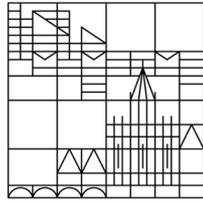


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Regional participation in the Council of the European Union

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Master's thesis - double degree programme European Governance
Academic year 2018/2019

Preface

Through my internship experience at the Emilia-Romagna Regional Delegation in Brussels I have learned and experienced the large range of possibilities that regions can rely on to be included in European policy-making. The increasing number of channels that subnational entities can use to interact with the European Union are a consequence of the Treaties and the increased involvement of regions in European policies. Such channels also largely depend on the domestic reforms of each Member State and the proactiveness of each regional authority in taking part to the EU arena. These latter two elements have been at the core of recent developments in Italy that have led to the formalisation of a new typology of regional participation in the Council of the European Union and its preparatory bodies. Such interesting developments have caught my attention and deserve a closer look to assess the added values they constitute for regions.

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Introduction

During its first years of existence, the European Union (EU) was based on mechanisms of unitary states (Suszycka-Jasch et al. 2009). This mechanism did not properly take regions into account, as they are situated between national and European policy-making and decision-making (Rowe, 2011). Compared to the national and supranational level, subnational entities are closer to the citizens. Furthermore, subnational entities are mostly in charge policy implementation (Kohler-Koch, 1995), and are thus usually better aware of their direct needs and demands (Börzel, 2001). The involvement of regions is moreover legitimate as the goals of the creation of the European Union include the recognition and reconciliation of the plurality of interests embedded in it (Kohler-Koch, 1998). The lack of involvement of regions received large criticism and was judged in countries where the subnational level has traditionally had an important role as “Länder-blindness of the EU treaties and institutions” (Suszycka-Jasch et al. 2009). The first demands for a more active and stronger regional responsibility came from already efficient regional actors, most notably the German, Spanish (Kohler-Koch, 1995) and Belgian ones (Marks et al., 1996). Regions were indeed willing to directly participate in EU policy-making as well rather than only being included in the processes of elaborating on the national position of a specific EU policy (Taroni, 2003).

Since the 1970s, regional actions have begun to not be limited to the implementation of European policies any longer and the room for manoeuvre of subnational actors has been enlarged (Kohler-Koch, 1995). Since the 1970s, regional actors gained room for manoeuvring as they were no longer limited solely to implementing European policies (Ibid., 1995). Member States have indeed increasingly shifted some of their domestic national powers both to the supranational and subnational levels (Moravcsik, 1994). These two processes of European integration and political decentralisation have been mutually reinforcing (Greenwood, 2003). Many decisions had started to be taken at the European level (Moravcsik, 1994) and supranational competences were expanded, thus making necessary a recalibration of the role played by national and subnational actors (Jeffrey, 2000). Consequently, many Member States have allocated more responsibilities to the subnational entities through a decentralisation of powers (Greenwood, 2003). The role of the regions had indeed to be legitimised and strengthened as regions carry specific interests and choices at the European level have direct consequences for regional systems (Nardo, 2008). Subnational entities thus became a source of legitimation to compensate for the loss of legitimacy caused by the transfer of power from the national to the EU level (Kohler-Koch, 1995).

This process has transformed policy-making, leading to complex decision-making structures and a dispersion of authority (Kohler-Koch, 2006). National sovereignty has been diluted in the EU by supranational decision-making (Marks et al., 1996). In the current European governance system, policy-making is the result of negotiations and no central government has the power to decide alone on policies (Benz, 2000). The engagement of subnational actors in the EU arena moreover challenges the traditional state-centric and intergovernmentalist interpretation of European integration and policies (Rowe, 2011). Regions entertain direct relations with the EU institutions and other territorial entities, leading to the creation of regional diplomacy (Brunazzo, 2014). Regions can therefore be considered as effective actors in European governance, taking part to both the descendant and ascendant phases of EU decision-making. The first term pertains to the implementation of European policies. The second term refers to the norms and practices of active participation to the formation of EU legislation and will be the focus of this thesis. The goal of this thesis is indeed to understand if regional actors can directly influence the content of European legislation by taking part to negotiations at the supranational level. Despite regional points of view should normally be incorporated in the national position uphold at the EU level, I aim to understand whether direct par-

ticipation in EU decision-making allows subnational actors to put forward their interests in a more effective way. As direct regional participation is regulated through national laws and practices, I will compare the domestic framework of different countries granting such possibility. To this end, I will answer the research question: Do national structures of regional participation in the working groups of the Council of the European Union ensure that regional interests will influence EU policy-making?

The challenge is to favour regional participation to EU decision-making, thereby not making the institutional system of the EU more complicated or less effective and respecting the constitutional structure of the Member States (Taroni, 2003).

In Chapter 1, I will provide an overview of the channels of regional activation used by regions to participate in EU policy-making. I will moreover justify my focus on regional participation in the working groups of the Council of the European Union. The latter will be simply referred to as the Council.

In Chapter 2, I will explain the theoretical approach. The framework of analysis will be based on an Institution Dependency Model.

In Chapter 3, I will explain the methodological approach and the case selection. The research will draw on a qualitative methodology and interviews will play a key role in it.

In Chapter 4, I will set forth the relationship between national and regional level in the four countries under study. I will first provide a background of regional interest representation at the domestic level. I will then discuss the distribution of powers at the internal and foreign affairs level between national and subnational entities.

In Chapter 5, I will describe and analyse the different national systems of regional interest representation in the Council in the four countries under study. I will focus on how the internal distribution of competences between the national and subnational level feeds into Council participation. I will first provide a background of regional representation in the Council and explain the division of competences between the national and subnational level at the EU arena. I will then discuss the legal framework and practices on regional interest representation in the Council.

In Chapter 6, I will assess if the structures of regional participation in the Council of the four countries under study ensure that regional interests will influence EU policy-making on education. I will first compare the results of such Member States under the IDM. I will then cross-check the opinions of regional representatives taking part to the working groups with their peers and with officials of the European institutions, to understand if they perceive that regional actors directly involved in the negotiations influence EU policy-making. I will lastly compare the four structures of regional interest representation to assess which elements they have in common can serve for regional influence on EU policy-making.

Chapter 1: Regional interest representation in EU policy-making

In this chapter, I will trace a map of channels that regions can use to participate in EU policy-making. This serves the purpose of understanding if and how sub-national entities have generally changed and equipped themselves to represent their interests (Nardo, 2008) at the European level. I will moreover justify my focus on regional participation in the working groups of the Council of the European Union.

1. Channels of regional activation

The European Union (EU) can be defined as a system of multi-level governance, which refers to continuous negotiations among nested governments at several territorial tiers (Marks et al., 1996). As it is not only national governments to negotiate (Kohler-Koch, 1998), the locus of political control has changed (Marks et al., 1996). According to scholars on multi-level governance, an increased mobilisation, mutual dependence and convergence of all levels of governance have taken place in the EU (Kohler-Koch, 1996). Such processes have led to a mode of governance in which authority and influence on policy-making are no longer monopoly of national governments, but are rather shared across various levels (Marks et al., 1996). The latter include regions as well, which have become autonomous actors both at the national and supranational level (Marks et al., 1996). National governments do not fully control domestic interest representation anymore (Marks et al., 1996) as regions have demanded and obtained direct contacts with the EU (Jeffrey, 2000).

According to scholarly literature, such direct contacts that subnational entities entertain with supranational ones take place through channels of regional activation. The latter are referred to as:

All the actions, initiatives, strategies and choices of the political and administrative élite of a region to be present as active subject in the EU arena, in order to directly interact with the European institutions and other territorial authorities (Bolgherini, 2006).

Channels of regional activation aim at influencing EU policy-making (Tatham, 2008) and entail two dimensions. On the one hand, a vertical dimension of interaction between regions and the European institutions (Nardo, 2008). On the other hand, a horizontal dimension of interaction between various regions engaging at the supranational level (Ibid., 2008). Such channels are divided between those of direct and indirect regional activation (Ibid., 2008), which I will discuss in the next two sections. As a consequence of the high number and diversity of actors involved in the European multi-level governance system and the complexity of the EU environment, it is difficult for specific interests to influence EU policy-making (Desselas et al., 2012). Therefore, most regions activate direct and indirect channels of regional activation as combination of both usually leads to more results (Bomberg and Peterson, 1998).

1.1 Channels of indirect regional activation

Channels of indirect regional activation aim at enabling regional interests to reach the national government through internal mechanisms of consultation (Tatham, 2008). Regional representatives are entitled to take part to such domestic procedures to define the position of the national government within the Council (Panara, 2010). Channels of indirect regional activation are thus vital in ensuring a dialogue between the various actors in the national arena. They vary per Member State and per policy area, and are based on regional competences, ad hoc laws and practices (Nardo, 2008). Channels of indirect regional activation are also used to back up those of direct regional activation, as will be explained in the next chapter.

As the outcome of this internal talks is mediated by national actors before arriving at the supranational level (Tatham, 2008), regions contribute to EU policy-making only indirectly (Panara, 2010). Therefore, subnational entities often prefer to rely on mechanisms of direct regional activation (Nardo, 2008) which will be the focus of this chapter.

1.2 Channels of direct regional activation

Channels of direct regional activation aim at enabling regional interests to directly reach the European institutions without the mediation of the central State (Nardo, 2008). Therefore, these channels are both targets and tools for regional interest representation (Tatham, 2008). Channels of direct regional activation allow regions to maximise their interests and to achieve policy goals previously hindered by domestic obstacles (Graziano, 2004), as they have materialised more recently than channels of indirect regional activation. Under a theoretical perspective, the development connected to their creation is remarkable for two main reasons. First, despite their existence has not led to the creation of a “Europe of the Regions” as predicted in the literature of the mid-1990s, they represent important access points of influence on EU policy-making (Tatham, 2008). Second, they give regions the ability to bypass national governments and thus challenge intergovernmentalism claims about EU policy-making (Keating et al., 2015). The main feature that distinguishes such channels from those of indirect regional activation is indeed that in these cases regions can have an influence on EU legislation without previous agreement with the central State (Brunazzo, 2014).

According to scholarly literature, channels of direct regional activation are divided into singular or collective ones (Profeti, 2006). Channels of singular direct regional activation are put in place independently by each region to safeguard and promote its interests. Channels of collective direct regional activation are instead created by a plurality of sub-national entities to collaborate for general or ad hoc topics of common interest. Channels of direct regional activation can be further divided into six types (Tatham, 2008). These are the Committee of the Regions, regional Brussels offices, European networks and associations, the European Commission, the European Parliament, and the European Council. The latter will simply be referred to as the Council. As regions usually rely on all six of them to maximise their regional interest representation at the EU level (Ibid., 2008), I will now briefly outline the characteristics of each of them.

1.2.1 Committee of the Regions

The first milestone in the establishment of direct and formal mechanisms for regional interest representation was the creation of the Committee of the Regions in the mid-1990s (Marks et al., 1996). Its establishment has led to a major change in the EU institutional architecture (Nardo, 2008), and was especially pushed by the German and Belgian regions (Marks et al. 1996). The Committee of the Regions is formed by representatives of regional and local communities owning an electoral mandate in such communities (art. 300(3) TFEU). Since its first year, the Committee of the Regions has been the channel through which Federal States and regions have demanded a more active subjectivity in relation to the EU institutions (Marzano, 2012).

The Committee of the Regions is the EU body through which regions can promote their interests without previous agreements with their central State (Marzano, 2012). Furthermore, the Committee of the Regions can provide a political synthesis of the positions of the subnational entities (Taroni, 2003). The Committee of the Regions is utilised for subnational actors to meet, entertain political and institutional relations and create common networks and projects. The Treaty includes policy fields in which the Committee of the Regions has to necessarily be consulted by the European Parliament, the Council or the Commission and establishes that such institutions can also consult it on

a voluntary basis (art. 307 TFEU). The Committee of the Regions can also issue own initiative proposals. This therefore ensures some formal degree of regional involvement in the development of EU legislation. The Committee of the Regions has increased its powers within the EU decision-making system (Marzano, 2012). However, it remains a consultative body (art. 300(1) TFEU) whose opinions are not binding (Taroni, 2003). The Commission, the European Parliament and the Council can therefore ignore the opinions of the Committee of the Regions without need for justification (Vos et al., 2002).

The Committee of the Regions is also divided by multiple fractures that make its composition highly heterogeneous (Brunazzo, 2005) and thus its action quite constrained. First, there is a division between members from regions with and without legislative powers. Second, the sub-national entities represented by each member have very different characteristics. Third, members represent diverse levels of government (from the local to the regional one) and are thus located along a territorial fracture. Fourth, members are organised around political parties which create political divisions. These fractures are deepened by the geographical alliance between members of the same country or of the same area, and by the fact that the members are not based in Brussels and join the Committee of the Regions only to attend specific meetings. The Committee of the Regions thus faces the limits of a consultative body that unites heterogeneous interests (Marzano, 2012). Regional authorities thus often perceive that the Committee of the Regions is not decisive in the European decision-making process (Nardo, 2008).

1.2.2 Regional Brussels offices

Starting from the early 1980s, regional representations have started to be created in Brussels and since then regions have increasingly made their way in “the European Bubble” looking for recognition, voice and influence (Rowe, 2011). The first ones were representations of the German, French and Spanish regions and British associations but their number increased throughout the years with the progressive involvement of regions in EU policy-making (Badiello, 2000). Most Brussels regional offices (BOs) were initially created by exploiting grey zones in the domestic legal framework as national actors did not fully support such independent channels (Hooghe and Marks, 2001).

During their first years of functioning, BOs mainly had a “transmission belt” function as they were primarily in charge of transmitting EU communications and funding opportunities to the regional authorities based back in their Member State (Rowe, 2011). Nowadays, their role is different and they tend to expand following a certain path of growth. BOs are likely to first carry out a static form of representation by mainly performing information activities and showing their presence in Brussels (Profeti, 2003). Then, they engage in networking activities with other regional entities (Ibid., 2003). Lastly, they are likely to carry out lobbying activities with national and supranational actors to represent and push for their regional interests on EU decision-making (Nardo, 2008). BOs engage in both domestic mechanisms for European policy development, and in relationships with actors at the EU level (Rowe, 2011), and its main tasks are to:

- Receive and send information, operating as link between the region and the EU institutions;
- Exchange information and data on funding opportunities with other Brussels-based actors;
- Provide the EU institutions with regional perspectives on the issues of their interest;
- Scrutinise the developments in the Brussels arena to inform regional authorities;
- Participate in networks with other regional entities and EU organisations;
- Lobby for regional interest representation in European decision-making (Marks et al., 1996b; Panara, 2010; Rowe, 2011).

Throughout the course of my internship, I had the opportunity to understand the added values that regional officials identify in their BOs. First, their physical presence in Brussels allows them to directly get in contact with the relevant actors and to have easier and faster access to the information of regional interest. Second, their expertise in the policies of regional interests and of EU mechanisms grants a close and adequate follow-up of the developments of a specific policy. Third, their stability enables them to entertain constant contacts with actors at the EU level. Fourth, they guarantee the representation of the different interests, demands and requests of very heterogeneous sub-national entities.

The functions and strategies of each BO depends on its own mission. Regional interest representation is indeed a necessary but not sufficient condition for influence (Tatham, 2008) and not all BOs might be interested in direct influence. Some BOs might indeed be interested in having a representative role. Moreover, BOs are not always perceived as influential by EU institutions. Scholarly research shows that the Commission generally considers institutionally and financially stronger regions, such as the German regions and some Spanish ones, as seeking and being able to achieve influence on EU policy-making (Tatham, 2008). The Commission instead generally considers institutionally and financially weaker regions as seeking to get access to EU projects and finances and to rarely be able to influence EU policy-making (Ibid., 2008).

1.2.3 European networks and associations

European networks and associations are channels of transnational relations and collaboration between regions with common interests and strategies (Nardo, 2008). European networks and associations were boosted in the 1970s as form of subnational cooperation to show the willingness of regions to have an active role in EU decision-making and balance the lack of channels of access to EU institutions (Ibid., 2008). They indeed aimed at coordinating the efforts of the various territorial entities to have an impact on EU legislation (Marzano, 2012). They moreover cover a high variety of policies of regional and European interest (Badiello, 2000).

European networks and associations can have a representative or functional role (Brunazzo, 2005). The first ones aim at promoting or defending regional interests with the EU institutions. These are a channel of direct access to the EU institutions as they allow regions to initiate collective lobbying actions. The second ones instead aim at dealing with shared issues by sharing ideas and good practices or reach common agreements.

1.2.4 European Commission

Throughout the process of European integration, the Commission has supported the demands of subnational entities for an increased representation at the supranational level and has set their institutionalisation as one of its long-term goals (Marks et al., 1996). According to scholarly literature, this is due to various reasons. First, the Commission considered regions as useful discussion partners as they could realistically gather and articulate regional interests (Kohler-Koch, 1995). Second, the Commission deemed regional involvement efficient as subnational actors are the directly responsible of the implementing policies (Kohler-Koch, 1995). Third, the Commission needs expert information which regions often possess (Rowe, 2011).

This channel of direct regional activation has been shown to be the main target for regional interest lobbies (Greenwood, 2003), as the Commission's policies are "open door policies" (Tatham, 2008) and are thus constantly open to new input and ideas. Therefore, the ability to be able to provide expert information has been proven to constitute an important point of access to influence the Com-

mission (Rowe, 2011) and resources invested in the early stages of the policy-making process have been proven to produce the greater results (Greenwood, 2003).

One of the main contributions of the Commission in supporting the increased involvement of the regional level has been the publication of its “White Paper on European Governance” in 2001. With this policy document, the Commission called for a general reform of the supranational, national and subnational system of governance to address the decreased involvement and trust of citizens towards policies and institutions. The reform was called to take place in line with the principles of openness, participation, responsibility, efficacy and coherence of all levels of governance, including the regional one. The changes included the establishment of closer contacts and of systematic dialogue between the regional level. This aimed to take into account subnational specificities in the development of EU policies, to make regional decisions more compatible with the broader EU framework and to make better use of the competences and practical experiences of regional authorities. Nevertheless, the Commission bestowed the national levels to be the main actors responsible for the inclusion of the regional demands by ensuring that subnational entities are involved in the national common position on European policies.

1.2.5 European Parliament

Members of the European Parliament are elected in some countries from regional lists (Vos et al., 2002) such as Italy and Belgium. Therefore, for the countries that elect their Members of the European Parliament based on regional constituencies this is considered to be an effective channel to promote sub-national interests (Tatham, 2008). Members of the European Parliament linked to a constituency with a democratic government have moreover a stronger role in the negotiations than those depending from a less institutionalised one (Ibid., 2008). However, party discipline is not rigorous, and they are quite free to choose a cause to defend as their constituency is usually wide (Ibid., 2008). Therefore, Member of the European Parliament are rather unconstrained and it is thus questionable how much they represent regional interests.

1.2.6 Council of the European Union

Each of the previous channels of direct regional activation allow regions to shape European policy-making. Each of such channels, except for the European Parliament, however, do not allow regions to take part to European decision-making and their reach on the approval of supranational legislation is thus limited. After the Treaty of Lisbon, the European Parliament and the Council of the EU indeed exercise jointly the power of adopting EU legislation according to the ordinary legislative procedure (art. 294, TFEU). The European Parliament is, however, not the only institution in which regional representatives can become a member. Throughout the development of European integration, regional actors were also granted the possibility to directly take part to meetings of the Council.

The possibility for regional representatives to take part to Council meetings was introduced at art. 203 TCE of the Maastricht Treaty (Vos et al., 2002). The proposal was highly pushed by the German (Brunazzo, 2005) and Belgian regions as they wanted their domestic federal structure to be recognised and externalised at the EU level (Panara, 2010). Until the mid-1990s, it was indeed only regional representatives or observers from Germany and Belgium who were sent to meetings of the European Council and its working groups (Kohler-Koch, 1995). The possibility for regional representatives to participate in Council negotiations can be found today at art. 16(2) TUE. The latter indeed specifies that the Council shall be formed by representatives of Member States at the ministerial level, having the power to commit their respective national government and cast its vote. Such

provision therefore allows every national or subnational authority at the ministerial level, including regional Ministers, to attend Council meetings. The possibility is, moreover, extended to regional representatives participating in working groups (Vos et al., 2002) functioning as preparatory body of the Council.

The Council as channel of direct regional activation will be the focus of my thesis. The topic deserves a closer look as the representation of regional interests in the Council has been understudied by scholarly literature. The few researches on the subject are outdated and mainly of descriptive nature. Such studies normally explain either the formal internal processes of regional position finding or that regional actors need to undergo to reach a joint common position with the national level. Researches do not normally address the more practical components of such internal processes or their consequences on negotiations at the EU level. Studies have moreover focused on one specific Member State or on a comparison between two countries. Comparative studies including a larger amount of Member States with structures of regional interest representation in the Council cannot be found.

As regional representatives in the Council and its working groups represent their respective national government, there is some scepticism as to whether this channel of direct regional activation allows them to truly represent regional interests (Ibid., 2002). Some indeed argue that as subnational representatives speak on behalf of the country as a whole and their speeches are previously agreed upon, there is not much room for manoeuvring to move subnational positions to the fore (Ibid., 2002). Contrary, others claim that representing regional interests in the Council leads to positive results (Tatham, 2008). First, the presence of regional representatives in the Council can be seen as a proof of their influence on national Ministers to recognise their ability to defend subnational interests (Ibid., 2008). Second, regional representatives have an impact on negotiations just by attending the meetings of the Council (Ibid., 2008). Third, at the margins of such meeting regional representatives have a unique opportunity to directly express their interests to the officials of other Member States and of the European institutions (Ibid., 2008).

In this thesis, I will contribute to such debate on whether this channel of direct regional activation allows regional actors to represent regional interests and to influence EU policymaking or not. To this end, I will focus at the Council's working group level. EU policy-making is indeed highly determined by expert decisions and characterised by a common interest in avoiding politicisation unless it is necessary or it deals with controversial issues (Constantinesco et al., 2000). Therefore, relations between supranational, national and subnational actors are normally entertained on a daily basis by technicians (Nardo, 2008). The Council agenda is previously discussed by its preparatory bodies. If the latter pass a topic under "Part A item", the dossier can be approved by the Council without neither discussion nor vote at that ministerial level (Constantinesco et al., 2000). At the beginning of the Council meeting, the Presidency of the Council will ask if the members have any objection on the matter (Ibid., 2000). If there are no objections, which is normally the case for policies which are not politically sensitive, the dossier will simply be approved (Ibid., 2000). Working groups therefore usually represent the stage in which many EU substantial decisions are made (Ibid., 2000).

2. Conclusions

Regions can rely on a broad range of channels to put forward their interests in the EU. Such channels of regional activation prove that subnational entities have a role to play in Brussels and that they generally and proactively contribute to the shaping of policies at the European level.

Chapter 2: Theoretical approach

In this chapter, I will explain this thesis's theoretical approach. I will first outline the understanding of Europeanisation and then set the framework of analysis which is based on an Institution Dependency Model.

1. Europeanisation

The theoretical starting point to analyse regional interest representation in the Council can be traced back to the nature of Europeanisation. The causal process of Europeanisation relates to both a bottom-up and a top-down dimension (Börzel, 2001). Despite most research has focused on one of the two dimensions (Kohler-Koch, 1996; Héritier et al. 2001), I will take into account both. This will enable me to analyse the linkages of the regional, national and supranational games, which is vital to understand the functioning of a multi-level governance system as the EU (Benz, 2000). Moreover, it will allow me to understand how different institutions at different levels shape each other (Börzel, 2001).

A top-down perspective consists of the progressive transfer of competences from the national to the EU level, leading to an increasing dependency of domestic policies to EU policy-making (Ibid., 2001). Europe offered the regions an arena in which national governments were not the exclusive gatekeeper between foreign affairs and domestic affairs (Marks et al., 1996). Europeanisation indeed represents a political opportunity structure (Ibid., 1996) as it changes the allocation of resources at the supranational and national level. Such a top-down dimension relates to how the European framework has modified the domestic ones. For the purpose of my thesis, this supranational opportunity structure related to two developments. On the one hand, the possibility for regional Ministers to take part at Council negotiations according to art. 16(2) TUE. On the other hand, the increasing number of initiatives related to education at the European level after the Council of Gothenborg of 2017. Since such meeting of the Heads of State and government, education has indeed started to play a key role in the activity of the EU. As decisions reached at the supranational level influence sub-national competences, it is crucial for regions to represent their interests at that stage to ensure they will be taken into account.

A bottom-up perspective consists of the way in which domestic institutions have adapted to the effects of the EU as a new set of practices, rules, structure of meaning and resources (Börzel, 2001) in terms of allowing regional participation in the Council. As the EU does not regulate regional participation in the Council in detail, one has to analyse the specific national arrangements and practices and the domestic cultures related to them. Evidence indeed shows that Member States have reacted differently to Europeanisation by adapting with various domestic transformations, policy processes and arrangements (Kohler-Koch, 2006). European regions do not represent a uniform and homogeneous level under a legal, political and administrative point of view and can thus undertake different types of action (Keating, 1997). A bottom-up perspective will allow me to assess how regions are involved in the domestic processes, whether they are perceived as legitimate actors in national policy-making and whether they are interested in collaborating with their central government. As regions are smaller political actors, it is unlikely that they will be able to influence EU policy-making alone if they do not act with the support of their Member State. Lastly, a bottom-up perspective will enable me to analyse how regions exploit their room of manoeuvre and feedback their regional interests to the EU. This will serve to assess the effectiveness of national rules and practices for regional interest representation in the Council.

