

The multi-level governance of the European Union: the role of the local government

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Abstract

Local development is an integral part of the progress of a country. It directly affects the improvement of their citizens' life. The role of the local government is to provide better services and more effective governing by bringing the government closer to its citizens and providing a better understanding of their needs. Good governance is about efficiency, democracy, and accountability, that is principles of the foundation of an independent and competent local government. The following paper takes a closer look at the multilevel government of the European Union, focusing on the importance and role of the local government. This paper points out all the aspects of cooperation between the smallest units of government of each member state and the European Union, to show the ways in which it affects and improves governance at these two levels. This paper explains the mutual role of these two levels of government (multi-level governance) and analyzes the principle of subsidiarity, the political and institutional aspects of how this cooperation was created, and what effects it brings.

Keywords: *European Union, multi-level governance, local governance, local units, regional units, regional authorities, Committee of the Regions, the principle of subsidiarity.*

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1. Introduction

The European Union is a complex political system and is a challenge to study. To the outsiders, the EU institutions seem very distant, the way it functions seems difficult to understand and its competencies seem very unclear.³ The European Union is a product of a distinctive process that is constantly changing and it does not have a predictable pace or a final destination. European integration's history shows constant "deepening" of the EU's powers (vertical integration) and

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³ Duncan Watts, *The European Union*, Edinburgh University Press, Edinburgh, 2008, p. x.

continues geographic expansion of the EU (horizontal integration)⁴ European Union is formed and exists because of sovereign states that give up parts of their sovereignty to the Union. That means that European Union exists because the member states delegate part of their decision-making powers to common institutions of the Union, so that the decisions for issues with common interest may be done democratically at its level.⁵ The creation of the European Union placed a new rank or level above the member states, which is the supranational level. The result of this is that, with the European integration of the states, European citizens are subjects of the authority of their states but also the authority of the EU, leveled above the states and is responsible for certain policy areas.⁶ European Union's integration is a process, not a result. It's a "tool" that is used by the Member States to create a Union that unites the European citizens.⁷ It promotes peace, EU values, internally and externally and it protects the well-being of the Union's citizens.⁸

European states appeal to become members of the European Union, for the benefits of being part of this Union, aware that this means losing their sovereignty in many areas. What are the basic criteria of accession set by the European Union for the candidate states? The Treaty on European Union sets out the conditions⁹ which any country wanting to become a member of the European Union must fulfill. Besides, the condition that this Union is formed only of European states, there are also other criteria called the Copenhagen criteria, which are the rules that define whether a country is eligible to join the European Union. The Copenhagen Criteria form three general groups of accession conditions. The first group of criteria covers political ones like democracy, rule of law, institutional stability, level of corruption, and discrimination of minorities. The second group of criteria covers the economic field: general level of market economy, ability to cope with the competitive pressures of the EU market, economic liberties, etc.¹⁰ The third group of criteria covers the be able to take on the obligations of the *acquis communautaire*, to effectively implement the rules, policies, and standards that make up the body of European Union law (the *acquis*).¹¹ So how do the states implement the *acquis communautaire* and what role and importance hold the local governments as actors responsible to adapt the EU' standards, values and legislation?

⁴ Erik Berglof, Mike Burkart, Guido Friebel and Elena Paltseva, *Widening and Deepening: Reforming the European Union*, „American Economic Review”, vol. 98, no. 2, May 2008, p. 133.

⁵ Nathalie Brack & Ramona Coman & Amandine Crespy, *Sovereignty Conflicts in The European Union*, Centre d'étude de la vie politique (CEVIPOL), 2009, p. 7.

⁶ Carlo Panara, *The Sub-national Dimension of EU. A Legal Study of Multilevel Governance*, Springer, London, 2015, p. 11.

⁷ Treaty of the European Union, article 1.

⁸ Treaty of the European Union, article 3(1).

⁹ Treaty on European Union, Article 49 and principles Article 6(1).

