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**Regional Participation within European Multi-level Governance –
Saxony-Anhalt: regional parliament, regional government, stake holders –
Influences for Central and Eastern Europe**

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Key words: regional participation, European multi-level governance, mobilisation, Saxony-Anhalt, European Cohesion Policy.

The European Union experienced an increase in “politized participatory decision-making” when the Single European Act and the developments towards the economic and monetary union favoured such conditions. These events increased the political conflict stakes and broadened the scope of authoritative decision-making in the EU. A further spillover effect was the increasing influence driven activities and incentives for enlarged political mobilisation at different levels, meaning that next to the European and national levels of political participation in European policy-making processes, the subnational level – the regions – has been looking for access and active participation within EU governance processes.¹

The complexity of the European Union functioning system is based on the initial economic integration, meant to improve the economies of its member states. Competences have been transferred towards the European level, making the European apparatus grow. From this perspective, the *Governance* concept has been a major subject of research in EU studies, focusing on its origins, characteristics, levels of jurisdiction and its impact on European policy-making. This term brings together policy making activities – preparation, consultation, formulation, implementation, transposition, compliance – and actors and institutions situated at different levels of policy-making, administration and implementation – European, national, subnational and local. One of the favourite topics of the 1990s was the connection between regions and governance and the representation of interests within European multi-level governance.²

Governance draws attention to systems of regulation and the interdependent interactions of private and public actors, change of administrative behaviour, and increased openness to collaboration with private actors. Renate Mayntz and Fritz Scharpf have influenced the way governance is perceived through their “actor centred” approach.³ Börzel makes use of the governance concept developed by Renate Mayntz and Fritz W. Scharpf⁴, according to which governance is understood as a mix of institutionalised ways of coordination, its outcome being the adoption and implementation of collectively binding decisions. This mix therefore implies both structures – institutions and constellations of actors – and processes. From this perspective, this research narrows its scope to the subnational level of regions and looks into its structures and processes participation.

¹ Gary Marks, Hooghe Liesbet, *Multilevel Governance and European Integration*, Boulder: Rowman and Littlefield, 2001, p. 126.

² See Beate Kohler-Koch, Berthold Rittberger, “A Futile Quest for Coherence: The Many Frames of EU Governance”, in Beate Kohler-Koch, Fabrice Larat (eds.): *European multi-level governance: Contrasting images in national research*, Cheltenham Northampton: Edward Elgar, 2009, pp. 3-18.

³ See Beate Kohler-Koch, “German Governance Research: Advanced but Monodisciplinary”, in Beate Kohler-Koch, Fabrice Larat (eds.): *European Multi-Level Governance. Contrasting Images in National Research*, Cheltenham Northampton: Edward Elgar, 2009, pp. 61-82.

⁴ See Renate Mayntz, „Governance im modernen Staat“, in Arthur Benz (ed.), *Regieren in komplexen Regelsystemen. Eine Einführung*, Wiesbaden: Verlag für Sozialwissenschaften, 2004, pp. 65-75. Renate Mayntz, F. W. Scharpf, „Steuerung und Selbstorganisation in staatsnahen Sektoren“, in R. Mayntz, F.W. Scharpf (eds.), *Gesellschaftliche Selbstregulierung und politische Steuerung*, Frankfurt/ New York: Campus Verlag, 1995.

Regions have been subject of research especially since the 1990s, when the reform of the use of European funds as a European policy emphasised the importance of regions as handling actors of European governance. Research focused its attention firstly on the emerging regionalism processes and then on the mobilising activities that regions have been able to implement.⁵ Regions have been emerging as active actors in the EU arena, enriching the palette of different interests that are taken into consideration within European policy-making processes. Hence, the dimension of territoriality began to have an increased importance and this will be analysed in this research from the conceptual perspective of Multi-level Governance (MLG).

The critical points towards the multi-level governance concept and the simultaneously increasing regional activity at European level raised the curiosity of understanding this concept from a different perspective, namely a bottom-up one, from the “eyes” of regional actors. This perspective is used within this research that regards the concept of European multi-level governance in order to indicate an extended understanding including the vision of multilevel governance of the European institutions. The concept of multi-level governance is also used to describe federal systems, such as in the case of Germany. This is why, the understanding of European multi-level governance used in this research comprises elements of EU, national and subnational actors involved in the various processes concerning different policies.

In the aftermath of the critics and further developments within the literature, this research undertakes the re-construction of regional participation within EMLG as the strategy of a region, namely the German *Land* Saxony-Anhalt. There are two reasons why this case study is a good example. Firstly, it embodies the motto of the EU, *Unity in Diversity and Diversity in Unity*. Secondly, it confirms and sustains the lack of a unified European model of how regions should function and act within the EU. It also shows the great possibility of developing bottom-up mobilisation processes. The envisioned regional strategy relies on the main idea of combining the elements that a region has at its disposal (resources, access channels, interests, priorities, economy) in order to achieve its goals as a European entity. That entity is able to function at the European level, and disposes of instruments: economic development, for influencing European legislative processes, for coping with implementation issues, in the sense of Europeanisation as inner-state adaptation to the EU membership.

This research conceives an EMLG constellation after analysing the literature on theories of European integration and the way these different theories apply to one European policy or how can one theory be applied for a wide range of developments within the European Union. The latest book of Knodt and Corcaci⁶ has given me the possibility to select elements considered to be appropriate for describing and analysing the complexity of regional participation within the EU.

The empirical analysis of regional participation within EMLG is based on the European Regional Policy because it offers the grounds for establishing political and economic goals and it influences the relation of regional authorities to other European policies that affect the region. The analysis of regional participation is conceptualised from the premise that it starts in the region itself and it develops within the institutions responsible for carrying it out and through the

⁵ See Michael Keating, *The new regionalism in Western Europe: territorial restructuring and political change*, Cheltenham: Edward Elgar Publishing Ltd., 1998.

⁶ See Michèle Knodt, Andreas Corcaci, *Europäische Integration – Anleitung zur theoriegeleitete Analyse*, Stuttgart: UTB Stuttgart, 2012.

interaction with other actors. This institutional structure depends on the type of region (administrative, development region or a federation state). However, the impulse of becoming active should burst from within. The later action is stimulated and supported by other actors engaged at several other political levels.

This research contributes empirically to the literature on subnational participation within European multi-level governance from an Eastern European, especially since governance research regarding MLG has been low in Central and Eastern Europe. It takes into consideration the theoretical approaches of Europeanisation, multi-level governance, regionalism, institutionalism and subnational mobilisation, and networking as the main backgrounds and frameworks of subnational participation within the EU. This inquiry brings a window of opportunity for further research by analysing regional activity from a bottom-up perspective and emphasising possibilities for subnational authorities to make a difference within the European governance system. It reaches for an exploratory agenda in order to identify explanations from the literature on why regions mobilise and to name examples of regional active participation within EMLG, based on institutional document analysis from the case study of Saxony-Anhalt.

The goal of this research is to highlight the interconnectivity between European incentives and the ongoing mobilisation at regional level. This way, less developed regions can have at their disposal a pattern comprised of different instruments that could improve their economic situation. This interconnectivity relies on the interdependence of the levels of the EU, the role and influence of the political, economic and administrative entities within the EU, the two-way pressure (bottom-up and top-down) and its influence on emerging processes among regional actors. Another goal of this research is to deliver incentives for a stronger mobilisation of subnational actors, especially for those in centralised countries, which have no constitutional frameworks. Many of the EU access possibilities for regions do not depend solely on constitutional and institutional frameworks. Mobilisation could change the situation of a subnational entity, if its actors pursue a well-defined strategy.

The research question looking into regional participation in EMLG is oriented towards the case study of Saxony-Anhalt, because it offers participation access in both regulative and distributive policy domains. This specialised analysis emphasises the effect that European policies can have on regions. The analysis of such activities is relevant because, whatever happens above the local and regional level, it influences the way the region can organise and develop itself. The EU incentive strategy is supported by national governments, therefore, allowing a possible engagement of the regional level.

The method applied in this research is a qualitative empirical one, based on the case study Saxony-Anhalt. The undertaken steps are: literature analysis as basis for the modelling of the constellation of regional participation within European multi-level governance followed by the exploration of the participation processes of Saxony-Anhalt based on document analysis. This research sets off from the idea that European policy is part of domestic policy. Therefore, the division domestic-international is not applied.

The analysis focuses on the research questions: How does the regional participation of Saxony-Anhalt within EMLG occur? The elements of what sets it off, who does what, which access channels and strategies are used, are analysed. This leads to other two questions that are projected

for future research, namely: What is the influence (understood as best practice potential) of Saxony-Anhalt for Central and Eastern Europe? What can Romania learn from Saxony-Anhalt?

Through the document analysis, these questions are answered by testing the six hypotheses presented in the first chapter. The hypotheses are tested through the analysis of the variables that endorse regional participation within EMLG. These are: the historical development of a territorial unit, institutional and legal framework, political priorities and goals, principles, resources, and functions.

Subnational actors need to acknowledge which are the channels and possibilities available for their engagement and to know what are their motivation, interests and goals: economic, cultural, administrative; who are the subnational actors and what competences do they have; how can these competences be strategically used in order to mobilise for an active participation within European structures. There are elements which can be implemented in very different regions but the content of these mobilisation elements is what makes the difference. Mobilisation could change the situation of a subnational entity, if its actors pursue a well-defined strategy. Moreover, resources are not the only relevant element for the participation of a region. However, the way they are used is crucial. A main goal would be to get heard. Networking activities seem to me to be one of the most promising elements of the EMLG strategy. An active participation of territorial actors, specialist and EU actors throughout the policy cycle is part of the strategy.

The limitations of this research are connected to the single case study. The goal was to follow the development of regional participation over a longer period of time. With regard to the content, both general political guidelines were looked into during the analysed period and two specific policy cases were looked into more closely, the chemicals policy and the cohesion policy. The structure of the research comprises the introduction, four chapters, the conclusions and the appendix.

Chapter 1 focuses on presenting the concepts of region, regionalism, regionalisation, subnational mobilisation and regional participation. The second part presents the literature review on the concept of multi-level governance, comprising both the scientific discourse and the practical comprehension of European institutions. The last part of the chapter presents the research question, the hypotheses and the variables which shape the European Multi-level governance constellation as envisaged for the analysis on Saxony-Anhalt.

The conditions on which the regions of the MS emerged influence the way these are represented at the European level, how they understand and perceive their contribution and how they organise their activities of either implementation or influence-creating activities. Subnational actors seem to rely on their connections to European and national actors and to their cooperation with other actors from different regions or member states. In these terms, regions within the EU are units that mobilise and cooperate. Through their mobilisation, they strive for their development. Within the European context, regions are usually associated with development matters. Barna⁷ connects the ideas of regional development with the elements of democracy that the regions can carry out. He depicts the elements of historical and regional development⁸ of a territory as depending on each other. As presented in the next chapter, the historical development of a region, in

⁷ Radu Barna, „Ansichtspunkte in die Regionalentwicklung“, in *Studia Europaea*, Vol. LII Nr. 1, 2008, pp. 69-70.