To understand the variation in the national arrangements and practices, representation of regional interests has to be linked to their particular domestic institutional structures (Benz, 2000), to the scope of their competences (Marks et al., 1996b) and to their domestic culture through an Institutional Dependency Model.

2. Institutional Dependency Model

The fact that performance deficits in the EU can be linked back to the domestic institutional structures is frequently overlooked (Benz, 2000). In order to account for the variation in the domestic responses to Europeanisation, I will now explain Börzel's Institutional Dependency Model (IDM) (Börzel, 2001). Institutions are defined as the national rules and practices. Her framework emphasises the role of national rules and practices in mediating the domestic impact of Europeanisation. National rules and practices are simply referred to as institutions, and the domestic impact of Europe is thus defined as an institution-dependent process.

In order to react to Europeanisation, countries have to undergo domestic institutional adaptation, meant as "the long-term substitution of existing practices with new ones". Although Member States face the same pressure for institutional adaptation from Europeanisation (Marks et al., 1996), their domestic institutional structures have different capacities to adapt their internal framework. Moreover, the institutional adaptability of each Member State is influenced by the choice of the strategy to adjust to Europeanisation and realise such domestic changes. Adaptational strategies will be meant as the domestic structure of regional interest representation and will simply be referred to as strategies. The choice of strategy is influenced by the institutions in which actors are embedded that allocate resources and define the appropriate behaviour in a domestic framework. Moreover, central governments and regions may pursue different interests and strategies for their representation.

On the one hand, the changes brought about by Europeanisation are seen under a more rational resource-dependency perspective. I consider instrumental institutional rules as the explicit and codified norms and procedures that the IDM relates to the definition, allocation and purpose of use of resources in a specific context. Such resources can be of political, legal, organisational or financial nature. I will consider as relevant legal and political resources. Legal resources relate to the capacity to influence policy-making. Political resources assign formal competences, rights of participation and autonomous decision-making. The third and fourth ones are taken as granted as regions who are interested in influencing EU policies are assumed to have sufficient financial and human resources to exploit opportunity structures offered by Europeanisation. Domestic instrumental institutional rules thus define the balance of power between regions and the central State. The allocation of resources sets which strategies are instrumentally viable for national and sub-national actors to influence political outcomes with their interests through the opportunity structures offered by Europeanisation. The degree to which Europeanisation represents a political opportunity structure and changes the distribution of resources indeed depends on the domestic instrumental institutional rules. Therefore, regions with higher resources at the domestic level and likely to mobilise to obtain high resources at the European level as well.

The IDM assumes that the more instrumental institutional rules at the EU level challenge those at the domestic level, the greater the changes in the distribution of resources among domestic actors and the more likely domestic institutional adaptation will occur. It has been shown that the degree of overlap between the competences exercised at the regional and EU levels is decisive for regional mobilisation (Marks et al., 1996b) as actors react to Europeanisation by striving to maximise their preferences according to their utilities. It has also been proven that the larger the scope of political

autonomy of a region, the more it will be affected by decisions at the EU level and the more it will wish to express its interests there (Ibid., 1996b). When subnational competences are transferred to the EU, decisions are centralised in the national governments as policy-making takes place in the Council where regions do not take part. Especially regions in federal or highly decentralised countries experience a considerable loss of their competences and of substantial influence on policy-making. Therefore, the degree of overlap between the competences exercised at the regional and EU levels is likely to determine regional mobilisation to preserve regional autonomy.

On the other hand, the changes brought about by Europeanisation are seen under a more historical-sociological perspective. I consider cultural institutional rules as the implicit and unwritten norms and procedures that the IDM relates to the definition of collective understanding of socially appropriate behaviour in a specific context. Such rules determine the legitimacy in the use of resources in terms of which causes of action are socially acceptable. Actors usually respect such norms and procedures as their violation is sanctioned by negative consequences such as loss of reputation, social disapproval or withdrawal of co-operation (Scharpf, 1997). Domestic cultural institutional rules have emerged from similar national past experiences, so that actors use strategies that conform with established routines and familiar patterns of behaviour.

Once faced with Europeanisation, regions try to maximise their utilities and pick a strategy that is in conformity with a common framework of reference (Ibid., 1997) formed by instrumental institutional rules, cultural institutional rules and the institutional culture of the country. Strategies can be of cooperative or non-cooperative nature (Jeffrey, 2000). Cooperative strategies entail cooperation between the regions and the Central State. The latter shares EU decision-making and implementation powers with the subnational entities to compensate them for the loss of resources and related unfavourable balance of power caused by Europeanisation. Regions participate to intrastate channels of EU policy-making mediated by the Central State and to autonomous extra-state channels of direct contact with the EU institutions, and these two channels complement each other. This type of strategy has a higher institutional adaptability to the external pressure caused by Europeanisation. The choice of cooperative strategies is usually common for countries with cooperative institutional cultures. The latter relate to collectively shared rules of appropriateness that induce the Central State and regions to accommodation of interests, problem-solving, conflict-avoidance and consensus-seeking.

Non-cooperative strategies entail a zero-sum-game competition for resources between regions and the Central State. The latter controls EU decision-making and implementation powers, thereby hindering the compensation in the loss of resources and related unfavourable balance of power. Regions minimise cooperation with the central State and circumvent it by only participating to autonomous extra-state channels of direct contact with the EU institutions, in contrast with the Central State. This type of strategy can be costly for the Central State in two ways. First, conflict and refusal to cooperate often lead to implementation failure which under EU law is full responsibility of the Central State. Second, regional “parallel diplomacy” can undermine the bargaining capacity of the Central State at the EU level. The choice of non-cooperative strategies is usually common for countries with non-cooperative institutional cultures. The latter relate to the lack of cooperative norms, conflict and competition between the central State and the regions. Non-cooperative institutional cultures are likely to prevent the adoption of cooperative strategies and thus to prevent regions to actively put forward their interests in the supranational arena.

Member States with similar instrumental institutional rules and cultural institutional rules are thus likely to react to Europeanisation in similar ways and adopt similar strategies. However, in the long-term actors are likely to learn from each other. If non-cooperative strategies fail to change the distribution of resources and the balance of power between the national and subnational level, Europeanisation leads to centralisation. Regions are expected to go through an incremental experiential learning, where they look for more effective ways to bring their interests to the EU arena and analyse the strategies of other Member States. As institutions that are exposed to each other tend to develop similarities, regions are likely to review their strategy. In the long-term, non-cooperative regions are likely to leave aside their cultural institutional rules and may initiate forms of cooperation to achieve the goal of influence. Instrumental institutional rules and cultural institutional rules mutually reinforce each other. Instrumental institutional rules are put in place to allow the new strategy to work, and thus subnational and national entities are likely to adopt a more cooperative behaviour especially if it constitutes a positive experience. The specific institutional culture, and the different degrees of instrumental institutional rules and cultural institutional rules will however lead to different specific frameworks on EU related matters. Domestic actors indeed internalise changes brought about by Europeanisation based on their pre-existing national structures and adapting the new developments to their common framework of reference. As Member States have different institutional cultures and different degrees of instrumental institutional rules and cultural institutional rules, they are likely to adapt their framework differently. However, they are likely to converge to a similar outcome by adopting cooperative strategies as they lead to a higher influence on EU policy-making.

1.2. Research question and hypotheses under an Institutional Dependency Model

In this thesis, regions are defined as the territorial unit between the national and local levels, regardless of the specific political division in each Member State (Rowe, 2011). Therefore, for the sake of simplicity and comparability also subnational entities with large autonomy in federal States will be referred to as regions. I will analyse how regions affect the nature of European governance and the content of European policy-making by directly taking part to negotiations at the supranational level. To this end, I will answer the research question:

Do national structures of regional participation in the Council of the European Union ensure that regional interests will influence EU policy-making?

I will assume that regional influence on EU policy-making depends on the domestic framework in which regions are embedded. The national structures of the four Member States under study will thus be the dependent variable, whereas influence on EU policy-making the independent variable. According to the IDM, my hypotheses related to the adoption of a particular structure of regional interest representation in the Council are more generally that:

H1: Different institutional cultures, and the different degrees of instrumental institutional rules and cultural institutional rules will lead to different specific frameworks and strategies as regions are likely to adapt the changes brought about by Europeanisation to their specific national system.

H2: In the long-term, regions are likely to adopt cooperative strategies as they lead to higher influence on EU policy-making. As regions have different degrees of instrumental institutional rules and cultural institutional rules, only partial convergence is expected where some of them achieve the same results and others do not.

According to the IDM, the specific hypotheses that I will test for each country under study related to the functioning of a particular structure of regional interest representation in the Council are that:

H3: *As regions in highly decentralised or federal States are granted high resources in national policy-making and decision-making, they are likely to mobilise to get high resources in EU policy-making and decision-making as well.*

H4: *The degree of overlap between the competences exercised at the regional and EU levels will lead to regional mobilisation to preserve their autonomy in terms of regional participation in the Council.*

H5: *As it is perceived as appropriate that regions take part to policy-making in highly decentralised or federal States, national actors will perceive such subnational entities as legitimate partners in EU policy-making as well.*

Drawing on the IDM, I will consider the potential of influence of a structure of regional interest representation on EU policy-making to be influenced by three main criteria:

- *National actors perceive subnational entities as legitimate partners in EU policy-making;*
- *National and subnational actors adopt a cooperative strategy to act jointly in EU policy-making;*
- *Subnational actors pursue strategies aimed at influencing the content of EU policy-making.*

Chapter 3: Methodological approach and case selection

In this chapter, I will explain the methodological approach and the case selection. The research will draw on a qualitative methodology and interviews will play a key role in the analysis.

1. Case selection

In this thesis, the population of interest (Gerring, 2007) will be a particular group of subnational entities that scholarly literature recognises as constitutional regions (Rowe, 2011). This group includes regions from Austria, Belgium, Germany, Italy and Spain. Although national patterns in each Member State have different forms, structures, strategies of engagement and regional goals, these countries share some resemblances (Ibid., 2011). Regions in such countries have indeed independent legislative powers in many policy areas and their goal in the European multi-level governance system is mainly to influence EU policies (Ibid., 2011). Consequently, they are more likely to have access to national and supranational policy debates, to be recognised as legitimate actors by national and supranational decision-makers and to have more influence on EU policy-making (Ibid., 2011).

I will target constitutional regions because of the broader role granted to them at the national and supranational level, they are the only subnational entities having the possibility to permanently take part to certain Council configurations. Therefore, they are the only regions which are relevant for this study. Subnational entities in the other older Member States, which are recognised as non-constitutional regions, have administrative powers that are carried out under the supervision of the respective national government (Kohler-Koch, 1995). Thus, they have none or scarce independent legislative powers and their goal in the European multi-level governance system is mainly to have access to EU projects and funds rather than influencing its policy-making (Rowe, 2011). Subnational entities in new Member States can be of constitutional or non-constitutional nature (Ibid., 2011). However, they mainly follow the established modes of interaction of the older Member States and their impact in Brussels is more limited (Ibid., 2011).

As a consequence of the diversity in the specific domestic frameworks, there is no one-size-fits-all model of regional interest representation (Kohler-Koch, 2006). However, as actors are capable to learn from each other (Benz, 2000) I assume to be of interest for regions to share best practices. The experience of particularly consolidated Member States can prove the advantages of a determined mode of governance, and domestic institutional rules and mechanisms can invite transfer behaviour (Kohler-Koch, 1998). This is true especially for regions that share similarities and comparable pre-existing frameworks. Belgium, Germany and Spain have been long-lasting federal States (Rowe, 2011) with a long experience of regional participation in the Council. In Italy instead increased regionalisation and regional participation in the Council are more recent. It is thus of particular interest for Italy to be compared to and learn from countries with a more consolidated experience on regional interest representation.

2. Methodology

In this thesis, I will conduct a qualitative research as I aim to develop an in-depth explanation of the outcome in a small number of cases (Mahoney et al., 2006). I will specifically use a causal process-tracing technique of causal inference to assess how regional participation in the Council evolved over time within each case and regional influence on EU policy-making. Causal process-tracing implies an understanding of causality as a process that stresses out over time and over space (Ibid., 2012). Analysing a causal chain linking different causal factors thus implies not only to focus on the different causal factors necessary and sufficient conditions and contributing factors leading to a certain outcome, but also on their temporal order of unfoldment of the mechanisms linking them which

is crucial for a certain outcome to take place (Ibid., 2012). I will adopt a seamless and narrative style, which is vital to make a causal analysis on such a sequence of events stretched over time complete (Ibid., 2012). This will allow me to evaluate the preconditions for specific kinds of outcome and to provide a comprehensible explanation of them (Blatter and Blume, 2008). Causal process-tracing acknowledges multi-causality, equifinality and causal heterogeneity (Blatter and Haverland, 2012). The first term implies that a specific outcome is the result of a combination of causal factors (Ibid., 2012). I indeed assume regional interests influence on EU policy-making to be the consequence of the presence of various causal factors in the domestic structures of regional participation. The second term implies that there are different causal paths to similar outcomes (Ibid., 2012). As a consequence of the various initial reactions to Europeanisation and diversities across countries outlined in the IDM, I assume that the four Member States might have developed in different manners and might have thus gone through different causal paths to achieve influence. The last term implies that the effects of the same causal factors can be different in different contexts and combinations (Ibid., 2012). Therefore, the same causal factors for influence applied differently in non-constitutional regions might not lead to influence.

In order to enhance the validity of my findings, I will triangulate different types of sources (King et al., 1995). I will mainly rely on primary sources and examine constitutional provisions, legal texts and interviews on regional participation in the Council. I will complement the analysis of such sources with scholarly literature. Collecting and combining a larger and different amount of data are indeed better to validate a measure (Ibid., 1995). Aggregated sources are especially important for qualitative research design in order to increase the amount of information to bear on a theory or hypothesis (Ibid., 1995).

It is methodologically difficult to assess the degree of influence of regional interest representation on EU policy-making (Tatham, 2008). First, and as recognised by scholars in the field, interest representation is hard to identify and to trace and does not leave much of a mark (Ibid., 2008). This is especially true for regional interest representation as it occurs between the sub-national, national, and supranational level. Second, EU negotiations take place also through informal meetings where official documents are often not drafted or accessible (Ibid., 2008). This is especially true for the Council, commonly recognised as the European institution that lacks transparency the most. Third, even when such documents are available they do not reveal much about the discussions where interest representation takes place (Ibid., 2008). Fourth, the conduct of actors involved in the negotiations is influenced by the organisation in which they are embedded (Crozier and Friedberg, 1977). In the cases under study, such organisations can be the subnational, national and supranational structures they are part of and that overlap with each other. Consequently, this overlap it is difficult to assess where regional influence actually takes place. Taking into account the subjective perception of the actors directly concerned allows to understand the capacity, goals and constraints of such frameworks (Ibid., 1977). Interviews with participants in these processes thus provide the most accurate account about the impact of regional interest representation (Tatham, 2008).

Ten semi-structured interviews constitute the core of this thesis. Eight of such interviews have been recorded and transcribed, whereas notes have been taken of the other two after refusal of such interviewees to be recorded. The interviews were conducted with eight regional officials representing the Member States under study and two officials of the European institutions.

It is however also methodologically difficult to assess the truthfulness of such interviews. The position and role of the interviewee is likely to bias the evaluation of their own influence (Tatham,

2008). Therefore, based on legal texts, scholarly research, and the information retrieved from such interviews I will assess under a rational point of view if the various national structures allow regional interest representation to influence EU policy-making. Moreover, I will cross-check the perceptions of the interviewees with their peers and with officials of the European institutions (Ibid., 2008) taking part to the negotiations to assess whether they are actually perceived as influential by other actors. This allowed to get a clearer picture by combining the source and the target of institutional lobbying (Ibid., 2008).

The group of regional officials interviewed includes instead two subgroups. On the one hand, four regional officials based either in Brussels or in their respective home country. Regional officials of this subgroup mainly participate to indirect channels of regional activation and specifically to the mechanisms of regional position finding before EU negotiations take place. On the other hand, one Brussels-based expert on education for each of the four Member States under study. Regional officials of this subgroup participate to both direct and indirect channels of regional activation, and their primary task is to take part to the working group on education on behalf of the regions of their respective country. The small sample of the study is justified by the small number of countries with regional participation in the Council and of regional experts. The latter are indeed between one and three for a specific policy in countries with constitutional regions. The sample is representative of the whole population under study, as I interviewed one regional expert for each Member State with regional participation in the Council. Regional experts are indeed the only regional actors who directly take part to the working groups and have thus a direct experience and awareness of the influence that their respective regional position has at the EU level. Between twelve and twenty-one questions were asked to each of the interviewees. The variation in the number of questions asked is due to the fact that some interviewees anticipated many information while giving answers to others. The questions asked during the interviews were related to seven topics. First, how their domestic mechanisms of regional position finding work in practice and what are the difficulties at that stage. Second, how is the relationship between the regions and between the regions and the central State. This question relates to a general perspective, the domestic mechanisms of national position finding and the negotiations at the working group level. Third, what is the added value of their job and of regional interest representation in the Council. Fourth, what are the dynamics within the working group on education. Fifth, if they perceive that their specific regional position has an influence on negotiations at the working group level. Sixth, if they think that participation at the COREPER or Council level leads to more influence than at the working group one. Seventh, what are the domestic mechanisms of information and accountability throughout the negotiation process and of follow-up to it.

The group of officials of the European institutions interviewed includes instead one official of the Commission and one official of the Council, who take part to meetings of the working group on education on behalf of their respective institution. They were asked to answer six questions related to four broader topics. First, how they perceive regional experts and their relationship with their respective national representatives in the negotiations at the working group level. Second, if they think the presence of regional experts in the working group has an added value for EU policy-making. Third, if they think that the regional position put forward by regional experts influences EU policy-making. Fourth, if they think that one specific domestic structure for regional interest representation in the Council allows regional experts to have more influence on EU policy-making.

I will generalise my findings to a limited range of cases to avoid heterogeneity (Ibid., 2006). Such findings will indeed apply only to constitutional regions, as they constitute a particular group of

subnational entities with previously mentioned characteristics. After having identified the possible causes of regional influence in the Council, the findings of this small-N study can be taken up by large-N research (Blatter and Haverland, 2012). This can be done for example by including more interviewees to strengthen the validity of the findings.

3. Selection of policy and Council's level

The European system of multi-level governance is not a stable or uniform process but varies over time and across policy areas (Kohler-Koch, 1998; Rowe, 2011). The structure of political control is variable across policy areas as a consequence of overlapping competences among different levels of government (Marks et al., 1996). Different players have thus to be involved based on the issue at stake (Kohler-Koch, 1998). In some fields sub-national actors play a pivotal role in both the domestic and EU arena, whereas in other fields only national governments have the powers to decide (Rowe, 2011). Some policies may require a rather unitary response or regions might simply not have a direct interest in them. Regional interest representation thus varies based on the type of regions, but also on the specific policy at a certain historical point (Ibid., 2011). Since each pattern of multi-level governance is specific to one field (Benz, 2000), I will focus on one specific policy.

I will concentrate on education, as it is a policy that has a high saliency for regions and a high involvement of them in the domestic decision-making and implementation. Therefore, regions are expected to have a high interest in taking part to policy-making in the field and regional lobbying activity is expected to take place. Regional interest representation is indeed more likely to happen in a policy area where there has been a devolution both at the subnational and supranational level (Tatham, 2008). The EU has a competence to support, coordinate or supplement actions of the Member States on education (art. 6(e), TFEU). Legally binding EU acts related to education thus do not harmonise national laws but rather aim at directing domestic laws towards common European objectives in the field (art. 165(4) TFEU). Common actions at the European level indeed generally aim at contributing to a high-quality education (art. 165(1), TFEU) and at realising a policy on vocational training that strengthen and integrate the actions of Member States (art. 166(1), TFEU). Therefore, the EU does not have much power on the field independently from the Member States.

I assume education to be a policy related to a very low level of conflict between all levels of government. I therefore expect that substantial decisions on education will take place at the working group stage, and that such level will be the most relevant for regional interest representation on education. I instead expect the possibilities of influencing the content of EU policies on education to be lower in the Council as it is will be mainly the body of formal adoption of legislation in the field.

Chapter 4: National systems of regional interest representation

In this chapter, I will describe the relationship between national and regional level in the four countries under study. For each of these countries, I will first provide an overview of the historical background of regional representation at the domestic level and then present the distribution of powers at the internal and foreign affairs level between national and subnational entities.

1. The German system of regional interest representation

1.1 Historical background of regional interest representation at the domestic level

Germany is a federal State, which is divided into a federal State and sixteen constituent states called Länder (Deutscher Bundestag, 2019). The latter constitute the regional level of the country. Their interests are directly represented by the Bundesrat, which is a constitutional legislative body formed by members of the regional governments (Bundesrat, 2019). The State is today an example of cooperative federalism, which has developed as model of joint decision-making between the national and subnational level (Benz, 2000; Börzel, 2001).

German federalism developed already during the nineteenth (Taroni, 2003). With the Weimar Republic of 1919, the country became a federal State and was democratically legitimised as such (Ibid., 2003). Throughout the year, a two-fold function was conferred upon the Länder (Ibid., 2003). On the one hand, an internal function of integration of regional identities. On the other hand, an external function of creation of the national State. Therefore, its creation and development were not marked by particular intra-State ethnic and socio-economic cleavages (Börzel, 2001).

Germany has traditionally been characterised by a cooperative culture between the federal and regional level grounded on multilateralism (Börzel, 2001). The cooperative nature of German federalism has thus enabled the Länder to collaborate with the federal State and to have often lost independent powers in return for participation rights in the domestic and EU arena (Panara, 2010).

1.2 Legal framework of regional interest representation at the domestic level

The relevant articles cited in this section are translated from the German original version of the legal texts. For the sake of simplicity and unless otherwise specified, all provisions referred to below are taken from the Grundgesetz valid today.

1.2.1 Internal division of competences: the post-Föderalismusreform structure

The current division of competences in Germany is based upon the 2006 Föderalismusreform, which has expanded the law-making powers of the federal government while decreasing the autonomy and influence of the individual Länder (Suszycka-Jasch et al. 2009). Over the years there was however an increase of the powers of the Bundesrat as collective actor through which the Länder can exercise a significant influence on law-making (Suszycka-Jasch et al. 2009). Pursuant to art. 50, the Bundesrat is indeed the mean through which the Länder participate in the legislation and administration of the Federation and in matters concerning the EU. The German Constitution however still grants the Länder a considerable degree of powers at the domestic level.

The German structure is currently based upon a division between exclusive and concurrent legislative competences (art. 70(2)). Federal laws are adopted by the Bundestag (art. 77) and have to receive the consent of the Bundesrat (art. 78), ensuring regional involvement in all policies. According to art. 70(1), the Länder have the general power to legislate unless the Grundgesetz empowers the federal government to do so. The Länder are also bestowed with the exercise of State powers unless otherwise provided (art. 30). However, federal law has supremacy over Land law (art. 31).

Exclusive competences of the federal government entail the typical traditional powers of a State, such as inter alia defence, citizenship, currency and money, the unity of customs and trading area, and cooperation between the national and subnational level on criminal police work (art. 73(1)). The Länder can also legislate in these fields only if specifically provided by a federal act (art. 71).

Concurrent competences between the federal government and the Länder include a broader category of policies, such as inter alia marital status, civil and criminal law, road traffic, hunting, and protection of nature (art. 74(1)). The core of concurrent competences is that the Länder maintain residual powers to legislate on such areas if the federal government has not done so yet (art. 72(1)). Federal legislation is instead envisaged when the realisation of equivalent life conditions in the federal territory or the safeguard of the legal or economic unity in the interest of the Federation as a whole makes it necessary (art. 72(2)). The Länder can promulgate laws related to certain aspects of such policies by way of derogation where the federal government has exercised its legislative power (art. 72(3)). If federal legislation in these areas is not necessary anymore, regional legislation can substitute it in accordance with a specific federal law (art. 72(4)).

For the purposes of my thesis, it is relevant to underline the few constitutional provisions on education. Pursuant to art. 74(1), the regulation of educational and training grants, the promotion of research, admissions to institutions of higher education and requirements for graduating in them fall under the category of concurrent competences. At the domestic level, education is thus mainly regulated through the residual power of the Länder. The federal level, however, retains some powers as well and is required to collaborate in the field. The federal government and the Länder indeed cooperate through agreements to promote science, research and teaching at the supra-regional level (art. 91b(1)). The two levels also cooperate for the assessment of the international comparison of the performance of educational systems and for the drafting of relevant reports and recommendations (art. 91b(2)). The approval of the Länder is, however, required when agreements primarily affect institutions of higher education. Lastly, the school system is instead only under the supervision of the Länder (art. 7).

1.2.2 Foreign Affairs division of competences: the exclusivity of the federal government

Pursuant to art. 32(1) and 73(1) respectively, relations with foreign States are conducted by the federal government and foreign affairs are part of its exclusive competences. As a consequence, the federal government has the power to stipulate treaties in all fields, including those under the Länder's competences (art. 31(1)), and to transfer sovereign powers to international organisations (art. 24(1)). In contrast with the domestic level, the German Constitution does thus not grant the Länder a considerable degree of powers at the international level. The federal State is formally bestowed with all foreign competences, despite some minor involvement of the regional level in certain specific cases.

The few foreign powers of the Länder are mainly carried out through domestic mechanisms of cooperation and consultation of the federal State. The federal government can indeed conclude a Treaty affecting the special circumstances of a Land only after having consulted that subnational entity (art. 32(2)). The consensus is that such a procedure takes place when a treaty relates to the territory, constitution, status, economic interests or cultural identity of a Land (Panara, 2010). The federal government has moreover to be granted the consent of the Länder before a treaty can become binding at the international level (point 3, Lindau Agreement). Lastly, international rules can

apply only after incorporation within the national system which is based on the division of competences and is thus sometimes responsibility of the Länder (Panara, 2010).

