

COMMITTEE OF THE REGIONS
– DIRECTORATE E –
Horizontal Policies and Networks



QUESTIONNAIRE

ASSESSMENT ON TERRITORIAL IMPACTS

Submitted by Michael Schneider (DE/EPP)

Michael Schneider is the rapporteur for the CoR own initiative opinion on *Assessment on territorial impacts*. This opinion will discuss the European Commission's Staff Working Document on **Assessing territorial impacts: operational guidance on how to assess regional and local impacts within the Commission Impact Assessment system, SWD(2013) 3 final**. This questionnaire identifies important issues for the Committee of the Regions and is designed to assist in the drafting of the own initiative opinion on the assessment of territorial impacts.

Please complete and submit by **20 March 2013**. If you are member of the Subsidiarity Monitoring Network you can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network website (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively and in case you are not member of the Network, you can send it by email to subsidiarity@cor.europa.eu.

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If necessary, you can also contact the CoR Data Protection Officer (data.protection@cor.europa.eu). You have the right of recourse to the European Data Protection Supervisor at any time (www.edps.europa.eu). Please note that the questionnaire with your contribution and your contact details will be published online. Your questionnaire might be transmitted to CoR Rapporteurs and other EU institutions for information. If you do not wish so, please inform us accordingly.

QUESTIONS

1. The Staff Working Document states that: *"the guidance provided here also responds to a request from the Member States, expressed in the debate following the 2008 Green Paper on Territorial Cohesion and under the Polish EU Presidency in 2011 as part of the Territorial Agenda process"*.

a) Do you consider that the document published by the European Commission meets the expectations and the ideas expressed in the political debate raised after the publication of the Green Paper on Territorial Cohesion in 2008? Do you believe there is a need for greater follow-up to this debate on territorial cohesion and if yes, could you give some concrete examples?

The Basque Government considers that the Green Paper on Territorial Cohesion published in 2008 raised fundamental issues concerning the development of territorial cohesion. However, five years on, this new working document, which focuses strictly on the territorial impact assessment, does not respond to the expectations and ideas expressed in the policy debate which took place following publication of the Green Paper.

We therefore consider that there should be greater follow-up and development of the territorial cohesion debate, particularly regarding the system of governance and the need to involve the different levels of government systematically in decision-making.

Essentially, we believe that territorial cohesion requires greater attention, as impact assessments, although essential, are not in themselves sufficient to move territorial cohesion forward.

On the other hand, the European territorial cooperation objective of the EU's cohesion policy is the objective most clearly focused on promoting territorial cohesion, through the financing of cross-border, transnational and interregional cooperation projects of clear European added value. We can, therefore, only regret the reduced level of financing for this objective announced in the Conclusions of the February European Council on the Multiannual Financial Framework, which reduced the Commission's initial July 2012 proposal by 25%.

2. In order to better coordinate the territorial impact of sectoral EU policies, there needs to be a better understanding and measurement of those impacts. The Green Paper on Territorial Cohesion already focused on this point, stating that "improving territorial cohesion implies better coordination between sectoral and territorial policies and improved coherence between territorial interventions".

b) Do you believe that the European Commission's proposal can be an effective instrument able to improve coordination between EU sectoral policies having territorial impacts? In your view what else should/could be done?

Although their scope is limited to the territorial impact assessments, the European Commission's proposals, which highlights various instruments for analysing possible territorial impacts, could be very useful in improving the coordination and results of sectoral policies. As a possible way forward, we consider it necessary, on the one hand, to make the participation of autonomous authorities in the

design of European policies more flexible and to step it up, so that impacts can be identified more clearly at the level of the regions which these authorities represent. On the other hand, there is sufficient room for the introduction of this kind of analysis instrument, not only in the design of European policies but also in national and regional policies, to make it possible to consider the reciprocal impacts and interactions of policies implemented by the various levels of government.

3. The Staff Working Document provides operational and methodological guidance on how to answer a range of questions regarding the potential territorial impact of a given proposal. Nevertheless, it underlines that assessing territorial impacts is not mandatory, and states that it is just a tool that can be helpful to enhance the policy coherence of some policy proposals.

c) Do you consider that territorial impact assessments should be made compulsory for those sectoral policies having a territorial impact? If yes, in your opinion for which sectoral policies should the assessment of territorial impacts be made mandatory?

Beginning with the aim of carrying out this kind of analysis for sectoral policies, we consider that this should apply to all policies with a significant or clearly asymmetric territorial impact, as defined in the working document. In some cases this impact is clear from the outset, and the document highlights some interesting ways of identifying cases where the territorial impact could be more difficult to detect at first, a line of inquiry which needs to be developed in greater detail.

