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Acceleration of Integration: New Opportunities for the Regions

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ACCELERATION OF INTEGRATION: NEW OPPORTUNITIES FOR THE REGIONS

Hendrik Vos

INTRODUCTION

After the official launch of the euro (1.1.99), the integration process will probably be accelerated (cfr. Agenda 2000, the Strategy of Vienna).

In this contribution some institutional consequences will be examined of the devolution tendency which can be observed in most European Union member states. This tendency coincides with the acceleration (or at least not a decline) of the integration.

In a first section, attention will be drawn to the fact that the overlapping of the competences of the regional authorities and those of the European Union has necessitated an introduction of the regions in the EU policy-making, particularly since the eighties.

Even before, the regions had already been trying to influence the decision-making process in terms of the spending of regional aid. A short history of regional involvement will be given in section 2.

Afterwards the present opportunities for regional participation in the EU will be looked at and some kind of classification scheme will be proposed. In this third section, I will often refer to the Belgian example.

The Belgian experience is a good example of a general tendency towards more power for regional governments in most EU member states. Because of the advanced character of the Belgian federalisation process (there is no longer any hierarchy between the federal level and the subnational level; the federate states have international competences with respect to their internal powers and have even acquired the right to conclude international agreements in those policy fields for which they possess exclusive competences), this Belgian case is probably an early illustration of some more general trends¹.

I will conclude my contribution with an evaluation of the present opportunities and the future prospects for regional involvement. These concluding remarks will show how difficult (but at the same time how important!) it is to improve formal and direct regional participation in EU decision-making.

1. A DEVOLUTION TENDENCY AND AN IMPORTANT CONSEQUENCE

From the seventies on, some form of regionalism has been introduced in many member states of the EU. Since then the topic of regionalism has become more and more important, and it has

¹ There are of course some Belgian particularities too, for example the differences between and the partial overlapping of the regions and the communities and the fact that the small size of the Belgian political landscape facilitates a high degree of personal interweaving between the federal and subnational levels.

had a strong mobilising power all over Europe (and elsewhere in the world as well). Regionalist feelings can be observed in both cultural life and in the political field. A second element that favours regionalism is to be found in what Keating (1985: 2) calls the “technical needs of the modern state”. As early as 1972, Vance (1972: 379) stated in the prestigious *International encyclopedia of the social sciences* that “if territorial groups did not exist, political organization would have to call them into being in order to function”. Recently, others have expressed similar views in discussions about the subsidiarity principle². For reasons of efficiency, it seemed appropriate to grant some measure of authority to territorial units at a lower level than that of the central government. More particularly, central governments of larger countries often lack the information needed for an effective policy-making (or implementation of policy) in regional matters. In an article on devolution in Scotland, *The Economist* (20 Sept. 1997: 37) was very clear: “If there is a turn-of-the-century message in Europe, it may be ‘devolve or die’.”

Therefore, a tendency towards decentralisation can be detected in most member states of the European Union. Whether this is called devolution, regionalisation or federalisation is less important, because these terms only describe different stages of the same process. What is certain is that since the seventies, regions in the member states have obtained executive responsibilities and often legislative ones as well.

At the same time, European integration has accelerated: the *fields of activity* of the Community (which has meanwhile become the Union) have been extended substantially as a result of the *Single European Act* and the *Maastricht* and *Amsterdam Treaties*. These new areas of responsibility had, however, in a number of member states already been transferred to the regions (e.g. transport, education, environment, culture, labour policy, public health and vocational training). This has led to a paradox. On the one hand, we have the impression that the regions have had to give back almost immediately what they had only just been granted (to put it bluntly: heads of state are *selling out* to Europe what they had previously handed over to their regions). The German *Länder*, in particular, experienced this as a major problem after Maastricht, and their protests contributed to Germany’s reserved attitude in Amsterdam towards the further integration process. On the other hand, it is precisely this Europeanisation of regional affairs that has resulted in more intense involvement in European integration. The regions are now responsible for the implementation of European regulations, which has led them to demand greater involvement in their formulation. Cogen (1990: 36) stipulates that when regions do not have a say in the establishment of such regulations, they will carry them out tardily or inefficiently.