The Länder can instead formally engage in binding international relations in two cases. On the one hand, they can conclude a Treaty with foreign States related to their legislative competences with the previous consent of the federal government (art. 32(3)). On the other hand, they can transfer sovereign powers to cross-border institutions in neighbouring regions (art. 24(1a)).

2. The Belgian system of regional interest representation

2.1 Historical background of regional interest representation at the domestic level

Belgium is a federal State, which is divided into Federal State, Communities and Regions (Belgium, 2019). These three actors are legally on equal footing (Ibid., 2019). The Federal State has its own federal government and federal Parliament (Ibid., 2019). The three Regions are the Flemish, the Walloon and the Brussels-Capital ones, and are based on the territory they represent (Ibid., 2019). Each Region has its own Regional Parliament and Regional Government (Ibid., 2019) representing their interests. The three Communities are the Flemish-speaking, French-speaking, and German-speaking ones and are based on the language they represent (Ibid., 2019). Each Community has its own Parliament (art. 116, Constitution Belge) and Government (art. 121, Constitution Belge) representing their interests. The country has decided to deal with the high number and heterogeneity of representative bodies by recognising all seven Belgian Parliaments as national Parliaments regarding their competences (Bergen, 2019).

The country was born out of ethnic and socio-economic cleavages (Börzel, 2001). Belgium was indeed a central State until 1970s, when Regions were created and major state reforms started to be put in place to create a federal State (De Becker, 2012). The first legislative powers granted to the Regions were in the fields of culture, education and languages (Ibid., 2012). Other further competences were however only defined and devolved in the state reforms of 1980 and 1988, under pressure of the Regions (Ibid., 2012). The conflicting relationships between the federal and regional level has led to regional attempts to deny the Federal State the power to interfere in their competences and bypassing it (Börzel, 2001). Today the country is, therefore, an example of competitive regionalism (Ibid., 2001).

2.2 Legal framework of regional interest representation at the domestic level

The relevant articles cited in this section are translated from the French original version of the legal texts. For the sake of simplicity and unless otherwise specified, all provisions referred to below are taken from the Belgian Constitution valid today.

2.2.1 Internal division of competences: a system of exclusive competences

Belgium is based on a structure of exclusive competences (De Becker, 2012), in which there is no hierarchy between the federal and the subnational levels of government (Bynens, 2018). Therefore, the powers related to a certain policy can belong only to either the Federal State, the Regions or the Communities (De Becker, 2012). The Belgian Constitution thus grants the Regions a very high degree of powers at the domestic level. This exclusivity principle excludes a hierarchy of norms, so that a federal law and a regional decree are on equal footing (Bergen, 2019). The Parliaments and Governments of the French-speaking, Flemish-speaking and German-speaking Communities can exercise the competences of the Walloon, Flemish and Walloon Region respectively, with a few exceptions such as the powers related to Language Laws (art. 137; art. 139). This is today the case for

Flanders, where the powers of the Community and the Region have been unified into a single Flemish Parliament and a single Flemish Government (Belgium, 2019).

According to art. 35, the Federal State has competences only for the matters that are formally attributed to it by Constitution or constitutional law. The federal legislative power is exercised collectively by the King, the House of Representatives and the Senate (art. 36). The federal legislative power relates to a short list of policies which include inter alia constitutional revision, financing of political parties, control of local expenditure (art. 77) and organisation of the courts (art. 78).

The Communities and the Regions, each in its own field of interest, have exclusive competences for all other matters not attributed to the Federal State under the conditions and terms established by law (art. 35). In this framework, the three Regions have powers related to the territory or region in the widest meaning of the term, such as inter alia economy, energy, housing and transport (Belgium, 2019).

The three Communities instead have powers related to the language of the individual citizens (Belgium, 2019). Therefore, pursuant to art. 128(1), art. 127(1) and art. 130(1), the Parliaments of the French-speaking, Flemish-speaking and German-speaking Communities are competent for person-related matters, cultural matters and education, and can promulgate decrees and entertain cooperation between the Communities on such fields. The decrees in such areas have force of law in the French-speaking and Flemish-speaking Regions respectively, and in the institutions located in the bilingual Brussels-Capital Region. The latter is indeed considered to belong exclusively to one Community or the other because of its organisation (art. 128(2)) or activities (art. 127(2)). Pursuant to art. 135, the Brussels-Capital Region is however entitled to exercise powers which have not been assigned to the Communities for person-related matters, cultural matters and education. As Brussels-Capital Region is bilingual, its Parliament and executive Colleges include linguistic groups that are responsible for Community matters (art. 136).

For the purpose of my thesis, it is important to underline that the exceptions to the powers of the two Community Parliaments related to education are only related to the setting of the beginning and the end of compulsory education, the minimum conditions for the conferral of diplomas and the pension schemes (art. 127(1)). Such aspects are instead regulated at the federal level. Pursuant to art. 24, education is indeed competence of the Communities and its organisation, recognition and subsidising is further regulated through law or decree. Therefore, education is almost completely prerogative of the subnational level and the Federal State does not have much substantial power in the field.

The Parliaments of the French-speaking and Flemish-speaking Communities are also competent to regulate by decree, at the exclusion of the federal legislator, the use of languages in fields such as inter alia administrative matters, public education and social relations between employers and their employees (art. 129(1)). With the term “public education” I refer to what is defined as education which takes place in the establishments created, subsidised, or recognised by public powers (art. 129(1)). The decrees related to the fields listed in art. 129(1) have force of law in the French-speaking and Flemish-speaking Regions respectively, except for municipalities contiguous to another linguistic Region where the law allows the use of another language, services whose activity extend beyond the linguistic Region in which they are established or federal and international institutions whose activities are common to more than one Community (art. 129(2)). The Parliament of the

German-speaking Community is also competent to regulate by decree the use of languages in public education, which have force of law in the German-speaking Region (art. 130(1); art. 130(2)).

2.2.1 Foreign Affairs division of competences: “in foro interno, in foro externo”

The Belgian structure for Foreign Affairs is based upon the principle “in foro interno, in foro externo”, outlined at art. 167. This principle was set forth by the Special Law of the 8th of August 1988 (De Becker, 2012) and was ensured constitutional value with the Constitutional Amendment of 1993 (Bynens, 2018). “In foro interno, in foro externo” is a unique constitutional principle at the European level, which implies a transposition of jurisdiction of federal and subnational actors from the internal to the external level (De Becker, 2012). Therefore, each competence that belongs to the Federal State, a Region or a Community at the national level is to be exercised by the same authority at the international level as well (Ibid., 2012). The very high degree of powers that the Belgian Constitution grants the subnational authorities at the domestic level is hence replicated at the internal level as well.

Pursuant to art. 167(3), Community and Regional Governments have indeed the powers to conclude, each one insofar as it is concerned, international treaties in fields falling under the competences of their Parliament. Such treaties take effect only after having received the approval of their respective Parliament (art. 167(3)) and can be concluded both with third countries and international institutions (Bynens, 2018). Therefore, for the purpose of my thesis it is relevant to underline that only the Communities can conclude international treaties related to education as the policy falls under their exclusive competences. Even in the international arena, education remains a prerogative of the subnational level. Regions are moreover competent on foreign trade (Belgium, 2019) and have the power to establish their own diplomatic representations abroad (Bergen, 2019). In order to settle a disagreement between the Governments of the concerned Communities and Regions, a law regarding the procedures to follow has to be approved by subnational representatives (art. 167(5)).

The conclusion of international treaties related to fields in which the subnational entities have exclusive competences, the so-called exclusive treaties, requires formal disclosure to the federal government (Bynens, 2018). Such formal disclosure usually takes place by means of letter from the subnational Minister for Foreign Affairs to the Federal Minister of Foreign Affairs (Ibid., 2018). The conclusion of international treaties related to fields in which both the federal and subnational entities are partly competent, the so-called mixed treaties, requires consultations between the federal and subnational level (Ibid., 2018). Such consultations usually take place at the Inter-Ministerial Conference on Foreign Affairs stage, which unites all the different federal and subnational Ministers for Foreign Affairs (Ibid., 2018).

The federal level has competences in foreign affairs as well, as the King is in charge of directing international relations and concluding international treaties (art. 167(1)). This shall however take place only in fields falling under his competences and shall not jeopardise the power of the Communities and Regions to regulate international cooperation (art. 167(1)) or their competences (art. 167(2)). Such treaties can moreover take effect only after having received the approval of the House of Representatives (art. 167(3)). Regions also have their own Foreign Affairs Departments and, therefore, autonomous diplomatic representatives (Bergen and Van Tittelboom, 2019).

3. The Spanish system of regional interest representation

3.1 Historical background of regional interest representation at the domestic level

Spain is a unitary State, which is divided into Autonomous Communities (AC) having complete autonomy for the management of their respective interests (art. 137, Spanish Constitution). The Senate is the House of territorial representation, which is a body formed by representatives elected by the voters in the provinces (art. 69(1), Spanish Constitution) and by the AC (art. 69(5), Spanish Constitution). Each AC has a parliamentary systems, formed by a regional parliament and a regional government (Noferini, 2012). The right to self-government of the AC is recognised and guaranteed by the Constitution (art. 2, Spanish Constitution) as Spain is indeed characterised by the separation between central and regional powers (Börzel, 2001).

The country was born out of ethnic and socio-economic cleavages (Ibid., 2001). Spain was indeed created out of a highly centralised administration (Maiz et al., 2010). Nationalist regional parties, mainly from the Basque country and Catalonia pushed for a decentralisation of powers that was put in place in the 1978 Constitution (Noferini, 2012). The latter did however not set a clear delimitation of competences between the central and regional level (Ibid., 2012). Therefore, the Spanish Constitutional Court decided that the AC could claim the degree of autonomy they wanted according to the constitutional limits (Ibid., 2012). The level of self-government was initially highly asymmetrical, as the main demands for autonomy came from the three historical nationalities of the Basque Country, Catalonia and Galicia (Ibid., 2012). The other AC thus had to keep the level of negotiations high and slowly converged to the same degree of autonomy, although there are still some regional asymmetries (Ibid., 2012). Today the country is an example of competitive regionalism (Börzel, 2001). Tensions are moreover still present in the conflict between regions pushing for more self-government and the central State pushing for more mechanisms of re-centralisation (Maiz et al., 2010).

3.2 Legal framework of regional interest representation at the domestic level

The relevant articles cited in this section are translated from the Spanish original version of the legal texts. For sake of simplicity and unless otherwise specified, all provisions referred to below are taken from the Spanish Constitution valid today.

3.2.1 Internal division of competences

Spain is based on a structure of competences that can be either of exclusive State jurisdiction (art. 149) or devolved to the AC (art. 148). National laws are in any case supplementary to regional ones (art. 149(3)). In case of conflict and if not related to exclusive regional powers, the laws of the central State prevail over those of the AC (art. 149(3)).

The legislative power of the State and the approval of the budget is conferred to the Cortes Generales (art. 66.(2)), which are formed by the Senate and the Congress of Deputies (art. 66(1)). The Senate, thus, ensures the regional involvement even for fields that are regulated at the federal level. The King can exercise only the functions that are expressly given to him through Constitution or law, which are mainly related to moderating the regular functioning of the institutions (art. 56(1)), sanctioning and promulgating laws and appointing certain representatives of the government (art. 62). According to art. 149(1), the central State has exclusive competences in a broad range of policies such as *inter alia* nationality, customs and tariffs regulations, and general economic planning. The policies which are not exclusive national competences can be granted to the AC if included in their respective Statute (art. 149(3)). The Cortes Generales can indeed confer to the regional levels the power to enact legislation in matters of State competences provided they follow the framework

set by State law (art. 150(1)). Such delegated powers will however be controlled by the Cortes Generales (art. 150(1)). If such policies are not included in the Statutes of Autonomy, the State will be responsible for them (art. 149(3)). The Statutes of Autonomy are drafted by the subnational entities (art. 146), contain the basic institutional rules of each AC (art. 147(1)) and has to be enacted by the Cortes Generales (art. 146).

The AC may instead assume competences in fields such as the organisation of their self-government institutions, the order of their territory, environmental protection management, social assistance and forestry (art. 148(1)). The AC are thus granted a considerable degree of powers at the domestic level. The AC are not allowed to create a federation (art. 145(1)) but can engage in certain forms of intergovernmental cooperation after approval of the Cortes Generales (art. 145(2)).

For the purpose of my thesis, it is important to underline that the central State regulates the general conditions of academic degrees and professional qualifications, and the basic rules for the fulfilment of education (art. 149(1)(xxx)). Other aspects related to education are instead regulated by the AC. The latter is thus in charge of most powers in the field at the domestic level, but has to respect the general directions promulgated by the central State.

According to art. 140 of Law 40/2015, inter-administrative relationships between the regional and national public administrations shall take place through the three principles of collaboration, cooperation, and coordination. The collaboration principle sets forward that all public administrations have to act jointly to achieve common purposes. The cooperation principle implies that each public administration must each take care of one specific commitment to develop common action. The coordination principle requires that all public administrations act coherently in order to achieve common results, when provided by the Constitution and by the Spanish legal system.

3.2.2 Foreign Affairs division of competences

Pursuant to art. 149(1), international relations and foreign trade are exclusive competence of the central State. The direction of foreign policy is thus responsibility of the national government (art. 97(1)) and the central State is the only actor capable of committing Spain to international treaties (art. 93). The prior approval of the Cortes Generales is in any case required for many international treaties, such as *inter alia* the signing of a treaty of political nature or that affects the territorial integrity of Spain (art. 94(1)).

The King is bestowed with the highest representation of the country in international relations (art. 56(1)) and needs to give his consent to the entering into force of international treaties (art. 63(2)). The central State is hence formally bestowed with all foreign competences, and the Constitution does not ensure any direct regional power in the international arena. The AC cannot therefore undertake any action related to education at the internal level.

4. The Italian system of regional interest representation

4.1 Historical background of regional interest representation at the domestic level

Italy is a unitary State (Desideri, 2012), which is divided into regions and the State (art. 114(2), Italian Constitution). The country is committed to regional interest representation at the domestic level through its Constitution. The Italian Republic indeed recognises and promotes local autonomies, puts in place the widest administrative decentralisation for the services that depend from the State, and adapts the principles and methods of its legislation to the needs of autonomy and decentralisation (art. 5, Italian Constitution). Regions are considered to be autonomous entities with their own

Statutes (art. 114(2), Italian Constitution). The latter, in harmony with the Constitution, determine the regional form of government and the fundamental principles of its organisation and functioning (art. 123(1), Italian Constitution). Subnational interests are directly represented by the Regional Board, the President of the Regional Board and the Regional Council (art. 121(1), Italian Constitution) in each region. The Regional Council is bestowed with the legislative powers of the regions and can forward legislative proposals to the two Chambers of the Parliament (art. 121(1), Italian Constitution). The Regional Board is instead bestowed with the executive powers of the regions (art. 121(1), Italian Constitution).

Italy is divided into twenty regions (art. 131(4), Italian Constitution). Fifteen subnational entities have an ordinary Statute and, despite their wide regional powers are covered uniformly by the Constitution (Desideri, 2012). The other five regions have instead a special Statute that have to be approved through Constitutional law (Desideri, 2012), and are thereby granted special forms and conditions of autonomy (art. 116(2), Italian Constitution).

The country is today an example of competitive regionalism, which was born out of ethnic, religious and socio-economic cleavages (Börzel, 2001). This has led to a competitive rather than cooperative relationship with the central State, in which regions tend to preserve their institutional autonomy (Börzel, 2001). Despite the Italian Constitution of 1948 had already provided for the creation of the regions, subnational entities were established in different historical moments (Desideri, 2012). After the emanation of the Italian Constitution, only four of the five regions with special Statute were indeed created as a consequence of their strong autonomists push (Desideri, 2012). Whereas the last region with special Statute was established in 1963, the other subnational entities were instead born at the beginning of the 1970s (Desideri, 2012).

After the establishment of the regions, it was seen as necessary to create a stable forum of discussion and decision between the national and subnational level which materialised through the State-Regions Conference (Marzano, 2012). The latter is formed by the President of the Council of Ministers and the Regional Presidents (art. 12(2), law 400/1988), and aims at increasing regional involvement in the national decision-making through functions of information, consultation and exchange in relation to general political lines that might have an impact on matters of regional competence (art. 12(1), law 400/1988). Despite the State-Regions Conference was initially not formally institutionalised, it was considered to be politically inconvenient for the President of the Council of Ministers to not consult the State-Regions Conference for governmental or legislative decisions having any sort of subnational relevance (Marzano, 2012). The convocation of the State-Regions Conference by the Presidency of the Council of Ministers has later been made mandatory at least every six months (art. 12(3), law n. 400/1988) and for specific acts touching upon regional interest (art. 12(5), law n. 400/1988). The State-Regions Conference has moreover to be consulted on every matter of regional interest or upon request of the Regional Presidents (art. 2(4), legislative decree n. 281/1997). The main functions of the State-Regions Conference currently relate to granting the participation of the regions to all decision-making processes of regional interest (art. 1, legislative decree n. 281/1997), promoting activities such as *inter alia* agreements between the national and regional level and the exchange of data and information (art. 1(e), legislative decree n. 281/1997).

The regions have also established their own organism of coordination, which is formed exclusively by subnational representatives and which is called Conference of the Regions (Conferenza delle Regioni, 2011). The latter mainly aims to define and promote common positions on matters of regional interest, and develop documents and proposals to present to the national and subnational le-

vel (art. 1, regulation 9/06/2005). The Assembly of the Conference of the Regions is composed by the Regional Presidents (art. 3, regulation 9/06/2005). In order to ensure efficacy to its activity, the Conference of the Regions can also rely on eleven Commissions which are formed by members of the Regional Boards (art. 7, regulation 9/06/2005) and technical staff of the regions (art. 7(12), regulation 9/06/2005). The Commissions oversee a specific sector, and therefore perform tasks such as inter alia the formulation of proposals in the matters of their competence (art. 7(6), regulation 9/06/2005). For the purpose of my thesis, it is relevant to underline that the Conference of the Regions has a specific Commission in charge of education. The Ninth Commission is indeed competent for Education, Employment, Innovation and Research (Conferenza delle Regioni, 2011).

4.2 Legal framework of regional interest representation at the domestic level

The relevant articles cited in this section are translated from the Italian original version of the legal texts. For sake of simplicity and unless otherwise specified, all provisions referred to below are taken from the Italian Constitution valid today.

4.2.1 Internal division of competences

The current division of competences between the State and the regions is based upon the 2001 reform of Title V of Part II of the Constitution. Before such reform, art. 117 listed the fields of regional competences and left the general residual power in all other policy areas to the State. The reform has instead introduced a technique typical of federal States which consists in granting general residual powers to the regions (Marzano, 2012). Such a novelty has therefore implied a shift in the formulation of the above-mentioned art. 117 and has led to a widening of regional powers. The Constitution grants the regions a high degree of powers at the domestic level.

Italy is today based on a structure of powers that are divided into exclusive competences of the State and concurrent competences between the national and subnational level (art. 117). Exclusive legislative powers are prerogative of the State but can be delegated to the regions (art. 117). Exclusive legislative competences entail the typical traditional powers of a State, such as inter alia immigration, defence, currency, citizenship and civil and criminal order (art. 117). The legislative power of the State is conferred upon the two Chambers (art. 70) of the Parliament, which are the Chamber of Deputies and the Senate of the Republic (art. 55). The latter is elected on a regional basis (art. 57(1)) and thus ensure a certain degree of regional representativeness in all policies. The President of the Republic promulgates laws (art. 73), is the Head of the State and represents the unity of the country (art. 87).

The regions are bestowed with concurrent legislative powers and with the legislative power related to any competence not expressly reserved to the legislation of the State (art. 117). In relation to concurrent competences, the State has in any case the legislative power to determine their fundamental principles (art. 117). Concurrent competences entail powers such as inter alia healthcare, civil protection, production and national transport and distribution of energy (art. 117). Regions can also conclude agreements related to their competences with other subnational entities (art. 117).

For the purpose of my thesis, it is important to underline that the State has exclusive legislative competence to set general norms on education (art. 117(n)). Education is instead a concurrent competence, except for the autonomy of educational institutions and vocational education (art. 117). Scientific and technological research, sport, promotion of cultural heritage and promotion and organisation of cultural activities are also concurrent competences (art. 117). Therefore, at the domestic level regions detain a substantial degree of power on education but do not have full autonomy in the

field. As explained in the previous chapter, a clear delimitation of competences is fundamental in ensuring that regional actors will have a role to play at the supranational level. The Italian framework provides such a quite clear delimitation of competences.

4.2.2 Foreign Affairs division of competences

Foreign Affairs and international relations of the State are exclusive competence of the State (art. 117a), whereas international relations of the regions are a concurrent competence (art. 117). Regions can moreover conclude an agreement related to their competences with other countries and are generally in charge of the fulfilment and implementation of international treaties and international agreements (art. 117). The high degree of powers that the Italian Constitution grants to the subnational authorities at the domestic level is therefore transposed, despite not at an equal level, at the international level as well. The President of the Republic has to ratify international treaties (art. 87) and needs the previous authorisation of the two Chambers of the Parliament in cases such as *inter alia* for international treaties that imply territorial changes (art. 80).

5. Conclusions

The legal and constitutional frameworks of Germany, Belgium, Spain, and Italy allocate considerable resources to the respective subnational level. Regions with the highest degree of institutional autonomy are the Belgian ones, followed by the German, Spanish and Italian regions. It is thus likely that regions will strive to replicate such an internal division of powers at the European level. A variation is however identifiable in the power allocated to the subnational entities of such countries at the external level. On the one hand, Belgian subnational entities are fully responsible for their competences in the international arena and Italian subnational entities have some powers on Foreign Affairs. On the other hand, German regions only have a minor involvement in the international level and Spanish subnational entities have none. A variation is also identifiable in the institutional culture of such countries. Whereas Germany has traditionally been characterised by a cooperative form of regionalism, Belgium, Spain, and Italy have traditionally been characterised by a competitive regionalism. The replication of the internal division of powers of Germany at the EU level might be constrained by the national structure of Foreign Affairs. The adoption of a cooperative strategy at the EU level of Belgium might instead be constrained by the competitive institutional culture of the country. The replication of the internal division of powers or the adoption of a cooperative strategy at the EU level for Spain and Italy might be constrained by the national structure of Foreign Affairs, which in any case grants less international powers to the Italian regions than at the internal level, or by the competitive institutional culture of the countries.

Chapter 5: Regional interest representation in the Council under national law and practices

In this chapter, I will set forth the different legal frameworks, social norms and political practices of regional interest representation in the Council of the four countries under study. I will specifically look at how the internal distribution of competences in these three countries feeds into Council participation. For each of these Member States, I will first provide a background of regional representation in the Council and of the division of competences at the EU level between national and sub-national entities. I will then discuss the laws and practices related to regional interest participation.

1. German regional interest representation in the Council

1.1 Background of regional interest representation in the Council

The Länder have always been in first line in the debate about regional dimension in the EU decision-making and have pushed to establish in the German political-institutional framework a series of procedures to support such demands (Nardo, 2008). The EU level was considered at that time to be part of the broader framework of foreign affairs (Suszycka-Jasch et al. 2009) and did thus not have a separate framework from it. The minor involvement of the Länder in foreign competences outlined in the previous chapter hence applied to European competences as well.

From the Länder perspective, the main concern was that pursuant to the opening clause at art. 24(1) of the Grundgesetz the federal government had the exclusive power to transfer powers to international relations without the need to ask for regional consent (Suszycka-Jasch et al. 2009). Many subnational powers were in this manner ceded to the supranational level leading to a situation in which the competences of the Länder and of the EU progressively overlapped, especially in the fields of education, research, culture and broadcasting (Ibid., 2009). This implicitly implied increasing losses of power of the Länder in such fields. Europeanisation, thus, led to a change of balance of power at the domestic level in favour of the central State, which was then regulated through various internal agreements that granted to the Länder an increasing reach to the EU level (Ibid., 2009). Europeanisation, thus, exerted pressure for adaptation that was addressed through cooperation strategies (Börzel, 2001) in reaching such agreements of collaboration. The adoption of cooperative strategies at the EU level was influenced by the cooperative institutional culture of Germany, instrumental institutional rules allocating a high degree of powers to the Länder at the domestic level and cultural institutional rules according to which the Länder were legitimate policy actors within the country. The German cooperative institutional culture has indeed enabled the Länder to collaborate with the federal State and to have often lost independent powers in return for participation rights in the EU arena (Panara, 2010).

The 1992 constitutional amendment granted to the Länder constitutional recognition and formal participation rights in EU policy-making through art. 23 of the German Constitution (Panara, 2010). The decision to settle the Länder's participation rights through a constitutional amendment was related to the recognition of EU policy-making as a matter of national and not foreign policy (Ibid., 2010). This implicitly guaranteed that the German federal constitutional order could have not been undermined by EU integration (Suszycka-Jasch et al. 2009). Since then, Europeanisation has strengthened the role of the Länder at the supranational level (Taroni, 2003). Europeanisation has so far also increased the need for vertical and horizontal cooperation and has implied the creation of a more cooperative and nested structure (Panara, 2010).

1.2 Legal framework of regional interest representation in the Council

The relevant articles cited in this section are translated from the German original version of the legal texts. For the sake of simplicity and unless otherwise specified, all provisions referred to below

are taken from the German Constitution valid today. The Law on Cooperation between the federal government and the Länder in matters related to the European Union will instead be referred to with the common abbreviation of EUZBLG.

