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THE COMMITTEE OF THE REGIONS: ON THE MISSION TO REINFORCE THE DEMOCRATIC LEGITIMACY OF THE EUROPEAN UNION

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Abstract: *The Committee of the Regions was established to reinforce the democratic legitimacy of the European Union. All of the members and alternates of the Committee have to hold the democratic mandate at the regional or local level. At first sight, these two factors may lead to the conclusion that the Committee of the Regions offers the citizens the opportunity to be a part of the European decision-making process. That should specifically include the involvement of the citizens and taking their opinions into account during the later stages of the process. Such a situation would also lead to the reduction of the democratic deficit in the European Union. However, a closer look might prove otherwise. The article's aim is to evaluate if the Committee of the Regions does fulfil its mission. The concepts that serve as the theoretical foundation for the examination are participatory democracy, the input and output types of legitimacy as well as the democratic deficit. The main findings are based on the Author's own empirical research, conducted among the Polish members of the Committee of the Regions. The analysis contains also the explanation for current state of affairs as well as points out at the possible scenarios for the Committee's future.*

Keywords: Committee of the Regions, European Union, Citizens' involvement, Democratic deficit, Participatory democracy.

1. Introduction

The Committee of the Regions (hereinafter CoR) is a unique element within the European Union's (hereinafter EU) institutional system. It combines the subnational and European level together. Established to "reinforce the democratic legitimacy" (McCarthy 1997, p. 443), the CoR gives the EU the opportunity to take into account the needs of the local and regional communities (Petrašević, Duic 2016, p. 6), represented by the CoR's members and

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alternates. However, if this is an actual case, depends first and foremost on the functioning of the CoR. The purpose of the paper is to answer the question of the CoR's role in strengthening the democratic legitimacy of the EU. The following research questions have been formulated with the view to reaching the purpose stated above:

1. Can the elements of the participatory democracy be found in the CoR's functioning?
2. Is the CoR's internal model of functioning based on the output or input legitimacy?
3. To what extent the CoR's functioning leads to reducing the democratic deficit?

The article attempts to verify the main hypothesis stating that neither the CoR's actual functioning nor individual actions of the CoR's members lead to strengthening the EU's democratic legitimacy. Therefore, CoR does not fulfil one of its greatest tasks.

With regard to the theoretical framework, the research is based on the concepts of participatory democracy, input and output legitimacy, as well as the democratic deficit. They will be respectively used to: (1) determine the model of the representation of the local and regional communities within the CoR; (2) define the CoR's internal functioning, and (3) state the CoR's role in reduction of the democratic deficit.

Concerning the methodological framework, the focus is put essentially on the Author's own empirical research, which has been conducted in March 2021. The research has had a form of a survey and has been sent to all of the Polish members of the CoR of the term 2020-2025. Thirteen of them – out of twenty-one – have filled out the form, which gives the response rate of 62%. This means that the results should be representative for all the CoR's members from Poland. Moreover, it can be assumed that one can refer these results to the CoR's members from the other member states. It seems highly unlikely that the Polish members of the CoR have developed their own ways of functioning, vastly different from the other members. The Polish delegation is far too small to be able to do that. In addition to that, the research's results seem to be in accordance with the earlier researches, conducted among the CoR's members from the other member states (Piattoni 2012; Sjögren 2011; van der Pol 2016).

2. Terminology Conceptualisation and Theoretical Framework of the Research

The concept of participatory democracy can be traced back to Jean Jacques Rousseau, with Crawford Macpherson and Carole Pateman transferring it into a concrete model (Held 1987, p. 263). Participatory democracy makes room for the citizens' involvement in the decision-making process, creating the government not only *for* the people, but also *by* and *of* them (Fuchs 2007, p. 40). According to the proponents of this idea, people are much more likely to adhere to particular decisions if they take part in the process of making them (Held 1987, p. 259). In that regard, Arnstein (1969, p. 217) has developed the model of the Ladder of Citizen Participation, which included three categories of the people's involvement (nonparticipation, tokenism, citizen power), with each category divided into smaller types. The citizens have more chances to be engaged if their community is relatively small. Hence, the typical level for the functioning of the participatory democracy is the subnational (especially local) one (Wolfe 1985, p. 372). The aim of this type of democracy is not to be the alternative for representative democracy, but rather to strengthen the latter, by empowering the citizens with other possibilities of influence than voting (della Porta 2019, p. 606). This applies to the EU as well. Art. 10.1 of the Treaty on the European Union (hereinafter TEU) states that the functioning of the EU shall be founded on representative democracy. At the same time, art. 11 TEU creates the space for participatory democracy, by obliging the EU institutions to give the citizens the opportunity to express their ideas (Kutay 2015, p. 814). When it comes to particular tools of participation, Wojtaszczyk (2011, p. 14-15) points out at the interest groups, both in the institutionalised form (like CoR) or created *ad hoc*. The various consultations led by the EU institutions and bodies may be the other example.