In other words, as regions (even those with only executive powers) are becoming responsible for the implementation of European decisions, they gain a power which should not be underestimated. This can only lead to a more intense involvement of the regions in European decision-making. The question is what kind of involvement: direct or indirect, formal or informal.

² See e.g. Newman, 1997; Négrier, 1997. It has even been argued that decentralisation is nothing but a defensive reflex by the central state to protect its most important prerogatives. Difficult tasks have to be carried out by regional governments and, as a result, the central state will not be questioned and can focus on what it considers its most fundamental tasks (such as fiscal policy and foreign policy) (Keating, 1995: 9-10; Castells, 1997: 271-272).

To conclude, it is clear that European bodies (such as the Council or the Commission) will increasingly trespass on regional domains (see also Berx, 1995: 659; Vos, 1998). Changes in the rules of structural funding and the Europeanisation of regional matters have all boosted the significance of the regions. There is no tendency to deprive them of their powers in the individual member states and the challenges currently faced by the Union could result in an acceleration of the integration (At least, there are no indications which point out a decline in the integration). This might even provide them with a new window of opportunity to strengthen their positions (Vos, 1998). The obvious conclusion is that regions have become important partners in the EU and that they will increasingly seek opportunities for further participation in the decision-making process. Whether this participation will be formal or informal, direct or indirect remains an open question, which will be discussed later in this contribution.

In the past, it has always been very difficult to enhance the regions' role in European decision making. This becomes clear if we take a look at the history of regional involvement.

2. A SHORT HISTORY OF REGIONAL INVOLVEMENT

Formally speaking, the involvement of the regions in European decision-making has always been very limited. The preamble of the Treaty of Rome already brings up the question of the regions, but the word 'region' was originally only used for depressed and needy areas: the Treaty mentions problems of uneven regional development and the backwardness of less favoured regions. This has resulted in a regional economic policy, especially since the seventies, when the *European Fund for Regional Development* (E.F.R.D., 1975) was established.

But even in this field of regional economic policy, the role of the regions has been very limited. It must be pointed out that even the development of a real *common* regional policy remained problematic as the member states were not willing to give up their control over this policy (especially the financing of it). The discussion in 1979 about the introduction of a non-quota section involving only 5% of the E.F.R.D. (this section was controlled only to a lesser degree by the member states) is a typical example of the struggle between the Commission and the member states for the control of the regional policy instrument. In that period, there was no regional involvement.

During the eighties, however, the Commission (and the European Parliament) realised that a greater involvement of the regions in European regional policy had become inevitable, as regional projects did after all have to be implemented in and often by the regions themselves. Hence the Commission established a *Consultative Council of Regional and Local Authorities* in 1988. For the first time, the regions were formally introduced in the Union's decision-making process, albeit with very restricted responsibilities.

Simultaneously, the regions' assertiveness grew and they began to organise themselves. This regional mobilisation (Pongy, Saez, 1994: 11) resulted in the creation of pressure groups for the defense of regional interests in general (see below).

Whether this limited involvement (especially on the formal level) has resulted in the nineties in a more prominent place of the regions in the formal decision-making process, will be examined in the next part of this contribution.

3. THE REGIONS IN THE DECISION-MAKING PROCESS: PRESENT OPPORTUNITIES

As I said in the introduction, I will sometimes refer to the Belgian situation when describing the present opportunities for the regions to participate in EU policy-making. In Belgium — and this is quite exceptional — European Treaties require ratification in both the federal parliament and the subnational parliaments. But there is more.

The regions, all over Europe, are likely to demand a say in how the particular decisions are taken, since (as was said before) they are responsible for the implementation of important aspects of the new decisions, rules and regulations: European decisions affect regional competences. Engel and Van Ginderachter (1993) refer to studies which identify an increasing readiness to accept and administer laws when there is the possibility of participating in the decision-making process, since those who influence this process are not confronted with decisions perceived as ‘imposed’ by others.

The regions might, accordingly, have been expected to win a more prominent place in European decision-making. As will be pointed out, this did not happen. The present opportunities for participation in European decision-making may be classified into four categories, depending on the formal (strict procedures) or informal (no strict procedures) and direct (direct relationship with the EU) or indirect (relationship with the EU via the central state) character of the participation³.

[a] Formal and direct participation

At the moment, the regions have two formal instruments for direct influence on European policy, both part of the Treaty since Maastricht. First, there is the *Committee of the Regions* and, second, article 146 EC, which makes it possible for a regional minister to be a member of the Council.