1.2.1 European Union competences

Germany is committed to EU integration through a clause preserving the domestic constitutional structure, the so-called Struktursicherungsklausel (Panara, 2010). Such a structure represents a shift from the initial phases of EU integration in which the EU arena was considered to be part of the foreign affairs one. The powers that the Länder have today at the European level can be traced back to their specific domestic competences.

The main provision related to the role of subnational entities at the supranational level are included in art. 23, which sets indirect Länder participation in EU policy-making as a rule and direct participation as an exception (Ibid., 2010). The Länder participate in matters related to the EU through the Bundesrat, which has to be kept informed in a timely and comprehensive manner (art. 23(2); art. 2 EUZBLG). Before the determination of the German negotiating position on an EU initiative, the federal government has to give the Bundesrat the possibility to formulate observations in a timely manner insofar as the interests of the Länder are affected (art. 3, EUZBLG). Moreover, the Bundesrat has to take part to federal decision-making process insofar as it would have been competent in a correspondent national measure or insofar as the matter falls within the internal competences of the Länder (art. 23(4)). In this latter case, Länder representatives nominated by the Bundesrat are involved in the determination of the negotiations position in relation to an EU matter (art. 4 EUZBLG; art. 6(1), EUZBLG).

The importance that the federal government has to give to the opinion of the Bundesrat in EU negotiations however differs. The opinion of the Bundesrat has to be taken into account insofar as the interests of the Länder are affected in an area of exclusive competence of the federal government or insofar as the federal government has the right to legislate (art. 24(5); art. 5(1) EUZBLG). The opinion of the Bundesrat has instead to be taken with the greatest possible respect insofar as the legislative competences of the Länder, the structure of Land authorities or Land administrative procedures are primarily affected (art. 24(5); art. 5(1) EUZBLG). If the opinion of the federal government and of the Bundesrat differ new consultations are held with the Länder representatives in order to reach an agreement (art. 5(2), EUZBLG). If such agreement is not achieved, the opinion of the Bundesrat is decisive if it is confirmed by a two thirds majority of its members (art. 5(2), EUZBLG). Scholarly research however shows that the debate about the binding or non-binding character of the Bundesrat's opinion has a rather academic nature, as in practice it has always been possible to reach a political solution between the national and subnational level (Panara, 2010). The approval of the federal government is always necessary if the decision leads to increased expenditures or a change in the revenues for the federal government (art. 24(5); art. 5(2), EUZBLG).

The details related to information and participation of the Länder are regulated by the Annex to art. 9 EUZBLG and further specificities are to be decided through agreement between the national and subnational level. Pursuant to point I(1) of the Annex to art. 9 EUZBLG, the federal government and the Länder ensure that the capacity of actions of Germany and the ability to negotiate flexibly EU issues are granted through appropriate organisational and institutional provisions. The two levels have to inform each other about the developments on European Affairs of mutual interest in a spirit of rapid alert (point I(1) of the Annex to art. 9 EUZBLG).

The Bundesrat can update and complete its opinion through the discussion of a matter at the European level (point IV(2) of the Annex to art. 9 EUZBLG). Therefore, the federal government has to inform the Bundesrat through constant contacts, in an adequate form and indicating if the conditions of the process have significantly changed thereby making necessary an updated opinion of the Bundesrat (point IV(2) of the Annex to art. 9 EUZBLG). The rights of the Länder to be informed and to participate to projects of the EU are not limited to legally binding instruments but concern also Green Papers, White Papers, Recommendations, Mixed Decisions, and the preparation and conclusion of international treaties (point I(2), Annex to art. 9 EUZBLG). Point II of the Annex to art. 9 EUZBLG provides a list of documents that have to be sent by the federal government to the Bundesrat, ranging from official documents of the EU institutions and their preparatory or consultative bodies to Non Papers and accounts of informal meetings between members of the institutions and Ministers. Lastly, the federal government and the Länder shall not contradict coordinated positions in meetings at the EU level (point I(1) of the Annex to art. 9 EUZBLG).

The German subnational entities are moreover granted the possibility to open their own offices in Brussels to entertain relations with the EU institutions and other regional entities and take part to European networks and associations. Art. 8 EUZBLG sets the framework of the powers of Länder BOs and their relationship with the German Permanent Representation related to three main aspects. First, the Länder BOs can entertain permanent relationships with the European institutions insofar as this is used to fulfil their constitutional rights and duties. Second, Länder BOs do not receive diplomatic status. Third, the conditions and duties of the German Permanent Representation as representation of the Republic of Germany to the EU are applied without restrictions even in the cases in which the rights of Germany as member of the EU are transferred to a representative of the Länder.

1.2.2 Direct Länder participation in the Council

As previously mentioned, the basis of direct Länder participation in the Council lays at art. 23(6). The provision prescribes that the right belonging to Germany as a member of the EU shall be transferred to a representative of the Länder nominated by the Bundesrat insofar as exclusive legislative competences of the Länder in the fields of education, culture and broadcasting are primarily affected. The exercise of such rights by a representative of the Länder is thus compulsory for EU matters related to these three policy areas, thereby giving considerable powers to the subnational level on these matters. The exercise of such rights shall in any case be exercised with the participation of and in coordination with the federal government (art. 23(6); art. 6(2) EUZBLG), and in a consistent manner with the responsibility for the whole country (art. 23(6)).

Further details related to direct Länder participation in the Council are contained in the EUZBLG. Art. 6(2) EUZBLG specifies that if EU matters are related to the above mentioned three policy areas, the conduct of the negotiations is transferred to a Länder representative in the preparatory bodies of the Commission and the Council, and in the Council meetings at the ministerial level. The Bundesrat has to nominate a Länder representative from the ministerial level to attend meetings at the Council stage (art. 6(2) EUZBLG). There are two exceptions in which the right of a Länder representative to conduct the negotiations cannot be exercised. First, the federal government has to chair Council meetings when Germany holds the Presidency of the Council (art. 6(3) EUZBLG, 2019). Second, the Länder representative may abstain to attend a Council meeting if its agenda includes elements to be approved without discussion (art. 6(4) EUZBLG, 2019). This refers to “Part A” item, which are dossiers for which as previously outlined the preparatory bodies of the Council have already ascertained the necessary majority for adoption (Costantinesco et al., 2000). Therefore,

the Länder representative would in any case be unable to influence the content of EU policy-making at the Council stage.

The three policy areas of compulsory Länder participation in the Council have traditionally been of great political importance for the Länder and are coherent in terms of organisation as they all fall under the competences of the Council formation “Education, Youth, Culture and Sport” (Panara, 2010). Direct Länder participation in the Council is however also possible insofar as the Bundesrat would have had to participate in a correspondent national measure or insofar as the matter falls within the internal competences of the Länder or insofar as the interests of the Länder are affected (art. 6(1), EUZBLG). In these cases, a Länder representative can take part to preparatory bodies of the Commission and the Council and to Council meetings at the ministerial level (art. 6(1), EUZBLG; art. 6(2) EUZBLG). Despite the negotiation is conducted by the federal government, the Länder representative can make declarations in agreement with the representative of the federal government (art. 6(1) EUZBLG; art. 6(2) EUZBLG).

There is no formal rotation between the Länder, but the system seems to be functioning and to not create tensions between the Länder (Panara, 2010). General experience suggests that cooperation between the regional and federal level has been constructive, marked by active participation of the Länder and a consensual approach with the federal level on how to deal with EU policies (Suszycka-Jasch et al. 2009).

1.3 Direct Länder participation in the Council in practice

The following information regarding the practical functioning of German regional interest representation is retrieved from interviews for two main reasons. On the one hand, this allows to get a grasp on the actual functioning of the system through the pragmatic and straightforward point of view of the people part of it. On the other hand, I expect most practical ways of functioning to be agreed upon in an informal and unwritten way between the people working in such a system. The following section is thus based on an interview with interviewee 3, one of the two Bundesratsbeauftragten (the German equivalent of regional experts) on education. Interviewee 3 is based in the Regional Representation of Bavaria in Brussels.

The German Bundesrat has appointed two regional representatives for the education working group, which are one representative from Bavaria and one representative from Saarland. The regional experts take part in the working group, accompany the Minister in the Council and do not attend the COREPER. A further internal decision has set that both Länder are responsible for education at the Council stage as well. The Minister of Saarland is the official representative in the Council, whereas the Minister of Bavaria acts as his substitute. Interviewee 3 explains that the appointment of these two Länder is a political choice. This is based on the willingness to have two representatives representing a broad political spectrum of the Länder governments in Germany. Bavaria has indeed a stable conservative government, whereas Saarland a social democratic one.

Bundesratsbeauftragte are appointed for three years, however interviewee 3 claims that renewals of the appointment are always possible and usual as well. The representative of Bavaria has been doing this job at least for the last ten to fifteen years. Interviewee 3 specifies that his job has two hats at the same time. On the one hand, he is Bavarian representative in the Bavarian Regional Representation in Brussels. On the other hand, he is representative of the Bundesrat sitting in the working group and the Council on behalf of all Länder. In this second role, he is responsible and accountable to the Bundesrat as a whole.

As a Bundesratsbeauftragte we are working for the Bundesrat and on behalf of all Länder. My colleague and I, we have to find a common and acceptable position for all Länder. As long as we are working in our role as Bundesratsbeauftragte, we are in charge of the concerns of all Länder respectively the Bundesrat.

In practical terms, the development of the Länder position on a specific policy issue takes place according to various steps. First, usually the two Bundesratsbeauftragte and the Ministries at home in their Länder prepare a first draft of a position paper. In this document, they analyse the pros and cons of an EU policy proposal from a Länder perspective. As concrete example, the Proposal for a Council Recommendation on a comprehensive approach to the teaching and learning of languages. In that case, the positive value of learning foreign languages was highlighted but it was also underlined that the required language proficiency was too high and that ancient languages also had to be preserved. The draft position paper is usually divided in approximately ten to twenty points including the different positions related to them. Such process is eased by the knowledge the two regional experts have of the Länder, which allows them to anticipate their points of view and problems. Therefore, usually their first draft and the position of the Länder do not differ much.

Second, the first draft is sent to the Bundesrat to be approved by all Länder. At the Bundesrat stage, all the Länder have the opportunity to read the text, express their opinion and negotiate the common position. Interviewee 3 explains that

As basis for our work in the working group, we, the Bundesratsbeauftragte, usually get a position paper of the Bundesrat... the so-called Bundesratsstellungnahme. The first draft of this paper is usually prepared by the two Bundesratsbeauftragte and the ministries of their two Länder. But the first draft is just a first draft. Later there is the opportunity to be changed or complemented by proposals and positions of all Länder... If there are different opinions between the Länder, we have to negotiate them between the 16 Länder. This needs time, but in the end we always found a position, which is acceptable for the large majority of the Länder... There is a formal decision-making process within the Bundesrat... Initially the draft of the position paper is negotiated in the European and/or Cultural Committee of the Bundesrat. The final decision is made by a majority vote in a plenary session of the Bundesrat.

All Länder take part to the process through the Bundesrat. However, as the interests of the Länder differ their actual impact on a policy varies based on the topics each one of them decided to focus on. Through the discussions, the European and/or Cultural Committee preparing the Bundesrat's work is/are involved as well. The Bundesratsstellungnahme is usually done at the beginning of the negotiations as it usually needs to be finished in a timespan between two and three months after the relating proposals have been published by the Commission. Third, the common position is sent to the Commission by the Bundesrat to underline the position of the Länder on the specific topic. The common position is used by the two Bundesratsbeauftragte as a basis and as a guideline for the further negotiations. It is however possible that the position paper will be updated a second time during the negotiations.

At the EU level, the two Bundesratsbeauftragte have to transfer the Bundesratsstellungnahme according to the development of the negotiations in a more specific position to be uphold during a working group meeting. The two Bundesratsbeauftragte usually receive the paper related to a working group meeting one week before it will take place and have to analyse it, word by word and sentence by sentence, based on the guidelines of the Bundesratsstellungnahme.

We, as Bundesratsbeauftragte, are bound by the guidelines of the Bundesratsstellungnahme. But they usually... not always, leave us some scope for the negotiations. During the negotiations the Bundesratsbeauftragte... have to fill in this scope to find a concrete position to the different topics. And we are mandated to do so, as long as we are in line with the general position of the Bundesrat... We keep the Bundesrat and all Länder constantly informed about the ongoing of the negotiations, willing to receive hints and ideas... If we receive the latest version of the proposal, we both look separately from each other to this paper. We compare it with the positions of the Bundesratsstellungnahme and we talk to the

experts in our ministries at home to get some additional knowledge about all the... specific topics.... In the end we bring all these point of views together, discuss it between the both of us, and formulate a concrete position for our negotiations... All this, within the borders of our mandate.

The two regional experts finalise a common position for the Länder. The next step is to find a common position with the federal government. Therefore, the Bundesratsbeauftragte discuss the topic with representatives of the Federal Ministry of Education.

The federal ministry of education and science has its own view and its own position regarding the papers. Therefore, we compare our positions and try to find a common one... This is necessary because we need one common German position for the negotiations in working group... In this preparatory body Germany speaks with one voice. This common position is written down in a guideline (“Weisung”), which is binding for the negotiators in the working group... Usually we are able to find a common solution during our first discussions... If we can’t find a solution, there are rules on how to deal with such a situation... According to art. 5 EUZBLG, the position of the Länder is “maßgeblich zu berücksichtigen”, which means “to take into account decisively”... if the main focus of the topic is within the legislative power of the Länder. But... we always try to find a common solution... and until now, in the field of education, we almost always found one.

The so-called Weisung represents a common line between the federal government and the Länder, and it is binding guideline for the negotiations in the working group. The regional experts are not allowed to skip the Weisung and are strictly bound by it, therefore

If the negotiations are going into a direction, which isn’t covered by the Weisung anymore, we have to set out a scrutiny reservation... This means that we reserve our right to bring forward our position during the next meeting. Until then we have to start the earlier described position finding process again.

At the working group stage, both the regional and federal experts are present. At the end of each working group meeting, the two experts have to write a report for the Bundesrat and the Länder. Such piece of document basically explains the outcome of the negotiations and is directed specifically to the regional Ministries for education and the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany.

1.4 Analysis of direct Länder participation in the Council

The following table is an own elaboration and summarises my findings about the German structure of regional interest representation based on the analysis of the legal texts and interviewees.

Internal structure of division of competences and relationship with EU	<ul style="list-style-type: none"> • Exclusive and concurrent legislative competences • Education as concurrent competence regulated mainly by the Länder, some federal competences • Correlation of instrumental institutional rules of the Länder at national and EU level
Foreign Affairs division of competences and relationship with EU	<ul style="list-style-type: none"> • Exclusive federal power • Länder can conclude international treaties on education with federal State’s approval • Länder have smaller instrumental institutional rules at international than EU level
Institutional culture	Cooperative regionalism
Common strategy and regional legitimacy in EU	<ul style="list-style-type: none"> • Cooperative strategy for non-politically sensitive issues • Regional and national position usually coincide • Always find a specific common position before working group • Länder as legitimate partners in EU policy-making
Disadvantages of structure	<ul style="list-style-type: none"> • Bundesrat is slow in reaching common agreements and solutions • Different opinions for mixed competences • Difficult for politically sensitive issues

General mechanisms of regional participation in EU ascendant phase	<ul style="list-style-type: none"> • Constant contacts and information • Bundesrat's right to formulate observations if interests of the Länder are affected • Opinion of the Bundesrat is taken into account with greatest possible respect if legislative competences of the Länder, structure of Land authorities or Land administrative procedures are primarily affected • Bundesrat takes part to federal decision-making insofar it would have been competent in a correspondent national measure or insofar as the matter falls within the internal competences of the Länder • If no agreement is reached, opinion of the Bundesrat prevails
Principles of direct regional participation in Council	<ul style="list-style-type: none"> • Right of Germany as member of the EU is transferred to a representative of the Länder nominated by the Bundesrat • Right shall be exercised with the participation of and in coordination with the federal government, in a consistent manner with responsibility of the country as a whole • Direct participation for exclusive legislative competences in education, culture and broadcasting
Appointment of regional experts	<ul style="list-style-type: none"> • Stability (10-15 years) • Balance of different political governments • Two Brussels-based Bundesratsbeauftragte appointed by the Bundesrat • Regional experts speak • Attendance at working group and Council
Development of regional and joint common position	<ul style="list-style-type: none"> • Draft position paper is developed by two Bundesratsbeauftragte and two Länder Ministers • Draft position paper is negotiated in European and/or Cultural Committee of Bundesrat • Position paper is approved by majority in Bundesrat's plenary • Bundesratsstellungnahme as binding guideline for negotiations • Bundesratsbeauftragte analyse paper of a working group meeting based on Bundesratsstellungnahme (scope for negotiations), supported by experts in home Ministries • Bundesratsbeauftragte negotiate the Weisung with federal representatives • Weisung as formal binding guideline for working groups and Council
Aim of strategy in working group	<ul style="list-style-type: none"> • Regional influence • Lobbying and representing
Regional influence in working group	<ul style="list-style-type: none"> • Yes • Working group most important stage to influence EU policy-making on technical matters
Negotiations in working group	<ul style="list-style-type: none"> • Federal level is always Head of delegation • National and regional levels cannot contradict coordinated position • Länder representatives speak on behalf of the country as a whole • Constant information to the Länder • Federal government has to inform the Bundesrat if conditions of the process have significantly changed, making necessary an updated opinion of the Bundesrat • Bundesratbeauftragte put a scrutiny reservation if not covered by the Weisung • Bundesratbeauftragte write a report to the Länder

Figure 1. Structure of regional interest representation of Germany (own elaboration).

1.4.1 Institutional Dependency Model

The German legal framework allocates considerable instrumental institutional rules to the Länder in terms of legal and political resources. As previously outlined, the German Constitution grants a high degree of formal competences, rights of participation, autonomous decision-making and capacity to influence policy-making to the Länder at the domestic level.

As the Länder are granted high resources in national policy-making and decision-making, they have mobilised to get high resources in EU policy-making and decision-making as well (H3). The powers that they have on education at the European level are indeed correlated to their internal competences on the field. The correlation is not totally equivalent as the federal government retains the responsibility for Foreign Affairs and is therefore always the Head of the German delegation.

The degree of overlap between the competences exercised at the regional and EU levels has led to regional mobilisation to preserve their autonomy in terms of regional participation in the Council (H4). Interviewee 3 indeed explains that it was such general overlap between EU competences and regional ones that led to the creation of art. 23 allowing for general direct Länder participation in the Council.

National provisions of joint decision-making in the Constitution and in the EUZBLG highlight the presence of cultural institutional rules in which the role of regions in policy-making and decision-making is seen as legitimate and socially acceptable in the field of education. *As it is perceived as appropriate that the Länder take part to domestic policy-making, national actors perceive such subnational entities as legitimate partners in EU policy-making as well (H5).* Legitimacy is connected to the fact that education is a Länder competence within the country and their powers are then partially externalised at the European level. Interviewee 3 indeed explains that from the perspective of the federal level

The structures of cooperation between the federal government and the Bundesrat, all the rules and the system are accepted and all participants... are working together in a good manner.

The national and subnational level, moreover, seem to have adopted a cooperative strategy to act jointly in EU policy-making on education. Due to the Länder heterogeneity, they consequently have different opinions on policies. Indeed, interviewee 3 argues in favour of the German system in which it has always been possible to find a common solution to act jointly in EU policy-making on education. It has indeed never been necessary to resort to Constitutional Court for disagreements in the field. However, more complicated discussions have taken place for more politically sensitive issues. Interviewee 3 explains that the different ideas on the texts are related to the diversity of the actors involved rather than based on a distinction between national and regional level. The federal state and the Länder do not clash with each other. These claims confirm the findings of previous scholarly research on the cooperative nature of the German system. The actors involved in the domestic process simply have their own agenda they want to bring through based on their competences.

There are different opinions and positions... especially if there are mixed competences of the federal government and the Länder, like in the field of vocational education and training... For sure, everyone is trying to protect his own competences and to implement his own ideas. But all participants in this system accept the existing rules of cooperation... and they try to work together in a good and effective way.

As already emerged in the explanation of the legal texts, it is indeed the domestic competences to be decisive for the role of the regions in the EU. The primary role of domestic competences and the existence of a cooperative strategy on education have been constantly repeated in the discourse of interviewee 3. Furthermore, he has highlighted the importance of the existence of rules according to which regional positions would prevail in the field of education. Interviewee 3 explains that the plurality of actors involved implies that discussions in the Bundesrat are lengthy. Despite he assesses such large participation as positive, he argues that consequently, the Bundesrat is not fast in reaching agreements and common solutions.

1.4.2 Influence of regional interest representation on EU policy-making

Interviewee 3 thinks that regional interest representation in the education working group has an influence on EU policy-making. He argues that any other mechanism of regional interest representation would necessarily lead to more distance between the Länder position and the actual negotiations. Concrete examples of negotiations in the working group in which the Länder position has in-

fluenced a dossier include the Proposal for Council Recommendation on early childhood education and care and the Council Recommendation on a comprehensive approach to the teaching and learning of languages. The latter required, in addition to the language of schooling, the knowledge of two other European languages. The Länder and the federal state accepted the proposal. However, they have a long tradition in Latin and ancient Greek, and thus asked to have the possibility to fulfil the requirement with such languages as well. Their demand was accepted and is now inserted at footnote 10 to the Recommendation. As the regional and national perspectives are merged into a common position, it could be questionable if such objectives consider the position of the subnational entities as well. This is, however, granted through the domestic mechanisms that will make the Bundesrat position prevail in case of disagreement. Subnational influence is in line with the nature of regional expert which is defined by the interviewee as both a representative and a lobbying one.

According to interviewee 3, participation in the working group and in the Council equally allow for regional interest representation on education. However, the type of influence is different. Participation in the working group is related to the technical negotiations, which can usually be concluded at that stage. Therefore, usually decisions in the Council could be made without any detailed negotiations. Participation in the Council instead is mainly related to the political responsibility and the political impact.

Interviewee 3 highlights various reasons for which regional interest representation through the education working group has an impact on EU policy-making. First, domestic rules of regional consultation related to participation in the Council ensure that the regional position will have more impact on the national position finding. Second, presence and representation of regional officials gives visibility to the Länder and their position. In relation to visibility, interviewee 3 defines his job more of a representative one. Third, participation in the working group gives the Länder the opportunity to receive and to give information from and to the EU. Fourth, participation in the working group gives the Länder the possibility to directly react and take part to the negotiations. In relation to direct participation, interviewee 3 defines his job more of a lobbying one. Fifth, participation in the working groups gives the Länder the possibility to see how negotiations work and to create a network of contacts. In relation to the last point, interviewee 3 explains that participation in the working group is important

Not only to be able to bring your own position forward... But also to understand the positions of other Member States and their reasons behind it. As being a member of the working group you are able to discuss and to understand the different approaches.... You have to... find a way to keep your own position and your own interests and to be open to the interests of others. All of the work in this working group is about reaching an agreement and compromise, to find a commonly shared, acceptable solution for everyone in the EU.... Therefore, it is important that you are involved in this process.

1.4.3 Conclusions

National actors perceive subnational entities as legitimate partners in EU policy-making on education and the two levels have adopted a cooperative strategy to act jointly in EU policy-making on the field. Subnational actors moreover pursue strategies aimed at influencing the content of EU policy-making on education. Under the IDM, national cultural institutional rules and instrumental institutional rules thus seem to allow the German structure of regional interest representation in the working groups of the Council to effectively influence EU policy-making on education. Such influence was confirmed by the interviewee for the German structure.

2. Belgian regional interest representation in the Council

2.1. Background of regional interest representation at the EU level

During the first years of EU integration, the federal State indeed retained EU-related competences (Börzel, 2001) while the subnational level demanded powers in the supranational arena to preserve its ethical and linguistic rights (Beyers and Bursens, 2006). The federal and subnational level engaged in competition and confrontation for powers at the EU level (Börzel, 2001). Europeanisation thus initially exerted pressure for adaptation that was addressed through competitive strategies (Ibid., 2001). Such situation can be related to instrumental institutional rules allocating a low degree of powers to the Communities and Regions at the domestic level, cultural institutional rules according to which such subnational entities were thus, not legitimate policy actors within the country and a competitive institutional culture. After the recognition of legislative powers to the subnational level within the country in 1970, EU competences were not immediately granted to the Communities and the Regions. Participation of the latter in meetings at the EU level took place only in 1988 because of the establishment of the principle “in foro interno, in foro externo” (Bynens, 2018). Therefore, despite Belgium was characterised by instrumental institutional rules allocating considerable powers to the Regions and Communities at the domestic level, cultural institutional rules according to which subnational actors were not yet fully legitimised as policy actors and the Belgian competitive institutional culture hampered the adoption of cooperative strategies at the EU level.

With the 1994 Cooperation Agreement, the Federal State, the Communities and the Regions however, confirmed and authorised the process for representation of Regional Ministers in the Council as put forward in the Maastricht Treaty (Bynens, 2018). Since then, Europeanisation has been shown to stimulate the federal and subnational level to cooperate through practices of cooperation and joint decision-making on EU-related matters (Beyers and Bursens, 2006). Regions and Communities, thus, seem to have been recognised as legitimate policy actors and the Belgian competitive institutional culture might not negatively influence the adoption of cooperative strategies. The federal State has, however, tried to dominate and centralise certain issues, such as the EU Treaty revision or Social policy (Ibid., 2006).