The original distinction of the input and output legitimacy was made by Fritz Scharpf, according to whom the first type concerns the government *by* the people, whereas the second one means the government *for* the people (Rousseau 2014, p. 11). On the sidenote, some scholars argue that there is one more type – throughput legitimacy (Schmidt 2013, p. 5-7). The input legitimacy focuses on the system's inclusiveness and the participation opportunities. As Tosiek (2007, p. 66) puts it, the system's acceptance is based on the people's belief that they can influence the decision-making process, and later audit its results. On the other hand, the

output legitimacy's main concern is the efficiency of the system (Lindgren, Persson 2010, p. 451). Therefore, it values the expert knowledge over the citizen's opinions. One may say that the output legitimacy contains some danger to the system, because the latter is regarded as legitimised only as long as it is working properly, so there is not so much space for the mistakes (Weiler 2012, p. 828). The EU is observed to base its functioning on the output legitimacy (Cuesta 2010, p. 124). Since the opportunities for the citizens' involvement are limited, the EU must seek the people's acceptance by being efficient. This situation is reflected also by the EU's institutional system, as the output-oriented institutions (especially the Council and the European Commission – hereinafter EC) enjoy more influence than the input-oriented one (the European Parliament - hereinafter EP) (Jano 2008, p. 65). Moreover, there are some scholars who welcome such state of affairs. For instance, Majone states that there is no need to create new opportunities for the citizens' involvement, because it would make the European decision-making process too complicated, which would lead to decreasing efficiency (Rousseau 2014, p. 12).

The discussion about the EU's democratic deficit started in the 70's. It has been then associated with the situation, in which the national parliaments have been losing some of their powers due to the process of the integration while the EP have not been able to compensate for this loss, because of its weak position within the institutional system (Hobolt 2012, p. 90). According to scholars nowadays, there are other elements of the democratic deficit. For instance, Weiler's "standard version" contains five components (Follesdal, Hix 2006, p. 534-537). Firstly, European integration has led to strengthening the national executive authorities, which means that the role of the national parliaments (which are the main sources of democratic legitimacy) has decreased. Secondly, the EP's position is still too weak, especially compared to the institutions which do not enjoy direct democratic legitimacy. Thirdly, there is a lack of truly European elections since the EP election campaign focuses mainly on the national issues. Fourthly, the EU is "too distant" from the citizens, who do not associate with it. In other words, there is no "community feeling". Finally, the complexity of the EU decision-making process results in the "policy drift", which means that the final decisions may not be supported by most citizens. However, there is no consensus of the democratic deficit among scholars, as there are some authors who deny the existence or the importance of this problem (Kratochvíl, Sychra 2019, p. 170-171).

3. The Committee of the Regions within the European Union's institutional system

The CoR's institutional position is settled by the TEU and the Treaty on the functioning of the European Union (hereinafter TFEU). The first treaty mentions the CoR only once (Art. 13.4 TEU), stating that it shall, acting in an advisory capacity, assist and advise the European Parliament, the Council and the European Commission. More provisions regarding the CoR can be found in the TFEU. The question of the CoR's institutional status is answered by the title of the third chapter of this treaty, concerning the CoR and the Economic and Social Committee (hereinafter ESC) – “the Union's advisory bodies”. Therefore, the CoR cannot be defined as an “institution”, because this term has its special meaning within the EU law. According to the Art. 13.1 TEU, the status of the institution is reserved for the EP, European Council, Council, the EC, Court of Justice (hereinafter ECJ), European Central Bank and the Court of Auditors. As it can be seen, the division between institutions and bodies has not only the formal meaning, but it is also the reflection of the actual influence. Hence, the CoR has been constantly expressing the demand to become the institution (Reilly 1997, p. 138).

