authorities of the new member states rather than by the 'old' institutional' cleavage (Vandamme, 2013).

The broad membership, the many internal cleavages, and its weak powers bring to a situation where 'beyond regional or cohesion policy, the COR is rarely taken seriously' (Hooghe and Marks, 2001: 82). Some authors are particularly pessimist about the relevance of the CoR to regional interest representation altogether. Greenwood, in particular, states that 'there are no direct links between regions and the EU Committee of the Regions' (2011a:437). Echoing Marks et al. (2002) and Huysseune and Jans (2008), Greenwood sees the CoR's failure to develop in a fully-fledged body of political representation a reason for the establishment and expansion of regional offices in Brussels, as well as for their engagement in 'more focused agendas' (Greenwood, 2011a:442). This vision, supported and deepened by an empirical analysis of regional lobbying activities in Brussels, will be clearly outlined in sections 5 and 6.

#### **4. The Council of the European Union: unequal opportunities and national control**

Since the treaty of Maastricht, regions have been legally allowed to take part to the works of the Council of the EU. This possibility is defined by article 16 of the Treaty on European Union, where paragraph 2 reads that 'The Council shall consist of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast its vote'. This constitutes a rather unclear wording, which may at first suggest that this option should only be available to federal states like Germany, Belgium and Austria, or highly devolved states like Spain. In fact, this was the initial idea beyond the provision, which was adopted after intense lobbying from German *Länder* (Brunazzo, 2004:631). Some decentralised countries like Italy have formally provided for this possibility but their regions have never taken part to the Council of the European Union on behalf of the states.

Additionally, even for those regions from Spain, UK, Germany, Austria and Belgium which enjoyed this possibility (see Drigani, 2013:938-939; Ayuso, 2009:90-93), the rule of the unitary position of the state did still apply. Regions in the Council are, in fact, still officially representing

national interest and not their own. According to some member states officials, this defines the substantial ineffectiveness of this channel of access to EU institutions, which only provides political visibility. According to others, the mere presence of a regional representative in the Council can be an actual benefit for regional interest representation, both because it creates occasions for lobbying the officials from the Commission and the Council attending the committees and because it elevates the region involved to a credible player in their eyes (see Tatham, 2008:499-501). As for the countries where this possibility has been applied, its modalities and rules have changed for every state. In Belgium, for instance, the regional ministers can even participate in the Council on their own, as the only representatives of the country. On the contrary, in states like Germany and Spain, the regional ministers accompany the national ones. This has led to peculiar situations in Spain, where at times national ministers prevented regional ones to take the floor, as allowed by national norms (see Ayuso, 2009:90-93; Bayern, 2010:1-2).

Regions might have more chances to influence the preparatory stages of the Council work. European regions have, in fact, a richer history of participation to the Coreper and the working groups established or approved by the latter. Nonetheless, even in this context, the possibility of them joining the negotiations can only be granted by national laws, thus mostly leaving the governments in charge of deciding whether to include them or not in the process. Again, regions from federal states like Belgium have higher legal guarantees of taking part in the Council works. Even though the usefulness of this channel can hardly be questioned – as the preparatory phases are universally recognised as being the best for lobbying and consultation vis-à-vis the often simple ‘ratification’ provided by the Council – some caveats still apply. First, not all regions have access to the Coreper or the working groups, and in many countries this strongly depends on the will of the government for each policy issue negotiates. Additionally, regions are never in the condition to represent their interests alone, as they are only included when they are specifically concerned by matters of a national relevance (Eggermont, 2011:18-22). The limited accessibility to the Council, reserved to the strongest regions in Europe – and still restrained in its modalities – hardly changes the rules of the game, further defining a role of the regions within the boundaries of ‘participatory democracy’ (Greenwood, 2011a:438), as most other lobbying actors in Brussels.

