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Sub-national actors, European integration, and state reconfiguration in postcommunist Europe

One of the largest questions confronting citizens in postcommunist states has been how best to configure territorial authority. From the early days of the regime transitions, politicians discussed ways to transform public power, to shift decision-making and implementing authority to lower levels, to open public administration to citizen scrutiny, and to assure the ethical and professional standards of bureaucrats. Despite years of discussions, reams of legislation, and the establishment of new tiers of state authority and self-government, these questions have by no means been “solved.” In fact, for the eight postcommunist states that have recently become European Union (EU) members, they have just become more complicated.

The European Union, after all, has become a system in which authority is fluid and dispersed, where actors both above and below the nation-state level affect policy. EU membership does not give sub-national authorities (SNAs) in new member states a chance to relax, to celebrate the fact that “they’ve made it.” Rather, it presents them with new challenges, responsibilities, and opportunities.

This paper gauges the extent to which SNAs are engaging these challenges and opportunities and speculates on the implications of their actions for broader conceptions of the nature of authority in contemporary Europe. Its theoretical point-of-departure is the literature on multi-level governance in the European Union.¹ Studies of multi-level

¹ The literature on multi-level governance is vast. See, for example, Liesbet Hooghe and Gary Marks, *Multi-level Governance and European Integration* (Lanham, MD: Rowman and Littlefield, 2001); Michael Keating and Liesbet Hooghe, “Regions and the EU Policy Process,” in Jeremy Richardson, ed., *European Union: Power and Policy-making* (London: Routledge, 2001); Beate Kohler-Koch, “The Strength of

governance stress that European governance is increasingly characterized by multiple, interconnected arenas of authority. Nation-states, once sovereign, have transferred progressively more competencies upwards and downwards. These processes have posed challenges in terms of transparency and democratic control. At the same time, they have opened new opportunities for the vast array of political actors throughout the Union—EU institutions, nation-states, sub-national authorities, interest groups, NGOs, citizens' movements, and others.

Scholars of multi-level governance have focused special attention on the implications of new forms of governance for the identities and strategies of European SNAs. As the structures of European governance have been transformed, many sub-national actors have sought out new, supranational “channels of representation.”² Some have sought alliances, for example, with sub-national actors in neighboring states. Some have sought the right to represent their respective states in the EU's Council of Ministers. Some have tried to use bodies like the Committee of the Regions as a platform for their concerns. It is clear, though, that sub-national authorities have not reacted uniformly to changes in European governance. Some have pursued multiple channels of representation, others few, and others none at all.

The accession of postcommunist states that have been characterized, since the beginning of the transition, by uncertain and shifting territorial relations, thus raises significant questions. Are sub-national authorities in the new member states integrating

Weakness: The Transformation of Governance in the EU,” in Sverker Gustavsson and Leif Lewin, eds., *The Future of the Nation State: Essays on Cultural Pluralism and Political Integration* (New York: Routledge, 1996); and Gary Marks, Fritz W. Scharpf, Philippe C. Schmitter, and Wolfgang Streeck, *Governance in the European Union* (Thousand Oaks, CA: Sage Publications, 1996).

² Liesbet Hooghe and Gary Marks, “Europe with the Regions’: Channels of Representation in the European Union,” *Publius: The Journal of Federalism* v. 26 no. 1 (Winter 1996), pp. 73-91.

themselves into the complex tapestry of multi-level governance? Are they availing themselves of supranational channels of representation? If so, which particular channels are they pursuing? How, if at all, do their strategies overlap or depart from those of sub-national authorities in “pre-2004” member states? And, ultimately, how might their efforts affect territorial balances of power within their states and across the EU25?

This paper proposes tentative answers to these large questions. It begins with a brief review of the “state of play” of territorial relations in the eight post-communist EU member states. It then probes the extent to which regional actors from these states are utilizing the five channels of representation originally discussed by Hooghe and Marks (1996)—the Committee of the Regions, the Council of Ministers, the European Commission, lobbying offices in Brussels, and transnational associations. The paper concludes with a discussion of the theoretical implications of these activities for the future of territorial relations and identifies a number of avenues for future research on governance in postcommunist EU member states.

Sub-national authorities in postcommunist EU member states

As they embarked on their paths away from state-socialism, politicians and “ordinary citizens” revoked certain similar aspects of inherited public administration systems. Some states (i.e., Poland and Hungary) had tinkered with the traditional three-tiered model of socialist administration in the waning years of Communist rule.³

³ For details on Hungarian and Polish reforms in the 1970s and 1980s, see Éva Perger, “An Overview of East European Developments,” in Robert Bennett, ed., *Territory and Administration in Europe* (London:

“Tinkered with” or not, systems throughout the region by 1989/1991 were “top-heavy,” subservient to and penetrated by party interests, and incapable of operating in market-based conditions. Furthermore, few citizens felt strong sympathies toward “their” local state bodies. This was not surprising. In theory, these bodies had been accountable to citizens and to higher bodies in the system of state administration. In practice, power was exercised from the top-down, and local party organs kept close watch over local administrative bodies.

At the beginning of the transition, all states sought to “inject democracy” into local governing structures and to empower local representative bodies. Although the specific powers transferred to local self-governments varied, all states attacked the previous system and passed laws recognizing municipalities as the backbone of their respective young democracies. Citizens and local leaders reacted favorably to these developments. They often seized the chance to establish small, self-governing municipalities, whether because such units would increase the personal power of local elites, or because the act would signify the decisive defeat of socialist centralism, or both.⁴

Beyond the common rhetoric of decentralization and the shared desire to establish self-governing municipalities, the various countries took different subsequent steps. In each country, a multitude of questions arose: how many intermediate levels of

Pinter Publishers, 1989), pp. 93-110; Marie-Claude Maurel, “Administrative Reforms in Eastern Europe: An Overview,” in Bennett (1989), pp. 111-123; Maria Ciechocińska, “Poland: Searching for Increasing Economic Effectiveness,” in Bennett (1989), pp. 138-153; and Zoltán Hajdú, “Hungary: Developments in Local Administration,” in Bennett (1989), pp. 154-167.