⁸ *Ibidem*, p. 78.

this case Saxony-Anhalt, influences its present political and development priorities and guides the mobilization of its actors.

According to Benz, a region is to be understood as an intermediary structure incorporating activities which connect to the local specifics and that require coordination because of the existing interdependencies. This structure is also to be conceptualised as embedded in and constitutive part of a certain economic, political and cultural context.⁹ Hence, the analysed region is contextualised as part of the Federal Republic of Germany and as part of the EU.

Regionalism is perceived as “aspiration on the part of regions to acquire a greater decision-making capacity, an aspiration which nowadays is largely motivated by the desire to face the challenges of increasing interdependence”¹⁰ and the emerged concept of ‘new regionalism’ is perceived as a “consequence of the evolution of state, civil society and market induced by globalization and by the reaction of the mezzo-space, located between state and local scales.”¹¹

If regionalism as a bottom-up movement looking for enhancing the powers of a specific territory has created new challenges for the nation-state, the “recognition of the territorial dimension of the political process” has gained importance at the European level as part of the development policies emerging at the supranational level, such as the European Regional policy. These policies re-evaluate the forms of territorial politics, by bringing the realms of physical land-use planning, infrastructure, public services and development policies together.¹²

Regionalisation within European states, as a top-down assisted reform, was triggered by movements within the territory, reforms at national level, and it was enforced by European institutions, such as the Resolution of the European Parliament in 1988. On the other side, the German *Länder* were among the driving forces that empowered the discourse on the role of the regional level within the EU. Making use of their veto power within the Federal Republic of Germany, the *Länder* achieved constitutionally rights to have a say in European policy-making by arguing that European affairs are no longer foreign affairs of the federal government.¹³

Jeffery uses the term of *subnational mobilisation* in order to describe the activity of regions within the EU. Jeffery defines mobilisation as the “growing engagement of sub-national governmental actors with the institutions and processes of EU policy-making”.¹⁴ He enumerates the developments within the European Union which indicate mobilisation: established formal involvement mechanisms for subnational actors within their state, mushrooming of regional information and liaison offices in Brussels, interregional cooperation especially due to EU programmes, treaty changes which introduced the possibility of subnational input into the Council of

⁹ Arthur Benz, “German regions in the European Union – From joint policy-making to multi-level governance”, in Patrick Le Galès, Christian Lequesne (eds.), *Regions in Europe*, London: Routledge, 1998, p. 128.

¹⁰ Kepa Sodupe, “The European Union and Inter-regional cooperation”, in Francisco Aldecoa, Michael Keating, *Paradiplomacy in Action The foreign relations of subnational governments*, London: Routledge, 1999, p. 74.

¹¹ Sagan Iwona, Henrik Halkier, “Regional Contestations: Conclusions”, in Sagan Iwona, Henrik Halkier (eds.), *Regionalism contested: institutions, society, and governance*, Farnham England: Ashgate, p. 266.

¹² Michael Keating, *The new regionalism in Western Europe: territorial restructuring and political change*, Cheltenham: Edward Elgar Publishing Ltd., 1998, pp. 46-9.

¹³ See Tanja Börzel, *Nations and Regions in the European Union: Institutional Adaptation in Germany and Spain*, Cambridge: University Press, 2002

¹⁴ Charlie Jeffery, “Sub-national Mobilization and European Integration: Does it Make Any Difference?”, in *Journal of Common Market Studies*, Vol. 38 Issue 1, 2000, pp. 1-2.

the EU, the creation of the Committee of the Regions and the establishment of the principle of subsidiary.¹⁵ On the other hand, Hooghe notes that subnational mobilization can be used as an instrument to challenge state power and to support supranational authority, especially over territorial interest and a contested hierarchy problem.¹⁶

The role of the regions within European multi-level governance has been a debated issue during the 1990s, especially due to the reforms of European structural policy, since 1975. The emergence of the European Regional policy and its very specific features triggered an enhanced regional input, needed for establishing the appropriate content of European policies. However, the top-down assisted regionalisation processes triggered by the economic context of European integration brought about an asymmetric new regionalism within the EU, understood as a consequence of state, market and society development as Keating defines it. This asymmetry relies on the specific modes of regionalisation within the MS, as adaptation to the modernisation pressures. Even though, the European dimension empowers the regional input and places incentives at the disposal of regional authorities, the capacity of these authorities depends much on the inner-state frameworks and the willingness of both local, respectively regional and central governments to allow a strong representation of interests and input from the regional authorities.¹⁷

The base for the emergence of a regional component within European politics is the acknowledgement of regions as actors at the European level. This acknowledgement provides the opportunity for interaction between regional actors and the actors active and present at the European level. From this perspective, the research agenda also needs to examine regions as elements of the broader processes of politics. In this regard, Keating acknowledges the emergence of regions as political arenas and actors which are part of the new system of decision making.¹⁸

Keating points out the dynamic interplay of interests that has emerged with the increased activity of regional actors who pursue regional interests. This takes place among the regions, the member states and the EU. The regions are not the solely actors striving to achieve something, but they become actors taken into consideration by European actors in pursue of their own policies.¹⁹

The 'de-centralization of power' narrative comprises several dimensions of research, based on the premise that the European Commission facilitated the emergence of engagement processes for regions and their actors. The locus of this development for regions is the Cohesion policy, which developed from one funding period to another, the current period requiring the Partnership Agreements that bring together regions and national governments at the cooperation table. On the other hand, the practice of partnership and networking can be envisaged to "institutionalize both

¹⁵ *Ibidem*, p. 2.

¹⁶ Liesbet Hooghe, "Subnational Mobilization in the European Union", in *West European Politics*, Vol. 18 Issue 3, 1995, p. 177.

¹⁷ See Udo Bullmann, "The politics of the Third Level", in Charlie Jeffery (ed.), *The regional dimension of the European Union. Towards a third level in Europe?*, London: Frank Cass, 2001, pp. 3-19. The literature at the beginning of the new regionalism phenomena does not offer any reference to the influence of the regulatory policies of the EU on the mobilization of subnational actors. See B. Jones, Michael Keating (eds.), *The European Union and the regions*, Oxford: Clarendon Press, 1995.

¹⁸ *Ibidem*, p. 78.

¹⁹ *Ibidem*, p. 164.

horizontal and vertical dimensions of multi-level governance”²⁰ and intensifying regional governance. Thus, this narrative enforces the research of institutionalization processes of regional activity in Brussels.

The ‘centralization of power’ narrative emphasises the transfer of competences to the European level, giving rise to different problems for regions, such as the competence and the problem of access to European decision-making processes, subnational actors mostly depending on their national governments in the case of policy-making.²¹

Rowe defines mobilisation of regions as “a multi-dimensional phenomenon that embraces all forms of sub-state activity on Europe and reaches beyond the nation-state.”²² She examines Brussels based representation offices of regions as “a vital link between EU institutions and other Brussels-based agencies, and stakeholders within “regions” of member states.”²³ Regional players make use of different resources and actors they can transform into allies or opponents, once they become active in Brussels. Tatham points out the soft power the members of the European Parliament can have, whereas the College of Commissioners can have either the power to endorse or the censure the interests of regions. On the other hand, a criticized forum such as the Committee of the Regions can be as well a useful tool, either as an ally for the Commission or a source of policy suggestions for the Commission.²⁴ Hence, the possibility of Saxony-Anhalt’s regional participation within European multi-level governance is analysed in this research against the background of the MLG concept.

The concept of “Multi-level governance” already used so far was elaborated and developed by Gary Marks²⁵ and later developed by him together with Liesbet Hooghe. This concept seeks to explain how the authority of central governments is dispersed vertically to actors active at other levels, such as the European supranational one, and horizontally to non-state actors.²⁶ This dispersion of authority has fostered the development of the subnational level, especially in countries with “little tradition of regional government.”²⁷ The definition given by Marks to the concept of multilevel governance describes the European system:

²⁰ Caitríona Carter and Romain Pasquier, “The Europeanization of Regions as ‘Spaces for Politics’: A research agenda”, in *Regional and Federal Studies*, Vol. 20 No. 3, 2010, p. 299.

²¹ *Ibidem*, pp. 300-301.

²² Carolyn Rowe, *Regional representation in the European Union – Between Diplomacy and Interest Representation*, Hampshire: Palgrave Macmillan, 2011, p. 3.

²³ *Ibidem*, p. 2.

²⁴ Michaël Tatham, “Going solo: Direct Regional Representation in the European Union”, in *Regional and Federal Studies*, Vol. 18 No. 5, 2008, p. 506.

²⁵ See Marks, Hooghe, Schakel, *op. cit.* Marks, Hooghe, Blank, *op. cit.*, 1996. Gary Marks, “An Actor-Centred Approach to Multi-level Governance”, in: Charlie Jeffery (ed.), *The regional dimension of the European Union. Towards a third level in Europe?*, London: Frank Cass, 2001, pp. 20-28. Liesbet Hooghe, Gary Marks, “Unraveling the central state, but how? Types of multi-level governance”, in *Reihe Politikwissenschaft*, Vol 87, Wien: Inst. für Höhere Studien, 2003. Liesbet Hooghe, Gary Marks, “Europe with the Regions: Channels of Representation in the European Union”, in *Publius: The Journal of Federalism*, Vol. 26 Issue 1, 1996, pp. 73-92. Gary Marks, “Competencies, Cracks and Conflicts: Regional Mobilization in the European Union”, in Gary Marks, Fritz W. Scharpf, Phillippe Schmitter, Wolfgang Streeck (eds.), *Governance in the European Union*, London: Sage Publications, 1996, pp. 40-63. Liesbet Hooghe, Gary Marks, “Types of Multi-Level Governance”, in *European Integration online Papers*, Vol. 5, 2011.

²⁶ Andrew Gamble, “Foreword”, in Ian Bache and Matthew Flinders (eds.), *Multi-level Governance*, Oxford – Oxford University Press, 2004, p. v.

²⁷ *Ibidem*, p. vi.