¹⁰ Viljar Veebel, *Relevance of Copenhagen Criteria in Actual Accession: Principles, Methods and Shortcomings of EU Pre-accession Evaluation*, „Studies of Transition States and Societies”, Vol. 3., 2010, p. 4.

¹¹ Jonathan Olsen & John McCormick, *The European Union Politics and Policies*, Routledge, New York, 2017, p. 87.

The European Union stands on a set of common values and rights that have been the foundation of the creation of a common political culture. We mention here the principles of subsidiarity, proportionality, participation, partnership that are the base of inspiration and guidance of the Union's policies and actions. These values and principles shape the European Union model of protection of the fundamental rights, including, local and regional autonomy.¹² Firstly the EU relies on the shoulders of each Member States for the implementation of the *acquis communautaire*. The European Union has no apparatus or branches of its institutions placed in the level of the Member States, to apply the EU law.¹³ However, it is proven that at the local level, the impact of the *acquis* is most visible. The EU, as a union, should know how to represent and speak in the plural. To speak in one voice, if that is what is desired, EU must learn how to listen with the voice of the local and regional governments, as important subnational units of this Union.¹⁴ Knowing the big impact of the *acquis communautaire* and the Union policies in the sub-national level of government, let's analyze all the aspects of multilevel cooperation, role and involvement of the local authorities, directly and indirectly in the organization and the functioning of the European Union.

2. Multi-level governance of the European Union

Multilevel governance appears to be a dynamic concept and is given a definition in the White Paper on Multilevel Governance. In this paper multilevel governance is defined as coordinated action by the EU, the Member States, and regional and local authorities, based on cooperation/partnership and with the objective of implementing EU policies.¹⁵ The European Union operates on multilevel governance that involves many actors in its policy-making process. Multilevel governance does not mean translating European or national objectives to local or regional action. We must also understand it as a process of integrating the objectives of local and regional authorities within the objectives and strategies of the European Union. Multilevel governance should shape and strengthen the authority of local and regional units in their states and vitalize their participation in the coordination of European policy, in such a way helping to design and implement Community policies.¹⁶ Transferring the power to the European Union from the national level to the Union could change the balances between central and sub-national governments and also subvert the role of the local/ regional authorities. The whole complexity of the EU's system of multilevel governance is addressed at the state level, through the

¹² Committee of the Regions, *The Committee of the Regions' White Paper on Multilevel Governance*, 2009, p. 7.

¹³ Mustafa Karayığit, *The EU and the local Government*, „Strategic Public Management Journal (SPMJ)”, Issue No: 4, 2016, p. 6.

¹⁴ Committee of the Regions, *The regional and local authorities at the heart of Europe*, 2007, p. 15, link: https://cor.europa.eu/en/engage/brochures/Documents/regional-local-authorities-heart/regional-local-authorities-heart_English.pdf (last visited: 16.12. 2022)

¹⁵ Committee of the Regions, *White Paper on Multilevel Governance*, 17-18 June 2009, p. 7.

¹⁶ *Ibid*, p. 7.

involvement of the subnational authorities (regional and local level) in the decision making, concerning the amendments of the Treaties.¹⁷ Multilevel governance should consist of the following:

a) cohabitation of authoritative decision-making between different levels of governments within the EU. That means giving a degree of autonomy to each of these levels of government in dealing with the needs of their respective population, local community. This element suggests the existence of a close connection between the principle of subsidiarity and multilevel governance;

b) the participation of local/regional authorities in the union's policy and law making, and in the implementation of EU law and policy at Union and national levels and subnational level;¹⁸

c) existence of coordination of the action partaken by different levels of government in conformity with the principle of partnership.¹⁹