Institutional channels represent an attempt to include regional authorities in EU policy-making to represent their specific territorial interests and reflect an approach which can be included in Type I Multilevel Governance. Facing the rigidity and inefficiency of these institutional

opportunity structures, regions have progressively relied on the creation of autonomous networks with increasingly policy-specific working mechanisms, animated by the work of regional representative offices in Brussels. Both the nature of these arrangements and their working mechanisms, belong more to Type II of Multilevel Governance, redefining regional interest in a less institutional and more functional way.

## **5. Brussels Offices: beyond institutional representation**

Regional missions in Brussels have developed in various ways. The birth of subnational missions to the EU is generally placed in time in the mid-eighties, with Birmingham City Council being the first to open its representation in Brussels in 1984. The British example was rapidly followed by many Spanish *comunidades autónomas*, German *Länder* and Italian regions in the next decade, with some of them being unofficially present since the eighties through in-house *consortia* or development agencies (Ammassari, 2010:452; Brunazzo, 2004:636). The latter were used as a device of 'camouflage' (Badiello, 1998 in Greenwood, 2011:189) to sidestep legal limitations on external representation imposed by national governments.

In the following decades, many regions have gathered under their institutional offices actors representing private or sectoral interests like chambers of commerce, universities, research centres and other organisations representing specific sectors of their economic system. The choice to share and coordinate activities with this variety of stakeholders fits in a tendency to shape new forms of representation which bring together public and private interests (see e.g. Piattoni, 2009). A good example of this is the 'public/private partnership model with member services' (Greenwood, 2011a:449), characterising particularly UK offices, where the interest of the member organisations determines most of the actions undertaken by the latter. For some regions, this is not managed by reuniting a group of intermediate associations under the same roof in Brussels, but by opening the institutional office to direct requests from any regional stakeholder (Interview 3). In this sense, regional offices could be defined 'institutional lobbyists' devoted to facilitating the access of regional stakeholders to the European arena (Interview 1). As underlined by Keating (2000:4-5), this defines a tendency whereby the 'paradiplomatic' role of Brussels' offices consists of representing regions which are 'increasingly recognized as a unit of production, whose success depends on the capacity to mount a coherent project, tapping the energies of both public and private sectors'. This is made by shaping an 'open' representation process which 'gives a large role for business associations and firms, research and educational

institutions, and cultural bodies' (Keating 2000:9). This partly shifts the concept of 'region' in Brussels away from a purely institutional concept (MLG I), into that of a that of a 'level' (MLG II), a 'territorial arena within which interaction among a variety of actors can take place, and in which the experience of territorial interdependence and geographical proximity provide important motivating factors for working together and for engaging with the outside world (such as networks that have formed at other territorial levels)' (Conzelmann, 2008:7).

The involvement of stakeholders from the region can normally constitute an advantage to the activities of the regional authorities in Brussels. In fact, the latter can present themselves to EU institutions as better representing genuine needs coming 'from the bottom'. They can more easily claim to act for the interest of more than a single constituency, thus pleasing the Commission with the fulfilment of complementarity between regional authority and civil society organisations supported in the 2001 White Paper on Governance (see Piattoni, 2009: 174). However, they must be able to keep the actions of these stakeholders under their own 'institutional umbrella' so as to insure coherence, avoid duplication and be able to maintain the advantages that their official status of representatives of elected bodies grants them when interacting with EU institutions (Interview 3). The confusion of public and private interests has brought the regions to be increasingly less perceived as purely institutional actor. As an example of this, while regional offices were not requested to sign the first edition of the European Transparency Register in 2008, the European Commission changed its mind for the second edition in 2011, implicitly treating them as other lobbying institutions (Greenwood, 2011a:439).