“(...) we are seeing the emergence of multilevel governance, a system of continuous negotiation among nested governments at several territorial tiers – supranational, national, regional, and local – as the result of a broad process of institutional creation and decision reallocation that has pulled some previously centralized functions of the state up to the supranational level and some down to the local/regional level.”²⁸

The argument is that through the supranational institutionalization the decision-making authority is no longer monopolized by the governments of member states but it is diffused to different levels of decision-making, namely subnational, national and supranational. As a result, the decisions are prepared by negotiations, which occur among the different territorial levels of governments. Looking at the developments within the EU, the concept evolved from a nested to interconnected governance.²⁹ A further perspective on the characteristic of MLG is that it provides a “sense of politics escaping from the control of nation states and becoming located in other agencies and institutions.”³⁰

Arthur Benz argues that research results on the vertical allocation of competences within the EU propose to regard the EU and its member states as the same jurisdiction. The acclaimed drift of sovereignty towards the European level is merely a “political process of dividing and sharing of competences”, empowering the fact that patterns of multi-level governance apply for most European, national and subnational powers within the EU. These developments have also contributed to the theoretical development of the multi-level governance approach. Following this line of argument, Benz argues that the power transfer towards the EU should no longer be considered as a zero-sum game, but it should be understood as a search of solutions for interdependent tasks which reach beyond the national governments.³¹ Benz continues his argument that vertical allocation of competences does no longer determine policy-making, putting emphasis on the disaggregation of the states into actors that are involved in European politics. Analysis goes beyond the interplay between different levels and encompasses multiple actors with different backgrounds that fit into specific patterns of interaction that are characterized by their dynamics and flexibility and which the literature often describes as networks.³²

Hooghe and Marks differentiate between two types of multi-level governance. Type one is described as the one built upon the intellectual foundation of federalism. Its characteristics are: power sharing among several general purpose governments operating at different levels, bundled functions, non-intersecting membership and system-wide framework. Within this type, change normally means reallocating policy functions across existing levels of governance. The second type is based on task-specific jurisdictions, intersecting membership, many jurisdictional levels and flexible design. In Europe the first type of multi-level governance has been pushed forward by the simultaneous empowerment of supranational and subnational institutions. The EU bundles policy competencies that in other parts of the world are handled by numerous, overlapping and functionally specific jurisdictions. Most EU policies have a single unified jurisdiction. On the other

²⁸ Gary Marks, “Structural Policy and Multilevel Governance in the EC”, in Alan Cafruny, Glenda Rosenthal (eds.), *The State and the European Community*, New York: Lynne Rinner, 1993, p. 392.

²⁹ See Kohler-Koch, Rittberger, *op. cit.*, 2009, p. 8.

³⁰ Gamble, *op. cit.*, p. vi.

³¹ Arthur Benz, Christina Zimmer, “The EU’s competences: The ‘vertical’ perspective on the multi-level system”, in *Living Reviews in European Governance*, Vol. 5 No. 1, 2010, p. 18.

³² *Ibidem*, pp. 18-19.

hand, some salient features of the EU architecture are consistent with the second type, such as variable territorial jurisdictions, as a result of treaty derogations or distinct governance systems.³³

Multi-level governance embodies the contrasting visions of the collective European decision-making. Type I is at the heart of democratic elections, party systems and sustains a class of politicians who mediate the preferences of citizens into law. It is best suited to political deliberation on basic value choices in a society: who gets what, when and how, such as the distribution of European funds. Type II is oriented towards problem solving and efficiency. Either way, European governance has the recognition of its binding decision-making. The enforcement of these binding legislative acts of the EU is mostly being accomplished by the subnational authorities. But in some cases, these subnational actors manage to be part of the decision-making process, which they will later implement. This participation is based on prepared and established interests of the actors involved. However, the main benefit of EMLG lies in its flexibility. It allows jurisdictions to be custom-designed in response to externalities, economies of scale, ecological niches and preferences. Following the logic of the empirical analysis of this work, type I and II are complementary, since they can both be applied for one policy (EU Regional policy), which expands its output to other policies, such as industry, environment.

European multilevel governance is expanding to policy-making forms, which are increasingly characterised by delegation and diffusion of authority to subnational and private actors. The use of 'soft', respectively non-binding forms of regulation, and the emergence of networked forms of governing that span several territorial levels or policy arenas are being increasingly observed and analysed.³⁴ The European multilevel governance has not emerged as a wish to federalise the European Union. The involvement of regional actors was intended as an instrument for improving the implementation of European Regional policy. The increased potential of regional actors to influence the European policies developed in time. But this should not be seen as a negative occurrence.³⁵ Another important aspect is the difference between the action scope and perspective of institutions and actors. Marks, Hooghe and differentiate between institutions and actors, as they understand institutions – of the state or of the EU – as “sets of rules” and actors as “the particular individuals, groups, and organizations which act within those institutions.”³⁶ Hence, when the concept of actor is used in this work, it regards the institutional framework of action as well.

The concept of European multilevel governance used in this research is a concept that comprises the different levels of government and administration within the member states of the

³³ Hooghe, Marks, *op. cit.*, 2010, pp. 18.

³⁴ Thomas Conzelmann, “A new mode of governing? Multi-level Governance between Cooperation and Conflict”, in Thomas Conzelmann and Smith, Randall (eds.): *Multi-level Governance in the European Union: Taking Stock and Looking Ahead*; Baden-Baden: Nomos, 2008, pp. 11.

³⁵ See “In fact, federalism was never something the Commission had in mind when pushing for the inclusion of regional actors in the implementation of the structural funds. Rather, regional (and other subnational actors) were seen by the Commission as crucial partners in producing more meaningful regional development plans than those drawn up by remote member state bureaucracies. But regional actors never managed to play a role beyond that task-specific and basically temporary function and in principle acted on a par with the other „social partners“ that were mentioned in the implementation regulations for the structural funds from 1993 onwards. [...] Furthermore, although elected regional governments or decentralised executives often play an important role in the various networks, these networks do not pretend to represent a certain 'region' (rather, they represent an intervention area of the structural funds), and are also not intended to contribute to the emergence of more formalised regional structures.” *Ibidem*, p. 15.

³⁶ Marks, Hooghe, Blank, *op. cit.*, p. 348.

European Union and allows them to play an active role in European formulation, deliberation and implementation processes. Therefore, this research wishes to contribute to a better understanding of how this concept can be implemented by using a bottom-up regional perspective and analysing how and why the participation of regions in this European multilevel governance processes could make a difference.

Starting from the premise that regional actors are actively involved in EMLG, the research offers an overview of how regional actors from Saxony-Anhalt make use of EMLG by getting themselves involved in its processes. The document analysis tests how the actors of Saxony-Anhalt set the goals for the society living within its borders and how it implements these goals making use of available resources and instruments provided by the EU. The first step is to analyse the coalition agreements as the primary goal setters for each of the analysed legislative periods. Then the analysis looks into further public documents of the actors involved. These documents provide the basis for testing the hypotheses which model the EMLG constellation through enquiry of the variables. Through the document analysis based on the selected variables, the research questions are answered by testing the hypotheses.

The empirical document analysis tests six hypotheses. The hypotheses are discussed according to the EMLG constellation and the relation between the variables. The research uses six variables for the document analysis, two independent and the others dependent. The variables are: historical background (V1) – independent; institutional and legal framework (V2) – independent; participation processes (V3) – dependent; political goals and principles from the coalition agreements, government statements (V4); resources such as actors, financial means, institutions (V5); functions and their content (interest mediation, information, filter, partnership, public relations, both regional and European – V6). The hypotheses are constructed based on the way the variables interact and influence each other.

1. The history of a territory can define its current development through the use of its specifics for further development. (V1 => V4)
2. The institutional and legal framework of a territory empowers and triggers mobilisation activities of the region in the context of acknowledged European Multi-level Governance. (V2 => V4)
3. The regional political prioritisation process is influenced by European policies and guides the strategy of mobilisation activities. (V3/6 => V4)
4. Top-down incentives from the EU for regions contribute to subnational mobilisation and hence through implementation of European projects Saxony-Anhalt becomes part of a European stake-holder that the European Chemical Regions Network (ECRN) is. (V6 => V3)
5. Other regions can be influenced and learn something from Saxony-Anhalt by being involved in processes, such as in the case of ECRN. (V4 => V3 => V4)
6. Romania needs to acknowledge the stakes and the way political priorities should be set and pursued in order to better organise and strategise its subnational involvement in the EU.

The first variable – historical background is presented first in the next chapter because it provides the necessary background for the development of the current *Land* Saxony-Anhalt. The second variable – the institutional and legal framework – is also presented in the next chapter as this provides the means and instruments for the analysis that is discussed in chapter three.

The third variable - participation processes – comprises the inner-state access and processes, such as the *Europaministerkonferenz* and the *Bundesrat*, and the European access and information processes through and with the Committee of the Region, the European Commission, the European Parliament, the network of chemical regions. The processes involve several steps, and different governance levels. The multi-dimensional-character of representation of interests as part of the process of participation is increasingly considered crucial, yet not always used in all analyses.³⁷ These processes are based firstly on the information principle and secondly, in the case of Germany, on the participation principle via the *Bundesrat* in cases of competencies transfer upwards to the EU.³⁸ The inner-state participation via the *Bundesrat* gives access to the negotiations with the *Bund*. The direct representation via the Brussels office ensures a direct contact with European institutions. The CoR allows for direct participation for members from the region's functioning structures. Establishing transnational networks (e.g. ECRN) is partly a result of the participation and interaction with the different actors involved in European affairs but constitutes also a starting point for further development and progress.

The third variable together with the fourth – political goals and principles – is used for the analysis of the mobilisation activities, or, as Jeffery terms it, entrepreneurship, following activities of administrative adaptation, leadership or coalition building efforts of Saxony-Anhalt. The principles show the interconnection with the documents prepared by the EU. The correlation of principles shows the way same values interrelate and guide activities and actors into the governance affairs of the EU as a whole.

The fifth variable – resources – comprises the dimensions of actors, financial means and institutions. The resources comprise the information available for the actors involved. This starts for a legislative period from the coalition agreement which sets out the guiding principles and the path way for the functions and actions of the next years. It also sets the path for the strategy to be applied, which then involves the actors of the region from all levels. In the case of Saxony-Anhalt, the actors involved are the *Landtag*, the *Landesregierung*, and the representations of Saxony-Anhalt in Berlin and Brussels. Further resources are the information put at disposal by the authorities of Saxony-Anhalt, such as the ones used for the analysis: the newsletters of the Brussels office and of the *Land* government, (especially the one from the Brussels office functions like a diary of Saxony-Anhalt in the EU), government declarations, and so on. According to the resource exchange theory, economic actors (including regions, as units with a micro-economy) share information in order to gain access to the EU institutions. This could be applied for other kind of actors as well. Accordingly, there are different kinds of resources: specific expertise (*Expertenwissen*), information on European interests, which economic actors have at their disposal, for specific sectors, and the information on national interests for those specific sectors.³⁹

The sixth variable comprises the functions and their content, which effect the processes mentioned above. Even though these are taken over from a slightly different perspective of analysis – as part of interest mediation accomplished by regional offices in Brussels⁴⁰ – the following functions are to be considered by a region when drafting a strategy of participation within the EU.