If the European Union's mode of governance guarantees collaboration between different levels of governance, this will lead to a stronger Europe, more legitimate institutions, more effective policies, and a bigger involvement of its citizens. This collaboration helps to implement the European Union's program and fulfill political, economic, and social challenges. To achieve the objectives and to perform its role, the European Union depends not only on its institutional organization but also on its structure of governance.²⁰ Multilevel governance is all about successful and productive decision-making. Multilevel governance is about "qualifying" all levels of government to take shared ownership in decision-making. Whether it can be at the local, regional or national level, all levels of government share a common purpose: to deliver results for their citizens. It is about listening to the needs and objectives of the local community, sharing knowledge, and in the end delivering results.²¹ A qualifying element of the European Union's multilevel system is that the Union must respect the national identity of the Member States, including regional/local self-government. In the Declaration of the 8th European Summit of Regions and Cities, it was confirmed that the most important and essential part of the EU democracy is the local and regional democracy. It declared that multilevel governance plays an essential role in ensuring active and equal participation of all levels of government in a spirit of cooperation and trust between them. This cooperation that unites every level of government is essential for the EU, strengthening the ability to deliver the objective of economic and a social progress for its citizens, in a fully efficient, accountable and most transparent way.²² The European Union has given special attention to local governance in an effort to

¹⁷ Carlo Panara, *op. cit.*, p. 13.

¹⁸ *Ibid*, p. 52.

¹⁹ Erik Berglof, Mike Burkart, Guido Friebel and Elena Paltseva, *op. cit.*, p. 133.

²⁰ Committee of the Regions, *The Committee of the Regions' White Paper on Multilevel Governance*, 2009, p. 3.

²¹ Coopenergy Consortium, *A Guide to Multi-level Governance for Local and Regional Public Authorities*, 2015, p. 5, link: <https://www.local2030.org/library/210/A-Guide-to-Multi-level-Governance-For-Local-and-Regional-Public-Authorities.pdf> (last visited 10. 11.2022)

²² Declaration of the 8th European Summit of Regions and Cities, March 2019.

strengthen local democracy within the member states of the European Union. Over 60% of the decisions that are taken at the European Union's level have a direct impact on the subnational levels. Around 70% to 80% of public investments in Europe are a product of local and of regional authorities. Those statistics are proof of the importance of the European local and regional government in the political and economic level and in the citizens' lives.²³ Why does local governance have such impact on the European Union's legislation implementation? No other authority is likely to have such in-depth knowledge of the specific conditions under which EU legislation has to be carried out, as regional and local authorities. Their superior knowledge comes from their relatively small size and close proximity to the local community and their environment. Whether they perform the task in question directly themselves or involve other agencies, regional and local authorities are potentially the best placed to decide how the European Union's initiatives can be adjusted to local conditions.²⁴ Regional and local authorities finance at least a part of their activity from their own resources that, taken together with relatively small authority size, this means that these units have a bigger degree of transparency and a bigger sense of accountability than expected at a higher level of government.²⁵ Local authorities do not have a significant role in the legislative implementation of EU law, that because these authorities do not have power to legislate.

Local authorities do not have a significant role in the legislative implementation of EU law, that because these authorities do not have the power to legislate. Generally, legislative implementation is conducted by the central government, through Parliament, or through instruments by the respective and competent central government department. The local government or its own representatives are most likely to be involved in only a relatively few occasions and only for a few cases, but the engagement of these sub-national units would still seem to present an important path for local authority involvement in some of law-making. Local authorities play an important role in the day-to-day implementation of European Union law as many of their competencies involve issues that are touched by European Union legislation. Examples: matters of environmental or consumer protection.²⁶ Day-to-day implementation is valid for the entire corpus of EU law (i.e. primary and secondary EU law, and agreements concluded by the EU) touching upon municipal functions.²⁷ Local authorities are obligated to implement EU law through the remedies of direct effect and those of indirect effect. Directives are obligated to

²³ The Council of European Municipalities and Regions, *Local and regional government in Europe Structures and competences*, p. 1, link: https://www.ccre.org/docs/Local_and_Regional_Government_in_Europe.EN.pdf (last visited 17/12/2022).

²⁴ Committee of the Regions, *Regional and Local Government in the European Union Responsibilities and Resources*, Belgium, 2001, p. 20.

²⁵ Carlo Panara and Michael Varney, *Local Government in Europe: the 'fourth level' in the EU multilayered system of governance*, Routledge, New York, 2013, p. 353.