The establishment of the CoR is connected to the growing impact of the European law on the subnational level, without giving the latter the place by the decision-making table (Schönlau 2017, p. 1170). This problem has been noticed especially after the Single European Act's entry into force. In 1988, the EC established, as its advisory body, the Consultative Council of Local and Regional Authorities (Millan 1997, p. 5). The members of this Council have had to hold the democratic mandate and the local or regional level and were chosen on the basis of the recommendation of Paneuropean organisations representing territorial self-government units. However, the regions (especially those with the legislative power, like German *Länder*) demanded more influence. According to the most ambitious scenarios, the body representing the subnational level should have the status of EU institution and play a significant role in the legislative process (Christiansen, Lintner 2005, p. 7). This idea could not be accepted by the national governments, though. From their perspective, such state of affairs could be dangerous (Domorenok 2009, p. 145), for at least two reasons. Firstly, it would lead to weakening the national level (and its main institution – the Council) in the decision-making process. Secondly, especially in the long-term perspective it could be an important factor in the process of building

the regional identity – which would automatically have its impact in the matter of the strength of the national identity. Hence, the national governments preferred the future body representing subnational level in the EU's institutional system to be rather weakened than strengthened. And, since they are the main decision-makers, the final shape of what turned out to be the CoR, was in accordance with their preferences, not the regions' ones.

The Treaty of Maastricht, which established the CoR, gave it the status of the advisory body to the Council and the EC. Moreover, the CoR did not have its own budget or administrative support unit but had to share it with the ESC (Caroll 2011, p. 344). The CoR's opinions were not legally binding as well as the concerned EU institutions did not have to justify its stance on the CoR's proposals. There was also no obligation to hold the democratic mandate at the local or regional level. Such status of the CoR was far from the regions' expectations. Therefore, they have started to call for the strengthening of the CoR. Some of their demands were fulfilled by the next treaties. Due to the provisions of the Treaty of Amsterdam, the CoR could be consulted by the EP, too (Christiansen 1997, p. 59). The CoR was also separated from the ESC. The key change to the CoR's shape in the context of this paper was brought by the Treaty of Nice, which introduced the obligation to hold the democratic mandate at the local or regional level in order to be the CoR's member (or alternate). Since then, although the CoR members and alternates are appointed for five-year term (the length of the term was extended from four to five years by the Treaty of Lisbon), they lose the CoR's membership when their mandate at the local or regional level ends (Official Journal of the European Union 2014). Final modifications to the CoR's institutional position were made by the Treaty of Lisbon, which gave the CoR the status of the "guardian of the subsidiarity principle" and the right to file the application to the ECJ if this principle was – in the CoR's opinion – violated (Kaniok, Da'đová 2013, p. 125). To sum-up this issue, one must state that despite dynamic changes in the short period of time, the CoR maintains to be the advisory body with no powers that could be binding for other EU institutions. Therefore, the CoR has no guarantee that its opinions will be taken into account during the decision-making process (Hönnige, Panke 2016, p. 628).

Since the CoR has no formally binding powers, its actual influence depends on its relations with the EU institutions, especially the EP, the Council and the EC. Therefore, it may be worth looking at how do these relations look like. The CoR's closest ally is the EC. It has been

supporting the establishment of the body representing the subnational level within the EU's institutional system. Some of the commissioners are usually present during CoR's sessions (Domorenok 2009, p. 156). The EC and the CoR have signed a protocol on the cooperation agreement, which regulates the mutual relations (Official Journal of the European Union 2012). The cooperation can be seen as constructive for both sides. The EC has a chance to strengthen its own position through working together with the body, which possess the democratic legitimacy (Warleigh 1997, p. 104). For the CoR, it is an opportunity to influence the decision-making process. In the matter of the relations between the CoR and the EP, they have not been very cordial during the first years of CoR's existence (Cole 2005, s. 55). That was so because the EP was seeing the CoR as a potential rival, mainly due to CoR's institutional ambitions. This problem has disappeared over the years and nowadays the EP and the CoR's relations are regulated by the Cooperation Agreement signed in 2014. What brings the EP and the CoR closer to each other, are basically the same political groups (Decoster, Delhomme, Rouselle 2019, p. 108). As one may guess, the CoR has the worst relations with the Council. It is for the same reasons that the national governments did not want the CoR to be powerful in any way in the first place. Additionally, the good relations between the EC and the CoR also have its implications when it comes to the CoR's relations with the Council. The CoR is being described as "the EC's baby", and since there is some kind of rivalry between the Council and the EC, it is affecting the CoR as well. Although the CoR's choice seems reasonable, it would also be worth strengthening its relations with the EP, since they both possess the democratic legitimacy and can work together to improve the state of the EU's democracy.