2.2. Legal framework of regional interest representation at the EU level

The relevant articles cited in this section are translated from the French original version of the legal texts. For the sake of simplicity and unless otherwise specified, all provisions referred to below are taken from the Belgian Constitution valid today. The Cooperation Agreement between the Federal State, the Communities and the Regions on the representation of the Kingdom of Belgium to the Council of Ministers of the European Union will instead be referred to with the abbreviation of CA.

2.3 European Union competences: “in foro interno, in foro externo”

The foreign affairs principle “in foro interno, in foro externo” applies to the European arena as well (Bergen and Van Tittelboom, 2019). Each competence that belongs to the Federal State, a Region or a Community at the national level is thus to be exercised by the same authority at the European level as well. Therefore, the degree of power granted to subnational entities is very high and equivalent to the one they can exercise within the State. Consequently, every federal and subnational Minister is responsible for domestic, international, and European initiatives within their ministerial remit (Bynens, 2018).

The only constitutional provision that specifically and exclusively relates to European competences deals with the right of information of the two federal Houses. The House of Representatives and the Senate have indeed to be informed from the beginning about the negotiations on the revision of the

treaties establishing the European Union and of the treaties and acts that modify or complement them (art. 168). Moreover, they have to receive the draft treaty before its signature (art. 168). Sub-national interest representation is, however, granted through a complicated machinery at every stage of EU policy-making, which is set with various specific agreements between the federal and subnational level (Bynens, 2018). Each legislative proposal of the Commission is for example received simultaneously and collectively by each of the seven Belgian Parliaments, allowing them to check the document separately (Bergen and Van Tittelboom, 2019).

The Belgian position in the Council of Ministers is the result of a long multi-phase consultation (Ibid., 2019). Before each Council meeting, a coordination meeting takes place at the domestic level (art. 2(2), CA) aiming at determining and defending the Belgian position within the EU (Annex III(5), CA). Coordination has to be ensured both under a general point of view and for each point in the Council's agenda (art. 2(1), CA). Therefore, coordination meetings take place for each policy domain in a systematic and horizontal manner (art. 2(2), CA). The coordination is guaranteed within the Directorate for the Administration of European Affairs (art. 2(1), CA). The latter is indeed the body specifically in charge of the preparation, definition, representation, management and follow-up of EU policies in Belgium (Service public fédéral Affaires étrangères, 2019). Such a body thus grants continuity in the exchange of information and in the Belgian position. All the competent authorities are invited to the coordination meetings, such as inter alia the Prime Minister, the Minister for European Affairs, the Permanent Representative to the EU, the Attachés of the Regions and the Communities and the federal and subnational Departments (art. 2(2), CA). Within such coordination meetings, the Belgian position is agreed upon by consensus (Annex III(5), CA) in order to ensure the representativeness of the sometimes differing interests of the various authorities (Bergen and Van Tittelboom, 2019). In the case of persistent disagreement or lack of consensus, the Directorate for the Administration of European Affairs refers to the Inter-Ministerial Conference on Foreign Affairs (art. 4; Annex III(5), CA). The Ministry for Foreign Affairs which is the head of the Directorate for the Administration of European Affairs is then in charge of sending instructions on the Belgian position to the actors involved in the negotiations at the supranational level. These actors are most notably the Permanent Representation to the EU and the competent federal, Community and Regional Ministers (art. 5, CA).

Ad hoc coordination meetings at the domestic level can also be organised for technical matters (art. 3, CA). Such sessions shall however not compromise the horizontal meetings within the Directorate for the Administration of European Affairs, as that is in any case the stage in which the Belgian position is agreed upon (art. 3, CA). Actors involved in ad hoc coordination meetings are moreover obliged to refer to the Directorate for the Administration of European Affairs if certain elements contain a political dimension (art. 3, CA).

According to Annex III(4), two general principles need to be respected in the determination of the Belgian position. If a Council configuration deals with matters that are mainly federal competences, the Federal State has to take into account the point of view of the Communities and the Regions when their interests are concerned. What has to be particularly considered are the repercussions and obligations for the subnational entities, and if their competences, structures, or legal and administrative procedures are affected. If a Council configuration deals with matters that are mainly subnational competences, the rights of representation that the federal authority owns as Member State of the EU in the concerned Council are transferred to the subnational representatives. The transfer of the rights of representation takes place in agreement with the federal authority, whose general re-

sponsibility has to be respected, especially, for expenditure-related matters and issues of horizontal nature.

Regional BOs are formally part of the Belgian Permanent Representation in Brussels (Bergen and Van Tittelboom, 2019). The fact that the federal and subnational entities share a common House plays an essential role for regional participation in the EU decision-making process (Ibid., 2019).

2.3.4 Direct Community representation in the Council

The structure put in place to represent the Belgian interests is based upon the respect of the subjects that are negotiated in the Council and of the domestic division of competences (Annex I, CA). The representation of Belgium is ensured by one Minister, the so-called *Ministre siégeant*, who leads and is the spokesperson for the entire Belgian delegation (art. 10(1), CA; Annex III(6), CA). The *Ministre siégeant* represents the country through the duration of the whole Council meeting and is the only authority habilitated to bound Belgium through its vote (art. 10(1), CA; Annex III(6), CA). Therefore, representatives of the Regions and Communities speak and vote on behalf of the whole country (Bergen and Van Tittelboom, 2019) and not only of the subnational levels. The representative of Belgium can be assisted by another Minister competent in the field, the so-called *Ministre-asseur*, which has the right to speak in agreement with the *Ministre siégeant* and whose position has to be taken into account if the Belgian position needs to be adapted (Annex III(6), CA). The *Ministre-asseur* does however not have the right to vote (Annex III(6), CA).

In negotiations at the EU level, the representative of Belgium is strictly bound to respect the Belgian position that has previously been agreed upon. At the Council stage, he is indeed allowed to take a position only on matters that have been object of a previous coordination (art. 2(5), CA). If a consensus fails to be reached in the coordination meetings or through the arbitration of the Inter-Ministerial Conference on Foreign Affairs, he has instead to abstain from vote in the Council (Bergen and Van Tittelboom, 2019). If the Belgian position has to be urgently adapted at the Council or COREPER level in order to soundly take part to the negotiations, the representative of Belgium make the necessary contacts to that end (art. 6(1), CA). Belgian law however contemplates the possibility in which the representative of Belgium might be called to pronounce himself without having had the time to make such contacts or in case of persistent disagreement. According to art. 6(2), in this case he can exceptionally, and ad referendum adapt the Belgian position in accordance to the opinion which is most likely to meet the general interest (art. 6(2), CA). As he is not allowed to commit the Belgian government this adapted position, the final Belgian position will be notified to the Presidency within three days after domestic regulation of the matter (art. 6(2), CA).

The configurations of the Council are divided into six main categories, according to which Belgium can be represented in six different ways and with different gradations (De Becker, 2012). The respect of the above mentioned two general principles of Annex III(4) in the determination of the Belgian position is important because the internal division of competences does not fully correspond with the division into Council configurations (Annex III(4)). Therefore, each category does not correspond to a particular Council configuration in its entirety, but rather to the specific matter that will be dealt with at that stage.

Category I includes Council configurations dealing with General Affairs, Economic and Financial Affairs, Budget, Justice, Telecommunications, Consumer Protection, Development and Civil Protection. This category relates only to federal competences and thus entails “exclusive federal repre-

sensation" (Annex III(4)) whereby Belgium is always represented by the competent federal Minister.

Category II includes Council configurations dealing with Internal Market, Public Health, Energy, Environment, Transport and Social Affairs. This category relates to competences that are mainly, but not exclusively, federal competences and thus entails "federal representation with Assessor of the federated entities" (Annex III(4)). The competent federal Minister is the *Ministre siégeant*, but is accompanied by the competent subnational Minister acting as *Ministre-asseur*.

Category III includes Council configurations dealing with Industry and Research. This category relates to competences that are mainly, but not exclusively, subnational ones and thus entails the "empowerment of federated entities with federal Assessors" (Annex III(4)). The competent subnational Minister is the *Ministre siégeant*, but is accompanied by the competent federal Minister acting as *Ministre-asseur*.

Category IV includes Council configurations dealing with Culture, Education, Tourism, Youth, Housing and Regional Development. This category relates only to subnational competences and thus entails the "exclusive empowerment of federated entities" (Annex III(4)) whereby Belgium is always represented by the competent subnational Minister.

Category V includes Council configurations dealing with Fisheries. This category relates only to subnational competences but entails the exception of "exclusive empowerment of a single Region or a single Community" (Annex III(4)). Belgium is indeed always represented by the competent Flemish Minister, as Flanders is the only coastal Region (De Becker, 2012).

Category VI includes Council configurations dealing with Agriculture. This category relates to competences that are partly federal and partly subnational (Ibid., 2006) and entails "federal representation, assisted by federated entities, to which the rotation system does not apply" (Annex III(4)). The competent federal Minister is the *Ministre siégeant*, but is accompanied by the competent Walloon and Flemish Ministers acting as *Ministres-asseurs* (De Becker, 2012).

When the seat of representative of Belgium belongs to Regions or to the Communities, the system of rotation between the subnational entities and has to be approved by the Inter-Ministerial Conference for Foreign Affairs (art. 7(2), CA). A specific arrangement was indeed put in place for each of these six categories (Federal Public Service Foreign Affairs, 2019). In such arrangements the rotation is however always organised per semester, which is the equivalent of a Council Presidency (Annex II(1) CA). Such rotation is organised to ensure a balance between representatives of the Communities and the Regions with respect to the role of *Ministre siégeant* and *Ministres-asseurs* (Annex II(1) CA).

The specific institutional structures for EU-related matters leading to cooperative strategies suggest the effectiveness of the Belgian framework (Beyers and Bursens, 2006) and guarantee regional involvement on EU-related matters (Vos et al., 2002). The CA is however generally considered to be updated as it does not reflect the most recent constitutional changes in the country related to the division of competences (Bynens, 2018).

2.3.5 Direct regional participation in the Council in practice

The following information regarding the practical functioning of Belgian regional interest representation is retrieved from interviews. Interviewee 1 is a senior official of the Government of Flanders, and interviewee 2 is the Flemish Attaché (the Flemish equivalent of regional expert) on education. Interviewees 1 and 2 are based in the Regional Representation of Flanders located in the Belgian Permanent Representation in Brussels.

Each of the three Communities in Belgium have appointed one Attaché on education, who can all attend meetings at the working group, COREPER and Council level. Interviewee 1 and 2 explain that in practical terms meetings between the national and subnational entities take place before discussions at the EU stage. Such meetings can be of informal or formal nature. The first ones are called *Entre-belges* (“inter-Belgian”). For the education field, their management is responsibility of the person in charge of the coordination between the three Communities according to the previously mentioned six-months rotation basis. This is currently task of interviewee 2. He thus adds to have already informally called his French-speaking and German-speaking colleagues in order to ask them what their points and redlines are in relation to the present negotiations. Interviewee 2 explains that after having received the comments,

Mainly we put them together and that’s the Belgian position. Sometimes we have comments which are similar and then we just say: “How are we going to phrase it?”... the French-speaking have a very nice word for this... it’s “l’esprit Belge dans le texte”... It’s not exactly what we have said, but it’s in there... As Attachés we even have a WhatsApp group, we are really a team.

Before and in-between formal meetings, there are various informal meetings or technical meetings to solve specific points. Technical meetings are called ad hoc DGEs. Before formal meetings, the input of all actors involved at the regional level is collected by the competent regional administrations in the field or the Cabinets. If a position is not reached informally, national or subnational actors involved normally call a formal meeting or an ad hoc DGE as it is their right to do so and bring discussion at a higher level.

The second types of meetings are called DGEs (i.e. the coordination meetings in the CA). These are formal administrative-political sessions. Their aim is to reach one common position between the representatives of the three subnational representatives and the federal government to uphold within the Council. Therefore, legally they have to take place before meetings at the Council stage but not before working group ones. Interviewee 2 testifies the high amount of DGEs. He argues that DGEs take place daily. He is invited to all DGEs and estimates that has thus received more than 600 e-mails only for a couple of months. Interviewee 1 clearly summarises that DGEs are:

A kind of clearing house for things that have to be formalised. Before every Council... there has to be a DGE meeting resulting in an official report. That is the Belgian mandate given to the Ministry who will represent Belgium, be it the federal one or the regional one. He has to stick to what comes out of this meeting.

Interview 2 however further specifies that in the education field:

Before working parties... if really necessary, we will have an ad hoc DGE which will tackle points together... But it’s not possible to do it for every working meeting... They make a mandate in which the Attachés together can work on their position, but the broad lines are also set up. An ad hoc DGE will say: “This is the principle Belgium will go for”... For category IV, this DGE is a formality... We only have ad hoc DGEs twice a year before every Council or if there is a Strategic Agenda position and they want some input from education... This is not written on paper, but for us the DGE is the deadline just to have our position together. I come to a DGE and we already know we are there for fifty minutes and we say: “Our Minister, this is our point of view. This is what we have already agreed upon”. Then we have the Federal level... which is mostly presided by someone from the Ambassador level or the Director... He knows... it is really

a formality because no one of our colleagues wants to have a discussion at DGE. I've been here two years and I've never had it. It is really an informal agreement where we have our position.

2.4 Analysis of direct regional participation in the Council

The following table is an own elaboration and summarises my findings about the Belgian structure of regional interest representation based on the analysis of the legal texts and interviewees.

Internal structure of division of competences and relationship with EU	<ul style="list-style-type: none"> • Exclusive legislative competences • Education as mainly exclusive power of the Communities, minor federal competences • Equivalence of instrumental institutional rules of Communities at national and EU level
Foreign Affairs division of competences and relationship with EU	<ul style="list-style-type: none"> • Exclusive legislative competences • Communities can conclude international treaties on education with federal government's disclosure • Communities have equal instrumental institutional rules at international and EU level
Institutional culture	Competitive regionalism
Common strategy and regional legitimacy in EU	<ul style="list-style-type: none"> • Cooperative strategy for non-politically sensitive issues • L'esprit Belge dans le texte • Agreement on specific common position before working group • Communities as legitimate partners in EU policy-making
Disadvantages of structure	<ul style="list-style-type: none"> • Slow to find a position because of high amount of meetings and time • Importance of DGEs for competences that overlap • Difficult for politically sensitive issues • Internal division of competences does not fully correspond to EU one
General mechanisms of regional participation in EU ascendant phase	<ul style="list-style-type: none"> • Constant contacts, information and meetings • General duty to inform each other of all levels of government • What has to be particularly considered are repercussions and obligations for subnational entities, and if their competences, structures or legal and administrative procedures are affected • If a Council configuration deals with matters that are mainly federal competences, Federal State has to take into account the point of view of Communities and Regions when their interests are concerned • If no agreement is reached, referral to Inter-Ministerial Conference on Foreign Affairs or abstention
Principles of direct regional participation in Council	<ul style="list-style-type: none"> • Right of representation that the federal authority owns as a Member State of the EU is transferred to the subnational representatives • Right has to take place in agreement with the federal authority, whose general responsibility has to be respected • Matters that are mainly subnational competences, six categories with different degrees of regional involvement
Appointment of regional experts	<ul style="list-style-type: none"> • Six-months rotation for regional coordination • Balance between Communities • Three Brussels-based Attachés appointed by the Communities • Regional experts speak • Attendance in working group, COREPER and Council
Development of regional and joint common position	<ul style="list-style-type: none"> • Ad hoc DGE gives broad lines and mandate to the Attachés to work together on a position • Binding common position for working group on education is developed during Entrebelges (scope for negotiations) • Ad hoc DGE can take place for technical matters before working group on education • Formal binding common position is approved by consensus in a DGE before Council
Aim of strategy in working group	<ul style="list-style-type: none"> • Regional influence • Lobbying and representing
Regional influence in working group	<ul style="list-style-type: none"> • Yes • Working group as most important stage to influence EU policy-making

Negotiations in working group

- Subnational level can be Head of delegation (ex. always for education)
- National and subnational levels are strictly bound to respect previously agreed position
- Subnational representatives speak and vote on behalf of country as a whole
- Constant information to the Communities
- Subnational representative can exceptionally and ad referendum adapt Belgian position in accordance to opinion likely to meet general interest (but notification three days after)
- Attachés write a report to the Communities

Figure 2. Structure of regional interest representation of Belgium (own elaboration).

2.4.1 Institutional Dependency Model

The Belgian legal framework allocates considerable instrumental institutional rules to the subnational level in terms of legal and political resources. As previously outlined, the Belgian Constitution grants a high degree of formal competences, rights of participation, autonomous decision-making and capacity to influence policy-making to the subnational entities at the domestic level.

As the Communities are granted high resources in national policy-making and decision-making, they have mobilised to get high resources in EU policy-making and decision-making as well (H3). The correlation between subnational competences at the internal and European level on education is equivalent. The degree of overlap between the competences exercised at the regional and EU levels has led to regional mobilisation to preserve their autonomy in terms of regional participation in the Council (H4). Both hypotheses are explained by a general push of subnational entities to have full responsibility abroad for the competences they have within the country. Such demands have led to the creation of the principle “in foro interno, in foro externo” and its application both at the EU and broader Foreign Affairs level, in bilateral and multilateral representation.

National provisions of clear division of competences in the Constitution and in the CA highlight the presence of cultural institutional rules in which the role of regions in policy-making and decision-making is seen as legitimate and socially acceptable in education. *As it is perceived as appropriate that the Communities take part to domestic policy-making, national actors perceive such subnational entities as legitimate partners in EU policy-making as well (H5).* At the domestic level, such legitimacy in the education area is related to four main aspects. First and under a general perspective, constitutionally, and politically the Communities and the Federal State are equal partners. Second, as explained by interviewee 2, education was one of the first policies that received full subnational autonomy with the State reform of 1988. Such autonomy implies that despite the Constitution grants some residual powers on education to the Federal State, the policy is almost exclusively regionalised. Third, schooling is at the core of the Language Laws. As highlighted by interviewee 1, the existence of the country is based on a compromise about the unchangeability of the Language Laws. The latter were born out of the language struggles that took place in the country since its beginning, and symbolise the language divisions within it. Therefore, the delimitation in the competences between the linguistic Communities on schooling are clear-cut and seen as legitimate and inviolable by the domestic actors involved. Fourth, interviewee 2 highlights that negotiations related to education are eased by the fact that the schooling systems of the three Communities are completely separate and there are no major overlaps. Interviewee 1 indeed adds that at the level of education everything goes smoothly as the Communities can control the processes amongst themselves.

At the supranational level, such legitimacy in the education area is related to three main aspects. First, there is no federal authority on education. Interviewee 2 thus argues that the big lack of education is that the Communities are the only spokespersons the EU can talk to. Second, a determining factor is the personal skills of subnational authorities. Interviewee 2 underlines the importance of how regional experts present themselves, their personal state of mind, the personal time invested

in meeting EU officials and officials from other Member States, and the ability to be present at all relevant events. Third, interviewee 2 highlights that EU officials and officials of other Member States tend to be aware of the importance of the regional level on education in Belgium

This is like a given right in education and DG EAC knows for us it's a redline to change this... At one point... two units were changed in the Commission from DG EAC to DG EMPL... DG EAC, they know that Belgium cannot be represented by one person... Now you get more people from DG EMPL, which are not used to... our privileged situation of sending three people to meetings instead of one. They question it... So we also have to guard this principle.

The national and subnational level seem to have adopted a cooperative strategy to act jointly in EU policy-making. In general, in DGE meetings, Belgian actors always try to seek consensus. Interviewee 2 explains that Belgium always tries to reach a common position to avoid abstention of the Minister in the Council. Interviewee 1 indeed adds that they try to avoid abstention at all costs as it damaging, it means loss of influence for the country at every Council meeting and the perception of Belgium as unreliable ally by other Member States. In the educational field, interviewee 2 declares that they are very much in consensus. There is not much friction between the two levels in the field, and decisions are thus taken through continuous contacts and informal meetings. As exemplified by interviewee 2:

I already know what the points of the French-speaking Community are, what their priorities are and I can put them together. I will never say anything that is not agreed by my colleagues beforehand and because we talk so much I can really feel the sensitivities. For example, in education I know I can talk about school infrastructure as much as I want because it's really a common thing... I won't talk about Cohesion policy or about funds for education and cohesion because there the views are completely different.

Lengthier discussions and formal meetings are instead important and necessary for some specific fields. These are either policies in which the federal State is competent, in which regional and federal competences overlaps, or which are politically sensitive (mainly dealing with budgetary issues). Interviewee 1 indeed argues that in these cases, generally frictions and clashes between all levels of government can take place. Conflicts are sometimes based upon a cleavage between the national and regional level, where the latter create alliances. Interviewee 1 indeed explains that:

Most of that kind of problems we are confronted with... are resulting from a kind of psychological resistance amongst federal Diplomats against... devolution. I can understand that to a certain extent, but it's really threatening our position most of the time. A Federal Diplomat... from the beginning is socialised by the idea that Belgium is still one and you are... the most important, the first civil servant... They are really socialised in a way of Belgium that is no longer consistent with reality... That is also the reason why the 1994 Agreement has not been changed as the way we insist it should be.

Interviewee 2 adds that this mechanism is visible from the federal experts as well, who guard their European competences. Interviewee 1 claims that clashes within subnational entities are sometimes also based upon traditionally contrasting political visions and majorities. Flanders has indeed always been centre-right, whereas Wallonia and French-speaking Brussels have always been centre-left or left. The presence of such clashes confirms the findings of previous scholarly research arguing that the Belgian system is generally characterised by a competitive culture and conflicting relationship between the national and subnational level. However, in the case of education this culture seems to be balanced out by a strict division of competences, legitimacy recognised to the subnational level in the field and the non-politically sensitive nature of the policy.

In general, interviewee 1 argues that the system works. The interviewees moreover argue that despite the conflicts, all actors are willing to make such system function as it is in their interest to do so.

They explain that the actors involved are not willing to confront or block each other because it would lead to the impossibility to reach a common position, and thus to lose by default.

The interviewees point out three main disadvantages of the system. First, more recent State reforms were not fully incorporated into the CA. Therefore, the principle “in foro interno, in foro externo” is not completely followed. Second, the large amount of domestic informal meetings before a working group or a Council. Third, the long time needed to find a common position between all actors. According to interviewee 2, usually the other national delegations have already identified their point at the first meeting. The Belgians have instead just identified the general points. However, he explains that after having had informal meetings and a mandate such a situation changes and the negotiations work well. During the second and third meeting, if the Belgian delegation has identified real common objectives, it is very clear and determined in putting forward its common position.

2.4.2 Influence of regional interest representation on EU policy-making

Interviewee 1 and 2 think that regional interest representation in the working group has an influence on EU policy-making on education. A concrete example of negotiations in the working group in which the Flemish position has influenced a dossier include the Council Recommendation on a comprehensive approach to teaching and learning of languages. The latter put forward an article calling for the creation of bilingual schools in border regions. This however clashes with the very strict domestic provisions of the Belgian Language Laws. Interviewee 2 thus claims that after having upheld a strong position on it at the working group level and having contacted the Rumanian Presidency and the Juridical Services, he managed to change the provision into “partnership between schools in border regions”. Such regional influence is in line with the nature of regional expert and regional official. When describing their role in Brussels, the interviewees indeed hint at both representation and lobbying activities.

According to interviewee 2, for the education field participation in the working group allows for a higher regional interest representation than attendance at the COREPER or Council stage. He gives the example of the Council Recommendation on a comprehensive approach to teaching and learning of languages. In that case, a decision was made to keep the discussions at the technical level as schooling and language are considered to be a political topic in Belgium.

According to interviewee 2, COREPER sessions on education indeed are very short as there is not hard law on the field at the European level. He explains that in his experience, the only COREPER of around one hour was the Europass file and that this was considered by his colleagues as the most interesting COREPER they had ever had.

The interviewees do not refer to any specific added value related to regional participation in the working group, as they simply perceive it as their natural right in light of their competences.

Interviewee 2 explains that the dynamics in the working group are highly influenced by personal and linguistic aspects. He argues that even if sometimes the views on education are different, the language proximity makes communication faster between experts speaking the same language

There are links by language that play on a massive scale level, but also on a personal micro-level because it's easier to speak the language and they have a similar vision... It's also personal context... You are a committee, you know each other, you automatically find a group which is friendly, which you like... It's not just the countries and the positions. Sometimes we have a completely different position, but because you are personally connected you would never have a hard position. An Attaché cannot decide what he's saying, but he can decide how he's saying it. That's something that

you really need to take into account... European studies never says how important this plays even in the role of education... Because we are compromising, we can be flexible.

2.4.3 Conclusions

National actors perceive subnational entities as legitimate partners in EU policy-making and the two levels have adopted a cooperative strategy to act jointly in EU policy-making on education. Subnational actors moreover pursue strategies aimed at influencing the content of EU policy-making on education. Despite a competitive culture and conflicting relationships between the national and subnational level, the system seems to allow the Communities to play a role in the subnational arena because of their legitimacy on education and a strict division of competences. Under the IDM, national cultural institutional rules and instrumental institutional rules thus seem to allow the Belgian structure of regional interest representation in the Council to effectively influence EU policy-making on education. Such influence was confirmed by the interviewees for the Belgian structure.

3. Spanish regional interest representation in the Council

3.1 Background of regional interest representation in the Council

After the Spanish accession to the EU in 1986, the central State and the AC faced many difficulties in putting in place a system of collaboration at the EU level (Börzel, 1999). On the one hand, the central State was willing to retain EU decision-making powers (Ibid., 1999). On the other hand, the AC criticised and refused the mechanisms proposed by the national level as they perceived an unbalanced distribution of powers in them (Ibid., 1999). Europeanisation initially reinforced the traditional competitive nature of intrastate relations (Roller, 2004). Europeanisation indeed initially prompted the process of recentralisation taking place at the domestic level (Noferini., 2012) as EU policies were considered to be part of foreign affairs and thus prerogative of the central State (Börzel, 2001). Accession to the EU took place after the internal decentralisation of powers put in place with the 1978 Constitution. Despite instrumental institutional rules granted considerable powers to the AC at the domestic level, cultural institutional rules according to which subnational actors were not yet legitimised as policy actors, and the Spanish competitive institutional culture hampered the adoption of cooperative strategies at the EU level.