²⁶ *Ibid*, pp. 353-355.

²⁷ Bart Hessel, *European Integration and Supervision of Local and Regional Authorities: Experiences in the Netherlands with Requirements of European Community Law*, „Utrecht Law Review”, Vol. 2, No. 1, June 2006, p. 93.

be implemented by the local authorities, even when the central or regional governments have not adopted measures of implementation on their own. In that regard, local authorities could be even considered obliged by EU law to set aside incompatible national measures in order to implement EU law or to interpret national measures in compliance with EU law.²⁸ The local units are affected as planners, as regulators with the responsibility for implementing standards (for example, in the environment's, air and water's quality) and as providers of public services. Local governments, as employers, service providers, as enforcing agents, also as agents that monitor, as economic operators and as urban planners have to enforce the *acquis* within their sub-national jurisdictions. The responsibility to implement the *acquis* lays in the fields that fall within the municipal activities.²⁹ Nearly 95 000 local and regional authorities currently have significant powers in important sectors like: economic development, public services, the environment, education, energy, transport and social policies etc., within the European Union. They also impact in the implementation strengthening of European democracy and citizenship.³⁰ The forms of strengthening the role of local government comes through with the multi-level governance of the European Union, the principle of subsidiarity, and with the creation of structures/bodies or even economic, political and social policies that increase the importance and participation of these sub-national units in the European Union and vice versa.

3. The principle of subsidiarity

The general purpose of the principle of subsidiarity is to guarantee a level of autonomy for the local units or the lower authorities in relation to the central government or the higher authorities. This is a principle that forms the institutional base of the federal states because it involves the sharing of powers between several levels of authority.³¹ This principle as we know implies that the decisions are to be taken as close to the citizens as possible for better, efficient, and effective governance.³² This is laid down in Article 5 of the Treaty of the European Union.³³ In the context of the EU, the principle of subsidiarity aim is to regulate the exercise of the Union's non-exclusive competencies. It rules out Union impact or intervention

²⁸ Mustafa Karayiğit, *op. cit.*, p. 7.

²⁹ Bart Hessel, *op. cit.*, pp. 91-110.

³⁰ Committee of the Regions, *The Committee of the Regions' White Paper on Multilevel Governance*, 2009, p. 3.

³¹ Fact Sheets on the European Union, *The Principle of subsidiarity*, 2022, p. 2, link: https://www.europarl.europa.eu/ftu/pdf/en/FTU_1.2.2.pdf (last visited 28/11/2022).

³² Juraj Nemeč, *Local Government Structure and Capacities in Europe*, „Public Policy and Administration”, 14(3), October 2015, p. 251.

³³ Article 5 of the Treaty of the European Union: “...*Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level...*”

when a problem or issue can be dealt with efficiently by Member States themselves at the central, regional or local level. The Union can interfere with its powers only when the Member States are unable to achieve the objectives of a proposed action and if the action is carried out at the Union level it adds value to the action. Up until the integration into the European Union, decision-making in European countries tended to be centralized so this principle meant that it was necessary to make re-organization on their public administration.³⁴ But for the success of devolved decision-making it is necessary to firstly have an efficient mechanism for financing the municipalities and regions activities. Local units may have competencies but do not have sufficient financial, human, technical resources to accomplish them. In such cases, the intervention of the central government is a required. If they cannot help, then the principle of subsidiarity allows European Union bodies to recommend forms of assistance to the regions and municipalities of Member States. Since its beginning, the EU has created a system for supporting regional policies. The EU institutions define regional policies as one of the most important investing action to assist the Member States to eliminate the differences between regions and local units. In particular, it focuses on priorities such as the competitiveness of regions, sustainable development, reducing unemployment by creating jobs, economic growth and related improvements in the lives of the residents.³⁵ European Union impacts in the functioning of the local governments with the principle of subsidiarity that is the organizing principle of decentralization of the local units. Local governance and decentralization are deeply political processes. Restructuring the authority is what decentralization refers to. This restructuring tries to achieve a system of co-responsibility between institutions of governance at the central, regional and local level.³⁶ They touch upon the core foundations of a society but also on political aspects. It relates to the distribution of power and control of responsible resources and is at the center of the accountability system and is essential for the delivery of the services to populations.³⁷ European Union (and especially European Commission) has engaged in the domestic processes of the decentralization and in reformation of local governance. Programmes that include directly or indirectly reforms of decentralization and local governance are included in a growing number of Country and Regional Strategy Papers. Programmes supported by the European Commission are sophisticated and mobilize substantial funding.³⁸