Let us start with the Committee of the Regions (the new Consultative Council of Regional and Local Authorities, with extended powers). This Committee consists of local and regional representatives and should/could be consulted by the Council, the Commission and (since Amsterdam) by the European Parliament as well.

It is, in fact, only a consultative body — the Council or the Commission can ignore its opinion without justification. In some tricky matters (such as common agriculture policy), the Committee’s opinion is not even mandatory. At the Amsterdam Summit, the Committee was lobbying for more powers. These attempts failed: the advisory powers have been extended, but the real political scope remains limited (Vos, 1997). Jones (1995: 295) warns that “for many critics, the Committee of the Regions could degenerate into yet another European talking shop”. Even the fact that the Committee consists of regional and local authorities is seen as problematic: the Committee is at present an extraordinarily varied group of people. Belgium has delegated only regional representatives, Luxemburg has nominated only local delegates, and some states have sent the mayors of their largest cities (Copenhagen, Helsinki, Barcelona, etc.), while France has opted for the mayors of small and medium-sized cities (see also Jones, 1995: 295). As will be pointed out below, it remains extremely vague who is representing or

³ Not all conceivable ways for influencing European policy are included in this scheme. An example: the *Council of Europe* has a secretariat and forum for the regions (*Standing Conference of Local and Regional Authorities*), which can influence the relations between this Council and the EU and thus (in a very indirect way) EU policy itself.

committing whom in this regional body. Representatives to the Committee of the Regions are appointed by the member state governments and therefore in principle not by the regions themselves.

Let us now look at article 146 EC. Due to the awareness that some matters primarily affect regions rather than states, the heads of states and governments decided in Maastricht to create a procedure which makes it possible for a regional minister to be a member of the Council (and replace a national minister). However, some states (especially France) would not accept a restriction of their powers in favour of their regions. This resulted in a compromise text, which states that the Council shall consist of a representative of each member state at ministerial level, authorised to commit the government of that member state (and not only of that region). Regional ministers are allowed to participate in the meetings of the Council, but only on condition that they can commit their state as a whole. In other words, a Flemish minister has to defend the Belgian point of view in the Council and the five Belgian votes in the Council can in no way be divided (e.g. 2 Flemish votes, 2 Walloon votes and 1 Brussels vote). The Belgian procedure is explained below.

Even though it is difficult to imagine that authorities negotiating about an issue in the Council of Ministers would lack the competences, either exclusive or partial, on this issue in the legal system of their home country (Beyers, Kerremans, 1997: 43), the revision of article 146 EC is only useful when a system of representation is worked out at the level of the member state. Moreover, no state can be represented by all its subnational entities on the same level: there is only one leader of the delegation.

The decision to allow the use of this article 146 EC facility is taken by the member states themselves and even if a state agrees on the principle of a region representing the state, this region has to defend a central position. The regional ministers may gain some satisfaction from being included among the happy few around the negotiating table, but one cannot speak of real regional representation, as they are not entitled to voice their region's opinions.

So, the relationship between the regions and the central state is very crucial. The problem of representation is clearly linked to the procedures which are used in each member state to determine the national position (which will be discussed in [c]: do regions have possibilities to influence their central state's position?). A system to determine who will be the representative in the Council is needed in each case as well.

In Belgium, the Cooperation Agreement of 8 March 1994 between the federal government and the subnational governments provides such a system by distinguishing four categories of EU Councils (Beyers, Kerremans, 1997: 46-47; Alen, Ergec, 1998: 24): [1] those with on the agenda only issues belonging to the exclusive competences of the federal government (e.g. Ecofin, the budget) , [2] those with on the agenda only issues belonging to the exclusive competences of the subnational governments (e.g. culture, education), [3] those with on the agenda issues belonging to the competences of both federal and subnational governments, with a dominant federal share (e.g. agriculture, public health) and [4] those with on the agenda issues belonging to the competences of both the federal and subnational governments, with a dominant subnational share (e.g. industry, research).

In the first case (respectively second case) the leader of the delegation and his assessor⁴ will both be members of the federal government (respectively subnational governments). In the third and in the fourth cases, the delegation is headed by a member of the government which

⁴ The assessor assists the leader of the delegation and he consults the governments that are not present in the Council negotiations.

has a dominant share, with the assessor being a member of the government which has the non-dominant share.