To complete the picture, one should also look at the CoR's functions. The one that seems the most important from the EU's institutional system perspective is the advisory function. It has been regulated *expressis verbis* in the treaties. Hence, the CoR formulates its demands and expectations in a form of opinions and resolutions given to the EC (in most cases), the EP or the Council. As it was mentioned before, the EU institutions are not obliged to share CoR's point of view and neither they have to justify their decisions in that matter. Second function the CoR is connected to its status as the "guardian of the subsidiarity principle". Therefore, the CoR is monitoring if this principle is being violated. When that is the case, the CoR has the right to bring an action before the ECJ, seeking the annulment of the violating act. Although such

measures have not been taken yet, the CoR have used this competence to influence the decisions of the EC – and was successful in that matter (Nicolosi, Lisette 2020, p. 286). Lastly, there is also the representative function. In this part of the paper, it is understood as the general representation of the subnational level. As the CoR itself underlines, about 70% of the EU law affects the functioning of the regional and local communities (Przyborowska-Klimczak 2018, p. 12). Therefore, the CoR's task is to make these communities' voice heard during the European decision-making process. The greatest example of it is impacting the change of the formulation of the Art. 5 TEU which have led to inclusion of the subnational level in the definition of the subsidiarity principle, which was the CoR's demand for the long time (Seather, Schmidt-Nissen, Lorenz 1997, p. 105-106). The representative function can be seen as well in the CoR's daily work, like adopting the opinions or organising events dedicated to the regional or local authorities.

To sum-up, the CoR has the status of the advisory body to the EP, the Council and the EC. It represents the subnational level within the EU's institutional system. Due to the limitation of the CoR's powers, its capability to impact the decision-making process depends on the relations with the EU's decision-making institutions, of whom the CoR's biggest ally is the EC. The CoR fulfils its tasks mainly through adopting opinions, but it seems to have the biggest influence in the sphere of monitoring the subsidiarity principle. Based on the CoR's current position, it is rather hard to assume that this body will be given the status of EU institution in the near future.

4. Mission goals

Representation of the subnational level is not the CoR's only task, though. The other one was expressed during the CoR's inaugural session by the EC's then-president, Jacques Delors: "the Committee of Regions is called upon to reinforce the democratic legitimacy of the Union... If one had to justify its creation in one sentence, it is this one I would put forward" (Defoort 2002, p. 6). Since this mission is given such a priority, it may be worth seeing, how it is carried out. But before doing that, one thinks about conditions that CoR should fulfil to enable one to say that this body is truly committing to strengthen the democratic legitimacy of the EU. The results of the empirical research will be later compared to those conditions.

As it was mentioned before, since the Treaty of Nice's entry into force, in order to be a member of the CoR (or alternate), one has to hold the democratic mandate at the regional or local level. Even before 2001 most of the members and alternates did fulfil this condition, although there was no obligation. Such construction of the CoR's membership is not only the chance for the EU institutions to be given the subnational input to the decision-making process, but at the same time it creates the opportunity for the citizens to make their voice heard at the European level. That is so because of several reasons. Firstly, the smaller some community is, the more room there is for participatory democracy (Held, 1987, p. 260). Hence, the subnational level has more to offer in that matter than the national or European ones. Secondly, since it is easier for the regional and local authorities to consult the citizens, the consultations are being conducted more often. Thirdly, the CoR's membership is not an issue limited only to CoR's members and alternates, but it affects the whole territorial self-government unit and its citizens. Therefore, there is no reason why the CoR's actions should not be a topic of the consultations. Fourthly, the citizens tend to trust the subnational authorities more than the European ones. The local and regional identity is stronger than the European one (Bellamy 2016, p. 66) This can be seen as a chance for the EU to strengthen itself through employing the subnational level. Finally, as the CoR is the part of the EU's institutional system, the results of the consultations could affect the work of the CoR itself and then the EU's decision-making process. What should be seen on the whole picture then is the situation where the CoR's members do consult their activity within the CoR with the citizens. Of course, it does not have to be done by every issue the CoR is focusing on – it can be limited to the most important issues. It can also involve the consultations with other democratically elected officials from the same territorial self-government unit, mainly the members of the regional or local legislative body. Since its members are also the representatives of the people, they can pass along the citizens' ideas to the CoR's members. Setting the technicalities aside, the most important thing at this point is to make the citizens feel that the CoR is the efficient way to make their voice heard at the European level.