³⁴ Carlos Nunes Silva, *Contemporary Trends in Local Governance, Reform, Cooperation and Citizen Participation*, SpringerLink, 2020, p. 153.

³⁵ Ibid, p. 154.

³⁶ European Commission, *Supporting decentralization and Local Governance in third countries*, 2007, Brussel, p. 14.

³⁷ European Commission, *Supporting Decentralisation and Local Governance in Third Countries*, Tools and Methods Series, Document no. 2, 2006, pp. 4-5.

³⁸ Ibid, p. 9.

4. Committee of the Region

Through the first years of European integration, the focus was put fully on the member states' national governments.³⁹ Despite the fact that this process had an impact on the other levels than the national one. As this state of affairs lasted, the local and regional governments wanted to be recognized for their own role, so they challenged the state-exclusive approach and called for the 'Europe of the Regions'.⁴⁰ This slogan consisted of several objectives and ideas, but the demand that they all had in common was a place for the subnational level at the European decision-making table.⁴¹ It turned out that the idea of unity between the local levels of government was not easy. The Single European Act, which entered into force in 1987, provoked major transformations in the structure of the regional funds, but the voice of the subnational levels was still not heard.⁴² The European Commission, on the other hand, had been seeking over the years to build direct links with sub-national levels of governance. As we can see, what made the difference, apart from the active persuasion of local and regional governments to strengthen their role in the European Union, was the European Commission which, after the Single European Act, created the Consultative Council of Regional and Local Authorities. The Council did not have the competence and could be dismissed by the Commission at any moment. Regardless of the fact that this was an important step for local and regional governments, they wanted more. These requests were presented at the intergovernmental conference in Maastricht, where after many talks and requests, the Committee of the Regions was created, which was an advisory body of the European Commission and the Council. European Committee of the Regions is a consultative structure but with a clear and impactful role in the decision-making process in the EU's institutions.⁴³ European Committee of the Regions consists of 329 members. These representatives are elected at the local level, for a 5-year mandate, directly by the citizens. The members of this Committee contribute in the development of European Union's legislation. The Committee of Regions consists of representatives of regional and local bodies who have a regional or local government mandate obtained through elections or who are politically accountable to an elected assembly. Members of the Committee of the Regions are not obliged to follow any mandatory form of guidelines on the way they will operate. They are completely independent in the performance of their duties, in the general interest of

³⁹ John Loughlin, *Europe of the Regions and the Federalization of Europe*, „Publius: the Journal of Federalism”, Vol. 26, no. 4, 1996, p. 145.

⁴⁰ Pawel Bazal, *Local and Regional Politics at the EU level: who is actually represented in the Committee of the Regions?*, „Politics in Central Europe”, Vol. 18, no. 2, 2022, p. 203.

⁴¹ Anwen Elias, *Introduction: Whatever Happened to the Europe of the Regions? Revisiting the Regional Dimension of European Politics Revisiting the Regional Dimension of European Politics*, „Regional & Federal Studies”, Vol. 18, 2008, p. 483.

⁴² Pawel Bazal, *op. cit.*, p. 203.