⁴ On the exponential growth in the number of municipalities, see Michal Illner, “Territorial Decentralization: An Obstacle to Democratic Reform in Central and Eastern Europe?,” in Jonathan D. Kimball, ed., *The Transfer of Power: Decentralization in Central and Eastern Europe* (Budapest: The Local Government and Public Service Reform Initiative), pp. 7-42.

self-government should exist? How many levels of deconcentrated state administration should exist? Should the barriers of territorial state administration coincide with the borders of intermediate self-governing units? Which historical and/or international models might guide contemporary reforms? Which specific administrative competencies should be transferred to the various levels of state administration and self-government? The list of questions could go on and on—as indeed it did, in each state across the region.

In addressing the questions, national leaders were influenced by many considerations—geographical, demographic, historical, economic, and, most importantly, political. Various policy players (including political parties, sub-national interest groups, and supranational institutions) affected politicians' calculations and ultimate institutional choices. After more than a decade of debates and reforms, the institutional configurations that currently characterize these countries vary dramatically, and these configurations will continue to evolve in the coming years.

Some of the most striking institutional variations involve intermediate tiers of self-government and state administration. In the four states with the largest populations—Poland, the Czech Republic, Hungary, and Slovakia—debates about the borders and/or competencies of regional self-government raged throughout the 1990s. Hungary effectively decided to maintain the inherited boundaries of twenty regional units (*megyek*, or counties) while overhauling the roles they played in the national political system. Poland, the Czech Republic, and Slovakia, despite years of false starts and

delays, ultimately bowed to EU and domestic pressures, establishing self-governing regions and transferring at least minimal competencies to them.⁵

Even in the latter cases, however, specific configurations differed. Poland, for example, has established two intermediate levels of self-government (*powiat* and *województwo*), while the Czech Republic (*kraj*) and Slovakia (*samosprávny kraj*) have established only one. The Czech Republic has opted for a “unified” system of territorial self-government and state administration, while the other states have separated offices of regional state administration from regional self-governments. Nor have debates about “intermediate tiers” been absent in the smaller postcommunist states. All of these countries (Estonia, Latvia, Lithuania, and Slovenia) have regionalized *administratively* without regionalizing *politically*.⁶ Tasks of state administration have been deconcentrated, but ultimate responsibility for these tasks has remained with government appointees.

This brief survey of the contemporary “lay of the land” is demonstrates an obvious-but-important insight: the term, “sub-national authorities,” is an extremely general descriptor, an umbrella under which many diverse authorities fall. These authorities can be politicians or bureaucrats, employees of national states or sub-

⁵ On regional reform in East-Central Europe and the role of EU institutions in encouraging this process, see Martin Brusis, “Between EU Requirements, Competitive Politics, and National Traditions: Re-creating Regions in the Accession Countries of Central and Eastern Europe,” *Governance* v. 15 no. 4 (2002), pp. 531-559; Jim Hughes, Gwendolyn Sasse, and Claire Gordon, “The Regional Deficit in Eastward Enlargement of the European Union: Top-Down Policies and Bottom-Up Reactions,” Working Paper 29/01 of the ESRC “One Europe or Several?” program (Sussex: Sussex European Institute, 2001); and John A. Scherpereel, *Between State Socialism and European Union: Remaking the State in the Czech Republic and Slovakia*, Ph.D. dissertation, University of Wisconsin-Madison Department of Political Science (2003).

⁶ Latvia is a relatively difficult case to classify. The state is currently divided into twenty-six districts. A counsel is convened at the level of each district, but the counsel is indirectly elected, consisting of representatives of the (directly elected) municipal counsels contained within each district. Following common practice, I restrict the term “self-governing” to those counsels whose representatives are *directly accountable* to voters.

national self-governments, representatives of millions or hundreds of citizens. No postcommunist EU member state has a federal constitution, and all have strong legacies of central control. Still, if a major suggestion of studies of sub-national governance in the EU 15 has been that “sub-national authorities” differ considerably from one member state to the next,⁷ evidence from the new member states gives no reason to amend this suggestion. A large German *Land* is much different than a small Irish municipality, which is different still from an Italian *provincia*, a Czech *kraj*, and a Polish *województwo*. The picture becomes even more complex once we consider the range of “sub-national actors” involved in the programming and implementation of EU funds (see “Links with the European Commission,” below). In short, when we discuss “sub-national authorities in the European Union,” we discuss an extraordinarily diverse field. Intuitively, it is not surprising that the extent and nature of European engagement differs considerably from one “sub-national authority” to the next.

Sub-national authorities: utilizing European channels of representation?

Examining west European cases, Hooghe and Marks (1996) have suggested that sub-national authorities are pursuing at least five “channels of representation” in the European Union. This section examines each of the five channels in turn, gauging the extent to which SNAs from postcommunist member states are engaging them.

⁷ For an excellent consideration of this phenomenon, see John Loughlin, “‘Europe of the Regions’ and the Federalization of Europe,” *Publius* v. 26 no. 4 (Fall 1996), pp. 141-165.

(1) The Committee of the Regions

The Committee of the Regions (CoR) was established by the Treaty on European Union (the Maastricht Treaty) and began operating in 1994. Comprised of representatives of sub-national authorities from member states in rough proportion to states' populations, the Committee was designed to formally incorporate sub-central voices into the Union's policy-making process. Authorities from states with strong regions—Belgium, Spain, and, above all, Germany—played major roles in lobbying for the establishment of the Committee, but the body that emerged from rounds of intergovernmental bargaining was significantly weaker than these sponsors had hoped. The Committee has taken small steps to reinforce its constitutional position in each successive EU treaty revision since Maastricht. Still, it remains an advisory body. The Commission, the Council of Ministers, and the European Parliament may ask the Committee to issue opinions on specific legislative proposals. The CoR may also act on its own initiative. No matter what the origins of an opinion, though, EU institutions are under no obligation to heed the Committee's advice.⁸

Some early observers of the Committee predicted that the body would become paralyzed by disagreements between representatives of municipalities and regions, between strong regions and weak regions, among member-state delegations, among

⁸ On the history of the Committee of the Regions and its evolving place within the EU policy process, see Alex Warleigh, *The Committee of the Regions: Institutionalizing Multi-level Governance?* (London: Kogan Press, 1999); John Loughlin, "Representing Regions in Europe: The Committee of the Regions," in Charlie Jeffery, ed., *The Regional Dimension of the European Union* (London: Frank Cass, 1997), pp. 147-165; and Thomas Christiansen, "Second Thoughts on Europe's 'Third Level': The European Union's Committee of the Regions," *Publius: The Journal of Federalism* v. 26 no. 1 (Winter 1996), pp. 93-116.

warring party groups, etc.⁹ Negative prognostications notwithstanding, the body has managed, over the course of its first decade, to maintain a relatively consensual operational style and to affect the substance of certain EU laws.¹⁰ Still, public awareness of the Committee remains low, and its place in the EU's policy-making game remains somewhat marginal.