After having engaged in conflicts directly with the central State and indirectly through Constitutional Court, in 1992 Spain nevertheless institutionalised the Conference on European Affairs as body of cooperation between the national and regional level on EU policies (Börzel, 1999). In 1997 it was moreover agreed upon that regional representatives could take part to meeting at the working group and Council level (Ibid., 1999). The adoption of such framework of cooperation led to a debate in more recent years on whether Europeanisation is leading the country towards more cooperative interactions between the two levels (Börzel, 2001) or not (Roller, 2004).

3.2 Legal framework of regional interest representation at the EU level

The relevant articles cited in this section are translated from the Spanish original version of the legal texts. For the sake of simplicity and unless otherwise specified, all provisions referred to below are taken from the Spanish Constitution valid today. The Agreement of the Conference for EU Affairs on the Council for regional matters in the Permanent Representation of Spain in the EU, and on the participation of the Autonomous Communities in the working groups of the Council of the

European Union, and on the system of autonomous representation in the formations of the Council of the European Union¹ will instead be referred to with the abbreviation of AURA.

3.2.3 European Union competences

Cooperation between the central and regional level on EU topics is not extensively addressed in the Constitution and was thus set through various informal and ad hoc agreements with a low degree of formalisation and institutionalisation (Noferini, 2012). Art. 93 allows for the transfer of national and regional competences to the EU without the consent of the AC (Börzel, 2001). The Sectoral Conferences and the Conference for EU Affairs (CARUE) are the mechanisms of cooperation between the AC and the Central State on EU-related matters.

The Sectoral Conferences are bodies of discussion of EU policies between the central and regional level (point I, Agreement of the 30/11/1994). Both the competent national Minister and the seventeen competent regional Ministers are part of the Sectoral Conference related to their policy of interest. Such bodies play a role both in the ascending and descending phases of EU policy-making (point II, Agreement of the 30/11/1994). Its members indeed inform each other and reunite before a Spanish decision is developed and after it has been discussed in the Council (Agreement of the 30/11/1994). Such bodies work on a voluntary basis and the agreements resulting from them are of political nature and thus not binding (Maiz et al., 2010).

The CARUE is a body of cooperation between the central State and the AC to articulate a joint participation to EU matters (art. 1.1, Law 2/1997). The CARUE has in particular to ensure the effective participation of the AC in the phase of formation of the will of the State in the EU institutions and in the implementation of EU law (art. 1.2, Law 2/1997). The body is formed by the competent national Minister, the competent regional Ministers of each AC, the Regional Affairs Counsellors, the Secretary of State for foreign policy and the EU and the Secretary of State for Territorial administrations and the Minister of Public Administration, and is chaired by the latter (art. 2.2, Law 2/1997). The CARUE has various functions. First, it allows the AC to receive information and to put in place common discussions about the developments related to EU integration (art. 3.1, Law 2/1997). Second, it articulates mechanisms to make effective the participation of the AC in the formation of the will of the State at the EU level (art. 3.2, Law 2/1997). Third, it enables the participation of the AC in EU policies related to their competences through the Sectoral Conferences or independently from them (art. 3.4, Law 2/1997). Lastly, it ensures the fulfilment of the procedures and arrangements for participation of the AC in EU policy-making (art. 3.6, Law 2/1997).

The Agreement of the 30/11/1994 on the internal participation of the AC in EU affairs through the Sectoral Conferences was agreed at the CARUE level and applies to all Council configurations in which the AC cannot directly attend. It envisages three scenarios of indirect regional participation in EU affairs through the Sectoral Conferences based on the internal distribution of competences (point I, Agreement of the 30/11/1994). If EU matters relate to a competence of the central State but the AC are interested in it the central State will report to the regional level through the Sectoral Conference (point I.1.1, Agreement of the 30/11/1994). If the essential aspects of EU matters instead affect the exclusive competences of the AC or concurrent competences between the central and regional level, the opinion of the latter will be taken into account in a decisive manner in the

¹ Acuerdos de la Conferencia para Asuntos Relacionados con las Comunidades Europeas sobre la Consojería para Asuntos Autonómicos en la Representación Permanente de España ante la Unión Europea, y sobre la participación de las Comunidades Autónomas en los grupos de trabajo del Consejo de la Unión Europea, y sobre el sistema de representación autonómica en las formaciones del Consejo de la Unión Europea

determination of the negotiation position of the State (point I.1.2, Agreement of the 30/11/1994; point I.1.3, Agreement of the 30/11/1994). If negotiations at the EU level make necessary a substantial variation in the Spanish negotiating position, the national level has to inform the AC through the competent Sectoral Conference to facilitate a new common position (point I.2, Agreement of the 30/11/1994). If the conditions do not allow for a new common position, the national level has to explain the reasons why the variation in the Spanish negotiating position in the Council (point I.2, Agreement of the 30/11/1994). If it not possible for the AC to reach a common position, the national administration will take note of the arguments expressed by them (point I.4, Agreement of the 30/11/1994).

3.2.4 Direct Autonomous Communities participation in the Council

The Agreement of the 9th of December 2004 was agreed upon at the CARUE level, and regulates direct participation of the AC both at the Council and working group stage. Some modifications and the extension of the scope of application of the AURA are included in the Agreement of the CARUE of the 07/02/2011. The ratio of participation at both stages is to allow the subnational level to attend EU meetings that affect regional competences (point I.I, AURA). Regional participation at the COREPER level is instead regulated through a separate covenant (point III, AURA), that will not be touched upon because not relevant for the purpose of my thesis.

As a general rule, regional participation takes place at the working group stage (point I.III, AURA) according to two mechanisms (point I.II.1, AURA). On the one hand, an ordinary mechanism which is channeled through the Council for the AC in the Spanish Permanent Representation (point I.I, AURA) and entails the incorporation of a regional Counsellor in the Spanish delegation attending the working group (point I.III, AURA). On the other hand, the incorporation of a member of the technical staff of the AC in the Spanish delegation attending the working group in agreement with the correspondent Sectoral Conference (point I.II.1, AURA), and with previous communication to the competent Minister and Counsellor (point II.1, AURA). The role of the regional Counsellor or regional specialist inside the Spanish delegation is to represent the whole of the regions (point I.II.1, AURA). The working groups open to direct regional participation are those corresponding to the Council configurations open to direct regional participation as well (point I.III, AURA). Such formations are: Agriculture and Fisheries; Environment; Employment, Social Policy, Healthcare and Consumers; Education, Culture, Youth (point I.II.2, AURA) and Sport; Competitiveness and Consumers (Agreement of the CARUE of the 07/02/2011).

The Council for the AC is composed by officials of different AC (point I.II, AURA), appointed by the AC (point I.II.1, AURA) and based in the Spanish Permanent Representation (point I.I.1, AURA). For purposes of internal organisation, the Council for the AC includes a Counsellor Coordinator and other Counsellors (point I.I.4, AURA). The mandate of such different types of Counsellors lasts three years, and can be renewed with the approval of the CARUE (point I.I.5, AURA). The system of regional participation requires an agreement between the national and subnational administration at the CARUE stage (point I.II, AURA). The AC establish by consensus a system that guarantees the succession of Counsellors of different AC (point I.I.6, AURA). The general tasks of the Counsellors are of various nature (point I.I.9.I, AURA; point I.I.9.2, AURA), of which I will now highlight the main ones. First, transmission of information that may affect the competences or the interest to the AC and the Ministry of Public Administration (point I.I.9.1.1, AURA; point I.I.9.2.1, AURA). Second, organise meetings with regional representatives and regional Counsellors (I.9.1.1.2, AURA). Third, promote and follow-up of regional participation in EU Affairs in Sectoral

Conferences (I.9.1.3, AURA). The CARUE may moreover establish additional tasks (point I.I.9, AURA).

At the working group level, the regional Counsellor or member of the technical staff of the AC perform activities mainly related to the collection of relevant information and documents that may affect regional competences (point II.3.1, AURA), assistance to the Spanish delegation (point II.3.1, AURA) and intervention in the working groups meeting (point II.3.3, AURA). The possibility for the regional Counsellor or member of the technical staff of the AC to speak in relation to exclusive regional competences has to be previously agreed with the Head of the delegation, and his denial must be sufficiently motivated (point IV, Agreement of the CARUE of the 07/02/2011).

Regional Minister can attend meetings of the Council at the ministerial level through incorporation in the Spanish delegation (point I.I, AURA) of the previously mentioned Council configurations open for direct regional participation (point II.2, AURA; point II.2.1, AURA). The appointment of the regional Minister attending the Council meeting takes place in the plenary of the Sectoral Conference of the correspondent Council formation (point II.3.1, AURA). The regional Minister is selected through a joint proposal of the AC and his designation follows the procedure set by the Sectoral Conference concerned (point II.3.1, AURA). Such procedure shall however ensure stability, which as a general rule implies that one representative should cover at least one Semester of the Council's Presidency, and succession of AC representative (point II.3.2, AURA). The criteria for each specific system of rotation currently differs per policy. Starting from 2020 and with the only exception of the Fisheries' Council configuration, the system of rotation will be unified and based on the order of approval of the Statues of Autonomy (art. II, Agreement of the CARUE of the 07/02/2011). Pursuant to the general principle of common representation of the AC (point II.1.2, AURA), such regional Minister is the common representative of the AC (point I.II, AURA). He thus ensures the coordination of the AC and a previous agreement with the central administration (point II.3.3, AURA). The responsibility of the negotiations and its results are responsibility of the Head of the delegation (point III, AURA). The regional Minister may thus request the use of the word to the Head of the Spanish delegation and provide direct advice to express a common position adopted by the AC in relation to items on the agenda that affect regional competences (point II.5.2, AURA). The regional Minister can intervene in agreement with the Head of the Spanish delegation (point I.III, AURA), when the latter considers it opportune for the best defence of the Spanish interests and gives him the use of the word (point II.5.3, AURA). The possibility of the regional Minister to speak in relation to exclusive regional competences and when there is a common position of the AC is now the general rule (point IV, Agreement of the CARUE of the 07/02/2011). This has to be previously agreed with the Head of the delegation, and his denial must be sufficiently motivated (point IV, Agreement of the CARUE of the 07/02/2011). In any case, it is explicitly recognised that the position of the AC must be dully be taken into account through the whole process of negotiations (point II.5.4, AURA). Such a system thus prescribes a high involvement of the regional level in policies, such as education, that are prerogative of the AC within the State.

Under a general perspective, horizontal cooperation seems to be predominantly of informal and bilateral nature and to be related to practical and urgent issues (Noferini, 2012). Vertical cooperation between the national and the regional level seems instead to be pretty developed (Garcia Morales, 2006). However, the Sectoral Conferences seems to be a mere channel of vertical cooperation (Noferini, 2012), in which the national Minister dominates and sets the agenda (Maiz et al., 2010) and might thus not allow regional interests to be effectively put forward.

3.3 Direct Autonomous Communities participation in the Council in practice

The following information regarding the practical functioning of Spanish regional interest representation is retrieved from interviews. Interviewee 4 is one of the two Regional Affairs Counsellors, and is based in the Regional Affairs Unit located in the Spanish Permanent Representation in Brussels. Interviewee 5 is a Sectoral Counsellor and is based in the Spanish Permanent Representation.

Spanish Regional Affairs Counsellors can take part to the working group, COREPER II and Council stage. Attendance at the COREPER I level is not possible as it does not include any configuration that under Spanish law is open for direct regional participation. Interviewee 4 explains that in practice Regional Affairs Counsellors do not take part to the COREPER level as they trust the Ambassadors to work correctly. National actors always lead the negotiations and are the only ones speaking on behalf of Spain. The national Sectoral Counsellors and the national Minister are the Heads of the Spanish delegation at the working group and Council stage respectively. Within the working group, the regional representatives cannot take the floor. In the Council meetings, the regional Minister can instead speak to defend the interests of the AC if previously agreed with the national Minister. Interviewee 4 adds

Normally the speaker is the national Sectoral Counsellor. The voice is only one... Only in the case of the Council meetings it is possible for the regional Minister to speak... The national level is the speaker, who represents the Spanish position. The others are listening carefully, but not speaking.

One of the specificities of the Spanish system is the presence of different types of Counsellors, which can have cross-cutting or sectoral tasks. Regional Affairs Counsellors are not regional experts in the strict sense of the word. Interviewee 4 describes herself as a civil servant and her role is to try to support the AC to enable their participation in the policy-making process. She highlights that her role is mainly related to generally allow regional participation in the Council, keep regions constantly informed about developments in the Council, control the correctness and complete the information contained in the reports prepared by the AC technical staff and participate (without right to vote) to the CARUE. Regional experts are instead the members of the AC technical staff, appointed on a rotation basis and based in Spain. According to interviewee 4, the role of the two horizontal Regional Affairs Counsellors is vital as the existence of a high amount of Council configurations open for direct regional participation makes necessary to coordinate information, participation, meetings, positions and common positions of the actors involved. This is confirmed by interviewee 5, who claims that Regional Affairs Counsellors highly facilitate the communication and work closely with Sectoral Counsellors.

According to interviewee 4, the Spanish system related to Council configurations open for direct regional participation works according to four phases.

First, the regional Minister and AC technical staff are designated for a specific Council configuration and related working group according to a six-months rotation basis. The continuity of the Spanish position in the negotiations is ensured by a constant information exchange between AC.

Second, a Regional Affairs Counsellor or a member of the AC technical staff joins the Spanish delegation in the working groups. After a working group meeting and based on who attends the meeting, one of these two regional actors write a report and send it to the AC. Afterwards, the final Spanish regional position is developed.

Third, before each Council meeting regional governments are called to take a regional common position. They develop a position paper that may deal with all issues that will be tackled in the Council or only with a few, based on their interests. Interviewee 4 estimates that usually position papers deal with between one and three specific topics, as regional authorities normally decide to concentrate their efforts on a specific set of issues. A position papers cannot be categorised as overarching documents with own subnational objectives. The position paper is sent to the central State to check whether the two opinions coincide, and a common position for a specific Council agenda is agreed upon by the two levels. Interviewee 4 explains that relevant topics might be discussed both in the CARUE and in the relevant Sectoral Conference. The Sectoral Conferences indeed analyse the subjects under a specialised perspective, whereas the CARUE under a broader European one. CARUE sessions are not held very frequently, approximately four times a year. Therefore, according to interviewee 5 the central State and the AC discuss most topics in the Sectoral Conferences. Interviewee 4 explains that during such domestic mechanisms the central State duly takes note of the arguments of the regional level, but it is not obliged to stick to them.

Fourth, the regional Minister participates to the meeting of the Council concerned. The technical staff of the AC or the Regional Affairs Counsellors write a report at the end of the meeting to inform the other AC. Interviewee 5 adds that after the Council, an informative session between the national and subnational level takes place which in her opinion is the most important meeting between the central State and the AC.

3.4 Analysis of regional participation in the Council

The following table is an own elaboration and summarises my findings about the Spanish structure of regional interest representation based on the analysis of the legal texts and interviewees.

Internal structure of division of competences and relationship with EU	<ul style="list-style-type: none"> • Competences of exclusive State jurisdiction or devolved to the AC • Education as mainly delegated power to the AC, minor competences of central State • Partial correlation of instrumental institutional rules at national and EU level
Foreign Affairs division of competences and relationship with EU	<ul style="list-style-type: none"> • Exclusive power of central State • AC do not have international competences on education • AC have smaller instrumental institutional rules at international than at EU level
Institutional culture	Competitive regionalism
Common strategy and regional legitimacy in EU	<ul style="list-style-type: none"> • Cooperative strategy for non-politically sensitive issues • AC opinion is taken into account in Spanish common position • Usually agreement on a general common position • AC as not legitimate partners in EU policy-making
Disadvantages of structure	<ul style="list-style-type: none"> • Sectoral Conferences do not ensure necessary coordination • Difficult for politically sensitive issues • Not for regions to represent
General mechanisms of regional participation in EU ascendant phase	<ul style="list-style-type: none"> • Informal meetings between regional delegations • If EU matters relate to competence of the central State but the AC are interested in it, central State reports to the AC through Sectoral Conferences • If essential aspects of EU matters affect AC exclusive competences or concurrent competences between central and regional level, AC opinion will be taken into account in a decisive manner in determination of negotiation position of the State • Agreement is not binding

Principles of direct regional participation in Council	<ul style="list-style-type: none"> • Allow regional participation for EU meetings affecting regional competences • Common representation of the AC, previous agreement with the central State • Direct participation for seven Council configurations
Appointment of regional experts	<ul style="list-style-type: none"> • Six-months rotation for regional participation of AC technical staff, stability of Regional Affairs Counsellors • Balance between AC • One Spain-based member of AC technical staff appointed by competent Sectoral Conference, two Brussels-based Regional Affairs Counsellors appointed by the AC • Regional experts cannot speak • Attendance at working group and Council level
Development of regional and joint common position	<ul style="list-style-type: none"> • Information is retrieved in working group on education • Regional common position is discussed between regional delegations and sent to the State • Meeting of Sectoral Conference or CARUE to discuss a joint common position • Joint common position is not binding for the central State
Aim of strategy in working group	<ul style="list-style-type: none"> • Retrieve information • Representing
Regional influence in working group	<ul style="list-style-type: none"> • No • Working group as most important stage to retrieve information
Negotiations in working group	<ul style="list-style-type: none"> • Central level is always Head of delegation • AC opinion must be fully taken into account through whole negotiation • AC experts represent whole of the regions • Constant information to the AC • If a substantial variation in Spanish negotiating position is necessary, national level has to inform the AC through competent Sectoral Conference to facilitate the new position • AC representatives write a report for all AC

Figure 3. Structure of regional interest representation of Spain (own elaboration).

3.4.1 Institutional Dependency Model

The Spanish legal framework allocates considerable instrumental institutional rules to the AC in terms of legal and political resources. As previously outlined, the Spanish Constitution grants a high degree of formal competences, rights of participation, autonomous decision-making and capacity to influence policy-making to the AC at the domestic level.

As the AC are granted high resources in national policy-making and decision-making, they have mobilised to get high resources in EU policy-making and decision-making as well (H3). There is indeed a correlation between the powers of the AC on education at the domestic and EU level. This correlation is however partial as the national level is always Head of delegation and the common position agreed with the AC is not legally binding. *The degree of overlap between the competences exercised at the regional and EU levels has led to regional mobilisation to preserve their autonomy in terms of regional participation in the Council (H4).* Interviewee 4 indeed explains that it makes sense that the AC will take part to EU decisions because they have competences about in the national arena.

National provisions in the Constitution and the AURA highlight the presence of cultural institutional rules in which the role of regions in policy-making and decision-making is seen as legitimate and socially acceptable on education. *Despite it is perceived as appropriate that the AC take part to domestic policy-making, national actors do not perceive such subnational entities as legitimate partners in EU policy-making as well (H5).* Interviewee 5 explains that in the national framework regions are seen as legitimate partners, and that national authorities are aware that educational matters have to be agreed upon together at the domestic level. The interviewees argue that the national level

takes into account the regional opinion in the development of the Spanish position. Despite formal rules of regional information and participation the national level does not seem to perceive the AC as legitimate partners in EU policy-making. On the one hand, interviewee 5 claims that it is not for the AC to have a representative role at the EU level and that the national level is the only voice of Spain at that stage. This suggests the perception of the regional level as “second-order” participant to the EU policy-making process and that the AC might not be legitimised to have enough room for manoeuvre to actively take part to such a process. On the other hand, interviewee 4 explains that constant contacts and meetings to exchange views normally take place between the AC rather than with the national level. Meetings between the central State and the AC are not organised on a regular basis. Interviewee 4 claims that regional opinions are sent to the national level rather than discussed together to find a common position. Despite such channels enable to national level to be aware of the general regional point of view, this suggests that the central State might not perceive the AC as partners in the EU arena. Interviewee 4 also argues that the EU institutions are not always aware of the legitimacy of regional actors or take properly into account the regional position.

National and subnational actors adopt a cooperative strategy to act jointly in EU policy-making on education. Interviewee 5 argues that the national and regional perspective are always complementary to each other and that the two levels have to be allied. This is true especially in the field of education where the AC are completely in charge of the implementation and are thus very close to the everyday life of it. Under a general perspective, interviewee 4 claims that a good relationship mechanism between the national and subnational level is necessary because of the existence of concurrent competences in the domestic arena. The interviewees explain that the smooth functioning of mechanisms related to education is related to both the domestic competences of the AC in the field and the peaceful nature of education policy. Despite the possible perception of the AC as “second-order” participant to EU policy-making, the national and subnational level seem to be able to cooperate within the domestic mechanisms. Interviewee 4 explains that for general policy debates a concrete common position of the AC is easy to find. This is the case for education. A common regional position is more difficult to reach for other subjects such as European funds. In any case, a general regional common position is usually found. In some cases, there might be an agreement on the specific items. The fact that AC have governments lead by different political parties might create problems, but normally not for the education field.

According to interviewee 4, there are two main disadvantages in the system. On the one hand, the period of rotation is too short. Some files are lengthy and six months is sometimes too short for regional representatives to have a global idea about them. Interviewee 4 claims that it might be better to participate from the beginning to the approval of the final document. There have therefore been discussions about the possibility to change the system. However, such rules still seem to be the most acceptable option as all AC are interested in direct participation. On the other hand, the CARUE and the Sectoral Conference are not very fast in reaching a common position between the AC and the central State. Nevertheless, the discussions between regional delegations enable to take a regional common position to be submitted to the central State’s approval.

3.4.2 Influence of regional interest representation on EU policy-making

Interviewee 4 is skeptical about whether regional participation in the working group has an influence on EU policy-making. She claims that a direct impact of the AC on the negotiations has not happened in many cases and adds

The reasons why the influence is not significant are related with the lack of good coordination mechanisms. Sectoral Conferences should make this coordination possible but they don't work as well as it would be necessary.

A potential lack of impact of the AC at the working group stage is confirmed by interviewee 5. She indeed argues that there is no influence of the AC at the working group level. Their impact is rather indirect, as there are contacts between the national and regional level that allow for the opinions of the AC to be taken into account in the national position.

A potential lack of impact of the AC at the working group stage might also be related to strategies that do not aim at regional influence. According to interviewee 4, participation in the working groups is mainly related to reacting to the discussions at that level rather than influencing them. The interviewees claim that the goal of participation to the working groups is mainly to retrieve information. Participation is considered to be vital to have a better understanding of the negotiations, prepare for the final approval, develop a regional opinion on the topic and be aware of what the AC will have to implement at the earliest possible stage. Moreover, a common position is developed before meetings at the Council stage and there is not always a meeting of the Sectoral Conference or at the domestic level before a working group. The Sectoral Conference is always held before Agriculture and Fishing Council meetings but not in other cases. Therefore, there is often no previously agreed strategy for working group meetings. When asked about the nature of the job of Regional Counsellor, interviewee 4 argues that it relates to the representation of the AC rather than actively putting forward their interests.

Interviewee 4 claims that the working groups is the most important level of regional participation for technical matters. The main interest of the AC is to have the same level of awareness of the central State about the decisions taken at the EU level. From a political perspective, the Council is instead the most important stage. She indeed further explains that:

Maybe the most important information is the one that is being discussed in the working group and has not yet been approved in the Council... The Council is important from the political point of view... to defend a common position in the Council... is very important. But having information of everything independently from the moment in which the final decision will be taken in the Council, is the most important... It's very important to have information before the decision is taken. If the AC want to change something or want to change the position of the Spanish delegation, it's necessary for them to get information from the working group as early as possible.

Interviewee 5 instead claims that the most important level of regional participation is the Council, as it is the only stage in which the AC actively out forward their regional perspective. She explains that during Council meetings on education the national Minister always leaves half of the time to the regional Minister to speak.

In relation to the dynamics of the working group, interviewee 4 highlights that usually Northern Member States and Southern Member States create different coalitions as they have similar ideas on education.

3.4.3 Conclusions

The national and subnational level have adopted a cooperative strategy to act jointly in EU policy-making on education. National actors seem however to not perceive subnational entities as legitimate partners in EU policy-making and the AC seem to not have much room for manoeuvre to put forward their regional perspective. Subnational actors do not seem to pursue strategies aimed at influencing the content of EU policy-making on education at the working group level. The goal of the AC in taking part to the working group seems indeed to retrieve information rather than having an

impact on those negotiations. Under the IDM, national cultural institutional rules and instrumental institutional rules do not seem to sufficiently allow the Spanish structure of regional interest representation in the Council to effectively influence EU policy-making on education. Such lack of influence was confirmed by the interviewees for the Spanish structure.

2. Italian regional interest representation in the Council

2.1 Background of regional interest representation in the Council

The increasing role of the regions at the domestic level during the 1970s had implications for the European level as well. It indeed highlighted the necessity to re-draw the internal division of competences between the national and subnational level on the elaboration of national decisions for the ascendant phase of EU decision-making (Marzano, 2012). The laws in force at that time however still had a centralistic vision of the management of the relationships with the EU (Ibid., 2012). Europeanisation thus seems to have initially exerted pressure for adaptation that did not allow a re-dressing of the balance of power between the national and regional level. Such situation can be related to instrumental institutional rules that had just started to allocate a low degree of powers to the regions at the domestic level, cultural institutional rules according to which subnational entities were thus not yet legitimate policy actors within the country and a competitive institutional culture. Throughout the years, Italy has put in place general mechanisms of information, cooperation and coordination for EU matters.