³⁷ See Knodt, Corcaci, *op. cit.*, 2012, p. 184.

³⁸ See Art. 23 GG in Appendix 7, p. 286.

³⁹ See Knodt, Corcaci, *op. cit.*, 2012.

⁴⁰ *Ibidem*.

a. Gathering information for the involved regional actors and filtering it. This is a main indispensable function because the approach of the strategy depends on the information. On the other hand, the implementation of European legislative measures depends also on the amount of information one has. Prior knowledge can be helpful for the development of a strategy, and helps preparing and even reducing the costs of implementation. This function is also related to the time factor: the sooner, the better. This is one of the reasons for establishing the Brussels offices. Another function is that of filtering the vast information. Considering the main strategic interests of the region, the officers of the Brussels office can ease the workload of prioritisation of EU documents due to the information, they have access to.⁴¹

b. Representation of interests and contacts with EU officials. This function can be called the classic lobby. However, a direct contact with important officials and decision-makers in the European Commission is a crucial part of the process of participation within EU governance processes. Among these actors, MEPs from the region are also accounted for. Both EP and Commission actors are interested in the information the regions or different actors have to offer. Moreover, the information offices in Brussels manage to create the communication and access channel between EU actors and those in the region, since the political actors from the region get to meet high European officials frequently.

c. Early warning mechanism offers the regions the chance to protect themselves from the negative impacts of European regulations. This function is closely connected to the need for information and the time factor which enables the intervention, where the information offices contribute substantially. This is how the resources are connected to their functions and the processes they are involved in.

d. Partnership implies creating connections between the political and economy actors in the region and political and economic representatives at European level.

e. Public relations refer to promoting the image of region at the EU level and that of the EU within the region.

Chapter 2 presents the history of Saxony-Anhalt and its institutional and legal framework as premises for the analysis of regional participation. The chapter discusses the first two hypotheses. It analyses how the history of Saxony-Anhalt developed from its emergence to its existence as *Land* of the Federal Republic of Germany and then into one of the many regions of the European Union. This overview is relevant for the empirical analysis of the mobilisation and regional participation of Saxony-Anhalt within the European multi-level governance analysis that is presented in the next chapter.

The introductory history of Saxony-Anhalt provides the basis for the first hypothesis of this research, namely that the history of a territory can define its current development through the use of its specificities for further development. The history of Saxony-Anhalt until 1989 is considered to be an independent variable. Its legacy is used by current political actors of the *Land* in order to pursue the economic development of Saxony-Anhalt. A special focus is dedicated to the development of the region as an economic centre, especially through the industrialisation, which is an element that is also part of the current economic activity of Saxony-Anhalt. The next chapter analyses if the historical

⁴¹ Knodt, Corcaci, *op. cit.*, p. 189.

specificities of the region are taken into consideration in the political goals, which the parties set at the beginning of new legislative periods.

The specificities of the region, such as the fertile soil and the chemically specialised south part, provide for much of the economy of Saxony-Anhalt. Therefore, the historical development of the territory still plays its part in the development strategy of the region. On the other hand, the coat of arms establishes ties with those of the former Prussian province Saxony and that of the Freestate Anhalt, thereby pointing the historical and territorial development lines of the territory that today is the *Land* Saxony-Anhalt. The awareness of the region of *Mitteldeutschland* also persists today and enforces the cooperation among the *Länder* and between public and private actors based on specific sector related interests. Barry Jones argues as well that every state has its own historical development which provides incentives for domestic mobilization of territorial actors.⁴² Therefore, the first hypothesis is verified in the case of Saxony-Anhalt because its historic specificities are still elements of the current economic, political and cultural development of the *Land*.

The *Land* Saxony-Anhalt has re-started its existence in 1990. The beginning of its policy towards *Europe* (EU) began at the same time with the preparations for the ratification of the Treaty of Maastricht. This treaty brought significant changes for the economies of the member states. It brought political integration, the common market, the economic and monetary union. As a new created German *Land*, Saxony-Anhalt became a member of the European Community overnight. This crucial transformation triggered high demands for the authorities of Saxony-Anhalt, which were now facing implementation and practice of European law, for which the administration personnel was lacking experience. However, the membership within the European Community was closely connected to the European aid instruments. This meant that Saxony-Anhalt had access to the European Structural Funds since the beginning of its membership. Having benefited from European funds since the beginning lobbying for further assistance gained more value. Therefore, the mobilisation for participating in policy-making processes of the EU has been an early goal of the politics of the region.⁴³

Among the activities of the contact office of LSA in Brussels, a successful – from the perspective of Saxony-Anhalt actors, practice has been the occasional evening meetings, where MEPs, MdL and the CoR-member of Saxony-Anhalt, officials and experts of the European Commission, representatives of the economy, media members and the officers of the contact office of LSA had the chance to exchange valuable information. In addition, the study trips to Brussels of different actors from the region brought the EU closer to them and them to EU actors. A further example is the way to tackle a topic, such as renewable resources, by making use of “all the fronts”⁴⁴, namely to deploy motivated and committed regional actors at the regional, federal and European level.

Many topics are important for Saxony-Anhalt, especially from a governmental perspective. For the better policy-making efforts of regional actors, Brussels visits have been offering great

⁴² Jones Barry, “Conclusions”, in Jones Barry and Michael Keating (eds.), *The European Union and the Regions*, Clarendon Press, Oxford, 1995, 289-296.

⁴³ Thomas Wobben and Michael Heinke, “Europäisierung der Landespolitik: Sachsen-Anhalts Weg zu einer aktiven Interessenvertretung in Europa”, in Everhard Holtmann (ed.), *Landespolitik in Sachsen-Anhalt: Ein Handbuch*, Halle: Mitteldeutscher Verlag, 2006, p. 221.

⁴⁴ Landesvertretung Sachsen-Anhalt bei der Europäischen Union, EU Wochenspiegel – Jahresrückblick 2000, Nr. 01/01 vom 05.01.2001, p. 10.

opportunities to increase the cooperation of regional actors with the Brussels-network.⁴⁵ Through its weekly information service (the EU-Wochenspiegel), the contact office highlights the entanglement of the cooperation of actors coming from all levels based on commitment and having both similar problems and the need of common solutions or specific interests. Therefore, the contact office of the *Land* Saxony-Anhalt manages to bring together the different levels of the EMLG and contributes to their involvement in governance processes, such as knowledge transfer, consultations related to policy-making processes.

Even though the *Landtag* is considered to be rather a passive player, when it comes to European affairs, the document analysis shows that its members and committees have been active, working together with the government in topics which later became Europeanised, such as the chemical policy. For example, there were questions from the *Landtag* to the government regarding the goal of restoring the chlorine chemistry, even since 1994 after begin of the second legislative period.⁴⁶ During the third legislative period, European affairs were tackled in meetings of the *Landtag* committee for economy, technology and European affairs, such as the one from 20.06.2001, which had agenda item nr. 1 the WP of COM regarding the future chemical policy, and agenda item 3: report of the government on interregional cooperation. Further topic was the support for new member states from Eastern Europe based on Saxony-Anhalt's own transformation experience, the government emphasizing the development of partnership such as the setup of a network of chemical regions, based especially on the cooperation within Poland, Czech Republic, and Hungary.⁴⁷

European Regional Policy was set up in 1975 with the creation of the ERDF. The origins of this instrument were brought in at the 1972 Paris Summit. The UK built pressure regarding this topic especially because it was about to bring into the EC several problem regions and wanted to channel funds into the UK, where regional policy was already enjoying a strong tradition. Even though the regulation proposal for ERDF regarded it as an EC regional policy instrument, the ultimate decision made in the Council of Ministers ensured that the ERDF was structured in a matter that allowed the individual MS to exert strong influence on how the money was spent, which projects were financed and who received assistance, leaving no room for decision for the Commission to distribute the funds where the need was greater.⁴⁸

"EU regional policy can be characterized as a system of joint finance linking budgetary policies of different levels of government."⁴⁹ Benz argues that regional policy received so much attention due to its redistributive character, which discriminated between member states and sub-national units and brought forward conflicts over advantages and disadvantages of the redistributive

⁴⁵ Example of activities: MEP and federal embassy contacts, visits of LT committee members or of factions in Brussels. *Ibidem*, pp. 8-9.

⁴⁶ Landtag von Sachsen-Anhalt, „Kleine Anfrage zur schriftlichen Beantwortung“, Drucksache 2/61 vom 29.08.1994.

⁴⁷ Landtag von Sachsen-Anhalt, „Unterrichtung Arbeitsschwerpunkte der Europapolitik des Landes Sachsen-Anhalt im Jahr 2001“, Drucksache 3/4630 vom 08.06.2001, p. 5.

⁴⁸ Harvey W. Armstrong, "The Role and Evolution of European Community Regional Policy", in Jones Barry, Michael Keating (eds.), *The European Union and the Regions*, Oxford: Clarendon Press, 1995, pp. 35-37.

⁴⁹ Arthur Benz, Burkard Eberlein, "The Europeanization of regional policies: patterns of multi-level governance", in *Journal of European Public Policy*, Vol. 6, Nr. 2, 1999, p. 335.

actions. The administrations determine the agendas. Hence, they are the main players in this multi-level system of regional policy.⁵⁰

The 2009 White Paper on Multi-level Governance of the Committee of the Regions initiated the drawing of an EU Charter on multilevel governance. The CoR adopted, in May 2014, this Charter that commits its signatories to “explain and promote the principle of multilevel governance.”⁵¹ The purpose of the Charter is to “connect regions and cities across Europe, whilst promoting MULTI-ACTORSHIP with societal actors such as the social partners, universities, NGOs and representative civil society groupings.”⁵² The Charter states that MLG contributes to learning processes and innovative policy solutions through best practice exchange and participatory democracy. The promoted principles of the MLG process are: transparent, open and inclusive policy-making, participation and partnership, policy efficiency and coherence, budget synergies, subsidiarity and proportionality and the protection of fundamental rights. The CoR commits to the implementation of MLG through the promotion of citizen participation within policy-making processes, cooperation, fostering a European mind-set, strengthening institutional capacity building and by creating networks.⁵³ Therefore, the EMLG has been under the spotlights of European actors in the last years.

Chapter 3 presents the main empirical analysis testing hypothesis three, four and five: regional political prioritisation process influenced by European policies, contribution of top-down incentives from the EU to subnational mobilisation, and other regions can be influenced and learn from Saxony-Anhalt. The discussion of the hypothesis and variables relates to the document analysis, whereas the variables guided the content analysis of the documents. Therefore, chapter 3 firstly presents the political goals of Saxony-Anhalt during three legislative periods and their prioritization.