A simple rotation system regulates which subnational government will represent Belgium in the different Councils (this rotation system applies to both the leader of the delegation and the assessor).

One has to conclude that the real contributions the regions can make are still very limited and that all depends on the goodwill of the central state. It is the central state which decides who will become a member of the (quite useless) Committee of the Regions, and the decision to apply the procedure which makes it possible for a regional minister to be a member of the Council (where he has to defend a national viewpoint!) is taken by this central state as well.

[b] Informal and direct participation

The process in which regional institutions and groups seek direct access to EU bodies, thereby bypassing national governments, is not new. As the weight of the states decreases (because of Europeanisation, globalisation), there is an incentive for the regions to establish a direct and autonomous relationship with European bodies in order to increase their manoeuvrability. Long before the possibilities for formal participation existed, the regions had already begun to organise themselves.

An example of this trend was the creation of pressure groups with the aim of defending general regional interests. These groups lobbied, for example, for the regions to have a greater say in the allocation of the structural funds⁵. Furthermore a number of cooperation agreements were concluded between adjacent regions with specific problems and interests (for example the Alpine regions, some coastal regions and the Euregio Maas-Rijn) and between non-adjacent regions linked together by common (mostly economic) concerns (a well-known example is the so-called *Four Motors*).

In addition, many regional authorities set up a so-called *regional information office* (a euphemism for a pressure group) in Brussels in an attempt to influence the European decision-making process (Greenwood, 1997: 218-241; Smets, 1997: 206-208). Keating (1995: 14) mentions that by 1989, representation in Brussels included all ten West German *Länder* and West Berlin; four Spanish regions, six French regions and two departments; and four British local authorities. The number has continued to grow since then: Justin Greenwood (1997: 227-228) distinguished in April 1996, 135 different regions with a direct representation in Brussels. The Financial Times (22 Jan. 1999: 11), referring to Brian Groom, speaks of more than 160 regional representative offices. Some of them are almost as large as embassies.

Thus the regions have been quietly building up their presence and influence. This representation is no longer only concerned with 'grants' (regional aid). The regions are trying to influence European policy-making in all its aspects.

[c] Formal and indirect participation

⁵ Typical examples are the *Council of Communes and Regions of Europe* (closely associated with the *Council of Europe*) and, since 1985, the *Council (later Assembly) of European Regions* (Keating, 1995: 15; Greenwood, 1997: 225).

Some regions have the possibility of influencing European decision-making in a formal but indirect way through their official involvement (through consultation procedures and structures) in the preparation of the position of their central state in the Council, the most weighty body in the EU (see also Berx, 1995: 663).

In some states, the former *cavalier seul* strategy of the federal ministers had had to make place for intensive collaboration.

As an example, I will refer to the Belgian situation (see Beyers, Kerremans, 1997: 45-47; Alen, Ergec, 1998: 24). The subnational units have diplomatic representatives in the Belgian Permanent Representation at the Union, but of more importance is the procedure, worked out in a cooperation agreement between the federal government and the subnational governments (since 8 March 1994).

The decision-making process for the Belgian position to be defended in the Council is coordinated by the Federal Foreign Ministry: all issues that will be dealt with in the different Councils are discussed within the Directorate for European Affairs, the so-called P11⁶. Every decision on the Belgian position is reached in this Directorate by representatives of the federal prime minister and deputy prime ministers, of the minister-presidents of the different subnational governments and of those ministers (both federal and subnational) who are responsible for the subjects on the agenda. The Permanent Representation of Belgium in the EU is represented as well. It is important to stress that the decisions have to be reached in consensus.

The conclusion of Beyers and Kerremans (1997: 45-46) is very pertinent:

“A crucial element of this system is the fact that it grants the Belgian federal and sub-national entities a right of veto in the determination of Belgium’s policy in the Council. Theoretically, they have this veto in all cases, including exclusive federal or sub-national matters, since the representatives of the ministers-president are ex officio members of the coordination meetings. Practice shows however that these representatives keep a low profile whenever issues are discussed that do not fall within their jurisdiction. On all other matters [...] they are anxious to protect their prerogatives.”