The other prominent issue concerning CoR's task to reinforce the democratic legitimacy of the EU is the model of this body's functioning. This issue has been noticed by the other scholars. Both Piattoni (2012, p. 64-66) and Skawiński (2008, p. 161) reconstruct two models in that matter, which are, respectively, (1) political and functional and (2) democratic and expert. Every

of these models can be seen in terms of the output and input legitimacy. Functional and expert models belong to the output legitimacy, while political and democratic are part of the input legitimacy. What has to be stated at this point is the fact that if the CoR wants to fulfil its mission, its functioning has to be based on the input type of legitimacy. In that regard, the most important thing is the inclusion of the citizens and their opinions into CoR's work. But there are other significant elements as well. First of all, one should look at the role of the political groups and national delegations within the CoR. The members and alternates of the CoR have to hold the democratic mandate at the regional or local level – and their election is somehow connected to politics (Christiansen 1996, p. 100). Even if they are not members of any political party, they had to present some political programme during the election campaign. Therefore, their mandate is based on the political elements in some way. It leads to the conclusion that it should be the CoR's political groups which have the most influence within the CoR. On the other hand, the national delegations should remain only the loose form of the organisation of the members and alternates from the same member state. That is so because the national delegations bring together the people with different political backgrounds. Hence, the national delegations could be significant only if the political elements did not matter, which would lead to the output legitimacy (Weiler 2012, p. 830). In terms of the input legitimacy, the most important things should be the opinions of the citizens collected during consultations and the membership in the political groups.

Such state of affairs would have its consequences when it comes to reducing the democratic deficit in the EU. If the CoR's members and alternates consulted the CoR's activities with the citizens and later took their opinions into account, not only the citizens could feel empowered in terms of the EU decision-making process, but they also could start identifying with the EU and not treat it like something external anymore (Moravcsik 2004, p. 361). And the CoR itself, through the functioning based on the input legitimacy, could strengthen its own position within the EU's institutional system. As it would mean the reinforcement of the democratic element of this system, it would also lead to reduction of the democratic deficit.

5. Mission report

The fulfilment of the conditions set above seem to be necessary to state that the CoR is successfully committing to reinforcing the democratic legitimacy of the EU. In this part of a paper, these conditions will be confronted with the actual picture of the CoR's functioning, derived from the Author's own empirical research conducted among the Polish members of the CoR.

As it was stated earlier, the most significant thing is the involvement of the citizens into the CoR's functioning. There are several ways to do that, but what seems to be the most important is the opportunity for the citizens to express their opinions and demands that could be later transferred to the European level.

Table 1. Which of the following ways do you use to consult your activity within the CoR with the citizens of your territorial self-government unit?

Answer	%
I conduct the social consultations	7,7
I respond to the citizens' applications on access to the public information	30,8
I process the citizens' petitions	23,1
I organise open meetings with the citizens	15,4
I share the information about my activity within the CoR on the official website of my territorial self-government unit or its profile in the social media (facebook, twitter etc.)	84,6
I share the information about my activity within the CoR on my website or my profile in social media (facebook, twitter etc.)	76,9
I do not consult my activity within the CoR with the citizens	15,4
Other	0

Source: Author's own research.

The goal of consulting the citizens is about giving them the opportunity to express their opinions. This is a *conditio sine qua non*. Without it, the CoR is not able to help to reinforce the democratic legitimacy of the EU. Meanwhile, as the results show, the actual actions of the CoR's members do not leave much room for the citizens' involvement. The only options shared by the majority of the responders are sharing the information about their activity within the CoR using either the web profiles of their territorial self-government units or their own web profiles. Such

process of communication is only about the one-sided announcement that the citizens cannot respond to in a way that would mean the actual discussion. The role of the citizens is limited to be passive observers of the actions of the CoR's members, unable to react. This does not have much to do with the idea of participatory democracy. Another interesting thing coming from these results is the problem of classification of the petitions and applications on the access to the public information. In case of these methods, the citizens are the ones to start the interactions with the CoR's members, not the other way around. Hence, the fact that such tools are being used means that some of the citizens are interested in the CoR's work. On the other hand, if it were not for the citizens, the CoR's members would not have shared the information about their activity within this body. Naturally, it is good that they respond to the citizens' initiatives, but it does not seem to be enough - they have to come up with their own ones at the same time. The ways of consultation that – from the perspective of CoR's task to reinforce the EU's democratic legitimacy – should be common (social consultations and open meetings with the citizens), are being used by a very small minority of the CoR's members.