We have no doubt that territorial impact assessments should be obligatory for sectoral policies with a territorial impact and, as a minimum, in areas where consultation of the Committee of the Regions is obligatory. It is always better to prevent than to correct territorial impacts, so that this requirement should be made more flexible or qualified only in very exceptional cases, so as not to delay the adoption of measures in cases where an emergency makes it necessary to adopt and implement the policy in question urgently and where, in the period immediately following adoption, this is more important than ensuring that the policy is perfectly designed. There should always be sufficient justification for the application of this emergency procedure as a derogation from the general, obligatory rule, and there should always be the possibility of revision and reconsideration, once the emergency has passed, with measures adopted without prior assessment being subject to an ex-post assessment of their territorial impact.

4. The Staff Working Document states that a territorial impact assessment should be carried out when the proposal explicitly focuses on specific territories or when the proposal risks of having a large asymmetric territorial impact (outlier impact). It also highlights different methods that can be used to assess territorial impacts. In particular, it mentions qualitative and quantitative analysis. These tools and methodologies should be used by the different Directorates-General at the European Commission when preparing territorial impact assessments for proposals they are responsible for.

d) Do you consider the data, methodology and tools proposed for supporting territorial impact assessments (such as ESPON ARTS¹ or QUICKScan) are sufficient to measure the potential territorial impacts a given proposal could have in your region? Would you propose any other type of tools/methodology?

e) Do you believe the complexity of territorial impact assessments require them to be carried out by a single specialised entity (one-stop shop) or do you prefer the idea of a decentralised system as proposed in the Staff Working Document?

d) We consider it appropriate to use the tools which have been developed through the ESPON programme and other programmes, although other tools could be used. It is not always easy to obtain comparable indicators at regional and local level and all the work being done in this area, involving the compilation and systematisation of information and the development of a methodology, is very useful, at least as a starting point.

e) Although it is always useful to have the support of a specialised entity which can provide advice and assistance with the conduct of territorial impact assessments, and perhaps even offer provisional analyses submitted for subsequent revision by the relevant local and regional authorities, the fact remains that in general it is more useful (especially in a field like this one) to have a decentralised system which takes account of the territorial perspective and the views of the different territories. The system should be decentralised and the specialised entity should facilitate the assessment work of the local and regional authorities, and should never replace this.

5. Multilevel Governance and partnerships are key factors in the implementation of territorial cohesion, focussing on strengthening a place-based approach. The Committee of the Regions has already asked for the assessment of specific territorial impacts and recalls the potential role² of the CoR in assisting the European Commission in the process of Impact Assessment as well as to be associated to some of the EC's initiatives towards improvements in the capacity building of regional and local authorities³.

f) What should the specific measures providing for the involvement of local and regional authorities be in these exercises?

g) What role do you see for the Committee of the Regions in this context?

As stated above, we believe that it is necessary to make the participation of autonomous authorities in the design of European policies more flexible and to step it up. To this end, it is necessary to reinforce and use all the existing channels, such as the new Cooperation Agreement between the European Commission and the Committee of the Regions, signed in January 2012, which was mainly intended to contribute to the analysis of subsidiarity and the impact of Community legislation, through direct consultation channels between the Commission and the autonomous authorities (both through the comitology procedure and at other levels).

¹ http://www.espon.eu/main/Menu_Projects/Menu_AppliedResearch/arts.html.

² See section 5.5 of the EC's Staff Working Document: "Under the Protocol on Cooperation between the Commission and the Committee of the Regions (2012) the Commission services may ask for support from the Committee in preparing its assessment.

³ CdR 353/2010, CoR Opinion on Smart Regulation.

At the same time, the regional parliaments, as the supreme bodies responsible for drafting and adopting laws at regional level, should play an important part in drafting the territorial impact assessments of laws, prior to their intervention through the early warning system, which was specifically set up to monitor compliance with the subsidiarity principle.

6. The Committee of the Regions has already asked for territorial cohesion to be strengthened in relation to the EU2020 Strategy. One possibility for this could be not to confine the assessment of territorial impacts to legislative proposals and to extend them to other documents, such as key planning documents, such as the Annual Growth Survey.

h) Do you think there should be a territorial dimension of the EU2020 policy cycle?

i) Do you consider the Annual Growth Survey (as a key planning document for the launch of the annual EU2020 policy cycle) should contain a territorial impact assessment?

j) In your opinion, should Territorial Impact Assessments also be carried out at Member State level?

h) Both in the case of the Basque Country and all the other European regions with legislative capacity, a major part of the powers needed to deploy the Europe 2020 Strategy either belongs exclusively to sub-national levels of government or are shared between different levels. Taking this into account, we believe that it is essential that there should be a territorial dimension to the policy cycle. Moreover, we stress that there should be greater mobilisation and involvement of regional and local bodies in both the formulation and implementation of the Europe 2020 Strategy.

i) The Basque Government believes that the Annual Growth Survey should certainly include a territorial impact assessment, for the reasons set out in the previous answer.

j) Yes, we do believe that territorial impact assessments should be carried out at Member State level, when domestic measures are adopted, both when the Member State is implementing Community law (in which case the territorial impact assessment which had to be drawn up at European level could be used and further developed) and when it is adopting its own initiatives, for the same reasons that make it necessary to do this at European level.