

The selection process of CoR members

Procedures in the Member States

SUMMARY

The preamble to the Treaty on European Union sets out among its objectives the resolution to continue a "process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen".

The establishment of the Committee of the Regions (CoR) under the Treaty of Maastricht in 1992 is therefore part of an institutional framework that seeks to guarantee genuine regional and local participation in the Community decision-making process.

The process of selecting members of the Committee of the Regions, as the representative body of the local and regional authorities, is of vital importance to its functioning.

The different selection procedures for CoR members and alternates in the EU reflect the diversity of Europe's political and regional systems. The Union's enlargement to 27 Member States has only emphasised this point.

As a result, we are faced with two set-ups. On the one hand, in the federal states with strong regional systems, such as Germany, Austria, Belgium, Spain and Italy, the representative role of regions is expressly set out in legal acts. In these countries, the national delegations at the CoR are essentially made up of regional representatives and local authorities are only marginally represented. On the other hand, in countries that do not have regional systems, or where these systems are weaker, representatives are mostly or entirely from the local authorities (e.g. Portugal, Greece, Estonia, Latvia, Cyprus, Sweden and Luxembourg).

Despite the range of selection procedures adopted for each national delegation, the key role played by associations of regional and local authorities in the selection process should be emphasised. Indeed, in most Member States and more specifically in the new delegations, it is up to the associations of regional and local authorities to draw up the list of candidates and submit it to the national government for final decision. Although the political sensitivity of national governments towards subnational bodies varies from country to country, it is rare for the lists submitted by associations to be revised. Indeed, almost all national governments accept the list of candidates submitted to them and approve it without amendment before forwarding it to the Council of Ministers.

As from Article 198a of the Maastricht Treaty until the most recent amendments introduced by the Lisbon Treaty, signed on 13 December 2007 and currently in the process of being ratified by the EU Member States, the provisions regarding the selection of CoR members have been repeatedly amended.¹

The Committee of the Regions has itself, on several occasions, made very specific demands regarding its composition, especially with respect to the requirement for members to hold a democratic mandate or be politically accountable to a democratically elected assembly, as well as making the term of office of CoR members the same length as that of Members of the European Parliament (five instead of four years)².

Although the Amsterdam Treaty marked a step forward in terms of the CoR's remit, particularly with the expansion of its consultative role, it was only with the Nice Treaty that the Committee's requests were taken into account in respect of the member selection process. From the entry into force of the Nice Treaty on 1 February 2003, it became a requirement that CoR members and alternates be directly elected or politically accountable to an assembly formed as a result of direct elections. However, it should be stressed that since the CoR's establishment, with a few exceptions, the majority of national delegations have taken account of this principle of democratic legitimacy.

Finally, once the Treaty on the Functioning of the European Union, as it will result from the amendments introduced by the Lisbon Treaty³ enters into force, the new provisions governing the composition of the CoR and the appointment of its members will be worded as follows:

Part 6 – Institutional and Financial Provisions – Title I – Institutional Provisions – Chapter 3 The Union's advisory bodies – New Article 300(1)(3)(4)(5) of the Treaty on the Functioning of the European Union – TFEU (provision common to the Committee of the Regions and the Economic and Social Committee):

"1. The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions, exercising advisory functions.

[...]

3. The Committee of the Regions shall consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.

¹ See Appendix II for an overview of amendments to the provisions concerning the selection of members of the Committee of the Regions since Article 198a of the Maastricht Treaty.

² See Appendices III and IV.

³ Consolidated version of the TFEU, OJ C 115, 9.5.2008, p. 1.

4. *The members of the Economic and Social Committee and the Committee of the Regions shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union's general interest.*

5. *The rules referred to in paragraphs 2 and 3 governing the nature of the composition of the Committees shall be reviewed at regular intervals by the Council to take account of economic, social and demographic developments within the Union. The Council, on a proposal from the Commission, shall adopt decisions to that end."*

**Part 6 – Institutional and Financial Provisions – Title I – Institutional Provisions – Chapter 3
The Union's advisory bodies – Section 2 The Committee of the Regions – New Article 305 of the
Treaty on the Functioning of the European Union – TFEU (ex Article 263, second, third and
fourth paragraphs, TEC):**

"The number of members of the Committee of the Regions shall not exceed 350.

The Council, acting unanimously on a proposal from the Commission, shall adopt a decision determining the Committee's composition.

The members of the Committee and an equal number of alternate members shall be appointed for five years. Their term of office shall be renewable. The Council shall adopt the list of members and alternate members drawn up in accordance with the proposals made by each Member State. When the mandate referred to in Article 300(3) on the basis of which they were proposed comes to an end, the term of office of members of the Committee shall terminate automatically and they shall then be replaced for the remainder of the said term of office in accordance with the same procedure. No member of the Committee shall at the same time be a Member of the European Parliament."

It is worth pointing out that, following the changes introduced by the Lisbon Treaty, once the Treaty on the Functioning of the European Union comes into force, the allocation of CoR members will no longer appear in the Treaty; rather, the Council will adopt a decision establishing the list of Committee members⁴.

In general, there are two criteria which all countries have taken into account in the selection process: political and geographical/territorial balance. These are the two essential criteria for fair representation of local and regional authorities in the CoR. It must also be noted that more and more

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Following the changes introduced by Article 15, Chapter 5, Title I of the Act concerning the conditions of accession to the European Union of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, and by Article 13 of the Act concerning the conditions of accession to the European Union of the Republics of Bulgaria and Romania, the distribution of CoR seats among the Member States is currently as follows: Belgium – 12; Denmark – 9; Germany – 24; Greece – 12; Spain – 21; France – 24; Ireland – 9; Italy – 24; Luxembourg – 6; The Netherlands – 12; Austria – 12; Portugal – 12; Finland – 9, Sweden – 12, United Kingdom – 24; Bulgaria – 12; Cyprus – 6; Estonia – 7; Hungary – 12; Latvia – 7; Lithuania – 9; Malta – 5; Poland – 21; Czech Republic – 12; Romania – 15; Slovak Republic – 9; Slovenia – 7. See also Article 263 of the consolidated version of the Treaty establishing the European Community (Annex II).

CoR delegations are including the equal representation of men and women among the selection criteria.

This study comprises a series of information sheets on each of the 27 EU Member States. Each chapter is devoted to a country and divided into three parts:

- 1) allocation of seats (country delegation, members and alternates);
- 2) legal basis; and
- 3) procedure for nomination.

In the *legal basis* section, it should be noted that several countries nominate their members on the legal basis of Article 263 TEC; this is the case with countries such as France, the Netherlands, Luxembourg, Greece, Cyprus, Denmark, Estonia, Hungary, Malta, the Czech Republic, the United Kingdom and Sweden. Certain countries, such as Finland and Slovakia do not cite any legal basis under Community or national law for appointing their respective members, while in other countries the legal basis is provided by a ministerial decree, order of the Minister of Interior, legal opinion or decision.

The details of the various procedures for selecting CoR members in the 27 EU Member States, as set out in this study, are up-to-date as of June 2007* .

* This study is currently available in FR; it will be made available in EN, but because of its size, translation into other EU languages is not currently foreseen.

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