A good example of the complementarity of interest representation from private organisations, regions and local authorities in Brussels is surely provided by one of the most participated event concerning regions in Brussels, the so called 'Open Days'. The latter consists of a four days-event in which regions and local authorities, together with other relevant stakeholders, meet with EU institutions and experts in the field to exchange experiences, best practices and policy proposals. The event is held annually since 2003 and was created on the initiative of the Committee of the Regions and the European Commission DG Regio. It currently hosts more than 6000 participants and 100 workshops, and it is mostly focused on the improvement of Cohesion policy and the importance of regions and cities in EU policy-making. Last edition was held on the 12<sup>th</sup>-15<sup>th</sup> of October 2015. According to figures from 2013, the event is attended by actors such as Enterprises and Banks (5,68% of the total participants), civil society organisations (4,55%), academic and research institutes (12,27%), consultants (7,73%) and other

stakeholders (5,67%) with regional and local authorities accounting for 'only' the 51,82 % of the participants (EC, no date; see also Del Vecchio, 2012:158).

### **Networks of interest representation**

Having a representative office in Brussels does not amount to being able to bring territorial and functional needs into the EU policy-making process. On the contrary – as highlighted by Olsson's (2009:25) set of interviews to 40 directors and deputy-directors of regional offices – the only way to achieve some results is to 'team up' with other regions in Brussels, which explains the proliferation of a huge number of interregional networks in the last decades<sup>6</sup>. The latter are channels used to carry out all the core activities of the offices: gather and share information, organize brokerage events for European calls for projects, and – most importantly to this enquiry – lobby.

Regions seek to influence EU policy-making through various means. First, they address institutions by answering the consultations opened by the Commission on specific topics, thus possibly influencing legislative proposals in exchange for reliable information 'from the bottom'. Only stronger and better-endowed players can also aim at informal or more confined consultations, by cultivating close and durable relations with officials from the Commission or members of the European Parliament. By drafting position papers on specific policies and making them circulate, regions seek to influence policy-making in areas of interest. This is rarely done individually, but more often through regional networks whose label makes the proposal more authoritative. In fact, a network position means that the paper has been produced through the debate and consultation of more stakeholders. The extent to which a region can really shape the content a position paper in big networks depends on the amount of resources that it devotes to the related activities in the network. For a region, this obviously changes with its budget and the size of its staff in Brussels (Interview 2).

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<sup>6</sup>Membership in transnational networks concerns more than 90% of all Subnational Authorities in Europe, being sensibly higher among those actors with a representative office in Brussels (Donas and Beyers, 2012:11).

## 6. Interregional networks: towards functional representation

First the absence and then the inefficacy of official channels can partly account for the creation of what has been called 'trans-regional networks' (Greenwood, 2011; Donas and Beyers, 2012), 'inter-regional associations' (Keating, 2000), 'inter-subnational networks' (Happaerts, 2008) and 'networks of regional cooperation' (Weatherill and Bernitz, 2005). All these terms ultimately boil down to the same definition: 'associations formed between subnational entities of different states whose ultimate purpose is to act as pressure groups in multilateral institutions, and foster cooperation based upon common interests, needs and aspirations' (Sodupe, cited in Happaerts, 2008:4). They are normally divided into at least two categories, which might be summarised as 'universal' and 'sectoral' ones.

First of all, the general-purpose, universal associations, which bring together regions on a wide many different fields of cooperation and lobbying. The biggest of this kind are the Assembly of European Regions (AER) and the Council of European Municipalities and Regions (CEMR),<sup>7</sup> which focus on territorial representation in a more traditional sense, engaging in the broad defence of 'subsidiarity' and the 'regional and local dimension of Europe (see AER, 2014a; CEMR, 2012). AER was founded in 1985 and developed a close collaboration with the Commission, especially on structural funds and institutional issues, lobbying for the inclusion of the subsidiarity principle in the treaty of Maastricht and, together with CEMR, for the establishment of the Committee itself (Hooghe, 1995:15-16; Happaerts, 2008:8; Brunazzo, 2004:627). CEMR, founded in 1984, is more focused on local authorities than regions and shows a strong internal division between the interests of the two groups. Despite the differences, which have at times brought to competition with AER, the two associations often had to work together on a wide variety of issues (Greenwood, 2011:191-192). Also CEMR has a strongly institutional approach to regional interest (MLG I), claiming that its role of 'umbrella organisation of national associations representing local and regional government', and the democratic nature of its elected regional and local members should grant it a special status vis-à-vis regular lobbyists (CEMR, 2008).