In 1997, the Committee made its first contacts with SNAs in applicant states. The authorities generally welcomed these contacts and called for deeper exchanges with the CoR. In May 1998, the Committee responded, creating an ad-hoc group within its executive bureau. The laboriously named "Committee of the Regions/Central and East European Country-Cyprus Liaison Group" took modest steps toward intensifying contacts in the region (see below) and sponsored the Committee's first resolution on the enlargement process, which passed in plenary on November 17, 1999. In April 2000, the Liaison Group was reshaped, renamed the "CoR-Applicant State Liaison Group," and put under new leadership. Though the reconfigured Liaison Group (and, in particular, its chair, Lord Hanningfield) achieved a relatively high profile in numerous candidate countries,¹¹ the body was dissolved at the beginning of the CoR's third four-

⁹ See Peter van der Knapp, "The Committee of the Regions: The Outset of a 'Europe of the Regions'?", *Regional and Federal Studies* v. 4 no. 2 (Summer 1994), pp. 86-100; for an early consideration of cleavages that might have gripped the committee, see Christiansen (1996).

¹⁰ Alexander Warleigh, "A Committee of No Importance? Assessing the Relevance of the Committee of the Regions," *Politics* v. 17 no. 2 (1997), pp. 101-107.

¹¹ Hanningfield's May 2001 trip to Bratislava, for example, was closely covered by the local press. At the Bratislava conference, Hanningfield commented directly on the politics of regionalization that were currently raging within the Slovak government: "Slovakia has made enormous progress . . . but we must be realistic: there is still a long way to go. The main obstacle to accession is still the state of the administration. The current level of centralisation in Slovakia is unacceptable for the EU. You will not be able to become a member until you have decentralised." Hanningfield's statement as reported in the CoR on-line "press room," at http://www.cor.eu.int/en/prss/cprss2001/ucp_5550.html.

year mandate in 2002. At that point, enlargement-related activities were folded into the Committee's commission for external relations (RELEX).

The CoR's approach to sub-national authorities in the applicant states was therefore inconsistent over time. Nonetheless, SNAs used the CoR's initiatives to deepen contacts with counterparts from existing member states. In each candidate country, the Liaison Group cooperated with national associations of local and (where they existed) regional authorities to organize a national conference. The conferences facilitated information sharing—CoR members would discuss the role of the Committee in the EU system and their experiences with EU policy making and implementation, and representatives from the candidate countries would discuss the status of territorial governance in their countries and the particular challenges of enlargement.

After each conference, the Committee would generally invite a delegation of ten elected local and regional representatives from each country to visit Brussels during a CoR plenary. Once there, delegation members would attend plenaries, meet with the Liaison Group, offer input to rapporteurs of draft opinions, liaise with representatives from regional offices and lobby groups, and network with other Brussels-based organizations. In July 2002, the Committee invited twelve representatives from the member states to address the CoR plenary, and in July 2003, observers from the accession states began to participate (on a regular basis) in most CoR business, including plenaries, commission sessions, and meetings of party groups. Each accession state was represented by the same number of observers as it would have members after May 1, 2004. Because the Treaty of Nice stipulated, for example, that

Poland would have 21 members and 21 alternates, 21 observers and 21 alternate observers represented Polish sub-national authorities between 2003 and 2004.

Thus, in spite of the Committee's rather haphazard approach to enlargement, select individuals from the accession states had, by May 2004, become quite familiar with the CoR's uses and limitations. Small groups of "CoR experts"—people with significant experience in and regular contacts with the CoR—emerged within each accession state. Most individuals who had served as observers and alternate observers before enlargement, for example, became official members or alternates after enlargement. Thus, at its first post-enlargement plenary on June 16-17, 2004, 79 of the 95 (83.2%) members from new member states had previously served as observers or alternate observers (see Table 1 for details).¹²

Table 1: Experience of CoR members from 2004 accession states

Country	# of seats in CoR	# of CoR seats filled by ex-observers or alternate observers (2003-2004)	# of CoR seats filled by individuals without significant CoR experience	% of seats filled by ex-observers or alternate observers
Poland	21	13	8	61.9
Czech Republic	12	10	2	83.3
Hungary	12	11	1	91.7
Lithuania	9	4	5	44.4
Slovakia	9	9	0	100
Estonia	7	7	0	100
Latvia	7	7	0	100
Slovenia	7	7	0	100
Cyprus	6	6	0	100
Malta	5	5	0	100
Total	95	79	16	83.2

¹² The proportion was only slightly lower for alternate members from the new member states: 72 of 95 (75.8%) alternate members had previously served as CoR observers or alternate observers.

These data suggest that most members from acceding states have “hit the ground running.” At the same time, they highlight cross-country variation. In Poland and Lithuania, for example, only 61.9% and 44.4% of current CoR members have previously served as CoR observers or alternates. Contrast this with delegations from the smaller states—Slovakia, Estonia, Latvia, and Slovenia—which are comprised entirely of individuals with pre-2004 experience. Though this variation might suggest an initial “leg-up” to members from the smaller states, it must be noted that CoR-accession state relationships before accession were not equally densely institutionalized. Three of the 2004 accession states—Poland, the Czech Republic, and Cyprus—had established “joint consultative committees” (JCCs) with the CoR in the years before the CoR accepted accession-state observers. These committees, comprised of eight members from the candidate side and eight members from the CoR side apiece, met periodically to discuss issues similar to those covered by the conferences. In short, members from the accession states come to the Committee with different experiences. New members who lack experience as observers or JCC members may have steeper learning curves and less initial influence than counterparts with more CoR experience. Given the recentness of enlargement, however, these suggestions are hypothetical, not declaratory. Both time and closer observation will be necessary to test them.