The second and third parts of chapter 3 take a closer look at two priorities set by Saxony-Anhalt: the participation within EMLG in the area of chemical policy and in the area of shaping cohesion policy after 2006 and further on, especially influenced by the EU-enlargement which affected Saxony-Anhalt. The last part of the chapter deals with the potential of influence of Saxony-Anhalt in Central and Eastern Europe, based on the above mentioned analysis.

The hypothesis analysed in the first section states that the regional political prioritisation process is influenced by European policies and guides the strategy of mobilisation activities. The dependent variables - participation processes (V3), resources (V5) and regional actor’s functions (V6) – are the components that influence the political goals and principles (V4) of the region. The resources (V5) that Saxony-Anhalt can use within EMLG are strongly influenced by the people who are involved and how they are organised. The chronological analysis from the subchapters is due to the different context of each period mirrored in different content of the involved variables.

From the EMLG constellation model constructed in the first chapter, the activities of Saxony-Anhalt involving the use of resources based on the political goals defined generally by the coalition agreement and more specifically by the government included the following steps. Saxony-Anhalt had been involved in promoting interregional cooperation within the EU and has been pushing forward

⁵⁰ Arthur Benz, „Mehrebenenverflechtung in der Europäischen Union“, in Markus Jachtenfuchs and Beate Kohler-Koch, *Europäische Integration*, Opladen: Leske+Budrich, 2003, pp. 333, 340.

⁵¹ CoR, Resolution of the Committee of the Regions on the Charter for Multilevel Governance in Europe, RESOL-V-012, April 2014, p. 1.

⁵² *Ibidem*, p. 3.

⁵³ *Ibidem*, pp. 3-4.

the idea of financing such interregional projects.⁵⁴ The initiative to bring chemical regions into a network had been promoted by the Brussels office of Saxony-Anhalt since March 2000.⁵⁵ Further cooperation among regions was promoted and taken up, such as the cooperation between Saxony-Anhalt and Asturias in the field of innovation and IT policy.⁵⁶ The need to continue the work of the Brussels offices emerged especially in the case of the *Arbeitskreise*.⁵⁷ Among the activities of Saxony-Anhalt within EMLG, the emergence of ECRN as a European stakeholder and the involvement in the policy-making process of cohesion policy after 2006 are the main topics which are further analysed in this research.

At the end of its second term, PM Böhmer presented its second balance of its government's work presenting its main achievements and those of Saxony-Anhalt. Among these, those important especially for its economic development were: in 2007 the opening of the Dell-Service and distribution centre in Halle in January, the adoption of the staff development strategy for 2007-2020 in March, the inauguration of the Neuro-scientific Innovation and Technology Centre in Magdeburg and of the second Euroglas-factory in Osterweddingen in April, the opening of the Delipapier GmbH in Arneburg and of the Multimedia centre in Halle in June and the entry into force of the county reform. In 2009, Dow Wolff Cellulosics GmbH opened in Bitterfeld the world-wide biggest site for methyl cellulose and the former Henkel-factory in Genthin was taken over by investors and the location was therefore maintained. Moreover, in December 2009, Saxony-Anhalt registered in the journal "*Wirtschaftswoche*"'s dynamic rank the best economic development among the German *Bundesländer* for the years 2005-2009.⁵⁸

In the area of economy and science, Saxony-Anhalt has been the location for the establishment of several companies (IBM, T-Systems, Novelis) which created more than 500 new jobs. Research facilities were also developed, such as the institute for competence in auto mobility in Magdeburg, or Fraunhofer centre for chemical-biotechnological processes (CBP) in Leuna, or the Fraunhofer centre for Silicon-Photovoltaic in Halle. In order to increase the innovation potential of SMEs, the government will continue to promote the cooperation between science and economy. With regard to the development of the companies, the government has been pursuing the goal of achieving high qualifications for employees. For this purpose, it has used 62 Million € from ESF for qualification trainings.⁵⁹

In the area of Europe, the government managed to position the Eastern German *Länder* in the preparation works of the funding period 2014-2020, resulting in the existence of transition regions and Saxony-Anhalt among them.

"Unter Federführung Sachsen-Anhalts erfolgte die Positionierung der ostdeutschen Länder und – gemeinsam mit Nordrhein-Westfalen– aller deutschen Länder zur Strukturpolitik der EU in Vorbereitung der neuen Förderperiode 2014 – 2020. Durch aktive Interessenvertretung konnte

⁵⁴ Landesvertretung Sachsen-Anhalt bei der Europäischen Union, EU-Wochenspiegel, Nr. 18/02 vom 10.05.2002, pp. 10-1.

⁵⁵ *Idem*, EU-Wochenspiegel, Nr. 22/02 vom 07.06.2002, p. 10.

⁵⁶ Landesvertretung Sachsen-Anhalt bei der Europäischen Union, EU-Wochenspiegel, Nr. 27/02 vom 12.07.2002, p. 11.

⁵⁷ *Ibidem*, pp. 19-20.

⁵⁸ Landesregierung Sachsen-Anhalt, Sachsen-Anhalt auf gutem Weg – Bilanz der Landesregierung 2006-2011, pp. 65-67.

⁵⁹ Staatskanzlei Sachsen-Anhalt, Landesregierung zieht Halbzeitbilanz / Haseloff: Sachsen-Anhalt ist auf gutem Weg, Pressemitteilung Nr. 522/2013 vom 15.10.2013, *op. cit.*

erreicht werden, dass der Rückgang der EU-Mittel für die ehemaligen ostdeutschen Konvergenzregionen 2014 bis 2020 auf 64% ihrer bisherigen Mittelausstattung begrenzt wird und dass Sachsen-Anhalt wieder ein einheitliches EU-Fördergebiet bildet.“⁶⁰

The idea of EU as part of the domestic policy has been pursued along the analysed period. It intensified each year, especially due to the connections created by the HLG. Transparency was a core element of the relations of the authorities with the citizens and about the so called “lobby” activities. There were not only political declarations but also evidence of the activities. About the use of resources, the Wochenspiegel shows that every year the number of events has been decreasing, but contact with European actors has been maintained.

Even though Magdeburg as city and capital of Saxony-Anhalt has been developing in the last decade and more people are settling in the city then leaving it and the unemployment keeps declining⁶¹, the authorities of Saxony-Anhalt need to make sure that the *Land per se* also manages to develop and tackle the challenges of migration and unemployment. Finding this balance among the multitude of EU regulations which might complicate economic development due to the environment requirements is the task of the government. The government can handle this Europeanisation only by involving Saxony-Anhalt actively in the process of European policy-making, therefore in the multi-layered governance culture which the EU has been developing and increasingly implementing. The next section brings out the activity of the German Land Saxony-Anhalt and its strong mobilisation in the area of the European chemical policy.

The European level has promoted its goal of harmonising European legislation for the chemicals industry and determined the need of cooperation. In these conditions, the authorities of the *Land* Saxony-Anhalt analysed the situation of the chemical industry located in their jurisdiction. The chemical companies expressed their concerns and specific problems of a comprehensive chemical industry within the region Saxony-Anhalt. They started a strategic dialogue and mobilised for their subnational participation within EMLG.

Through this cooperation and partnership with other regions, the European Chemical Regions Network emerged. The network originally started its work with 13 members. The main objective of this network was described as simplifying the cooperation between chemical industry regions in order to find solutions to joint challenges. This way the chemical industry is being strengthened by means of a mutual learning process. Moreover, the network represents cohesively the chemical industry regions in matters of structural and development policy.

The cooperation among regions with a similar economic profile or with a common industry sector, such as the chemical one, that was facing massive changes due to the harmonised European policies of the European chemicals industry might not have been so attractive if it weren't for the INTERREG projects which provided financial means and more importantly facilitated the access to actors from European institutions. (H4) The establishment of the European Chemical Regions Network as a registered association which is further active and promoting cooperation shows that the cooperation was successful and its added value was worth continuing the cooperation.

⁶⁰ *Ibidem.*

⁶¹ Julius Lukas, Magdeburg Stadt, Hype, Fluss, in *Die Zeit*, Nr. 05/2015, 01.02.2015, <http://www.zeit.de/2015/05/magdeburg-dynamische-stadt>, called on 07.02.2015.,

ECRN has been playing a vital role by providing a voice for the chemical regions at the European level and fostering further mobilisation of its members, resulting in a complex and substantive interregional cooperation. Regions in command of efficient administrative capacities profit most from becoming partners in EU policies and network analysis reveals a continuous high level of inner-regional exchange relations.⁶² Networks are part of the regional participation process. The variables used for the ECRN analysis, goals, resources, functions and participation processes, provide the overview of ECRN as best practice for regional participation within EMLG.

Through training seminars, the ECRN provided practical elements needed in order to enable the augmentation of theoretical aspects. It has drawn public attention through the presentation of its chemical industry clusters. The opened network meetings in Brussels have sparked the interest of European actors: “the ECRN was perceived as a relevant, competent point of contact for European institutions and regional chemical industry policy.”⁶³ Moreover, the network was invited to take part in the work of the High Level Group on the Competitiveness of the European Chemical Industry. Therefore, the network plays an advisory role to the European Commission.

The ECRN plays not only a vital role by providing a voice for the chemical regions at the European level. It also sets up a starting point for further projects, such as ChemLog or RegioSusChem. These are also INTERREG projects aiming to improve logistical frameworks for chemical industry locations in Central Europe, respectively to establish regional technology platforms for sustainable chemical industry locations which have chances of success.⁶⁴

The establishment of the European Chemical Regions Network brought the following successes about:

- The regional dimension of chemical venture at the European level was strengthened;
- The *Land* Saxony-Anhalt won a definitive role in the network through the presidency chair;
- The chemical regions brought in relevant input for the chemical policy;
- Regional simulations for REACH revealed important details for the implementation;
- Saxony-Anhalt managed to create its profile as a chemical region;
- Contacts and new cooperation were initiated and the region Saxony-Anhalt could bring relevant input during the preparatory European decision-making process.

The hypothesis for the last section is that other regions can be influenced and learn something from Saxony-Anhalt by being involved in processes, such as in the case of the ECRN. This hypothesis cannot be tested exclusively in this research, but the fact that Saxony-Anhalt has not been acting alone within EMLG provides already a framework for cooperation, especially in the case of ECRN. The network provides a framework for its members and not only to participate and acknowledge the EMLG features.

For the case study on Saxony-Anhalt the variables historical background and institutional and legal framework are considered independent. In the case of Central and Eastern Europe, the variable historical background remains independent. However, the variable institutional and legal framework

⁶² Beate Kohler-Koch Beate, *op. cit.*, 2009, pp. 61-82.

⁶³ Ministerium für Landesentwicklung und Verkehr, Ministerium für Wirtschaft und Arbeit Sachsen-Anhalt 2008, *op. cit.*, p. 31.

