

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 may 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".

<p>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?</p>
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<p>The paper that has now been published does not meet the original expectations. Firstly, the paper produced by the EC contains just a few, rather cursory approaches to better assessing the territorial impact of draft EU legislation. A much more in-depth approach would be needed if the territorial dimension of EU legislation is to properly feed in to the EU legislative process. Secondly, the Green Paper went far beyond the question of assessing the territorial impact of planned EU legislation, and looked at what territorial cohesion essentially meant. The present paper does not provide any answers in response to this comprehensive approach. In any case, a fully comprehensive discussion on the territorial impact of EU legislation in the legislative process would provide an initial, but very important step in the debate on territorial cohesion. Moreover, a more vigorous, fundamental debate is therefore not necessarily needed.</p>
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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?

The present paper does not say anything about how the different territorial impacts of conflicting sectoral EU policies are to be judged in relation to one another. It would be important not only for the Commission to carry out impact assessments, and in so doing also take into account the territorial dimension, for its individual measures, but also for the main locally and regionally relevant EU measures to be examined in relation to one another.

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?

Yes, essentially every policy field has a territorial impact, not necessarily to the same extent in every case. Thus, Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, as it stands at present, is more relevant to the local and regional level than Directive 2001/37/EC on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products. However it could not be said that the internal market regulations – the tobacco directive is (now) based on Article 114 of the TFEU – are not in themselves relevant to this level. Against this background, there should not be a move to draft a list of sector-related policies where a press okay territorial impact assessment is mandatory. Instead prior assessment as to whether the matter concerned is of territorial relevance should also be mandatory.

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 ARTS 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?

This cannot be judged.

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?

Territorial impact assessments should be centrally prepared. Regions should be given the possibility of plausibility checks.

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 role¹ 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 authorities².

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

Sub-national local and regional authorities should be given the possibility of issuing their views on territorial impact assessments

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

The CoR could play a coordinating role here. It would be for the sub-national levels to carry out the plausibility checks themselves since they would be in the best position to assess the local situation.

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?

Yes.

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?

Yes.

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

Yes.

¹ 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.

² CdR 353/2010, CoR Opinion on Smart Regulation.