Even if all new members had vast personal networks and outstanding administrative support, there would be little reason to revise Hooghe and Marks’ original conclusion about the Committee—that there are “grounds for believing that the Committee’s influence will be limited”¹³ and that ambitious sub-national authorities tend

¹³ Hooghe and Marks, “Europe with the Regions” (1996), p. 76.

to pursue additional ways to represent themselves in the Union. Committee members from the new member states must possess a democratic mandate but must ultimately be nominated by their central governments. No self-governing territorial level from any new member state is universally represented in the Committee.¹⁴ Public awareness of the CoR in the accession states is weak, and so therefore are incentives for members to prioritize Committee work. Despite its occasional successes and its modest institutional gains, the CoR remains a relatively marginal player in the EU's policy game. For all of these reasons and more, sub-national actors from new member states are pursuing channels of influence beyond the CoR.

(2) The Council of Ministers

If the establishment of the Committee of the Regions was a qualified victory for advocates of regional voice in the European Union at Maastricht, so too was Article 146. Article 146 (subsequently renumbered Article 203) allows ministers from sub-national governments to represent their member states in the Council of Ministers. On the surface, this was a significant institutional innovation. The Council of Ministers is the Union's primary decision-making body (plausibly conceived as its most powerful legislative chamber), and its *raison d'être* has always been the representation of national state interests. Like the Committee of the Regions, the adoption of Article 146/203 owed much to the mobilization of regional actors from states (Germany, Belgium) with strong federal units. While it has facilitated the physical entry of sub-

¹⁴ Contrast this with Germany, for example, where each Land has at least one CoR representative.

national actors into the EU's most powerful decision-making arena, Article 146/203 has affected states and their territorial balances differently. Nor has it automatically facilitated increased influence even for those sub-national actors who have gained entrée to the Council. Ministers from German *Länder*, Austrian *Länder*, and Belgian regions and communities have represented their states in the Council, but only after significant coordination with their respective central states. Following devolution in the UK, Scottish and Welsh ministers have been allowed to sit in on various Council meetings,¹⁵ and Spanish autonomous communities have made deals with successive governments in hopes of increasing their contributions to Council business.

To this point, though, Article 146/203 has had no effect on acceding states. SNAs have not “broken in” to the Council. There are few signs that they will do so soon. Sub-national actors from accession states have not seriously pressed central states to recognize a right to represent their states in the Council; participation is unrealistic or even “unthinkable.” During the negotiations that preceded signature of accession treaties, sub-national authorities routinely complained that they were ignored by state-level representatives, left out of decisions that would affect them in the future. Given governments’ tepid responses to these complaints and the fact that no acceding state has chosen to “federalize” along German, Belgian, Austrian, or even Spanish or Italian lines, it is highly unlikely that sub-national actors will soon be representing new member states. Whether national governments might take the less drastic step of appointing administrators from sub-national administrations to monitor developments in sectors of

¹⁵ Elisa Roller, “Multi-level Governance: What it Does and Does not Explain: The Case of Sub-national Mobilization in Spain,” paper presented at the conference on Multi-level Governance: Interdisciplinary Perspectives, University of Sheffield, 28-30 June 2001, p. 4, at <http://www.shef.ac.uk/~perc/mlgc/papers/roller.pdf>.

special concern to their regions in Brussels remains an open empirical question. As of right now, however, there is very little evidence that central states are willing to concede space—no matter how circumscribed—to sub-national actors within the Council. This channel of representation is apparently blocked. This fact helps to explain sub-national actors' enthusiasm for alternative channels.

(3) Links with the European Commission

The most complex and intensely studied channel of sub-national representation involves links between sub-national authorities and the European Commission and, in particular, links engendered in the Union's cohesion policy. The Commission is the EU's executive/administrative arm, charged (among other tasks) with initiating legislative proposals and overseeing the implementation of EU laws. Cohesion policy—which the Commission has a key role in administering and which seeks to reduce economic and social inequalities among EU regions—has roots at least as deep as the Community's 1973 enlargement. Multiple policy instruments comprise cohesion policy, the largest and most important of which are the structural funds. Cohesion policy gained steam in the mid-1980s, as member states committed themselves to completing the single market and a coalition of poorer member states and the Commission pressed to increase the cohesion budget and overhaul procedures governing the structural funds. One procedural innovation introduced by the 1988 reform was the principle of

“partnership,” which called for active cooperation between the Commission, national authorities, and SNAs in the design and implementation of EU-funded programs.¹⁶

It is not surprising, given the facts (a) that cohesion instruments have grown to consume the second largest chunk of the Union’s budget (approximately 1/3 of the 2000-2006 budget), and (b) that the primary objective of cohesion policy is to assist the development of “less-favored regions,” that the availability of structural assistance has been an important “pull factor” attracting postcommunist countries to the Union. Nor is it surprising, given the recognition bestowed on SNAs via the partnership principle, that scholars have investigated the extent to which post-1988 procedures have affected territorial relations. The most significant questions for present purposes are whether sub-national authorities in postcommunist Europe are becoming active “partners” in program design and monitoring and how funding procedures might ultimately affect constitutional balances in the new member states.

Given the fact that accession has just occurred, answers to these questions are not yet clear, and the implications of the partnership principle have varied from one state to the next. Of course, structural funding is not entirely alien to the new member states. In the five years leading up to enlargement, for example, a large percentage of Phare assistance was oriented toward “pre-structural funding.”¹⁷ Phare-sponsored

¹⁶ For histories of the development of EU cohesion policy, see Fiona Wishlade, “EU Cohesion Policy: Facts, Figures, and Issues,” in Liesbet Hooghe, ed., *Cohesion Policy and European Integration* (Oxford: Oxford UP, 1996), pp. 27-58; David Allen, “Cohesion and the Structural Funds: Transfers and Trade-Offs,” in Helen Wallace and William Wallace, eds., *Policy-Making in the European Union*, 4 ed., (Oxford: Oxford UP, 2000), pp. 243-265; and Desmond Dinan, “Cohesion Policy,” in Desmond Dinan, ed., *Encyclopedia of the European Union* (Boulder, CO: Lynne Rienner Publishers, 2000), pp. 46-51.