Even though universal networks are still attended and used today, their usefulness vis-à-vis policy-specific networks is increasingly questioned, as they are too broad in focus and membership. On the one hand, their goals remain very generic, concerning the promotion of 'subsidiarity' and the 'regional dimension' of Europe, as well as influencing EU institutions on

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<sup>7</sup> The Congress of Local and Regional Authorities of Europe will be left out of the analysis, as its ability to influence decision-making is mostly limited to the internal structure of the Council of Europe.

almost every policy field relevant for their members. On the other hand, the size of their membership is excessive, and its diversity inevitably brings to all-encompassing and lowest-common-denominator positions. Among the networks with a big membership, those who manage to avoid this situation have sectoral and specialised ways of working (Interview 3). Also, their focus on the institutional status of their members shows an attachment to an MLG type I framework, concerned more about territorial representation than cooperation with private and functional actors for joint lobbying on specific policy issues. Their interest in institutional matters is reflected by their involvement in the Commission expert groups which most concern their legislative powers and jurisdiction. AER is thus part of experts groups such as 'EU Health forum', 'Group of Stakeholders for School Education', 'Rural Network Assembly', two groups of the 'European Network for Rural development'. Similarly, CEMR takes part to 'Expert Group on Floods and Strategic Coordination for the Water Framework Directive', 'Stakeholder Expert Group on the Review of EU Air Policy', 'Multi-Stakeholders Expert Group on eProcurement' as well as other groups on rural development, Structural and Investment Funds and use of energy at the local level (EC, 2016).

### **Sectoral networks: from territorial to functional**

The heterogeneous membership and broad focus of the networks described above reflects the traditional role of regions as institutional actors and hardly makes them flexible channels to adapt to the opportunities structures of the Commission, asking for *ad-hoc* expertise in the early stages of policy-making. Networks with a smaller focus are often based on a strong cooperation with private actors and potentially give higher chances for regions to successfully lobby EU institutions on specific policies, by presenting themselves both as public authorities and representatives of defined sectoral needs (see Benz, 2006:92). These networks are normally the ones in which regional offices would spend more energies, since they are deemed to be more effective and practical in their work than general-purpose ones (Interview 3). The huge variety of associations established in the last decades makes the challenge of a thorough categorization unfit for this work, which considers two of the most successful (in terms of membership, resources and lobbying activities) and interesting examples for this enquiry.

An increasing number of networks focus on a specific policy area, or even a single policy. Their membership changes according to the field of interest which may be more appealing to

some regions rather than others, or even on the fact that some regions have no competence in the former.

An example of an association focusing almost exclusively on a single policy field is the Association of European Regions for Products of Origin (AREPO), a network lobbying for the protection of Products of Origins, relevant for regions with an important agricultural sector and specific traditional food productions. The network has been founded in 2004 in Bordeaux by 16 European regions, and now comprises 30 full members and 4 observers from 6 EU states (France, Italy, Spain, Germany Poland and Greece) (AREPO, no date). AREPO has worked on many issues, most importantly on the promulgation of the so called 'Quality Package' by the Commission, which is mainly focused on PDO, PGI, TSG and additional schemes (See EC, no date 1), but also on the definition of the new Common Agricultural Policy for 2014-2020. The constant work of AREPO on these issues has convinced the Commission to invite the association to take part to three of its Civil Dialogue Groups – which are bodies used for continuous consultation on the CAP and rural development –<sup>8</sup> and the European Commissioner for agriculture to openly thank the presidency of the association for its proactive stance. Strong ties have also been developed with the AGRI Committee of the European Parliament. All of this has allowed a successful lobbying activity which has managed to insert some of the most important member regions' proposals in the regulations of the Quality Package (Emilia Romagna, 2014: Interview 6). Most interestingly in terms of mixed modes of territorial and functional interest representation, the network is managed by two committees: one made of one representative for each region as an institution, and the other gathering representatives of the agricultural producers of each region. These different actors reunite twice a year in a General Assembly (Interview 6; Arepo no date 1), thereby bringing together the regions as 'units of production' (see Keating, 2000:4-5). Its participation in the Commission expert groups is dictated by very specific policy focus: Arepo is a member of groups mostly concerning functional and private interests like those on organic farming, quality and promotion and quality in agricultural production as well as mixed functional/territorial *fora* on rural development (EC, 2016).