National authorities have been legally recognised the duty to punctually inform the regions about EU developments (art. 9 of law n. 183/1987). Information had to take place through the transmission of EU legislative proposals, in order for the regions to send their observations on the matter to the national level (art. 9 of law n. 183/1987). Specific meetings within the State-Regions Conference were moreover set to discuss EU matters (art. 22(1), law 234/2012).

The formalisation of regional participation in the ascendant phase of EU policy-making took place as a consequence of the 2001 Constitutional reform (Marzano, 2012). The latter has indeed led to the adoption of law n. 131/2003 and law n. 11/2005, that recognised respectively the power of the regions to take part to the national delegation attending the Council and its working groups (art. 5 of law n. 131/2003) and a more organic system of communication and consultation between the State and the regions on EU matters (law n. 11/2005). These two pieces of legislation have been merged and their scope of application has been expanded through law n. 234/2012, which will be explained into detail in the following section. Therefore, Italy later reacted to Europeanisation by increasing regional powers in accordance to the widening of subnational competences at the domestic level.

2.2 Legal framework of regional interest representation at the EU level

The relevant articles cited in this section are translated from the Italian original version of the legal texts. For sake of simplicity and unless otherwise specified, all provisions referred to below are taken from the Italian Constitution valid today. The Agreement on the Collaboration between the Regions and the Italian Permanent Representation to the EU on education matters of the 12th of July 2018 formalised at the State-Regions Conference level will instead be referred to with the abbreviation of ACRI.

2.2.3 European Union competences

State relationships with the EU are considered to be exclusive competence of the State (art. 117a), whereas relations of the regions with the EU are a concurrent competence. As previously outlined for the domestic framework, the State can set general principles in the field of concurrent compe-

tences (art. 117) and thus also on the relations of the regions with the EU. In the matters of their competence, regions take part to the decisions aimed at the formation of EU legislative acts and ensure their fulfilment and implementation (art. 117).

Pursuant to art. 58(4) of law n. 52/1996, regions have moreover the power to open single or common BOs with the aim of entertaining direct and stable relations with the EU institutions.

Two main mechanisms seem today to enable the formal participation of regions to the ascendant phase of EU policy-making in the domestic arena. These are the communitarian session within the State-Regions Conference and information and participation mechanisms between the national and the regional level. As a consequence of these mechanisms of cooperation and with the aim to develop a close relationship with the State, all regions have opened an office in Rome (Nardo, 2008), where such two mechanisms take place.

The State-Regions Conference should represent the apex of the development of the national position, that should then be taken at the EU stage (Marzano, 2012). The communitarian session within the State-Regions Conference indeed aims to link the national political lines on the elaboration of EU acts with the needs of the regions in their matters of competence (art. 22(1), law 234/2012). The State-Regions Conference united in a communitarian session is especially called to express a position upon the general directions, elaboration and implementation of EU acts related to regional competences (art. 22(2)(a), law 234/2012) and on the criteria and modalities to conform the exercise of regional functions to the observation and fulfilment of EU obligations (art. 22(2)(b), law art. 22(1), law 234/2012). Such meetings have to be convened by the President of the Council of Ministers at least every six months, or also upon request of subnational entities to deal with aspects of EU policies of regional interest (art. 22(1), law 234/2012). The communitarian sessions are moreover backed-up by a broader mechanism of connection and coordination called the “system of Conferences” (Nardo, 2008). The latter is formed by various organisms, the so-called Conferences, uniting national and subnational authorities from various levels and with different tasks that exchange positions between the central and regional level.

Information and participation mechanisms between the national and regional level aim to form the Italian position to uphold at the EU level (art. 24(3), law 234/2012). Information mechanisms relate to various EU matters. The national level has to generally send EU legislative proposals and documents to the regional authorities in order to be discussed by the Regional Boards and the Regional Councils (art. 24(1), law 234/2012). The national level also has to inform and update the regional level in a constant and timely manner about EU legislative proposals related to regional competences (art. 24(2), law 234/2012). In relation to both general EU draft legislation and EU projects and acts related to regional competences, the regions can then send observations on matter of their competences to the national level within thirty days after the reception of such acts (art. 24(3), law 234/2012). The national level has moreover to inform the Conference of the Regions in a timely manner about the proposals and matters of regional competence in the agenda of the Council of the European Union (art. 24(8), law 234/2012). Lastly, within fifteen days the national level informs regional authorities about the results of the meetings of the Council of the European Union in relation to matters of their competences (art. 24(10), law 234/2012).

Participation mechanisms also cover a wide range of EU issues. For matters related to regional competences, the national level convenes the regional representatives to the individual tables of national coordination in order to define the Italian position to uphold, in agreement with the Minister

of Foreign Affairs and the Ministers competent on the matter at the EU stage (art. 24(7), law 234/2012). Regional interest representation is however granted primarily through the State-Regions Conference. If a project of regulatory act relates to a matter of regional competence, one or more regions can request to the national level to convene the State-Regions Conference (art. 24(4), law 234/2012). The aim of such meeting is to reach an agreement between the two levels within thirty days (art. 24(4), law 234/2012). After such a deadline, the national level can however proceed also in the lack of agreement (art. 24(4), law 234/2012). The State-Regions Conference can also require the national level to put a scrutiny reservation in the Council of the European Union (art. 24(5), law 234/2012). If the State-Regions Conference has not pronounced itself within thirty days after the application of such scrutiny reservation, the national level can proceed to activities directed to the formation of EU acts (art. 24(5), law 234/2012). Before a meeting of the Council of the EU and upon request of the State-Regions Conference, the national level inform such Conference in a communitarian session about the proposals and matters of regional competence and explains the position that the government intends to assume (art. 24(9), law 234/2012). Unless the State-Regions Conference is convened and if regional observations have not arrived the day before discussions at the EU level, the national level can in any case proceed in the activities directed to the formation of EU acts (art. 24(6), law 234/2012).

The State-regions Conference has however been criticised for its centralistic vision as the regional position is seen as inferior to the national one (Nardo, 2008), which could thus negatively affect the possibility for regions to influence EU policy-making.

2.2.4 Direct regional participation in the Council

The Italian framework allows for direct regional participation in the Council and the assignment of rights of participation to the regions in the EU arena depends on the internal division of competences. Pursuant to art. 5(1) of law n. 131/2003, regions participate directly to the formation of EU acts in the matters of their legislative competence by taking part to the national delegation to the Council and its working groups. Regional participation can thus take place accordingly to ad hoc decisions between the national and regional level. In the matters of regional competence, the Head of delegation can also be the President of a Regional Board and has to be agreed upon at the State-Regions Conference stage (art. 5(1), law 131/2003). The national delegation has to necessarily envisage the participation of at least one representative of the regions with special Statute (art. 5(1), law n. 131/2003). Regions and the Head of the national delegation have in any case to grant the unity of the representation of the Italian position (art. 5(1), law n. 131/2003).

Italian law also provides for the presence of regional experts based in Brussels, who can take part to the working group, COREPER and Council level (Marzano, 2012). This possibility was first put forward by art. 7(2) of law n. 491/1993, which has assigned a regional expert on agriculture to the Italian Permanent Representation to the EU. Art. 58(2) of law n. 52/1996 has then widened the role and number of regional experts, rendering the presence of five regional experts compulsory within the Italian Permanent Representation. The four regional experts (other than the one on agriculture) are designated within the communitarian session at the State-Regions Conference stage (art. 5(2), legislative decree n. 281/1997). Within that session, the regions also indicate to the national level the topics of their particular interest which can be assigned to such regional experts (art. 58(2bis), law n. 52/1996). The matters of regional interest have been identified through an agreement between the national and subnational level, and are the Committee of the Regions, Structural Funds and Cohesion policies, Environment and Regional Measures constituted through State Aid (Marzano, 2012). Regional experts are appointed on rotation basis between regions of the North, the

South, the Centre and with autonomous Statute (Marzano, 2012). Their office has a duration of two years and can be renewed up to a maximum of eight years (Ibid., 2012).

The role of the five regional experts has however been criticised. On the one hand, an agreement on the exact role of such regional experts at the EU level in relation to such fields has not been set and their activity thus depends on the instructions of the Italian Permanent Representation (Marzano, 2012). On the other hand, these regional experts have to refer about their activities to the Foreign Affairs Ministry (Ibid., 2012). They are thus not formally accountable to regional authorities, and the contacts they have with them and with regional officials are occasional and of informal nature (Ibid., 2012). Therefore, they might not always be fully aware of regional opinions and demands.

A new typology of regional expert has been created in the Italian framework that has closer links to the subnational level and resembles those of the three other countries under study, and that I will therefore focus on. The new typology of regional expert has been established for the education field on the basis of art. 4 of legislative decree n. 281/1997. Such provision indeed specifies that the national and regional level can conclude agreements within the State-Regions Conference to coordinate the exercise of their respective competences and carry out activities of common interest. The specific appointment of the regional expert currently in charge of education has instead been enacted on the basis of art. 4 of legislative decree n. 281/1997. Such article enables the State-Regions Conference to acquire the designation of regional representatives in order to grant regional participation to all decision-making processes of regional, inter-regional, and infra-regional interest. The State-Regions Conference indeed appoints the regional expert on education at the proposal of the region of provenance (art. 3(1), ACRI).

The designation of the regional expert on education has taken place last year. The aim of such an appointment is to increase the collaboration between the national and subnational level in order to ensure support to the Italian Permanent Representation in the fields of concurrent competences (art. 1, ACRI). As previously outlined, concurrent competences are indeed prerogative of the regions at the domestic level. In order to achieve this goal, a regional official into service of single or common BOs can take part to the working sessions of the COREPER (art. 1, ACRI) for the education field (art. 2, ACRI). The regional official has to keep close contacts with a large variety of actors in order to ensure the representativeness of his activities, reports back to them. In the fulfilment of his tasks, he shall indeed previously coordinate with the representatives of the Ministry of Education, University and Research and with the Italian Permanent Representative to the EU in order to ensure the unity of the Italian position (art. 2(2), ACRI; art. 5(2), ACRI). The regional official shall moreover exercise his functions complying with the guidelines and instructions of the modalities of participation issued by the Italian Permanent Representative (art. 5(1), ACRI). The guidelines and instructions of the latter can also be issued through the Coordinator on Culture, Education, Youth and Sports in the Italian Permanent Representation to the EU (art. 5(1), ACRI). The regional expert shall regularly inform the Coordinator on Culture, Education, Youth and Sports and the Italian Permanent Representative about the tasks entrusted to him (art. 5(1), ACRI). He shall also write a yearly report about the activities he has undertaken to the Conference of the Regions, the Ministry of Education, University and Research and the Ministry of Foreign Affairs and International Cooperation (art. 5(3), ACRI). The function of the regional official lasts two years with the possibility to be renewed up to four years (art. 4(3), ACRI).

2.3 Direct regional participation in the Council in practice

The following information regarding the practical functioning of Italian regional interest representation is retrieved from interviews. Interviewee 6 is the Italian regional expert on education, and is based in the Regional Delegation of Lombardy in Brussels. Interviewee 7 and interviewee 8 are senior regional officials based in Rome.

2.3.1 Direct regional participation in the Council

The Italian regional expert on education can attend meetings at the working group, COREPER or Council level. Interviewee 6 explains that he fulfils a two-fold function. On the one hand, he is regional official and is thus inserted in the organisational chart of Lombardy. On the other hand, he is a regional expert and thus accountable to the Ninth Commission of the Conference of the Regions. The latter is, as previously explained, a common organism of all Italian regions in charge of Education, Employment, Innovation and Research.

To ensure the representativeness of the regional position, he regularly receives regional technical opinions from the competent technical staff and the President of the Ninth Commission of the Conference of the Regions, and a domestic body of coordination called Tecnostruttura. He moreover gathers individual regional opinions through the Conference of the Regions, and with the national Department for European Policies. Discussions also regularly take place with individual national technical tables, the Ministry of Education, University and Research and the Italian Permanent Representation. The development of a common position with regional and national actors takes place through informal contacts of these actors before a meeting at the working group level.

Interviewee 6 underlines also the importance of continuous contacts with the regional level and the stakeholders to effectively perform his job. He highlights that the added value of his job is to align the European challenge and priority of education with regional policies. With both types of actors he engages in the two-fold activity to inform them about the ongoing debate in Brussels and to receive directions in a bottom-up perspective. According to interviewee 6, direct contacts are necessary to understand the needs of the individuals and to be aware of the priorities of the regional authorities. Such understanding allows him to have a mapping of the different subnational realities and to thus ground his work on a realistic basis.

2.4 Analysis of regional participation in the Council

The following table is an own elaboration and summarises my findings about the Italian structure of regional interest representation based on the analysis of the legal texts and interviewees.

Internal structure of division of competences and relationship with EU	<ul style="list-style-type: none">• Exclusive and concurrent legislative competences• Education as concurrent competence regulated mainly by regions, some competences of the State• Correlation of instrumental institutional rules of the regions at national and EU level
Foreign Affairs division of competences and relationship with EU	<ul style="list-style-type: none">• Exclusive power of the central State, concurrent power• Regions can conclude international treaties on education with central State's approval• Regions have smaller instrumental institutional rules at international than at EU level
Institutional culture	Competitive regionalism

Common strategy and regional legitimacy in EU	<ul style="list-style-type: none"> • Cooperative strategy • Regional position is taken into account in national position • Common position before working group • Regions are seen as legitimate partners at EU level
General mechanisms of regional participation in EU ascendant phase	<ul style="list-style-type: none"> • Constant contacts and information • In matters of their competences, regions take part to formation of EU legislative acts • Regional opinions • Individual tables of national coordination to define Italian position • Communitarian session in State-Regions Conference to express position upon EU acts related to regional competences • National level can proceed in lack of agreement with the regions
Principles of direct regional participation in Council	<ul style="list-style-type: none"> • Regions participate directly to formation of EU acts in matters of their legislative competence by taking part to the national delegation to Council and its working groups • Increase collaboration between national and subnational level to ensure support to the Italian Permanent Representation in fields of concurrent competences • Representation of country as a whole • Grant unity of representation of Italian position • Education, Structural Funds and Cohesion policies, Environment and Regional Measures constituted through State Aid, ad hoc decisions between national and regional level
Appointment of regional expert	<ul style="list-style-type: none"> • Six years • One Brussels-based regional expert appointed by the State-Regions Conference • Regional expert speaks • Attendance at working group, COREPER and Council level
Development of regional and joint common position	Informal contacts with national and regional actors before working group
Aim of strategy in working group	<ul style="list-style-type: none"> • Regional influence • Institutional lobbying
Regional influence in working group	<ul style="list-style-type: none"> • Yes • Working group as most important stage to influence EU policy-making
Negotiations in working group	<ul style="list-style-type: none"> • Head of delegation can be President of a Regional Board • National and regional level have to grant unity of representation of Italian position • State-Regions Conference can require national level to put a scrutiny reservation • National level generally informs regions of EU negotiations • Regional expert writes a report to the regions

Figure 4. Structure of regional interest representation of Italy (own elaboration).

2.4.1 Institutional Dependency Model

The Italian legal framework allocates considerable instrumental institutional rules to the regions in terms of legal and political resources. As previously outlined, the Italian Constitution grants a high degree of formal competences, rights of participation, autonomous decision-making and capacity to influence policy-making to the regions at the domestic level.

As regions are granted high resources in national policy-making and decision-making, they have mobilised to get high resources in EU policy-making and decision-making as well (H3). Interviewee 6 indeed argues that regional participation in the Council is related to the direct subnational responsibility for the representation of its own interests on education without having to transfer it to the national level. The main motivation in the creation of his role was for regions to preside the discussion tables on education at the EU level. If such a structure will work effectively in the next years, interviewee 6 and 8 argue that it might be exported to other policy areas of concurrent competences. *The degree of overlap between the competences exercised at the regional and EU levels has led to regional mobilisation to preserve their autonomy in terms of regional participation in the Council*

(H4). Interviewee 6 claims that it was such a degree of overlap between European and regional competences on education that led to the creation of his role, which have updated certain inter-institutional mechanisms related to competences.

National provisions of division of competence in the Constitution highlight the presence of cultural institutional rules in which the role of regions in policy-making and decision-making is seen as legitimate and socially acceptable. *As it is perceived as appropriate that the regions take part to domestic policy-making, national actors perceive such subnational entities as legitimate partners in EU policy-making as well* (H5). Interviewee 6 argues to be perceived as legitimate actors both in the national and supranational arena. Such legitimacy is related to the fact that the regions have competences on education, are in charge of its implementation, and directly get the input of operators in the field. Interviewee 6 and 8 nevertheless underline the importance of respecting the limit of competences between the national and subnational level, and to work together especially for aspects on education that overlap between the two levels. The only difficulties faced in the negotiations of the ACRI were related to the division of competences between the regions and the central State.

The national and subnational level seem to have adopted a cooperative strategy to act jointly in EU policy-making on education. According to interviewee 8, the idea behind the ACRI took place through continuous interactions between the national and subnational actors and the willingness of achieving common results. He argues that close contacts between the two levels have become more stable with the presence of the regional expert on education, and that also the national level is positively making use of such a role. Before the ACRI, the State was indeed facing difficulties in putting forward a position and ensuring continuity on education because of the lack of a national expert on the field in Brussels. Interviewee 6 and 8 explain that in such policy area the regional perspective integrates and complements the national one, and never opposes it. Differences between such positions are minor and a compromise is always reached, and collaboration between the national and subnational levels is necessary to achieve regional impact on EU policy-making. Interviewee 6 highlights the importance of having agreed upon a common position and the content of his interventions at the EU level before taking part to the working group. Interviewee 8 claims that the aim in the negotiations is indeed to bring together the different points of view that the two levels have because of their different roles and functions. Interviewee 6 adds that the strength of the regions are a higher focus on the sensitivity of the territories, and an understanding of EU mechanisms that translates into the awareness on whether certain actions and objectives are useful, functional and economically sustainable.

Such a cooperative strategy also seems to be present in the relationship between regions. Interviewee 7 explains that under a more general perspective, Italian regions collaborate with each other. A proof of such cooperation is that despite attendance at the Conference of Regions is not compulsory for subnational authorities, such organism has always worked on a consensus basis and regional representatives have seamlessly attended its meetings (except for two or three exceptions in thirty years). He argues that the political agreement between regions to be together in the relationship with the government is very strong. Interviewee 6 and 8 underline that regional participation in the ascendant phase of EU policy-making and the input of subnational entities have increased after the appointment of the regional expert on education. Regions that were less active at the EU level have instead increased their awareness and pro-activism, whereas other regions make use of the regional expert to directly bring their position within the working group. Subnational entities thus seem to have positively reacted to such a change and to be willing to exploit such opportunity.

It is early to assess the functioning of the Italian system. Interviewees 8 and 8 express themselves positively on the work done so far. Interviewee 7 is instead skeptical about the domestic participation to the general mechanisms of regional interest representation. He thus suggests that the first problem to tackle should be a re-organisation of the regions with a higher consideration of the EU level. The appointment of the regional expert on education represent a change in that direction. Interviewee 7 indeed highlights the importance of having a Brussels-based expert who provides technical details and information on the main EU developments, thereby contributing to the knowledge of the regions.

2.4.2 Influence of regional interest representation on EU policy-making

Interviewee 6 and 7 think that regional interest representation in the working group have an influence on EU policy-making on education. Interviewee 7 claims that the role of regional expert in the Council is related to the higher pro activism that is necessary for Italian regions to have an influence on EU policy-making. Interviewee 6 explains that the main consequence of regional participation in the working group is a higher consideration of the regional dimension in EU policy-making and the development of a more suitable policy for the subnational level. A concrete example of negotiations in which the Italian regional position has influenced a dossier is in the newly approved Erasmus+ program. Interviewee 6, supported by other regional experts, supported the complementary in the coordination of the funds to not penalise the territories and managed to achieve the approval of such proposal.

Interviewee 8 and 6 highlight the key role of anticipation and to integrate the regional position into the national one in order to achieve regional influence on EU policy-making. Regional positions need the previous support of their own central State in order to be effective. Interviewee 6 adds that participation to the discussions in the Council allows regions to control the last phase of the ascendant phase of EU policy-making, where decisions are actually made, which would otherwise not be possible. Interviewee 7 indeed claims that BOs are important for regional interest representation but there are limits to their reach.

When asked about the nature of his job in Brussels, interviewee 6 explains that his function is about institutional lobbying for the regional dimension. His role is to ensure that regional needs and demands will be brought at the discussion tables in the EU arena.

According to interviewee 6, for the education field participation in the working group allows for a higher regional interest representation than at the COREPER or Council stage. He indeed argues that the optimum of regional interest representation is to be able to follow the process from the very beginning and to properly prepare the ground for the negotiations.

According to interviewee 6, the added value of regional participation in the working group relates to many factors. First, it ensures that regions will take part to the decision-making process. Second, it allows regions to have a direct contact with the Commission thereby increasing their incidence on EU policy-making. Third, it grants regions an understanding of the dynamics of confrontation and compromise in the working group.

2.4.3 Conclusions

National actors perceive subnational entities as legitimate partners in EU policy-making and the two levels have adopted a cooperative strategy to act jointly in EU policy-making on education. Subnational actors moreover pursue strategies aimed at influencing the content of EU policy-making on

education. Despite a competitive culture and conflicting relationships between the national and sub-national level, the system seems to allow the regions to play a role in the subnational arena because of their legitimacy on education and the respect of the internal division of competences. Under the IDM, national cultural institutional rules and instrumental institutional rules thus seem to allow the Italian structure of regional interest representation in the Council to effectively influence EU policy-making on education. Such influence was confirmed by the interviewees for the Italian structure.

Chapter 6: Overarching assessment of regional participation in the Council

In this chapter, I will assess if the structures of regional participation in the Council of the four countries under study ensure that regional interests will influence EU policy-making on education. I will first compare the results of these Member States under the IDM. I will then cross-check the opinions of regional representatives taking part to the working groups with their peers and with officials of the European institutions. I will lastly compare the German, Belgian, Spanish and Italian structures of regional interest representation to understand which elements they have in common that can serve as best practices for regional influence on EU policy-making.

1. Perceptions about influence of regional interests on EU policy-making

Interviewee 3 assesses that participation of all regional experts have a direct influence on EU policy-making in the working group on education. Interviewee 2 assesses that the German, Belgian and Italian structures of regional participation have a direct influence on EU policy-making in the working group on education, but the Spanish one does not. Interviewee 1 abstains from answering the question as he does not attend meetings at the working group level.

Interviewee 4 and 5 claim that the influence of the structures of regional interest representation on EU policy-making in the working group on education depends on the internal mechanisms of each Member State. Interviewee 4 and 5 argue to not be aware of the specific functioning of the German, Belgian and Italian internal mechanisms, and that therefore they cannot assess the influence of such structures. According to interviewee 4 and 5, the Spanish model of regional interest representation does not have a direct influence on EU policy-making in the working group on education.

Interviewee 9 and 10 are an official of the Commission and of the Council respectively, attending the working group on education. Interviewee 9 and 10 assess that regional experts in the working group directly influence EU policy-making. Interviewee 9 claims that regional participation in the working group is important for the countries in which regions have an important role, which he argues to be Germany, Belgium, Spain and Italy. Regional participation in the working group is relevant for two main reasons. On the one hand, it reminds EU officials of the specificities of the regional perspective in the negotiations and of the necessity to keep it in mind and include it in EU legislation. On the other hand, it leads to a higher consideration of the subnational demands in the national position which is upheld within the working group. Interviewee 9 and 10 however argue that the direct influence of regional interest representation depends on the internal mechanisms of formulation of the national position. As they are not aware of the specific functioning of such processes, and in line with the opinion of interviewee 4 and 5, they are not able to assess which of the three national structures is more effective in allowing regional interests to influence EU policy-making. Interviewee 9 and 10 conclude that regional experts are the most reliable sources to assess if their national structures ensure that regional interests will influence EU policy-making.

As explained separately for each of the four countries, the German, Belgian and Italian regional experts assess that that regional participation in the working group has an influence on EU policy-making on education. The Spanish regional expert instead assesses that that regional interest representation in the working group does not have an influence on EU policy-making on education. Therefore, combining the analysis under the IDM and the assessment of the various interviewees:

The German structure of regional participation in the Council of the European Union ensure that regional interests will influence EU policy-making;

The Belgian structure of regional participation in the Council of the European Union ensure that regional interests will influence EU policy-making;

The Spanish structure of regional participation in the Council of the European Union does not ensure that regional interests will influence EU policy-making;

The Italian structure of regional participation in the Council of the European Union ensure that regional interests will influence EU policy-making.

Therefore, to answer my research question:

Some national structures of regional participation in the Council of the European Union ensure that regional interests will influence EU policy-making, while others do not.

2. Analysis under an Institutional Dependency Model and overarching assessment

It has been shown that *different institutional cultures, and different degrees of instrumental institutional rules and cultural institutional rules have lead to different specific frameworks and strategies as regions have adapted the changes brought about by Europeanisation to their specific national system* (H1). The four structures of regional interest representation have developed in a different manner and entail different specific mechanisms. Each country has indeed put in place mechanisms of regional participation in a coherent manner with their pre-existing national structures. It has also been shown that *in the long-term, regions have adopted cooperative strategies as they lead to higher influence on EU policy-making* (H2). Germany has traditionally had a cooperative culture and has thus adopted a cooperative strategy on education from its first years. Despite Belgium, Spain and Italy have traditionally had a competitive institutional culture, in the long-term they have all adopted a cooperative strategy in the education field. *As regions have different degrees of instrumental institutional rules and cultural institutional rules, only partial convergence has taken place where some of them have achieved the same results and others have not* (H2). Despite the adoption of cooperative strategies by all four countries, the German, Belgian and Italian structures more effectively allow regional interests to be taken into account in the development of the national negotiating position and to directly influence EU policy-making on education. The Spanish structure instead partially prevents regions to put forward their interests because of a lack of good coordination mechanisms, a lack of regional interest in directly influencing EU policy-making in the working group, and a lack of full recognition of the regions as legitimate partners in EU policy-making by the central State.