¹⁷ Phare is an acronym for Pologne et Hongrie: Actions pour la Reconversion Économique. Despite its name, Phare has been the major program of Community assistance for all east-central European states since 1989. As accession neared, the Commission reoriented Phare from a “demand-driven” instrument into an “accession-driven” instrument. From 1999 onward, Phare has had two major goals—investment/development and strengthening administrative capacity. The main means toward the latter

infrastructure/investment projects generally required the active cooperation of sub-national representatives and were modeled, administratively, on the structural funds. During this period, the Commission repeatedly faulted candidates for lacking the administrative capacity to take advantage of the funds and for failing to establish clear authorities for programming and monitoring. The Commission repeatedly implied that uncertain territorial relations endangered candidates' chances of designing quality programs and qualifying for pre-structural and structural funds. Poland, Slovakia, and the Czech Republic hoped that the act of establishing self-governing regions might help to convince the Commission that they appreciated these problems and were committed to reinforcing regional capacity.

Both domestic reformers and the Commission, however, certainly appreciated the fact that self-governing regions and capable regional planning were not *necessarily* connected. In fact, the existence of self-governing regions and the assertiveness of democratically accountable regional incumbents may have actually *complicated* efforts to design high-quality programs, at least in the short term. Illustration of this point requires a more detailed account of how structural funding works. For the 2000-2006 budgetary period, structural funds finance three main objectives—promotion of growth in regions with lagging development (Objective 1), promotion of economic and social conversion in regions experiencing structural difficulties (Objective 2), and promotion of training and employment in regions that do not qualify for Objective 1 assistance (Objective 3). Of the three objectives, Objective 1 is by far the most important, consuming 70% of the total structural fund budget. Accession states are most

goal has been the “twinning” instrument, where civil servants from member states are provisionally transferred to accession states to work on specific projects.

concerned to draw from Objective 1 funding, for which they became formally eligible on January 1, 2004.¹⁸

How does one determine whether a region qualifies for Objective 1 assistance? According to the rules of structural funding, Objective 1 regions are those in which per capita GDP does not exceed 75% of the EU's average per capita GDP. But how does one determine the boundaries of the “regions” in question? To do this, the Commission makes use of so-called “NUTS” (Nomenclature des Unités Territoriales Statistiques) standards. According to the current EU NUTS regulation, a NUTS I unit has a population between 3 million and 7 million; a NUTS II unit between 800,000 and 3 million; and a NUTS III unit between 150,000 and 800,000.¹⁹ Member states use these population guidelines to determine their particular NUTS boundaries. They have traditionally used existing intra-state borders (political borders, administrative borders, or both) as guidelines for drawing NUTS borders.

In three of the four “regionalized” postcommunist member states (Hungary, Slovakia, the Czech Republic), there is no neat coincidence between the boundaries of self-governing regions and the boundaries of NUTS II regions. Statistically, most self-governing regions in these three countries have populations that fall within the NUTS III band and have been designated by their governments as NUTS III regions. This fact has essentially required another process of “regionalization” to occur in Hungary, Slovakia, and the Czech Republic. In addition to establishing self-governing, democratically legitimated regions (at the NUTS III level), countries also have to

¹⁸ For the Commission's description of cohesion policy and the structural funds, see http://europa.eu.int/comm/regional_policy/intro/regions1_en.htm.

¹⁹ For a basic description of the NUTS system, see http://europa.eu.int/comm/eurostat/ramon/nuts/basicnuts_regions_en.html.

establish regions at the NUTS II level in order to draw from pre-structural and structural funds. It is generally recognized that representatives of the self-governing (NUTS III) regions should participate in the regional development organizations at the NUTS II level. Precisely *how* this is to be accomplished, however, has been a critical question in all three states. What, in other words, should be the relationship between self-governing regions at the NUTS III level and regions established for purposes of the structural funds at the NUTS II level? In Poland, the answer to this question has been relatively clear-cut. All sixteen of the country's *województwa* qualify as NUTS II regions.

Even Poland, though, has struggled with questions concerning how much voice regional assemblies have in the process of designing regional policy. How much representation should they be given relative to representatives of the central state, "social partners" (i.e., employers organizations, labor unions, environmental and other NGOs), municipal authorities from the regions, and other concerned citizens? In all cases, countries have relied upon central ministries and national laws to answer these questions. Preliminary evidence suggests that the Polish *województwa* have developed a relatively strong foothold vis-à-vis the Polish state; the state has given self-governing bodies at the *województwo* a clear role (in partnership with regional representatives of the central government) in developing regional operational programs for the structural funds. Hungarian counties have been relatively neglected by the state, however, and Czech and Slovak regions have been somewhere in between these poles.²⁰ The

²⁰ For a slightly more optimistic view of Hungary's institutional preparations for the structural funds (and a generally strong early analysis of the challenges of cohesion policy in the postcommunist states), see Jan Maarten de Vet, "EU Enlargement and Preaccession: Reflections Concerning Central and Eastern Europe), at <http://www.geo.ut.ee/nbc/paper/devet.htm>.

relationship between self-governing regions and programming bodies at NUTS II levels, however, remains imprecise in both of the latter cases.

Postcommunist member states that lack self-governing regions (Estonia, Latvia, Lithuania, and Slovenia) are small enough, for the purposes of structural funding, to be considered NUTS II regions *in toto*. The entire territories of their states, in other words, qualify for Objective 1 funding. This fact has not necessarily made it easier for the smaller countries to establish strong institutions for structural programming. The Lithuanian government, for example, had planned to establish self-governing regions and implied that such regions would play a role in structural programming. In 2001, however, the government abandoned these plans, and counterpart plans for managing structural funds had to be adjusted to reflect the fact that elected regional representatives would not be involved. The Slovak, Czech, and Hungarian cases suggest that uncertainty regarding self-governing regions at NUTS III level complicates the process of establishing strong institutions at the NUTS II level. The Lithuanian, Latvian, Estonian, and Slovenian cases suggest that the absence of self-governing regions at the NUTS III level does not necessarily make it easier to establish strong institutions at the NUTS II level.²¹

Both the Commission and domestic reformers have recognized the challenges of poor structural-fund-related institutions and the difficulties of drawing from the funds.