⁶⁴ *Ibidem.*

can be changed, as bottom-up and top-down mobilisation might create new inner-state cooperation structures or decentralisation reforms might lead to increased multi-level governance within the member states. Nevertheless, these two variables remain important for the way the subnational level and the actors that are active within the subnational framework mobilise and participate within EMLG.

The section provides an overview of how the case study of Saxony-Anhalt presented in this chapter can be a stimulating example for other member states in Central and Eastern Europe. The dependent variables should also be applied and taken into consideration for future subnational participation within EMLG. Nevertheless, a region can pursue a strategic course of action for its participation within EMLG by making use of its resources especially for gathering the information necessary for establishing its goals. A thorough understanding of the functioning of the EU and identification of the access channels can ease the access to information and improve the contacts between the European and the subnational level. Due to specific time guidelines, for example the financing periods or the consultation processes, subnational mobilisation should take into consideration the timing of European governance processes and proceed according to a timetable in order to facilitate early engagement within EMLG.

Actors of Saxony-Anhalt have been participating in debates about shaping European cohesion policy in different arenas, through direct contact with European officials, through the Committee of the Regions, through inner-state negotiations on position papers vis the *Bundesrat* and even through conduction projects and assisting new comers.

Towards the end of the 1990s the *Europe* policy of Saxony-Anhalt managed to develop innovative ideas and to bring about the interest of Saxony-Anhalt at the European level. One example of the successful implementation of the *Europe* policy is the success of the contribution of Saxony-Anhalt in interregional projects. This triggered the initiative of Saxony-Anhalt to establish the European Chemical Regions Network. This initiative provided the connection between the biggest industry of the region and the network-skills of the regional administration. The initiative created a network of chemical sites from Europe. This network soon managed to distinguish itself as a representative actor of the member-regions on the European level. Moreover, the *Land* Saxony-Anhalt gained access and communication ties to bigger chemical regions and managed to be perceived at the same level as the other bigger chemical actors. Thus, the participation in interregional projects became an instrument of the *Europe* policy of Saxony-Anhalt.⁶⁵

An element of the EMLG is the cooperation between subnational authorities and the regional industry scene, which plays a crucial role for the promotion of regional interests as well. The industry is a relevant partner, which could enable an impact on the European decision-making through the mobilisation of enterprises and their cooperation with subnational authorities. The cooperation between subnational authorities and industrial respectively corporate actors usually succeeds when it is further being built on existing cooperation between subnational authorities and European institutions.

The overview of the actions of Saxony-Anhalt's actors reveals that the constellation of their participation within EMLG is endorsed by an early mobilisation. In this sense, Saxony-Anhalt made efforts for EU-wide recognition of the need of rules and a new category of transition regions. The

⁶⁵ Wobben, Heinke, *op. cit.*, p. 222.

steady communication with European policy-makers and mobilisation at early stages at all available levels enhanced the possibility to be heard during the process of EU policy-making. The preparation of position papers showed the interest of the region into what the Commission was developing and the analysis of how the regulations would affect development within the region.

The characteristics of multi-level governance within the implementation of cohesion policy have triggered the research of the effects and benefits of cohesion policy. A recent review of these projects points out, that the benefits of cohesion policy are direct and indirect. The direct performance is derived from the enterprises and companies that win EU-funded projects. The indirect effects are the increase in export outcomes, goods or services. On the other hand, the MLG model of implementing cohesion policy is “one of the policy’s main areas of added value and is credited with having a significant impact on regional policy practice in Member states and regions.”⁶⁶ But the actual assessment of regional development as a direct result of the European policy is difficult to quantify.

Cohesion policy is a distributive policy which connects and backs up with financial support sectorial policies. Wand and Jansen argue that networks are the best hybrid form especially in the cases where a large number of actors are involved. A network organisation can prevent opportunistic behaviour and help the involved actors to cope with the information flow. According to them the characteristics of networks are: optional content, voluntary membership, long term relationships that are based on trust. Moreover, networks can bring actors closer to the market and reduce bureaucracy, which favours subnational mobilisation and building strategic regional cooperation and partnerships.⁶⁷ Hence, the incentives provided by the European Union can contribute to the network development, especially when they trigger subnational mobilisation and active engagement of the regional actors.

Looking at the way Saxony-Anhalt has been thriving to bring its interests in the policy-making debate at different stages and levels, both in the field of chemicals policy and cohesion policy, its activity can be described as “*co-operative paradiplomacy* understood as sub-state interest representation in tandem with its member state.”⁶⁸ The meaning of *paradiplomacy* understood in this context comprises the activities of Saxony-Anhalt’s authorities outside the federal state and at European level. The cooperative character of its *paradiplomacy* implies the activities of Saxony-Anhalt’s actors both at European level and within the structures of the Federal Republic Germany, such as the actions within the horizontal minister conferences and within the *Bundesrat*. Hence, Saxony-Anhalt has made use of the institutional framework available within the states and at the European level and pursued its goals by using the resources available according to their different functions.

Tatham argues that the subnational representation of interests is merely “background ‘noise’” if it cannot influence. But this mobilisation and active engagement of subnational actors

⁶⁶ L. Polverari and J. Bachtler, with S. Davies, S. Kah, C. Mendez, R. Michie, H. Vironen, *Balance of Competences Cohesion Review: Literature Review on EU Cohesion Policy*, Final Report to the Department for Business, Innovation and Skills, 2014, p. 8.

⁶⁷ Andreas Wald, Dorothea Jensen, „Netzwerke“, in Arthur Benz, Sussane Lütz, Uwe Schimank, Georg Simonis (eds.), *Handbook Governance – Theoretische Grundlagen und empirische Anwendungsfelder*, Wiesbaden: VS Verlag, 2007, pp. 97. And see the EURO2020 strategy.

⁶⁸ Michaël Tatham, “‘With or without you’? Revisiting territorial state-bypassing in EU interest representation”, in *Journal of European Public Policy*, Vol. 17 No. 1, 2010, p. 78.

accomplishes its goal, “if regions do achieve some influence—diffuse or targeted—independently of their member states, then the whole conception of European affairs as dominated by state governments, must be reconsidered.”⁶⁹

Rowe argues that the representation of regions at the EU that have no administrative or no constitutional status are not controlled by an elected authority at a strategic level – as the *Land Saxony-Anhalt* can be perceived as a strategic level. Because of this shortage, the information gathered from European actors cannot be clearly used by a policy team that has no administration.⁷⁰ Hence, the variable of establishing the goals and principled does depend on the administrative structure of the subnational level.

Rowe argues that the regions of the new member states need to settle their internal problems in order to engage with a unified position at European level. She makes the difference between contributing to MLG and simply stimulating or creating multi-level interactions. The relationships, exchange of knowledge and expertise are the activities of creating multi-level interactions.⁷¹ Then, the contribution to MLG is connected to the development of a Europe-policy agenda within the home administration and decision-making actors and its pursuit, as the case of ECRN and the goal of transition regions shows in the above presented sections.

Pitschel and Bauer stress that there is indication of a “convergence of Western and Eastern European debates about subnational politics”. They indicate the expectation of:

“scholars of European regionalism to engage in comparing suitable constellations in Eastern and Western Europe in order to enhance the analytical leverage for arriving at answers to their specific research questions”.⁷²

Hence, the research opportunities should increase the connections between Western and Eastern European ways of understanding and participating within EMLG. This has also been the scope of this research, to bring elements of EMLG to a constellation that could be implemented in the new member states as well.

A systematic pursue of specific interests rather than pursue of many general interests, and a strategic combination of that interests, timing of decision-making processes and the continuous use of resources and access channels could improve the changes of a region to achieve its goals within EMLG. Effectiveness of such actions cannot be guaranteed. However, the continuous engagement in European affairs and the use of the framework regions have at their disposal could enhance the contribution of regional politics to the multi-level governance processes of the European Union.

Chapter 4 takes tests the last hypothesis on what Romania has to learn in order to strategise its subnational involvement in the EU. For this analysis, the chapter takes a closer look at Romanian regionalisation processes in the first part. It then looks into the preparation of the cohesion policy for 2014-2020 and how this could contribute to the emergence of functioning MLG structures in Romania. Another aspect is the analysis whether the ECRN could be a window of opportunity for Romanian industry to regional authorities to enforce a close cooperation domestically and at

⁶⁹ Tatham, *op. cit.*, 2008, p. 494.

⁷⁰ Rowe, *op. cit.*, p. 89.

⁷¹ *Ibidem*, pp. 97-99, 123.

⁷² Diana Pitschel, Michael W. Bauer, “Subnational governance Approaches on the Rise – Reviewing a Decade of Eastern European Regionalization Reserch”, in *Regional and Federal Studies*, Vol. 19, No. 3, 2009, pp. 339-40.

European level. The conclusions are followed by the appendix which comprises a selection of abstracts from different documents which state European and regional positions towards EMLG and the regional participation within it.

Europeanisation and modernisation of Central and Eastern Europe have been assessed as necessary processes to break free from the communist legacy. The modernisation process targets especially the public administration.⁷³ The research on Europeanisation portrays different dimensions, from the development of the EU to its effects on member states and their adaptation to European norms. In the case of Romania, there are still governance elements that need to be tackled in order measure up to the practice of European governance. Vasile Puşcaş argues that the Romanian public administration, its high costs and the unstable and unreliable fiscal system are factors that decrease the attractiveness of Romania for investors.⁷⁴

Cohesion policy and the use of the European funds was the main reason for creating regions in Romania before becoming an EU member. Even though the misfit was adjusted through the regionalisation and the creation of the NUTS regions, MLG is still unexplored in Romania. The results of the cohesion policy in Romania also show that the implementation of the policy has been challenging at all levels.

According to the question of the title of this chapter, Romania requires some elements in order to realise regional participation within EMLG. The EU is a system of multi-level governance, as presented in the first chapter. But in order to facilitate regional participation within EMLG, Romania needs the regional structure that can provide the subnational mobilisation connected to regional participation within EMLG. Hence, the hypothesis tested in this chapter is about what Romania needs to learn in order to better organise and strategise its subnational involvement in the EU. The hypothesis considers the elements of acknowledgment of the stakes and the way political priorities need to be set and pursued as the first ones that are required for subnational participation within EMLG.

As part of the conditionality for the accession to the EU, Romania created, in 1998, 8 development regions, which have no legal or administrative status. The amending law from 2004 did not change the status of the regions. They act as NUTS 2 territorial units for which “regional development policies are formulated and implemented, for more efficient use of resources from national programmes and Structural Funds.”⁷⁵ The regions are dependent on national coordination and especially on the Operational Programmes that are national wide available and finally decided upon within the ministries.