Besides these very specific associations, some sectoral networks are more inclusive and cover more policies within their area of work. Among them stands the European Regions Research and Innovation Network (ERRIN), a fast growing network bringing together around 120 European regions. It is a constant partner of the European Commission, which not only includes

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<sup>8</sup> The network has been asked to join those on Organic farming, Quality and promotion and Rural development. For a full list of Civil Dialogue groups (see EC, no date 2).

this network into consultation mechanisms, but also acknowledges its role in helping regional end economic actors to accede to EU funding (Interview 5). ERRIN does activities of networking, exchange of best practices and project development in the field of innovation: its 14 thematic working groups cover topics from advanced manufacturing to design and creativity (see ERRIN, 2014). The need to influence EU legislation has naturally stemmed from these activities making of ERRIN an actor perceived by the Commission as a 'lobbying coordination' stakeholder (Interview 5). The network is involved in the Commission expert groups relevant for its policy area, mainly concerning functional interests like the 'H2020 Advisory Group on 'Science with and for Society', 'Consultative forum for the Enterprise Europe Network' but also the 'Structured Dialogue with European Structural and Investment Funds' partners group of experts', strongly populated by private associations, industrial networks and trade unions (EC, 2016). A good example of ERRIN activities is its recent attempt to soften the Commission stance on the need for regions to find as many synergies as possible between Structural and Investment Funds on one side, and Research and Innovation funds like Horizon 2020 on the other. The strong emphasis put by the EC in this respect was in fact a source of concern for many regions, both because of the many practical problems in doing so 'on the ground' and because of the fear that those regions that do not receive many structural funds would be even penalised by being given less Horizon 2020 funds for their difficulty in finding synergies. To avoid this, ERRIN has prepared – together with a network of Research and Technology Organisations – a common position paper expressing these views (see ERRIN and EARTO, 2014), starting a lobbying action which has progressively brought the Commission to adopt a more moderate stance on the topic (Interview 5). Work and lobbying activities within ERRIN are mostly carried out through its policy-specific Working Groups, where regions are not only represented as institutions, but rather rely on a strong involvement of societal and economic actors. Some regions allow private actors hosted by their regional offices to attend the Working Groups on their behalf (Interview 2), blurring the lines between institutional and non-institutional, territorial and functional representation. ERRIN thus engages with actors of functional representation (MLG II) both within its membership and with external partners interested in its policy field.

## Conclusions

The recent literature on Multilevel Governance literature has increasingly recognized the potential role of EU's changing opportunities structures in creating mutual learning processes and converging strategies between actors of territorial and functional interest representation. Nonetheless, 'territorial' and 'functional' actors have been mostly treated as completely separated categories, without analyzing the consequences that the interplay between the two might have on the concept of regional interest itself. Also, these mixed modes of territorial and functional representation have not been systematically described as connected to a search for channels alternative to the institutional ones, which proved to be insufficient to influence EU policy-making. Capitalizing on this literature, this paper suggested that regions in Brussels are increasingly acting as actors of functional representation, in a cooperation with private stakeholders from within and outside their territories, partly redefining the concept of regional interest from a purely institutional one (MLG I) to a broader representation of the regional level as a unit of production (MLG II).