The establishment of self-governing regions in Slovakia and the Czech Republic, while

²¹ An excellent, concise account of contemporary “regional issues”—including the lack of a tradition of regional policy in ECE, the challenges of the structural funds, and the ambiguous relationship between self-governing regions and NUTS II regions in certain postcommunist states—is Gérard Marcou, “Regionalization for Development and Accession to the European Union: A Comparative Perspective,” in Gérard Marcou, ed., *Regionalization for Development and Accession to the European Union: A Comparative Perspective – Hungary, Lithuania, Poland, Slovakia, Ukraine* (Budapest: Open Society Institute/Local Government and Public Service Reform Initiative, 2002), pp. 11-28.

introducing uncertainty in the short term, may eventually help to clarify which sub-national actors have a say in structural program design and monitoring. Also, the fact that conferences discussing best practices in structural programming and implementation are increasingly frequent is encouraging.²²

At the same time, the rules governing the structural funds are not set in stone and can change from one budget cycle to the next. The future of the funds, and of cohesion policy more generally, will be determined by bargains struck between 2004 and 2006. It is all but certain that the partnership principle will be maintained and that sub-national actors will continue to interact with national and Community-level actors in the EU's cohesion policy. Questions remain, though, concerning *which* sub-national actors will be involved, whether they might eventually parlay influence in institutions of regional development toward fortified constitutional positions or influence in other policy areas, and whether their pursuit of other channels of representation might feed back to affect their stature within regional development bodies. Questions also remain as to the relative weight of the structural funds within the battery of the EU's cohesion instruments: if the cohesion fund (in which "partnership" is less strictly applied and member states submit specific projects to the Commission) should consume a larger portion of the total cohesion budget for 2007-2013, the direct connection between sub-national actors and the Commission may be threatened.

²² In October 2004, for example, the Podlaska Regional Development Foundation and Polish Agency for Enterprise Development will be sponsoring a large international conference on "Experiences of Phare: Paving the Way for the Structural Funds in Accession Countries."

(4) Brussels offices of sub-national authorities

Sub-national authorities began establishing offices in Brussels as the process of integration gained momentum in the mid-1980s. Once again, German *Länder* blazed the trail, and certain regions and cities from across the Community followed their lead. The regional offices—some heavily staffed and handsomely outfitted, others quite humble affairs—have sought since their establishment to “lobby, gather information, and network with other regional actors and with EU political actors” in Brussels.²³ Not all sub-national authorities have established offices, however. Whereas all German *Länder* eventually forged a presence in Brussels to make sure that the federal government would not wantonly transfer the *Länder*’s traditional competencies to the European level, for example, certain Spanish autonomous communities have chosen not to do so. Some cities and regions have established offices of their own, others have formed joint-offices with other authorities or national municipal/regional associations, and others have opted not to represent themselves in Brussels. Marks and his colleagues have sought to explain the variation in decisions of sub-national authorities about whether to form or not to form Brussels offices.²⁴ They have found that “subnational governments with the most extensive political role in their respective domestic political systems are . . . the most likely to open an office in Brussels” and that

²³ Hooghe and Marks, “Europe with the Regions” (1996), p. 83.

²⁴ See Gary Marks, Francois Nielsen, Leonard Ray, and Jane E. Salk, “Competencies, Cracks and Conflicts: Regional Mobilization in the European Union,” *Comparative Political Studies* v. 29 no. 2 (April 1996), pp. 164-192.

“regions that are politically and culturally different from their respective national societies” are more likely to establish Brussels offices.²⁵

Table 2: Regional offices established in Brussels as of 2004

Country	Level of Representation		
	NUTS II	NUTS III	Other
Poland	Dolnośląskie Świętokrzyskie Opolskie Wielkopolskie Małopolskie Lubelskie* Podlaskie* Pomorskie Śląskie War.-Mazurskie Mazowieckie	Łódź	Pomeranian Ass'n of Rural Communities
Czech Republic		H. město Praha Jihočeský kraj	Association of Agricultural Co- operatives and Cities of the Czech Republic
Hungary		Budapest	Representation of Hungarian Regions** Duna Tisza
Slovakia	Bratislavsky kraj	Košický kraj Prešovský kraj	
Estonia			Tallinn

Source: Adapted from <http://www.blbe.irisnet.be/blbecgi/multiresulten.pl>

*Lubelskie and Podlaskie share an office (the Eastern Poland Euro-Office)

**The Representation of Hungarian Regions represents Budapest, Debrecen, Miskolc, Szeged, Pécs, and Győr. Some of these cities are NUTS III units by themselves; others are not

²⁵ *Ibid.*, pp. 182, 185.

A glance at Table 2, which contains a list of sub-national authorities from new member states that have established offices in Brussels, suggests that significant variation characterizes postcommunist sub-national authorities on this channel as well. While Marks and his co-authors have restricted their analyses to *regional* offices, Table 2 also contains data on offices established by municipal authorities. One striking characteristic of the table is what it does *not* contain. As of summer 2004, only one authority from a smaller postcommunist member state (Tallinn) had established an office in Brussels. No sub-national authority or group of authorities from Latvia, Lithuania, or Slovenia had established a direct representative channel in Brussels. The majority of sub-national authorities from the Czech Republic, Hungary, and Slovakia had also refrained from establishing offices. So far, only six regions from these countries—Prague and Southern Bohemia (Czech Republic); Budapest (Hungary); and Bratislava, Košice and Prešov (Slovakia)—have established offices. The only authorities that seem to have embraced the regional office as a channel of representation are the Polish *województwa*; by summer 2004, 11 of 16 *województwa* had established offices.

What factors might explain this variation? A thorough answer to this question requires more systematic research. On the surface, though, Marks et al.'s explanations seem plausible: other things being equal, the stronger an authority's constitutional position, the more likely it is to establish an office in Brussels. The Polish *województwa*, though much weaker than German *Länder*, Spanish autonomous communities, and Belgian regions and communities, are arguably more independent and confident than the Czech and Slovak regions, Hungarian counties, and municipal authorities in all eight

states. Reasonable as this explanation seems, one might also wonder whether an effect untested by Marks et al.--“contagion” or mimetic institutional isomorphism²⁶—may have played some role in the decisions of some Polish regions. Perhaps certain *województwa* established offices, not out of rational self-interest, but rather because, as more of their colleagues established offices, office establishment came to be seen as an appropriate step to take.