In other words, the regions have the right to demand a say in the Belgian position on all matters, but particularly when it concerns regional affairs. But all regions and the central state have to agree on this position. Differences of opinion must be overcome within this framework, since it is not possible to split up the five Belgian votes at the European level. This sometimes leads to difficult situations since opposite interests between the regions or between the regions and the central state may be involved.

It must be said that this system can only work in small-sized countries. If the same procedure is used in larger states with more regions, this could lead to a stalemate in determining the national position and thus block European policy-making.

[d] Informal and indirect participation

Independent of whether there are formal arrangements for regional authorities to influence the state’s position, or not, practice shows that they will also try to influence the national point in a more informal way. Little research has been done into this lobbying since studying highly informal procedures is not so easy.

⁶ Sometimes after an *ad hoc* consultation procedure in an inter-ministerial conference, mostly concerning technical aspects.

In the Belgian case, however, it is quite easy to point out some elements of this process. Since all significant political parties have split along linguistic lines (since the sixties and seventies), the same parties which make up the subnational parliaments are represented in the federal parliament as well. (up till now, the same holds for the governments: government coalitions are symmetrically composed).

Liesbet Hooghe (1995: 142) mentions that “in each regional party [and federal parties have ceased to exist; hv], a centralised party organisation monitors regional/community and federal politics.” This paves the way in political practice for a co-ordination practice to determine the Belgian point of view within the European Councils.

So there is an important personal interweaving of politicians responsible for subnational matters and politicians responsible for federal matters. This obviously influences the preparation of the Belgian position for the Council as well.

It is very difficult to uncover these informal systems of influence and to measure their effect but it is absolutely sure that they exist in all member states with regions.

4. EVALUATION AND FUTURE PROSPECTS

It is unclear which way is most effective in terms of participation. This will probably depend on the topic. But because of the extension of the ‘fields of activity’ of the Union, regions become more and more involved in the implementation of European Union rules and (because of this) apparently demand their say in the European decision-making process. Further integration will accelerate this process and will turn it into a very urgent question.

At present, the role of the regions in the formal policy-making process remains very limited: the existing formal opportunities for direct participation are found to be insufficient. The real contributions which the regions can make are small and most regions have to resort to informal lobbying, which explains the growing number of regional pressure groups in Brussels. This kind of regional participation is hard to control democratically and therefore at the expense of transparency in decision-making. This involvement has an *ad hoc* character and relies heavily on political goodwill.

In the Belgian case, the involvement of the subnational units is still considerable. Due to the advanced character of Belgian federalisation, the subnational units participate in practice, though not always formally, in most EU decision-making. The small size of the Belgian political system and the fact that the federal government fully recognises the regional competences makes these procedures and some kind of personal interweaving possible.

But in spite of these obvious advantages and the political goodwill, Beyers and Kerremans (1997: 51-54) after an extensive survey reached the conclusion that full participation in the internal Belgian co-ordination system does not suffice to have a real influence on Council decision-making. The regions do not possess the same status at the European level as the federal government.

Hooghe (1995: 135) describes the Belgian procedures as “a highly complex, adaptive, but at the same time highly unstable system of intergovernmental relations”.

Clearly, even in very regionalised states, regions seeking a more autonomous role in the European Union find many obstacles on their way. Increasing the opportunities especially for formal and direct participation is not that easy, even if there is political goodwill among the

member states (which is quite often *not* the case, see below). There is no agreement on an adequate institutional solution for the role of the regions.

To begin with, Europe can be divided into regions in many different ways, and regions can never be considered equal partners. Whatever criterion is used to define the regions, there will always be substantial variations in size of population, scale, economic capacity, etc. Theoretically, this should not be a problem (e.g. Luxemburg and Germany are, at least formally, partners in the European Union with equal status), but there will nevertheless be very considerable differences between regions in terms of their power, their financial resources, the ways in which they execute their powers, the possibilities they have of enforcing laws, their relationships with the central state, and so on. This problem of definition is also referred to by Michael Newman (1997: 128-129; italics in orig.): “Such differences between the size and power of regions do not constitute a serious problem for the EU in current circumstances. While the Committee of the Regions is purely advisory, the arbitrary nature of its representation can be tolerated. Similarly, other governments can accept Belgian or German regional representatives in the Council of Ministers as long as these simply act as substitutes for ministers from central government. However, if the Committee of the Regions were to allocate resources, or if regional governments secured decision-making powers within the EU that were *additional* to those exercised by central government, the definition of a region would become a very significant problem.” For as long as it is not completely clear what requirements and criteria have to be met by an area to be called a ‘region’, it remains extremely vague who is representing or committing whom in a regional body.