After the NUTS 2 statistical regions were created in Romania, several reforms of regionalisation were prepared, which have not changed the status of the regions. Even though Romania can be divided into historical regions with a particular identity, the idea of regionalism either as the aspiration of greater decision-making policies or as consequence of the evolution of the

⁷³ Klaus H. Goetz, „Making sense of post-communist central administration: modernization, Europeanization or Latinization?”, in *Journal of European Public Policy*, Vol. 8, issue 6, December 2001, p. 1034.

⁷⁴ Vasile Puşcaş, *Spiritul European, azi*, Cluj-Napoca: Eikon, 2012, p. 218.

⁷⁵ European Commission, DG Internal Market, Industry, Entrepreneurship and SMEs, Regional Innovation Monitor Plus – Romania, North-West Region, <https://ec.europa.eu/growth/tools-databases/regional-innovation-monitor/base-profile/north-west-0>, called on 07.03.2015.

state has not yet led to the a bottom-up movement that has a made a difference in terms of regional competences and institutional autonomy.

Suciu describes the administrative reforms performed in Romania as combing elements from the pre-communist period with ones from the communist period to which European principles have been added, revealing an administrative system that is clientelistic and still vulnerable to corruption. Romania still displays an administrative-territorial organisation that conserves the structure created during the communist period, in 1968. Moreover, the number of administrative units (rural communities, towns and cities) has increased from a total of 2686 to a total of 3032, whereas in most MS such numbers have decreased in order to reduce administrative costs.⁷⁶ The radical break of the administrative system with the communist legacy did not occur as in Saxony-Anhalt. Hence, the low confidence in Romanian authorities and the difficulty of partnership building challenged the implementation of cohesion policy in Romania.⁷⁷

Alina Mungiu-Pippidi argues that Europeanisation could not be successful without “de-communisation”. In her view, the high politisation, the peasant society form constructed on patronage and clientele and not on solidarity and cooperation structures hinder the adaptation of both the Romanian political and the literary elite to the European project. Mungiu-Pippidi argues that Romania has been advancing on the way of de-communisation by using a false emphasis.⁷⁸

On the other hand, even though Romania is a highly politically centralised country, Charron et. al argue that the policy implementation may develop different patterns within the regions, such as “more meritbased and less patronage-based public organizations), which may play a decisive role in the quality of their public services.”⁷⁹ Therefore, the way the institutional and legal framework of the subnational level is determined and its functioning can adapt to the European principles is crucial for the way the Romanian regions will act within the EU.

The Romanian government has been *struggling* to reform its territorial administrative system and to transform the existing development regions into subnational administrative units, especially from the perspective of the preparation for the funding period 2014-2020. This struggle is recommended, especially if the result would be an actual emergence of regions as knowledge and innovation hubs, as de Propis and Hamdouch name them. If such hubs would be the result of a regionalisation reform that could structure them as independent arenas of negotiation, capable of intensive communication and learning processes, maybe the way local political actors understand the process of regionalisation could enhance the internalisation of European governance practices within all the administrative levels. Of course, emerging regional political actors would require a clean penal record, in order to trust of future potential partners. The CoR considers trust to be the vital element of good cooperation between the different levels of political power and institutions. This particular trust, as presented at the beginning of the chapter, still needs to be earned.

⁷⁶ Marius Suciu, “Decentralization and regional development in Romania. An unfinished reform in search of a ‘European’ model”, in Francesco Palermo, Sara Parolari (eds.): *Regional dynamics in Central and Eastern Europe: new approaches to decentralization*, Leiden: Martinus Nijhoff Publishers, 2013, pp. 119, 139, 144-7.

⁷⁷ European Parliament, *op. cit.*, 2008, p. 42.

⁷⁸ Alina Mungiu-Pippidi, *De ce nu iau romanii premiul Nobel*, Polirom, Iasi, 2012, pp. 91-3.

⁷⁹ Nicholas Charron, Lewis Dijkstra, Victor Lapuente, “Regional Governance Matters: Quality of Government within European Union Member States”, in *Regional Studies*, Vol. 48 No. 1, 2014, p. 82.

The regionalisation-decentralisation reform from 2013 has not been the first attempt to reform the situation of the regions after the accession to the EU. The (former) president of Romania – Traian Basescu – was informed on reform possibilities by the report of a presidential commission regarding the consolidation of the rule of law in Romania which was presented in 2009. The report stated the importance of the European experience and its role for establishing the possibility of rule of law. Among the 11 sensitive issues, the administrative territorial organisation was named. The report declared that the development regions, which were established as a compliance measure for the accession to the EU as no administrative-territorial units, failed their purpose. Moreover, the report stressed that in some cases, the direct election of county council presidents had re-legitimated authoritarian local governing styles.

Given that the regionalisation reform proposed by the Romanian government, which was presented at local and regional and European level, was not implemented in 2013, the preparations for the funding period 2014-2020 were conducted based on the development regions as they were created in 1998. But the preparation of the Partnership Agreement did mobilise sub-national and local actors, who contributed to the elaboration of the development strategies. Therefore, the Romanian regionalisation reforms have been unsuccessful in creating the regional layer as a negotiation arena that could be involved in the processes of the European Multi-level governance. But, there are actors who at least attempt to participate in the inner-state consultation processes that the government organises.

The use of European instruments for development should not be hindered by political campaigns. The lack of commitment from Romanian political actors, at national and local level, to implement the assumed reforms hindered the achievement of a consensus for a long-term development of a national strategy. Such a strategy should find acceptance within all political parties and needs to be accepted and implemented beyond the lifespan of a government. That is a great challenge for the political actors. Therefore, the use of the resources Romania has, especially the financial ones provided by the EU, should be implemented according to a legitimate strategy.

The lack of legal personality of the development regions was countered by the creation of associations for intercommunity development. These associations bring together county councils of the development region and provide a project framework with legal personality and with a budget made up from the budget of the local authorities that are part of the association.⁸⁰ The eight ones have different purposes, either for better management of emergency situations or for regional development, or procurement procedures, etc.⁸¹ Therefore, Romanian legislation allows bottom-up regionalisation through the association right of local authorities. The incentive for these associations is the use of European funds.⁸² But, this type of bottom-up innovation, would bypass the region, since such an association is funded by local budgets, which are mainly made up by governmental transfers. Nevertheless, Romania has been making progress with respect to the implementation of the European Cohesion Policy and the implementation of the MLG practice. In this context, Van den Brande concludes and recommends:

⁸⁰ Márton Balogh; Daniel Pop, "Cooperarea intercomunitară ca exercițiu pentru implementarea guvernăneli regionale", in Miklós Bakk; Benedek József (eds.), *Politicile regionale în România*, București: Polirom, 2010, pp. 49.

⁸¹ *Ibidem*, p. 57.

⁸² *Ibidem*, p. 60.

“Romania showed determination to strengthen the effectiveness of MLG and partnership taking into account lessons learned from the previous period. Notwithstanding the promising actions taken so far there is however still scope to differentiate more between RLAs and the other relevant partners. Cooperation between departments remains difficult. It will thus be good if political commitment and ownership from the ministers involved would be strengthened in order for "political" coordination to be able to genuinely steer the programming and dialogue process.”⁸³

The new financial exercise for 2014-2020 should contribute to the emergence of stronger partnerships among authorities and other actors involved. A good cooperation between the hierarchical levels and the private actors within the projects might be a good start for developing multi-level governance in Romania. However, a closer analysis and a more extensive research on the functioning of the Cohesion Policy in Romania according to the PA would be recommended, especially with the help of network analysis. The current political system discourages synergies at subnational level, Romania’s major difficulty for reform being considered “that the project of the Romanian political class, the enrichment as rapid as possible and by all means, goes against the normal project of a country.”⁸⁴

The subnational mobilisation has a two-fold purpose in Romania. Firstly, it should contribute to the inner-state multi-level cooperation and negotiation on setting the institutional and legal framework of the regional level so that the principles of partnership and MLG can be implemented. Secondly, based on a stable framework, regional actors should be encouraged to transform the region into a space for politics enforcing regional participation within EMLG. This section deals with all six variables presented in the first chapter as a conclusion to the topic on Romania. It also puts emphasis on the participation processes and the functions actors play.

The cohesion policy is the source of MLG in Romania and it has been bringing different new actors into its implementation. The horizontal dimension of multi-level governance has been expanding within the cooperation between state actors and non-state actors. However, operationalising and implementing the cohesion policy has not been easy. The cohesion policy needs preparation. In this process both horizontal and vertical multi-level governance processes are required. These in turn require „not only substantial administrative capacity that can only be built up through gradual learning but also fostering trust-based relationships to overcome the differences of interests and modes of operation of the different actors involved.”⁸⁵

Trust and strength of the administrative capacity are basic elements that should improve the results of cohesion policy. These elements are required in the implementation of the concept of partnership as well, especially as a necessary part of the cohesion policy for 2014-2020 embodied in the Partnership Agreement. However, trust-based relationships require an active involvement of actors that contributes to the emergence of relationships which can further develop, once the thrust element can be demonstrated. A vital element of the trust-building process is the fight against

⁸³ Luc van den Brande, Multilevel Governance and Partnership – The Van den Brande Report, Prepared at the request of the Commissioner for Regional and Urban Policy Johannes Hahn, October 2014, https://portal.cor.europa.eu/mlgcharter/highlights/Documents/VandenBrandeReport_08102014.pdf, called on 19.12.2014, p. 61.

⁸⁴ Radu C. Barna, Diana-Gabriela Reianu, “The Difficulties of Romanian Regionalisms”, in *Studia Europaea*, no. 2, 2014, p. 36.

⁸⁵ Marcin Dabrowski, “Financial Engineering Instruments and multi-level governance: Thawing the ice between the public and private actors in urban development policy?”, in *Regions*, No. 292, 2013 issue 4, p. 27.

corruption, which the European Commission pushes forward through its Mechanism for Cooperation and Verification.⁸⁶

Regional participation within EMLG requires that there is a regional or a subnational level that is comprised of entities that can act within governance processes. This further requires that those subnational entities have their specificities that can play a role in their distinct pattern of participation within EMLG, hence providing the bottom-up perspective. But when this level must yet be created, what could there be perceived as bottom-up? It would be from the lowest level that has the will to cooperate and be partner of other local entities in order to achieve more together.

The cooperation of local actors and the emergence of the subnational level – as NUTS 2 – seem to have been a challenge in Romania. It is either the lack of understanding the added value of partnership or the lack of the (politically driven) will to cooperate that might be impeding the emergence of the regional layer with a legal and institutional framework that can stimulate the regional development. However, as in the case of Saxony-Anhalt, the historical development (V1) of the administration and territorial arrangements cannot be left outside the discussion on the territorial and administrative reform in Romania.