It has been suggested that treating regions as purely institutional actors neither reflects their actual behaviour on the European stage nor it is useful in terms of analysis. Indeed, regions are just some among the many actors striving for representation vis-à-vis EU institutions. While their institutional status and possible electoral mandate have been used to advocate the need for legally established channels, the inefficiency of the latter has arguably pushed the regions to accept and take advantage of the new rules of the game dictated by the involvement of broad civil society in the EU policy-making process through consultation and cooperation. As noted by Conzelmann (2008:9), 'the Commission wants to mainly use regional and local actors as intermediary institutions on a par with other actors who bolster up implementation and who organise and bundle civil society input' thus mostly valuing their institutional status as an asset in this sense.

Official channels of territorial (MLG I) representation show many shortcomings. On the one hand, the Committee of the Regions is a body with an institutionally-fixed structure, which cannot work on a 'variable-geometry' basis, and is thus forced to find lowest-common-denominator positions between its members and to move within legally defined paths to advocate them (Interview 4). Its role remains purely consultative, and in spite of its potential 'upgraded' role of representation (see Piattoni, 2012), it can be easily ignored by the decision-making triangle, especially when its views do not coincide with the initial legislative proposals. On

the other hand, the possibility for regions to participate to Council negotiations are still regulated by national law and limited in most European countries. Even those regions which hold stronger guarantees in this respect are never joining the negotiations to advance their own interests, but at most to share their point of view within a pre-determined national position.

Partly due to these weaknesses, regions have increasingly relied on interregional networks to advance their common interests. The rise of new opportunities structures – created by the European Commission in order to include ‘experts’ from broad civil society in the law-making process – demanded the creation of policy-specific interregional associations. Their tendency to work with a strongly sectoral structure – for example through policy-specific working groups – together with a close cooperation with actors of functional representation, partly reshape territorial (MLG I) into functional (MLG II) interests and allow for the ‘divisible’ representation of potentially ‘lumpy’ claims. These networks have increasingly played a central role and have proved to be important partners for EU institutions, which often seek their expertise and capability to represent genuine needs ‘from the bottom’. In this framework, regions go beyond their purely institutional status to present themselves as groupings of economic, social and cultural stakeholders. This complementarity between public and private, territorial and functional interest representation lies at the heart of successful lobbying based on policy-specific expertise. These mixed-modes of representation find in sectoral networks like ERRIN, AREPO and many others their natural habitat and best channels of common interest representation available.

This potential shift from territorial to functional representation of local interests within regional jurisdictions should be seen in the wider framework of a progressive emergence of a ‘functionally (...) defined construction of the political space’ (Knodt et al, 2011:354). Instead of being afraid to be treated like private actors in the European lobbying arena, regions should stop focusing on defending their institutional status and take advantage of their privileged position to become intermediaries for the wide array of actors asking for representation within their territories (Conzelmann, 2008:10). The analysis in this paper suggests that this shift is happening, through the inclusion of functional interests (MLG II) into channels of representation established by regional institutions (MLG I), which brings to a redefinition of ‘regional interest’ which implies a concept of region larger than institutional one, better grasped by the idea of territorially defined ‘units of production’ (Keating, 2000).

This analysis raises many questions for further enquiry. First of all, does this potential reconfiguration of regional lobbying in a more sectoral way come at the advantage of smaller regions – which can excel in a specific policy field – vis-à-vis bigger players that will always have

a say on EU decision-making? Is this part of a wider tendency of public-private cooperation for joint lobbying in Brussels? Are there grounds for a quantitative analysis of the level of potential disinvestments in terms financial and human resources by EU regions in institutional channels like CoR? Answers to these questions particularly need a comparative analysis across member states, which at the moment is almost inexistent in the literature.

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