As it was mentioned before, the consultations could be conducted not only among the citizens themselves, but also among their democratically elected representatives. At some points it may be easier to do that, mainly because of the number of the representatives. Hence, the discussion would be more inclusive.

Table 2. Which of the following ways do you use to consult your activity within the CoR with the members of the legislative and executive bodies of your territorial self-government unit?

Answer	%
I am being given formal instructions which I have to follow	0
I report my activity within the CoR to these bodies	30,8
I hold the discussion on my activity within the CoR during the sessions of these bodies	61,5
I respond to interpellations and formal questions formulated by the members of these bodies	53,8
I do not consult my activity within the CoR with the members of these bodies	15,4
Other	0

Source: Author's own research.

First of all, no formal instructions are a sign that the CoR's members act in accordance with the Art. 300.3 TFEU, which states that they cannot be bound by any mandatory instructions. The purpose of this provision was to make the CoR's members independent from the national governments, but not only from them. Secondly, the state of the consultations with the citizens' representatives looks slightly better than with the citizens themselves. Majority of the CoR's members hold the discussions on their activity within the CoR with the members of executive and legislative bodies of their territorial self-government units. This gives the members of these bodies the opportunity not only to receive the information, but also to express their own opinions, which can be later taken into account during the CoR's work. When it comes to the interpellations and formal questions, it is the same case as with citizens' petitions and applications – the representatives also seem to be interested in the CoR's work and it is thanks to them that the information in that matter is made public. The general conclusion, based on the questions concerning the citizens and their representatives, is rather pessimistic. Without a doubt, it is good that the representatives are being consulted, but this kind of the consultations should play the subsidiary role compared to the consultations with the citizens. As one can see, that is not the case here – and it does not speak in favour of the CoR.

The results presented above concerned the consultations with the citizens and their representatives. However, they may be not the only ones to be consulted with the CoR's members. This question will be relevant regarding the character of the consultations.

Table 3. With whom of the following entities or persons do you consult your activity within the CoR?

Answer	%
The authorities of the other territorial self-government units	92,3
Local or regional media	7,7
Administrative staff of the represented territorial self-government unit	92,3
External experts	76,9
Committee of the Regions' alternate members	38,5
My activity is based mainly on my own knowledge and experience	30,8
Someone else	7,7

Source: Author's own research.

As it can be seen, the ones that are consulted the most are the authorities of the other territorial self-government units, administrative staff of the represented territorial self-government unit and external experts. The last two types of consultations are clearly more of a technical character, rather than the democratic one. There may be some doubts about the first type but seems to be the technocratic consultations as well. If the CoR's members do not consult their activity within the CoR with the citizens from their own territorial self-government unit, it would not make any sense if they discussed the needs of the citizens of the other territorial self-government unit with their representatives. Therefore, these consultations have to be about specific kind of knowledge that the other authorities have because of the fact that they are in power – for instance, the economic situation of the region. These results, combined with the previous ones, show what type of consultations is preferred by the CoR's members. They want to be given concrete expert information rather than hold the discussion with the citizens on their ideas to democratically legitimise the decisions of the CoR.

Members of the CoR prefer to receive the information of rather technical character. Since this is the case, it may be helpful looking at how much their choice is determined by the CoR's way of functioning.

Table 4. What, in your opinion, is the most important thing regarding the position of the CoR's members?

Answer	%
Factual knowledge of the individual members	61,5
The ability to compromise	46,2
Economic potential of the represented territorial self-government unit	15,4
Demographic potential of the represented territorial self-government unit	7,7
Economic and demographic potential of the member state, which the represented territorial self-government unit belongs to	15,4
Political group membership	76,9

Source: Author's own research.