⁴³ Naomi Roht-Arriaza, *The Committee on the Regions and the Role of Regional Governments in the European Union*, „Hastings International and Comparative Law Review”, Vol. 20, Issue 2 (Winter 1997), p. 445.

the Union.⁴⁴ The Committee of the Regions' headquarters is in Brussel.⁴⁵ European Committee of the Regions is organized in different Commissions that cover fields like citizenship, governance, foreign relations, to natural resources, territorial cohesion or social and education issues.⁴⁶ On one of the European Committee of the Regions' Publications it is declared that the main priority of this structure is to bring Europe closer to its people and to reinforce European democracy at all levels of government. It expresses that the aims of the Committee are to improve the way the European Union works, ensuring its policies meet the needs of citizens. On this Publication the Committee of the Regions emphasizes the need to modernize the European Union for it to efficiently answer people's needs.⁴⁷ One of Declaration's implications is that, more decentralized governance is an essential element of good governance and helps to increase the quality of policymaking, transparency, accountability and efficiency of the European Union.⁴⁸ The Committee of the Regions is consulted by the European Parliament, the Council or the Commission in cases where provided by the Treaties and in all other cases, especially in those related A process of regionalization has shifted political authority from the national level down to subnational levels of government and has increased the involvement of regions in EU affairs beyond but also within the member states.to cross-border cooperation, in which one of the institutions deems appropriate. A deadline for the Committee is set by the European Parliament, the Council or the Commission, if they find it necessary, for the presentation of his opinion, which cannot be less than one month from the date on which it is, notified the chairman. The lack of opinion, after the deadline, does not prevent further actions.⁴⁹

5. Conclusion

“United in diversity” is the European Union's motto that for sure reflects best the wide range of regions, municipalities, provinces, etc. that are part of the Union and the different ways in which they function and improve their communities.⁵⁰ In conclusion, local governance is the heart of every government and democratic state. The efficiency, legitimacy, and visibility of the way the Union works, depending on the contributions of different actors at different levels of power. The European Union's ability to achieve Union objectives and accomplish its role depends not only on the institutional organization and functioning of the Union but

⁴⁴ Treaty on the Functioning of the European Union, Article 300(3), Article 300(4), and Article 305.

⁴⁵ Protocol of the Treaty of EU, nr.6, article 1(g).

⁴⁶ Treaty on the Functioning of the European Union, article 307.

⁴⁷ European Committee of the Regions, *Bringing Europe closer to people. The political priorities of the European Committee of the Regions 2020-2025*, 2020, p. 15.

⁴⁸ European Committee of the Regions, *Working together to bring the EU closer to it's citizens, 2019-2024*, p. 10.

⁴⁹ Treaty of the Functioning of the European Union, article 307.

⁵⁰ The Council of European Municipalities and Regions, *Local and regional government in Europe Structures and competences*, p. 1, link: https://www.ccre.org/docs/Local_and_Regional_Government_in_Europe.EN.pdf (last visited 17/12/2022).

also on its system of governance. The European Union functions on multi-level governance. This system of governance means power is spread between many levels of government. The European Union is above all the member states, their cities, regions, municipalities, districts and decentralized local government is the key to its success.⁵¹ The effective implementation of the *acquis* is achieved with the local and regional governments as real partners and not just "intermediaries". The cooperation between local and regional units on one hand, and the European Union on the other, seems self-evident nowadays and an essential element of the European Union's governance. Local units' role and importance lies in the implementation of the *acquis* in the smallest governmental units of a member states, but also in the transmission of the needs and attitudes of citizens at the European level. That's because these units are the ones that, according to the principle of subsidiarity, are closer to the local community. So, what we can see is a two-sided impact: Local units face the European standards of decentralization, operation, organization, which improves them in the exercise of their powers, their services and in the representation of the local citizens' needs. On the other side of this cooperation, the European Union, through the transmission of the citizens' will, strengthens and reshapes European law and policies. The coordination between the European Union and the local government in this paper is explained by analyzing the meaning and importance of multi-level governance, the principle of subsidiarity and through the way of reflecting the needs of the local community, through the Committee of Regions, in this way understanding that a centralized governance, even in the EU's level, does not bring the effective outcomes and it doesn't establish positive and enforcing policies.

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⁵¹ The Committee of the Regions, *State of the European Union, the View of Region and Cities*, October 2018.

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