The administrative re-organisation could implement a new configuration, such as the re-division of the counties, instead of creating a new layer that depends on both the level beyond and the level below, as in the case of the current NUTS 2 development regions. Such a new administrative and territorial reconfiguration could contribute to the break with the communist state legacy, renouncing the 40 years old administrative system being necessary. A further necessity is to rethink the *raison d'être* of the administrative units instead of poking the topic of the name of the units.⁸⁷ In the case of Saxony-Anhalt, the administrative reform was intended first of all to contribute to the reduction of the costs of administration. Connected to the decrease of the number of administrative units was also rethinking their functions and bringing services together under one umbrella. Hence, the element of the historical development (V1) is firstly influencing the way the institutional and legal framework of the Romanian state is organised. Secondly, it also provides the reason for further reform and debate on the way the regionalisation in Romania should be performed.

If the existing regions seemed to be the best solution for functionality, the question rises why has the regional layer established in 1998 failed at obtaining the goal of its creation, namely to contribute to regional development and reduce disparities? The regionalisation reform proposed in 2013 did not tackle the details on cooperation among institutions, the role of strategy building, cooperation between authorities and economic actors; there were no specifications about a possible decisional structure (not legislative) or about own financial means or about a direct communication between regional actors and European officials. Hence, the actual framework (V2) that could provide the basis and the context for regional participation within EMLG in the case of Romanian regions was

⁸⁶ See European Commission, Report from the Commission to the European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, COM (2014) 37 final, 2014, p. 3.

⁸⁷ Discursul președintelui României, Traian Basescu la prezentarea publică a raportului "Pentru consolidarea statului de drept", elaborat de Comisia prezidențială de Analiză a Regimului Politic și Constitutional din România, Traian Basescu, Discourse at the public presentation of the report "For strengthening the rule of law" issued by the Presidential Commission for the analysis of the political and constitutional regime in Romania, on 14.01.2009, <http://www.presidency.ro/index.php?RID=det&tb=date&id=10586&PRID=search>, called on 24.01.2014.

not even a possibility of the reform. Therefore, Romanian actors (political and administrative) can still learn and develop the culture and skills of the functioning of the European governance.

The elements of historical development and its effect on the legal and institutional framework of the regions and the local entities in Romania can be seen in the way the political goals (V4) are set and how the resources (V5), especially the financial ones, are deployed. All these four variables (V1,2,4,5) affect the way the regionalisation reforms has been so far performed or envisaged and their results. Their settings influence the way actors at the local and regional level can make use of the access channels available within the EU for the subnational mobilisation and representation of interests (V3 and V6).

Subnational actors need to acknowledge which are the channels and possibilities available for their engagement and to know what are their motivation, interests and goals: economic, cultural, administrative; who are the subnational actors and what competences do they have; how can these competences be strategically used in order to mobilise for an active participation within European structures. Mobilisation could change the situation of a subnational entity, if its actors pursue a well-defined strategy. Networking activities seem to be one of the most promising elements of the EMLG strategy. One needs resources to achieve this. An active participation of territorial actors, specialist and EU actors throughout the policy cycle is part of the strategy that a region could develop.

An actual adaptation and incorporation of European multi-level governance practices requires a possible cooperation among these different levels of institutions and actors both political and administration, especially if they would all aspire to the goal of actual development within the territory. "EU accession did not manage to improve Romania's governance, bringing instead new resources for badly planned and clientelistic public spending."⁸⁸ However, Dimulescu argues that the cost of corruption is smaller than the cost achieved through lost opportunities due to poor governance.⁸⁹

While Europeanisation is mostly understood as institutional and policy adaptation – especially to the *misfit* situations – of new member states and their administrative structures, Paraskevopoulos points out, that Europeanisation should be "synonymous with institution building" and their adaptation to the multi-level governance system. He notes that Europeanisation of the Cohesion policy in new member states should have a two dimension impact. The first dimension involves a direct provision of increased resources through their distribution. The second dimension involves an indirect effect of shaping intra-regional interactions that can promote local institutional capacity, especially by creating networks, which can support local development initiatives.⁹⁰

In order to achieve these dimensions of Europeanisation, capable institutions and actors need to mobilise, especially from the subnational level. Romania, on the other side, is still in the

⁸⁸ Alina Mungiu-Pippidi, "A Case Study in Political Clientelism. Romania's Policy-Making Mayhem", 2010, <http://sar.org.ro/wp-content/uploads/2012/01/A-Case-Study-in-Political-Clientelism-Romania-Policy-Making-Mayhem.pdf>, called on 24.01.2014, p. 1.

⁸⁹ Valentina Dimulescu, Raluca Pop, Madalina Doroftei, "Bottom of the Heap. The case of Romania", in Alina Mungiu-Pippidi (ed.), *Controlling Corruption in Europe – The Anticorruption Report*, Vol. 1, Opladen: Barbara Budrich, p. 95.

⁹⁰ Christos J. Paraskevopoulos, "EU Enlargement and Multi-level Governance in European Public Policy-Making: Actors, Institutions and Learning", in Paraskevopoulos Christos J., Panagiotis Getimis and Rees Nicholas (eds.): *Adapting to EU Multi-level Governance – Regional and Environmental policies in Cohesion and CEE Countries*, Hampshire: Ashgate 2006, *op. cit.*, p. 7.

process of establishing that subnational level and its actors and institutions. Even though the 2013 reform could further be developed and be implemented during the 2014-2020 funding period, the administrative and institutional structure in Romania would further need to learn to participate and adapt to European governance processes.

Hence, the regional participation of Romanian regions within EMLG can be mostly reduced to the participation of the regional development agencies at the proceedings of the yearly Open Days events at the European level and at their contribution to the preparation of the regional development plans and their contribution to the preparation and the implementation of the Regional Operational Plan.

Nevertheless, a pursuit of specific goals of a region could be part of the strategy of the development regions. These could promote the development of specific industries that are based in the region and have had been active in the past.⁹¹ Precisely for this purpose, the case study of the European Chemical Regions Network provides a good opportunity for cooperation within EMLG. Romania had similar economy-related challenges after 1989 as Saxony-Anhalt. The industry infrastructure was rather destroyed and the privatisation of the companies that could have been assets for the economic development of Romania was done in a matter that it disadvantaged the Romanian state.⁹²

There are at least three lessons that Romania needs to learn and internalise in order to enhance its Europeanisation and to be able to implement European policies more efficiently and hopefully increase the opportunities for multi-level governance. Firstly, the EU and the integration of Romania in it must be internalised as domestic policy and a real opportunity to break with the communist legacy. Secondly, Romanian political actors must learn how to determine and stick to a set a goals and political priorities. More important is that they learn and become able to fulfil those goals by mobilising their resources. A third lesson is the internalisation of the rule of law among all political and administrative levels. Even though the justice system has been making progress in fighting corruption, the mentality of the rule of law as the normal way must still be internalised and implemented at micro- and macro level. These lessons can be perceived from the perspective of variables presented for this research.

The learning process must continue in Romania. Nevertheless, resistance to Europeanization has not been met with enthusiasm only in Romania. Most Central and Eastern European countries have been struggling with processes of European integration. Their learning capacities have been influenced by element such as: resistance to change, rather weak decentralization trends, weak participation of non-state actors in regional policy making, weak civil society in CEE, weak and medium cooperative culture, medium fora for dialogue, strong common understanding, weak to medium institution building and development of private-public-partnerships.⁹³

⁹¹ See Nicolae Păun, *Viața economică a României: 1918 – 1948: dezvoltare, modernizare, europenizare*, Cluj-Napoca: Presa Universitară Clujană, 2009.

⁹² Past and current corruption cases that are being deal with by the National Anticorruption Directorate are related to such faulty privatisation actions after 1989.

⁹³ Nicholas Rees and Christos J. Paraskevopoulos, "Europeanization of Policy-Making and Domestic Governance Structures in Regional Policy: Cohesion and CEE Countries", in Paraskevopoulos Christos J., Panagiotis Getimis and Rees Nicholas (eds.): *Adapting to EU Multi-level Governance – Regional and Environmental policies in Cohesion and CEE Countries*, Hampshire: Ashgate 2006, p. 205.

During the preparation for the European Cohesion Policy for 2014-2020 involving the elaboration of the partnership agreement and of the national development strategy, Romania has been faced with challenges for the administration and government. This difficulty of facing this governance issues as a member state of the EU, opens research possibilities, especially regarding the question of existence of a *goodness of fit* of Romanian state functioning with the European way. From this perspective, the question remains to be tackled, whether there is a dichotomy between the European (EU) governance way of functioning and the resulting post-communist Romanian governance way. From this perspective, it is questionable whether the adaptation to European governance requires only a transformation from communist legacy or the roots of political and governmental behaviour in Romania lie deeper in the history of the Romanian states.

The main ideas in the conclusions are that through development, regions can become locations for the realisation of European policies that are mostly oriented towards solving problems, such as unemployment or environmental issues. Therefore, the solutions need to be adequate and adapted to the specific problems of the areas or regions. This is why, it is important that subnational actors are aware of their needs and goals so that they can contribute to policy-making processes. Both in the case of distributional and regulatory European policy-making, regions find themselves in competition with another. This is another reason why acknowledging own problems, solutions and goals enhances the competitiveness of regions. Fact is that regions can make use of the European multilevel structure of opportunity within the European governance system. Regions can mobilise and organise their participation within European processes, so that they can gain more bargaining scope with European institutions.

One should not take the participation of regions within the EU as a given standard. Even if there are elements which can be applied by several regions, actors can learn from each other, if one looks into the specifics of a region before even attempting to deploy resources and implement strategies. Institutions solely cannot achieve the goals. Institutions need to be filled with motivated people, who are pursuing to make a difference in their territory. Participation in the European decision-making process takes place within the legal procedures as laid down in the treaties and outside the procedures through the consultations of the European Commission with different actors.

Mobilisation can have different meanings and different implementation methods. However, the declared motivation and will of SNAs to be involved and to participate in the work of the EU, or in other words in the European Multilevel Governance, is the first step. Participation is not solely a bottom-up desire due to loss of competences and lack of political influence at European level. The participation of the subnational level actors is increasingly desired and requested by the European actors. The second step of active participation in EMLG is identifying the potential of contribution within the EU policy-making processes and their implementation. According to such findings, regions could make use of the financial instruments the EU is offering. On the other hand, such findings can ease the search for actors with similar occupations and these could lay down the fundament for future cooperation, which is as well one of the European conditionality. The third step is identifying the communication and access channels and using them by deploying the resources.

Therefore, the research provides a constellation of variables that can be regarded as best-practice, which is provided by the case study of Saxony-Anhalt. Learning opportunities are provided for other regions in Central and Eastern Europe, and more specifically in Romania, to have a more effective development of the subnational level. The EMLG outcome analysis provides the possibility

for prospective research. Further analysis of the development of regions as spaces for politics, especially in Central and Eastern Europe, would increase the awareness of the effect of the political dimension of a territory.