The results may spark some confusion. On the one hand, the most significant thing regarding the positions of the CoR's members is – in the opinion of the responders – the political

group membership. This may be seen as the sign of supporting the democratic elements within the CoR. On the other hand, the majority of the members point out at the importance of factual knowledge, which leads a bit into the area of technocracy. Although political group membership was the option chosen the most times, this result does not seem to be in accordance with the earlier researches. As Büttner (2020, p. 21-33) found out, the political groups are responsible only for 1-30% of the amendment propositions to the CoR's opinions. The vast majority (70-90%) of such propositions comes from the national delegation. Moreover, as Piattoni (2012, p. 68) states, the CoR's members treat the national delegations as more important than the political groups. Having that in mind, the high percentage of the political group membership as a significant factor concerning the position of the CoR's members may be explained by the fact that the rapporteurs on the CoR's opinions and the composition of the commissions are chosen on the basis of political group membership. Hence, the responders may have identified the term "position of the CoR's member" in the formal way.

The last questions concern the way the political groups and the national delegations work their way to the common positions. They have been presented together because the joint analysis will be helpful in determining the importance of the democratic and expert elements.

Table 5. How does the political group decide on its stance on particular matters?

Answer	%
No such decisions are being made	0
By voting, usually by simple majority	38,5
By voting, usually unanimously	7,7
By reaching the consensus	53,8

Source: Author's own research.

Table 6. How does the national delegation decide on its stance on particular matters?

Answer	%
No such decisions are being made	0
By voting, usually by simple majority	53,8
By voting, usually unanimously	7,7
By reaching the consensus	38,5

Source: Author's own research.

What matters the most in this case is not the way the political groups and the national delegations decide, but rather the sole fact that they do that. It may be not surprising when it comes to the political groups – they bring together the people who share similar political beliefs, so it may not be very hard for them to find a common ground. Naturally, it does support the democratic way of the CoR's functioning. However, it loses importance in light of the fact that the national delegations are able to come together as well. As it was mentioned, the national delegation contains the people with different political backgrounds. Hence, if they are able to decide on the stance of the whole delegation, it either means that the issue that is being decided is not so important or it is more of the technical than political character. This is another argument against the strong position of the political groups as the actual decision-makers within the CoR. One could also wonder how the CoR's members would act if their political groups and the national delegations took the different positions. The Piattoni's findings mentioned earlier suggest that the priority would be rather given to the national delegations. That does not speak in favour of the democratic character of the CoR's functioning either.

6. Mission failed?

The results presented earlier show the actual state of affairs in the concrete areas, but – when put together – they also create the bigger picture concerning the functioning of the CoR. It becomes even more clear when compared with the theory. This part will bring the answers to the research questions set in the first part of the paper.

The first issue that has to be determined is the existence of participatory democracy within the functioning of the CoR and its members. As it was stated, the very idea of this type of democracy is based on the citizens' inclusion into the decision-making process. There are several levels of this inclusion, but in any scenario the citizens should at least be given the opportunity to express their opinions. However, as the results show, that is not the case when it comes to the CoR. The interactions between the CoR's members and the citizens are limited to sharing the information about their work within the CoR via webpages or social media. Such actions do not leave any space for the citizens' participation. In Arnstein's terms, the relations between CoR's members and the citizens are limited to the informing level, which is a part of

“tokenism” category. Even though there are some signs of the inclusion of the citizens’ representatives, it loses its importance when the citizens themselves are not involved. Finally, the consultations with others, such as external experts, shows that the CoR’s members actually prefer to hold the technocratic type of consultations. This may even lead to the conclusion that the engagement of the citizens’ representatives is also about obtaining specific kind of knowledge, and not about getting the democratic legitimacy for the actions of the CoR’s members within this body. All these reasons force one to state that the CoR and its members do not implement the idea of participatory democracy. Therefore, one cannot say that at this point the CoR is fulfilling its mission to reinforce the democratic legitimacy of the EU.

The second question was about the model of the CoR’s functioning. It was also mentioned that if the CoR wants to succeed in its task, its functioning must be based on the input legitimacy. However, several arguments actually prove otherwise. First of all, the fact that there is no inclusion of the citizens has its consequences not only in the matter of the participatory democracy, but also when it comes to the CoR’s legitimacy, making it closer to the output one. Secondly, by the output legitimacy, the effectiveness of the decision is more valued than the citizens’ involvement – the CoR’s members seem to agree with that, since they prefer to hold the technocratic type of consultations. The deciding thing in that regard is the role of the national delegations, though. The fact that they set their common positions, that they are the most active ones in terms of the amendment proposals as well as that they are considered more important by the CoR’s members themselves leads to the conclusion that the things that the CoR is deciding upon may not even need to be democratically legitimised. The only thing that would be in favour of the input legitimacy as the basis of the CoR’s functioning is the CoR’s member’s perception of the role of the political groups. However, it cannot overrule the factors listed above. Hence, it has to be stated that the CoR’s functioning is based on the output legitimacy.