The term ‘region’ has quite different meanings in different member states, and the variation in the responsibilities and powers of regional bodies across Europe poses an important obstacle to increasing regional participation in the EU decision-making process (e.g.: Illarramendi, 1997: 155). The imbalance of power, which is deeply rooted in the past and in the institutional traditions of member states, does not lend itself to the creation of a homogeneous framework. The removal of divergences in the regions’ current positions is unlikely to occur in the near future. No matter which regional umbrella is established, it will always be highly asymmetrical: what kind of delegation could be sent by Greece or the Netherlands to meet the German *Länder* or the Belgian delegation (representatives of the *regions* or the *communities*)? Providing such a body with important powers would never be tolerated by those countries without any real regional structures.

There is also the European framework, which dissuades participation of all bodies other than member states. The Union is still very tightly controlled and dominated by the central states. Regionalists should not have high expectations of member states such as France, the United Kingdom or even Germany, who will never accept the kind of regionalism where their fate is determined by Bretons, Catalans, Scots or Flemings. In a study on the Committee of the Regions, Christian Mestre (1997: 83; own translation) does not harbour any illusions. He finishes his article as follows: “Full recognition of the Committee of the Regions is bringing the regions and localities onto the European scene. This situation is unthinkable to those states which have until now had strong control over the Union.”

These obstacles clearly demonstrate that it will be difficult to find any solution at all for an effective participation of the regions in the European decision-making process. Strengthening the role of the Committee of the Regions, perhaps by transforming it into a true *Regional Chamber* or a *Senate of the Regions* (analogous with the senate in the USA), will be tricky.

This body will be confronted with problems in its composition and it would probably not be accepted by the member states which have no real regional structures.

It is not the aim of this contribution to discuss the alternatives for regional participation in detail, but in order to increase the opportunities for formal and direct regional participation, it would perhaps be interesting to try another track. An apparently simple suggestion is the following: in those countries where a regional framework exists, the members of the European Parliament could be elected from a regional list. This is already the case in some countries. In Belgium, for example, there are three regional constituencies (one for the Dutch-speaking part, one for the French-speaking part, and one for the German-speaking part). In a Draft Act recently adopted by the European Parliament, the Parliament itself argues for regional constituencies for the larger member states (those with a population of more than 20 million) to be in force by the 2004 election (in the same Draft Act, the European Parliament also raises the possibility of electing some members from an EU wide cross-border list in the 2009 elections). Candidates elected in a regional constituency would be supposed to defend not only their own ideological point of view, but also their region's interest. In this scenario, the position of the regions would be dependent on the ability of the Parliament to gain more powers.

This is only a very initial assessment of the institutional set-up, and it will undoubtedly be found to be insufficient by the regions, but the idea of incorporating regional representation in the European Parliament is especially interesting, since it would provide the present regions with legislative powers without curtailing the powers of those states which are unwilling or unable to establish regional structures.

Finding a (European?) solution to the organisation of the opportunities for formal but indirect participation (via the member states) is also very crucial, but especially in the larger states this could engender new problems. It could, for example, be difficult to conduct a consistent national policy if subnational authorities went their own way.

On the other hand, all these problems and obstacles have to be faced and adequate procedures have to be searched and set up. As they are responsible for the implementation of Union rules, regions must be given the opportunity to participate in the creation of (some aspects of) those rules. But so far, there are no appropriate structures for this. The power of the regions has increased considerably in the past decades, but the institutional setting has not followed suit. A Committee of somewhat unclear composition has been established, but it has very limited and in any case only consultative powers.

If integration advances and regions become even more involved in European decisions (e.g. they will be responsible for the implementation of European rules, they will have to provide the Commission with statistical data and other regional information, ...) the absence of an institutional solution becomes really problematic.

On the other hand, regions are able to relate to the EU, mostly in an informal way. In order to avoid parallel, complex and obscure politics, it is probably right that the region's role, weight, influence and responsibilities should be formally defined by giving them an appropriate place in the European construction.

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