



EUROCITIES Response to the Consultation on Smart Regulation initiated by the Committee of the Regions

Cities contributing to effective EU policy-making¹

Smart regulation is the way to design and deliver regulation that will help achieve Europe 2020's overarching priorities. If the European Union wants to meet the challenge of developing 'smart, sustainable and inclusive growth', it cannot do so without smart, sustainable and inclusive cities. Accounting for 75% of our population, 80% of energy use and 85% of Europe's GDP, cities have to be involved if we are to deliver on Europe 2020 ambitions.

No legislation without participation

The Treaty on European Union states that 'decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity'. The Protocol on the Application of the Principle of Subsidiarity and Proportionality, reiterates this principle and underlines the obligation for the European Commission to consult widely before proposing legislative acts, taking into account, where appropriate, the regional and local dimension. These rules logically imply that participation in the decision-making process must go beyond consultation.

Consultation is not participation

Public consultations through conferences and website enquiries are an important tool to gather opinions of all possible stakeholders on a given issue. This is a useful way to gather ideas and to have a sense of the stakeholder's views.

However, participation goes beyond that and requires a more in-depth and technical exchange with experts around already concrete ideas and proposals. The new guidelines of the European Commission for Impact Assessments could be further examined in this respect.

Subsidiarity does not stop at regional level

Europe's cities and metropolitan regions are where a high percentage of Europe's population live and work and where much of our economic activity takes place. This means that cities know what will work and what will fail when it comes to implementing policies locally. As stated in the Communication on Smart Regulation in the European Union, "*getting legislation right is essential if we are to deliver the ambitious objectives of smart, sustainable and inclusive growth set out by the Europe 2020 strategy*". It is essential to take local realities into account in order to get legislation right in the first place. When this does not happen, cities' authorities often struggle to implement the policies and regulations, which often disregard local reality and become a burden rather than an added-value in reaching shared objectives.

¹ This statement refers to the Communication from the Commission on "Smart Regulation in the European Union" and to the Report on subsidiarity and proportionality 2009.

Also, local political representation does not stop at regional level. Cities do not necessarily feel represented by the regional level, just as the regional level often feels that their national governments do not represent their views.

Cities' legitimacy stems directly from European citizens, as they have democratically elected leadership and councils and EUROCIITIES believes that this should be acknowledged by the European Commission.

We strongly emphasise that cities have a key role to play in all stages of legislation: policy shaping, making and implementing. The Treaty of Lisbon offers new challenges and opportunities for a better participation. The importance of regional and local self-government is underlined for the first time. Multi-level governance should be at the heart of European integration and the legislative process in all its aspects.

Direct participation of cities in EU policy-making and regulation must be reinforced. Two ways in which this can be supported are:

1. Participation in 'Expert groups'

'Expert groups' developing EU legislation with impact at local level must include experts from cities in their work. Also, the national delegations of these groups should include experts from the local level.

In the policy-making processes where representatives from cities were included in expert groups, the results have been positive, not just for the cities but for the overall success of the policy's implementation. EUROCIITIES can help the institutions to identify relevant experts and support them during their work to assure that the different reality in cities throughout Europe is taken into account.

The Commission plays a key role in coordinating the appointment of representatives to expert groups and has significant influence over the rules of the game - especially in the pre-legislative phase. It should ensure that the local level is represented in the meetings that concern them.

2. Transparency empowers actors implementing EU policies

Cities need to know in advance what policies are scheduled for development or review, which actors are involved at what stage of the procedure and when will these different stages take place. This will allow cities to follow the process, monitor progress and thus be better prepared for the implementation of future policies. This information should be accessible beyond the closed-circle of Brussels experts. The Commission has taken first steps into the right direction, eg the roadmaps for future proposals, the new guidelines for impact assessments; however more can still be done to improve transparency.

Transparency about the process behind policy-making will generate even greater interest among cities on the policies being prepared and empower local authorities to engage with the EU level at key moments of the process, which will only benefit the policy's effectiveness, as it can be demonstrated by the examples later.

In addition to this, the Commission should work closely with European networks and associations of local authorities to relay information on upcoming policy developments.

Examples of effective policy-making with cities

EUROCITIES supports the initiative of the European Commission to develop "*evidence-based policy making*". European cities have already contributed to making European initiatives a success:

- Cities' input to "ICT for Sustainable Growth"

City representatives were invited to participate in the advisory group of "ICT for Sustainable Growth", coordinated by the Information Society and Media Directorate-General of the European Commission. Input to this work included shaping the Commission's recommendation on mobilising ICTs to facilitate transition to an energy-efficient, low-carbon society (C 2009/7604).

Because of this input, recommendations to Member States now include integrated actions that take full advantage of the resources and knowledge, which already exists in cities in different areas such as public-private partnerships at local level or engaging with citizens for changes in energy consumption.

These recommendations will encourage Member States to look more closely at what their cities are doing. This will lead to increased synergies and faster developments in this area and will avoid wasting resources on duplicating initiatives or infrastructures already running at local level.

- Cities' contribution to the OMC on social inclusion

The Open Method of Coordination (OMC) in social inclusion has had difficulties in bridging the gap between review and evaluation of Member States' social policies and a concrete impact on the ground. Recently though, cities have been further recognised in this process and were even involved in the work of the Social Protection Committee.

This interest has brought a new dimension to the work being developed in this area and we can now clearly talk of a specifically of urban poverty, something which was not properly addressed until recently.

Although still insufficient, having cities involved in its work has allowed the OMC to tap into the knowledge of local practitioners, who have the knowledge of the specificities or their territories and know what is needed for successful policy implementation. It is clear that Member states involving cities in their national plans have had a much better chance of developing effective national policies.

- Cities' input to EU Noise legislation

In the preparation of the European Directive on Noise (2002), cities were represented in the expert group from the Commission by the city of Birmingham, at that time chair of EUROCITIES Working Group on Noise.

Conscious of the 'local reality' and of how important this issue was for cities, Birmingham liaised with the working group and consequently lobbied very strongly to have compulsory Local Action Plans for Noise to the legislation.

Without this addition, noise legislation would have remained a purely national affair and cities, where noise has more impact and action can be most effective, would not have been able to play the decisive role they now have in addressing noise.