The final issue is about CoR’s capability to reduce the EU’s democratic deficit. Reinforcing the democratic legitimacy of the EU would lead exactly to this point – if the first condition was met which is not the case in the actual state of affairs. The CoR’s way of functioning does not create a space for the citizens’ participation. One may even say that the CoR is suffering from the same problem that it should be the cure for. Moreover, since there is no inclusion of the citizens, the CoR does not commit to building the feeling about the EU as the community either.

As Sjögren (2011, p. 23) found out in the research conducted among the Swedish members of the CoR, the citizens barely realise that they are represented in the CoR. The actions of the CoR's members do not seem to lead to change that. Another principal issue by the democratic deficit is the "unpoliticisation" of the decision-making process. The actual significance of the national groups within the CoR is not fighting this problem, but rather fitting into it. Finally, the institutional side of the deficit – even though the CoR has the democratic legitimacy, it is still the advisory body with no guarantee that it can influence the decision-making process (Hooghe, Marks 1996, p. 75). The CoR may declare that it brings the citizens closer to the EU, but its actual functioning proves otherwise. Therefore, the CoR cannot take the advantage of its legitimacy to strengthen its position within the EU's institutional system. Overall, one must state that the functioning of the CoR does not lead to reducing the EU's democratic deficit.

Such conclusions seem disappointing. Hence, it may be helpful looking at the possible reasons of why the CoR does not act the way it was meant to do. One could point out at least five reasons in that matter. Firstly, it has to be remembered that the CoR's membership is the build-up element to the democratic mandate held at the local and regional level. The CoR's members' primary task is to govern their territorial self-government units, which is a very time-consuming task. Therefore, they may not have so much time to involve the citizens in the CoR-associated aspect of their work. If this was the case, it would mean a great paradox – what gives the CoR the democratic legitimacy, makes its functioning technocratic at the same time. The second possible reason concerns the election procedure of the CoR's members (Baçal 2021, p. 87). They are not elected directly by the citizens, but by the national governments (mostly with the involvement of the organisations representing the territorial self-government units)², so they may not feel the connection to citizens at all. Thirdly, it may be the matter of the CoR's position within the EU's institutional system. If there is no guarantee that even the CoR's opinion consulted with the citizens can influence the decision-making process, then – in CoR's members' opinion – it would not make much of a sense to seek the democratic legitimacy of

² Formally, it is the Council who elects the members and alternates of the CoR. However, the Council makes its decisions on the basis of the lists submitted by the national governments and does not interfere with the composition of the lists.

their actions (Trobbiani 2016, p. 9). Fourthly, since the functioning of the whole EU is based on the output legitimacy, the CoR is unable to overcome this situation and just has to adapt to it. Lastly, it may be connected to the type of issues that the CoR is working on. Most of them are more of a technical character, so it may be hard to involve the citizens. The reasons listed above may occur separately, but it might be the combination of them as well.

7. Conclusion

As the paper has tried to point out, the CoR does not reinforce the democratic legitimacy of the EU. Such state of affairs invokes the discussion about the future of the CoR. Since the CoR is not fulfilling one of its main tasks, one may even wonder if the CoR should be dissolved (Martinico 2018, p. 109-110). Another option would be going back to the form of the Consultative Council of Local and Regional Authorities. Also, the CoR could also stop pretending to be bringing the citizens closer to the EU (Smismans 2004, p. 131) and focus only on giving the EU decision-makers the technical info about the subnational level. In these two last scenarios, it would mean the transformation into the expert committee. Such propositions seem to be a bit far-fetched, at least by now. However, it does not mean that everything about the CoR's functioning can stay the same. If the CoR is truly committed to strengthening the democratic legitimacy of the EU, it must change the way it is acting. First and foremost, the citizens have to be involved. Not necessarily in every issue – there may be no time for that since the CoR's members have to govern their territorial self-government units at the same time. But at least when it comes to the most important decisions. It may lead to the change of the internal functioning of the CoR as well as to reducing the EU's democratic deficit. Since such changes could mean reinforcing the CoR's position within the EU's institutional system, the CoR itself could benefit from it.

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