As explained separately for each of the four Member States, the specific hypotheses related to the functioning of a particular structure of regional interest representation are not fully tested for each country. I will now compare the different structures of regional participation in the Council to identify which contributing factors are likely to make regional interests influence EU policy-making. These contributing factors will be referred to with the abbreviation of CF. Contributing factors are part of a set of conditions which are sufficient for the outcome of regional interests influence on EU policy-making to occur (Goertz and Levy, 2007). They are not necessary nor sufficient by itself for such outcome (Ibid., 2007), but rather contribute to a configuration of factors that make the outcome more likely (Blatter and Haverland, 2012). The following tables are own elaborations of the relevant elements emerged from the analysis of the legal texts and the interviews with the subgroup of regional officials, and refer specifically to the education field.

	Germany	Belgium	Spain	Italy
Correlation of instrumental institutional rules of the regions at national and EU levels	Yes	Yes	Yes	Yes
Lower instrumental institutional rules at international than EU level	Yes	No	Yes	Yes
Direct regional participation in Council	<ul style="list-style-type: none"> • Regional competences in education, culture and broadcasting • Representation of country as a whole • Agreement with national level 	<ul style="list-style-type: none"> • Regional competences with different gradations in six categories • Representation of country as a whole • Agreement with national level 	<ul style="list-style-type: none"> • Regional competences in seven Council configurations • Representation of regions • Agreement with national level 	<ul style="list-style-type: none"> • Regional competences in four areas and ad hoc decisions • Representation of country as a whole • Agreement with national level

Figure 5. Summary of comparison of division of competence at the national, international and European levels and of principles of direct regional participation in the Council (own elaboration).

As regions in all four countries are granted high resources in national policy-making and decision-making on education, they have mobilised to get high resources in EU policy-making and decision-making as well (H3). This has been confirmed by previous scholarly research and by all regional officials interviewed. As shown in Figure 5, a correlation between the instrumental institutional rules that the regions are granted at the internal and European levels can be identified. Regions of Germany, Spain and Italy have more powers at the European than at the international level. Belgium constitutes an exception since as a consequence of the principle “in foro interno, in foro externo”, there is equivalence of instrumental institutional rules granted to the regions at the internal, European and international levels. Such comparison signals that, in the countries under study, the EU is perceived as extension of the domestic level rather than of the international one. *The degree of overlap between the competences exercised at the regional and EU levels have led to regions to mobilise to preserve their autonomy in terms of regional participation in the Council (H4).* In each of the four Member State, the central government initially reacted to Europeanisation by retaining powers at the national level. However, with an increased overlap between subnational and supranational powers regions mobilised to obtain higher instrumental institutional rules in their fields of competences. As shown in figure 5, direct participation in the Council is currently ensured for specific configurations touching upon competences granted to the regions at the domestic level. Belgium and Spain envisage direct participation for the majority of policy areas in which the subnational level has powers. Germany envisages direct participation for three fields of regional interest. Belgian and Spanish regional representatives thus have generally more room for manoeuvre than their German counterparts. Italy instead envisages direct participation for four policy areas of regional interest, with the possibility for national and regional actors to agree on a case-by-case basis to allow regional participation for matters of subnational competence. This more general framework might represent an opportunity for regions to broaden their scope of direct participation at the EU level.

A difference can be found across countries in the role conferred upon regional representatives when attending meetings at the EU level. Regional representatives should represent the country as a whole when attending the Council (CF1). This is the case for Germany, Belgium and Italy and seems to allow regional experts to have more power and credibility in intervening at the EU level. The right

of Spanish regional representatives to only represent the subnational level seems instead to hamper the possibility for regional influence as it implies less power and credibility at the EU level. In all four countries, the unity of the State is in any case respected through previous agreement with the national level (CF2). Such coordination between national and regional representatives was highlighted as fundamental by all the interviewees. This is indeed important to ensure that the two perspectives will be integrated into the joint common position, and that the regional demands will be backed up by the national level. Without the support of the national government, regions can indeed not influence EU policy-making alone. Regional representatives have to respect the previously agreed joint common position and follow the guidelines of the national level. Regional attendance the Council does thus enables matters of regional importance to be incorporated into the national negotiating position, rather than presenting regional interests as separate issues.

	Germany	Belgium	Spain	Italy
Cooperative institutional culture	Yes	No	No	No
Cooperative strategy	Yes	Yes	Yes	Yes
Legitimacy of regions as partners in EU policy-making	Yes	Yes	No	Yes
Disadvantages of structure	<ul style="list-style-type: none"> • Slow to find a position • Difficult for competences that overlap • Difficult for politically sensitive issues 	<ul style="list-style-type: none"> • Slow to find a position • Difficult for competences that overlap • Difficult for politically sensitive issues 	<ul style="list-style-type: none"> • Slow to find a position • Difficult for politically sensitive issues • No necessary coordination of Sectoral Conferences 	

Figure 6. Summary of comparison of institutional cultures, strategies, regional legitimacy and disadvantages of national structures (own elaboration).

Institutional cultures characterised by competitive regionalism do not necessarily negatively influence the possibility of structures of regional interest representation in ensuring that regions will influence EU policy-making. Conflicting intra-State relationships have affected the Spanish structure. This has led to a framework in which regional actors are not perceived as legitimate partners in EU policy-making, and in which national mechanisms are shaped and function in a way which does not effectively ensure the representation of subnational interests within the national common position or at the supranational level. The Sectoral Conferences, which should be the discussion forum between the central State and the AC, do not ensure the necessary coordination. Conflicting intra-State relationship have instead not affected the effective functioning of the Belgian and Italian structure. As predicted in the IDM, national and regional actors should adopt a cooperative strategy to work together in EU policy-making (CF3). All interviewees have highlighted the importance of the adoption of a cooperative strategy with the central government in order for regions to have an influence on EU policy-making. This is fundamental especially for the above mentioned need to integrate the national and regional perspective in EU negotiations, and for regions to have the support of the national level.

As it is perceived as appropriate that regions take part to policy-making, national actors in Germany, Belgium and Italy perceive subnational entities as legitimate partners in EU policy-making as well (H5). Spanish national actors seem instead to not perceive subnational entities as legitimate

partners in EU policy-making but rather as “second-order” actors, whose opinion can only be channeled through the central State. As predicted in the IDM, national authorities should perceive regional actors as legitimate partners in EU policy-making (CF4). The involvement of many actors in the definition of a joint common position means that the countries under study need more time to develop a position to uphold in the supranational arena. Such slowness was however not defined as problematic by the interviewees in terms of regional influence on EU policy-making.

The policy envisaging regional participation in the Council should not be politically sensitive (CF5) and should entail a quite clear division between the national and subnational levels (CF6). All interviewees have indeed underlined that the adoption of a cooperative strategy and regional influence on EU policy-making on education are enabled by the non-politically sensitive nature of such policy, and a quite clear domestic division of competences with a high subnational involvement. Interviewee 1, 2 and 3 have added that negotiations on politically sensitive issues or policies that overlap between the national and regional levels lead instead to complicated discussions or intra-State conflicts. In such cases, regional influence on EU policy-making is thus questionable and the findings and contributing factors of this research do not fully apply.

	Germany	Belgium	Spain	Italy
General mechanisms of information, cooperation and coordination	Yes	Yes	Yes	Yes
Regional opinion for subnational competences	Yes	Yes	Yes	Yes
Particular attention to regional opinion in certain fields	If Länder legislative competences, structure of their authorities or administrative procedures are primarily affected	Of repercussions and obligations for subnational entities, and if their competences, structures or legal and administrative procedures are affected	If essential aspects of EU matters affect exclusive competences of the AC or concurrent competences	No
Agreement between national and regional level is binding	Yes	Yes	No	No
Binding resolution mechanisms	If no agreement is reached, opinion of the Bundesrat prevails	If no agreement is reached, domestic mechanisms or abstention	No	No

Figure 7. Summary of comparison of general mechanisms of regional participation in EU ascendant phase (own elaboration).

Domestic rules should include general mechanisms of information, cooperation and coordination for EU matters touching upon regional competences (CF7) to ensure regional involvement in such policies. The German, Belgian and Spanish framework indeed follow the same logic in specifying that regions should constantly be informed, cooperate in domestic decision-making (with a particular attention to certain fields) and that constant intra-state coordination has to take place for fields of subnational interest. The Italian framework also sets forward the need of constant information and cooperation, although it more broadly refers to the fact that regions take part to the ascendant phase of EU policy-making without particular attention to certain fields. Despite Spain includes the mechanisms outlined as CF7, the lack of influence of its regions can be related to their practical ineffi-

cient functioning. Such mechanisms should thus not only be legally set, but also function correctly in practice (CF8).

No evidence was found or assessment was made by the interviewees in relation to the effect of binding or non-binding agreements between the national and subnational level to uphold at the EU level. It is thus not clear whether a binding agreement leads the national level to stick to it more than to non-binding agreement or whether in practice the result is equal. There indeed seems to be a clear willingness and informal agreement to not violate such agreement which might be enough for the actors to respect it.

Despite rarely used in both the German and Belgian case, domestic rules should however be backed up by binding resolution mechanisms in case of disagreement between the national and subnational level (CF9). Interviewee 1, 2 and 3 indeed refer to them as fundamental in ensuring that the opinion of the regions in their home country will be taken into account decisively for matters that mainly deal with their competences. Such binding resolution mechanisms act as either a “safety net” for regional interests to prevail or as “threat” against the credibility of the country in case a joint common position is not reached. In the German structure, binding resolution mechanisms consist in the prevalence of the Bundesrat’s opinion in case of disagreement. In the Belgian structure, binding resolution mechanisms consist in the need for consensus and the repercussion of a potential abstention at the EU level in case of disagreement. The Italian and Spanish frameworks do not include binding resolution mechanisms.

	Germany	Belgium	Spain	Italy
Appointment of regional experts	<ul style="list-style-type: none"> • Stability (10-15 years) • Balance of different political governments • Two Bundesrats-beauftragte appointed by the Bundesrat • Regional expert speak • Attendance in working group and Council 	<ul style="list-style-type: none"> • Six-months rotation for regional coordination • Balance between Communities • Three Attachés appointed by the Communities • Regional expert speak • Attendance in working group, COREPER and Council 	<ul style="list-style-type: none"> • Six-months rotation for regional participation of AC technical staff, stability of Regional Affairs Counsellors • Balance between AC • One member of AC technical staff appointed by the Sectoral Conference, two Regional Affairs Counsellors appointed by the AC • Regional expert cannot speak • Attendance in working group and Council 	<ul style="list-style-type: none"> • Six years • One regional expert appointed by the State-Regions Conference • Regional expert speaks • Attendance in working group, COREPER and Council

Figure 8. Summary of comparison of appointment of regional experts (own elaboration).

The specific appointment of German, Belgian, Spanish, and Italian regional experts differs across countries. Germany ensures stability in such a role and a balance between different political governments. Belgium has instead put in place a system of rotation and a balance between different Communities. Italy has set a preliminary framework according to which the regional expert is in charge for a maximum of six years, but no expectations can be drawn about the future. Spain relies on regional officials in charge of general coordination mechanisms and on a system of rotation between all AC. Whether regional experts ensure a balance of the various regional entities or of the regional governments does not seem to have an impact on the possibility for regions to have an influence on EU policy-making. According to the interviewees, the divergent political orientations of regional governments might lead to lengthier discussions. However, political differences are not seen as problematic for education. The views on the field do not differ too much, and actors within the country generally do not want to invest too much time or resources on negotiations in the field.

The stability in the role of regional expert (CF10) and the close links with the regional entities (CF11) were defined as vital for regional influence on EU policy-making. The German and, so far, the Italian structure envisage such stability as regional experts are constantly in charge of coordination subnational entities to develop a regional position, and of attending the working groups. Whereas only one regional expert holds the coordination role in Belgium, the three regional experts have a stable function as they are appointed for various years and attend working group meetings even if they do not have such coordinating role. Stability ensures that the regional expert is not only an expert in his field, but also of the development of such policy at the supranational level. Moreover, stability enables the regional expert to get accustomed to the specific dynamics of negotiations in the EU arena and be able to develop a targeted regional approach for such negotiations. Stability also ensures that he will be able to give consistency, continuity and visibility to the regional position through various formal and informal contacts in Brussels. Spanish regional experts lack such stability, as they are based in their home country and work according to a six-months rotation basis. This can be seen and was described as problematic by interviewee 4 as it leads to a lack of EU-specific knowledge and familiarity with the dossiers.

The right of regional experts to speak (CF12), despite always in accordance with the national level, was also described as fundamental for the regional perspective to influence EU policy-making by most interviewees. This simply relates allows them to make sure that the regional perspective will actually emerge in the exposition of the joint common position. German, Belgian and Italian regional experts have the right to speak, whereas Spanish ones do not.

	Germany	Belgium	Italy
Development of regional and joint common position before working group	<ul style="list-style-type: none"> • Formal negotiating and voting procedures • First regional negotiations, and then national ones • Room for manoeuvre of regional expert, within the guidelines 	<ul style="list-style-type: none"> • Informal joint meetings with regional and national actors • Room for manoeuvre of regional expert, within his mandate 	<ul style="list-style-type: none"> • Informal contacts with national and regional actors before working group • Room for manoeuvre of regional expert

Figure 9. Summary of comparison of development of regional and joint common position before working group (own elaboration).

The procedural development of regional common position and joint common position with the national level to uphold at the working group level also differ across countries. A structured and institutionalised process can be identified in Germany, whereby first a common regional position is agreed upon between regions and then regional representatives negotiate a joint common position with the federal State. Belgium instead relies on informal meetings. National and regional actors are incorporated in the negotiations from the beginning, so the regional common position is directly integrated in the joint common position with the federal State. In Italy the common regional position and joint common position defended by the regional expert are developed through informal contacts with the national and subnational level, as specific rules have not yet been developed. Spain is not included in table 9, as the regional common position is not developed before the working groups but rather before the Council.

Despite the different specific characteristics, the interviewees highlighted the use of such formal or informal intra-State meetings for discussion (CF13) taking place before the working group level (CF14) as important for regional influence on EU policy-making. The attendance of such intra-State meetings for discussion by regional experts (CF15) enhances their knowledge of the specific regio-

nal positions. The room for manoeuvre of regional experts (CF16) in the development of the regional position and in the negotiations with the central State was moreover highlighted as important to grant adaptability to the subnational position based on the negotiations. Interviewee 2 and 3 argued that because of their knowledge of regional needs and demands, such room for manoeuvre allows them to more rapidly adapt the regional perspective to the specific circumstances. Such room for manoeuvre is in any case not uncontrolled but is backed up by the need to have the regional position approved by subnational authorities or by accountability mechanisms of the regional expert to the subnational entities.

	Germany	Belgium	Spain	Italy
Strategy aimed at regional influence	Yes	Yes	No	Yes
Regional influence in working group	Yes	Yes	No	Yes

Figure 10. Summary of comparison of aim of strategy and regional influence in working group (own elaboration).

The different procedural developments of common position between Germany, Belgium and Italy on the one side, and Spain on the other side are also related to the purpose of attendance of working group meetings. Whereas regions of the first three countries aim at influencing EU policy-making, regions of the latter aim at retrieving information. Therefore, a Spanish joint common position is not developed beforehand as it is not the purpose of attendance of such meetings. As predicted by the IDM, regional strategies should aim at influencing EU policy-making (CF17) at a specific stage in order to do so.

	Germany	Belgium	Spain	Italy
Regional level can be Head of delegation	No	Yes	No	Yes
Joint common position is binding	Yes	Yes	No	No
Information to the regions	Yes	Yes	Yes	Yes
Scope for negotiations of regional expert	<ul style="list-style-type: none"> • Yes • Scrutiny reservation if not covered by the Weisung 	<ul style="list-style-type: none"> • Yes • Exceptionally and ad referendum adapt Belgian position in accordance to opinion likely to meet general interest 	No	Yes

Figure 11. Summary of comparison of negotiations in the working group (own elaboration).

Throughout the negotiations at the EU level a close coordination between regional and national representatives (CF18) should be ensured. In Germany, Belgium and Italy, the national and regional level cannot contradict the previously agreed joint common position as they are strictly bound by it. If covered by the joint common position, regional experts should have some scope for negotiations to put forward regional interests (CF19). This is important to ensure an effective participation to the negotiations and does in any case respect the mandate (in the case of Belgium) or the guidelines (in the case of Germany and Italy) given to the regional experts. Belgian regional experts have a broader scope of negotiations as they can adapt the joint common position, as long as it meets the general interest of the country. Such adapted joint common position will nevertheless have to be approved and confirmed through domestic mechanisms before Belgium will be legally committed to it.

The close coordination in the Spanish framework seem instead hampered by the inefficient functioning of the Sectoral Conferences, which do not regularly meet. In Germany, Belgium and Spain, the national level informs the regional one if a substantial variation in the negotiating position is necessary in order to allow subnational actors to express their opinions. Regional representatives of these three countries are moreover in charge of informing the regional entities both during and at the end of the working group. Mechanisms of information to the regions during the negotiations are instead not present in Italy, in which the national level and regional expert have to inform the regions only at the end of a meeting at the EU level. This does not seem to hamper the accountability of the regional expert to subnational entities as interviewees of the other three countries assess the final report to be the most relevant document of regional interest.

In brief, the contributing factors for national structures of regional participation in the Council to ensure that regional interests will influence EU policy-making are:

- (CF1) Regional representatives represents the country as a whole with working group;
- (CF2) Unity of the State through previous agreement with the national level;
- (CF3) Cooperative strategy;
- (CF4) Legitimacy of regions as partners in EU policy-making;
- (CF5) Policy is not politically sensitive;
- (CF6) Policy entails a quite clear division between the national and subnational levels;
- (CF7) Domestic general mechanisms of information, cooperation and coordination for EU matters touching upon regional competences;
- (CF8) Practical functioning of domestic general mechanisms of information, cooperation and coordination for EU matters touching upon regional competences;
- (CF9) Binding resolution mechanisms for disagreement between the national and subnational level;
- (CF10) Stability in the role of regional expert;
- (CF11) Close links of regional expert with regional entities;
- (CF12) Right of regional expert to speak;
- (CF13) Formal or informal intra-State meetings for discussion;
- (CF14) Formal or informal intra-State meetings for discussion take place before working group;
- (CF15) Attendance of formal or informal intra-State meetings for discussion by regional expert;
- (CF16) Room for manoeuvre of regional expert;
- (CF17) Regional strategies aim at influencing EU policy-making;
- (CF18) Close coordination between regional and national representatives within working group;
- (CF19) Scope for negotiations of regional expert within working group.

Conclusions

In this thesis I have focused on the Council of the European Union as channel of direct regional activation for regions to put forward their interests. To understand the variation in the institutional adaptation of Germany, Belgium, Spain and Italy to the possibility of taking part to Council meetings, I have linked the representation of regional interests to their particular domestic institutional structures (Benz, 2000), to the scope of their competences (Marks et al., 1996b) and to their domestic culture through an Institutional Dependency Model (IDM). The latter holds that Member States have different capacities to adapt their internal framework. The strategy they choose to undergo institutional adaptation to Europeanisation is based on their institutional cultures, institutional rules and cultural institutional rules (Börzel, 2001). In my analysis, I have specifically focused at the working group level and on education policy.

I have shown that different institutional cultures, and the different degrees of instrumental institutional rules and cultural institutional rules have led to different specific frameworks and strategies as regions are likely to adapt the changes brought about by Europeanisation to their specific national system (H1). The four structures of regional interest representation have developed in a similar manner but entail different specific mechanisms of regional participation, which are coherent with their pre-existing national structures. In the long-term, regions have adopted cooperative strategies on education as they lead to higher influence on EU policy-making (H2). As regions have different degrees of instrumental institutional rules and cultural institutional rules, only partial convergence has taken place where some of them have achieved the same results on education and others have not (H2). Despite the adoption of cooperative strategies by all four countries, the German, Belgian and Italian structures more effectively allow regional interests to be taken into account in the development of the national negotiating position and to directly influence EU policy-making. The Spanish structure instead prevents regions to put forward their interests because of a lack of good coordination mechanisms, a lack of regional interest in directly influencing EU policy-making at the working group level and a lack of full recognition of the regions as legitimate partners in EU policy-making by the central State.

As regions in highly decentralised or federal State are granted high resources in national policy-making and decision-making, they have mobilised to get high resources in EU policy-making and decision-making as well (H3). There is indeed a correlation between the degree of instrumental institutional rules assigned to the regions at the national and European levels. The degree of overlap between the competences exercised at the regional and EU levels have led to regional mobilisation to preserve their autonomy in terms of regional participation in the Council (H4). The current Council configurations in which regions can take part to moreover still depend on the overlap between supranational and subnational competences. Despite it is perceived as appropriate that regions take part to policy-making in highly decentralised or federal States, national actor do not necessarily perceive such subnational entities as legitimate partners in EU policy-making as well (H5). Despite German, Belgian and Italian regions are perceived as legitimate actors, this is indeed not the case for Spain. Under the IDM and according to the interviewees, I have argued that the German, Belgian and Italian structures of regional participation in the Council ensure that regional interests will influence EU policy-making. Theoretical expectations for these three countries were thus met. Under the IDM and according to the interviewees, I have instead argued that the Spanish structure of regional participation in the Council does not ensure that regional interests will influence EU policy-making. Theoretical expectations for Spain were thus not fully met.

I have identified various contributing factors for national structures to ensure that regional interests will influence EU policy-making. Relevant contributing factors include inter alia a cooperative strategy between the national and regional levels, legitimacy of regional actors as partners in EU policy-making by the national level, the existence of Brussels-based regional experts with close regional links, and the deployment of formal or informal intra-State meetings for discussion. The two key contributing factors in ensuring that regional interests will influence EU policy-making are that the specific policy of regional participation is related to a quite clear domestic division of competences and is not politically sensitive. Therefore, the findings of this research can only be generalised to policies that are also not politically sensitive and are related to a quite clear division of competences. In other cases, clashes and lack of agreement between the national and regional levels are to be expected and regional influence is thus likely to not take place.

The German and Belgian structures for regional participation are the most developed and consolidated ones, and no changes for them seem to be necessary. The Spanish structure should instead undergo three main reforms in order for regional interests to influence EU policy-making. First, rethink about the possibility for subnational entities to have an influence on EU policy-making already in the working group, and put in place strategies and intra-State meetings before that level in order to do so. Second, convince the national level of the legitimacy of regional actors as partners in EU policy-making. Third, strengthen the Sectoral Conferences in order for them to grant the necessary coordination. The Italian structure has only recently developed but seems to move towards the right direction. The new typology of regional expert ensures the closer coordination to regional entities, which was previously not addressed. There are however best practices that Italy can learn from Germany and Belgium. First, it should develop binding resolution mechanisms in case of disagreement between the national and subnational level to ensure that the regional opinion will be taken into account decisively for matters that mainly deal with their competences. Second, Italian authorities should agree upon specific rules of the formal or informal procedural development of regional common position and joint common position in order to “set the rules of the game”. This will likely lead to expectations of the regional and national level on how exactly an agreement will be reached. Moreover, it will likely enable subnational entities to better coordinate and be aware of how to put forward their interests in the domestic and EU arena. Third, Italy should strengthen the domestic mechanisms of information, coordination and cooperation in order to ensure constant regional involvement. Fourth, Italy should ensure stability in the role of regional expert to grant continuity and consistency of actions. Fifth, Italy could expand such a structure to policies which are not political sensitive and in relation to which there is a quite clear domestic delimitation of competences. Lastly, Italy might consider to render the previously agreed joint common position binding for EU negotiations, on the model of the German and Belgian structure, although no evidence was found on whether this leads to more regional influence on EU policy-making or not.

The limitations of this research concern to the methodological difficulties. As a consequence of the research gap on the field, I drew theoretical expectations on a limited amount of scholarly literature and could not include a systematic literature review of the field. I moreover conducted a low number of interviewees because of the limited number of regional experts taking part to the working group on education. As a consequence of these two aspects, together with the methodological difficulty to assess influence, I could not make strong causal claims in terms of necessary and sufficient conditions. I however identified contributing factors for regional influence, on which future large-N studies can draw on to strengthen my findings. The findings of this thesis moreover have a limited external validity. They can indeed only be generalised to constitutional regions, as they are the only subnational entities seamlessly taking part to the Council and its preparatory bodies.

In conclusion, regional attendance the Council does imply the direct prevalence of single regional interests at the EU level. Regional experts always have to previously coordinate with the national level and respect its guidelines. Direct participation rather enables some specific regional perspectives, which are vital for subnational entities but might not be of primary importance for national authorities, to be brought at the negotiating tables. As explained by the interviewees, this can for example be related to the importance of the Language Laws for the Belgian Communities, or of the preservation of Latin and old Greek for the German Länder. Such aspects of high regional interests might have otherwise not directly be defended by the national level in the working group or in the Council. Regional participation thus enables the national and regional perspective to better complement each other and to more effectively ensure the representativeness of the country as a whole, in all its different shapes and forms, at the EU level.

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