Also, despite the intuitive plausibility of the “constitutional strength” hypothesis, it bears repeating that some Czech, Slovak, and Hungarian sub-national authorities (and one Polish city) *have* chosen to establish offices. Marks et al.’s suggestion that politically and/or culturally distinctive regions are more likely to establish offices may be relevant here as well. Voters in Prague, Bratislava, Budapest, and Tallinn routinely disagree with voters in peripheral regions of their respective states. Still, the standards that Marks et al. use to measure “political and cultural difference” in Western Europe are not terribly well-suited to the east-central European context.²⁷ Systematic testing of the hypothesis linking cultural/political difference with representation in Brussels would likely require new standards for measuring the independent variable. Qualitative research

²⁶ On mimetic institutional isomorphism, see Paul J. DiMaggio and Walter W. Powell, “The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields,” *American Sociological Review* v. 48 (April 1983), pp. 147-160. For a classic study of the role of “appropriateness” in explaining institutional choice, see Pamela S. Tolbert and Lynne G. Zucker, “Institutional Sources of Change in the Formal Structure of Organizations: The Diffusion of Civil Service Reform, 1880-1935,” *Administrative Science Quarterly* v. 28 (March 1983), pp. 22-39.

²⁷ To measure the relative strengths of national and regional identities, for example, Marks et al. use a question from the Eurobarometer survey that asks respondents about their relative attachment to the region in which they live. As the discussion above has suggested, however, “region” is a particularly tricky word in east-central Europe. Two neighbors claiming equally strong attachments to “their” region may actually be professing connection to geographically distinctive areas.

and interviews with the individuals who have played key roles in pushing for Brussels offices would also round out statistical tests.²⁸

Regardless of the explanations, Brussels offices must ultimately be understood as independent as well as dependent variables. The question of ultimate concern is whether/how “working in Brussels” affects relationships among state and sub-state actors. Unfortunately, the evidence on this question is currently as scant as the theoretical payoff is promising. It is still too early to ascertain whether/how Brussels offices are affecting territorial relations in the new member states. One might search for hints about the possible effects of Brussels offices by referring to examples from west European states and by asking Brussels representatives and their counterparts in central states about their impressions of the ultimate effects of Brussels offices.

(5) Transnational associations and networks

In 1996, Hooghe and Marks suggested that “the open-textured nature of networking makes it very difficult to come up with reliable data on the density” of transnational networks and associations that link representatives of various sub-national authorities.²⁹ As EU membership has expanded, this task has become even more difficult. In the past decade, “older” networks linking sub-national authorities have expanded to include members from the new member states, and new networks have

²⁸ Another possible contrast between west European and east European Brussels offices involves the primary motivation for establishing the offices. Whereas the *Länder*'s initial decision to establish Brussels offices was primarily a *defensive* tactic (guarding against federal moves to shift *Länder*-level competencies upward toward the EU level), postcommunist regions' initial motivation may have been more *offensive* in nature (shoring up tenuous domestic status).

²⁹ Hooghe and Marks, “Europe with the Regions” (1996), p. 89.

come into existence. The “quality” and mission of these networks vary significantly from one to the next—some networks are densely institutionalized with very specific goals, others are loose agglomerations with very general aims. This section aims to demonstrate the diversity of networks linking sub-national authorities and to show that authorities from the new member states are participating in the many different kinds of European networks.

Hooghe and Marks begin their discussion of transnational associations and networks with the two largest and most visible associations of regional and municipal authorities—the Assembly of European Regions (AER) and the Council of European Municipalities and Regions (CEMR). While not always agreeing with each other, both organizations have thrown weight behind major institutional and operational innovations of the last fifteen years—the establishment of the CoR, the reform of the structural funds, an expansive interpretation of the principle of subsidiarity, etc. The members of CEMR are national associations of municipalities and (a small number of) national associations of supra-municipal authorities. The Council’s membership is expansive, comprising national associations from all fifteen “pre-2004” member states, all ten new member states, and Bulgaria, Iceland, Israel, F.Y.R.O. Macedonia, Norway, Switzerland, and Ukraine. AER has not taken in as many new members from the 2004 accession states. The bulk of its membership is formed by individual regions.³⁰ As of summer 2004, two Czech regions, all Hungarian counties with the exception of

³⁰ In addition to individual member regions, the AER also includes “interregional organization members” like the Assembly of European Wine-Producing Regions, the Alps-Adriatic Working Community, and the Association of European Border Regions. A number of these interregional organizations have themselves expanded to include members from the acceding states. Győr-Moson-Sopron (Hungary), for example, is a member of the Alps-Adriatic Working Community (AKA Alpen Adria), and the current president of Alpen Adria is Hungarian.

Budapest, six Polish *województwa*, three Slovak regions, and four Lithuanian administrative regions had joined the AER.³¹ Eurocities, an association that lobbies on behalf of the continent's largest cities, has also become a major player in Brussels in recent years, all the while absorbing members from all eight acceding postcommunist states. AER, CEMR, and Eurocities have all initiated formal or informal mechanisms of deepening connections between members from pre-2004 member states and members from new member states. They have established special committees, sub-committees and/or working groups and have sponsored conferences aiming to increase mutual understanding and networking among western and eastern members.

Beyond these most visible transnational associations, observers of transnational networks of European sub-national authorities have differentiated between “top-down” networks supported by the Commission and voluntary, “bottom-up” networks spearheaded by individual sub-national actors.³² The Commission, working largely through “initiatives” that form a small portion (approximately 5%) of the structural fund budget, has encouraged the formation of multiple networks. One initiative, INTERREG III, seeks to stimulate knowledge-sharing and increase the administrative know-how of European regions. Under one plank of INTERREG III (INTERREG IIIC East), for example, regions from different states within four “program zones” are encouraged to design joint projects and apply to the Commission to fund the projects. The eastern INTERREG IIIC zone, for example, encompasses portions of Germany, Italy, Greece,

³¹ While it would be enlightening to investigate the reasons why these regions (and not others) had joined the Assembly and the relationships between this decision to pursue this channel versus others (i.e., to establish a Brussels office), this task, too, remains beyond the scope of this paper.

³² The distinction between “top-down” and “bottom-up” networks, while illustrative, is nonetheless imperfect. While the CEMR, for example, has developed through voluntary cooperation, 15% of its operating budget is currently provided by the Commission.

and Poland and the entire territories of Austria, the Czech Republic, Hungary, Slovakia, and Slovenia. Although the total sums available from INTERREG IIIC are not overwhelming and the procedures of acquiring assistance are rather serpentine, the initiative has actually succeeded in facilitating substantive cooperation among regions from “pre-2004” and “post-2004” member states.³³ The Commission has also supported the creation of multiple “thematic networks” (i.e., BASAN—the Baltic Sea Agro-industrial Network, Innoba-SME—Overcoming Innovation Barriers in SMEs, CAFÉ—Consortia for Agro-Food in Europe, and many others) that bring together regions across the EU 25.³⁴ The long-term implications of Commission-supported projects and networks remain uncertain: Will they lead to closer inter-regional and cross-border cooperation in the future? Will they facilitate cooperation among regions beyond the aegis of the Commission’s sponsorship? Will they facilitate habits of cooperation that will outlast particular projects? Answers to these questions and appreciation for the broader effects of the networks both await further investigation.

Fecund as the field of Commission-supported networks is, “bottom-up” networks have also recently expanded to include members from the postcommunist world. The Conference of Peripheral Maritime Regions, which is one of the oldest inter-regional European transnational associations, for example, has expanded to include member regions from Estonia, Latvia, Lithuania, and Poland. Authorities from the same four states have also joined the Baltic Sea States Sub-regional Cooperation (BSSSC) network, and authorities from across the postcommunist EU have joined the Association

³³ On INTERREG IIIC, see <http://www.interreg3c.net>. For specific projects approved under INTERREG IIIC East, see <http://www.interreg3c.net/sixcms/detail.php?id=2643>.

³⁴ For a list and description of thematic networks supported by Community initiatives, see <http://www.innovating-regions.org/network/presentation/themanetworks.cfm>.

of European Border Regions and various sectorally organized “sub-networks” within the Assembly of European Regions. Local authorities from across the region have also pursued (and achieved) membership in networks with truly global coverage like the network of Local Governments for Sustainability (ICLEI).

All of these examples suffice to demonstrate that integration of sub-national authorities into supra-national networks has gone hand-in-hand with integration into the EU. Once again, the trends identified in this section open at least as many questions as they answer. Further research is necessary, for example, to determine (a) the *quality of participation* and *actual influence* of postcommunist member authorities within transnational networks, (b) the possible relationships among the various kinds of transnational networking (i.e., does “top-down” networking encourage “bottom-up” networking, or vice-versa, or both?), (c) the mechanisms linking transnational networking to the four channels of representation discussed above, (d) the ways that states have responded to the integration sub-national authorities into supranational networks, and (e) the ultimate effects of supranational networking on existing structures of state authority.

Summary and conclusions

All generalizations about “sub-national authorities in contemporary Europe” are in some sense artificial and in every sense contingent. Just as histories and patterns of territorial relations differ significantly from one west European state to the next, so do such relations differ within the universe of postcommunist states. Although the eight

countries that entered the EU on May 1, 2004 share a history of centralized, single-party rule, their current systems of territorial administration and self-government vary significantly. In addition to emphasizing this general point, this paper has identified significant cross-country and intra-country variation between the supranational (European) activities of sub-national authorities. It has laid out a number of hypotheses seeking to explain variation in SNA engagement of the various channels of representation. Future research should test these hypotheses and explore possible relationships among the channels. Does participation in one channel “spill over” into participation in other channel/s, for example, or are the channels more profitably viewed as discrete phenomena?

Regarding the questions asked in the introduction, the paper has suggested that SNAs from post-communist states are indeed weaving themselves into the tapestry of multi-level governance in Europe, even if they are not doing so in uniform ways. Some sub-national actors (i.e., the Polish *województwa*) are acting on multiple fronts. Others (i.e., many municipalities, numerous Czech and Slovak regions), at least to date, are doing very little. Even for the most “Euro-active” SNAs, some channels remain more popular than others. The door to the Council of Ministers remains closed, and, the dictates of “partnership” notwithstanding, central states have been reluctant to empower SNAs in regional planning for the structural funds.

The “ultimate” question about the effects of supranational mobilization on territorial relations remains difficult to answer at such an early juncture and will remain so until the questions posed above can be addressed. And while it is clear that many SNAs are increasing their European profiles, one must not mistake activity for

accomplishment or mobilization for impact. None of the eight new member states has adopted a federal constitution, SNAs across the region have criticized central governments for monopolizing the accession process, and even the countries that have established self-governing regions have taken much time in doing so and/or have been reluctant to transfer competencies and finances. The new member states continue to be quite centralized. All the same, the trends identified here cannot be disregarded. Many SNAs have judged the benefits of supranational engagement to outweigh the costs, or at the very least, have discerned compelling reasons (whether “rational” or “appropriate”) to mobilize at the European level.

One must also remember, in conclusion, that while many postcommunist authorities are trying to increase their voices on the EU’s decision-*making* stage, the same authorities are also often EU decision-*takers* and decision *implementers*. As EU laws pass, it will often fall on the shoulders of SNAs to bring those laws into reality. In the short term, structural transformations in postcommunist EU member states may be more likely to be driven by “poor fit” between existing domestic institutions and the demands of EU laws than by the increased cachet of SNAs with supranational resources. This paper suggests that there is much to be gained by asking questions about multi-level governance in the postcommunist context. The fact that “poor fit” might also compel structural change suggests the possible applicability of a related literature—on “Europeanization”—that has also developed in studies of west Europe. Experience from postcommunist states will require theorists to adapt the multi-level governance and Europeanization frameworks, but these theories remain starting points

for understanding contemporary dynamics of state transformation in postcommunist member states.